

**ALASKA STATE LEGISLATURE
CONFERENCE COMMITTEE ON HB171**

May 10, 2007
3:09 p.m.

MEMBERS PRESENT

HOUSE

Representative Gruenberg
Representative Johnson
Representative Coghill

SENATE

Senator Wilken
Senator Stevens
Senator McGuire

MEMBERS ABSENT

HOUSE

All members present

SENATE

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 171

"An Act relating to the terms of legislators, the date and time for convening regular legislative sessions, adoption of uniform rules of the legislature and to certain of those rules, the date for organizing the Legislative Budget and Audit Committee, and deadlines for certain matters or reports to be delivered to the legislature or filed; prohibiting bonuses for legislative employees; and providing for an effective date."

- MOVED CCS HB 171 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 171

SHORT TITLE: ACCOMMODATE 90-DAY SESSION/LEG PROCEDURES

SPONSOR(s): RULES

03/01/07 (H) READ THE FIRST TIME - REFERRALS
03/01/07 (H) STA
03/06/07 (H) STA AT 8:00 AM CAPITOL 106
03/06/07 (H) Scheduled But Not Heard
03/15/07 (H) STA AT 8:00 AM CAPITOL 106
03/15/07 (H) Heard & Held
03/15/07 (H) MINUTE(STA)
03/22/07 (H) STA AT 8:00 AM CAPITOL 106
03/22/07 (H) Heard & Held
03/22/07 (H) MINUTE(STA)
03/24/07 (H) STA AT 10:00 AM CAPITOL 106
03/24/07 (H) Heard & Held
03/24/07 (H) MINUTE(STA)
03/29/07 (H) STA AT 8:00 AM CAPITOL 106
03/29/07 (H) Moved CSHB 171(STA) Out of Committee
03/29/07 (H) MINUTE(STA)
03/30/07 (H) STA RPT CS(STA) NT 1DP 3NR 2AM
03/30/07 (H) DP: COGHILL
03/30/07 (H) NR: JOHNSON, ROSES, LYNN
03/30/07 (H) AM: GRUENBERG, DOLL
04/03/07 (H) BEFORE THE HOUSE
04/03/07 (H) TRANSMITTED TO (S)
04/03/07 (H) VERSION: CSHB 171(STA) AM
04/04/07 (S) READ THE FIRST TIME - REFERRALS
04/04/07 (S) STA
04/12/07 (S) STA AT 9:00 AM BELTZ 211
04/12/07 (S) Heard & Held
04/12/07 (S) MINUTE(STA)
04/17/07 (S) STA AT 9:00 AM BELTZ 211
04/17/07 (S) Heard & Held
04/17/07 (S) MINUTE(STA)
04/19/07 (S) STA AT 9:00 AM BELTZ 211
04/19/07 (S) Moved SCS CSHB 171(STA) Out of
Committee
04/19/07 (S) MINUTE(STA)
04/20/07 (S) STA RPT SCS 4DP 1NR SAME TITLE
04/20/07 (S) DP: MCGUIRE, FRENCH, STEVENS, GREEN
04/20/07 (S) NR: BUNDE
04/27/07 (S) VERSION: SCS CSHB 171(STA)
05/02/07 (S) RECEDE MESSAGE READ AND TAKEN UP
05/02/07 (S) CONFERENCE COMMITTEE APPOINTED
05/02/07 (S) MCGUIRE (CHAIR), STEVENS, WILKEN
05/03/07 (H) CONFERENCE COMMITTEE APPOINTED
05/03/07 (H) COGHILL (CHAIR), JOHNSON, GRUENBERG
05/08/07 (H) HB171 AT 1:00 PM BUTROVICH 205

05/08/07 (S) ACCOMMODATE 90-DAY SESSION/LEG
PROCEDURES
05/09/07 (S) LIMITED POWERS FREE CONFERENCE GRANTED
05/09/07 (H) HB171 AT 3:00 PM CAPITOL 106
05/09/07 (H) Heard & Held
05/09/07 (H) MINUTE(HB171)
05/10/07 (H) HB171 AT 3:00 PM CAPITOL 106

WITNESS REGISTER

PAMELA A. VARNI, Executive Director
Legislative Affairs Agency
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HB 171.

ACTION NARRATIVE

CHAIR JOHN COGHILL called the Conference Committee on HB 171 meeting to order at [3:09:28 PM](#). Present at the call to order from the house were Representatives Coghill, Gruenberg, and Johnson. Present from the senate were Senators McGuire, Stevens, and Wilken.

HB 171-ACCOMMODATE 90-DAY SESSION/LEG PROCEDURES

[3:09:54 PM](#)

CHAIR COGHILL announced that the first order of business would be HOUSE BILL NO. 171, "An Act relating to the terms of legislators, the date and time for convening regular legislative sessions, adoption of uniform rules of the legislature and to certain of those rules, the date for organizing the Legislative Budget and Audit Committee, and deadlines for certain matters or reports to be delivered to the legislature or filed; prohibiting bonuses for legislative employees; and providing for an effective date." [Before the committee were CSHB 171(STA) am and SCS CSHB 171(STA).]

CHAIR COGHILL moved that the committee adopt Amendment 1, which read:

Page 2, lines 18 - 22:

Delete all material.

Insert "legislature shall convene at the capital each year on the [SECOND MONDAY IN JANUARY AT 10:00 a.m.; HOWEVER, FOLLOWING A GUBERNATORIAL ELECTION

YEAR, THE LEGISLATURE SHALL CONVENE ON THE] third Tuesday in January at 1:00 p.m. Each [10:00 a.m. EXCEPT AS PROVIDED IN THIS SECTION, EACH] legislature has [SHALL HAVE] a duration"

Page 3, lines 15 - 24:
Delete all material.

Renumber the following bill sections accordingly.

Page 6, line 21:
Delete "fifth"
Insert "15th"

Page 6, line 24:
Delete "15th"
Insert "30th"

Page 7, following line 30:
Insert a new bill section to read:
"* **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to read:
REPORT ON 90-DAY REGULAR SESSION. The Alaska Legislative Council shall prepare and deliver a report to each house of the legislature considering issues related to the duration of the regular session and making recommendations regarding the amendment or repeal of any statutes or Uniform Rules implementing the 90-day regular session. The report may be delivered at any time before the regular session is convened in 2010. By July 1, 2008, the Alaska Legislative Council shall notify the chief clerk, the senate secretary, and each of the presiding officers of the date the report will be delivered."

Renumber the following bill sections accordingly.

Page 8, line 2:
Delete "Section 7"
Insert "Section 6"

Page 8, line 3:
Delete "Sections 7 and 18"
Insert "Sections 6 and 18"

Page 8, line 4:
Delete "Sections 1 - 6 and 8 - 17"

Insert "Sections 1 - 5 and 7 - 17"

[3:10:22 PM](#)

CHAIR MCGUIRE objected for purposes of discussion.

CHAIR COGHILL informed the committee that Amendment 1 is a compromise that would designate the third Tuesday in January for the legislative session start date. This date is after the gubernatorial inauguration and the Dr. Martin Luther King, Jr. holiday. In addition, the amendment would also add "fifteenth" day to the deadline for supplemental appropriations, also known as the fast track. On page 6, line 24, the amendment would insert "thirty days" for the time allowed to propose operating budget amendments. Chair Coghill continued to say that the amendment will allow the report from the Alaska Legislative Council to be delivered by 2008.

[3:11:04 PM](#)

CHAIR MCGUIRE characterized the proposed amendment as a fair compromise, but expressed concern that landlords in Juneau may charge for the full month of January.

CHAIR COGHILL agreed with Chair McGuire's comment.

[3:12:08 PM](#)

SENATOR STEVENS stated his appreciation of the compromise.

[3:12:27 PM](#)

CHAIR MCGUIRE removed her objection to Amendment 1.

[3:12:33 PM](#)

SENATOR WILKEN asked whether there will be sanctions applied to the administration if the specified deadlines are not met.

CHAIR COGHILL related his understanding that to date there have been no sanctions applied when amendments have been submitted past existing dates.

[3:13:16 PM](#)

SENATOR WILKEN said that he asked the aforementioned question to highlight that the dates are meaningless because amendments to

the operating and capital budgets are submitted at the last minute. "So, if we think we're going to move folks quickly, we're not," he remarked.

[3:13:45 PM](#)

CHAIR COGHILL pointed out that the budget close-out procedure puts the administration in "the driver's seat" unless there is a special session.

[3:14:09 PM](#)

SENATOR STEVENS clarified then that under Amendment 1 the start date and time would be the third Tuesday in January, at 1:00 p.m., for both sessions.

CHAIR COGHILL replied yes.

[3:14:33 PM](#)

CHAIR MCGUIRE asked for assurance that Amendment 1 does not delete Section 7 of SCS CSHB 171(STA).

CHAIR COGHILL announced that he intends to offer a separate amendment to address Section 7.

[3:15:22 PM](#)

A roll call vote was taken. Representatives Gruenberg, Johnson, and Coghill, and Senators Wilken, Stevens, and McGuire voted in favor of Amendment 1. Therefore, Amendment 1 was adopted by a vote of 6-0.

[3:15:36 PM](#)

CHAIR COGHILL moved that the committee adopt Amendment 2, which read [original punctuation provided]:

Page 4, line 4-12:
Delete all material

CHAIR MCGUIRE objected.

[3:16:16 PM](#)

CHAIR COGHILL explained that Amendment 2 removes language regarding the ability of Legislative Budget and Audit to

transfer money during special sessions. He expressed concern that the language allows the transfer of funds without sufficient accountability. Chair Coghill stated that funds can be transferred through a full committee, or by a vote through Legislative Council. He opined that the regular appropriation process should work.

SENATOR STEVENS stated that Section 7 has never been abused and has been used often when small amounts of money need to be transferred. He said he saw no reason to delete [Section 7] and then suggested the committee hear testimony from Pam Varni.

[3:16:57 PM](#)

PAMELA A. VARNI, Executive Director, Legislative Affairs Agency, Alaska State Legislature, urged members not to delete Section 7. She opined that the language [in Section 7 of SCS CSHB 171(STA)] protects those who are in charge of the funds better than existing statutory language due to the last sentence of Section 7. Since 1960, the legislature has had the ability to direct the transfer of funds between appropriations. Eliminating this ability in conjunction with a 90-day session, she suggested, may result in additional special sessions. In fact, the 14 members of the Legislative Council has directed the executive director to transfer funds between appropriations about 30 times since 1960. The language in Section 7 of SCS CSHB 171(STA) specifies that transfers are to be approved by signed authorizations from the chair of the Legislative Budget and Audit Committee, and by the chair of the recipient committee. She emphasized that the decisions [on matters of these sort] are made by the entire Legislative Council. Furthermore, when funds needed to be transferred this ability to transfer funds with the legislature has helped the legislature continue to conduct its business.

[3:19:56 PM](#)

CHAIR COGHILL relayed his understanding that the chair of the Legislative Council and the chair of the Legislative Budget and Audit Committee could agree to transfer funds [without the approval] of the Legislative Council.

[3:20:27 PM](#)

MS. VARNI related her disagreement, and specified that it would require eight members of the full Legislative Council, in a meeting, to agree to a transfer. She highlighted that the language in Section 7 of SCS CSHB 171(STA) refers to "the

council" not just the chair, and therefore refers to the full body of the Legislative Council.

CHAIR COGHILL withdrew Amendment 2.

[3:21:14 PM](#)

MS. VARNI further explained that an appropriation that is not in the fast track supplemental, or that is held for the governor's signature may be received by her office as late as June 30. In such a situation, per diem checks could not be issued. Ms. Varni concluded by saying that the Legislative Council needs the present authority for operations to continue.

[3:22:07 PM](#)

REPRESENTATIVE JOHNSON asked whether the legislature operates under one budget review unit (BRU).

MS. VARNI responded that the legislature now operates under three result delivery units (RDU), which have different components within them.

[3:23:04 PM](#)

REPRESENTATIVE JOHNSON asked whether [Section 7] allows transfers within the RDUs.

MS. VARNI replied that her office can transfer between components; however, it can not transfer between appropriations without the direction of the Legislative Council.

[3:23:34 PM](#)

CHAIR COGHILL moved to report CCS HB 171 out of committee with individual recommendations and the accompanying fiscal notes.

A roll call vote was taken. Representatives Gruenberg, Johnson, and Coghill, and Senators Wilken, Stevens, and McGuire voted in favor of the motion. Therefore, CCS HB 171 was reported from the Conference Committee on HB 171 with limited powers of free conference.

[3:24:26 PM](#)

SENATOR WILKEN informed the committee that he did not believe he had to sign the report from the Conference Committee on HB 171

with limited powers of free conference, and thus would not do so.

[3:24:41 PM](#)

ADJOURNMENT

There being no further business before the committee, the Free Conference Committee on HB 171 meeting was adjourned at 3:24 p.m.