

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

March 31, 2014

1:34 p.m.

MEMBERS PRESENT

Senator John Coghill, Chair
Senator Lesil McGuire, Vice Chair
Senator Fred Dyson
Senator Donald Olson
Senator Bill Wielechowski

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 47(JUD)

"An Act requiring a party seeking a restraining order, preliminary injunction, or order vacating or staying the operation of certain permits affecting an industrial operation to give security in the amount the court considers proper for costs incurred and damages suffered if the industrial operation is wrongfully enjoined or restrained."

- MOVED CSHB 47(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 284

"An Act relating to an interstate compact on a balanced federal budget."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 47

SHORT TITLE: INJUNCTION SECURITY: INDUSTRIAL OPERATION

SPONSOR(S): REPRESENTATIVE(S) FEIGE, CHENAULT

01/16/13	(H)	PREFILE RELEASED 1/11/13
01/16/13	(H)	READ THE FIRST TIME - REFERRALS
01/16/13	(H)	JUD
01/30/13	(H)	JUD AT 1:00 PM CAPITOL 120
01/30/13	(H)	Heard & Held
01/30/13	(H)	MINUTE(JUD)

02/10/14 (H) JUD AT 1:00 PM CAPITOL 120
 02/10/14 (H) Heard & Held
 02/10/14 (H) MINUTE(JUD)
 02/14/14 (H) JUD AT 1:00 PM CAPITOL 120
 02/14/14 (H) -- MEETING CANCELED --
 02/19/14 (H) JUD AT 1:00 PM CAPITOL 120
 02/19/14 (H) Moved CSHB 47(JUD) Out of Committee
 02/19/14 (H) MINUTE(JUD)
 02/21/14 (H) JUD RPT CS(JUD) NT 4DP 2NR
 02/21/14 (H) DP: MILLETT, LEDOUX, LYNN, KELLER
 02/21/14 (H) NR: FOSTER, GRUENBERG
 03/12/14 (H) TRANSMITTED TO (S)
 03/12/14 (H) VERSION: CSHB 47(JUD)
 03/14/14 (S) READ THE FIRST TIME - REFERRALS
 03/14/14 (S) JUD
 03/24/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 03/24/14 (S) Heard & Held
 03/24/14 (S) MINUTE(JUD)
 03/28/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 03/28/14 (S) Heard & Held
 03/28/14 (S) MINUTE(JUD)
 03/31/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 284

SHORT TITLE: COMPACT FOR A BALANCED BUDGET

SPONSOR(S): REPRESENTATIVE(S) KELLER

01/29/14 (H) READ THE FIRST TIME - REFERRALS
 01/29/14 (H) STA, JUD
 02/13/14 (H) STA AT 8:00 AM CAPITOL 106
 02/13/14 (H) Moved Out of Committee
 02/13/14 (H) MINUTE(STA)
 02/14/14 (H) STA RPT 6DP 1NR
 02/14/14 (H) DP: MILLETT, GATTIS, KELLER, ISAACSON,
 HUGHES, LYNN
 02/14/14 (H) NR: KREISS-TOMKINS
 02/21/14 (H) JUD AT 1:00 PM CAPITOL 120
 02/21/14 (H) Heard & Held
 02/21/14 (H) MINUTE(JUD)
 02/28/14 (H) JUD AT 1:00 PM CAPITOL 120
 02/28/14 (H) Heard & Held
 02/28/14 (H) MINUTE(JUD)
 03/03/14 (H) JUD AT 1:00 PM CAPITOL 120
 03/03/14 (H) Moved Out of Committee
 03/03/14 (H) MINUTE(JUD)
 03/05/14 (H) JUD RPT 3DP 1DNP 3NR
 03/05/14 (H) DP: MILLETT, LYNN, KELLER

03/05/14 (H) DNP: GRUENBERG
03/05/14 (H) NR: LEDOUX, PRUITT, FOSTER
03/19/14 (H) TRANSMITTED TO (S)
03/19/14 (H) VERSION: HB 284
03/21/14 (S) READ THE FIRST TIME - REFERRALS
03/21/14 (S) JUD
03/27/14 (S) STA AT 9:00 AM BUTROVICH 205
03/27/14 (S) <Bill Hearing Canceled>
03/31/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

LINDA HAY, Staff
Representative Eric Feige
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided information related to HB 47 on behalf of the sponsor.

RUTH HAMILTON HEESE, Assistant Attorney General
Civil Division
Environmental Section
Department of Law
Juneau, Alaska

POSITION STATEMENT: Discussed the reasons for the exemptions to the primacy program extended in HB 47.

JOHN HUTCHINS, Assistant Attorney General
Civil Division
Oil, Gas, and Mining Section
Department of Law
Juneau, Alaska

POSITION STATEMENT: Answered questions related to HB 47.

BARBARA HUFF TUCKNESS, Director
Legislative and Governmental Affairs
Teamsters Local 959
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 47.

REPRESENTATIVE WES KELLER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 284.

NICK DRANIAS, Constitutional Policy Director
Goldwater Institute

Phoenix, Arizona

POSITION STATEMENT: Testified in support of HB 284.

CHIP DEMOSS, President

Compact for America

Houston, Texas

POSITION STATEMENT: Testified in support of HB 284.

DAVID BOYLE

Alaska Policy Forum

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 284.

ACTION NARRATIVE

[1:34:57 PM](#)

CHAIR JOHN COGHILL called the Senate Judiciary Standing Committee meeting to order at 1:34 p.m. Present at the call to order were Senators Olson, McGuire, Dyson, and Chair Coghill. Senator Wielechowski arrived soon thereafter.

HB 47-INJUNCTION SECURITY: INDUSTRIAL OPERATION

[1:35:51 PM](#)

CHAIR COGHILL announced the consideration of HB 47. "An Act requiring a party seeking a restraining order, preliminary injunction, or order vacating or staying the operation of certain permits affecting an industrial operation to give security in the amount the court considers proper for costs incurred and damages suffered if the industrial operation is wrongfully enjoined or restrained." [This was the third hearing and [CSHB 47(JUD) was before the committee.]

LINDA HAY, Staff, Representative Eric Feige, Alaska State Legislature Juneau, Alaska, introduced herself.

CHAIR COGHILL asked Ruth Hamilton Heese to again provide testimony on HB 47 because the previous teleconference connection was very garbled.

[1:37:11 PM](#)

RUTH HAMILTON HEESE, Assistant Attorney General, Civil Division, Environmental Section, Department of Law, Juneau, Alaska, restated the reasons for the exemptions for the primacy programs that were approved by EPA or the Department of Interior for the Clean Water Act regulation, Clean Air Act regulation and the coal program that the state administers under the Surface Mining

Control and Reclamation Act. State agencies were concerned that the injunction provisions anticipated in the original language of HB 47 may be viewed by federal agencies as chilling third parties' access to the courts in order to challenge a primacy permit that the state issues. This opened the possibility that the federal agencies would withdraw approval of the federal permitting programs over which the state has primacy. The new language set out in subsection (d) of CSHB 47 address the initial concerns by exempting the state's primacy programs from application in the bill.

CHAIR COGHILL asked what process the law would follow if a public interest litigant filed suit under this provision.

MS. HAMILTON HESSE deferred to John Hutchison.

[1:41:03 PM](#)

JOHN HUTCHINS, Assistant Attorney General, Civil Division, Oil, Gas, and Mining Section, Department of Law, advised that it would be identical to the current process under [Federal Rule of Civil Procedure 65].

CHAIR COGHILL asked how the bond would be apportioned for a third party who is largely backed by somebody versus somebody who has a neighborhood problem.

MR. HUTCHINS explained that a hearing would be held to determine whether a preliminary injunction should issue. Once the judge has determined that the injunction should issue and that the injury is irreparable, the judge would consider the usual factors under Rule 65. With passage of HB 47, the judge would also consider the wages and benefits for employees or payments that contractors and subcontractors may have suffered and set the appropriate bond.

[1:42:56 PM](#)

SENATOR WIELECHOWSKI joined the committee.

CHAIR COGHILL summarized his understanding.

MR. HUTCHISON clarified that it would have to be an injury that can't be compensated by a monetary award if the party prevails. It would have to be an injury that is irreparable.

CHAIR COGHILL opened public testimony.

[1:44:22 PM](#)

BARBARA HUFF TUCKNESS, Director, Legislative and Governmental Affairs, Teamsters Local 959, Anchorage, Alaska, stated support for HB 47. She disagreed with the allegation that the bill does nothing but stop the permitting process. She cited an instance when a union member working on a federal project was laid off for 2-3 weeks when an injunction was filed after the permitting process was complete and the project was ready to go forward. She said she found no similar examples under the state law but the concern is that if there is a wrongful enjoinder, the entity who files the lawsuit needs to have some "skin in the game" because workers are impacted. She stressed that once a contractor has been awarded a contract and has walked through all the appropriate steps, it is only fair to allow the construction to move forward without undue interference.

CHAIR COGHILL asked Ms. Hay if she wanted to supplement the record.

MS. HAY said she didn't have anything to add.

CHAIR COGHILL found no further questions and solicited a motion.

[1:48:34 PM](#)

SENATOR MCGUIRE moved to report CS for HB 47 from committee with individual recommendations and attached fiscal note(s).

[1:49:00 PM](#)

SENATOR WIELECHOWSKI objected voicing concern that people whose property is threatened will be financially foreclosed from exercising their constitutional rights to go to the courts to challenge a project. He questioned the need for the legislation when there was already a law on the books that requires security. This legislation is likely to increase the security amounts which will close the door to the courts for the middle class and working families. "I can't support that," he said.

SENATOR OLSON said he too objects because it places his constituents at a financial disadvantage. It imposes another hurdle and makes it prohibitively expensive to try to object to development in the rural areas where they live.

CO-CHAIR COGHILL stated his support for the legislation based on the testimony from the Department of Law and his belief that this was well within a judge's ability to give proper discretion.

He asked for a roll call vote.

[1:50:24 PM](#)

A roll call vote was taken. Senators McGuire, Dyson, and Coghill voted in favor of reporting HB 47 from committee; Senators Wielechowski and Olson voted against it. Therefore, CSHB 47(JUD) was reported out of the Senate Judiciary Standing Committee by a vote of 3:2.

[1:51:17 PM](#)

At Ease

HB 284-COMPACT FOR A BALANCED BUDGET

[1:55:12 PM](#)

CHAIR COGHILL reconvened the meeting and announced the consideration of HB 284. "An Act relating to an interstate compact on a balanced federal budget." This was the first hearing.

[1:56:00 PM](#)

REPRESENTATIVE WES KELLER, Alaska State Legislature Juneau, Alaska, sponsor of HB 284, introduced the bill. He delivered a short PowerPoint to illustrate how the bill uses Article V of the U.S. Constitution to propose an interstate compact to amend the U.S. Constitution to require a balanced budget. Article provides two ways to amend the constitution: whenever two-thirds of both houses deem it necessary, or when the legislatures of two thirds of the states call a convention to propose amendments. The amendments are ratified by the legislatures of three fourths of the states, or by conventions in three fourths of the sates.

He noted the organizations working on a compact include: ConventionofStates.com, Mr. Vernon Assembly, citizensinitiative.com, reaganproject.com, and bba4usa.org. He highlighted that HB 284 includes the amendment in the legislation, describing it as a belts and suspenders approach to the Convention of States.

REPRESENTATIVE KELLER discussed the following sectional analysis for HB 284:

Section 1, Article I: Declaration of Policy, Purpose, and Intent of Compact for a Balanced Budget Amendment. All states adopting the compact agree to be bound by its provisions.

Article II, Sections 1-6: Definition of terms.

Article II, Section 7: Provisions of Balanced Budget Amendment (BBA)

Section 1: Total government outlays cannot exceed total government receipts except for the exclusive debt financing option allowed in the BBA.

Section 2: Authorized debt of the United States cannot exceed 105% of the country's outstanding debt the date the BBA is enacted. Authorized debt cannot exceed established threshold except as provided in Section 3.

Section 3: Congress may only increase the authorized debt (Sec. 2) only upon the approval of a simple majority of the fifty states. If approval is not achieved within sixty days, the Congressional request is deemed disapproved and the authorized debt remains unchanged. Explicitly prohibits raising the debt limit by a *quid pro quo* trade of increased federal spending in the states.

Section 4: When the outstanding debt exceeds 98% of the limit established in Section 2, the President of the United States is required to enforce the 105% debt limit by designating specific expenditures for impoundment. Such cuts become effective within thirty days unless Congress designates other cuts of the same or greater amount. Failure by the President of the United States to designate the required cuts is an impeachable misdemeanor. Any incurred or issued debt exceeding the Sec. 2 105% threshold is void.

Section 5: Congress may not issue new or increased tax revenue without an affirmative two-thirds votes each from the House of Representatives and Senate. This restriction does not apply to enactment of a sales tax provided that 1) the proposed tax completely replaces all existing federal income taxes or 2) provides for the reduction or elimination of an exemption, deduction, or credit under an existing general revenue tax.

Section 6: Defines "debt," "outstanding debt," "authorized debt," "total outlays of the government of the United States," "total receipts of the government of the United States," "impoundment," and "general revenue tax."

Section 7: The Balance Budget Amendment takes effect immediately upon ratification. Congress may enact legislation needed to enforce the BBA.

Article III: Compact Membership and Withdrawal

Section 1: Member states are bound to the Compact's provisions to the fullest extent of the law.

Section 2: Member states agree to perform and strictly comply with the Compact's terms and conditions. Compact is contractually binding on each member state when at least two states pass substantively similar legislation adopting the Compact for America.

Section 3: Outlines four caveats to the "substantively identical" legislation requirement.

Section 4: States may withdraw from Compact so long as the three-fourths membership threshold is not reached. States cannot withdraw from the Compact once three-fourths of the states are members.

Article IV: Compact Commission and Compact Administrator

Section 1: Outlines the powers and duties of the Compact Commission.

Section 2: Outlines the Compact Commission membership.

Section 3: Each commission member is entitled to one vote, majority membership is required in order to take action, and number of meetings to be held.

Section 4: First actions the Commission is to take.

Section 5: How the Commission is to be funded.

Section 6: Powers and duties of the Compact Administrator.

Section 7: Specific events the Compact Administrator is required to send notice to all Compact Notice Recipients (Article II, Sec. 5).

Section 8: The Commission, member states, and Compact Administrator will work together to enforce the Balanced Budget Amendment Interstate Compact.

Section 9: Article IV requires at least to member states in order to take effect.

Article V: Resolution Applying for Convention

Section 1: The legislature of each Compact member state applies (via the Compact) to Congress for an Article V Convention for the purpose of proposing for ratification the Balanced Budget Amendment.

Section 2: Requests Congress to refer the BBA to the States for ratification.

Section 3: Article V requires three-quarters of the state to join the Compact before taking effect.

Article VI: Delegate Appointment, Limitations and Instructions

Section 1: Each state is entitled to one delegate at the Convention.

Section 2: The governor of each state is that state's sole convention delegate.

Section 3: Outlines when a state's convention delegate may be recalled.

Section 4: The power and authority of each delegate is exercisable only after affirming the oath and Congress calling for the Convention.

Section 5: Convention delegate term limits.

Sections 6-8: Power and authority of convention delegates.

Section 9: The Convention's first order of business is to adopt the convention rules outlined in the Compact. Failure to do so requires an immediate vacation of the convention.

Section 10: Member states or delegates who violate the Compact's provisions forfeit participate in the Convention.

Section 11: Delegates are entitled to reimbursement for reasonable expenses incurred while attending the Convention.

Article VII: Convention Rules

Section 1: Convention is organized to exclusively represent interests of the member states.

Section 2: The Convention's sole agenda is to introduce, debate, and vote to either accept or reject the Balanced Budget Amendment. Consideration of other matters is not permitted.

Section 3: Provides the rules for how many delegates member and non-member states may have and the credentials they are required to provide while attending the Convention.

Section 4: Outlines the voting powers of states attending the Convention.

Section 5: Quorum requirements for the Convention.

Section 6: The Convention is chaired by the delegate of the first State to become a member of the Compact. Any business conducted by the Convention requires a quorum and a majority vote of those states constituting the quorum.

Section 7: Provides the guidelines for relocating or rescheduling the Convention should the need arise.

Section 8: Convention shall be conducted according to Robert's Rules of Order and the American Institute of Parliamentarians Standard Code of Parliamentary Procedure.

Section 9: Rules for transmitting the Convention's approval of the Balanced Budget Amendment and requesting Congress to refer the BBA to the 50 states for ratification.

Section 10: Public record requirements for the Convention.

Section 11: Convention has twenty-hours to complete its business and is required to adjourn thereafter.

Article VIII: Prohibition on Ultra Vires Convention

Section 1: Member states are prohibited from participating in the Convention unless 1) Congress passes the omnibus resolution calling for the Convention and 2) the Convention completes Article VI, Sec. 9.

Section 2: Any proposal or action by the Convention that violates the Compact's rules, proposes a mode of ratification not permitted in Article V of the Constitution of the United States, or tries to form a new government is void ab initio (from the beginning).

Section 3: Member states are not permitted to approve any revision to the Constitution of the United States other than the Balanced Budget Amendment.

Article IX: Resolution Prospectively Ratifying the Balanced Budget Amendment

Sections 1-2: Provision in Compact whereby each member state automatically adopts and ratifies the Balanced Budget Amendment following its Article V referral to the States by the Congressional resolution--thus meeting the three-fourths ratification requirement.

Article X: Construction, Enforcement, Venue, and Severability

Section 1: Member states agree to be bound to the Compact to the fullest extent allowed by their respective constitutions.

Section 2: Date and time of the Convention.

Section 3: The Attorney General of Alaska is required to defend the Compact against any legal challenge.

Section 4: The exclusive venue for all legal actions relating to the Compact shall be in the United States District Court for the Northern District of Texas or

the courts of the State of Texas within the District Court's boundaries. However, the Attorney General of Alaska may petition the Compact Commission to waive Article X, Sec. 4 if a different court venue allows for the better enforcement or defense of the Compact.

Section 5: Effective date of Compact.

Section 6: Article VIII of this Compact is non-severable prior to the Compact's termination. If a phrase, clause, sentence or provision of the Compact is ruled invalid by the courts, it may be severed without affecting the applicability of the remaining Compact. If a court rules the Compact to be contrary to a member state's constitution or otherwise held invalid, that state shall withdraw from the Compact.

If a court rules the Compact to be in violation of Article, 1 Section 10, of the Constitution of the United States, it is to be construed and enforced solely as reciprocal legislation. This language ensures that the Compact will not be stopped by a meritless adverse legal determination that it violates the Compact Clause. It is intended to authorize a court to sever from the Compact all of the language that makes the bill a "compact," leaving behind only the legislative elements, which would then be regarded as reciprocal legislation—i.e. simply identical legislation passed in the respective member state, like a sort of "Uniform Commercial Code" for an Article V convention devoted to a Balanced Budget Amendment. Mechanically, it would mean that the Court would strike from the Compact all contractual language ("offer," "accept," "agree," etc.) and all elements of the Compact that cannot exist outside of a contractual relationship, such as the Compact Commission (Article IV in its entirety), much of Article X, leaving behind the balance as purely legislative enactments which are reciprocal to the Compact enactments of other states.

Section 7: The Compact terminates when the Constitution of the United States is amended by the Balanced Budget Amendment. However, if the BBA is not adopted within seven years of the first state adopting the Compact, the Compact Commission and Compact shall be deemed terminated and void ab initio.

Revisor's Instruction

Instructs the revisor of statutes not to edit out the use of personal pronouns in HB 284 due to the

requirement that substantively similar legislation be passed by states adopting the Compact.

[2:09:22 PM](#)

REPRESENTATIVE KELLER said this bill is very clear that any state may leave the convention up until the 3/4 threshold is met. He noted that Alaska was among the first three states to consider taking this step.

CHAIR COGHILL named the people online to answer questions and supplement the record.

[2:10:44 PM](#)

SENATOR WIELECHOWSKI directed attention to page 3, lines 13-17, and asked how much the federal government would have to cut the first year. He also asked if there was a stopgap provision in the event of a national emergency or war.

REPRESENTATIVE KELLER explained that the debt cap is 105 percent of the debt that exists when this becomes a constitutional amendment; when the debt reaches 98 percent of the cap, the president has line item veto power. With regard to the second question, he advised that the cap can be raised by a simple majority vote of the states. He maintained that it wouldn't take any longer to get 26 states to agree to raise the cap than it would to go through the conventional bonding process.

SENATOR WIELECHOWSKI questioned how much the federal government would have to be cut if this were enacted today.

CHAIR COGHILL asked the individuals listening online to take note of the questions. He asked Senator Wielechowski if he had additional questions.

SENATOR WIELECHOWSKI directed attention to page 14, lines 20-21, and asked if state governments would also have to have a balanced budget amendment.

REPRESENTATIVE KELLER answered no, just the federal government.

SENATOR WIELECHOWSKI directed attention to page 15, lines 14-18, and asked if there was a reason for selecting the United States District Court for the Northern District of Texas as the exclusive venue of all actions that arise under the Compact.

REPRESENTATIVE KELLER deferred the question.

[2:16:15 PM](#)

NICK DRANIAS, Constitutional Policy Director, Goldwater Institute, Phoenix, Arizona, advised that a venue selection clause is a common feature of compacts in order to minimize the locations where a member state can be taken to court. Texas was selected as a central and easily accessed location for the anticipated thirty eight states that will join the compact. The venue provision can be waived at the request of one of the attorneys general of the three founding member states.

SENATOR WIELECHOWSKI again asked how much the federal government would have to cut this year to keep from exceeding the 105 percent cap outlined on page 3, lines 13-17.

MR. DRANIAS calculated that under current borrowing rates there was a year to a year and one-half cushion to reach the cap. He stressed that the makeup of the cuts wasn't the focus; the idea was to strike at the root cause of the unlimited concentration of borrowing authority by bringing in the states as an outside board of directors. Whatever shakes out at the end of three years has to be better than spending the debt limit whenever it seems inconvenient, he said.

[2:21:28 PM](#)

SENATOR WIELECHOWSKI questioned whether he would support amendments to protect cuts to Medicare, Social Security, and national defense.

MR. DRANIAS urged the committee to avoid implanting policy choices and instead treat it as a means of throttling back on debt. He noted that every component of the Balanced Budget Amendment (BBA) had been polled and had received between 61 percent and 85 percent support.

SENATOR WIELECHOWSKI asked if he had polling data to show that Americans support cuts to Medicare, Social Security, and national defense, because his constituents wouldn't support that.

MR. DRANIAS said he agrees that most Americans wouldn't favor cutting Social Security first, but nothing in the BBA compels a policy result where any particular program must be cut. He offered to share the polling data and highlighted that nearly equal numbers of democrats and republicans favor spending cuts before tax increases. He reiterated that the amendment has flexibility to allow for revenue increases if deemed necessary.

[2:26:09 PM](#)

CHIP DEMOSS, President, Compact for America, Houston, Texas, noted that he submitted written testimony from a large number of parties, polling data, and reports. [These may be found in the bill file.] He offered to answer questions regarding any of these submissions.

[2:28:35 PM](#)

DAVID BOYLE, Alaska Policy Forum, Anchorage, Alaska, described the federal debt as a threat to the future and a burden on children and grandchildren. He said that each child born today is born with a huge mortgage and the mortgage currently amounts to \$58,600 per person. This gives the U.S. the rank of third in the world in debt per person, behind only Ireland and Japan. Polling shows that super majorities of Americans want Congress to reduce the federal debt, but nobody wants their ox gored. The common sense solution is to pass the Compact for a Balanced Budget, which will require Congress to get approval from the states before it can increase the federal debt.

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CHAIR COGHILL announced he would hold HB 284 for further consideration.

[2:34:17 PM](#)

There being no further business to come before the committee, Chair Coghill adjourned the Senate Judiciary Standing Committee meeting at 2:34 p.m.