

**ALASKA STATE LEGISLATURE
SENATE RULES STANDING COMMITTEE**

May 19, 2020

10:20 a.m.

MEMBERS PRESENT

Senator John Coghill, Chair
Senator Cathy Giessel, Vice Chair
Senator Natasha von Imhof
Senator Tom Begich
Senator Lyman Hoffman

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Senator Bert Stedman

COMMITTEE CALENDAR

HOUSE BILL NO. 313

"An Act approving and ratifying the actions of the governor and executive branch in expending certain federal receipts and of the Legislative Budget and Audit Committee in approving the expenditure of certain federal receipts during fiscal years 2020 and 2021; and providing for an effective date."

- MOVED HB 313 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 313

SHORT TITLE: RATIFYING RPLS/COVID-19 FUNDING

SPONSOR(s): RULES

05/18/20	(H)	READ THE FIRST TIME - REFERRALS
05/18/20	(H)	RLS
05/18/20	(H)	RLS AT 3:00 PM BUTROVICH 205
05/18/20	(H)	Moved HB 313 Out of Committee
05/18/20	(H)	MINUTE(RLS)
05/19/20	(S)	RLS AT 11:00 AM BUTROVICH 205

WITNESS REGISTER

CAROLINE SCHULTZ, Staff
Senator von Imhof
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 313.

ACTION NARRATIVE

[11:00:12 AM](#)

CHAIR JOHN COGHILL called the Senate Rules Standing Committee meeting to order at 11:00 a.m. Present at the call to order were Senators Begich, von Imhof, Giessel, Hoffman, and Chair Coghill. Senator Stedman was also present.

HB 313-RATIFYING RPLS/COVID-19 FUNDING

[11:00:47 AM](#)

CHAIR COGHILL announced the consideration of HOUSE BILL NO. 313, "An Act approving and ratifying the actions of the governor and executive branch in expending certain federal receipts and of the Legislative Budget and Audit Committee in approving the expenditure of certain federal receipts during fiscal years 2020 and 2021; and providing for an effective date."

CHAIR COGHILL requested a motion.

[11:01:07 AM](#)

SENATOR GIESSEL made a motion that clarified that the committee was considering the version of HB 313 that passed the House, work order 31-LS1826\M.

CHAIR COGHILL objected for an explanation.

[11:01:54 AM](#)

CAROLINE SCHULTZ, Staff, Senator von Imhof, Alaska State Legislature, Juneau, Alaska, stated that HB 313 was identical to SB 243 that was deliberated yesterday by Senate Finance and debated and passed today by the full Senate.

MS. SCHULTZ delivered the sectional analysis for HB 313.

Section 1 Legislative Findings, Purpose and Intent (pages 1-3). The legislative findings begin with a timeline of the coronavirus pandemic and related state and federal responses, including the disaster

declarations by the governor and president and passage of the federal CARES Act. The findings section explains the Revised Program Legislative (RPL) process that began on April 21, 2020 when the first batch of RPLs was submitted to the Legislative Budget and Audit Committee (LB&A). On May 1, LB&A approved six RPLs and over the next week the remaining RPLs were modified with collaboration between the administration and the legislature. On May 11, those remaining RPLs were approved for a total of \$1.14 billion in federal funding.

Language on page 3, line 12 describes the purpose of the act, which is to remove any uncertainty of the status of the expenditure of the RPLs.

Subsection (c) on page 3, lines 16-19 describes the intent of the legislature, which is that the appropriations identified by the RPLs be increased as approved by the Legislative Budget and Audit Committee.

[11:03:52 AM](#)

SENATOR BEGICH pointed out that the words in subsection (c), "In authorizing the expenditure of federal receipts as proposed by the governor in the RPLs identified [under (a) of this section,] it is the intent of the legislature..." are critical in clarifying that this is constitutional.

[11:04:12 AM](#)

MS. SCHULTZ continued the sectional review of HB 313.

Section 2 Approval and Ratification (page 3). This approves and ratifies the actions of the Legislative Budget and Audit Committee and approves the RPLs [described in Section 1].

Section 3 Suspension of Other Law (page 3). This provides assurance that no other section of law can be used to argue the validity of this ratification.

Section 4 Retroactive Clause (pages 3-4). Provides for a retroactive effective date of May 1, 2020.

Section 5 Effective Date Clause (page 4). Provides an immediate effective date for this Act.

MS. SCHULTZ reiterated that HB 313 is identical to SB 243, which the Senate passed today.

11:05:00 AM

CHAIR COGHILL noted that Grace Ervine, Staff for House Rules, was present and confirmed that the bills were identical.

SENATOR GIESSEL expressed appreciation for Senator Begich's comment and provided additional historical perspective. She advised that a similar bill was approved by the legislature on May 15, 1987. She pointed out that in Section 1, subsection (c) of HB 313 begins with the words, "In authorizing the expenditure...". Language in subsection (c) of the 1987 bill says, "In approving the one-year appropriations...". Section 2 of HB 313 says the legislature is approving the expenditures and ratifying the actions of the Legislative Budget and Audit Committee. The 1987 bill used those exact words and the Alaska Supreme Court verified that those actions were constitutional and appropriate. She said HB 313 mirrors that legislation except that the initial words in subsection (c) of Section 1 more firmly follows the Constitution.

11:06:40 AM

SENATOR VON IMHOF highlighted that Pat Pitney, the Director of Legislative Finance, thoroughly presented the identical bill to HB 313 in Senate Finance yesterday and the director of the Office of Management and Budget answered questions about the RPLs, and public testimony was heard. The committee discussed each section of the bill, including the one Senator Giessel described. She emphasized for the listening audience that this bill has been thoroughly vetted.

CHAIR COGHILL noted that Megan Wallace and Pat Pitney were available if there were questions. There were none.

11:07:50 AM

CHAIR COGHILL removed his objection and asked if there were any further objections. Finding none, he solicited a motion.

11:07:58 AM

SENATOR GIESSEL moved to report HB 313, work order 31-LS1826\M, from committee with individual recommendations and attached fiscal note(s).

CHAIR COGHILL found no objection and HB 313 was reported from the Senate Rules Standing Committee.

11:08:39 AM

There being no further business to come before the committee, Chair Coghill adjourned the Senate Rules Standing Committee meeting at 11:08 a.m.