

H

B

596

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 27, 1984

SUBJECT: CSHB 596 (HESS)

TO: Representative Mae Tischer
Chairman, HESS Committee

FROM: Richard C. Folta 
Legislative Counsel

You have asked if the committee can change the title of HB 596 originally sponsored by the Rules Committee at the request of the governor and if the amendments made in CSHB 596 are germane to the subject matter of the bill.

A. TITLE

Rule 24(c) of the Uniform Rules of the Alaska State Legislature does not allow a committee of a second house to change the title of a bill as enacted in the house of origin other than to make a clerical or technical change. There is no restriction on title changes in the house of origin other than the requirement that amendments must be germane to the original subject matter.

At the present time HB 596 is in the house of origin.

B. GERMANENESS

The original bill relates to public construction generally and schools specifically. CSHB 596 (HESS) relates to legislative space or facilities public works construction and location.

A committee substitute for a bill is an amendment to the bill. Rule 35 of the Uniform Rules provides in relevant part:

A motion or proposition on a subject may not be admitted under color of amendment if the subject matter is different from that under consideration.

This is supplemented by Mason's Manual of Legislative Procedure which provides in Sec. 402.

Sec. 402. Amendments Must Be Germane

1. Every amendment proposed must be germane to the subject of the proposition or to the section or paragraph to be amended, and an amendment is not in order which is not germane to the question to be amended. This is, basically, a phase of the rule that each proposition have but one subject and that members have the right to vote separately on each question.

2. To determine whether an amendment is germane, the question to be answered is whether the question is relevant, appropriate, and in a natural and logical sequence to the subject matter of the original proposal.

3. To be germane, the amendment is required only to relate to the same subject. It may entirely change the effect of the motion or measure and still be germane to the subject.

4. An entirely new proposal may be substituted by amendment so long as it is germane to the main purpose of the original proposal.

5. An amendment to an amendment must be germane to the subject of the amendment as well as to the main question.

6. No independent new question can be introduced under cover of an amendment. But an amendment may be in conflict with the spirit of the original motion, and still be germane and, therefore, in order.

7. The admissibility of an amendment should be judged from the provisions of the text, rather than from the purpose which circumstances may suggest.

8. Whether a proposed amendment is consistent with the measure, motion or question proposed to be amended, is a question to be decided by the body and not by the presiding officer.

Representative Mae Tischler
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March 27, 1984

The HESS Committee substitute is an entirely new proposal. Both versions relate to public construction; however the original bill concerns school construction primarily while the substitute relates to legislative public work construction, planning, location and other matters that could be seen as not germane to the original subject matter. Using the germaneness criteria above, it is my opinion that the committee substitute is proper.

RCF:ojb
J5/018



Alaska State Legislature

Rep. Uehling

REP. MAE TISCHER
CHAIRMAN



MAR 28 1984

POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3777

House of Representatives
HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

MEMORANDUM

TO: Representative Mae Tischer
FROM: Bill Lovell, Professional Assistant *lv*
DATE: March 27, 1984
RE: Sectional Analysis of CSHB 596 (HESS)

Pursuant to your request, I have prepared the following sectional analysis of the House HESS Committee Substitute for House Bill 596.

Section 1 inserts language allowing the legislature to convene regular legislative sessions in places besides the state capitol building. In accordance with current drafting methods, the word "that" is substituted for the word "which" throughout the existing section (Sec. 24.05.090).

Section 2 inserts language authorizing the Legislative Affairs Agency to supervise space occupied in any building by the legislature or its agencies, thereby permitting the Agency to maintain legislative space in buildings which are not state property (e.g., a private or municipal convention center). The section contains a definition which authorizes the Agency to supervise planning, construction, maintenance, occupancy, and operation of any facility, or space within any facility, for the legislature or its agencies. The agency is given specific right of prior approval before the state may acquire land, contract public works, expend state funds, or enter into a lease, if those actions relate to the legislature or its agencies (Sec. 24.05.190 (a)).

Section 3 adds new language permitting the legislature to authorize the Legislative Affairs Agency to acquire, construct or lease legislative facilities in the state capital or in any other location in the state for a regular or special session of the legislature (Sec. 24.05.190 (c)). The Agency is required to coordinate with the Department of Transportation and Public Facilities to carry out the provisions of AS 24.05.190 (Sec. 24.05.190 (d)).

Section 4 adds new language that requires appropriation bills

Sectional Analysis of CSHB 596 (HESS)

March 27, 1984

Page 2

relating to legislative facilities or space within facilities to describe the location, purpose, and funding source for land acquisition, planning, and construction for the facility.

Section 5 inserts language requiring the Department of Transportation and Public Facilities to have the approval of the Legislative Affairs Agency before planning, or commencing construction of, legislative facilities.

Section 6 provides that the act takes effect immediately.

/wtl

Introduced: 2/9/84
Referred: Health, Education &
Social Services and State Affairs

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2

HOUSE BILL NO. 596

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to public construction and provid-
7 ing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 35.15.080(d) is amended to read:

10

(d) Provisions of this title governing planning, design, and
11 construction of public works by the department, and regulations adopt-
12 ed under those [THE] provisions, govern the administration of projects
13 assumed by a municipality or regional educational attendance area
14 under this section or under AS 14.11.020. For that purpose those
[THE] provisions supersede any conflicting provisions of ordinance or
16 charter of a municipality.

17

* Sec. 2. AS 35.15.080(f) is amended to read:

18

(f) To carry out the purpose of this section, the commissioner
19 of transportation and public facilities shall adopt regulations relat-
20 ing to the application for and the making and the conditions of agree-
21 ments and the local assumption of responsibilities for the planning,
22 design and construction of public works under this section. [HE SHALL
23 INCLUDE IN GRANT CONTRACTS TERMS AND CONDITIONS REQUIRING A REGIONAL
24 SCHOOL BOARD AND ITS CONTRACTORS TO ADHERE TO THE PROVISIONS OF
25 AS 36.05.010 WITH RESPECT TO THE PAYMENT OF WAGE RATES ON CONSTRUCTION
26 PROJECTS, AND AS 36.10.010 WITH RESPECT TO EMPLOYMENT PREFERENCE, AND
27 MAY REQUIRE DIFFERENT TERMS IN AGREEMENTS FOR DIFFERENT PROJECTS TO
28 MEET LOCAL CONDITIONS AND UNIQUE REQUIREMENTS AND TO ASSURE COMPLIANCE
29 WITH THE PUBLIC FACILITIES PROCUREMENT POLICIES DEVELOPED BY THE

Public works →

School facilities →

1 DEPARTMENT UNDER AS 35.10.160 -- 35.10.200.] If necessary, the com-
2 missioner may require as a condition of an agreement approval of the
3 agreement by the federal government. [REGULATIONS ADOPTED, AMENDED OR
4 REPEALED BY THE DEPARTMENT UNDER THIS SECTION WHICH RELATE TO EDUCA-
5 TION FACILITIES SHALL BE DEVELOPED IN CONJUNCTION WITH THE ALASKA
6 ASSOCIATION OF SCHOOL BOARDS AND THE ALASKA ASSOCIATION OF SCHOOL
7 ADMINISTRATORS AND REVIEWED BY THOSE ASSOCIATIONS BEFORE FINAL ACTION
8 ON THE REGULATIONS IS TAKEN BY THE DEPARTMENT.]

9 * Sec. 3. AS 35.25.020(2) is amended to read:

10 (2) "department" means the Department of Transportation and
11 Public Facilities, except that, in connection with schools, it means
12 the assembly, council, or school board that has assumed responsibil-
13 ities under AS 14.11.020;

14 * Sec. 4. AS 35.27.030(1) is amended to read:

15 (1) "department" means the Department of Transportation and
16 Public Facilities, except that, in connection with schools, it means
17 the assembly, council, or school board that has assumed responsibil-
18 ities under AS 14.11.020;

19 * Sec. 5. AS 35.30.040(1) is amended to read:

20 (1) "department" means the Department of Transportation and
21 Public Facilities, [AND] the University of Alaska, and, in connection
22 with schools, the assembly, council, or school board that has assumed
23 responsibilities under AS 14.11.020;

24 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
25 10.070(c).

INTRODUCTION OF BILLS (House)

HB 592, (cont'd)

state or the United States."

Provides Act takes effect immediately.

Introduced February 9 and referred to Labor & Commerce.

Criminal Cases
(fines
imposed)

HOUSE BILL NO. 593, by Reps. Liska, Barnes and Bussell.
Amends section of statute relating to fines imposed on a defendant (AS 12.55.035) by adding language that states: "(e) If a defendant is sentenced to pay a fine, the clerk of the court shall increase the fine by a penalty of 20 percent of the actual fine imposed, excluding any amount that is suspended." Section 2 of the bill spells out the Legislative intent, stating: "It is the intent of the legislature that an amount equivalent to the 20 percent penalty collected under AS 12.55.035(e) be appropriated annually to the crime victim compensation fund (AS 18.67.162)." Does not provide for an effective date (becomes law 90 days after Governor signs bill).

Introduced February 9 and referred to Judiciary, Finance.

Appropriation
(special)
(Reindeer
Herders
Association)

HOUSE BILL NO. 594, by Rep. Fuller. Makes an \$80,400 appropriation to the Department of Fish and Game for a grant to the Reindeer Herders Association for a study of the distribution and movement of caribou near reindeer herds on the Seward Peninsula. Provides appropriation shall be disbursed in accordance with laws relating to grants. Provides Act takes effect immediately.

Introduced February 9 and referred to Resources, Finance.

Court System
Administrator
(retirement
benefits)

HOUSE BILL NO. 595, by Reps. Bussell, Cowdery, Fritz, Furnace, Hurlbert, Lindauer, Liska, Martin, Pestinger, and Ward. Would include the Administrative Director of the Alaska court system in the Public Employees' Retirement System (the Director is currently included under the Judicial Retirement System) and entitle the Administrator to credited service for employment as Administrative Director.

Repeals AS 22.25.012 (statute enabling the Director to be included in Judicial plan) and AS 39.35.680(21)(c)(vii) (Public Employees' Retirement System. Definition. "(21) 'member' or 'employee' . . . (C) Does not include. . . (vii) the administrative director of courts. . . unless he becomes a member. . .").

Provides Act takes effect immediately.

Introduced February 9 and referred to Judiciary, Finance.

Public
Construction
(schools)

HOUSE BILL NO. 596, by the Rules Committee by Request of the Governor. Relates to school construction (see accompanying letter from Governor Sheffield). Provides Act takes effect immediately.

INTRODUCTION OF BILLS (House)

HB 596, (cont'd)

Introduced February 9 and referred to Health, Education & Social Services, State Affairs..

In his message accompanying the bill, Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting this bill making several changes pertaining to the school construction functions of the Department of Transportation and Public Facilities (DOT/PF). This bill augments the recent amendments (ch. 92, SLA 1982). It attempts to complete the job, clarifying the responsibilities for school construction, and removes uncertainties and inconsistencies in the pertinent statutes.

Sections 1 and 2 correct what seem to have been oversights in ch. 92, SLA 1982. Although secs. 5 and 6 of that Act amended AS 35.15.080(a) and (c), respectively, to delete references to educational facilities and regional educational attendance areas, so that DOT/PF would no longer have primary responsibility for school construction, similar references were left in AS 35.15.080(d) and (f). Section 1 of this bill, recognizing the changes made by the 1982 amendments, inserts in (d) a cross reference to AS 14, the education title, to make clear that the various planning, design, and construction provisions of AS 35 and regulations adopted under AS 35 apply to schools as well as other public facilities. The present reference to a regional educational attendance area (REAA) assuming responsibility under "this section" is not correct since the 1982 amendments took REAA's out of that section -- AS 35.15.080 -- and enacted provisions governing them in AS 14. Similarly, sec. 2 of this bill deletes language pertaining to the commissioner of DOT/PF specifying grant contract provisions and adopting administrative regulations on school construction. Even when the DOT/PF performs the construction functions under a reimbursable services agreement with the Department of Education, it is the latter department that is responsible for the grant contract provisions and the regulations.

Section 3 amends AS 35.25.020(2), the general definition of "department" for the purposes of AS 35, "Public Buildings, Works, and Improvements." Reference to assemblies, councils, and regional school boards (i.e., school districts, under AS 14.12.010) that have assumed responsibility under AS 14.11.020 is added to this definition, with regard to schools, because ch. 92, SLA 1982 provided for school districts to assume responsibility for school construction. (See AS 14.11.020 which appeared as AS 14.07.190 in sec. 3, ch. 92, SLA 1982.) It also transferred certain responsibilities from the Department of Transportation and Public Facilities to the Department of Education. Other than AS 35.25.020(2), there is no definition of "department" that is generally applicable to AS 35.10 and 35.15 (although both chapters contain definition sections applicable to individual articles in those chapters). This amendment does should make clear that, when a school district assumes construction responsibility under AS 14.11.020, the district rather than the Department of Transportation and Public Facilities is responsible for functions under the following statutes:

- AS 35.10.010, "Standard Plans and Specifications and Limitations on Cost," which refers to "school buildings in incorporated cities" and excludes them from certain departmental duties unless built in whole or in part with state funds;
- AS 35.10.180, "Physical Facility Procurement and Planning Policies," in which subsec. (a) refers to "rural schools;"
- AS 35.15.100, "Responsibility of Department," which refers to "regional educational attendance areas;"
- AS 35.15.110, "Title to Site and Completion of Project," which refers to "school buildings" and "regional educational attendance areas;"
- AS 35.15.120, "Definitions," in which para. (2) refers to "regional educational attendance areas;"

INTRODUCTION OF BILLS (House)

HB 596, (cont'd)

- AS 35.27.020, "Art Requirements for Public Buildings and Facilities," in which subsec. (c) refers to "schools;" and
- AS 35.27.030, "Definitions," in which para. (2) refers to "schools."

Section 4 amends the definition of "department" in the chapter on art works in public buildings and facilities. AS 35.27.030(1). Reference to the school districts is added to the definition for the same reasons as mentioned in connection with sec. 3, above. The definition of "building" or "facility" in AS 35.27.030(2)(A)(i) is not being amended because there is no intent to delete the requirement for art work in public buildings -- just to make the responsibility for it clear in conjunction with ch. 92, SLA 1982.

Section 5 makes a similar amendment in the definition section -- AS 35.30.040 -- for the chapter on consistency with local government plans and ordinances.

These amendments do not include references to the court system because, although ch. 160, SLA 1980 transferred construction responsibility for court facilities from DOT/PF to the supreme court (see AS 22.05.025 and AS 35.05.010), sec. 3 of that Act, as amended by sec. 2, ch. 70, SLA 1982, terminates that transfer as of June 30, 1984.

Section 6 gives this bill an immediate effective date since these amendments simply seek to complete the job of the 1982 amendments.

I urge your favorable action to preserve the intent of ch. 92, SLA 1982 and eliminate, for the benefit of the public, cluttered, inconsistent provisions.

State Election
Laws
(amending)

HOUSE BILL NO. 597, by the Rules Committee by Request of the Governor. Amends state election laws (see Governor's letter). Provides Act takes effect immediately.

Introduced February 9 and referred to State Affairs, Finance.

In his message transmitting the bill, Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which amends or repeals several provisions of the state's election laws.

Sections 1 and 2 of the bill remove from the division of elections the burden of identifying and automatically reinstating the voter registration of certain felons who have been unconditionally discharged. Instead of suspending the registration of a person convicted of a felony involving moral turpitude, the division will cancel the registration until the person provides proof of unconditional discharge. Section 3 of the bill amends AS 15.07.160, concerning unlawful acts, to conform to the changes made by secs. 1 and 2 of the bill.

Section 4 of the bill repeals AS 15.15.198(b), which allows to be counted certain questioned votes of voters whose names have been purged from the registration lists. As a result of the repeal, voters whose registrations have been cancelled under AS 15.07.130(b) will have to reregister in order to have their votes counted. Since AS 15.07.130(b) requires the division to mail a notice of imminent registration cancellation to the affected voter, and AS 15.07.125 requires the division to post the list of registered voters 40 days before an election, a voter has adequate opportunity to preserve his or her voting rights.



Dept. of Transportation & Public Facilities

Position Paper

BILL NO: HB 596

APPROVED: 

TITLE: Relating to Public Constuction

DATE: 3/28/84

The Department of Transportation & Public Facilities supports the purpose of House Bill 596 to clarify Ch. 98, SLA 1982 relating to the administration of school construction functions of DOT&PF and the Department of Education. This bill clarifies the responsibilities of both departments and the local school districts with regard to school construction, and would make clear that the provisions of AS35 concerning public buildings, apply to a school constructed by a local district when it has assumed responsibility for school construction just as they do to a school constructed by the DOT&PF.

The Department of Education concurs with our position on HB 596.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 596 (HESS)
Title: "An Act relating to legisla-
tive space or facilities; ED."
Sponsor: Rules/Governor
Requestor: House HESS Committee
Date of Request: 3/27/84

FISCAL DETAIL

Agency Affected: LEGISLATURE
Program Category Affected: NA
BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	NA	0	0	0	0	0
CAPITAL	NA	0	0	0	0	0
REVENUE	NA	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	NA	0	0	0	0	0

POSITIONS:

FULL-TIME	NA	0	0	0	0	0
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

NA

ANALYSIS: This bill will have no fiscal impact.

Prepared By: Representative Mae Tischer ^{AT} Phone: 465-3777
Division: House HESS Committee Date: 3/27/84

Approved by Commissioner: NA Date: _____
Agency: _____

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

12/1/83

COMMITTEE REPORT

HOUSE

(7)

FURTHER: STATE AFFAIR

APRIL 2, 1984

2/9/84

Date: _____

HEALTH, EDUCATION AND
SOCIAL SERVICES

The Committee on _____ has had HB 596

"An Act relating to public construction; and providing for an effective date."

under consideration and recommends:

do pass do not pass

do pass with attached amendments(s)

replace with CS for HB 596 (HESS) same title new title

and recommends: THAT THE HESS CS DO PASS.

AND attaches a "Letter of Intent" New Fiscal Note
 reports it back without recommendation Zero Fiscal Note Attached

referred to the _____ Committee

MEMBERS SIGNING DO PASS

Mark S. ...
L.H. ...

MEMBERS HAVING OTHER RECOMMENDATIONS:

Jim ...
Mike Koppenha ...
Mike ...

Ann ...
...

...

CHAIRMAN

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 596 (HESS)
 Title: Relating to Legislative Space
or Facilities
 Sponsor: HESS Committee
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Attorney General and Others
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected:
Law and Others

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	0	0	0	0	0	0
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0		
REVENUE	0	0	0	0		

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared by: Robert J. Link
 Division: General Services and Supply

Phone: 465-2250
 Date: 4-26-84

Approved by Commissioner: Lisa Rudd
 Agency: DEPARTMENT OF ADMINISTRATION

Date: 4/28/84

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)