

HCR

32

HCR 32 TITLE & SPONSOR SUMMARY

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AMENDED TITLE:

PROPOSING AMENDMENTS TO THE UNIFORM RULES CONCERNING COMMITTEE
MEETINGS AND SPONSOR SUBSTITUTES;
AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSOR: FULLER.

CC-SPONSORS:

CURRENT STATUS: 4/20/83 IN (H) RULES

HCR 32 HOUSE ACTION

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<u>DATE</u>	<u>SEQ</u>	<u>PAGE</u>	<u>LEGISLATIVE ACTION</u>
04/20/83	01	0945	FIRST READING -- COMMITTEE REPORTS RULES
*****	**	**	*** ** *

SECTIONAL ANALYSIS OF HCR 32, proposing amendments to the uniform rules concerning committee meetings and sponsor substitutes; and providing for an effective date.

SECTION 1: Amends Rule 23, regarding notification of meetings of standing committees.

23 (a) is amended to read that the weekly committee schedule is to be turned into the chief clerk or secretary by 3:00 pm rather than 4:00 pm each Thursday. This change is proposed to mesh with print shop deadlines.

The five-day notification for the first hearing on a bill or resolution is changed to 72 hours. This takes care of the problems experienced with giving adequate notice for a first hearing held on a Monday or Tuesday when the committee schedule is made up on the preceding Thursday.

Both the written notice in the weekly committee schedule and the new 72-hour first notification may be waived by a motion of the committee chairman if concurred in by a majority of the members. There currently is no workable provision in Rule 23 for waiving the notice in the weekly schedule turned in on Thursdays, so that there is no way to include new subject matter in a committee's weekly schedule.

23 (b) is amended to provide that changes in the time or place of a meeting shall be made either orally from the floor or in writing to the chief clerk or secretary. Written notice shall be given to the clerk or secretary at least 24 hours before the meeting. The rules would then provide that subject matter changes require a waiver, but time and place changes only require 24 hours written notice.

23 (c) is amended to state that a meeting may be postponed as well as cancelled at any time, consideration of the subject matter may be postponed or cancelled at any time, and notice of a postponement as well as a cancellation shall be given in the same manner as above if possible.

23 (d) is deleted. This provision has caused much confusion over when it actually is in effect. It states that, after a conference committee has been chosen on the budget, the above notification requirements do not apply, and committees need only give 24 hours notice for meetings. HCR 32 provides for the faster pace at the end of the session by allowing the chairman to move and ask unanimous consent that the notification under 23 (a) be waived, while at the same time requiring adherence as much as possible to standard notification requirements. This deletion keeps notification requirements consistent throughout the session.

23 (e) is amended to state that the above notification requirements do not apply during a special session, when time constraints may make it impractical to comply with the weekly schedule requirement.

23 (f) (4) is amended to state that committees shall, rather than may, make their minutes available to LAA for entry onto the state's computer system. This is consistent with present practice.

SECTION 2: Adds a new subsection to Rule 37 regarding sponsor substitutes. This was added to clear up confusion on the introduction of a sponsor substitute and its effect on the original bill or resolution.

37 (c) is added which states that the member who introduced a bill or resolution, or the prime sponsor of there are co-sponsors, may introduce a sponsor substitute any time before the measure is reported from the first committee of referral. The effect of introduction of a sponsor substitute is to withdraw the original measure. Introduction does not require consent of the members. Subject matter must be the same.

SECTION 3 provides for an immediate effective date.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU ALASKA 99811
FD-400 (8-73)

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 8, 1983

SUBJECT: Notice requirements of Rule 23 of the Uniform Rules

TO: Senator Jan Faiks
Chairman, Senate Rules Committee

FROM: Billy G. Berrier
Director
Division of Legal Services

You have requested an analysis of the notice requirements under Rule 23 of the Uniform Rules of the Alaska State Legislature.

The relevant part of the Rule, paragraphs (a) through (e) provides:

"RULE 23. COMMITTEE MEETINGS. (a) Written notice of the time, place and subject matter of all meetings of standing, special, and joint committees during a week shall be provided by the person who chairs the committee to the chief clerk or secretary by 4:00 p.m. on the preceding Thursday. The person who chairs the committee to which a bill or resolution is first referred shall provide to the chief clerk or secretary written notice of the time and place of the first public hearing on the bill or resolution at least five days before the hearing. However, this requirement may be waived by motion of the person who chairs the committee to which a bill or resolution is first referred if concurred in by majority vote of the full membership of the house. The chief clerk or secretary shall publish and distribute copies of the weekly schedule of committee meetings and of the five-day notice of hearing.

"(b) The person who chairs a standing, special, or joint committee shall provide the chief clerk or secretary written notice of the change in the time, place or subject matter of a meeting. At the next daily

legislative session, notice of the schedule change shall be announced by the chief clerk or secretary and published as a notice in the journal of the house.

"(c) A scheduled meeting of a standing, special, or joint committee may be cancelled at any time. If possible, notice of the cancellation shall be given in the same manner as provided for notice of change in (b) of this rule.

"(d) The provisions of (a) and (b) of this rule do not apply to a standing, special, or joint committee meeting scheduled after the date a conference committee has been chosen to consider amendments to or differences between versions of the general appropriation act. However, a person who chairs a standing, special, or joint committee shall post written notice of the time, place and subject matter of a meeting at least 24 hours before the meeting.

"(e) The provisions of (a) - (d) of this rule do not apply to meetings of

(1) the Rules Committee when it meets for the purpose of preparing the daily calendar;

(2) the Committee on Committees referred to in Rule 1(e); or

(3) standing, special, or joint committees when the committee meets during the interim between sessions."

Paragraph (a) has two distinct notice requirements.

The first requirement is the written notice provided to the clerk or secretary by the Thursday preceding the meeting of the time, place and subject matter of all committee meetings during the succeeding week. This applies to all committee meetings and there is no provision for waiver of the requirement.

There is an additional requirement when the committee is the committee of first referral of a bill or resolution. In addition to the preceding Thursday notice, the person who chairs the committee must provide the clerk or secretary with a written notice of the first public hearing at least five days in advance. This rule would normally apply only

in the house of origin of the bill or resolution since normally the bill or resolution will go through the committee process before going to the second house. In my opinion the rule would apply to the next committee of referral if the committee of first reference waives referral since this waiver negates the reference in effect. The focus of the rule is the committee that holds the first public hearing, otherwise the rule would be meaningless. The five-day notice requirement may be waived by a majority vote of the full membership of a house.

Paragraph (b) requires the person chairing a committee to provide the clerk or secretary written notice of a change in the time, place or subject matter of a meeting. The change must be announced at the next legislative session and be published in the journal of the house. This paragraph would not allow the introduction of new subject matter since that would supersede the notice requirement of (a).

Paragraph (e) allows cancellation of a committee meeting at any time and provides, that where possible, the notice provisions in (b) relating to a change be followed.

Once a conference committee on a version of the general appropriation act has been chosen the notice requirements of (a) and (b) no longer apply. At that time the notice requirement in (d) comes into effect. This requires posting of written notice of the time, place and subject matter of a committee meeting 24 hours in advance of the meeting.

Paragraph (e) provides the notice requirements of the Rule do not apply to the Rules Committee when it meets for the purpose of preparing the daily calendar, to the Committee on Committees or to any committee meeting during the interim. The exception as to the Rules Committee would not apply where that committee was acting as a substantive committee of reference or otherwise acting on matters other than the calendar.

In summary Rule 23 has three distinct notice requirements. These are:

- (1) The written previous Thursday notice given to the clerk or secretary;

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(2) The five-day notice which applies only to the first public hearing in the committee of first reference; and

(3) The 24-hour posting requirement which comes into effect only when the conference committee on the budget is chosen and which then supersedes the other requirements.

Each has specific application and distinct requirements as discussed above.

BGB:ljb

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