

**COMMITTEE REPORT**  
**SENATE**

FURTHER:

2/14/86

Date \_\_\_\_\_

Mr. President

The Committee on FINANCE considered SCR 33

proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to scheduling session work.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

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\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Chairman recommendation

Introduced: 2/14/86  
Referred: Finance

1 IN THE SENATE

BY RODEY

2 SENATE CONCURRENT RESOLUTION NO. 33

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Uniform  
6 Rules of the Alaska State Legislature  
7 relating to scheduling session work.

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

9 \* Section 1. The Uniform Rules of the Alaska State Legislature are  
10 amended by adding a new rule to read:

11 RULE 56. SESSION SCHEDULES. (a) The following schedule applies  
12 to consideration of the appropriation bill for the general operating  
13 budget and the capital budget:

14 (1) The house of origin must calendar the bill by the 90th  
15 legislative day.

16 (2) The second house must calendar the bill by the 100th  
17 legislative day.

18 (b) An appropriation bill may not be transmitted from the house  
19 of origin of the bill to the other house under Rule 40 of the Uniform  
20 Rules after the 100th legislative day unless transmittal after that  
21 day is approved by an affirmative vote of two-thirds of the full  
22 membership of the house of origin.

23 (c) Notwithstanding Rule 18 of the Uniform Rules, an appropria-  
24 tion bill may not be placed on the calendar before the second day  
25 after the day on which the bill is reported back from the finance  
26 committee.

27 (d) A joint session of the legislature to consider confirmation  
28 of appointees by the governor must be held by the 100th legislative  
29 day.  
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ALASKA STATE LEGISLATURE

14th... Legislature ... 2nd... Session

SENATE CONC. RESOL. NO. 33

By RODEY

Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to scheduling session work.

Introduced in the Senate ..2/18... 19. 86

HISTORY IN THE SENATE

19 86	Read first time and referred to Committee on FINANCE																						
2 13	Reported back with recommendation that																						
	Read second time and																						
	Read third time and																						
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SECRETARY OF THE SENATE																							

HISTORY IN THE HOUSE

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CHIEF CLERK OF THE HOUSE																							

HISTORY IN THE SENATE

19	Received from House
	To enrolling
	Reporter, correctly enrolled
	Sent to Governor
	..... by Governor
	Filed with Lt. Governor
	Chapter No. ....

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : HCR 33  
 Title : Amending Uniform Rules of  
Legislature relating to  
scheduling session work  
 Sponsor : Senator Rodey  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Legislature  
 BRU : \_\_\_\_\_  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		0	0	0	0	0

CAPITAL		0	0	0	0	0
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REVENUE		0	0	0	0	0
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		0	0	0	0	0

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Jan Faiks, Co-chairman Phone : 465-4523  
 Division : Senate Finance Committee Date : 3/11/86

Approved by Commissioner : \_\_\_\_\_ Date : \_\_\_\_\_  
 Agency : \_\_\_\_\_

Distribution (by Agency preparing fiscal note) :

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

In which the supreme court adopted an exception to the rule made in *State v. ...*, No. 1724, 1725, 1726, 565, 3764, 2965, 3002).

*... to strike telephone ...* — Defendant in bribery waived his motion to record evidence based on ... under the state constitution to raise the issue at the *Hohman v. State*, Ct. File No. 6779, 669 P.2d

*... to v. Malkin*, Ct. App. No. 7508, 678 P.2d 1356

*... of Kenai v. Kenai ...*, Inc., Sup. Ct. Op. No. 4954, 5433, 642 P.2d

*... v. State*, Ct. App. Op. No. 4846, 645 P.2d 1229  
*... State*, Ct. App. Op. No. 673 P.2d 904 (1983);  
*... App. Op. No. 371* (File No. 1358 (1984).

*... seated at the general ...* member, 1980.

*... tion of Elections v. ...* Ct. Op. No. 2704 (File No. 59 P.2d 537 (1983).

*... nents. — This section ...* reports made or actions or that directly affect legislation or the constitution be submitted to the court or not the statements in public. *State v. ...*

*Dankworth*, Ct. App. Op. No. 308 (File No. 7543), 672 P.2d 148 (1983).

**Protected activities.** — Two-part test used to determine whether activity is within the legitimate legislature sphere and thus within the protection of this section requires the activity to (1) be an integral part of the deliberative and communicative process by which members participate in committee and house proceedings and (2) address proposed legislation or some other subject within the legislature's constitutional jurisdiction. *Schultz v. Sundberg*, 759 F.2d 714 (9th Cir. 1985).

Political activities of legislators, which include attempts on behalf of constituents to influence the executive branch in carrying out administrative responsibilities, i.e., prosecuting criminals, are not privileged; but legislative activities which are performed in order to directly influence the enactment of specific legislation are privileged. *State v. Dankworth*, Ct. App. Op. No. 308 (File No. 7543), 672 P.2d 148 (1983).

State senate president who ordered the attendance of absent legislators to achieve a quorum so that the governor's appointments could be considered for confirmation was entitled to absolute legislative immunity because his action took place on the floor of the senate, the business was clearly legislative, and an action to compel attendance of other legislators at a legislative session is an integral legislative function. *Schultz v. Sundberg*, 759 F.2d 714 (9th Cir. 1985).

Actions of senate finance chairman in acquiring property while promoting its sale to the state at a purchase price which would result in his receiving substantial profits and in using his influence as a

legislator to secure an appropriation for the purchase by the state in the governor's proposed budget were clearly legislative and therefore within the immunity granted in this section. *State v. Dankworth*, Ct. App. Op. No. 308 (File No. 7543), 672 P.2d 148 (1983).

**Immunity for nonparty legislators.** — Alaska's immunity clause applies to legislators not parties in an underlying action. The president of the senate, the presiding officer at joint sessions of the legislature with the duty to call a joint session to order once convened by the governor and to preside over it, has a general duty to vote on the governor's appointees during a joint session and specific duties to perform as senate president; and any conversations between the senate president and the governor may be seen as acts in preparation for performance of these duties and as such are privileged. *Kerttula v. Abood*, Sup. Ct. Op. No. 2858 (File No. S-257), 686 P.2d 1197 (1984).

**Termination of legislative researcher in administrative act.** — Termination of a legislative researcher for the legislative affairs agency for expressing her economic and political views in an interview in violation of a "public neutrality requirement," an unwritten and informal understanding, for which she declined a reprimand, and for refusing to abide by the director's interpretation of the public neutrality requirement in the future was an administrative rather than a legislative act and was not within the scope of legislative immunity. *State v. Haley*, Sup. Ct. Op. No. 2560 (File Nos. 6004, 6608, 6609, 6610), 687 P.2d 305 (1984).

**Section 8. Regular Sessions.** The legislature shall convene in regular session each year on the fourth Monday in January, but the month and day may be changed by law. The legislature shall adjourn from regular session no later than one hundred twenty consecutive calendar days from the date it convenes except that a regular session may be extended once for up to ten consecutive calendar days. An extension of the regular session requires the affirmative vote of at least two-thirds of the membership of each house of the legislature. The legislature shall adopt as part of the uniform rules of procedure deadlines for scheduling session work not inconsistent with provisions controlling the length of the session.



COMPARISON OF SENATE CONCURRENT RESOLUTIONS 7 AND 33

SCR 7

SCR 33

Applies to both operating and capital budget bills.

Applies to both operating and capital budget bills.

Must be reported out of the Finance Committee of the House of Origin by the 80th Legislative Day.

No Similar Requirement.

Must calendar in second reading by the 82nd day.

House of Origin must calendar by the 90th day.

Action on bill(s) must be completed and sent to the Second House by the 85th day.

No Similar Requirement.

Bill(s) must be reported out of the Finance Committee of the Second House by the 90th day.

No Similar Requirement.

Second House must calendar in second reading by the 92nd day.

Second House must calendar by the 100th day.

Action on bill(s) must be completed and transmitted back to House of Origin by the 95th day.

No Similar Requirement.

No Similar Requirement

Appropriations bill(s) may not be transmitted from the House of Origin the Second House after the 100th day except by a 2/3'rds vote.

No Similar Requirement

Appropriations bill(s) may not be placed on the calendar until 2 days after action by the Finance Committee

House of Origin must concur or refuse to concur and notify Second House by the 96th day.

No Similar Requirement.

Second House must recede or fail to recede by the 97th day.

No Similar Requirement.

If a Conference Committee has to be appointed, it must occur within one day of the Second House failing to recede from its amendments.

No Similar Requirement.

The Conference Committee must report any agreement or failure to do so by the 112th day.

No Similar Requirement.

The request for limited powers of Free Conference must be granted within one day of the request.

No Similar Requirement.

This Free Conference Committee with limited powers has 3 days in which to reach agreement or report that they cannot reach agreement.

No Similar Requirement.

If the Conference Committee fails to reach an agreement, a Free Conference Committee must be appointed within one day of the report.

No Similar Requirement.

This Free Conference Committee has two days in which to reach agreement or report that it cannot reach agreement.

No Similar Requirement.

Each legislative body has one day to vote on a Conference Committee or Free Conference Committee Report.

No Similar Requirement.

Joint Confirmation Session shall not be held earlier than the 100th day or later than the 120th day.

Joint Confirmation Session must be held by the 100th day.

Introduced: 2/14/86  
Referred: Finance

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BY RODEY

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SENATE CONCURRENT RESOLUTION NO. 33

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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