

HCR

7

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 22, 1997

FURTHER REFERRALS:

Date of Committee Action: 2/25/97

The STATE AFFAIRS Committee considered:

HCR 7

HOUSE CONCURRENT RESOLUTION NO. 7

AMEND UNIFORM RULES:COM. MEETING NOTICE

Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to notice of committee meetings held during the first week of a first regular session.

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) L.H.A.

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE *[Signature]*

Alaska State Legislature

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FINANCE SUBCOMMITTEE-8
DEPT. OF NATURAL RESOURCES
DEPT. OF COMMERCE & ECONOMIC DEVELOPMENT
DEPT. OF ENVIRONMENTAL CONSERVATION

Representative Joe Green

District 10

Sponsor Statement

HCR 7 - Amending Rule 23(a) of the Uniform Rules

HCR 7 addresses the problem of meeting the public notice requirement of the Uniform Rules during the first week of the first legislative session.

Problem: Uniform Rule 23 (a) states that "the person who chairs the committee" shall provide public notice of a meeting "by 4:00 p.m. on the preceding Thursday." Under this requirement it is technically impossible for a chairman to hold a meeting during the first week of the first legislative session. A member is selected to serve as a chairman (or co-chairman) by the Committee on Committees. Under normal circumstances the Committee on Committees report is in effect until the members of the next legislature are sworn in. So the previous chairman has no authority beyond his/her term as chairman, and the new chairman has already missed the preceding Thursday deadline and can therefore not meet during the first week.

In order to mobilize the committee, prospective new chairmen have for some years dutifully noticed meetings planned for the first week of session by the preceding Thursday deadline, even though they do not yet preside over the committee. The alternative, of course, would be to give notice on the first day of session, and then wait until the following week to hold the first meeting.

Solution: HCR 7 amends the Uniform Rules to allow for a hearing during the first week of the first session to be held after 24 hours notice. Under such a rule, a meeting could be held on the second day of session if notice was given immediately after swearing in and approval of the Committee on Committees report. Such a hearing could only be held for the purposes of an overview or committee organization, as the requirement in Rule 23(a) that a bill or resolution be noticed for a least five days before the first public hearing would still apply.

HCR 7 - Amend Uniform Rule 23(a) by Representative Joe Green

Problem #1: The member who is chairman on the preceding Thursday CEASES to be the chairman on Legislative Day 1 when the new legislature is sworn in.

Problem #2: The chairman selected on legislative Legislative Day 1 had no authority on the preceding Thursday to notice the meeting.

Result: Under strict adherence to the rule meetings scheduled during the first week of the first session fail to meet the public notice requirement..

Solution: HCR 7 allows meetings to be held with 24 hours notice during the first week of session.

M	T	W	Preceding Thursday	F	S	S
M Legislative Day 1	T Legislative Day 2	W Legislative Day 3	TH Legislative Day 4	F Legislative Day 5	S Legislative Day 6	S Legislative Day 7

legislative matter which is consistent with the jurisdiction of the committee. A standing, special, or joint committee which acts between legislative sessions constitutes a subcommittee of the Legislative Council for administrative purposes. A special or joint committee may expend money only in accordance with an appropriation made for the work of the committee.

(d) A committee may not be established unless authorized by law or by the Uniform Rules.

OPEN AND EXECUTIVE SESSIONS

RULE 22. OPEN AND EXECUTIVE SESSIONS. (a) All meetings of a legislative body are open to all legislators, whether or not they are members of the particular legislative body that is meeting, and to the general public except as provided in (b) of this rule.

(b) A legislative body may call an executive session at which members of the general public may be excluded for the following reasons:

(1) discussion of matters, the immediate knowledge of which would adversely affect the finances of a government unit;

(2) discussion of subjects that tend to prejudice the reputation and character of a person;

(3) discussion of a matter that may, by law, be required to be confidential.

(c) When a legislative body desires to call an executive session in accordance with (b) of this rule, the body shall first convene as a public meeting and the question of holding an executive session shall be determined by a majority vote of the members present.

(d) The provisions of this rule may not be interpreted as permitting the exclusion of a legislator from an executive session, whether or not the legislator is a member of the body that is meeting. A legislator not a member of the body holding an executive session shall, however, be subject to the same rules of confidentiality and decorum as pertain to regular members of the body.

COMMITTEE MEETINGS

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.

(f) Each standing, special, and joint committee shall

(1) record its meetings electronically and prepare a log of the recording adequate to locate specific testimony;

(2) prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the house and the senate; the minutes shall include

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment;

(3) maintain a chronological file of minutes, copies of which shall be made available upon request;

(4) make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system;

(5) at the end of the second session of each legislature, deliver to the legislative reference library

(A) a binder that contains an index and copies of all minutes filed by date;

(B) tapes of committee meetings and logs for those tapes prepared under (1) of this subsection; and

(C) a file for each bill or subject considered by the committee that includes written testimony submitted to the committee, state agency position papers and memoranda, bill drafts considered by the committee, letters of intent adopted by the committee, and other materials of research

value.

COMMITTEE REFERRAL AND ACTION

RULE 24. COMMITTEE REFERRAL AND ACTION. (a) A committee acts on all bills referred to it and reports its actions and recommendations to the house as soon as practicable. Committee reports must be in writing and the report must be signed by a majority of the members of the committee. The report will note the recommendation of each member signing the report.

(b) When a bill is reported back by a committee without at least one "Do Pass", unless the bill has a subsequent referral or referrals of record, the presiding officer shall put the question "Shall the bill be referred to the Rules Committee for placement on the calendar for second reading notwithstanding the report of the committee(s)?" If the bill has a subsequent referral or referrals of record, the question shall not be put until the last committee has reported and unless all reports are without at least one "Do Pass". The question is debatable and if a majority of the membership of the house votes in the negative, the bill is lost.

(c) If a committee has more than one bill on the same subject or if it finds it necessary to revise a bill substantially, it may report out a substitute bill and recommend that the substitute be accepted for second reading in the place of the original bill. A committee of the second house may not report a committee substitute for a bill or an amendment to a bill that requires a change in the title of the bill, other than a clerical or technical change, as the title was enacted in the house of origin. Substitute bills are duplicated and distributed when they are reported out by the committee. Committee substitute bills carry a notation of the source or sponsor of the original bill in the manner prescribed by the drafting manual unless the sponsor objects to the name so appearing.

(d) All bills involving appropriations, revenues or bonding must be referred to the Finance Committee before they can be advanced to second reading.

COMMITTEE OF THE WHOLE

RULE 25. COMMITTEE OF THE WHOLE. When the house forms itself into a Committee of the Whole the presiding officer vacates the chair and calls upon a member to preside. The Uniform Rules are observed in the Committee of the Whole but no member shall be recognized a second

Jeff -

A change of plans:

Jeannette doesn't want to hear HB 11 (driver's licenses) yet, but she does want to hear HCR 7 (allowing meetings during first week of session).

SO - I'm scheduling HCR 7 for Tuesday, February 25.

I think I have all the back-up I need, unless you have anything to add.

Thanks,

Barbara/
State Affairs

Barbara 2/19/97

Alaska State Legislature

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DEPT. OF ENVIRONMENTAL CONSERVATION

Representative Joe Green
District 10

Yes

TO: Representative Jeanette James, Chair
House State Affairs Committee

FR: Representative Joe Green *Joe*

RE: HCR 7

DATE: January 29, 1997

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I would appreciate it if you would schedule a hearing for HCR 7, which amends Uniform Rule 23(a).

Simply put, this amendment will allow committee chairmen to meet during the first week of the first legislative session without violating the uniform rules.

Notwithstanding your memo requesting a complete committee packet, I offer only my sponsor statement, a zero fiscal note, and a graphic illustration. The proposed amendment is short, simple, and straightforward, and does not, in my opinion, warrant a sectional analysis. There is no outside group supporting or opposing this legislation so there is no batch of letters or POM's. I would expect supporting testimony to last less than five minutes.

If you have questions please contact my office.

Thank you for your consideration.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

NO. _____
BILL VERSION: HCR 7
PUBLISH DATE: _____

Revision Date: _____ Department Affected: Legislative Affairs Agency
Title: Proposing an amendment to the Uniform... relating to notice of committee meetings held during.... BRU: All
Sponsor: Representative Green Component: All
Requestor: Representative Green

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Karla Schofield, Deputy Director Phone: 465-3852
Division: Administrative Services Date: 1/29/97

Approved By: Pamela A. Varni, Executive Director Date: 1/29/97
Agency: Legislative Affairs Agency

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov. , & Impacted Agency(ies).