

HB 310/

HB 312

CONF.

COMM.

4/4/08

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FILE



Official Business

Alaska State Senate

Conference Committee

On HB 310 and HB 312

Draft

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

April 1, 2008

The Honorable Lyda Green
President
Alaska State Senate
Juneau, Alaska

The Honorable John Harris
Speaker
House of Representatives
Juneau, Alaska

Dear Ms. President and Mr. Speaker,

The Conference Committee considering:

CS FOR HOUSE BILL NO. 310(FIN) am

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska; and providing for an effective date."

CS FOR HOUSE BILL NO. 312(FIN)

"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

and

SENATE CS FOR CS FOR HOUSE BILL NO. 310(FIN) am S(brf sup maj fld S)

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; and providing for an effective date."

SENATE CS FOR CS FOR HOUSE BILL NO. 312(FIN)

"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

respectfully requests limited powers of free conference on the appropriations and language that are not identical in House and Senate versions of HB 310 and in House and Senate versions of HB 312.

HOUSE MEMBERS:

Rep. Chenault

Rep. Meyer

Rep. Joule

SENATE MEMBERS:

Sen. Hoffman

Sen. Stedman

Sen. Dyson

**Allocations in Section 1 that are Identical
HB 310 and HB 312**

Department of Administration

- Centralized Administrative Services
 - DOA Leases
 - Centralized Human Resources
 - Group Health Insurance
 - Labor Agreements Miscellaneous Items
 - Centralized ETS Services
- Leases
 - Leases
- State Owned Facilities
 - Non-Public Building Fund Facilities
- Administration State Facilities Rent
 - Administration State Facilities Rent
- Special Systems
 - Unlicensed Vessel Participant Annuity Retirement Plan
 - Elected Public Officers Retiremer' System Benefits
- Information Services Fund
 - Information Services Fund
- Public Communications Services
 - Public Broadcasting Commission
 - Public Broadcasting - T.V.
 - Satellite Infrastructure
- AIRRES Grant
 - AIRRES Grant
- General Services Facilities Maintenance
 - General Services Facilities Maintenance
- ITG Facilities Maintenance
 - ETS Facilities Maintenance

Department of Commerce, Community, and Economic Development

- Revenue Sharing
 - Payment in Lieu of Taxes (PILT)
 - National Forest Receipts
 - Fisheries Taxes
- Qualified Trade Association Contract
 - Qualified Trade Association Contract
- QTA Independent Traveler Grants
 - QTA Independent Traveler Grants
- Alaska Industrial Development and Export Authority
 - Alaska Industrial Development Corporation Facilities Maintenance
- Alaska Energy Authority
 - Alaska Energy Authority Owned Facilities
 - Alaska Energy Authority Rural Energy Operations
 - Alaska Energy Authority Technical Assistance
 - Alaska Energy Authority Power Cost Equalization
- DCED State Facilities Rent
 - DCED State Facilities Rent

Department of Corrections

- Administration and Support
 - DOC State Facilities Rent
- Population Management
 - Facility Maintenance
 - Community Jails
 - Inmate Transportation

**Allocations in Section 1 that are Identical
HB 310 and HB 312**

Point of Arrest

Department of Education and Early Development

- K-12 Support
 - Pupil Transportation
 - Boarding Home Grants
 - Youth in Detention
 - Special Schools
 - Alaska Challenge Youth Academy
- Teaching and Learning Support
 - Statewide Mentoring Program
- State Facilities Maintenance
 - State Facilities Maintenance
 - EED State Facilities Rent
- Alaska Postsecondary Education Commission
 - WWAMI Medical Education

Department of Environmental Conservation

- Administration
 - State Support Services
- DEC Buildings Maintenance and Operations
 - DEC Buildings Maintenance and Operations

Department of Fish and Game

- Administration and Support
 - State Facilities Maintenance
 - Fish and Game State Facilities Rent
- Habitat
 - Habitat

Office of the Governor

- Commissions/Special Offices
 - Commemorative Coin Commission
- Executive Operations
 - Contingency Fund
 - Arctic National Wildlife Refuge
 - Executive Contingency Appropriation
 - AK Resources Marketing and Development
 - Alaska Energy and Endangered Species Act Issues
- Office of the Governor State Facilities Rent
 - Governor's Office State Facilities Rent
 - Governor's Office Leasing
- Branch-wide Unallocated Reductions
 - Unallocated Reduction
- Fuel Branch-Wide Unallocated
 - Fuel Branch-Wide Unallocated

Department of Health and Social Services

- Behavioral Health
 - AK Fetal Alcohol Syndrome Program
 - Behavioral Health Medicaid Services
 - Community Action Prevention & Intervention Grants
 - Rural Services and Suicide Prevention
 - Psychiatric Emergency Services
 - Designated Evaluation and Treatment
- Children's Services

**Allocations in Section 1 that are Identical
HB 310 and HB 312**

- Children's Medicaid Services
- Children's Services Training
- Family Preservation
- Foster Care Base Rate
- Foster Care Augmented Rate
- Foster Care Special Need
- Subsidized Adoptions & Guardianship
- Residential Child Care
- Children's Trust Programs
- Child Protection Legal Services

Health Care Services

- Catastrophic and Chronic Illness Assistance (AS 47.08)

Juvenile Justice

- Delinquency Prevention
- Youth Courts

Public Assistance

- Alaska Temporary Assistance Program
- Adult Public Assistance
- General Relief Assistance
- Tribal Assistance Programs
- Senior Benefits Payment Program
- Permanent Fund Dividend Hold Harmless

Public Health

- Emergency Medical Services Grants
- Tobacco Prevention and Control

Senior and Disabilities Services

- General Relief/Temporary Assisted Living
- Senior Residential Services
- Community Developmental Disabilities Grants

Departmental Support Services

- Office of Program Review
- Assessment and Planning
- Medicaid School Based Administrative Claims
- Facilities Maintenance
- Pioneers' Homes Facilities Maintenance
- HSS State Facilities Rent

Boards and Commissions

- Pioneers Homes Advisory Board

Human Services Community Matching Grant

- Human Services Community Matching Grant

Department of Labor and Workforce Development

Commissioner and Administrative Services

- Office of Citizenship Assistance
- Human Resources
- Leasing

Workers' Compensation and Safety

- Workers' Compensation Benefits Guaranty Fund
- Alaska Safety Advisory Council

Workforce Development

- Adult Basic Education
- AVTEC Facilities Maintenance
- Kotzebue Technical Center Operations Grant
- Yuu't Elitnaurviat, Inc. People's Learning Center Operations Grant
- Northwest Alaska Career and Technical Center

AGIA Workforce Training Program

**Allocations in Section 1 that are Identical
HB 310 and HB 312**

Workforce Training Information Services
Regional Training Center Development and Coordination Grants
Cooperative Training
Vocational Rehabilitation
Independent Living Rehabilitation
Special Projects
Americans With Disabilities Act (ADA)

Department of Law
Administration and Support
 Dimond Courthouse Public Building Fund
BP Corrosion
 BP Corrosion

Department of Military and Veterans Affairs
Military and Veteran's Affairs
 Local Emergency Planning Committee
 Air Guard Facilities Maintenance
 State Active Duty
Alaska National Guard Benefits
 Educational Benefits
 Retirement Benefits

Department of Natural Resources
Resource Development
 Gas Pipeline Office
 Non-Emergency Hazard Mitigation Projects
 Agriculture Revolving Loan Program Administration
 Human Resources Chargeback
 DNR Facilities Rent and Chargeback
 Facilities Maintenance
 Development - Special Projects
Fire Suppression
 Fire Suppression Activity

Department of Public Safety
Alaska State Troopers
 Special Projects
 Search and Rescue
 Rural Trooper Housing
Village Public Safety Officer Program
 Support
Council on Domestic Violence and Sexual Assault
 Batterers Intervention Program
Statewide Support
 Alaska Wing Civil Air Patrol
Statewide Facility Maintenance
 Facility Maintenance
DPS State Facilities Rent
 DPS State Facilities Rent

Department of Revenue
Taxation and Treasury
 Alaska Retirement Management Board
 Alaska Retirement Management Board Custody and Management Fees
Administration and Support

**Allocations in Section 1 that are Identical
HB 310 and HB 312**

- State Facilities Rent
- Alaska Municipal Bond Bank Authority
 - AMBBA Operations
- Alaska Housing Finance Corporation
 - AHFC Operations
- Anchorage State Office Building
- Alaska Permanent Fund Corporation
 - APFC Custody and Management Fees

- Department of Transportation & Public Facilities
 - Administration and Support
 - Leased Facilities
 - Human Resources
 - Highways, Aviation and Facilities
 - Traffic Signal Management
 - Whittier Access and Tunnel
 - International Airports
 - Fairbanks Airport Facilities
 - Fairbanks Airport Field and Equipment Maintenance
 - Marine Highway System
 - Overhaul

- University of Alaska
 - UAA Small Business Development Center
 - Small Business Development Center

- Legislature
 - Budget and Audit Committee
 - Legislature State Facilities Rent
 - Legislative Council
 - Salaries and Allowances

- Debt Service
 - Debt Service
 - Debt Retirement Fund (Capitalize Fund)
 - Alaska Clean Water Fund Revenue Bonds
 - Alaska Drinking Water Fund Revenue Bonds
 - Capital Project Debt Reimbursement
 - Certificates of Participation
 - Department of Administration Obligations
 - General Obligation Bonds
 - International Airport Revenue Bonds
 - Municipal Jail Construction Reimbursement
 - School Debt Reimbursement
 - Sport Fish Hatchery Bonds

- Fund Capitalization
 - Land Capitalization
 - Alaska Children's Trust
 - Alaska Clean Water Fund
 - Alaska Drinking Water Fund
 - AMHS Stabilization Fund
 - Disaster Relief Fund
 - Fish and Game Fund
 - Fish and Game Revenue Bond Redemption Fund
 - Alaska Municipal Bond Bank Authority Reserve Fund

**Allocations in Section 1 that are Identical
HB 310 and HB 312**

Oil and Hazardous Substance Release Prevention Account
Permanent Fund Dividend Fund
Deposits to Permanent Fund Principal
Power Cost Equalization and Rural Electric Capitalization Fund
Power Cost Equalization Endowment
Public School Trust Fund

Public Education Fund
 Public Education Fund
 Public Education Fund

Appropriations to Retirement Accounts
 Direct PERS
 School District PERS
 Other PERS
 Direct TRS
 School District TRS
 Other TRS
 Military
 Unfunded Liability

Special Appropriations
 Special Appropriations
 AK Advantage Education Grants
 Oil and Gas Tax Credit Fund

HB310 and HB312 LANGUAGE SECTIONS NOT SUBJECT TO CONFERENCE

HB 310

House	Senate	Description
4(a)	4(a)	Legislative Intent - FY09 amount appropriated is full amounts for FY09
5	5	Costs of Job Reclassifications
6	6	Personal Services Transfers
7	7	Alaska Aerospace Development Corporation
8	8	Alaska Permanent Fund Corporation
9	9	Department of Administration
10	10	Department of Commerce, Community, and Economic Development
13	15	Department of Labor and Workforce Development
14	16	Department of Military and Veterans' Affairs
15(a)	17(a)	Department of Natural Resources--Fire Suppression
16	18	Department of Public Safety
17	19	Department of Revenue
18	20	Office of the Governor
19	21	University of Alaska
20	22	Federal and Other Program Receipts
21(a)&(b)	23(a)&(b)	Fund Transfers (ADRF & PCE Fund)
21(f)-(t)	23(d)-(r)	Various fund transfers
22	24	Bond Claims
23	25	Retained Fees and Bankcard Service Fees
24(b)	26(b)	University Salary & Benefit Adjustments
25	27	Shared Taxes and Fees
26	28	State Debt and Other Obligations
27(b)	29(a)	Constitutional Budget Reserve Fund - Unrestricted Interest

HB 312

House	Senate	Description
7	7	Purpose
8	8	Nongeneral Fund Receipts
9(b)-(d)	9(b)-(d)	Salary and Benefit Adjustments

UNIFORM RULES

RULE 42. CONFERENCE AND FREE CONFERENCE COMMITTEES.

(a) If one house refuses to concur in the amendments of the other it so notifies the amending house and requests that it recede from its amendments. The vote on receding from amendments is taken by the calling of the roll and the recording of the yeas and nays in the journal. A house recedes from its amendments only by a majority vote of the full membership of the house. If the house refuses to recede, the presiding officer of each house appoints three members to sit as a Conference Committee. The committee meets when mutually agreeable to its members. If the committee reaches agreement on previously adopted amendments to a bill adopted by either house, the committee then submits an identical report to each house. The report is not subject to amendment in either house. If the report is adopted by each house the bill is enrolled, signed, and transmitted to the governor. If the members of the Conference Committee cannot agree on amendments, or if on or both houses refuses to adopt the committee report, the Conference Committee submits an identical written report to each house listing the specific points of disagreement for which the committee requests powers of free conference. The presiding officer of each house may then give limited powers of free conference only on the specific points listed. If the members of a Conference Committee with limited powers of free conference cannot agree on amendments, or one or both houses refuses to adopt the committee report, it is then in order to appoint a Free Conference Committee. A member who served on a Conference Committee or a Conference Committee with limited powers of free conference may not be appointed to a subsequent Conference Committee or Free Conference Committee concerning the same measure. The vote on adoption of a conference committee report is taken by the calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a majority vote of the full membership of each house.

(b) A Free Conference Committee is appointed in the same manner as a Conference Committee and may suggest in its report any new amendments clearly germane to the question. When a majority of the membership of the committee from each house agrees on amendments, the amendments are attached to the bill and reported back to each house in an identical report. The report is not subject to amendment in either house. If the report is adopted in each house, the bill is then ordered enrolled by its house of origin. If the members of a Free Conference Committee fail to agree on amendments or one or both houses refuses to adopt the free conference report, a second Free Conference Committee may be appointed, but no member of the first committee may be reappointed. A free conference report on a measure other than an appropriation bill may not be voted on by the house until at least 24 hours after the report is duplicated and delivered to the chief clerk or secretary of the house for distribution to each member. The chief clerk or secretary shall certify the time of delivery of the report for recording in the journal. The vote on adoption of a free conference committee report is taken by the calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a majority vote of the full membership of each house.

(c) A Conference Committee with limited powers of free conference or a Free Conference Committee may not include in its report on an appropriation bill an item which was not included in a version of that appropriation bill adopted in third reading by a house and the amount appropriated by an item may not exceed the higher amount appropriated by that item in a version of the bill adopted in third reading by a house. An item in an appropriation bill includes a line item, an allocation, and an appropriation. The report on an appropriation bill of a Conference Committee, a Conference Committee with limited powers of free conference, or a Free Conference Committee may not be voted on by the house until at least 24 hours after the report is duplicated and delivered to the chief clerk or secretary of the house for distribution to each member. The chief clerk or secretary shall certify the time of delivery of the report for recording in the journal.

(d) Notwithstanding the provisions of (c) of this rule, a Free Conference Committee may consider and include in its report on an appropriation bill appropriations as requested by attached fiscal notes on new legislation and resolutions that have been passed by both houses.

(e) A Conference Committee, a Conference Committee with limited powers of free conference, or a Free Conference Committee may not adopt a report that requires a change in the title of a bill other than a clerical or technical change.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 22, 1999

SUBJECT: Powers of a Conference Committee on an appropriation bill

TO: Representative Eldon Mulder, Co-Chair
House Finance Committee
Attn: Dennis Dewitt

FROM: Tamara Brandt Cook
Director *TBC*

You have asked for an explanation of the role of a Conference Committee that is dealing with an appropriation bill. If the committee agrees on amendments previously adopted by either house, it can issue a report to each house to that effect under Uniform Rule 42(a). So, without limited powers, a Conference Committee may only consider an appropriation item as it was originally adopted by the house of origin and the item as amended by the second house, and then choose between the two. Note that items that are the same in both versions cannot be "amendments" and are, therefore, not subject to change by a Conference Committee.

If the Conference Committee cannot reach agreement as to amendments with respect to a specific appropriation item, it may request limited powers to enable it to compromise on that item. If disagreements remain even with limited powers of free conference or if one or both houses refuses to adopt a report by the Conference Committee, a Free Conference Committee may be appointed. However, a member who served on a Conference Committee may not be appointed to a subsequent Free Conference Committee.

Under Uniform Rule 42(e) no Conference Committee of any type may adopt a report that requires a change in the title of a bill. In addition, with respect to appropriation bills, there are special limits designed to limit increases in the budget that apply to both Conference Committees with limited powers of free conference and Free Conference Committees. Note that decreases in items are permitted, with appropriate free conference powers. Uniform Rule 42(e) provides:

(c) A Conference Committee with limited powers of free conference or a Free Conference Committee may not include in its report on an appropriation bill an item which was not included in a version of that appropriation bill adopted in third reading by a house and the amount appropriated by an item may not exceed the higher amount appropriated by that item in a version of

Representative Eldon Mulder, Co-Chair
April 22, 1999
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the bill adopted in third reading by a house. An item in an appropriation bill includes a line item, an allocation, and an appropriation.

Under Uniform rule 42(d) there is an exception to the prohibition against adding new appropriation items to permit new appropriations requested by fiscal notes on new legislation. Note that this exception literally permits new items to be added only by a Free Conference Committee. Nevertheless, it has become the practice for a Conference Committee with limited powers of free conference to add fiscal note items. Because (d) was intended as a means to allow funding for new legislation rather than a limitation on the conference committee process, I believe that the amount "requested" in a fiscal note can be changed by the Conference Committee before it is included in the budget.

Please let me know if this memorandum prompts additional questions.

TBC:glc
99-203.glc

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Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

May 3, 2007

SUBJECT: Notice for conference committee meetings; notice required for vote on a conference committee report

TO: Representative Mike Chenault
Co-chair of the House Finance Committee
Attn: Louanne Christian

FROM: Tamara Brandt Cook
Director *TBC*

(1) What notice requirements apply to meetings of conference committees?

The notice requirements of Uniform Rule 23 apply to standing, special, and joint committees. It appears that the Rule is intended to apply to special and joint committees of the types formed under Uniform Rule 21 rather than to conference committees which are actually separate committees that meet jointly. (Mason's Manual, sec. 770(2)) There is no provision in the Uniform Rules that addresses a notice requirement applicable to conference committees. Nonetheless, the open meetings guidelines set in the legislative ethics law apply to conference committees, so meetings of conference committees are subject to open meetings requirements, including some form of notice. (AS 24.60.037(g)(2)(A)(iv)) Under the open meetings statute applicable to the executive branch and to municipalities, reasonable public notice of meetings is required and the notice must include the date, time, and place of the meeting. (AS 44.62.310(e)) This is the notice requirement that the legislature has applied to meetings of conference committees for many years, so, as a matter of past practice, it is reasonable to assume that this is the notice requirement that continues to apply to conference committee meetings. Obviously, what is reasonable notice will depend upon the circumstances under which a conference committee is meeting. If there is ample time remaining in a legislative session, it may be reasonable to provide several days' notice. On the other hand, in the face of an imminent adjournment, a notice provided only a few hours, or even minutes, in advance of a conference committee meeting may constitute reasonable notice.

(2) What are notice requirements for a concurrence vote on a conference committee report?

Under Uniform Rule 42(b), a free conference committee report may not be voted on until at least 24 hours after the report is duplicated and delivered to the chief clerk or secretary for distribution to each member. Under Rule 42(c), a report on an appropriation bill from a Conference Committee, with or without limited powers of free conference, or from a Free Conference Committee may not be voted on until at least 24 hours after the report is

Representative Mike Chenault

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duplicated and delivered for distribution to the chief clerk or secretary. Note that the chief clerk and secretary are required to certify the time of delivery of a report and record that time in the journals. There is no provision for waiving the 24-hour rules imposed under Uniform Rule 42, although those requirements could be suspended under Rule 54 by concurrent resolution concurred in by two-thirds vote of the full membership of each house. Nonetheless, I have noted one instance when the 24-hour requirement of Rule 42(c) was unanimously suspended upon a motion to do so made in the Senate. (Senate Journal, page 568, March 16, 1999)

TBC:ljw

07-249.ljw