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**COMMITTEE
BUSINESS**

<TARGET><BILL></BILL><SUBJECT>1-19-11 COMMITTEE
BUSINESS</SUBJECT><COMM>HFIN27</COMM></TARGET>

ALASKA STATE LEGISLATURE HOUSE FINANCE COMMITTEE

Representative Bill Thomas
Co-Chairman
(907) 465-3732
Fax: (907) 465-2652
Rep.Bill.Thomas@legis.state.ak.us

State Capitol, Rm 505
Juneau, AK 99801



Representative Bill Stoltze
Co-Chairman
(907) 465-4958
Fax: (907) 465-4928
Rep.Bill.Stoltze@legis.state.ak.us

State Capitol, Rm 515
Juneau, AK 99801

State Capitol, Juneau, Alaska 99801-1182

HOUSE FINANCE COMMITTEE RULES

TIME:

1:30 p.m. to 3:30 p.m. (longer if necessary)

Please notify the appropriate Co-Chairman if you must be absent from or leave during a meeting:

Rep. Stoltze-legislation/Capital Budget

Rep. Thomas-Operating/Supplemental Budgets

If possible let the Chairmen's offices know where you can be reached in case you are needed for a vote or to establish a quorum. Members must be present to vote on passage of a bill from committee and to sign committee reports.

If you are requesting an excused absence from the Call of the House, both Co-Chairmen must approve the absence from committee. Once approved by the Co-Chairmen, please bring a copy of the excused absence to Capitol 505.

COMMITTEE QUORUM AND VOTING RULES:

A quorum of the majority of the committee membership (six members) is necessary to vote or take any Committee action.

If fewer than eleven members are present, motions to amend may be adopted by a majority of those present, but under no conditions will the number of votes required for adoption of an amendment be less than five.

Members participating via teleconference may be considered for the purposes of establishing quorum.

CONFLICTS OF INTEREST/ABSTENTION FROM VOTING

It is not required to request to abstain from voting to report a bill from committee due to conflict of interest. However, if members would like to declare a conflict of interest and request to abstain from voting, they may.

11/19/11

AMENDMENTS:

When possible, amendments should be drafted by Legislative Legal Services to ensure conformity and legality. This will facilitate the transmittal of amended legislation.

All amendments to legislation **must** be turned into the appropriate Co-Chairman's office **24 hours prior** to a bill hearing in House Finance. This will be strictly enforced. We will hold bills over if amendments need to be done but are not submitted 24 hours ahead.

COMMITTEE REPORTS

Members must be present to sign the committee report. Please do not leave the room before signing. Staff is unable to track down members for their signature. A legal memo is attached concerning the signing of committee reports.

DRAFT HFC COMMITTEE SUBSTITUTES

Only the Chairmen and their staff may request draft House Finance Committee Substitutes. Members may request blank committee substitutes or submit their requests as amendments.

TELECONFERENCE PARTICIPATION:

When necessary, members may participate via teleconference. They may vote on amendments and any other committee action. However, they may not vote to move a bill from committee. A member must be physically present to vote on the passage of a bill from committee. Attached is a memo from legal regarding teleconference participation.

NOTICE REQUIREMENTS:

Written notice of the time, place, and subject matter of all House Finance Committee meetings shall be given in accordance with Rule 23 of the Uniform Rules.

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 29, 1999

SUBJECT: Signing Committee Reports (Uniform Rule 24))

TO: Representative Gene Therriault, Co-chair, House Finance Committee
Attn: Louanne Christian

FROM: Tamara Brandt Cook
Director *TBC*

You have asked about the proper procedure for obtaining the signatures on committee reports required under Uniform Rule 24(a). It is my understanding that reports are routinely signed after a committee meeting adjourns. The better practice would be to sign the reports after the vote is taken to report the bill from committee and before the committee adjourns. This is because a committee may only act during a meeting and by vote. (Mason's Manual, secs. 520 and 625) The signing of a committee report authenticates the report and "is the act of the committee itself..." (Mason's Manual, sec. 674) Since the signing of a committee report is an official act, it should occur during a committee meeting and, obviously, only members who participated in the vote to move the bill from committee should sign the report. Otherwise, it is not clear that the committee acted to report the bill out by affirmative vote.

Mason's Manual supports the view that a committee report should not be circulated outside of the committee process for signatures. Sec. 613(A)(1) states in part: "The quorum of a committee must meet formally to transact business, and opinions of members of a committee cannot be taken separately, nor should a report be circulated securing signatures of a majority of the members of a committee and this report be submitted as a report of the committee."

If action is taken to report a bill from committee outside of an open meeting, by the private signing of a report, that might also be viewed as the taking of action in violation of open meetings principles, a violation of the Legislative Ethics Act. (AS 24.60.037)

TBC:pl
99-064.plm

1/19/11

ATT

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LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

FEB 08 2005

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Mail Stop 3101

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

MEMORANDUM

February 8, 2005

SUBJECT: Committee quorum

TO: Representative John Coghill
Majority Leader
Attn: Rynniva Moss

FROM: Tamara Brandt Cook *TBC*
Director

Given the holding that a committee member who attends a meeting by teleconference may not vote to report a bill from committee because of the signature requirement under Uniform Rule 24, you ask whether that member may be counted for purposes of establishing a committee quorum. The member present by teleconference should be considered for purposes of establishing the quorum. Mason's Manual in sec. 503(1) states:

A quorum is determined by the number of members present, not by the number voting. The fact of a quorum is not dependent upon the number who participate in the proceedings and vote. If the number necessary to make a quorum is present, it makes no difference how many or how few actually participate in the discussion. A quorum is presumed to be present until the absence of a quorum is determined.

TBC:lmb
05-041.lmb

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MEMORANDUM

January 13, 2003

SUBJECT: Uniform Rules--votes in committee by teleconference (Uniform Rule 24)

TO: Representative William Williams

FROM: Tamara Brandt Cook
Director *TBC*

The legislature has for very many years conducted committee meetings utilizing teleconferencing. The Open Meetings Law (AS 44.62.310) specifically permits meetings of governmental bodies to be conducted by teleconference. That law applied to the legislative branch until it was amended in 1994. Now there is no explicit authority for legislative committees to meet by teleconference, nor is it prohibited. Committees continue to meet and act regularly via teleconference.

Despite AS 44.62.310 (when it applied to the legislature) and up to the present, the legislature has, at least from time to time, taken the position that, while a vote on any other matter coming before the committee is in order, a member may not vote by teleconference to report a bill from committee. This exception to the general rule permitting participation by teleconference is based upon the requirement in Uniform Rules that the committee report be signed by a majority of the members of the committee. Obviously, a person who is absent can not sign the report and the Rule contains no mechanism to permit the absent member to delegate the signature power to another person.

Note that it is not proper to construe the requirement under Rule 24(a) to permit members who had not voted on the issue of reporting a bill out to sign the report. This is because a committee may only act by the taking of a vote at a meeting. (Mason's Manual, sec. 520(1), 625) Furthermore, a committee report may not be circulated outside of the committee process for signatures. (Mason's Manual, sec. 613(A)(1))

The last point of order on this issue that I recall was in 1992 when a report of the Judiciary Committee was challenged because one member voted by teleconference to report the bill out. The presiding officer accepted the committee report, but ruled that members would not, in the future, be allowed to vote by teleconference to report a bill out. No appeal from the ruling was taken. (House Journal, March 6, 1992, p. 2636)

Representative William Williams

January 13, 2003

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There has been some interest in changing the rule against voting to report a bill from committee by teleconference. In the Fourteenth Legislature HCR 60 was introduced to specifically permit those votes, and during the Twentieth Legislature HCR 9 was introduced which would have had that affect. Neither resolution was adopted.

TBC:med

03-029.med

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MEMORANDUM

April 17, 2005

SUBJECT: Abstention from voting (Uniform Rule 34(b))

TO: Representative Kevin Meyer
Attn: Suzanne Cunningham

FROM: Tamara Brandt Cook *TBC*
Director

You indicate that you understand that on the House floor a member is required to declare a conflict of interest and ask for consent to be excused from voting. You ask whether a similar requirement applies at the committee level during a vote to report a bill from committee.

Actually, there is no requirement that a member declare a conflict of interest before voting on the floor, although that seems to have become a practice. The Uniform Rules only set out a process for asking to abstain from voting, but do not require that the request be placed. Rule 34(b) states:

(b) Abstention. Every member present in the house shall vote unless the house for special reasons permits a member to abstain. All motions excusing a member from voting shall be made before the house divides or before the call for the yeas and nays is commenced. A member requesting to be excused from voting may make a brief oral statement of the reasons for the request and the question of granting permission to abstain shall be taken without further debate. A member may not explain a vote, may not discuss the question while the yeas and nays are being called, and may not change a vote after the roll call result has been announced. Upon division and count of the house of any question a member who is not within the chamber may not be counted. A member may not be permitted to abstain except upon the unanimous consent of the membership.

Rules of procedure at the committee level are less formal than those on the floor. However, to the extent that they fit within the context of a committee meeting, the Uniform Rules apply to committee meetings. Therefore, a committee member may request to abstain from voting to report a bill from committee due to conflict of interest. If it is the practice to do so on the floor, such a motion is appropriate at the committee level as well.

TBC:jad
05-217.jad

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Attn: Rynnieva Moss

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TBC:lmb
05-041.lmb

MEMORANDUM

TO: House Finance Committee members
FROM: Louanne Christian, LFD Support Staff Supervisor
DATE: January 19, 2010

Introductions

- Non-partisan Division of Legislative Finance support staff work at the direction of both co-chairs to provide clerical and secretarial support for both House and Senate Finance committees.
- Staff hours are staggered to assure committee coverage between 7:30 - 6 pm. There will also be at least one person available between 10 am and 2 pm Saturdays.
- During meetings, a LFD support staff member will be seated in the front row near the fire escape to pass notes or otherwise assist members.
- Our staff provides support with **logistical issues**: teleconference requests, missing bill files, supplies, etc... All **policy** issues **MUST** go through the chairman's office.

Supplies

- Each member has a box at their position on the table, which is kept supplied with a pen, pencil, notepads, etc. Anything left at your spot not related to a bill hearing will be put in your box. If your box gets too full we will call your staff to empty them.
- Members are also provided with two drawers for their bill files and other materials (see bill files below).

Recording

- Each member has a recording microphone located before them. The light on the microphone simply indicates power.
- There is a red light located above the recording panel behind the teleconference operator, which indicates when the feed is going to the recording system and media.
- Please make sure to speak in the general direction of the microphone when addressing the committee or testifiers.
- Use the mute function on the microphone to avoid background conversations from being picked up and recorded.

- We record digitally; the unedited digital recordings will be posted on the Internet immediately after the meetings.

Resources

- A room copy, by department, of the governor's proposed operating budget detailed budget books is located on the wall nearest the door.
- Short forms of the governor's proposed budget by department are located in the 5th floor copy room.
- There are two copies of the Alaska Statutes located in the committee room: One behind the co-chairs, and one under the windows near the fire escape.
- A copy of the Administrative code books is located behind the vice-chair.

Bill files

- Bill files are made up for each member once a bill is scheduled in Committee.
- Prior to the meeting they are filed in the top drawer under its scheduled hearing day.
- The day of the meeting files are placed on the table in order of the agenda.
- Any new documents received for a file that has been removed will be placed on the table.

Weekly schedules

- The weekly schedule is distributed to your office via email. A copy is also posted on the bulletin board outside of the committee room.

Room Use

- Use of the House Finance Committee room for legislative hearings or subcommittee meetings is coordinated through Representative Thomas' office.

House Legislative Finance Division Support Staff

Helen Philips, Committee Assistant

Matt Gruening, Committee Clerk

Christine Marie, Secretary/Editor

Bree Simpson, Secretary

Marta Lastufka, House/Senate Finance Committee Page

ALASKA STATE LEGISLATURE

HOUSE FINANCE COMMITTEE

Rep. Bill Stoltze, Co-Chair
State Capitol, Room 515
Juneau, AK 99801-1182
Phone (907) 465-4958



Official Business

MEMORANDUM

TO: Alaska State Legislators
FROM: Representative Bill Stoltze *DS*
House Finance Committee
DATE: January 18, 2010
SUBJECT: House Finance Committee Hearing Request Procedures

The House Finance Committee normally meets Monday - Friday at 1:30 p.m. in the House Finance Committee Room 519.

Scheduling

To request a hearing before the House Finance Committee, the bill's primary sponsor must submit a hearing request to the committee's email account: House_Finance_Legislation@legis.state.ak.us. The deadline for submitting requests for the following week is noon on Tuesdays.

Emails containing hearing requests or additional backup information for bill hearings should begin with the bill number and contain the following information

- Name and contact information of staff member assigned to the legislation
- Teleconference requirements
- Special Equipment Requests - projectors, whiteboards, A/V, etc.

Attach the following support documentation separately in Word or pdf form.

- Hearing Request
- Sponsor Statement.
- Explanation of Changes - a brief description tracking the changes that have occurred between the originally introduced bill and the version before the Senate Finance Committee
- Sectional Analysis - required only for complex or lengthy legislation, an easily understood breakdown and explanation of each section of the legislation
- Position Papers, Research, Legal Opinions

Additional Support Material or Background Information can be combined

- Letters in Support/Opposition
- Newspaper articles
- Internet articles, submitted in a concise, easily readable format.

All files should begin with the bill number and contained sufficient information to identify the contents. Example:

SB 153 Hearing request
SB 153 Sponsor Statement
SB 153 Sectional Analysis
SB 153 Legal Opinion dated 040109
SB 153 DNR memorandum
SB 153 Newspaper articles

Backup will be posted to BASIS when the legislation is scheduled for a hearing.

**AUTHORSHIP MUST BE CLEARLY STATED ON ALL BACKUP MATERIALS
SUBMITTED TO THE COMMITTEE.**

Backup

Anything distributed to the committee must be approved by the co-chair's office.

Amendments

Only House Finance Committee members may offer amendments in committee. Amendments proposed by the bill sponsor should be submitted 24 hours in advance of the scheduled hearing and discussed with the Chairman prior to the hearing. To ensure conformity and legality, whenever possible, amendments should be drafted by Legislative Legal Services.

Requests to Waive a Bill from Committee

Only bills with zero or very minimal fiscal impact will be considered for a waiver. All House Finance Committee members must agree before a bill can be waived from Committee. Sponsors should obtain written approval from all House Finance Committee members before submitting a waiver request (forms can be obtained from my office).

Feel free to contact me, or my office, if you have any questions.

Thank you for your cooperation.