

**COMMITTEE
INTRODUC-
TIONS,
HOUSE-
KEEPING**

<TARGET><BILL></BILL><SUBJECT>COMMITTEE INTRODUCTIONS,
HOUSEKEEPING</SUBJECT><COMM>HFIN29</COMM></TARGET>

ALASKA STATE LEGISLATURE HOUSE FINANCE COMMITTEE

Representative Mark Neuman
Co-Chairman
(907) 465-2679
Rep.Mark.Neuman@akleg.gov



Representative Steve Thompson
Co-Chairman
(907) 465-3004
Rep.Steve.Thompson@akleg.gov

Alaska State Capitol Building- Rm 513

Alaska State Capitol Building- Rm 515

January 21, 2015

HOUSE FINANCE COMMITTEE RULES

TIME:

1:30 p.m. to 3:30 p.m. (longer meetings and additional meeting times when necessary).
Please notify the appropriate Co-Chair if you must be absent from or leave during a meeting:

Representative Neuman, Operating and Supplemental Budgets
Representative Thompson, Legislation and Capital Budget

If possible let the Chairs 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-Chairs must also approve the absence from committee. Start the excused absence request process by bringing a copy of the request to Rep. Thompson, Capitol 511.

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. Attached is a memo from Legal Services regarding committee 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 (see attached legal memo).

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-Chair'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 (see attached legal memo).

DRAFT HFC COMMITTEE SUBSTITUTES

Only the Co-Chairs and their staff may request draft House Finance Committee Substitutes.

TELECONFERENCE PARTICIPATION:

When necessary, members may participate via teleconference. They may vote on amendments and any other committee action. However, members 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 (see attached legal memo).

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.

ELECTRONIC DEVICES:

Members may not use electronic devices at the committee table during official committee business.

OTHER

Committee alternates will be called to serve on the Finance Committee at the discretion of the Co-Chairs.

Attachment:

Gardner memo dated January 19th, 2015

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

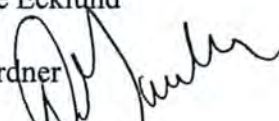
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 19, 2015

SUBJECT: House Finance Committee Procedural Questions

TO: Representative Mark Neuman
Attn: Pete Ecklund

FROM: Doug Gardner 
Director

Mr. Ecklund of your office asked the following four questions regarding matters of legislative procedure.

1. Legislators Declaring Conflicts Before Voting During Committee Hearings

You asked if a legislator is required, under Uniform Rule 34(b) and AS 24.60.030(g), to declare a conflict of interest and request to abstain from voting during a committee meeting, like the practice before voting on the House floor. The brief answer is that the Select Committee on Legislative Ethics has applied AS 24.60.030(g) to voting on the floor, requiring a member to abstain from voting unless required by the body, but has not applied AS 24.60.030(g) to votes in committees; so members may, as has been the practice in committee, declare a conflict, but proceed to vote on the matter.

Uniform 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.

Legislators must declare a conflict by following Uniform Rule 34(b), before voting on a bill on the floor. However, in a committee meeting, the practice has been not to strictly follow the Uniform Rules, including Uniform Rule 34(b). Based on the practice of legislative committees not strictly following the Uniform Rules in committee, the Select

Committee on Legislative Ethics has advised that AS 24.60.030(g) should not be applied to committee meetings. In Advisory Opinion 04-02 in 2004,¹ the Select Committee on Legislative Ethics advised:

Application of AS 24.60.030(g)² to voting in committee

The committee also finds for purposes of this opinion that *AS 24.60.030(g) should not be applied to voting in committees*. AS 24.60.030(g) requires a legislator not to vote on a matter unless required to vote by the Uniform Rules. The committee finds the application of this subsection to be limited to voting situations where the Uniform Rules are being strictly used. As discussed below, the committee finds that the practice of legislative committees is not to follow Uniform Rule 34(b) when a member declares a conflict. Rather than going through the process of asking to be excused from voting, committee members typically vote after declaring a conflict. If the committee found that AS 24.60.030(g) applied to voting in committees, its effect would be to impose application of Uniform Rule 34(b) on the committee process. The committee finds that the Select Committee on Legislative Ethics is not the appropriate forum to determine which Uniform Rules apply or do not apply to legislative committees. [Emphasis added.]

A committee member *may* request to abstain from voting to report a bill from committee due to a conflict of interest, but may vote on the bill, as has been the practice of legislators in committee, after declaring the conflict.

¹ The Select Committee on Legislative Ethics has issued two subsequent decisions regarding the application of AS 24.60.030(g) since its decision in 2004, AO 04-02. In AO 07-01, the committee advised that where a legislator has a conflict in a matter under AS 24.60.010(2) and AS 24.60.030(g), the legislator should not introduce or sponsor legislation regarding that matter. The committee re-affirmed that advice regarding introducing or sponsoring legislation in AO 01-05, AO 08-01, AO 11-01, and AO 13-01. Despite that advice, the committee has not backed away from its decision in AO 04-02; and, in my opinion, the language quoted above from AO 04-02 regarding the application of AS 24.60.030(g) to voting in committee meetings remains good law.

² AS 24.60.030(g) provides:

(g) Unless required by the Uniform Rules of the Alaska State Legislature, a legislator may not vote on a question if the legislator has an equity or ownership interest in a business, investment, real property, lease, or other enterprise if the interest is substantial and the effect on that interest of the action to be voted on is greater than the effect on a substantial class of persons to which the legislator belongs as a member of a profession, occupation, industry, or region.

2. Telephonic Participation in Committee Meetings

You asked that I provide guidance regarding the teleconference participation of legislators in committee meetings.

The legislature has, for 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 and applied to the legislative branch until it was amended in 1994. At present, 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 the Uniform Rules that the committee report be signed by a majority of the members of the committee. Obviously, a person who is absent cannot 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 of Legislative Procedure*, sec. 520(1), 625 (2010 ed.) (hereinafter "*Mason's Manual*"). Furthermore, a committee report may not be circulated outside of the committee process for signatures. *Mason's Manual*, sec. 613(1).

The last point of order on this issue noted by this office was in 1992, when a report of the House 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.

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

3. Telephonic Participation for Quorum Purposes

Given the holding, discussed above, by the presiding officer of the House in 1992 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 asked 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:

- (1). 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.

4. Signatures on Committee Reports Required by Uniform Rule 24(a)

You asked that I discuss the proper procedure and best practice for obtaining 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 voting. *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. 665(4). 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. *Mason's Manual*, sec. 613(A)(1) states in part: "[O]pinions 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 under AS 24.60.037.

TO: House Finance Committee
FROM: Helen Phillips, HFIN Committee Assistant, LFD Support Staff
DATE: January 22, 2015

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 8:00am - 6:00pm weekday and one person will be available 9:30am - 1:00pm on Saturday.
- During meetings, the page or another 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: hearing preparation, bill files, minutes, supplies, etc. All policy issues must go through the Co-Chairs' offices.

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, the clerk will deliver the excess to your office.
- 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 directly into the microphone keeping it approximately six inches away when addressing the committee or testifiers.
- Use the mute function on the microphone to avoid your private conversations from being picked up and recorded. The button is marked 'push' and you must hold it down the entire length of your private conversation.
- We record digitally; the unedited digital recordings will be posted on BASIS immediately after the meetings.

Resources

- A room copy, by department, of the governor's proposed operating budget detail 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 # 523.
- There are three copies of the Alaska Statutes located in the committee room:
 - behind the Co-Chairs,
 - on the shelves under the detail budget books, and
 - on the shelves near the fire escape.
- A copy of the Administrative Code is located on the shelves in the front right corner of the room.
- Copies of the LFD Overview of the Governor's Budget and the Revenue Sources Book are located in the back of each member's top drawer.

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 your top drawer under its scheduled hearing day. When a bill is reported out of Committee, the bill file is filed in the bottom drawer.
- 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 Neuman's office. Contact Brett Huber Jr. at 465-2679.

Other

- If any member has any difficulty hearing the discussion during the meetings, Hearing Assist devices are available for your use upon request. The device amplifies the sound volume through a small receiver in an earpiece that slips over one ear. Please contact me at 465-6258 to request a device which will be placed in your committee box.

TO: Alaska State Legislators
FROM: Representative Steve Thompson
Representative Mark Neuman
House Finance Committee Co-Chairs
DATE: January 20, 2015
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@akleg.gov The deadline for submitting requests for the following week is noon on Tuesday.

Attach the following support documentation separately in PDF form:

- Sponsor statement addressing the current bill version;
- Sectional analysis for long or complex bills;
- Most recent version of the bill;
- A brief explanation of changes, if any, that have occurred since introduction;
- Any previous versions of the bill;
- Current fiscal note(s);
- Request for any specialized Information Services equipment;
- Names and contact information of witnesses and requested teleconference sites. Please notify my office and e-mail a copy of the list to House.Finance.Legislation@akleg.gov of all known off-net callers, not less than one day prior to the meeting;
- Additional documentation relating to the bill: legal opinions, letters of support or opposition, research data, publications, etc., **shall be clearly marked with the source of the information, including the provider's name and or organization or it will not be included in the packet.**

All electronic files should be named in the following format:

- HBxxx Hearing Request
- HBxxx Sponsor Statement
- Example: HB123 Sponsor Statement
- HBxxx Sectional Analysis
- Example: HB123 Sectional Analysis
- HBxxx ver x (bill number followed by current version letter as assigned by Legal Services)
- Example: HB123 ver A
- HBxxx Fiscal Note-(followed by the file name assigned by the department)

- Example: HB123 Fiscal Note-CED-CBPL-2-11-10
- HBxxx Summary of Changes ver x to ver y (ver x should be the original and version should be the current version)
- Example: HB123 Summary of Changes ver A to ver B
- HBxxx Supporting Documents
- HBxxx Opposing Documents
- HBxxx Draft Proposed Amendment ver x
- Example: HB123 Draft Proposed Amendment ver Q

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

Backup:

Authorship must be clearly marked on all documents. 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 or House Finance Committee members should be submitted 24-hours in advance of a scheduled bill hearing to the House Finance Co-Chairs and discussed with the Chairman prior to the hearing. To ensure conformity and legality, whenever possible, amendments should be drafted by Legislative Legal Services. If amendments are not received in the Finance Co-Chairs office 24 hours in advance the bill hearing will be delayed.

Committee Substitutes:

The creation and preparation of all committee substitutes will be handled by the Co-Chairs' office. The Finance Co-Chairs and Finance Staff will solely work with Legislative Legal Services in the preparation of committee substitutes.

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 approval from the Chairs before getting written approval from all House Finance Committee members (forms can be obtained from our offices).

Feel free to contact us, or our offices, if you have any questions.