

ALASKA LEGISLATURE COMMITTEE FILES 1903-1900 00/2
4024 SJUD LEGISLATIVE REFORM 900

1 (b) The Committee on Free Conference is appointed in the same
2 manner as a Committee on Conference and may suggest in its report any
3 new amendments germane to the question. When a majority of the member-
4 ship on the committee from each house agree on amendments to be pro-
5 posed, the amendments are attached to the bill and reported back to
6 each house in an identical report. The report is not subject to amend-
7 ment in either house. The report is referred to the last committee in
8 each house to which the bill was referred for consideration. If the
9 report is adopted in both houses the bill is then ordered enrolled by
10 its house of origin. If the Committee on Free Conference fails to
11 agree or its report is not adopted, a second Committee on Free Confer-
12 ence may be appointed but no member of the first committee may be
13 reappointed. A free conference committee report may not be voted on
14 by the house until at least 24 hours after the report is received by
15 the house. The vote on adoption of a free conference committee report
16 is taken by calling of the roll and the recording of the ayes and nays
17 in the journal. Adoption requires a majority of the membership of the
18 house.

Introduced: 3/2/81
Referred: Judiciary and
Finance

BY KELLY, STIMSON, DANKWORTH,
BRADLEY, RODEY, FISCHER,
STURGULEWSKI AND FERGUSON

1 IN THE SENATE

2 SENATE JOINT RESOLUTION NO. 20

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Consti-
6 tution of the State of Alaska relat-
7 ing to appropriations.

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

9 * Section 1. Article II, sec. 13, Constitution of the State of Alaska is
10 amended to read:

11 SECTION 13. FORM OF BILL. Every bill shall be confined to one
12 subject unless it is an appropriation bill or one codifying, revising,
13 or rearranging existing laws. Bills for appropriations shall be con-
14 fined to appropriations. An appropriation bill shall not include an
15 item which was not included in a version of that appropriation bill
16 adopted in third reading by a house and the amount appropriated by an
17 item shall be equal to the amount of that item as adopted in third
18 reading by a house or between the amounts adopted in third reading by
19 each house. The subject of each bill shall be expressed in the title.
20 The enacting clause shall be: "Be it enacted by the Legislature of the
21 State of Alaska."

22 * Sec. 2. The amendment proposed by this resolution shall be placed
23 before the voters of the state at the next general election in conformity
24 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election
25 laws of the state.

Introduced: 1/14/81
Referred: State Affairs

1 IN THE SENATE

BY KELLY

2 SENATE CONCURRENT RESOLUTION NO. 1

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Uniform
6 Rules of the Alaska State Legislature
7 relating to conference committees
8 and free conference committees.

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

10 * Section 1. Rule 41(a) of the Uniform Rules of the Alaska State Legis-
11 lature is amended to read:

12 (a) If one house refuses to concur in the amendments of the
13 other, it so notifies the amending house and requests that it recede
14 from its amendments. If the house refuses to recede, the presiding
15 officer of each house appoints three members to sit as a Committee on
16 Conference. The committee meets when mutually agreeable to its members
17 and when agreement on previously adopted amendments to a bill adopted
18 by either house is reached, the committee submits an identical report
19 to each house. If the report is adopted by both houses the bill is
20 enrolled, signed, and transmitted to the governor. If the members of
21 the Committee on Conference cannot agree on amendments or one or both
22 houses refuses to adopt its report, a second Committee on Conference
23 shall be appointed but a member of the first committee may not be re-
24 appointed. [IT IS IN ORDER AT ANY TIME TO GRANT POWERS OF FREE CON-
25 FERENCE TO THE COMMITTEE ON CONFERENCE.] If the members of the second
26 Committee on Conference cannot agree on amendments or one or both
27 houses refuses to adopt its report, it is then in order to appoint a
28 Committee on Free Conference. A member who served on either Committee
29 on Conference may not be appointed to the Committee on Free Conference.

1 The vote on adoption of a conference committee report is taken by the
2 calling of the roll and the recording of the ayes and nays in the
3 journal. Adoption requires a majority of the membership of the house.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Introduced. 4/3/81
Referred: State Affairs, Finance
and Rules

1 IN THE HOUSE

BY FANNING, RANDOLPH AND BEIRNE

2 HOUSE CONCURRENT RESOLUTION NO. 17

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the uniform
6 rules eliminating committees on free
7 conference and eliminating powers of
8 free conference in committees on
9 conference.

10 BE IT RESOLVE THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. Rule 41(a) of the Uniform Rules of the Alaska State Legis-
12 lature is amended to read:

13 (a) If one house refuses to concur in the amendments of the other
14 it so notifies the amending house and requests that it recede from its
15 amendments. If the house refuses to recede, the presiding officer of
16 each house appoints three members to sit as a Committee on Conference.
17 The committee meets when mutually agreeable to its members and when
18 agreement on previously adopted amendments to a bill adopted by either
19 house is reached, the committee submits an identical report to each
20 house. If the report is adopted by both houses the bill is enrolled,
21 signed, and transmitted to the governor. [IT IS IN ORDER AT ANY TIME
22 TO GRANT POWERS OF FREE CONFERENCE TO THE COMMITTEE ON CONFERENCE.] If
23 the members of the Committee on Conference cannot agree on amendments
24 or one or both houses refuses to adopt its report, it is then in order
25 to appoint a second Committee on [FREE] Conference. The vote on
26 adoption of a conference committee report is taken by the calling of
27 the roll and the recording of the ayes and nays in the journal.
28 Adoption requires a majority of the membership of the house.

29 * Sec. 2. Rule 41(b) of the Uniform Rules of the Alaska State Legislature

1 is repealed.

- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29

Introduced: 4/3/81
Referred: State Affairs, Finance
and Rules

1 IN THE HOUSE

BY FANNING AND RANDOLPH

2 HOUSE CONCURRENT RESOLUTION NO. 18
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the uniform
6 rules establishing a limitation on
7 the authority of committees on
8 conference to consider and report on
9 bills on appropriations.

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

11 * Section 1. Rule 41(a) of the Uniform Rules of the Alaska State Legis-
12 lature is amended to read:

13 (a) If one house refuses to concur in the amendments of the other
14 it so notifies the amending house and requests that it recede from its
15 amendments. If the house refuses to recede, the presiding officer of
16 each house appoints three members to sit as a Committee on Conference.
17 The committee meets when mutually agreeable to its members and when
18 agreement on previously adopted amendments to a bill adopted by either
19 house is reached, the committee submits an identical report to each
20 house. If the report is adopted by both houses the bill is enrolled,
21 signed, and transmitted to the governor. Except as provided in (c) of
22 this rule, it [IT] is in order at any time to grant powers of free
23 conference to the Committee on Conference. Except as provided in (c)
24 of this rule, if [IF] the members of the Committee on Conference cannot
25 agree on amendments or one or both houses refuses to adopt its report,
26 it is then in order to appoint a Committee on Free Conference. The
27 vote on adoption of a conference committee report is taken by the
28 calling of the roll and the recording of the ayes and nays in the
29 journal. Adoption requires a majority of the membership of the house.

1 * Sec. 2. Rule 41 of the Uniform Rules of the Alaska State Legislature
2 is amended by adding a new subsection to read:

3 (c) A house of the legislature may not grant to a conference
4 committee on an appropriation bill the power

5 (1) to make a new appropriation or allocation; or

6 (2) to report an appropriation or an allocation which
7 exceeds the appropriation or allocation in either bill referred to the
8 committee.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Introduced: 3/24/81
Referred: State Affairs and
Finance

BY CUDDY, ABOOD, ANDERSON,
BARNES, BEIRNE, BETTISWORTH,
HALFORD, HAYES, MARTIN, METCALFE
AND MONTGOMERY

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO. 14
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the uniform
6 rules establishing a limitation on
7 the authority of committees on
8 conference to consider and report on
9 bills on appropriations.

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

11 * Section 1. Rule 41(a) of the Uniform Rules of the Alaska State Legis-
12 lature is amended to read:

13 (a) If one house refuses to concur in the amendments of the other
14 it so notifies the amending house and requests that it recede from its
15 amendments. If the house refuses to recede, the presiding officer of
16 each house appoints three members to sit as a Committee on Conference.
17 The committee meets when mutually agreeable to its members and when
18 agreement on previously adopted amendments to a bill adopted by either
19 house is reached, the committee submits an identical report to each
20 house. If the report is adopted by both houses the bill is enrolled,
21 signed, and transmitted to the governor. Except as provided in (c) of
22 this rule, it [IT] is in order at any time to grant powers of free
23 conference to the Committee on Conference. Except as provided in (c)
24 of this rule, if [IF] the members of the Committee on Conference cannot
25 agree on amendments or one or both houses refuses to adopt its report,
26 it is then in order to appoint a Committee on Free Conference. The
27 vote on adoption of a conference committee report is taken by the
28 calling of the roll and the recording of the ayes and nays in the
29 journal. Adoption requires a majority of the membership of the house.

1 * Sec. 2. Rule 41 of the Uniform Rules of the Alaska State Legislature
2 is amended by adding a new subsection to read:

3 (c) A house of the legislature may not grant to a conference
4 committee on an appropriation bill the power

5 (1) to make a new appropriation or allocation; or

6 (2) to report an appropriation or an allocation which
7 exceeds the appropriation or allocation in either bill referred to the
8 committee.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Introduced: 3/24/81
Referred: State Affairs and
Finance

BY CUDDY, ABOOD, ANDERSON,
BARNES, BEIRNE, BETTISWORTH,
HAYES, MARTIN, METCALFE,
MONTGOMERY AND O'CONNELL

1 IN THE HOUSE

2 HOUSE JOINT RESOLUTION NO. 36

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Consti-
6 tution of the State of Alaska relat-
7 ing to consideration of appropriation
8 bills.

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

10 * Section 1. Article II, Constitution of the State of Alaska, is amended
11 by adding a new section to read:

12 SECTION 22. CONFERENCE COMMITTEE CONSIDERATION OF BILLS FOR
13 APPROPRIATIONS. A house of the legislature shall not grant to a con-
14 ference committee considering appropriation bills the power to make a
15 new appropriation or allocation within an appropriation, and shall not
16 grant to a conference committee considering appropriation bills the
17 power to report an appropriation or an allocation within an appropria-
18 tion which exceeds the appropriation or allocation within an appropria-
19 tion or which is greater than an amount stated in either bill referred
20 to the committee.

21 * Sec. 2. The amendment proposed by this resolution shall be placed
22 before the voters of the state at the next general election in conformity
23 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
24 tion laws of the state.

25
26
27
28
29
ND 1

Rules change sought for free conference

The Associated Press

JUNEAU — Sen. Tim Kelly, R-Anchorage, introduced a proposed constitutional amendment Monday he said would thwart the ability of a few lawmakers to spend hundreds of millions of dollars.

Kelly's proposed amendment (SJR20) would eliminate so-called free conference committees on appropriation bills, including the budget.

Starting Wednesday, the House State Affairs Committee plans three days of hearings on a package of bills aimed at legislative reform. The bills, introduced last month by House Democrats, have been termed a priority by the House leadership.

Under present rules, if the House and Senate pass different versions of a bill, a joint conference committee of three

lawmakers from each chamber is appointed to work out a compromise within the boundaries of language in the two bills. If the committee cannot reach an agreement, it is given the power of free conference, which means the panel is empowered to completely rewrite the legislation.

Under current practice, the presiding officers of both houses generally skip the step of appointing a conference committee, and go directly to a free conference committee.

Kelly's proposal would allow only the appointment of a conference committee, which would mean the panel would be restricted to the high and low figures in the two versions.

If approved by lawmakers, the amendment would be placed before voters in a statewide election.

Amendment limits spending

By The Associated Press
Sen. Tim Kelly, R-Anchorage, introduced a proposed constitutional amendment Monday which he said would thwart the ability of a few lawmakers to spend "hundreds of millions of dollars."

Kelly's proposed amendment (SJR20) would eliminate so-called "free conference com-

mittees" on appropriation bills, including the budget.

Meanwhile, the House State Affairs Committee plans three days of hearings, starting Wednesday, on a package of bills aimed at legislative reform. The bills, which were introduced last month by House Democrats, have been termed a priority by the House leadership.

Kelly proposes curb on budget changes

Times Juneau Bureau

Juneau — Sen. Tim Kelly, R-Anchorage, today introduced legislation to eliminate free conference committees on the budget and other appropriation bills.

"This is one of the greatest sources of abuse in the entire legislative process," said Kelly, chairman of the Senate Rules Committee.

"This proposal would prevent the situation where a few lawmakers determine how hundreds of millions of dollars are spent. I want to take the free money out of free conference."

Kelly's proposed amendment to the Alaska Constitution would prevent conference committees from adding to a bill. The amount of each budget item would be limited to the

high and low figures which appeared in the two versions of a bill.

Under the Legislature's rules, when the House and Senate pass different versions of a bill, a conference committee can be appointed to produce a compromise bill. Such committees are composed of three senators and three House members, appointed by the presiding officer of each body.

If a conference committee cannot agree on a compromise bill, it usually is given powers of free conference. That gives the committee power to completely rewrite the legislation. The final version of the state budget usually is produced by a free conference committee.

"The free conference committee system is antiquated and has shown itself to be subject to abuse," Kelly said.

"My proposal would assure that the spending power is more equally distributed among legislators and has withstood some scrutiny throughout the legislative process."

Kelly said the proposal was introduced as a constitutional amendment rather than a change in the rules because the rules can be suspended by a two-thirds vote of each house.

Kelly already has introduced other legislation to restrict granting of free conference powers. He said he also intends to amend the Legislature's uniform rules accordingly.

If passed by the Legislature, the proposed amendment would be placed on the next statewide general election ballot for voter approval.

Free conference reforms needed

Asking the legislature to reform its own abuses may seem like asking the FBI to quit eavesdropping or the CIA to quit influencing foreign governments: they may abandon specific practices, but the endeavor will simply pop up again in a different form.

Still, public pressure can create a powerful incentive for reform. Legislators who believe the public is watching are likely to act on their own behalf to restore credibility in legislative procedures.

Thus we're pleased to see efforts in the state House to impose limits on one area holding real potential for abuse: free conference committees of the legislature.

"Free conference committees can do almost anything they want to," Rep. Oral Freeman, D-Ketchikan, said in testimony Wednesday on reforms of the system. The "most flagrant abuses" of political power, he added, occur in free conference — where bills that already have worked their way through the legislative committee system can be completely rewritten.

What emerges from a free conference committee may bear little or no relation to what that committee began with — except in title. Unrelated projects can be thrown in almost at the will of the powerful, with the original legislative intent subject to political winds alone. When time pressure grows and accommodation becomes necessary, hasty compromise in free conference can destroy the checks and balances designed into our bicameral legislature.

Abuse becomes most enticing in budget legislation — where powerful legislators can install projects or programs that have not cleared the committee system but move to fruition on the coattails of other legislation.

The expertise of regular committees can be thwarted at the instigation of powerful figures as free conferences provide a vehicle for legislative horse-trading. Ill-considered decisions can be made all too quickly on pet projects that deserve closer scrutiny. Projects of wide significance can be held hostage to narrow — but powerful — interests. Even in the absence of abuse, free conference committees provide the forum for an unnecessary concentration of power.

Conference committees limited to legislation on the topics at hand can accomplish all the legitimate goals of free conference committees — but without such potential for abuse. We hope both houses of the legislature will agree that such limits are in their own interest as well as the public's.

Reform measures aimed at free conference abuses

JUNEAU (AP)—Abuses of power by legislative free conference committees came under fire from House leaders Wednesday night in testimony on a package of legislative reform measures.

Lawmakers' "most flagrant abuses" of political clout surface in free conference committees, said veteran Rep. Oral Freeman, D-Ketchikan. "Free conference committees can do almost anything they want to," and most liberties are taken with the budget, he said.

Freeman testified before the House State Affairs Committee in favor of a measure, HCR 3, introduced by House Democrats which would make changes in the free conference committee system—although not as sweeping as recommended by some private citizen groups.

Other proposed reform bills would:

- Establish an ethics commission and a code of ethics for all elected state officials and state employees.
- Reform legislative contracting procedures.
- Expand the amount of information officials must provide on financial disclosure statements they are required to file.
- Require all legislative committee hearings to be tape-recorded, with voice votes on every bill and amendment. The tapes would be kept on file along with extensive written minutes.

Rep. Fred Brown, D-Fairbanks, asked House Speaker Jim Duncan, D-Juneau, whether committee members are "beating our heads against the wall" by working on the legislation, suggesting the measures would not gain approval in the Senate. Wednesday's meeting was the first of a series scheduled on the package of reform bills.

Duncan said he has not discussed the legislation with the Senate, but said he is "optimistic" the package will pass both chambers.

The measure on free conference committees would make one major change from the current system. At present, legislative rules call for three House members and three Senate

members to be appointed to a conference committee to work out differences in legislation adopted by the two chambers. A conference committee must stay within the limits of material in the two bills passed by the House and Senate.

If the initial negotiating team fails, the panel is given powers of "free conference," which means the committee has authority to completely rewrite a bill, adding or deleting material at will.

Freeman said now "there's no compulsion" to compromise on legislation because members simply can "graduate to a free conference committee." Under the proposed legislation, members of a conference committee could not be "graduated" to a free conference committee. Instead, a new panel would have to be appointed.

The intent of the reform still could be thwarted if House and Senate leaders appointed a bogus conference committee, then appointed the intended negotiators to the free conference committee.

The proposed legislation also would require that free conference committee reports be returned to the committee of last referral in each chamber before coming to the floor for a final vote.

Paula Ziegler, a lobbyist for the League of Women Voters, said responsibilities of the committees receiving legislation from free conference committees should be defined. She said committees should be required to hold public hearings on the reworked bills.

Consideration of free conference committee reports would be delayed 24 hours under the measure.

"The problem of free conference committees is everything is done under pressure, especially on the budget," Freeman said.

Free conference panels under fire

Associated Press

Juneau — Abuses of power by legislative free conference committees came under fire from House leaders Wednesday night in testimony on a package of legislative reform measures.

Lawmakers' "most flagrant abuses" of political clout surface in free conference committees, said veteran Rep. Oral Freeman, D-Ketchikan. "Free conference committees can do almost anything they want to," and most liberties are taken with the budget, he said.

Freeman testified before the House State Affairs Committee in favor of a measure (HCR3) introduced by House Democrats which would make changes in the free conference committee system — although not as sweeping as recommended by some private citizen groups.

Other proposed reform bills would:

— Establish an ethics commission and a code of ethics for all elected state officials and state employees.

— Reform legislative contracting procedures.

— Expand the amount of information officials must provide on financial disclosure statements they are required to file.

— Require all legislative committee hearings to be tape-recorded, with voice votes on every bill and amendment. The tapes would be kept on file along with extensive written minutes.

Rep. Fred Brown, D-Fairbanks, asked House Speaker Jim Duncan, D-Juneau, whether committee members are "beating our heads against the wall" by working on the legislation, suggesting the measures would not gain approval in the Senate. Wednesday's meeting was the first of a series scheduled on the package of reform bills.

Duncan said he has not discussed the legislation with the Senate, but that he is "optimistic" the package

will pass both chambers.

The measure on free conference committees would make one major change from the current system. At present, legislative rules call for three House members and three Senate members to be appointed to a conference committee to work out differences in legislation adopted by the two chambers. A conference committee must stay within the limits of material in the two bills passed by the House and Senate.

If the initial negotiating team (See REFORMS, page A-3)

Reforms

(Continued from page A-1)

fails, the panel is given powers of "free conference," which means the committee has authority to completely rewrite a bill, adding or deleting material at will.

Freeman said now "there's no compulsion" to compromise on legislation because members simply can "graduate to a free conference committee." Under the proposed legislation, members of a conference committee could not be "graduated" to a free conference committee. Instead, a new panel would have to be appointed.

The intent of the reform still

Garden-Freestone
PEACHES
29 oz.

69¢

The average legislator doesn't have time to examine and consider what really happened to the bill" before a final floor vote, he said.

State Ombudsman Frank Flavin said a proposed ethics commission (HB153) should be granted authority to discipline the elected officials and state employees it would govern.

He also was critical of the commission because it would be charged

STATE LEGISLATIVE REPORT

CONFERENCE COMMITTEES

I submit, Mr. President, in all sincerity, that there is no need whatever for the ordinary, lay Member of Congress to come back to Washington for a special session.

It is clearly evident, Mr. President, that to save the world and the people of this country from disaster, all that is needed is to reconvene, preferably in secret, only those incomparable sages, the conferees of the Appropriations Committee.

From their deliberations the same results would be achieved without the expense and trouble to everyone that is involved in going through the archaic ritual of pretended legislation. It is quite clear that regardless of what the common Members of this body may wish, the conferees make the decisions.

-- Senator William Fulbright, 1948

Although conference committees in state legislatures (or in Congress, for that matter) may not be as powerful as Senator Fulbright's remarks suggest, they clearly play an important role in policymaking in the states. Used to settle differences between the two houses, conference committees are especially important because they deal with the most significant and controversial bills considered by the legislature each session. Their importance is also enhanced because they are most often used near the end of the session when time constraints work against lengthy consideration of the conference committee's report. These same time limitations reduce the options available to the legislature in dealing with the report.

The importance of conference committees is reflected in the considerable attention paid to them in the rules governing state legislatures. These rules usually cover five basic questions: (1) who appoints conference committees; (2) what is the size of conference committees; (3) what criteria for appointment should be used; (4) what procedures should conference committees use; and (5) what procedures should the legislature use in adopting conference committee reports.

A Publication of
The National Conference
of State Legislatures

1405 Curtis Street
23rd Floor
Denver, Colorado 80202



Earl S. Mackey
Executive Director

Who appoints. Rules for most legislatures specify that the presiding officers make appointments to conference committees. However, in both houses in Kentucky and in the Illinois Senate, appointments to conference committees are made by committees on committees. In the California Senate, the Committee on Rules has this authority. In the Virginia Senate, the chairman of the committee which originally considered the bill appoints the conference committee. In the Iowa Senate, the majority leader, president pro tem and two assistant majority leaders select the three majority party members of the conference, while the minority party members are appointed by the majority leader after consultation with the minority leader. The Maryland House rules specify that conferees may be selected by the speaker or by ballot of the house. Several legislatures' rules, which otherwise cover conference committee procedures, do not refer to appointment authority.

Size of the Conference Committee. A substantial majority of legislative rules which specify the size of conference committees say that each house shall select three members. In fact, the rules for 39 houses (out of 56 chambers whose rules cover this question) authorize three members from each house for conference committees. Exceptions include Connecticut (3 or more with an equal number from each house), New Hampshire House (4), Minnesota (3-5), North Carolina House (determined by motion), Hawaii (at least 3), Indiana Senate (2), Iowa (5), Missouri (5), Oregon (2) and Texas (5). Montana rules say only that there should be an equal number from each house.

Criteria for Appointment. Only a few legislatures provide appointment criteria in the rules. However, there is considerable variation among those which list some criteria. Most criteria focus on party composition, on the support which members gave the bill during floor consideration, or on standing committee membership.

The rules for Iowa (Senate), Hawaii (House), New Hampshire (both houses), Pennsylvania (both houses), Virginia (Senate), and Washington (both houses) list party affiliation as a criterion for selection to conference committees. New Hampshire's and Hawaii's rules say that the majority and minority parties should be represented in proportion to their numbers in the whole body. The Washington and Virginia rules say only that the minority party should be represented, while the Pennsylvania and Iowa legislatures have specified numbers (2-1 in Pennsylvania and 3-2 in Iowa).

Several legislatures provide criteria which relate to the support received by the bill during floor consideration. However, there is little agreement between legislatures on who should be represented. In California, Connecticut and Washington the rules authorize representation on conference committees for members representing both the majority and minority position on the point in question. Rules in both Georgia houses specify that conferees should be legislators who voted with the majority position on the issue. The Wyoming House rules say that the majority of the conferees should favor the House position, while the Massachusetts and South Dakota legislatures say that conference committee members should be representative of the decision within the House on the issue.

Rules for the Louisiana House, Virginia Senate, North Carolina House and Hawaii House provide for representation on the conference committee by members of the standing committee which considered the bill. In addition, the Louisiana and Virginia rules allow the chief sponsor of the bill to be a member of the conference committee.

Conference Committee Procedures. The primary question regarding conference committee procedures found in the rules concerns the vote required in the committee to reach agreement and approve the report. In a dozen states approval requires an affirmative vote by a majority of the members from each house on the conference committee. In Georgia, Maryland, Mississippi and Missouri approval requires only a majority vote of the entire membership of the conference committee. However, Missouri requires that at least two of the five members from each house vote in the majority. Indiana, New Hampshire and Oregon require unanimous votes for conference committee approval.

A few legislatures treat the problem of conference committee deadlocks in their rules. Florida rules state that conference committees may be relieved of responsibility for the bill after seven days. Michigan rules allow no more than two conference committees on the same piece of legislation. In Mississippi, the bill is killed if the conference committee fails to reach agreement. Failure to agree within conference committee in Alaska, Kentucky and Washington may result in constitution of a free conference committee. As described by the Washington legislature's joint rules, free conference committees consider not only matters directly at issue, but may also "consider new proposed items within the scope and object of the title of the bill in conference."

Adoption of the Conference Committee Report by the Legislature. Procedures delineated in the rules regarding adoption of conference reports by the legislature focus on two major points: (1) the vote required to adopt the report and (2) the order of consideration of the report. Adoption of the conference report typically requires either a majority vote in each house or "the vote required to pass the bill or resolution." Connecticut and Oklahoma rules specify that the conference committee report be considered first in the house which created the disagreement. In Minnesota and Michigan, conference reports are first considered in the house in which the bill originated.

This memorandum is part of a series of State Legislative Reports which is compiling and distributing basic information about state legislative rules. The nature of searches of rules almost guarantees errors - particularly of omission. We hope to hear of any mistakes made in this report and will try to rectify them at a later time.

Staff contact: Carl Tubbesing, Assistant Director of State Services, NCSL Denver Office, (303) 623-6600.

August 1978.

CONFERENCE COMMITTEES

<u>State</u>	<u>Who Appoints</u>	<u>Size of Conference Committee</u>	<u>Criteria for Appointment</u>	<u>Conference Committee Procedures</u>	<u>Adoption of Report</u>
Alabama Senate	President				
Alabama House	Speaker				
Alaska Joint	presiding officers	3 from each house			majority vote
California Senate	Committee on Rules	3	2 members from majority on point in question, 1 from minority	affirmative vote of at least 2 Senators and 2 Assemblymen	2/3 on bills containing appropriation; majority vote on others
California House	Speaker	3	same as Senate	See above	
Colorado Joint		3 from each house		majority of members of each house; conference reports must be made five days prior to adjournment date	
Connecticut Joint	President; Speaker	3 or more; equal number from each house	at least one member not on prevailing side in vote on floor	majority vote of members of each house	reported first to house which created disagreement
Florida Senate	President			committee may be relieved of responsibility after 7 days	
Florida House				see above	
Georgia Senate	President	3	members voting with majority position	majority vote of entire membership of committee	must be adopted by the vote required to pass the bill or resolution
Georgia House	Speaker	3	members voting with majority position	see above	see above

Page Two
Conference Committees

State	Who Appoints	Size of Conference Committee	Criteria for Appointment	Conference Committee Procedures	Adoption of Report
Hawaii House	Speaker	at least 3	chairman of committee with primary responsibility for the subject matter; proportional representation for majority and minority party; minority members selected after consultation with minority leader	meetings should be public	
Idaho Joint	President; Speaker				
Illinois Senate	Committee on Committees				
Indiana Senate	President Pro Tem	2		unanimous vote	
Indiana House					majority vote
Iowa House	Speaker	5		3 members (majority) from each house	
Iowa Senate	majority leader, president pro tem, 2 assistant majority leaders, minority leaders	5	3 appointed by majority 3 by minority party	see above	
Kentucky Joint	Committee on Committees	3 from each house		committee on free conference appointed after failure to agree	constitutional majority required if a motion to reconsider had been coupled with motion to lay on the table

Page Three
Conference Committees

State	Who Appoints	Size of Conference Committee	Criteria for Appointment	Conference Committee Procedures	Adoption of Report
Louisiana Senate	presiding officer	3			
Louisiana House	Speaker	3	1 member who authored or handled bill; chairman or vice chairman of committee reporting bill; 1 member appointed by Speaker		
Maine Joint	President; Speaker	3 from each house			
Maryland Senate		3		majority of conferees	
Maryland House	Speaker or by ballot of the House	3		majority of conferees	
Massachusetts Joint		3 from each house	represent the vote of each house	majority of members of each house	
Michigan Joint		3 from each house	first named member from house in which bill originated is chairman	majority of members of each house; If no agreement reached after two conference committees are appointed, no further conference in order	conference report considered initially in house of origin
Minnesota Joint		not less than 3 or more than 5 from each house		must report on progress within 7 days and every 7 days thereafter	acted on first in house of origin
Mississippi Joint	President; Speaker	3 from each house		majority of conferees; bill is killed if conference committee does not reach agreement	same vote required to pass the bill or resolution
Missouri Joint		5 from each house		majority vote of conferees, with at least 2 members from each house in majority	

Page Four
Conference Committees

State	Who Appoints	Size of Conference Committee	Criteria for Appointment	Conference Committee Procedures	Adoption of Report
Montana Joint	President; Speaker	same number from each house			
Nevada Joint				no more than three conference committees appointed on a given bill; no member shall be appointed to more than one conference committee on the same bill	
New Hampshire Senate	President	3	members of majority and minority parties in same proportion as the parties are in Senate as a whole	unanimous vote required	each house must take action on report
New Hampshire House	Speaker	4		see above	
New Mexico Joint	President pro tem; Speaker	3 from each house		majority of members of each house	
North Carolina Senate			"Rules of the U.S. House of Representatives shall govern the appointment, conduct and reports of the conferees."		
North Carolina House		determined by motion	chairman and members of committee which considered bill		
Oklahoma Joint	President pro tem; Speaker	3 from each house	first named member from house of origin is chairman of conference	majority vote of members of each house	report first made to house which refused to concur in amendments
Oregon House	Speaker	2 from each house		unanimous vote required	
Pennsylvania Senate	President pro tem	3	2 majority and 1 minority party	majority vote of members from Senate	

Page Five
Conference Committees

State	Who Appoints	Size of Conference Committee	Criteria for Appointment	Conference Committee Procedures	Adoption of Report
Pennsylvania House	Speaker	3	2 majority and 1 minority party		
South Dakota Joint	presiding officers	3 from each house	representative of the decision within the house upon the issue	member may ask to have questions divided for separate vote	
Texas House		5 from each house		majority of members of each house	
Utah Joint	presiding officers	3 from each house	first member from each house is chairman of the conference committee for his house		a bill in conference cannot be lost until either house votes to refuse further conference
Vermont Joint		3 from each house			
Virginia Senate	chairman of committee which originally considered bill		chief sponsor plus members of committee originally considering bill; minority party should		
Washington Joint	presiding officers	3 from each house	represent majority and minority positions and majority and minority political parties	majority of members of each house; conferees may request powers of free conference if they fail to agree; free conference reports must be signed by 5 of 6 members	
West Virginia Joint				majority of members of each house	
Wisconsin Joint	presiding officers				
Wyoming Senate	president				
Wyoming House	Speaker	3	majority should favor house position on matter in dispute		majority vote unless otherwise required - e.g., constitutional amendment



National Conference of
State Legislatures

1405 Curtis Street / 23rd Floor / Denver, Colo. 80202 / (303) 623-6600

Non-Profit Org.
U.S. Postage
Paid
Denver, Colo.
Permit No. 20

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH W/F-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

MEMORANDUM

DATE: November 10, 1980

TO: Senator Pat Rodey

FROM: Robert L. Grogan, Fiscal Analyst *RLG*
Legislative Finance Division

SUBJ: Joint Budget Committee - Points in Favor

The joint budget committee structure has been discussed by the Alaska Legislature for several years. The advantages of this structure are:

1. A small cohesive committee of knowledgeable, hardworking members could do a better job for the Legislature on the budget.
2. Better staff direction. If we were to work for a committee on the budget, we could anticipate their needs better than under the existing three/four committee system.
3. Better budget product. Colorado's JBC traditionally produces a well thought out and carefully tied together budget. They do this by virtue of being better organized, better informed, and better suited for fiscal decision making.
4. Compliance with legislative intent is vastly improved under such a system. When the administration knows the Legislature is well organized and determined to follow through on intent compliance, compliance improves.
5. If we honestly look at Alaska's legislative budget operation, this is really the way we do it now. Alaska, as in most states (see attached listing of appropriation conference committee size for all states), uses a six member conference committee structure to actually write the final budget. If we recognized and accepted that fact and establish that conference committee on a year-round basis, we could vastly improve the quality of the budget that we traditionally produce from the Free Conference Committee.

November 10, 1980

I have attached a portion of Chapter 22 (pages 128 and 129) of Senator Joe Shoemaker's (twelve years with the Colorado Joint Budget Committee) recently published book, "Budgeting is the Answer". These pages highlight the chief advantages to the JBC concept as Senator Shoemaker sees them. I have also attached a listing of the states and what type of committee structure each uses.

attachments

RLG:bf

to appropriate and, therefore, it follows that the Legislature has the duty to budget appropriations.

There are four tangible (legislated) reasons and five intangible (based on experience) reasons why the JBC has been successful.

Tangible:

1. JBC members know what the *goals and objectives* of the Committee are. They're defined by statute, clear and concise — but looked at each year, year after year, as any goals and objectives should be.

2. The statute gives the JBC the *authority* to do what it does, and the Legislature can take away that authority any time it chooses. But until the statute is changed, there is no doubt that the JBC has the legal authority to recommend appropriations after any number of hearings it chooses to hold. *Nobody* else has this authority — nor should they, unless indecision and then chaos is desired, which always results when dual authority is present.

3. The JBC has been legislated and funded to hire a *staff*, not a big staff, but one of adequate size. The quality of the staff, not the quantity, makes the difference. Decision makers have to have sound ideas proposed by others and people who can ferret out facts and suggest incisive questions. The JBC staff has provided this capability.

4. The JBC is small. The statute sets the size, and, in this case, "Small is Beautiful." The JBC works successfully because no one can hide. Everyone must work and vote. The quickest way to destroy the effectiveness of the JBC would be to increase the number of members. Then no one would be responsible, and, consequently, there would be no reason to succeed. No one would know the difference.

Intangible:

1. The JBC asks for priorities from those requesting money. The Committee sets its own priorities. It knows it can't do everything, but what it does, it must do well. Otherwise, there would be no success story.

2. Work is the only four-letter word the Committee knows.

Those who can't work because of other obligations, or who won't work because they don't believe in it, cannot serve effectively on the JBC. It also takes sensible people to make laws work. The JBC has been blessed with sensible people — representative of the diverse interests of Colorado.

3. Thus, the JBC's source of strength is its six members with differing views who *debate* in the open the specifics, the issues and the policies inherent in funding or not funding.

4. Decisions are made by publicly recorded votes. The decisions aren't always the ultimate, but a decision on a request is better than no decision; and the process from hearings to figure setting leaves little to interpretation.

Finally, the JBC has an incentive to do the BEST BUDGETING within the State's resources. And it has the mechanism to accomplish it. The JBC knows that BUDGETING IS THE ANSWER to making government work.

I have found that the following maxim works wonders if you believe budgeting is the answer:

Ask them "Why?"

Make them prove it.

Make somebody do it.

Don't be soft-hearted

on the first (or
second) hearing.

They'll be back.

Remember, PERFORMANCE

is the name of the game.

Think it. Legislate it.

No more money unless

you get it.

If legislators wish to use the power of the purse strings to make their state governments work for the benefit of all their citizens, they may. And as the individual legislators take the job of budgeting seriously, they will find that the generalities usually associated with identifying them as "conservative" or "liberal" will diminish. Why? Because, they will have learned how to have a heart and they will now know how important it is to count.

APPROPRIATIONS AND REVENUE CONFERENCE COMMITTEES

State or other jurisdiction	Free conference	Limited conference	Size		All conferees are also on appropriations coms.		Bills seldom or never go to conferences
			House	Senate	Yes	No	
Alabama.....	*	..	3	3	*	..	..
Alaska.....	*	..	3	3	*	..	..
Arizona.....	..	..	..	..	..	..	*
Arkansas.....	..	..	..	..	..	..	*
California.....	*	..	3	3	*	..	..
Colorado.....	*	..	3	3	*	..	..
Connecticut.....	..	..	..	..	..	..	*
Delaware.....	..	..	..	..	..	..	*
Florida.....	..	*	7	7	..	*	..
Georgia.....	*	..	3	3	*	..	..
Hawaii.....	*	..	1	Varies	*	..	..
Idaho.....	..	..	..	..	..	..	*
Illinois.....	*	..	3	3	..	*	..
Indiana.....	*	..	2	2	*	..	..
Iowa.....	*	..	5	5	*	..	..
Kansas.....	..	*	3	3	*	..	..
Kentucky.....	..	..	..	..	..	..	*
Louisiana.....	*	..	3	3	..	*	..
Maine.....	..	..	..	..	..	..	*
Maryland.....	..	*	3	3	*	..	*
Massachusetts.....	..	*	3	3	*(a)	..	..
Michigan.....	..	*	3	3	..	*	..
Minnesota.....	*	..	3	3	*	..	..
Mississippi.....	..	*	3	3	*	..	..
Missouri.....	..	*	5	5	*	..	..
Montana.....	*	*	3	3	..	*	..
Nebraska.....	..	..	..	Unicameral	..	..	..
Nevada.....	..	..	..	..	..	..	*
New Hampshire.....	*	..	5	3	..	*	..
New Jersey.....	..	..	..	..	..	..	*
New Mexico.....	*	..	3	3	*	..	..
New York.....	..	..	..	..	..	..	*
North Carolina.....	..	*	15	11	*	..	..
North Dakota.....	*	..	3	3	*	..	..
Ohio.....	..	*	3	3	..	*	..
Oklahoma.....	*	..	15	15	..	*	..
Oregon.....	*	..	2	2	*	..	..
Pennsylvania.....	*	..	3	3	*	..	*(b)
Rhode Island.....	..	..	..	..	..	..	*
South Carolina.....	*(c)	*	3	3	..	*	..
South Dakota.....	..	..	3	3	..	..	*
Tennessee.....	..	*	11	11	..	*	..
Texas.....	..	*	5	5	*	..	..
Utah.....	..	..	..	..	..	..	*
Vermont.....	*	..	3	3	*	..	..
Virginia.....	..	*	3	3	*	..	..
Washington.....	*	*	3	3	..	*	..
West Virginia.....	*	..	5	3	*	..	..
Wisconsin.....	..	*	3	3	..	*	..
Wyoming.....	..	..	..	..	..	..	*
American Samoa.....	*	..	Varies	Varies	..	*	..
Guam.....	..	..	..	Unicameral	..	..	..
Puerto Rico.....	..	*	5	5	N.A.	N.A.	..
Virgin Islands.....	..	..	..	Unicameral	..	..	..

N.A.—Not available.

(a) Usually, but not always.

(b) Appropriations, seldom; revenue bills, more often.

(c) Both houses must, by 2/3 vote, give free conference powers when differences cannot be resolved.

House votes to restrict panel's power

The Associated Press

JUNEAU — The House voted Friday to restrict some of the powers of legislative free conference committees, which are House-Senate panels appointed to negotiate compromises between different versions of legislation passed by each chamber.

However, the House refused to adopt an amendment by Rep. Dick Randolph, L-Fairbanks, which would have blocked the six-member bargaining teams from drastically rewriting a bill or exceeding the appropriation amount included in either the House or Senate version of the bill.

Rep. Brian Rogers, D-Fairbanks, said the amendment would not allow enough latitude to deal with budgets which may have been approached differently by the House and Senate.

The changes made by the bill (CSHC3 State Affairs), which passed on a unanimous vote, are not nearly as sweeping as recommended by some private citizens groups.

The abuses of power by free conference committees have drawn sharp criticism on multiple fronts. During hearings on the legislation, veteran Rep. Oral Freeman, D-Ketchikan, said lawmakers' "most flagrant abuses" of political clout surface in free conference committees, which can do "almost anything they want to."

The bill passed by the House would make some changes, but free conference committees still would have wide latitude to rewrite legislation.

One major change made by the bill would be to require that free conference committee re-

ports be printed and given to lawmakers at least 24 hours before a final vote is taken on the floor. During past sessions, lawmakers sometimes have voted on bills written by free conference committees moments after the bills were printed and distributed.

Another change would be made in the makeup of free conference committees.

At present, legislative rules call for three House members and three Senate members to be appointed to an initial conference committee to work out differences in legislation adopted by the two chambers. A conference committee is required to stay within the limits of material in the two bills passed by the House and Senate.

If initial negotiations fail, the panel is given powers of "free conference," which means the panel has authority to completely rewrite a bill, adding or deleting material at will.

Under the bill, members of the original conference committee could not be appointed to the free conference committee. The change is intended to encourage the initial panel to work out differences.

However, the intent of the reform could be thwarted if House and Senate leaders appointed a bogus conference committee, and then appointed the intended negotiators to the free conference panel.

The bill also would require that free conference committee bills be returned to the last committee of referral in each chamber before coming to the floor for a final vote.

I. SPEND:

- 1) Operating Budget:
 - 55% of budget - a) formula-funded: \$973M (33%) → includes \$92M for municipal assistance (\$80M increase)
 - 45% of budget - b) discretionary: \$803M (12%) → also includes \$40.5M for revenue sharing (\$7.5M inc)
- 2) Capital Budget:
 - a) Appropriations: 1772
 - b) G.O. Bonds: \$227M
- 3) Constitutional Spending Limit: ~~0~~
- 4) Supplemental Appropriations: -\$32M (Gov)
- 5) New Legislation:
 - a) Alaska Hospital: \$50M (Gov)
 - b) Corporate Income Tax Reduction:
 - c) Project 80's: \$143M
 - d) Banking Bills:

TOTAL: \$2.5B

II. SAUD:

- 1) Permanent Fund Contribution: \$1.8B
- 2) Rainy Day Account: \$350M

TOTAL: \$2.15B

III. SHARE:

- 1) Permanent Fund Dividends/Royalty Oil Premiums: \$77M
- 2) School Debt Service Defeasance: \$200M
- 3) Municipal Assistance: see above
- 4) Revenue Sharing: see above
- 5) P.A.C.E. ~~0~~

TOTAL: \$27B

TOTAL \$132.5M

IV. INVEST:

- 1) Loan Programs:
 - a) AHFC: \$225M
 - b) AIDA:
 - c) Agriculture: } \$175M
 - d) DSBL:
 - e) Fish Pack Loans: \$100M
 - f) Student Loans:
 - g) Land Disposal Loans:
 - h) Rural Development:
- 2) Renewable Resource Development:
 - a) Delta 1:
 - b) Delta 2:
 - c) Point Mackenzie: } \$90M
 - d) other

- 3) Energy Development:
 - a) small hydroelectric: \$ 300M
 - b) Susitna Dam: \$ 11.3M
 - c) Gas Pipeline: ~~0~~
 - d) Petrochemicals: ~~0~~

- 4) Investments Oversight:
 - a) Budget & Audit's Role: ~~0~~
 - b) Elmer Rasmuson's Proposal: ~~0~~
 - c) DOT/PF's Accountability: ~~0~~

————— TOTAL: \$ 9B

V. MISCELLANEOUS ISSUES:

- 1) Capitol Move:
- 2) Older Alaskans:
 - a) Commission:
 - b) Senior Housing:
 - c) Homemakers:
 - d) Roads Assessments Deferments:
- 3) Oil & Gas Corporate Income Tax Suit:
 - a) Separate Accounting vs Apportionment:
 - b) Increased Severance Taxes:
 - c) Windfall Profits Deductions:
 - d) "Escrow Account":

\$300M (illegal)

- 4) Legislative Reform:
 - a) Limits on Length of Session:
 - b) Limits on Number of Terms:
 - ✓ c) Limits on FCC's: -
 - d) Code of Ethics:
 - ✓ e) Public Notice: -
 - ✓ f) Limits on Interim Committees: -
 - g) Permanent Legislative Staff:
 - h) Senate Research Division:
 - i) Joint Finance Committees:
 - ✓ j) Contracting Guidelines: -
 - ✓ k) Limits on Piggybacking: -

Spending limit

SECTIONAL OVERVIEW
of the
PROPOSED SPENDING LIMIT

Section 1. Amends Article IX (Finance and Taxation) by adding a new section:

Section 16. APPROPRIATION LIMIT.

- appropriations from the General Fund shall not exceed \$2,500,000,000 with adjustments made for population increases and inflation since July 1, 1981
- appropriations above the base figure excluded from the base are:
 - appropriations for Permanent Fund dividends
 - appropriation of revenue bond proceeds
 - appropriation to pay debt service
 - appropriation of funds received from non-state sources for specific purposes
- at least one-third of the base figure will be for capital projects and loan programs
- the base can only be exceeded for appropriations to the Permanent Fund and capital project packages upon voter approval. Voters shall be informed of the operation and maintenance costs of the proposed capital projects
- no other appropriation beyond the limit can be made except in cases of a declared disaster
- unappropriated funds will be invested

Section 2. Adds three new sections to Article XV (Schedule of Transitional Measures):

Section 26. APPROPRIATIONS FOR RELOCATION OF THE CAPITAL. If the relocation of the capital measure on the 1982 ballot is successful, appropriations for the capital move will be exempted from the voter approval requirement.

Section 27. RECONSIDERATION OF AMENDMENT LIMITING INCREASES IN APPROPRIATIONS. If the spending limit is adopted in 1982, it will again be placed on the ballot in 1986. If voters reject it in 1986, it is repealed.

Section 28. APPLICATION OF AMENDMENT. If the spending limit is adopted, it is applicable to FY 84 appropriations.

Section 3. These measures will be placed before the voters at the next general election.

STATE OF ALASKA

THE LEGISLATURE

1981

Source

FSS-FCCSSJR 4

Legislative
Resolve No.

1



Proposing amendments to the Constitution of the State of Alaska relating to limiting increases in appropriations.

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

* Section 1. Article IX, Constitution of the State of Alaska, is amended by adding a new section to read:

SECTION 16. APPROPRIATION LIMIT. Except for appropriations for Alaska permanent fund dividends, appropriations of revenue bond proceeds, appropriations required to pay the principal and interest on general obligation bonds, and appropriations of money received from a non-State source in trust for a specific purpose, including revenues of a public enterprise or public corporation of the State that issues revenue bonds, appropriations from the treasury made for a fiscal year shall not exceed \$2,500,000,000 by more than the cumulative change, derived from federal indices as prescribed by law, in population and inflation since July 1, 1981. Within this limit, at least one-third shall be reserved for capital projects and loan appropriations. The legislature may exceed this limit in bills for appropriations to the Alaska permanent fund and in bills for appropriations for capital projects, whether of bond proceeds or otherwise, if each bill is approved by the governor, or passed by affirmative vote of three-fourths of the membership of the legislature over a veto or item veto, or becomes law without signature, and is also approved by the voters as prescribed by law. Each bill for appropriations for capital projects in excess of the limit shall be confined to capital projects of the same type, and the voters shall, as provided by law, be informed of the cost of operations and maintenance of the capital projects. No other appropriation in excess of this limit may be made

except to meet a state of disaster declared by the governor as prescribed by law. The governor shall cause any unexpended and unappropriated balance to be invested so as to yield competitive market rates to the treasury.

* Sec. 2. Article XV, Constitution of the State of Alaska, is amended by adding new sections to read:

SECTION 26. APPROPRIATIONS FOR RELOCATION OF THE CAPITAL. If a majority of those voting on the question at the general election in 1982 approve the ballot proposition for the total cost to the State of providing for relocation of the capital, no additional voter approval of appropriations for that purpose within the cost approved by the voters is required under the 1982 amendment limiting increases in appropriations (art. IX, sec. 16).

SECTION 27. RECONSIDERATION OF AMENDMENT LIMITING INCREASES IN APPROPRIATIONS. If the 1982 amendment limiting appropriation increases (art. IX, sec. 16) is adopted, the lieutenant governor shall cause the ballot title and proposition for the amendment to be placed on the ballot again at the general election in 1986. If the majority of those voting on the proposition in 1986 rejects the amendment, it shall be repealed.

SECTION 28. APPLICATION OF AMENDMENT. The 1982 amendment limiting appropriation increases (art. IX, sec. 16) applies to appropriations made for fiscal year 1984 and thereafter.

* Sec. 3. The amendments proposed by this resolution shall be placed before the voters of the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and the election laws of the state.

Senate OKs session limit bill

by Bill White
Times Juneau Bureau

Juneau — The Senate Tuesday voted for a proposed constitutional amendment to limit the length of legislative sessions to no more than 135 days, but not before tacking on a measure creating a multi-billion dollar fund for building dams.

The action came on a 14-4 vote after little debate, most of it focusing on the effort to "piggyback" two distinct issues on one resolution.

The session limit is a priority of House Speaker Joe Hayes, R-Anchorage. It was expected barely to get the 14 votes needed to pass the Senate, if it passed at all.

The dam-building Alaska Resource Fund, was a priority of Sen. Ed Dankworth, R-Anchorage, co-chairman of the Finance Committee. The House last week overwhelmingly voted to kill that proposal.

If the House agrees to the addition of the resource fund to the session limit proposal, voters will get both measures separately this November.

The session limit section comes on the heels of a record 165-day session last year. It would limit sessions to 120 days with one 15-day extension.

Sen. Frank Ferguson, D-Kotzebue, proposed changing the limit to a flat 120 days. That amendment failed on a 10-8 vote.

Sen. Charlie Parr, D-Fairbanks, failed in his attempt to amend the bill to allow an unlimited number of extensions. That would have let the Legislature decide for itself how long its sessions should be, he said.

But Sen. Tim Kelly, R-Anchorage, said, "Essentially, the unlimited extension is an unlimited session." The amendment failed 11-7.

Sen. Robert Ziegler, D-Ketchikan, said lawmakers couldn't do

the job of running a \$1 billion company well with a time limit. But he voted "yes."

The resource fund proposal is a stripped-down version of the one the House crushed on a 32-4 vote last week. That earlier version also would have tied state spending to tax revenues.

Under the Senate bill, the resource fund would get half of the state's non-tax oil income, including royalties and bonuses from lease sales. The other half would go to the state's permanent fund, a savings account for future generations.

The bill proposal would allow up to two-fifths of the fund to be spent every two years if the voters approve. The rest of the money could be invested in state projects or programs owned by the state. Dankworth said the intent is to save enough money to fund the \$5.1 billion cost of building two dams on

the Susitna River. The dams, supporters say, would provide cheap hydropower to the railbelt area.

Sen. Pat Rodey, D-Anchorage, voted against the proposal, saying he opposed it because it merged the resource fund and session limit questions.

"This is a blatant example of logrolling or piggybacking" to get the two-thirds votes needed by a house to pass a constitutional amendment, he said.

But Kelly said Rodey often piggybacks bills in his Judiciary Committee.

Sen. Bill Ray, D-Juneau, called the measure a "Jekyll and Hyde" proposal. He supports the resource fund but not the session limit.

Rodey and Ray were joined by Sens. Don Bennett, R-Fairbanks, and Jay Kerttula, D-Palmer, in voting against the resolution.

Dankworth's resource fund language was adopted unanimously and without debate.

The essential two

IT'S CURIOUS the way the legislators have a great talent for not dealing with issues their constituents see as critically important, but at the same time spend inordinate amounts of time on other legislation.

In the former category, two items come especially to mind on this 113th day of the 1981 lawmaking session in Juneau: (1) a lid on state spending and (2) a limit on the length of the annual session.

In the latter category are a hundred bills, but three come easily to mind: (1) a donation of \$7 million to the University of Washington medical school, (2) publication of an annual primer of what college credits will transfer from one institution to another, and (3) forcing Alaska hospitals to grant full medical staff privileges to naturopathic physicians.

IT CAN'T BE SAID that all else pales before the issues of a spending limit and a mandated date for adjournment. There are other items that are broadly important to the state and must be addressed.

Nonetheless, were there limits on spending and a deadline for accomplishing the leg-

islature's work, the priorities would establish themselves and the trash would fall to the bottom of the barrel, as it should — not rise to the top of the daily calendars, as it does.

The legislature needs to pass a resolution bringing to next year's ballot a proposal to amend the constitution to hold government expenditures to a reasonable formula based on population growth and inflation. And it needs to pass a second resolution to amend the constitution to limit the length of any regular session to a specified number of days — be it 90, 100, 110 or 120.

WITHOUT THESE TWO limitations, Alaska will be eaten alive by a two-headed government monster — the administration and the legislature. Their spending appetites are insatiable. The rule now is this: The bigger the budget this year, the bigger it will be next year; the longer the session this year, the longer it almost surely will be next year.

The time has come for the legislature to act on these issues and forget some of the silly business with which it now occupies itself.

Introduced: 2/8/79
Referred: Finance

1 IN THE HOUSE

BY MEEKINS AND DUNCAN

2 HOUSE BILL NO. 153

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Legislative Budget and Audit
7 Committee; establishing a joint budget subcommittee;
8 and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 24.20.161 is amended to read:

11 Sec. 24.20.161. MEMBERSHIP. The Legislative Budget and Audit Com-
12 mittee is composed of 10 members: (1) the chairmen of the senate and
13 house finance committees; (2) one majority and one minority member
14 selected from each of the senate and house finance committees and
15 appointed by the president of the senate and speaker of the house,
16 respectively; and (3) two [THREE] members appointed from each house by
17 the respective presiding officer. [THE CHAIRMAN OF THE FINANCE COMMIT-
18 TEE MAY CHOOSE NOT TO SERVE ON THE COMMITTEE. IF THIS OCCURS, THE
19 PRESIDING OFFICER OF THE APPROPRIATE HOUSE SHALL APPOINT A REPLACEMENT
20 FROM THE FINANCE COMMITTEE. THE MEMBERSHIP FROM EACH HOUSE SHALL IN-
21 CLUDE AT LEAST ONE MEMBER FROM EACH OF THE TWO MAJOR POLITICAL PARTIES.]
22 The committee shall select its own chairman.

23 * Sec. 2. AS 24.20 is amended by adding a new section to read:

24 Sec. 24.20.195. JOINT BUDGET COMMITTEE. (a) The Joint Budget
25 Committee is established as a permanent interim subcommittee of the
26 Legislative Budget and Audit Committee. The subcommittee is composed of
27 the six members of the finance committee serving on the Legislative
28 Budget and Audit Committee in accordance with AS 24.20.161(1) and (2).

29 (b) The Joint Budget Committee shall

1 (1) review state revenue projections and make recommendations
2 concerning revenues to the legislature, as provided in the Executive
3 Budget Act (AS 37.07); and

4 (2) review requests for state agency annual program appro-
5 priations and supplemental appropriations, and make recommendations on
6 these requests to the legislature in the format of an appropriation
7 bill, accompanied by the documentation for appropriation bills prepared
8 by the legislative finance division.

9 * Sec. 3. AS 37.07.070 is amended to read:

10 Sec. 37.07.070. LEGISLATIVE REVIEW. The legislature shall con-
11 sider the governor's proposed comprehensive operating and capital im-
12 provements programs and financial plans, evaluate alternatives to the
13 plans, make program selections among the various alternatives and deter-
14 mine, subject to available revenues, the level of funding required to
15 support authorized state services. During each regular session of the
16 legislature, legislative review of the plans shall be accomplished
1 according to the following schedule:

18 (1) By the 45th legislative day, the legislature shall have
19 established by concurrent resolution the total amount of state general
20 funds that shall be available for appropriation for the budget year and
21 the tentative allocation of the funds among program categories in both
22 the operating and capital budgets. The resolution shall be introduced
23 by the Joint Budget Committee [FINANCE COMMITTEE OF THE HOUSE IN WHICH
24 THE GENERAL APPROPRIATIONS BILL WAS INTRODUCED].

25 (2) By the 90th legislative day, the house in which the
26 general appropriations bill was introduced by the governor shall have
27 calendared for second reading a version of the general appropriations
28 bill as reported by the Joint Budget Committee. The bill shall be
29 supported with documentation to explain the proposed appropriations and

1 related statements of intent. In addition, a list of other appropria-
2 tions or measures with fiscal implications pending before the legisla-
3 ture shall be included with the documentation for the calendared bill.

4 * Sec. 4. AS 24.20.201(b) is repealed.

5 * Sec. 5. This Act takes effect January 1, 1981.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE



MEMORANDUM

DATE: November 10, 1980

TO: Senator Pat Rodey

FROM: Robert L. Grogan, Fiscal Analyst *RLG*
Legislative Finance Division

SUBJ: Joint Budget Committee - Points in Favor

The joint budget committee structure has been discussed by the Alaska Legislature for several years. The advantages of this structure are:

1. A small cohesive committee of knowledgeable, hardworking members could do a better job for the Legislature on the budget.
2. Better staff direction. If we were to work for a committee on the budget, we could anticipate their needs better than under the existing three/four committee system.
3. Better budget product. Colorado's JBC traditionally produces a well thought out and carefully tied together budget. They do this by virtue of being better organized, better informed, and better suited for fiscal decision making.
4. Compliance with legislative intent is vastly improved under such a system. When the administration knows the Legislature is well organized and determined to follow through on intent compliance, compliance improves.
5. If we honestly look at Alaska's legislative budget operation, this is really the way we do it now. Alaska, as in most states (see attached listing of appropriation conference committee size for all states), uses a six member conference committee structure to actually write the final budget. If we recognized and accepted that fact and establish that conference committee on a year-round basis, we could vastly improve the quality of the budget that we traditionally produce from the Free Conference Committee.

I have attached a portion of Chapter 22 (pages 128 and 129) of Senator Joe Shoemaker's (twelve years with the Colorado Joint Budget Committee) recently published book, "Budgeting is the Answer". These pages highlight the chief advantages to the JBC concept as Senator Shoemaker sees them. I have also attached a listing of the states and what type of committee structure each uses.

attachments

RLG:bf

to appropriate and, therefore, it follows that the Legislature has the duty to budget appropriations.

There are four tangible (legislated) reasons and five intangible (based on experience) reasons why the JBC has been successful.

Tangible:

1. JBC members know what the *goals and objectives* of the Committee are. They're defined by statute, clear and concise — bu. looked at each year, year after year, as any goals and objectives should be.

2. The statute gives the JBC the *authority* to do what it does, and the Legislature can take away that authority any time it chooses. But until the statute is changed, there is no doubt that the JBC has the legal authority to recommend appropriations after any number of hearings it chooses to hold. *Nobody* else has this authority — nor should they, unless indecision and then chaos is desired, which always results when dual authority is present.

3. The JBC has been legislated and funded to hire a *staff*, not a big staff, but one of adequate size. The quality of the staff, not the quantity, makes the difference. Decision makers have to have sound ideas proposed by others and people who can ferret out facts and suggest incisive questions. The JBC staff has provided this capability.

4. The JBC is small. The statute sets the size, and, in this case, "Small is Beautiful." The JBC works successfully because no one can hide. Everyone must work and vote. The quickest way to destroy the effectiveness of the JBC would be to increase the number of members. Then no one would be responsible, and, consequently, there would be no reason to succeed. No one would know the difference.

Intangible:

1. The JBC asks for priorities from those requesting money. The Committee sets its own priorities. It knows it can't do everything, but what it does, it must do well. Otherwise, there would be no success story.

2. Work is the only four-letter word the Committee knows.

Those who can't work because of other obligations, or who won't work because they don't believe in it, cannot serve effectively on the JBC. It also takes sensible people to make laws work. The JBC has been blessed with sensible people — representative of the diverse interests of Colorado.

3. Thus, the JBC's source of strength is its six members with differing views who *debate* in the open the specifics, the issues and the policies inherent in funding or not funding.

4. Decisions are made by publicly recorded votes. The decisions aren't always the ultimate, but a decision on a request is better than no decision; and the process from hearings to figure setting leaves little to interpretation.

Finally, the JBC has an incentive to do the BEST BUDGETING within the State's resources. And it has the mechanism to accomplish it. The JBC knows that BUDGETING IS THE ANSWER to making government work.

I have found that the following maxim works wonders if you believe budgeting is the answer:

Ask them "Why?"
 Make them prove it.
 Make somebody do it.
 Don't be soft-hearted
 on the first (or
 second) hearing.
 They'll be back.
 Remember, PERFORMANCE
 is the name of the game.
 Think it. Legislate it.
 No more money unless
 you get it.

If legislatures wish to use the power of the purse strings to make their state governments work for the benefit of all their citizens, they may. And as the individual legislators take the job of budgeting seriously, they will find that the generalities usually associated with identifying them as "conservative" or "liberal" will diminish. Why? Because, they will have learned how to have a heart and they will now know how important it is to count.

APPROPRIATIONS AND REVENUE CONFERENCE COMMITTEES

State or other jurisdiction	Free conference	Limited conference	Size		All conferees are also on appropriations cmte.		Bills seldom or never go to conferences
			House	Senate	Yes	No	
Alabama	•	•	3	3	•	•	•
Alaska	•	•	3	3	•	•	•
Arizona	•	•	•	•	•	•	•
Arkansas	•	•	•	•	•	•	•
California	•	•	3	3	•	•	•
Colorado	•	•	3	3	•	•	•
Connecticut	•	•	•	•	•	•	•
Delaware	•	•	•	•	•	•	•
Florida	•	•	7	7	•	•	•
Georgia	•	•	3	3	•	•	•
Hawaii	•	•	Varies	Varies	•	•	•
Idaho	•	•	•	•	•	•	•
Illinois	•	•	5	5	•	•	•
Indiana	•	•	5	5	•	•	•
Iowa	•	•	5	5	•	•	•
Kansas	•	•	3	3	•	•	•
Kentucky	•	•	•	•	•	•	•
Louisiana	•	•	3	3	•	•	•
Maine	•	•	•	•	•	•	•
Maryland	•	•	3	3	•	•	•
Massachusetts	•	•	3	3	•(a)	•	•
Michigan	•	•	3	3	•	•	•
Minnesota	•	•	5	5	•	•	•
Mississippi	•	•	3	3	•	•	•
Missouri	•	•	5	5	•	•	•
Montana	•	•	3	3	•	•	•
Nebraska	•	•	•	Unicameral	•	•	•
Nevada	•	•	•	•	•	•	•
New Hampshire	•	•	5	3	•	•	•
New Jersey	•	•	•	•	•	•	•
New Mexico	•	•	3	3	•	•	•
New York	•	•	•	•	•	•	•
North Carolina	•	•	15	11	•	•	•
North Dakota	•	•	3	3	•	•	•
Ohio	•	•	3	3	•	•	•
Oklahoma	•	•	15	15	•	•	•
Oregon	•	•	2	2	•	•	•(b)
Pennsylvania	•	•	3	3	•	•	•
Rhode Island	•	•	•	•	•	•	•
South Carolina	•(c)	•	3	3	•	•	•
South Dakota	•	•	3	3	•	•	•
Tennessee	•	•	11	11	•	•	•
Texas	•	•	5	5	•	•	•
Utah	•	•	•	•	•	•	•
Vermont	•	•	3	3	•	•	•
Virginia	•	•	3	3	•	•	•
Washington	•	•	3	3	•	•	•
West Virginia	•	•	5	5	•	•	•
Wisconsin	•	•	3	3	•	•	•
Wyoming	•	•	•	•	•	•	•
American Samoa	•	•	Varies	Varies	•	•	•
Guam	•	•	•	Unicameral	•	•	•
Puerto Rico	•	•	5	5	N.A.	N.A.	•
Virgin Islands	•	•	•	Unicameral	•	•	•

N.A.—Not available.

(a) Usually, but not always.

(b) Appropriations, seldom; revenue bills, more often.

(c) Both houses must, by 2/3 vote, give free conference powers when differences cannot be resolved.

PATRICK RODEY
ANCHORAGE

601 W. 5TH AVE. SUITE 820
ANCHORAGE, ALASKA 99501

Alaska State Senate
JUNEAU, ALASKA 99811

DURING SESSION
POUCH V
JUNEAU, ALASKA 99811

December 31, 1980

Mrs. Jan Faiks
Faiks' Llamas
6060 Yukon Drive
P.O. Box SRA 62 F
Anchorage, AK 99507

Dear Mrs. Faiks:

Enclosed is a copy of the proposal of the joint budget committee.

Unfortunately I have not had time to draft details of the Joint Finance Committee however by the time session begins in Juneau I should have this work done.

A single committee would take the place of both the committees in each house.

Sincerely,

Patrick M. Rodey
Senator

PMR/ds



Official Business

Alaska State Legislature

LEGISLATIVE REFORM

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

May 26, 1981

RECOMMENDATIONS OF THE SENATE SPECIAL COMMITTEE ON LEGISLATIVE REFORM

Attached are copies of six proposed changes to the Uniform Rules of the Alaska State Legislature. Each change is intended to effect legislative reform. It is the recommendation of this committee that these changes, as well as the other rule changes supported by the Senate Rules Committee, be approved by both houses in joint session this year, and that they become effective immediately after adjournment.

These particular proposed changes are brought to your attention because, in this committee's opinion, though there are other aspects of the legislative process which may warrant change, the reform outlined in these six rules will prevent most of the perceived abuses of the past.

The issues addressed in the attached rules are: (1) powers of conference committees; (2) powers of free conference committees; (3) committee procedures; (4) establishment of legislative committees during the interim; and (5) piggybacking of bills. The first two issues are covered in the proposed Rule 42. The third issue is covered in the proposed Rule 23. The fourth issue is covered in the proposed Rule 21. The fifth issue is covered in the proposed Rules 24-35-41 and 42.

Members of this committee are Senators Rodey and Kelly, co-chairmen, Fischer, Bennett and Ray.

RULE 21. SPECIAL AND JOINT COMMITTEES. (a) A special committee is a committee of one house and may be established only by the adoption of a simple resolution. The presiding officer of each house appoints the members of a [ALL] special committee[S] and designates the chair of the committee [THEIR CHAIRMEN] unless otherwise ordered by the house. The chairs [CHAIRMEN] of like committees of each house may arrange for the committees to meet jointly to receive testimony and deal with other matters which may be expedited by joint committee action.

(b) A joint committee is a committee of both houses and may be established only by the adoption of a concurrent resolution. One-half of the members of a joint committee shall be appointed from each house by the presiding officer.

(c) The resolution establishing a special or joint committee shall specify the date or conditions of termination of the committee. A special or joint committee may meet during the session or during the interim between sessions or both, as specified in the resolution. A special or joint committee may expend money only in accordance with an appropriation made for the work of the committee.

(d) No committee may be established unless authorized by law or by the Uniform Rules.

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 committee chair to the internal administrative officer of the house by 4:00 p.m. on the preceding Friday. The chair of the committee to which a bill or resolution is first referred shall provide to the internal administrative officer written notice of the time and place of the first public hearing on the bill or resolution at least five days before the hearing if requested in writing by the prime sponsor. The internal administrative officer shall publish and distribute copies of the weekly schedule of committee meetings and of the five-day notice of hearing.

(b) The standing, special or joint committee chair shall provide the internal administrative officer written notice of a 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 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/as provided for notice of change in the same manner in (b) of this rule.

(d) The provisions of (a) and (b) of this rule do not apply to standing, special or joint committee meetings 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 standing, special or joint committee chair 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), (b), (c) and (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 they meet 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 to committee members and the public. Committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of

each session or each legislature to the legislative reference
library for appropriate disposition.

RULE 24 [23] (c) of the Uniform Rules of the Alaska State Legislature is amended to read:

(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 a second reading in the place of the original bill. If a committee substitute is offered, a committee report may not be reported back to the house without a copy of the committee substitute. A committee substitute that contains a change in the bill title or an amendment to a bill reported by a committee that requires a change in the bill title (other than a clerical or technical change) requires an affirmative vote of two-thirds of the house. A committee of the second house may not report out 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 adopted 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 [HIS OR THEIR] name so appearing.

RULE 35 [34]. AMENDMENT. A [NO] motion or proposition on a subject matter may not [SHALL] be admitted under color of amendment if the subject matter is different from that under consideration. A motion or proposition for an amendment that requires a change in the title of a bill (other than a clerical or technical change) requires an affirmative vote of two-thirds of the house. A motion or proposition on a subject that requires a change in the title of the bill as enacted in the house of origin other than a clerical or technical change is not in order in the second house. An [NO] amendment may not be considered by the house unless submitted in writing and read aloud by the clerk or secretary. Amendments offered by a committee shall be included in its written report and attached to the original bill. A bill in second reading is subject to amendment and is treated section by section. An [NO] amendment may not be made to a bill in its third reading but the bill may be returned to second reading by a majority vote of the full membership of the house for the purpose of specific amendment. Except as provided in this rule, a [A] title may be amended or a change of sponsor made in third reading or after passage by a majority vote of the members present, but the title amendment or sponsor change [SAME] must be accomplished before the measure acted upon has been enrolled. When amendments to the body of a bill affect the numbering of sections, or passage or failure of the effective date clause affects the title, the clerk or secretary may accomplish the necessary changes without formal motion, and the [SUCH] changes shall be noted in the journal. Resolutions may be amended in the same manner as a bill.

RULE 41 [40]. AMENDMENTS IN OTHER HOUSE. (a) When a bill passed in one house is amended in the other house, the bill with certified amendments is returned to the house of origin requesting concurrence. The vote on concurrence in amendments is taken by calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a majority vote of the full membership in each house. If concurrence is had the clerk or secretary notes the concurrence in the journal, informs the other house of the concurrence, and proceeds to have the bill enrolled for certification and transmittal to the governor.

(b) An amendment to a bill introduced in the other house is not in order if the amendment requires a change of the bill title other than a clerical or technical change. The title of a bill may not be changed other than by a clerical or technical change except by an affirmative vote of two-thirds of the house of origin.

RULE 42 [41]. 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 [ON CONFERENCE]. The committee meets when mutually agreeable to its members. [AND WHEN] If the committee reaches agreement on previously adopted amendments to a bill adopted by either house [IS REACHED], 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 [BOTH] house[S] the bill is enrolled, signed, and transmitted to the governor. If the members of the Conference Committee cannot agree on amendments, or if one 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. [IT IS IN ORDER AT ANY TIME TO GRANT POWERS OF FREE CONFERENCE.] If the members of a [THE] Conference Committee [ON CONFERENCE] with limited powers of free conference cannot agree on amendments, or one or both houses refuses to adopt the committee [ITS] report, it is then in order to appoint a Free Conference Committee [ON FREE CONFERENCE]. 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 [AYES] and nays in the journal. Adoption requires a majority vote of the full membership of each [THE] house.

(b) A [THE] Free Conference Committee [ON FREE CONFERENCE] is appointed in the same manner as a Conference Committee [ON CONFERENCE] and may suggest in its report any new amendments clearly germane to the question. When a majority of the membership of [ON] the committee from each house agree on amendments [TO BE PROPOSED], 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 [BOTH] house[S] the bill is then ordered enrolled by its house of origin. If the members of a Free Conference Committee [ON FREE CONFERENCE] fail[S] to agree on amendments or one or both houses refuses to adopt the free conference [ITS] report [IS NOT ADOPTED], a second Free Conference Committee [ON FREE CONFERENCE] may be appointed, but no member of the first committee may be reappointed. A free conference report may not be voted on by the house until at least 24 hours after the report is duplicated and delivered to the internal administrative officer of the house for distribution to each member. The vote on adoption of a free conference committee report is taken by the calling of the roll and the recording of the yeas [AYES] and nays in the journal. Adoption requires a majority vote of the full membership of each [THE] house.

(c) A conference committee, 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.

(d) The report of a Committee on Conference with powers of
free conference or a Committee on Free Conference that requires a
change in the title of a bill other than clerical or technical
changes requires an affirmative vote of two-thirds of the house of
origin.

Three cheers for reform

IT TOOK a considerable bit of waltzing around on the part of Alaska's legislators before they finally bowed to public pressure and made some significant changes in the way legislative business is conducted.

In action yesterday at Juneau the House went along with reforms previously approved by the Senate. This produced an ecstatic reaction from Jan Bomhoff, one of the leaders of the Free Committee of the Anchorage Woman's Club which has been working diligently on this matter of reform.

"We're dancing dances of joy," Mrs. Bomhoff said.

Two legislative leaders were more reserved, but nonetheless hearty, in their comments.

"What has just been done will make an incredible difference in the way the legislature operates," said Republican Sen. Tim Kelly of Anchorage.

"I'm extremely happy. These are very significant pieces of reform," said Democratic Rep. Russ Meekins Jr. of Anchorage.

THE NEW RULES will limit the powers of a House-Senate free conference committee. They will bar the addition of new material to any piece of legislation and prohibit an appropriation bill from being raised beyond what was approved by either house. A second rules change will outlaw amending the title of a bill, a move that will prevent an abuse known as "bill-stripping" and sharply curtail another abuse known as "piggybacking."

The Senate, under Mr. Kelly's relentless pressure, had agreed to the changes some time ago. But the Demo-

cratic majority in the House wouldn't buy these two items of reform and last Saturday voted them down in a joint House-Senate Rules Committee meeting.

Mr. Meekins, however, in a party caucus four days ago, persuaded his colleagues that they were riding a bad horse and convinced them to switch positions. They did so in yesterday's vote, which came on a concurrent resolution that required approval of two-thirds of the House.

The final vote wasn't even close — 36-3. The three Democratic holdouts were Finance Committee Chairman Sam Cotten of Eagle River, Vernon Hurlbert of Sleetmute and Fred Brown of Fairbanks.

Mr. Brown said he opposed the reform measures because they contained "a loophole big enough to drive a truck through." Responded Mr. Meekins, "That's not true at all."

UNFORTUNATELY, the reform measures won't become effective until June 30, 1982, and thus will not impair legislative monkey business until the 13th Legislature convenes in January 1983.

In other words, the rest of the 1981 legislative session and the entire 1982 session will be immune from these critically important changes. It's no coincidence that the present representatives will hold office until the end of that period.

That's something of a coward's way of dealing with a terribly important problem. But let's not complain. Some reform — even if it doesn't take effect for another year and a half — is better than no reform at all.

Rules changes labeled 'showmanship'

By KARIN DAVIES
Associated Press Writer

Against a backdrop of what one lawmaker said was "political puffery and showmanship" the state Legislature made some changes to the rules governing their business Saturday, but didn't clamp down on areas most noted for abuses.

Some lawmakers and private citizens' groups that had been pushing for major reform said they were disappointed in the first changes made to the Legislature's Uniform Rules in four years.

The rules changes were "basically cosmetic," said Jan Faiks of FREE, formed by the General Federation of Women's Clubs. She was particularly critical because lawmakers rejected a proposal to restrict the powers of free conference committees, House-Senate panels which are given a free hand to negotiate settlements when each chamber approves different versions of the same bill.

The new rules were adopted with a 15-1 Senate vote and a 24-15 House vote. The changes include a requirement that free conference committee reports cannot be voted on until 24 hours after they are distributed to lawmakers. Rep. Brian Rogers, D-Fairbanks, said the delay would substantially reduce abuses by the negotiating teams.

A proposed amendment defeated by House Democrats would have put a tighter rein on free conference committees by holding them to the greatest appropriation approved by a house. That means free conference committee still will be allowed to come up with entirely new appropriations, and Ms. Faiks predicted that "Christmastree budgets" will result.

The Senate approved the amendment 15-1, but the House killed the change on a 19-20 ballot. Reps. Russ Meekins, D-Anchorage,



ALASKA NEWS

and Terry Gardiner, D-Ketchikan, voted with Republicans and Libertarians for the change.

House Finance Chairman Sam Cotten, D-Eagle River, voted against the amendment and said "they're trying to make the Legislature more inefficient than it already is. The fact is that it isn't five or six people on a free conference committee making decisions. It still takes 21 votes in the House and 11 votes in the Senate to do anything."

Some lawmakers said they were appalled by the grandstanding of some of their colleagues. Members of citizens groups backing legislative reform were in the galleries during the joint session.

"There's no business like show business. The debate on all sides of the issue was for show. And that includes my debate," Rogers said.

Ms. Faiks also was critical because the new rules do not contain any safeguards against bill stripping — gutting the substance of a measure and replacing with totally new matter — and piggyback-

ing, which is tacking one bill on to another.

But House Rules Chairwoman Sally Smith, D-Fairbanks, who spearheaded the House effort to rework the rules, said she is pleased with the package. She said several changes were made to curb abuses in free conference committees, and that her only real disappointment is that Senate President Jalmar Kerttula, D-Palmer, gavelled the joint session to a halt before tighter restrictions were approved to limit bill stripping and piggybacking.

Under the new rules, a free conference committee couldn't be appointed until a conference committee, which has fewer powers, has a shot at negotiating a compromise on the disputed measure.

If the conference committee can't agree, or if the team's report is rejected, then the presiding officers may give limited powers of free conference on specific disagreements. That means they could go beyond the legislation approved by either house to set a compromise.

In part, the rules changes also would:

—Force lawmakers to vote on nominees for a permanent presiding officer by the eighth day of the session. This session it took the House more than three weeks to organize.

—Require each committee to set weekly schedules, and give five-days notice for the first public hearing on a measure. Only 24-hours notice must be given in the last few weeks of the session, and a majority vote by a chamber would waive all notice requirements.

—Require committees to tape record meetings, and keep minutes in a standardized form.

—Would require special and joint committees and their funding to be approved by the full House or Senate, rather than just by the presiding officer.

Original sponsor: Rules Committee

Introduced: 3/23/81
Referred: Rules

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 155 (State Affairs) am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to legislative procedures; and provid-
7 ing for an effective date."

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

9 * Section 1. AS 24 is amended by adding a new chapter to read:

10 CHAPTER 27. LEGISLATIVE COMMITTEE PROCEDURE.

11 Sec. 24.27.010. COMMITTEE PROCEDURE. (a) Each committee of the
12 legislature shall prepare minutes of each meeting of the committee on a
13 standard form prescribed by the legislative council. Committee minutes
14 that reflect action on legislation are part of the legislative history
15 of the legislation. Preparation of the minutes of a committee meeting
16 is the responsibility of the chairman of the committee. The minutes of
17 a committee meeting shall include

18 (1) a statement of the members present at the committee
19 meeting, including a list of the members present at the opening of the
20 meeting, the arrival of a member during a meeting, and the time of the
21 arrival;

22 (2) a list of the name and, if applicable, the affiliation
23 of each witness appearing before the committee;

24 (3) a brief statement of the position of the witness on the
25 subject before the committee;

26 (4) proposed amendments presented by a witness appearing
27 before the committee; and

28 (5) each amendment to a bill considered by the committee,
29 the name of the member moving adoption of the amendment, and the roll

1 call vote on adoption of each proposed amendment.

2 (b) The vote on adoption of each amendment considered by the
3 committee shall be by roll call vote and the "yeas" and "nays" shall be
4 recorded in the minutes.

5 (c) Each committee shall record its meetings electronically under
6 a method prescribed by the legislative council. The recording shall be
7 in a manner which allows for preparation of a verbatim transcript of
8 the meeting. A log of the recording adequate to locate specific tes-
9 timony shall be maintained by the committee.

10 (d) Each committee shall file all minutes and all written mate-
11 rial submitted to the committee in the manner prescribed by the legisla-
12 tive council. All minutes shall be entered and made available as a data
13 base on the legislative computer system. All written material submit-
14 ted to the committee shall indicate the name of the person submitting
15 the material and the date of its submission. Committee minutes, tapes
16 and other materials of research value shall be delivered by the commit-
17 tee (at the end of each legislature) to the legislative reference
18 library for appropriate disposition.

19 (e) The chairman of a committee shall maintain a chronological
20 file of minutes which is readily accessible to committee members and
21 the public. Minutes may be corrected or amended by majority vote of
22 the committee, regardless of the time which has elapsed since the
23 action reflected in the minutes.

24 (f) In this section "committee" includes a standing, special
25 interim committee of the legislature or of a house of the legislature.

26 (g) Each committee, except for the Rules Committee for the purpose
27 of the daily calendar, shall make public its meeting schedule agenda at
28 least five days prior to public hearings on legislation, except that
29 the agenda may be amended on shorter notice by majority vote of the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

committee.

* Sec. 2. AS 24.20.060 is amended by adding a new paragraph to read:
(9) to prepare the forms and rules required by AS 24.25.060
and AS 24.27.010.

* Sec. 3. The legislative council shall prepare the forms and rules
required by AS 24.27 enacted in sec. 1 of this Act before the Second Session
of the Twelfth Legislature convenes.

* Sec. 4. Section 1 of this Act takes effect January 11, 1982.

* Sec. 5. Sections 2 and 3 of this Act take effect immediately in ac-
cordance with AS 01.10.070(c).

Original sponsor: Rules Committee

Offered: 3/23/81
Referred: Rules

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 155 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to legislative procedures; and provid-
7 ing for an effective date."

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

9 * Section 1. AS 24 is amended by adding a new chapter to read:

10 CHAPTER 27. LEGISLATIVE COMMITTEE PROCEDURE.

11 Sec. 24.27.010. COMMITTEE PROCEDURE. (a) Each committee of the
12 legislature shall prepare minutes of each meeting of the committee on a
13 standard form prescribed by the legislative council. Committee minutes
14 that reflect action on legislation are part of the legislative history
15 of the legislation. Preparation of the minutes of a committee meeting
16 is the responsibility of the chairman of the committee. The minutes of
17 a committee meeting shall include

18 (1) a statement of the members present at the committee
19 meeting, including a list of the members present at the opening of the
20 meeting, the arrival of a member during a meeting, and the time of the
21 arrival;

22 (2) a list of the name and, if applicable, the affiliation
23 of each witness appearing before the committee;

24 (3) a brief statement of the position of the witness on the
25 subject before the committee;

26 (4) proposed amendments presented by a witness appearing
27 before the committee; and

28 (5) each amendment to a bill considered by the committee,
29 the name of the member moving adoption of the amendment, and the roll

1 call vote on adoption of each proposed amendment.

2 (b) The vote on adoption of each amendment considered by the
3 committee shall be by roll call vote and the "yeas" and "nays" shall
4 be recorded in the minutes.

5 (c) Each committee shall record its meetings electronically under
6 a method prescribed by the legislative council. The recording shall be
7 in a manner which allows for preparation of a verbatim transcript of
8 the meeting. A log of the recording adequate to locate specific testi-
9 mony shall be maintained by the committee.

10 (d) Each committee shall file all minutes and all written material
11 submitted to the committee in the manner prescribed by the legislative
12 council. All written material submitted to the committee shall indicate
13 the name of the person submitting the material and the date of its
14 submission. Committee minutes, tapes and other materials of research
15 value shall be delivered by the committee (at the end of each legisla-
16 ture) to the legislative reference library for appropriate disposition.

17 (e) The chairman of a committee shall maintain a chronological
18 file of minutes which is readily accessible to committee members and
19 the public. Minutes may be corrected or amended by majority vote of
20 the committee, regardless of the time which has elapsed since the
21 action reflected in the minutes.

22 (f) In this section "committee" includes a standing, special or
23 interim committee of the legislature or of a house of the legislature
24 and all subcommittees of standing, special or interim committees of the
25 legislature.

26 * Sec. 2. AS 24.20.060 is amended by adding a new paragraph to read:

27 (9) to prepare the forms and rules required by AS 24.25.060
28 and AS 24.27.010.

29 * Sec. 3. The legislative council shall prepare the forms and rules

1 required by AS 24.27 enacted in sec. 1 of this Act before the Second Session
2 of the Twelfth Legislature convenes.

3 * Sec. 4. Section 1 of this Act takes effect January 11, 1982.

4 * Sec. 5. Sections 2 and 3 of this Act take effect immediately in ac-
5 cordance with AS 01.10.070(c).

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Introduced: 2/13/81
Referred: State Affairs

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 HOUSE BILL NO. 155

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to legislative procedures; and provid-
7 ing for an effective date."

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

9 * Section 1. AS 24 is amended by adding a new chapter to read:

10 CHAPTER 27. LEGISLATIVE COMMITTEE PROCEDURE.

11 Sec. 24.27.010. COMMITTEE PROCEDURE. (a) Each committee of the
12 legislature shall prepare minutes of each meeting of the committee on a
13 standard form prescribed by the legislative council. Committee minutes
14 that reflect action on legislation are part of the legislative history
15 of the legislation. Preparation of the minutes of a committee meeting
16 is the responsibility of the chairman of the committee. The minutes of
17 a committee meeting shall include

18 (1) a statement of the members present at the committee
19 meeting, including a list of the members present at the opening of the
20 meeting, the arrival of a member during a meeting, and the time of the
21 arrival;

22 (2) a list of the name and, if applicable, the affiliation of
23 each witness appearing before the committee;

24 (3) a summary of the testimony of each witness appearing
25 before the committee, including a summary of the position of the witness
26 on the subject before the committee;

27 (4) a description of any proposed amendments presented by a
28 witness appearing before the committee; and

29 (5) each amendment to a bill considered by the committee, the

1 name of the member moving adoption of the amendment, and the roll call
2 vote on adoption of each proposed amendment.

3 (b) The vote on adoption of each amendment considered by the
4 committee shall be by roll call vote and the "aye's" and "no's" shall be
5 recorded in the minutes.

6 (c) Each committee shall record its meetings by a method pre-
7 scribed by the legislative council. The recording shall be in a manner
8 which allows for preparation of a verbatim transcript of the meeting. A
9 log of the recording adequate to locate specific testimony shall be
10 maintained by the committee and shall be published as a supplement to
11 the minutes of the meeting.

12 (d) Each committee shall file all minutes and all written material
13 submitted to the committee in the manner prescribed by the legislative
14 council. All written material submitted to the committee shall indicate
15 the name of the person submitting the material and the date of its
16 submission. Committee minutes, tapes and other materials of research
17 value shall be delivered by the committee (at the end of each legisla-
18 ture) to the legislative reference library for appropriate disposition.

19 (e) The chairman of a committee shall maintain a chronological
20 file of minutes which is readily accessible to committee members and the
21 public. Minutes may be corrected or amended by majority vote of the
22 committee, regardless of the time which has elapsed since the action
23 reflected in the minutes.

24 (f) Testimony at committee meetings shall be taken under oath or
25 affirmation. The oath may be administered by the chairman of the com-
26 mittee or by a written statement signed by the witness attesting that
27 his testimony is under oath.

28 (g) In this section "committee" includes a standing, special or
29 interim committee of the legislature or of a house of the legislature

1 and all subcommittees of standing, special or interim committees of the
2 legislature.

3 * Sec. 2. AS 24.20.060 is amended by adding a new paragraph to read:

4 (9) to prepare the forms and rules required by AS 24.25.060
5 and AS 24.27.010.

6 * Sec. 3. AS 24.25.060 is amended to read:

7 Sec. 24.25.060. OATH AND PENALTY FOR VIOLATION OF OATH. The
8 president of the senate and speaker of the house of representatives and
9 the chairman of every committee of either body shall [MAY] administer an
10 oath to a witness appearing before the respective bodies. A person who
11 makes a false sworn statement which he does not believe to be true [WIL-
12 FULLY SWEARS OR AFFIRMS FALSELY] concerning any matter material to the
13 subject under investigation or inquiry commits the crime [IS GUILTY] of
14 perjury under AS 11.56.200 [AND UPON CONVICTION IS PUNISHABLE BY IM-
15 PRISONMENT FOR NOT LESS THAN ONE YEAR NOR MORE THAN FIVE YEARS].

16 * Sec. 4. The legislative council shall prepare the forms and rules
17 required by AS 24.27 enacted in sec. 1 of this Act and AS 24.25.060 enacted
18 in sec. 3 of this Act before the Second Session of the Twelfth Legislature
19 convenes.

20 * Sec. 5. Sections 1 and 3 of this Act take effect January 11, 1982.

21 * Sec. 6. Sections 2 and 4 - 6 of this Act take effect immediately in ac-
22 cordance with AS 01.10.070(c).
23
24
25
26
27
28
29

House approves first reform bill

By The Associated Press

Following a lengthy debate on a series of proposed amendments, the House approved on Wednesday the first of a series of legislative reform measures.

The bill (CSHB155), approved by a vote of 33-5, would make mandatory certain procedures for legislative committees.

Dissatisfied lawmakers proposed more than a half dozen amendments to the bill. Another reform measure (CSHB154) which would broaden the information public officials must disclose also was slated for action, but so many changes were suggested that lawmakers voted to return the bill to the Rules Committee for further discussion.

Under the approved bill, legislative committees — including standing, special and interim panels — would be required to keep detailed minutes and tape recordings of their meetings.

Attendance of committee members, names and associations of witnesses, a summary of testimony, and votes on all bills and amendments would be recorded. The detailed information would be filed with the legislative library and stored in the legislative computer system.

Also, all committees except the Rules Committee would be required to announce an agenda at least five days before public hearings. A majority vote would allow committees to give less notice. A provision was killed which would have required committees to give five days notice before moving a bill out of committee.

The new procedures would be set by the Legislative Council, and would be effective next January.

Originally, the bill introduced by the Rules Committee would have required witnesses to take an oath swearing to the truth of their testimony. The requirement was deleted following testimony that administering the oath is cumbersome and could intimidate witnesses.

The House rejected an amendment which would have required committees to make a recommendation on bills within 30 days.

Arguing against the deadline, Rep. Fred Brown, D-Fairbanks, said "some bills are like fine wines and cheeses — they have to age."

But Rep. Dick Randolph, L-Fairbanks, countered that some legislation is more like "milk and cottage cheese — the longer they're around the more they stink."

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 16, 1981

SUBJECT: Special, joint and interim committees

TO: Senator Patrick M. Rodey

FROM: Billy G. Berrier
Director
Division of Legal Services

You have asked what effect the defeat of Ballot Proposition No. 3 which proposed a constitutional amendment relating to interim and special committees had on the legislative power to appoint interim committees and special committees and the power of interim committees to meet during the session.

It is well established that the defeat of a proposal to amend the constitution or laws does not affect the interpretation of the sections for which the amendment is proposed. The reason for this is that the reason for the defeat is purely speculative. Proposition No. 3 is a good example. The text of the amendment provided:

Section 11. INTERIM COMMITTEES. There shall be a legislative council, and the legislature may establish other interim or special committees, as provided in the joint rules of the legislature. The legislature may establish an interim committee to approve jointly with the governor, as provided by law, state budget revisions, including revisions authorizing the receipt and expenditure of federal and other program receipts as defined by law. The council and other interim or special committees may meet during and between legislative sessions. They may perform duties and employ personnel as provided by the legislature. Their members may receive an allowance for expenses while performing their duties.

and the ballot summary stated:

This proposal would amend the state constitution to permit the legislature to adopt procedures for establishing interim and special committees by legislative rule, which, unlike a bill, may be adopted without three readings or a roll call vote and is not subject to veto by the governor or repeal by referendum. This proposal would allow interim and special committees to meet during legislative sessions and would allow the legislature to vest such a committee with the power to share with the governor the authority to approve or disapprove budget revisions including authorizations for receiving and spending federal or other non-state funds.

It has been stated that by defeating the constitutional amendment the voters repudiated the use of special committees and the long standing practice of interim committees meeting during the legislature. Of course, the voters could have intended that legislative committees be created by law, or that the legislature have no hand in jointly with the governor approving fund transfers, or that the voters were content with what is presently being done and saw no need for change. A cogent argument could be made that the voters are quite reluctant to amend the constitution unless the strong need for an amendment is demonstrated.

As a matter of law it cannot be determined whether one or a combination or none of these is the correct reason for the defeat. It may well be that different voters voted for different reasons. Therefore, the defeat has no effect on the interpretation.

The use of special and joint committees has a long legislative history going back to at least the English Parliament before independence of the United States. Had there been an intent to prohibit the use of this well established parliamentary device, a direct prohibition would have been used rather than silence. The use of these committees was well known to the constitutional convention delegates and was not prohibited. There can be no serious question that special and joint committees may be established by the legislature.

Senator Patrick M. Rodey

Page 3

March 16, 1981

The language in Section 11 of Article II that

SECTION 11. There shall be a legislative council, and the legislature may establish other interim committees. The council and other interim committees may meet between legislative sessions.

could be used as the basis for an argument by negative inference, that is, since interim committees are specifically allowed to meet during the interim they are forbidden to meet at any other time. There appears no basis for a negative inference here however.

The Council was in existence before statehood and was required to meet twice during the interim and allowed to meet "at any other times and at any place within the Territory of Alaska which they deem necessary." (Sec. 4-7-6, Alaska Compiled Laws, Chapter 69 laws 1953.)

The intent that the Council continue was stated by Delegate McCutcheon to the convention at page 1699 of the Proceedings of the Alaska Constitutional Convention. He said:

MCCUTCHEON: Mr. President, it was the feeling of the Committee that the legislature should utilize the services of their Legislative Council. It was the feeling of the Committee that there should be no if's, and's, or but's about it; it is not permissive, they are directed to utilize the Legislative Council, such as we are utilizing at the present time. The tendencies among the states is to more and more go into the utilities of legislative councils. It is an economic factor in the handling of legislative matters because the facts are developed; the investigations are made; the wording of the bill is actually studied by this Committee. There are members of the legislature on this Committee, they develop the material, it's presented to the legislature as a proper product to be considered, and is considered by the legislature. We felt that it was a matter of economy to utilize this, and we did not, in our Committee, desire that there should be any if's, and's, or but's. We wanted the legislature to use a Legislative Council, period. If this body feels otherwise, then you will have to support Mr. Stewart.

To place the debate in context the question was whether the Legislative Council should be required. The Convention was assured that these activities were permitted even without constitutional sanction by the following exchange shown on page 1700:

"KILCHER: Mr. President, I'd like to get some information from Mr. McCutcheon. If no reference is made in Section 10 to the Legislative Council may the legislature in the future then establish one anyway?

"MCCUTCHEON: Yes, they may.

"KILCHER: In other words, if we should not direct the legislature in this article, may it just as well delete all reference to the Council, is that right?

"MCCUTCHEON: That's what I would conclude, yes, sir."

It is clear the convention intended to mandate a council rather than limit the legislature in its use of the council. Other interim committees stand on the same footing as shown by Section 11 with the exception that the legislature is not required to establish others.

The First Alaska State Legislature obviously took this view since in Chapter 17, SLA 1960, they provided:

Sec. 11. MEETINGS. The legislative council may meet during sessions of the legislature and during intervals between sessions at such times and places within the state as the chairman may determine. The council shall meet immediately after the appointment of its membership at the first regular session of each legislature for purposes of organization. Minutes of each meeting shall be kept. One half of the membership constitutes a quorum to do business. Members may receive, for the minimum time required to get to and from meetings and while attending meetings, the same travel fare and per diem allowance provided by law for members of the legislature when attending sessions.

It is my opinion that the legislature has clear power to create special and joint committees and to allow the council and other interim committees to meet during the session.

Senator Patrick M. Rodey
Page 5
March 16, 1981

The defeat of Ballot Proposition No. 3 does not change that power.

BCB:ljb

Legislative Leaders Ignore Ban on Special Committees

2/20/81

By JOE La ROCCA

JUNEAU — Both presiding officers of the Alaska Legislature and their supporters have ignored the state constitution and the will of the voters by establishing special and interim committees prohibited by both.

In the House of Representatives, Speaker Jim Duncan, D-Juneau, has re-established two special committees and appointed seven House members to sit on a joint interim committee. They are committees on oil and gas, fish and game subsistence and the Joint Gas Pipeline Committee. His counterpart in the Senate, President Jalmar Kerttula, D-Palmer, likewise has appointed seven Senate members to sit on the pipeline committee.

While the constitution specifically authorizes the legislature to establish interim committees, it must be done by law. Only three interim committees meet that requirement. They are the Legislative Council, the Budget and Audit Committee and the Administrative Regulation Review Committee.

Yet House Speaker Duncan and Senate President Kerttula have already re-constituted the Joint Gas Pipeline Committee which operated illegally for the past two years — spending more than \$1 million in the process — and appointed 14 legislators to it, without statutory authority.

And they are apparently going ahead with plans to re-establish, again without statutory authority, the Joint Constitutional Convention Committee. It has likewise operated illegally during the past two years, and illicitly spend tens of thousands of dollars in the process.

Unless there have been agreements made behind closed doors to do so, I am not aware that the Senate leadership has agreed to establish any special commit-

tees, although there are unconfirmed reports to the contrary.

But in the House, the special committees on oil and gas and fish and game subsistence already mentioned have been formed and their members appointed by Duncan. There is clearly no authority in the constitution for these creations.

Moreover, Alaska's voters overwhelmingly rejected at last November's general election a proposed constitutional amendment which would have authorized the legislature to create special committees.

Heretofore, apologists for special committees have raised the argument that while the constitution does not specifically provide for the establishment of special committees, neither does it specifically prohibit them.

But that argument is no longer available to them, since the voters specifically denied the legislature the constitutional authority to create special committees when they rejected the proposed constitutional amendments last November.

At the same time, the voters clearly repudiated the legislature's long-standing practice of allowing even those interim committees which have been properly established to meet during sessions of the legislature.

The constitution unequivocally states that "The (Legislative) council and other interim committees may meet *between* legislative sessions." It says nothing about meeting *during* sessions.

Yet the council, the Budget and Audit Committee and the Regulation Review Committee, as well as illegally established interim committees — like the Joint Gas Pipeline Committee and the Joint Constitutional Convention Committee — continue to meet during, as well

as *between* sessions. That practice has been condoned for years, based on the same spurious argument that while the constitution does not provide for them to meet during the session, neither does it explicitly prohibit it.

But the voters' lopsided rejection of the constitutional amendment proposed by the legislature seeking to give its interim and special committees authority to meet during legislative sessions clearly obviates that argument.

The increasing use of special and interim committees in ways not permitted by the constitution raises ethical as well as constitutional issues. The indiscriminate establishment of these committees, which reached unprecedented proportions during the past two years, often if not always, arises from personal political expedience, rather than a rational public need or purpose.

They are mostly used by candidates campaigning for the position of presiding officer, and his supporters, to win support for his election.

For example, in order to win the key votes of certain hush legislators in his drive to become Speaker of the House, Duncan promised them the chairmanship and seats on the Special Committee on Fish and Game Subsistence.

The same is true of the Special Committee on Oil Gas, and the Joint Gas Pipeline Committee. Without the votes he secured by pledging seats on these committees to certain legislators, Duncan would likely have lost his bid for the House speakership.

This dubious practice took an unusual twist this year in the contest between Duncan and Rep. Sam Cotten, D-Eagle River, for the position of House Speaker.

After Duncan won the 21 votes he needed, and was elected Speaker, it was belatedly discovered last week that, in the confusion, two legislators had been promised one seat on the Joint Regulation Review Committee.

The easiest, if not the only, way out of Duncan's dilemma came straight out of Peter's Book of Principles. Duncan and his supporters introduced legislation late last week which would expand the membership on the Regulation Review Committee from six to 10 members, in order to accommodate all the legislators who were promised, in his all-out bid for the speakership, seats on the committee.

Rep. Duncan is by no means the first or only purveyor of these questionable practices. He is merely doing what presiding officers have done since former Speaker Mike Bradner initiated them in 1975.

The major difference now is that the voters re-affirmed in 1980 the constitutional prohibition against the establishment of special committees, largely because of their extreme and pervasive abuse by the last two legislatures.

They have been mis-used during the interim to send legislators junketing around the country and the world at public expense, and to provide personal year-round staffs whose services have been covertly and openly utilized by some legislators for political campaign purposes.

Not all legislators have abused the special and interim committee system in these or other ways, and some of them will complain that they are nevertheless being painted with the same broad brush.

But whether they have directly participated in these abuses or not, they have condoned them by their passive acceptance of them, and are just as culpable as those who have.

[~~Johnson~~ - final ethics rules]

Vic - Ethics/Financial Disclosure [keeps constitutional change bills til next yr]

Vic - FCC/appropriation

Pat - philosophically opposed to amending the Constitution

- length of session

- employer salary [favors ethics code in the uniform rules]

Ray - no Ethics Commission

initial action - rewrite of Uniform Rules

joint finance - but

RAY
FISTER
BENNET
ROBEY
WELLS

~~40000~~
decision by another of whole

BSA - . . .

meeting end of next week

Introduced: 4/3/81
Referred: State Affairs and
Rules

1 IN THE HOUSE

BY RANDOLPH, FANNING AND BEIRNE

2 HOUSE CONCURRENT RESOLUTION NO. 19

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the uniform
6 rules relating to interim committees.

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

8 * Section 1. Rule 21 of the Uniform Rules of the Alaska State Legislature
9 is repealed and reenacted to read:

10 RULE 21. INTERIM COMMITTEES. An interim committee may not be
11 established unless it is a joint interim committee. A joint interim
12 committee is proposed by the Legislative Council and approved by a
13 concurrent resolution adopted by a vote of two-thirds of the membership
14 of each house of the legislature. When a joint interim committee is
15 established, one-half of the members of the committee shall be appointed
16 from each house by the presiding officer of that house. At least one
17 member from each house shall be a member of a minority party of that
18 house. The members appointed to a joint interim committee shall elect
19 a chairman. Before an interim committee may spend money, its budget
20 must be proposed by the Legislative Council and approved by a concurrent
21 resolution adopted by a vote of two-thirds of the membership of each
22 house of the legislature. A joint interim committee exists for the
23 duration of the legislature during which established.

24
25
26
27
28
29

NDI

Introduced: 3/24/81
Referred: State Affairs and
Judiciary

BY CUDDY, ABOOD, ANDERSON,
BARNES, BEIRNE, BETTISWORTH,
HALFORD, HAYES, MARTIN,
METCALFE AND MONTGOMERY

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO. 13

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the uniform
6 rules to establish the composition
7 of standing committees.

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

9 * Section 1. Rule 1(e) of the Uniform Rules of the Alaska State Legis-
10 lature is amended to read:

11 (e) The presiding officer shall announce not later than the day
12 following his election the appointment of a Committee on Committees
13 consisting of himself as chairman and four other members. The commit-
14 tee is responsible for nominating the chairmen and members of the
15 standing committees as set forth in Rule 20 to serve for the two-year
16 duration of the legislature. The membership of each committee shall
17 total to an uneven number. Each standing committee shall be composed of
18 members of the majority and the minority in the ratio which reflects the
19 majority and minority membership in the house [AND THE MINORITY IS
20 ENTITLED TO AT LEAST ONE SEAT ON EACH STANDING COMMITTEE]. The report
21 of the Committee on Committees is subject to approval by a majority
22 vote of the full membership of the house.
23
24
25
26
27
28
29

Introduced: 3/24/81
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY CUDDY, ABOOD, ANDERSON,
BARNES, BEIRNE, BETTISWORTH,
HAYES, MARTIN AND MONTGOMERY

2 HOUSE JOINT RESOLUTION NO. 35

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the
6 Constitution of the State of Alaska
7 relating to standing committees.

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

9 * Section 1. Article II, Constitution of the State of Alaska is amended
10 by adding a new section to read:

11 SECTION 22. STANDING COMMITTEES. Each house of the legislature
12 shall establish standing committees. Each standing committee shall be
13 composed of members of the majority and the minority in the ratio which
14 reflects the majority and minority membership in that house of the
15 legislature.

16 * Sec. 2. The amendment proposed by this resolution shall be placed
17 before the voters of the state at the next general election in conformity
18 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election
19 laws of the state.

20
21
22
23
24
25
26
27
28
29
No!

Introduced: 2/5/81
Referred: Rules and
Judiciary

1 IN THE SENATE BY THE RULES COMMITTEE

2 SENATE CONCURRENT RESOLUTION NO. 8

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the uniform
6 rules.

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

8 * Section 1. Rule 1(b) of the Uniform Rules of the Alaska State Legisla-
9 ture is amended to read:

10 (b) When the house by a majority vote of the full membership of
11 the house [VOTE] selects a temporary presiding officer, he assumes the
12 chair and the lieutenant governor withdraws. The chair then calls for
13 nominations for a permanent presiding officer and the nominee receiving
14 a majority vote [OF THE VOTES] of the full membership of the house
15 assumes the chair for the two-year duration of the legislature.

16 * Sec. 2. Rule 3(a) of the Uniform Rules of the Alaska State Legislature
17 is amended to read:

18 (a) Each house elects an internal administration officer (a Chief
19 Clerk in the House and a Secretary in the Senate) to serve for the
20 two-year duration of the legislature. The officer is nominated by the
21 Rules Committee and elected by a majority vote of the full membership
22 [MEMBERS] of the house. The Chief Clerk and Secretary are responsible
23 for the selection and supervision of the staff of their offices and are
24 subject to the direction of the presiding officer and Rules Committee
25 according to law and legislative rule.

26 * Sec. 3. Rule 9 of the Uniform Rules of the Alaska State Legislature is
27 amended to read:

28 RULE 9. The journal of each house reports only the essential
29 items of daily business: roll call votes, major motions, communications

1 from the governor and the other house, brief or summary committee
2 reports, and amendments. Detailed committee reports, exhibits, and
3 miscellaneous communications ordered spread upon the journal by the
4 presiding officer of the house shall be published in a supplement to
5 the daily journal. The daily journal is to be prepared by the chief
6 clerk or secretary in conformity with the legislative drafting manual
7 and distributed to each member of the legislature on the following
8 legislative day. Matter may be expunged from the journal with the
9 approval of a majority of the full membership of the house if the
10 motion to expunge is adopted prior to the end of the legislative day on
11 which the journal report is approved.

12 * Sec. 4. Rule 14(a) of the Uniform Rules of the Alaska State Legisla-
13 ture is amended to read:

14 RULE 14. (a) A majority of the full membership of the [EACH]
15 house constitutes a quorum to do business (subject to the special
16 voting requirements of the Constitution, Art. II, Secs. 14, 16 and 18),
17 but a smaller number may adjourn from day to day and may compel the
18 attendance of absent members (Constitution, Art. II, Sec. 12).

19 * Sec. 5. Rule 16 of the Uniform Rules of the Alaska State Legislature
20 is amended to read:

21 RULE 16. CALL OF THE HOUSE. A call of the house is used to
22 compel attendance of absent members who have not been previously excused
23 from a call by a majority vote of the full membership of the house.
24 The journal shall reflect the names of all members excused from atten-
25 dance and such members shall be excused from all roll calls during such
26 absence. A call of the house may be ordered by one member. When no
27 quorum is present, the presiding officer of the house may compel the
28 attendance of individual absent members. If a quorum is present when a
29 call has been ordered, the house may continue to conduct business other