

ALASKA

LEGISLATURE

COMMITTEE FILES

1991-1992

8672

7215

HOUSE RULES



RECORDS CERTIFICATION



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Sam Butler

Signature of Camera Operator

8/15/95

Date

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HOUSE RULES COMMITTEE
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MEETINGS: BILLS/SUBJECTS DISCUSSED

1/28/91 HCR 1
2/11/91 Procurement Procedures
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5/13/91 HB 12
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4/15/92 HB 301, HB 18, HR 10, HR 11,
 Professional Services Contracts
5/14/92 SB 478
5/15/92 SB 483 (no file received)

BILLS NOT DISCUSSED - INCLUDES THOSE THAT GOT CALENDARED AS
WELL AS THOSE THAT DIED IN COMMITTEE
(FILES NOT MICROFICED; ORIGINALS
AVAILABLE IN ARCHIVES. MATERIAL IN
FILES LARGELY DUPLICATES THAT FROM
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1-28-91

HCR

/



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

MEMBERS:

REP. JOHNNY ELLIS, CHAIR
REP. CLIFF DAVIDSON
REP. GRUENBERG
REP. DONLEY
REP. GRUSSENDORF
REP. TAYLOR
REP. MARTIN

HOUSE RULES COMMITTEE MEETING
MONDAY, JANUARY 28, 1991
CAPITOL, ROOM 208
8:30 A.M.

I N D E X

- I. MEMO DATED JANUARY 23, 1991 FROM REP. NAVARRE
- II. PROPOSED RULES CS HCR 1 (REP. NAVARRE)
- III. ORIGINAL VERSION HCR 1
- IV. FISCAL NOTE/HCR 1

COMMITTEE NAME

DATE 1-28-91

JOINT Rules

TAPE # 1

JOINT _____

TIME CALLED TO ORDER 8:40 am/pm

TIME ADJOURNED _____

ROLL CALL:

PRES

ABST

TIME ARRVD

JOINT MEMBERS PRESENT:

ROLL CALL:	PRES	ABST	TIME ARRVD	JOINT MEMBERS PRESENT:
<u>Ellis</u>	<u>X</u>	<u> </u>	<u>8:25</u>	<u> </u>
<u>Davidson</u>	<u>X</u>	<u> </u>	<u>8:41</u>	<u> </u>
<u>Grossberg</u>	<u>X</u>	<u> </u>	<u>8:45</u>	<u> </u>
<u>Dandoy</u>	<u>X</u>	<u> </u>	<u>8:31</u>	<u> </u>
<u>Grossendorf</u>	<u>X</u>	<u> </u>	<u>8:25</u>	<u> </u>
<u>Taylor</u>	<u>X</u>	<u> </u>	<u>8:50</u>	<u> </u>
<u>Martin</u>	<u>X</u>	<u> </u>	<u>8:31</u>	<u> </u>
<u>Navarre</u>	<u>Y</u>	<u> </u>	<u>8:25</u>	<u> </u>

AGENDA:

BILL NO.

SHORT TITLE

ACTION TAKEN

BILL NO.	SHORT TITLE	ACTION TAKEN
<u>HCR1</u>	<u>Amends. to Rule 72</u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
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OTHER:

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SPECIAL ANNOUNCEMENTS:

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-2800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMFR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Rules 1-28-91 8:30 am

ALASKA STATE LEGISLATURE
REPRESENTATIVE MIKE NAVARRE

II
Co-Chair
House Finance Committee
P.O. Box V
Juneau, Alaska 99811
(907) 465-3779

January 23, 1991

MEMORANDUM

TO: Rep. Johnny Ellis, Chair
House Rules Committee

FROM: Rep. Mike Navarre

SUBJECT: HCR 1, proposing amendments to Rule 42 of the Uniform Rules.

As we have seen in the recent past, when the operating and capital budget bill has been reported out and brought to the floor for a vote, members of the legislature have often had virtually no time to examine the Conference Committee Substitute.

After some thought, I introduced HCR 1 as a mechanism of providing each member of the legislature suitable time, prior to a floor vote, to review an appropriation bill after it is reported out of Conference Committee. I believe a minimum of 24 hrs. will be adequate for this purpose.

I respectfully request the Rules Committee's favorable review of HCR 1.

I have included a draft CS for your consideration.

you have further questions, please don't hesitate to contact me.

Thank you for your assistance.



HOUSE CONCURRENT RESOLUTION NO. 1
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES NAVARRE, Ellis, Ulmer, Brown, Moyer, Gruenberg, Koponen

Introduced: 1/22/91

Referred: Rules

A RESOLUTION

1 Proposing amendments to Rule 42 of the Uniform Rules of the Alaska State Legislature
2 relating to Conference Committee reports on appropriation bills; and providing for an
3 effective date.

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

5 * Section 1. Rule 42(b) of the Uniform Rules of the Alaska State Legislature is amended to read:

6 (b) A Free Conference Committee is appointed in the same manner as a Conference
7 Committee and may suggest in its report any new amendments clearly germane to the question.
8 When a majority of the membership of the committee from each house agrees on amendments,
9 the amendments are attached to the bill and reported back to each house in an identical report.
10 The report is not subject to amendment in either house. If the report is adopted in each house,
11 the bill is then ordered enrolled by its house of origin. If the members of a Free Conference
12 Committee fail to agree on amendments or one or both houses refuses to adopt the free
13 conference report, a second Free Conference Committee may be appointed, but no member of
14 the first committee may be reappointed. A free conference report on a measure other than an
15 appropriation bill may not be voted on by the house until at least 24 hours after the report is
16 duplicated and delivered to the chief clerk or secretary of the house for distribution to each

1 member. The chief clerk or secretary shall certify the time of delivery of the report for recording
2 in the journal. The vote on adoption of a free conference committee report is taken by the
3 calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a
4 majority vote of the full membership of each house.

5 * Sec. 2. Rule 42(c) of the Uniform Rules of the Alaska State Legislature is amended to read:

6 (c) A Conference Committee with limited powers of free conference or a Free
7 Conference Committee may not include in its report on an appropriation bill an item which was
8 not included in a version of that appropriation bill adopted in third reading by a house and the
9 amount appropriated by an item may not exceed the higher amount appropriated by that item in
10 a version of the bill adopted in third reading by a house. An item in an appropriation bill
11 includes a line item, an allocation, and an appropriation. The report on an appropriation bill
12 of a Conference Committee, a Conference Committee with limited powers of free
13 conference, or a Free Conference Committee may not be voted on by the house until at least
14 48 hours after the report is duplicated and delivered to the chief clerk or secretary of the
15 house for distribution to each member. The chief clerk or secretary shall certify the time
16 of delivery of the report for recording in the journal.

17 * Sec. 3. The amendments proposed by this resolution take effect immediately.

CS FOR HOUSE CONCURRENT RESOLUTION NO. 1 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Introduced:
Referred:

Sponsor(s): REPRESENTATIVES NAVARRE, ELLIS, Ulmer, Brown, Moyer, Gruenberg, Koponen

A RESOLUTION

1 Proposing amendments to the Uniform Rules of the Alaska State Legislature relating to
2 certain votes on appropriation bills; and providing for an effective date.

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

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

6 (c) The house of origin may not vote on concurrence in amendments to an appropriation
7 bill until at least 24 hours after the bill with amendments is delivered to that house. The chief
8 clerk or secretary shall certify the time of delivery for recording in the journal.

9 * Sec. 2. Rule 42(b) of the Uniform Rules of the Alaska State Legislature is amended to read:

10 (b) A Free Conference Committee is appointed in the same manner as a Conference
11 Committee and may suggest in its report any new amendments clearly germane to the question.
12 When a majority of the membership of the committee from each house agrees on amendments,
13 the amendments are attached to the bill and reported back to each house in an identical report.
14 The report is not subject to amendment in either house. If the report is adopted in each house,
15 the bill is then ordered enrolled by its house of origin. If the members of a Free Conference
16 Committee fail to agree on amendments or one or both houses refuses to adopt the free

1 conference report, a second Free Conference Committee may be appointed, but no member of
2 the first committee may be reappointed. A free conference report on a measure other than an
3 appropriation bill may not be voted on by the house until at least 24 hours after the report is
4 duplicated and delivered to the chief clerk or secretary of the house for distribution to each
5 member. The chief clerk or secretary shall certify the time of delivery of the report for recording
6 in the journal. The vote on adoption of a free conference committee report is taken by the
7 calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a
8 majority vote of the full membership of each house.

9 * Sec. 3. Rule 42(c) of the Uniform Rules of the Alaska State Legislature is amended to read:

10 (c) A Conference Committee with limited powers of free conference or a Free
11 Conference Committee may not include in its report on an appropriation bill an item which was
12 not included in a version of that appropriation bill adopted in third reading by a house and the
13 amount appropriated by an item may not exceed the higher amount appropriated by that item in
14 a version of the bill adopted in third reading by a house. An item in an appropriation bill
15 includes a line item, an allocation, and an appropriation. The report on an appropriation bill
16 of a Conference Committee, a Conference Committee with limited powers of free
17 conference, or a Free Conference Committee may not be voted on by the house until at least
18 24 hours after the report is duplicated and delivered to the chief clerk or secretary of the
19 house for distribution to each member. The chief clerk or secretary shall certify the time
20 of delivery of the report for recording in the journal.

21 * Sec. 4. The amendments proposed by this resolution take effect immediately.

FISCAL NOTE

IV

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HCR 1

Revision Date: _____ Department Affected: none

Title: Proposing amendments/Rule 42 BRU: _____

Uniform Rules Component: _____

Sponsor: Rep. Navarre

Requestor: House Rules Cmte. COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS: N/A

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Rep. Johnny Ellis, Chairman Phone: 465-3764

Division: House Rules Committee Date: _____

Approved by Commissioner: _____

Agency: _____ Date: _____

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

CS HCR 1(RULES)

CHANGES MADE TO ORIGINAL VERSION(HCR 1) IN THE HOUSE RULES COMMITTEE:

CHANGES TITLE:

PAGE 1, LINE 1-3

ORIGINAL TITLE:

Proposing amendments to Rule 42 of the Uniform Rules of the Alaska State Legislature relating to Conference Committee reports on appropriation bills; and providing for an effective date.

PAGE 1, LINE 1-3

NEW TITLE CHANGE:

Proposing amendments to the Uniform Rules of the Alaska State Legislature relating to certain votes on appropriation bills; and providing for an effective date.

PAGE 1, LINES 4 THROUGH 8

ADDS A NEW SUBSECTION TO RULE 41:

+ (C) The house of origin may not vote on concurrence in amendments to an appropriation bill until at least 48 hours after the bill with amendments is delivered to that house. The chief clerk or secretary shall certify the time of delivery for recording in the journal.

IN ADDITION TO THESE CHANGES, BELOW ARE ADDITIONS TO THE CURRENT UNIFORM RULE 41 INCLUDED IN CS HCR 1 (RULES): *These were also included in original version HCR 1*

ON PAGE 2, LINES 2 & 3, AFTER WORD "REPORT" ADD:

ON A MEASURE OTHER THAN AN APPROPRIATION BILL

ON PAGE 2, LINES 15 THROUGH 20, AFTER WORD "APPROPRIATION." ADD:

THE REPORT ON APPROPRIATION BILL OF A CONFERENCE COMMITTEE, A CONFERENCE COMMITTEE WITH LIMITED POWERS OF FREE CONFERENCE, OR A FREE CONFERENCE COMMITTEE MAY NOT BE VOTED ON BY THE HOUSE UNTIL AT LEAST 48 HOURS AFTER THE REPORT IS DUPLICATED AND DELIVERED TO THE CHIEF CLERK OR SECRETARY OF THE HOUSE FOR DISTRIBUTION TO EACH MEMBER. THE CHIEF CLERK OR SECRETARY SHALL CERTIFY THE TIME OF DELIVERY OF THE REPORT FOR RECORDING IN THE JOURNAL.

ON PAGE 2, LINE 21:

PROVIDES FOR AN IMMEDIATE EFFECTIVE DATE.

JEANNIE / *jeannie*

HOUSE AMENDMENT #1



TO: CSHCL 1 (R1)

BY: Phillips

Page 2 Line 19

after house

delete "for", insert "and distribute".

**Submit original amendment to the Chief Clerk.
It will then be numbered and duplicated.**

Gruenberg's
Proposed
CS
not adopted

CS FOR HOUSE CONCURRENT RESOLUTION NO. 1 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Introduced:

Referred:

Sponsor(s): REPRESENTATIVES NAVARRE, Ellis, Ulmer, Brown, Moyer, Gruenberg

A RESOLUTION

1 Proposing amendments to the Uniform Rules of the Alaska State Legislature relating to
2 introduction of measures, votes on appropriation bills, and implementation of the rules; and
3 providing for an effective date.

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

5 * Section 1. Rule 18 of the Uniform Rules of the Alaska State Legislature is amended to read:

6 RULE 18. DAILY CALENDAR. (a) The Rules Committee of each house is responsible
7 for the preparation of the daily calendar. Pending the printing of the calendar the contents of the
8 calendar shall be announced or posted on the day preceding the next legislative day. Changes to
9 a calendar or approval of a supplementary calendar may be authorized by a two-thirds vote of
10 the members present. No business shall be transacted nor any measure considered that is not on
11 the calendar.

12 (b) A measure [BILL] may not be withdrawn from the Rules Committee but the house
13 may order a measure [BILL] in the possession of the Rules Committee to be placed on the
14 calendar [FOR THE NEXT LEGISLATIVE DAY] by a majority vote of the full membership of
15 the house. A measure, other than an appropriation bill, placed on the calendar by vote,
16 shall be calendared for the next legislative day. An appropriation bill shall be calendared

1 for the second day after the vote is held.

2 * Sec. 2. Rule 18 of the Uniform Rules of the Alaska State Legislature is amended by adding a new
3 subsection to read:

4 (c) An appropriation bill may not be placed on the calendar for consideration in second
5 reading until at least 48 hours after it is reported from the last committee of referral and, if a
6 committee substitute is adopted by the committee, the committee substitute is duplicated and
7 delivered to the chief clerk or secretary of the house for distribution to each member. The chief
8 clerk or secretary shall certify the time of delivery of the report and committee substitute for
9 recording in the journal. If an appropriation bill is discharged or waived from the last committee
10 of referral, it may not be calendared for at least 48 hours.

11 * Sec. 3. Rule 37(a) of the Uniform Rules of the Alaska State Legislature is amended to read:

12 (a) Any member, group of members, standing, special, or joint committee of a house
13 may introduce a bill or resolution into that house, subject to the provisions of these Uniform
14 Rules. A measure introduced by a group of members must have one member designated
15 as prime sponsor. A member of the group not designated as prime sponsor is a co-sponsor.
16 With the approval of the prime sponsor, a member of the other house may be added as a
17 cross-sponsor when the measure is in possession of the other house. A measure [BILL] must
18 be introduced, in proper form as approved by the enrolling secretary of the legislature, with the
19 original and two carbon copies delivered to the chief clerk or secretary. The measure [BILL]
20 is then assigned a number which it retains through subsequent changes and substitutions. The
21 measure [BILL] is considered formally introduced when the clerk or secretary reads the heading
22 and title aloud in open session (first reading). Measures [BILLS] may be introduced through
23 the Rules Committees by the governor and the permanent interim committees pursuant to
24 provisions of law.

25 * Sec. 4. Rule 42(b) of the Uniform Rules of the Alaska State Legislature is amended to read:

26 (b) A Free Conference Committee is appointed in the same manner as a Conference
27 Committee and may suggest in its report any new amendments clearly germane to the question.
28 When a majority of the membership of the committee from each house agrees on amendments,
29 the amendments are attached to the bill and reported back to each house in an identical report.
30 The report is not subject to amendment in either house. If the report is adopted in each house,
31 the bill is then ordered enrolled by its house of origin. If the members of a Free Conference
32 Committee fail to agree on amendments or one or both houses refuses to adopt the free

1 conference report, a second Free Conference Committee may be appointed, but no member of
2 the first committee may be reappointed. A free conference report on a measure other than an
3 appropriation bill may not be voted on by the house until at least 24 hours after the report is
4 duplicated and delivered to the chief clerk or secretary of the house for distribution to each
5 member. The chief clerk or secretary shall certify the time of delivery of the report for recording
6 in the journal. The vote on adoption of a free conference committee report is taken by the
7 calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a
8 majority vote of the full membership of each house.

9 * Sec. 5. Rule 42(c) of the Uniform Rules of the Alaska State Legislature is amended to read:

10 (c) A Conference Committee with limited powers of free conference or a Free
11 Conference Committee may not include in its report on an appropriation bill an item which was
12 not included in a version of that appropriation bill adopted in third reading by a house and the
13 amount appropriated by an item may not exceed the higher amount appropriated by that item in
14 a version of the bill adopted in third reading by a house. An item in an appropriation bill
15 includes a line item, an allocation, and an appropriation. The report on an appropriation bill
16 of a Conference Committee, a Conference Committee with limited powers of free
17 conference, or a Free Conference Committee may not be voted on by the house until at least
18 48 hours after the report is duplicated and delivered to the chief clerk or secretary of the
19 house for distribution to each member. The chief clerk or secretary shall certify the time
20 of delivery of the report for recording in the journal.

21 * Sec. 6. Rule 55(a) of the Uniform Rules of the Alaska State Legislature is amended to read:

22 (a) The rules of parliamentary practice comprised in MASON'S MANUAL OF
23 LEGISLATIVE PROCEDURE, 1989 [1979] edition, implement and govern the Uniform Rules
24 of the Legislature in all cases not covered by these Uniform Rules.

25 * Sec. 7. The amendments proposed by this resolution take effect immediately.

Uniform Rule 42

CONFERENCE AND FREE CONFERENCE COMMITTEES

RULE 42. CONFERENCE AND FREE CONFERENCE COMMITTEES. (a) If one house refuses to concur in the amendments of the other it so notifies the amending house and requests that it recede from its amendments. The vote on receding from amendments is taken by the calling of the roll and the recording of the yeas and nays in the journal. A house recedes from its amendments only by a majority vote of the full membership of the house. If the house refuses to recede, the presiding officer of each house appoints three members to sit as a Conference Committee. The committee meets when mutually agreeable to its members. If the committee reaches agreement on previously adopted amendments to a bill adopted by either house, the committee then submits an identical report to each house. The report is not subject to amendment in either house. If the report is adopted by each house the bill is enrolled, signed, and transmitted to the governor. If the members of the Conference Committee cannot agree on amendments, or if 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. If the members of a Conference Committee with limited powers of free conference cannot agree on amendments, or one or both houses refuses to adopt the committee report, it is then in order to appoint a Free Conference Committee. A member who served on a Conference Committee or a Conference Committee with limited powers of free conference may not be appointed to a subsequent Conference Committee or Free Conference Committee concerning the same measure. The vote on adoption of a conference committee report is taken by the calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a majority vote of the full membership of each house.

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

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

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

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

2-11-91

Procurement

Procedures



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

HOUSE RULES COMMITTEE

February 11, 1991

HOUSE RULES

Capitol 208
465-3764

9:15 A.M.
Monday

Procurement procedures for the expenditure of session expenses
funds for purchase of supplies and equipment.

COMMITTEE NAME

DATE 2-11-91

JOINT Rules House Rules

TAPE # 2

JOINT _____

TIME CALLED TO ORDER 9:15 (am/pm)

TIME ADJOURNED 9:45

ROLL CALL:

PRES

ABST

TIME ARRVD

JOINT MEMBERS PRESENT:

ROLL CALL:	PRES	ABST	TIME ARRVD	JOINT MEMBERS PRESENT:
<u>Ellis</u>	<u>X</u>	<u> </u>	<u>9:10</u>	<u> </u>
<u>Gruessendorf</u>	<u>X</u>	<u> </u>	<u>9:10</u>	<u> </u>
<u>Martin</u>	<u>X</u>	<u> </u>	<u>9:10</u>	<u> </u>
<u>Taylor</u>	<u>Y</u>	<u> </u>	<u>9:10</u>	<u> </u>
<u>Davidson</u>	<u>X</u>	<u> </u>	<u>9:10</u>	<u> </u>
<u>Gruenberg</u>	<u>X</u>	<u> </u>	<u>9:40</u>	<u> </u>
<u>Donley</u>	<u> </u>	<u>X</u>	<u> </u>	<u> </u>

AGENDA:

BILL NO.

SHORT TITLE

ACTION TAKEN

BILL NO.	SHORT TITLE	ACTION TAKEN

NER:

Procurement procedures for the expenditure of session expenses funds for purchase of supplies and equipment.

SPECIAL ANNOUNCEMENTS:

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-463-3800

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMFR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

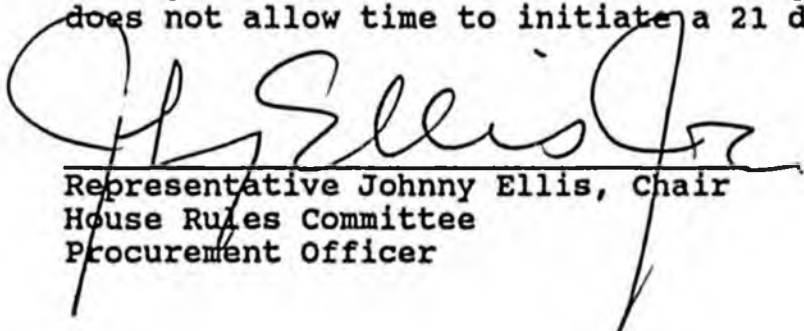
House Rules 2-11-91 9:15 am

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

P.O. BOX Y, STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 - 3800

SOLICITATION DETERMINATION

In accordance with the Legislative Procurement Procedures Sec 030 (c), I have determined that the solicitation for House of Representative computer equipment authorized by the House Rules Committee on February 11, 1991 should be conducted in less than 21 days because the equipment is needed as soon as possible for use during the 1st session of the 17th Legislature. This requirement does not allow time to initiate a 21 day solicitation.



Representative Johnny Ellis, Chair
House Rules Committee
Procurement Officer

CONTRACTOR EVALUATION FORM

NAME OF CONTRACTOR: Gregg Erickson

PURPOSE OF CONTRACT: To provide the House Special Committee on
(Brief Description) the Exxon Valdez Oil Spill Claims Settlement
with Professional Services.

SERVICES PERFORMED FOR House Rules Committee
(Committee Name)

CONTRACT PERFORMANCE

Yes No

The Contractor:

Performed all the requested services.

Produced a satisfactory product.

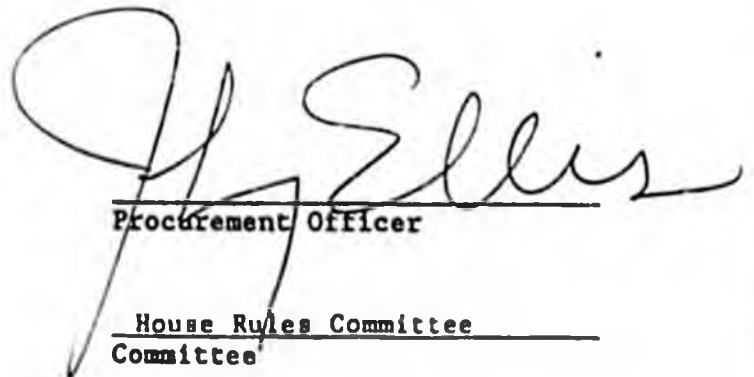
Performed the services in a timely manner.

Met all the terms and conditions of the contract.

OTHER COMMENTS:


Project Director

House Special Comm. on the Exxon
Valdez Oil Spill Claims Settlement
Committee


Procurement Officer
House Rules Committee
Committee

Adopted
version

7-LS0172M

CS FOR HOUSE CONCURRENT RESOLUTION NO. 1 (RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Offered: 1/30/91

Referred: Today's Calendar

Sponsor(s): REPRESENTATIVES NAVARRE, Ellis, Ulmer, Brown, Moyer, Gruenberg, Koponen, Finkelstein

A RESOLUTION

1 Proposing amendments to the Uniform Rules of the Alaska State Legislature relating to
2 certain votes on appropriation bills; and providing for an effective date.

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

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

6 (c) The house of origin may not vote on concurrence in amendments to an appropriation
7 bill until at least 48 hours after the bill with amendments is delivered to that house. The chief
8 clerk or secretary shall certify the time of delivery for recording in the journal.

9 * Sec. 2. Rule 42(b) of the Uniform Rules of the Alaska State Legislature is amended to read:

10 (b) A Free Conference Committee is appointed in the same manner as a Conference
11 Committee and may suggest in its report any new amendments clearly germane to the question.
12 When a majority of the membership of the committee from each house agrees on amendments,
13 the amendments are attached to the bill and reported back to each house in an identical report.
14 The report is not subject to amendment in either house. If the report is adopted in each house,
15 the bill is then ordered enrolled by its house of origin. If the members of a Free Conference
16 Committee fail to agree on amendments or one or both houses refuses to adopt the free

1 conference report, a second Free Conference Committee may be appointed, but no member of
2 the first committee may be reappointed. A free conference report on a measure other than an
3 appropriation bill may not be voted on by the house until at least 24 hours after the report is
4 duplicated and delivered to the chief clerk or secretary of the house for distribution to each
5 member. The chief clerk or secretary shall certify the time of delivery of the report for recording
6 in the journal. The vote on adoption of a free conference committee report is taken by the
7 calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a
8 majority vote of the full membership of each house.

9 * Sec. 3. Rule 42(c) of the Uniform Rules of the Alaska State Legislature is amended to read:

10 (c) A Conference Committee with limited powers of free conference or a Free
11 Conference Committee may not include in its report on an appropriation bill an item which was
12 not included in a version of that appropriation bill adopted in third reading by a house and the
13 amount appropriated by an item may not exceed the higher amount appropriated by that item in
14 a version of the bill adopted in third reading by a house. An item in an appropriation bill
15 includes a line item, an allocation, and an appropriation. The report on an appropriation bill
16 of a Conference Committee, a Conference Committee with limited powers of free
17 conference, or a Free Conference Committee may not be voted on by the house until at least
18 48 hours after the report is duplicated and delivered to the chief clerk or secretary of the
19 house for distribution to each member. The chief clerk or secretary shall certify the time
20 of delivery of the report for recording in the journal.

21 * Sec. 4. The amendments proposed by this resolution take effect immediately.

4-4-91
Approval of
Personal
Contracts
of HB 9



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

Ellis

MEMORANDUM

MARCH 26, 1991

TO: ALL RULES COMMITTEE MEMBERS
FROM: REP. JOHNNY ELLIS, CHAIR *AE*
HOUSE RULES COMMITTEE
SUBJECT: HOUSE RULES COMMITTEE MEETING

HOUSE RULES COMMITTEE MEETING
8:30 A.M.
CAPITOL, ROOM 208
THURSDAY, APRIL 4, 1991

AGENDA:

PROPOSED LEGISLATIVE CONTRACT APPROVAL

HB 9 - LIMIT FREE SAMPLES OF TOBACCO PRODUCTS

COMMITTEE NAME

DATE 4-4

JOINT Rules

TAPE # 3

JOINT _____

TIME CALLED TO ORDER 8:31 am/pm

TIME ADJOURNED _____

ROLL CALL:

PRES

ABST

TIME ARRVD

JOINT MEMBERS PRESENT:

ROLL CALL:	PRES	ABST	TIME ARRVD	JOINT MEMBERS PRESENT:
<u>Rep. Martin</u>	<u>X</u>	<u> </u>	<u>8:05</u>	<u> </u>
<u>Rep. Donley</u>	<u>X</u>	<u> </u>	<u>8:29</u>	<u> </u>
<u>Ellis</u>	<u>X</u>	<u> </u>	<u>8:29</u>	<u> </u>
<u>Greenberg</u>	<u>X</u>	<u> </u>	<u>8:30</u>	<u> </u>
<u>Trussard</u>	<u>X</u>	<u> </u>	<u>8:30</u>	<u> </u>

AGENDA:

BILL NO.

SHORT TITLE

ACTION TAKEN

BILL NO.	SHORT TITLE	ACTION TAKEN

OTHER:

SPECIAL ANNOUNCEMENTS:

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

FOUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

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Mary Van Nimwegen

House Rules 4-4-91 8:30 am

PROFESSIONAL SERVICES CONTRACT BETWEEN

GREGG ERICKSON
P.O. BOX 21124
JUNEAU, ALASKA 99802-1124

AND

HOUSE RULES COMMITTEE

CONTRACT AMOUNT: \$8,000.00

The parties to this contract, made and entered into this 5th day of April, 1991, are the House Rules Committee, (hereinafter referred to as the "Agency,"), and Gregg Erickson (hereinafter referred to as the "Consultant").

THE PURPOSE OF THIS CONTRACT IS TO PROVIDE the House Special Committee on the Exxon Valdez Oil Spill Claims Settlement ("Committee") with Professional Services.

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I - STATEMENT OF WORK

The Consultant shall provide specialized economic assistance to the House Special Committee on the Exxon Valdez Oil Spill Claims Settlement. The Consultant's duties will include but are not limited to the following:

1. Preparation and presentation of written or oral reports concerning:
 - (a) the provisions of the various settlement documents;
 - (b) economic theories of valuing natural resource injuries;
 - (c) institutional and economic factors to be considered in restoration; and
 - (d) direct and indirect costs incurred by the state as a result of the Exxon Valdez oil spill.

CLAUSE II - PERIOD AND DATES OF PERFORMANCE AND TERMINATION

- (A) The work under this contract shall begin March 27, 1991 and terminate May 3, 1991.
- (B) This contract may be terminated by the Agency upon delivery of written notice to the Consultant. If this contract is so terminated and the termination is not based on a breach by the Consultant, the Consultant shall be compensated for services provided under the terms of this contract to the date of termination if the Consultant provides the Agency with a written report containing a description of the services performed, a statement of the results or conclusions formed based upon the research or analysis performed, and a copy of the written material produced during the contract.

CLAUSE III - COMPENSATION AND METHOD OF PAYMENT

- (A) For the work required by this contract, the Consultant shall be paid Eighty and No/100 Dollars (\$80.00) per hour.
- (B) Consultant shall be reimbursed for long distance telephone calls and authorized travel as approved by the Project Director.
- (C) Payment shall be based on proper billing provided by the Consultant.
- (D) The Project Director must approve a billing before it may be paid.
- (E) If a payment is not made within 90 days after the Agency has received a proper billing, the Agency shall pay interest on the unpaid balance of the billing at the rate of 1.5 percent per month from, and including, the 91st day through the date payment is made. A payment is considered made on the date it is mailed or personally delivered to the Consultant.
- (F) Total payments under this contract, including reimbursement of costs, may not exceed Eight Thousand and No/100 Dollars (\$8,000.00).

CLAUSE IV - PROCUREMENT OFFICER AND PROJECT DIRECTOR

The Procurement Officer is Representative Johnny Ellis. The Project Director is Representative Max Gruenberg.

CLAUSE V - EXPENSES AND DUPLICATION

- (A) Except as may be otherwise provided by Clause III, the office space, equipment, supplies, clerical support and other expenses that are necessary for the Consultant to carry out the Consultant's obligations under this contract shall be supplied and paid by the Consultant at no cost to the

Agency.

- (B) Duplicates of any material or other item produced under this contract may be produced by the Agency; the office space, equipment, supplies, clerical support and other expenses required for the duplication shall be supplied by the Agency.

CLAUSE VI - RECORDS, DOCUMENTS, AUDIT

The Consultant shall accurately maintain those records, including detailed time records, that are required by the Project Director. The records are subject to inspection by the Agency or the Project Director at all reasonable times. All documents, reports, material, and other items generated as a consequence of work done under this contract shall become the property of the Agency, and the Agency shall own all rights included in any copyright rights for the documents and reports. Upon completion of the work or the termination of this contract, the items shall be delivered to the Project Director.

CLAUSE VII - INDEMNIFICATION

The Consultant shall indemnify, save harmless, and defend the Agency and the Committee, and their officers, agents and employees from liability for any claim, including costs arising from the claim, arising from Consultant's negligence in the performance of Consultant's obligations under this contract.

CLAUSE VIII - VENUE

In the event that the parties to this contract find it necessary to litigate the terms of the contract, venue shall be the State of Alaska, First Judicial District, at Juneau, and the contract shall be interpreted according to the laws of Alaska.

CLAUSE IX - ASSIGNMENT

This contract may not be assigned to another party unless in accordance with sec. 160 of the Procurement Procedures of the Alaska State Legislature.

CLAUSE X - WORKERS' COMPENSATION

During the life of this contract, the Consultant shall, in accordance with AS 23.30.045(d), provide and maintain workers' compensation insurance. The Consultant shall require any subcontractor to provide and maintain workers' compensation insurance for the subcontractor's employees. Consultant shall provide the Agency, upon request, with written proof of the coverage required by this clause.

CLAUSE XI - AUTHORIZATION/CERTIFICATION

Execution of this contract was authorized by a majority of the members of the House Rules Committee on April 7, 1991. Execution of this contract by the chair of

the Committee constitutes the signed authorization required by Procurement Procedures sec. 150 (b); the committee members who authorized the contract delegated their sec. 150 signature responsibilities to the chair of the Committee on April 4, 1991.

Execution of this contract by the Legislative Affairs Agency Executive Director or his designee hereby constitutes a certification that funds have been appropriated and encumbered for the amount of this contract.

CLAUSE XII - MODIFICATION AND PREVIOUS AGREEMENTS

This document contains all terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this contract shall be deemed to exist or to bind either of the parties to this contract.

This contract may not be modified unless in writing and signed by the parties to this contract.

IN WITNESS WHEREOF, the parties have executed this contract on the dates indicated below:

CONSULTANT
Gregg Erickson

Gregg K. Erickson 4/4/91
Gregg Erickson Date
S.S.N.#

AGENCY
House Rules Committee

Johnny Ellis
Rep. Johnny Ellis, Chair Date
Procurement Officer Apr. 4, 1991

ACCEPTED:
House Special Committee on the
Exxon Valdez Oil Spill Claims
Settlement

Max Gruenberg 4/7/91
Rep. Max Gruenberg Date
Chair
Project Director

APPROVED AS TO FORM:

Shirley A. Bennett
Legal Counsel Date 4-3-91

CERTIFYING AUTHORITY:

Warren Endicott 4/11/91
Warren Endicott Date
Executive Director
Legislative Affairs Agency

HOUSE COMMITTEE REPORT

(7)

Date RETURNED TO RULES: March 18, 1991

FURTHER REFERRALS:

Date of Committee Action: 4-4-91

The RULES Committee considered:

CSHB 9(HES)(TITLE AM)

CS FOR HOUSE BILL NO. 9 (HES)(TITLE AM) LIMIT FREE SAMPLES OF TOBACCO PRODUCTS

"An Act relating to the crime of selling, giving, or possessing tobacco and to promotion of retail sales of tobacco."

RECOMMENDATIONS:

be replaced with

CS HB 9 (Rules)

the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

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

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>					
<i>Dee Douley</i>		<i>Ben Simpson</i>		✓	
<i>M. P. Henderson</i>		<i>Larry Martin</i>		✓	
		<i>David L. Taylor</i>	X		

[Signature]
 CHAIRMAN'S SIGNATURE

State of Alaska

Committees

CO-CHAIR, HOUSE JUDICIARY
VICE-CHAIR, HOUSE LABOR AND COMMERCE
HOUSE HEALTH, EDUCATION
AND SOCIAL SERVICES



P.O. BOX V
JUNEAU, ALASKA 99811
(907) 463-4712
463-4968/4986
(SESSION)

914 CLAY COURT
ANCHORAGE, ALASKA 99503
(907) 276-6844

Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

MEMORANDUM

TO: Representative Johnny Ellis
Chair, Rules Committee

FROM: Representative Max Gruenberg *MAX*

DATE: March 6, 1991

SUBJECT: Scheduling of CSHB 9 (HESS), (TITLE AM)
the Anti-Tobacco Sample Bill

I would very much appreciate it if you would schedule CSHB 9 (HESS), the Anti-Tobacco Sample Bill, for a hearing as soon as it is possible.

Under the present law it is legal to give adults unsolicited free samples of cigarettes and other tobacco products.

This bill prohibits giving away tobacco products in order to promote retail sales except in limited circumstances, such as in tobacco shops or conventions.

Deaths and serious illnesses from tobacco use are some of society's most serious substance abuse problems. This bill discourages tobacco use by prohibiting this type of aggressive marketing.

This is the same bill that passed the House last year by a vote of 29-4 as HB 466.

If you have any questions, please call me or Mark Handley, my Legislative Assistant at ext. 4968.

Thank you.

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

No. 1
Bill Version: HB 9
(H) Publish Date: 2/1/91

Revision Date: _____ Department Affected: Department of Law
Title: "An Act relating to tobacco." BRU: Legal Services
Component: Operations
Sponsor: Representative Gruenberg
Requestor: Representative Gruenberg COMPONENT SERIAL NO.

		9	3
--	--	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

Estimate of current year Impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Richard I. Pegues, Director Phone: 465-3672
Division: Administrative Services Date: January 24, 1991
Approved by Commissioner: Richard I. Pegues
Charles E. Cole, Attorney General
Agency: Department of Law Date: January 24, 1991

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 9

This bill amends AS 11.76 by adding a new section that provides that a person may not provide tobacco to another person without charge or for a nominal fee, for the purpose of promoting retail sales. The bill does allow a person to provide small samples of tobacco without charge or for a nominal fee to a person 19 years of age or older for the purpose of promoting retail sales, if the samples are provided in a retail store that sells primarily tobacco, or at trade shows or conventions from which the general public is excluded, or in conjunction with a separate sale of tobacco by a retailer, manufacturer, or distributor.

In the past, the tobacco industry represented that state jurisdiction of tobacco promotions is preempted by 15 U.S.C. 1334(b), which places responsibility for regulating tobacco advertising at the federal level. It is the Department of Law's view, however, that the distribution of free samples falls under 15 U.S.C. 1332(6), which places the responsibility for the regulation of the distribution of tobacco, whether for sale or not, at the state level. If the bill is approved and is then subsequently challenged in court, the department will handle a challenge using its existing staff. Consequently, fiscal note costs are not required.

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Version: HB 9

(H) Publish Date: 2/1/91

Revision Date: _____
Title: An Act Relating to Tobacco

Department Affected: Public Safety
BRU: Alaska State Troopers
Component: Detachments

Sponsor: Rep. Gruenberg
Requestor: H. JUD

COMPONENT SERIAL NO.

7	9	9
---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact No fiscal impact anticipated.

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact anticipated.

Prepared by: Gavle A. Horetski, Dep. Commissioner Phone: 465-4322
Division: Commissioner's Office Date: 1/25/91

Approved by Commissioner: Gavle A. Horetski Richard L. Burton
Agency: Department of Public Safety Date: 1/25/91

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

Levin
Adopted

CS FOR HOUSE BILL NO. 9 (RULES)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Offered:
 Referred:

Sponsor(s): REPRESENTATIVES GRUENBERG, Brown, Ellis

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the crime of selling, giving, or possessing tobacco and to promotion
 2 of retail sales of tobacco."

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

4 * Section 1. AS 11.76.100(a) is amended to read:

5 (a) Except as provided in (f) of this section, a person commits the offense of selling or
 6 giving tobacco to a minor if the person is 19 years of age or older and

7 (1) knowingly sells, exchanges, or gives [A CIGARETTE, A CIGAR, TOBACCO,
 8 OR A PRODUCT CONTAINING] tobacco to a person under 19 years of age; or

9 (2) maintains a vending machine that dispenses [CIGARETTES, CIGARS,
 10 TOBACCO, OR PRODUCTS CONTAINING] tobacco and that is accessible to persons under
 11 19 years of age.

12 * Sec. 2. AS 11.76.105(a) is amended to read:

13 (a) A person under 19 years of age may not knowingly possess [A CIGARETTE, A
 14 CIGAR, TOBACCO, OR A PRODUCT CONTAINING] tobacco in this state. [THIS

1 SUBSECTION DOES NOT APPLY TO A PERSON WHO IS A PRISONER AT AN ADULT
2 CORRECTIONAL FACILITY.]

3 * Sec. 3. AS 11.76 is amended by adding a new section to read:

4 Sec. 11.76.108. RETAIL PROMOTION OF TOBACCO. (a) Except as provided in (b)
5 of this section, a person may not provide tobacco to another person without charge or for a
6 nominal fee, for the purpose of promoting retail sales.

7 (b) A person may provide small samples of tobacco without charge or for a nominal fee
8 to a person 19 years of age or older for the purpose of promoting retail sales, if the samples are
9 provided

10 (1) in a retail store that sells primarily tobacco;

11 (2) at a trade show or convention from which persons under age 19 are excluded;

12 or

13 (3) in conjunction with a separate sale of tobacco by a retailer, manufacturer, or
14 distributor.

15 (c) A person who provides tobacco in violation of this section is guilty of a violation.

16 * Sec. 4. AS 11.81.900(b) is amended by adding a new paragraph to read:

17 (58) "tobacco" means a cigarette as defined in AS 43.50.170 or tobacco product
18 as defined in AS 43.50.390.

19 * Sec. 5. AS 11.76.100(f) is repealed.

- DRAFT -

CS FOR HOUSE BILL NO. 9 (HES) (title am)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Amended: 3/13/91
Offered: 3/6/91
Referred: Rules

Sponsor(s): REPRESENTATIVES GRUENBERG, Brown, Ellis

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the crime of selling, giving, or possessing tobacco and to promotion
2 of retail sales of tobacco."

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

4 * Section 1. AS 11.76.100(a) is amended to read:

5 (a) Except as provided in (f) of this section, a person commits the offense of selling or
6 giving tobacco to a minor if the person is 19 years of age or older and

7 (1) knowingly sells, exchanges, or gives [A CIGARETTE, A CIGAR, TOBACCO,
8 OR A PRODUCT CONTAINING] tobacco to a person under 19 years of age; or

9 (2) maintains a vending machine that dispenses [CIGARETTES, CIGARS,
10 TOBACCO, OR PRODUCTS CONTAINING] tobacco and that is accessible to persons under
11 19 years of age.

12 * Sec. 2. AS 11.76.105(a) is amended to read:

13 (a) A person under 19 years of age may not knowingly possess [A CIGARETTE, A
14 CIGAR, TOBACCO, OR A PRODUCT CONTAINING] tobacco in this state. This subsection

1 does not apply to a person who is a prisoner at an adult correctional facility.

2 * Sec. 3. AS 11.76 is amended by adding a new section to read:

3 Sec. 11.76.108. RETAIL PROMOTION OF TOBACCO. (a) Except as provided in (b)
4 of this section, a person may not provide tobacco to another person without charge or for a
5 nominal fee, for the purpose of promoting retail sales.

6 (b) A person may provide small samples of tobacco without charge or for a nominal fee
7 to a person 19 years of age or older for the purpose of promoting retail sales, if the samples are
8 provided

9 (1) in a retail store that sells primarily tobacco;

10 (2) at a trade show or convention from which persons under age 19 are excluded;

11 or

12 (3) in conjunction with a separate sale of tobacco by a retailer, manufacturer, or
13 distributor.

14 (c) A person who provides tobacco in violation of this section is guilty of a violation.

15 * Sec. 4. AS 11.81.900(b) is amended by adding a new paragraph to read:

16 (58) "tobacco" means a cigarette as defined in AS 43.50.170 or tobacco product
17 as defined in AS 43.50.390.

Title
AMENDMENT #~~2~~

OFFERED IN THE HOUSE
TO: CSHB 9 (HES)

BY REPRESENTATIVE GRUENBERG

Page 1, line 1, after "to":

Insert "the crime of selling, giving, or possessing"

After "tobacco":

Insert "and to promotion of retail sales of tobacco"

Adopted unanimously

5-13-91

HB

12



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

MEMORANDUM

May 10, 1991

TO: ALL RULES COMMITTEE MEMBERS

FROM: REPRESENTATIVE JOHNNY ELLIS, CHAIR
HOUSE RULES COMMITTEE

A handwritten signature in black ink, appearing to be "JE", written over the "FROM" line.

HOUSE RULES COMMITTEE MEETING
8:00 A.M.
CAPITOL, ROOM 208
MONDAY, MAY 13, 1991

AGENDA: HB 12 - CORPORATE INCOME TAX REPORTING METHODS

COMMITTEE NAME

DATE _____

JOINT _____

TAPE # _____

JOINT _____

TIME CALLED TO ORDER _____ am/pm

TIME ADJOURNED _____

ROLL CALL:

PRES

ABST

TIME ARRVD

JOINT MEMBERS PRESENT:

Martin	✓		8	Hopson
Gross	✓		Before 8	Mackie
Taylor	✓		8:04	
Davidson	✓		8:05	
Greenberg			8:06	
Dowley			8:08	

AGENDA:

BILL NO.

SHORT TITLE

ACTION TAKEN

31		Gross → we adopt, No objections
		Martin moved
247		Joined by Mackie

OTHER:

SPECIAL ANNOUNCEMENTS:

COMMITTEE NAME: HOUSE RULES COMMITTEE

DATE May 13, 1991

JOINT _____

TAPE # 4

JOINT _____

TIME CALLED TO ORDER 8:10 am/pm

TIME ADJOURNED _____

ROLL CALL:

PRES ABST TIME ARRVD

JOINT MEMBERS PRESENT:

ROLL CALL:	PRES	ABST	TIME ARRVD	JOINT MEMBERS PRESENT:
<u>Donley</u>	<u>X</u>		<u>8-</u>	<u>Rep. Meyer</u>
<u>Maiti</u>	<u>X</u>		<u>8</u>	<u>D. Pansner</u>
<u>Ellis</u>	<u>X</u>		<u>8</u>	<u>Fran Ulmer</u>
<u>Grossendorf</u>	<u>X</u>		<u>8:05</u>	<u>John Hunkeler</u>
<u>Davidson</u>	<u>X</u>		<u>8:09</u>	<u>Jeanette Smith</u>
<u>Taylor</u>	<u>X</u>		<u>8:15</u>	<u>Jim Nordlund</u>
<u>Sonnenberg</u>		<u>X</u>		<u>K. Brown</u>

AGENDA:

BILL NO.	SHORT TITLE	ACTION TAKEN

OTHER: _____

SPECIAL ANNOUNCEMENTS:

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Rules 5-13-91 8:00 am

HOUSE COMMITTEE REPORT

(7)

Date Referred: 5/1/91

FURTHER REFERRALS:

Date of Committee Action: 5-13-91

The RULES Committee considered:

HB 12

HOUSE BILL NO. 12

"An Act relating to the water's edge method of calculating income taxes for certain corporations other than corporations engaged in the production of oil or gas from a lease or property in the state or in the transportation of oil or gas by regulated pipeline in the state; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 12 (Rules) the same title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

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

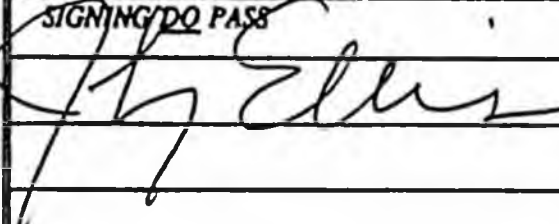
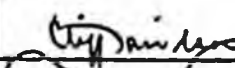
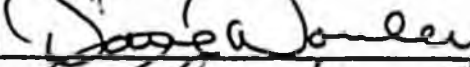
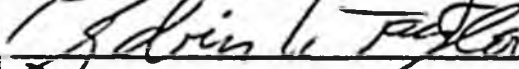

APPROVES PREVIOUS: _____ (Dept/Date)

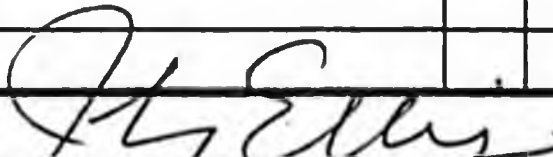
fiscal impact _____

fiscal note(s) 3/20/91 Rev.

zero fiscal note _____

zero fiscal note(s) 3/20/91 Comm. Econ. Dev.

SIGNING/DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
					
			✓		
				✓	
				✓	
			✓		


CHAIRMAN'S SIGNATURE

Sponsor: Rep. Moyer
TITLE FOR HB 12

"An Act relating to the water's edge method of calculating income taxes for certain corporations; relating to the determination of net income subject to state income tax from the operation of a ship or water transportation carrier for a foreign corporation; and providing for an effective date."



Handwritten initials "HM" and "III" inside a hand-drawn oval.

REPRESENTATIVE TOM MOYER

DISTRICT 19 • 119 N. CUSHMAN ST., SUITE 203 • FAIRBANKS, AK 99701 • (907) 456-8161
International Trade & Tourism, Chair • State Affairs, Vice Chair • Resources, Member

JS/JN

MEMORANDUM

To: Representative Johnny Ellis
Chairman, House Rules Committee

April 30, 1991

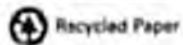
From: Representative Tom Moyer *TGM*

Re: CSHB12 (Finance), An Act relating to the water's edge method of calculating income taxes for certain corporations; relating to the determination of net income subject to state income tax from the operation of a ship or water transportation carrier for a foreign corporation; and providing for an effective date.

With this memo, I would like to request the Rules Committee to schedule for floor action at your earliest convenience HB12. The bill is designed to attract foreign investment to Alaska by replacing Alaska's unitary tax, widely considered a barrier to foreign investment, with a so-called "water's edge" tax system. Under the bill, only the domestic activities of a foreign or international corporation would be subject to Alaska taxes and oil and gas companies would be exempt.

The bill has received broad support in the three earlier committees of referral. It is backed by a number of Alaska business groups including the State Chamber of Commerce, Alaska Miners' Association, Anchorage Economic Development Corp., a host of private companies doing business in the state as well as the Hickel administration. As you'll recall, a similar version of this bill passed the state Senate last year.

I am happy to provide any additional information should you need it.





Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

P. O. Box V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

HOUSE RULES COMMITTEE MEETING

CAPITOL, ROOM 208
MONDAY, MAY 13, 1991

AGENDA:

HOUSE BILL NO. 12

"An Act relating to the water's edge method of calculating income taxes for certain corporations other than corporations engaged in the production of oil or gas from a lease or property in the state or in the transportation of oil or gas by regulated pipeline in the state; and providing for an effective date."

I N D E X

- I. MEMO DATED MAY 10, 1991 TO REP. ELLIS, RE: PROPOSED RULES CSHB 12
- II. PROPOSED VERSION CSHB 12 (RULES)
- III. CSHB 12 (FINANCE)
- IV. CSHB 12 (ITT)
- V. MEMO TO HOUSE FINANCE COMMITTEE MEMBERS FROM BRIAN W. DURRELL RE: WATER'S EDGE TAX LEGISLATION
- VI. POSITION PAPER RE: HB 12 DATED 2/28/91
- VII. FISCAL NOTE - HB 12
- VIII. FAIRBANKS DAILY NEWS ARTICLE 2/17/91 - HB 12

REPRESENTATIVE TOM MOYER

DISTRICT 19 • 119 N. CUSHMAN ST., SUITE 203 • FAIRBANKS, AK 99701 • (907) 456-8161

International Trade & Tourism, Chair • State Affairs, Vice Chair • Resources, Member

MEMORANDUM

To: Representative Johnny Ellis
Rules Chairman

May 10, 1991

From: Representative Tom Moyer *TOM*

Re: HB12, relating to the water's edge method of calculating income taxes for certain corporations.

You have asked for an explanation of the differences between the House Finance CS of this bill and the proposed Rules CS.

The only difference is the Rules CS would eliminate a provision (Section 3) that would exempt the federal exclusion for calculating income taxes for foreign-based ships or other water transportation carriers. In effect, the Finance CS would require cruise ships and other foreign vessels that operate in Alaska to pay Alaska corporate income taxes. The reason for the change is that Governor Hickel plans to introduce a corporate income tax bill that would include this provision and also apply to international air carriers.

The proposed Rules CS includes other positive changes made in the House Finance Committee, such as language (Section 2) that expresses legislative sentiment about a recent California Appeals Court decision that could affect Alaska's corporate income tax system in the future.

As sponsor of this bill, I believe the proposed Rules CS best accomplishes the original intent of this legislation.

CS FOR HOUSE BILL NO. 12 (RULES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MOYER, Brown, Koponen, Ells

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the water's edge method of calculating income taxes for certain
2 corporations; and providing for an effective date."

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

4 * Section 1. PURPOSE. It is the purpose of the addition of AS 43.20.073, added by sec. 3 of this
5 Act, to promote investment and trade opportunities in the state.

6 * Sec. 2. LEGISLATIVE INTENT. The amendments to the Alaska Net Income Tax made by this
7 Act are not intended to reflect a determination or conclusion by the legislature as to the assertion that
8 the imposition of the worldwide combined reporting method directed for use by certain taxpayers by
9 AS 43.20 violates the foreign commerce clause of the United States Constitution.

10 * Sec. 3. AS 43.20 is amended by adding a new section to read:

11 Sec. 43.20.073. AFFILIATED GROUPS. (a) A corporation that is a member of an
12 affiliated group shall file a return using the water's edge combined reporting method. A return
13 under this section must include the following corporations if the corporations are part of a unitary
14 business with the filing corporation:

1 (1) an affiliated corporation that is eligible to be included in a federal consolidated
2 return under 26 U.S.C. 1501 - 1505 (Internal Revenue Code) if the corporation's property,
3 payroll, and sales factors in the United States average

4 (A) 20 percent or more; or

5 (B) under 20 percent, if the corporation does not meet the requirements
6 of 26 U.S.C. 861(c);

7 (2) a domestic international sales corporation; in this paragraph, "domestic
8 international sales corporation" has the meaning given in 26 U.S.C. 992(a);

9 (3) a foreign sales corporation; in this paragraph, "foreign sales corporation" has
10 the meaning given to the term "FSC" in 26 U.S.C. 922(a);

11 (4) a corporation, regardless of the place where the corporation was incorporated,
12 if the corporation's property, payroll, and sales factors in the United States average 20 percent
13 or more;

14 (5) a corporation that is incorporated in or does business in a country that does
15 not impose an income tax, or that imposes an income tax at a rate lower than 90 percent of the
16 United States income tax rate on the income tax base of the corporation in the United States, if

17 (A) 50 percent or more of the sales, purchases, or payments of income or
18 expenses, exclusive of payments for intangible property, of the corporation are made
19 directly or indirectly to one or more members of a group of corporations filing under the
20 water's edge combined reporting method;

21 (B) the corporation does not conduct significant economic activity.

22 (b) When computing taxable income for a corporation under (a) of this section, the
23 following amounts shall be excluded:

24 (1) 80 percent of dividend income received from foreign corporations;

25 (2) an amount treated as a dividend under 26 U.S.C. 78;

26 (3) 80 percent of the royalties accrued or received from a foreign corporation.

27 (c) In (b)(1) and (3) of this section, a payment is considered to be received from a
28 corporation that is part of the unitary business if the payment is received

29 (1) by a member of an affiliated group included in a water's edge combined
30 report filed under this section; and

31 (2) from a corporation in which the recipient owns 50 percent or more of the