

ALASKA LEGISLATURE COMMITTEE FILES

1993-1994

8672

8165

HOUSE STATE AFFAIRS

430

HB

543

HOUSE COMMITTEE REPORT

(7)
Date Referred: March 30, 1994

FURTHER REFERRALS:

Date of Committee Action: 4-7-94

The STATE AFFAIRS Committee considered:

HB 543

HOUSE BILL NO. 543

UNVENTED GAS HEATERS IN RESIDENTIAL BLDGS

"An Act relating to unvented gas space heaters in residential buildings."

- RECOMMENDATIONS: | the same title
 be replaced with CS HB-543 (STA) | 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)

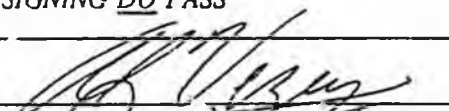
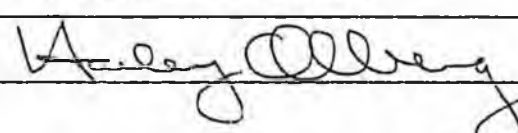
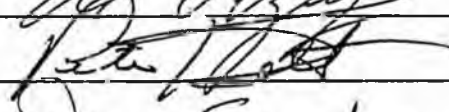
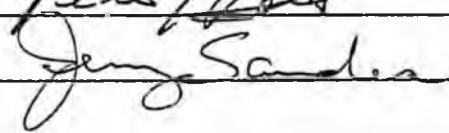
APPROVES PREVIOUS: _____ (Dept/Date)

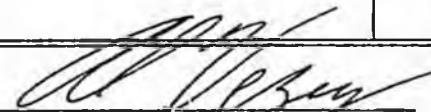
fiscal impact _____

fiscal note(s) _____

zero fiscal notes NOOR (HSTA)

zero fiscal note(s) _____

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



 CHAIRMAN'S SIGNATURE

8-LS1856K ✓
Bannister
4/5/94

CS FOR HOUSE BILL NO. 543(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to unvented gas space heaters in residential buildings."

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

3 * Section 1. AS 18.56.300(e) is amended to read:

4 (e) In this section,

5 (1) "construction codes" means, with reference to a municipality, the
6 building, mechanical, plumbing, and electrical codes, or any of them, that have been
7 adopted and are enforced by the municipality;

8 (2) "state building code" means

9 (A) for building standards, the standards set out in the version
10 of the Uniform Building Code adopted by the Department of Public Safety
11 under AS 18.70.080, including the provisions of that code applicable to
12 buildings used for residential purposes containing fewer than four dwelling
13 units, notwithstanding the exclusion of those buildings from the Department of
14 Public Safety's jurisdiction made by AS 18.70.080(a)(2);

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(B) for mechanical standards, the standards set out in the version of the Uniform Mechanical Code adopted by the Department of Public Safety under AS 18.70.080;

(i) including the provisions of that code applicable to buildings used for residential purposes containing fewer than four dwelling units, notwithstanding the exclusion of those buildings from the Department of Public Safety's jurisdiction made by AS 18.70.080(a)(2); and

(ii) except as provided in AS 18.60.900;

(C) for plumbing standards, the publications identified as the minimum plumbing code under AS 18.60.705; and

(D) for electrical standards, the minimum electrical standards prescribed by AS 18.60.580.

* Sec. 2. AS 18.60 is amended by adding a new section to article 14 to read:

Sec. 18.60.900. UNVENTED GAS SPACE HEATERS. Notwithstanding the version of the Uniform Mechanical Code adopted by the Department of Public Safety under AS 18.70.080, an unvented gas space heater is allowed in a residential building if the heater is

(1) listed by a testing agency that is qualified under the American National Standards Institute Accreditation Program as complying with the American National Standard for Gas-Fired Room Heaters, Volume II, Unvented Room Heaters, ANSI Z21.11.2; and

(2) installed in accordance with the manufacturer's installation instructions.

8-LS1856J
Bannister
4/1/94

**CS FOR HOUSE BILL NO. 543(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION**

BY THE HOUSE STATE AFFAIRS COMMITTEE

**Offered:
Referred:**

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to unvented gas space heaters in residential buildings."**

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9 (A) for building standards, the standards set out in the version
10 of the Uniform Building Code adopted by the Department of Public Safety
11 under AS 18.70.080, including the provisions of that code applicable to
12 buildings used for residential purposes containing fewer than four dwelling
13 units, notwithstanding the exclusion of those buildings from the Department of
14 Public Safety's jurisdiction made by AS 18.70.080(a)(2);

1 (B) for mechanical standards, the standards set out in the
2 version of the Uniform Mechanical Code adopted by the Department of Public
3 Safety under AS 18.70.080, including the provisions of that code applicable to
4 buildings used for residential purposes containing fewer than four dwelling
5 units, notwithstanding the exclusion of those buildings from the Department of
6 Public Safety's jurisdiction made by AS 18.70.080(a)(2);

7 (C) for plumbing standards, the publications identified as the
8 minimum plumbing code under AS 18.60.705, except as provided in
9 AS 18.60.705(c); and

10 (D) for electrical standards, the minimum electrical standards
11 prescribed by AS 18.60.580.

12 * Sec. 2. AS 18.60.705 is amended by adding a new subsection to read:

13 (c) Notwithstanding (a) of this section, an unvented gas space heater is allowed
14 in a residential building if the heater is

15 (1) listed by a testing agency that is qualified under the American
16 National Standards Institute Accreditation Program as complying with the American
17 National Standard for Gas-Fixed Room Heaters, Volume II, Unvented Room Heaters,
18 ANSI Z21.11.2; and

19 (2) installed in accordance with the manufacturer's installation
20 instructions.

21 * Sec. 3. AS 18.60.740 is amended to read:

22 Sec. 18.60.740. DEFINITIONS. In AS 18.60.705 - 18.60.740,

23 (1) "code" means the code adopted under AS 18.60.705(a) as amended
24 by AS 18.60.705(b) and (c) [AS 18.60.705(b)];

25 (2) "commissioner" means the commissioner of labor;

26 (3) "department" means the Department of Labor;

27 (4) "inspector" means a qualified inspector employed by, designated by,
28 or under contract to the Department of Labor.

29 * Sec. 4. AS 18.62.070 is amended to read:

30 Sec. 18.62.070. PERSONS REQUIRED TO OBTAIN CERTIFICATE. A
31 person engaged in one of the following trades shall first obtain from the department

1 the appropriate certificate of fitness in that trade:

2 (1) electrical wiring subject to the standards established in
3 AS 18.60.580; and

4 (2) plumbing subject to the uniform plumbing code; in this paragraph,
5 "uniform plumbing code" means the publications identified as the minimum plumbing
6 code for the state under AS 18.60.705, except as provided in AS 18.60.705(c).

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB-543

Revision Date: 3/30/94 Dept. Affected: _____
 Title: An Act relating to unvented gas space heaters BRU: _____
in residential buildings Component: _____
 Sponsor: House State Affairs Committee
 Requestor: Rep. Al Vezey COMPONENT SERIAL NO. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE

(Thousands of Dollars)

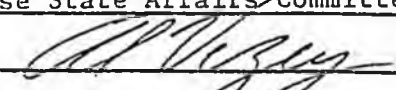
1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY94) cost: \$ None

POSITIONS

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

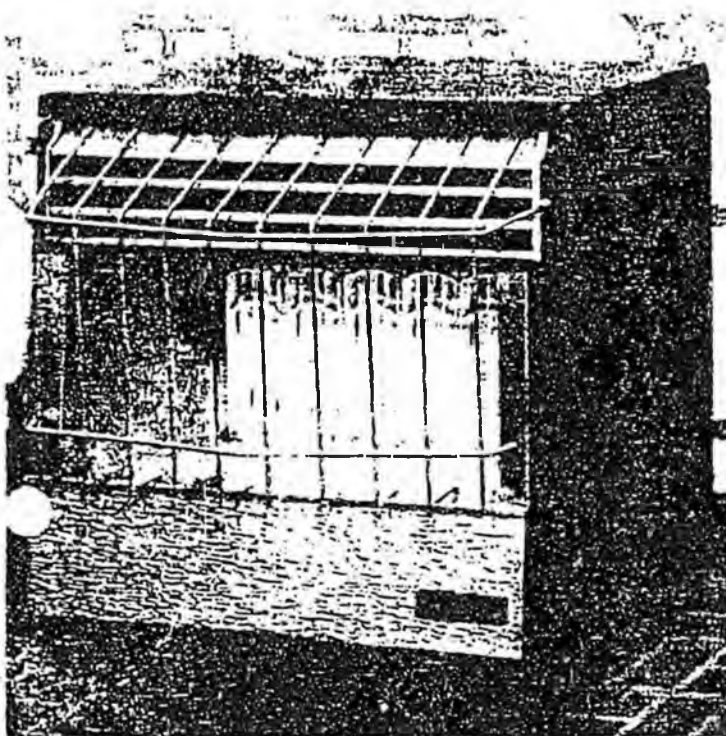
ANALYSIS: (Attach a separate page if necessary)

Prepared by: Rep Al Vezey
 Division: House State Affairs Committee
 Approved by Commissioner: 
 Agency: _____

Phone: 465-3719
 Date: 3/31/94
 Date: _____

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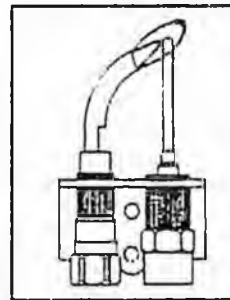
Industries introduces Unvented Gas Heaters with Oxygen Depletion Sensing Systems.



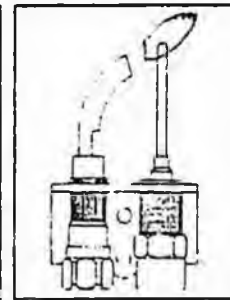
*Safe, efficient
zone heating without
expensive venting.*

new Unvented Gas Heaters are designed and built not only to deliver efficient, economical zone heating, but to be completely safe as well! Built into each unit is an innovative, highly reliable Oxygen Depletion Sensing System programmed to shut down the heater should room oxygen ever fall below completely safe levels.

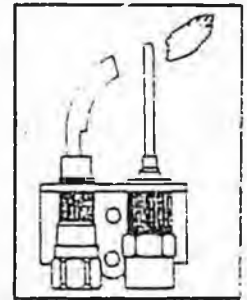
*In the unlikely event
of oxygen depletion, here's
how the system works!*



Oxygen in room normal at 20.9% level. Pilot flame stable. Speed of gas flow equals pilot flame speed.



Oxygen depletion begins—pilot flame speed slows and flame begins to move away from gas source. Thermocouple begins to cool.



As the oxygen level approaches 18%, flame becomes unstable, moves off of the thermocouple and pilot extinguishes unit.

*Safer, more economical
than kerosene heaters.*

The safety of Unvented Gas Heaters is matched only by their economy. Because they burn natural or L.P. gas, there are no dangerous liquids to store. And you needn't be concerned about their tipping over or being placed too close to furniture or draperies. They emit neither smoke nor odor, require no continuous refueling. And they *save you money!*

FUEL TYPE	BTUs	COST	COST PER 100,000 BTUs PRODUCED*
Natural Gas	1050/cu. ft.	\$5.01/1,000 cu. ft.	\$.48
Propane	91,500/gal.	\$.70/gal.	\$.76
Kerosene	130,000/gal.	\$1.50/gal.	\$1.15

*Based on local fuel costs.

ODSS

UTILITIES THAT MERCHANDISE VENT-FREE APPLIANCES

Atlanta Gas Light
Mississippi Valley
K N Energy
Piedmont
AlaGasCo
Roanoke Gas
Philadelphia Gas Works
South Jersey Gas
Virginia Natural

Entex
United Cities Gas
Peoples Gas-Florida
PS of N. Carolina
Mobile Gas Co
NC Natural
UGI
Peoples Gas-Iowa

MEMORANDUM

DATE: FEBRUARY 1, 1994

TO: Senate Local Government and Taxation Committee

FROM: Phil Childers

The following information is to help clarify my proposed amendment to Section 39-4109, Idaho Code relating to vent-free gas logs and fireplaces in residences.

During the past 20 years, the decorative gas fireplace industry has perfected highly efficient, vent-free gas logs which are safe and effective. Because of the atmosphere these logs create, they can, and do, replace wasteful vented gas logs and inefficient wood fireplaces which create increasing environmental problems.

Yet despite these new technological advances and the obvious advantages of vent-free gas logs, these products are banned by the Uniform Mechanical Code (UMC) in residences. Unfortunately, this ban continues because of misunderstandings and, in some cases, unsupported prejudices, which in large part, are the result of old vent-free heating devices which were often dangerous. These old products are not even manufactured any more and bear little resemblance to the modern generation of vent-free gas logs.

Here are answers to frequently asked questions about vent-free gas logs.

QUESTION: Are vent-free Decorative Gas Logs safe?

ANSWER: YES! To produce and sell vent-free decorative gas logs in the United States, these products must conform to very strict standards set forth in ANSI Z21.11.2. These standards require that all products be equipped with an oxygen depletion sensor (ODS). These ODS valves will shut off the primary gas supply to the entire appliance long before dangerous levels of carbon monoxide can accumulate. Over the past thirty years, literally millions of these devices have been installed in the U.S. and Europe. At this point, there is not a single reported incident of serious poisoning or death as a result of these products. This safety record is unmatched by any other fuel burning device.

QUESTION: How does the ODS valve work and how can you be sure it will not fail?

ANSWER: The ODS valve is a non-adjustable, precise pilot flame which must be burning before gas is available to the appliance. The ODS system is virtually fail-safe because of two primary design features. First, the pre-set and precise tolerances of the valve will not allow the flame to burn when the oxygen level is below 18%, well above the critical point. Second, the normal position of the spring-loaded, main gas supply valve is off. Gas can only flow through the system when the ODS pilot is burning and providing the necessary electrical current to hold the main gas valve open. If anything goes wrong with the system, regardless of its source and the pilot is interrupted, the entire gas supply will be shut off

(over)

Common Questions & Answers

QUESTION: How do we ensure all vent-free decorative gas logs are equipped with ODS valves and meet the ANSI standards?

ANSWER: The ODS valve is a requirement of the ANSI standard the American Gas Association uses to certify the appliances. Building officials can rely on the AGA certification to assure these products are safe and properly manufactured, as they routinely do for other products.

QUESTION: How do we know these products have been properly tested?

ANSWER: These products have been extensively reviewed and tested by the Consumer Product Safety Commission and the National Bureau of Standards, both U.S. Government agencies, the American National Standards Institute, and the American Gas Association. All of these bodies have concluded that ODS-equipped vent-free gas logs are safe and pose no substantial risk to the consuming public.

QUESTION: Are these devices allowed by other code-writing agencies in the U.S. and abroad?

ANSWER: Yes. In fact, the UMC is the only widely-used code in the U.S. which does not allow these devices. These devices are approved by SBCCI, BOCA, CABO, and the National Fuel Gas Code. Additionally, ODS-equipped heating devices have been used in Europe for about 30 years. Use of these devices in other jurisdictions has created no reportable problems.

QUESTION: If these devices are so safe, why hasn't ICBO changed the UMC to allow them?

ANSWER: ICBO has given two reasons for not allowing vent-free gas logs:

1. The equivalent safety of an oxygen-depletion sensor to a conventional venting system which carries the products of combustion to the outside has not been established.
2. The condensation of water vapor (1.6 quarts per hour) at maximum burn (39,000 Btu/h) creates corrosion and potential structural damage problems.

The Gas Appliance Manufacturer's Association (GAMA) says they know of **NO BASIS** (scientific or historical) for either of the above stated reasons. The **FACTS** are:

1. In addition to the 30 millic ODS-equipped appliances sold in Europe since 1961, there have now been over 2,250,000 sold in the US since 1981 without a single CO-related fatality.
2. In all of our work throughout the U.S. and Europe, we are not aware of any case where a vent-free appliance has caused corrosion or structural damage. The amount of water vapor created at the maximum burn rate is less than half that produced by a good home humidifier!

I hope the above questions and answers will help you evaluate the facts regarding vent-free gas logs. I also hope the debate over this issue can be based on the facts and specific evidence involved and not on misunderstandings and confusion connected with other outmoded products which bear no resemblance to these modern devices. It is simply wrong and unfair to continue a ban on these devices which is not supported by any evidence.

(51)

MAR 31 1994

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20267TO : Douglas L. Noble, EX-2
Through: Dr. Robert D. Verhalen, AED, Epidemiology

DATE: May 18, 1993

(Revision of April 7, 1993
memorandum)

FROM : Beatrice Harwood, EPA 54

SUBJECT: Rationale for Denying the Gas Space Heater Petitions (SH82-1 through
SH82-23)

The Directorate for Epidemiology recommendation to deny the petitions is based on the fact that there is no evidence that these state and local bans provide a significantly higher degree of protection from the risk of CO poisoning than CPSC's safety standard; in fact, available evidence suggests that communities will be better protected from the risk of CO poisoning by having access to this safety-protected, relatively inexpensive form of heat.

A ban provides a higher level of protection only if the heat sources that a consumer a consumer uses in place of the banned product is safer. The Commission has data indicating that several kinds of heating devices that are likely alternatives to ODS-equipped unvented gas space heaters present a significantly higher risk of CO poisoning. These include:

1. Vented gas space heaters.

The risk of CO poisoning is 3 times higher in a vented gas heater than in an unvented heater, even one without an ODS device. 1979 estimates are of 130 deaths from vented heaters out of an estimated 3,253,000 in use, vs. 40 deaths from unvented heaters out of an estimated 5,394,000 in use.

The reason for this is that vented heaters are often not vented properly or are not vented at all. Just this year the Commission has learned of several tragic accidents involving vented gas heaters.

2. Unvented gas heaters not manufactured for indoor use. CPSC in-depth investigations include several accidents involving heaters not intended for indoor use, or make-shift type gas-fired heaters.

3. Hibachis, charcoal grills or other patently unsafe devices, which have been brought into a home or home trailer. Commission files also include examples of this practice.

Although there is no statistical evidence that consumers who are unable to purchase an unvented gas heater (in the event of a local ban) will frequently choose one of the more hazardous appliances named above, available information suggests that this is a reasonable assumption. For example, the vented gas heaters that were involved in the recent Barnwell, S.C. tragedy had been purchased as replacement

Post-It™ brand fax transmittal memo 7871		# of pages > 2	
To	Joe Fasano	From	Keith Kettler
Co.		Co.	
Dept.		Phone	303-772-2430

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(11)

MAR 31 1994

for unvented gas heaters. Another case in Commission files describes a vented heater that had been purchased as a replacement in a home with several existing unvented heaters. Unwilling to pay the cost of installing a vent, the consumer used the heater in an unvented mode. Several weeks later he and his wife died of CO poisoning.

The price of vented and unvented heaters is about the same, according to the Directorate for Economics, but a vented heater is less efficient, and therefore more costly to operate. The owner of the heater involved in a recent accident in Prichard, Alabama, in which 3 persons died, explained that the vented heater involved had in the past been operated in a vented mode several times but that it "didn't give off any heat."

EC has reported that unvented heaters are usually purchased as replacements, not in new construction, and primarily among low and moderate income groups. A consumer who is unable to purchase an unvented heater may very likely purchase a vented heater instead, but fail to vent it. Even if a vent is installed it is likely not to be installed correctly.

At a recent Commission meeting about vented gas space heaters, manufacturers made the following observations that bear on this question:

- o Sales of vented gas space heaters rose significantly during 1978, when manufacturers voluntarily stopped manufacturing unvented gas heaters, in anticipation of a proposed CPSC ban.
- o A gas space heater designed to be vented but left unvented generates considerably more CO than a gas heater of the same size designed to be unvented.

If only a few persons who would otherwise have purchased an ODS-equipped unvented heater purchase instead, for whatever reason, a vented heater or one of the other devices named above, even though the remaining majority choose a zero-risk alternative, such as an electric heater, the aggregate risk among those households will be higher than the expected risk among households using ODS-equipped unvented heaters.



CONTEMPORARY
VENT-FREE GAS-FIRED SPACE HEATERS

I. OBJECTIVE

This paper is intended to provide current, accurate information about contemporary vent-free (unvented) gas space heaters in order to clear up outdated misconceptions about the operation and safety of this type of heating equipment.

II. BACKGROUND

A. The Product

Vent-free gas space heaters differ from central heating in that they do not use heating ducts, do not require a chimney or vent, and are located in the space to be heated.

These space heaters operate on natural gas or propane. They may be permanently installed as free-standing or wall mounted units. They are available in heat outputs from 7,000 to 40,000 Btu/hr. with most models having adjustable heat ranges. Both radiant and convective heating types are available.

B. The History

Vent-free gas-fired space heaters have long been used successfully for residential space heating in the southern part of the United States where the mild climate does not make central heating a necessity.

However, some states and localities within the country have not permitted the use of vent-free gas-fired space heaters for any purpose. These restrictions undoubtedly are based on past experiences with outdated types of heaters which did not have the features, labeling and design safeguards that are now incorporated in contemporary products.



dollars per million Btu's, natural gas and LP-gas are shown to be clearly superior economically for heating.

<u>TYPE OF ENERGY</u>	<u>IN COMMON TERMS</u>	<u>DOLLARS PER MILLION BTU'S</u>
Electricity	8.04 cents/kWh	\$23.56
Natural Gas	56.2 cents/therm or \$5.80/MCF	5.62
Propane	70.0 cents/gallon	7.69

According to these figures, the cost to heat a space with a gas space heater would be less than a third of the cost to heat the space with an electric space heater.

C. Installation

The simple permanent installation avoids those potential fire hazards associated with portable heaters. Not only is the expense of a vent or chimney avoided, but also the problems of blockage or leaks.

IV. SAFETY

An analysis of the latest statistics (1986) compiled by the U.S. Consumer Product Safety Commission (CPSC) reveals that of the total 150,000 fires involving space heating equipment of all types (i.e., electric, coal, gas, etc.), gas-fired space heaters accounted for only 3%.

This exemplary record of minimal accident reports related to gas-fired heating equipment is not purely coincidental. The strict adherence of manufacturers to national safety standards for gas heating equipment is the major contributor to this excellent safety record.

ADDENDUM "A"

INCIDENT STATISTICS
1986, Latest Year Reported By The
Consumer Product Safety Commission

A. FIRE INCIDENTS

- o Gas space heaters account for less than 3% of all heating equipment fires.

NATIONAL FIRE INCIDENT PROJECTIONS, 1986

<u>Heater Types</u>	<u>Fires</u>	<u>Civilian Deaths</u>	<u>Civilian Injuries</u>	<u>Property Loss (Millions)</u>
All*	150,000	640	2,380	\$574.5

Wood/Coal Heaters	87,000	110	420	\$188.9
Electric, Fixed and Portable (not including central heating)	5,700	150	240	\$48.4
Gas, Fixed and Portable (not including central heating)	4,800	70	260	\$44.8
Kerosene/Oil, Fixed and Portable (not including central heating)	3,400	100	310	\$30.4

*The "All" category includes fixed and portable space heaters, central furnaces, water heaters, fireplaces, chimneys and other heating equipment using solid or liquid fuel, gas, electricity or other energy sources.

B. CONTACT BURNS

- o Only 0.02% of all gas heaters in use resulted in contact burns in 1982 per CPSC estimates.
- o The gas heater incident rate is 1/3 that of portable kerosene heaters, and 2/3 that of wood/coal stoves.

ADDENDUM "B"

VENT-FREE HEATER COMPARISON
GAS VS. PORTABLE KEROSENE

	<u>GAS</u>	<u>KEROSENE</u>
Comprehensive Safety Standard	Yes (ANSI-Z21.11.2-1983)	Yes (UL647)
Certified or Listed by Independent Nationally Recognized Laboratory	Yes	Yes
Surface Temperature Limit	Yes	Yes
Wall & Floor Temperature Limits	Yes	Yes
Clothing Ignition Safeguards	Yes	Yes
Permanent Installation	Yes	No
ODS Equipped	Yes	No
Safety Shutoffs	Yes	Yes

Note 1: The safety standard for vent-free gas space heaters is identical to the standard for vented gas space heaters pertaining to surface temperatures and fire safety.

Note 2: The following eight states have passed legislation since 1981 permitting the sale and use of listed portable kerosene heaters: Delaware, Maryland, New Hampshire, New York, Ohio, Rhode Island, South Dakota, and Washington.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO : HB 543

Revision Date: _____

Department Affected: Labor

Title: Allowing the use of unvented
gas space heaters

BRU: Labor Standards & Safety

Component: Mechanical Inspection

Sponsor: House State Affairs

Requestor: House State Affairs

COMPONENT SERIAL NO. 346

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

HB 543 allows the use of unvented gas space heaters in residential buildings which is in violation of the Uniform Mechanical Code (UMC). As the state fire marshal enforces the UMC, this legislation does not impact the Department of Labor's programs.

Prepared by: Donald G. Study, CSP, Director Phone: 465-6003

Division: Labor Standards & Safety Date: 4/4/94

Approved by Commissioner: Charles W. Mahlen

Agency: Department of Labor Date: 4/4/94

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August 24, 1993

Mr. Mark A. Nolan
Supervisor
Gas Standards & Technology
Public Service Company of Colorado
P. O. Box 840
Denver, Colorado 80201-0840

Dear Mark:

This is in response to your letter of August 13, 1993 regarding unvented room heaters.

High Altitude Performance of the ODS:

As you know there have been many vent-free appliances sold and used throughout Colorado. In fact, one manufacturer alone is now selling three semi-truckloads of vent-free fireplaces per month in Colorado.

Consideration of high altitude installation and usage is accounted for in the ANSI Z21.11.2 standard by reference to the National Fuel Gas Code, ANSI Z223.1/NFPA 54. A.G.A. Laboratories continues to certify designs for compliance with the applicable national safety test standards with confidence concerning safe operation due to the immense consensus approach taken to develop the standards in use.

Although I recognize you do not have the capability to test under the ANSI standard, my understanding from your comments in Denver on June 25th was that your June 93 testing in Denver and Leadville confirmed that:

1. The ODS shut off the gas supply to the pilot and main burners before the oxygen level reached 18 percent.
2. The CO levels you measured were always lower than the level allowed by the ANSI standard.
3. You experienced no "Nuisance outages".

/Continued . . .



On some appliances, A.G.A requires the manufacturer to include a statement in the Operating Instructions stating that, "The product is designed to be operated at elevations of less than 5,000 feet. If operated at higher elevations, nuisance outage may occur." Let me stress that this does not apply to all vent-free appliances and, although it may be a nuisance, it is not a safety concern. The Gas Research Institute (GRI) is currently running vent-free heaters up and down the Colorado mountains. I can assure you that insight from this effort to avoid nuisance shut downs will be incorporated into the national safety standards.

The "accompanying noise" from the pilot when you turned the control to "pilot" after operating the appliance for extended periods is completely normal. This low-level noise lasts until the appliance cools down (about 5 minutes) and presents no operational or safety hazard. It is completely eliminated by following the manufacturer's instructions to turn the control knob to the "off" position when not using one of the three heat settings.

Production and Accumulation of Carbon Monoxide:

The ODS will ensure the gas supply to the pilot and main burners is shut off if the oxygen in the surrounding atmosphere is depleted to a level at or above 18.0 percent.

In addition to the 30 million ODS-equipped appliances sold in Europe since 1961, there have now been over 2,250,000 sold in the U.S. since 1981 without a single CO-related fatality. This is a lot of appliances used for a long period of time without causing a CO-related fatality. Since there has never been a CO-related fatality from an ODS-equipped appliance, the concern for CO production in an atmosphere with more than 18 percent oxygen is an unjustified concern.

This number is now over 2,600,000!

The Statement to Open a Window When Using the Heater.

All gas appliances require make up combustion air. This can be accomplished in several ways:

1. In homes of ordinary tightness, all or a portion of the combustion air may be obtained from infiltration when the requirement for 50 cubic feet per 1000 Btu/h input is met. (Section 601(a) and Section 603(d)1 of the Uniform Mechanical Code (UMC)). NOTE: Some cities and counties that have adopted the UMC use this as a guide for vent-free appliances in all construction since Section 601(a) of the UMC exempts "domestic clothes dryers and listed cooking appliances" from the combustion air requirements of Chapter 6 of the UMC.

/Continued . . .

2. For homes which are built to "unusually tight construction" standards, combustion air for the central heating system must be obtained from outside through permanent openings. NOTE: These combustion air ducts should not terminate adjacent to a vent-free appliance because this would eliminate the effectiveness of the ODS.
3. Opening a window an inch or two.

While I know of no published analysis concerning how many residents open a window for fresh air, I believe the fact that there have been over 2,250,000 vent-free appliances sold in the U.S. since 1981 without a single CO-related fatality makes this an academic rather than a practical concern. If there is insufficient make-up air, the ODS will simply shut off the gas supply to the pilot and main burners.

Violation of the 1991 Uniform Mechanical Code:

International Conference of Building Officials (ICBO) is the only national model code that does not allow vent-free appliances in residences. Council of American Building Officials (CABO), Building Officials and Code Administrators International (BOCA), Southern Building Code Congress International (SBCCI), and the National Fuel Gas Code all recognize the use of vent-free room heaters and decorative gas logs and fireplaces in residences. We are very pleased that many cities and counties throughout the area where the ICBO codes are adopted have made an exception to this restriction based on the enviable safety record of the appliances. I believe this can only help in the process of changing the UMC to align with all the other national building codes.

ICBO has given two reasons for not allowing vent-free appliances:

1. The equivalent safety of an oxygen-depletion sensor to a conventional venting system which carries the products of combustion to the outside has not been established.
2. The condensation of water vapor (1.6 quarts per hour) at maximum burn (39,000 Btu/h) creates corrosion and potential structural damage problems.

We know of No Basis (scientific or historical) for either of the above stated reasons. The Facts are:

1. In addition to the 30 million ODS-equipped appliances sold in Europe since 1961, there have now been over 2,250,000 sold in the U.S. since 1981 without a single CO-related fatality.

/Continued . . .

August 24, 1993
Mr. Mark A. Nolan
Page 4

2. In all of our work throughout the U.S. and Europe, we are not aware of any case where a vent-free appliance has caused corrosion or structural damage. The amount of water vapor created at the maximum burn rate is less than half that produced by a good home humidifier!

Vent-free heaters are a supplementary not a primary source of heat. If unacceptable levels of condensation occur on windows, the heaters will be turned off.

Sincerely,



Gary D. Thibeault
Codes and Standards Coordinator
Technical Services

GDT/ljb

Municipality of Anchorage



P. O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
(907) 786-8160

TOM FINK,
MAYOR

DEPARTMENT OF PUBLIC WORKS
(3500 East Tudor Road)

November 19, 1993

Mr. Keith L. Kettler
Kettler Enterprises
2333 Judson Street
Longmont, Colorado 80501

Re: Temco Unvented Decorative Gas Logs and Fireplaces.

Dear Mr. Kettler:

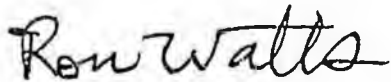
The Municipality of Anchorage, Department of Public Works, Building Safety Division. Is conditionally approving the request for approval of Temco unvented decorative gas log fireplaces as an alternate method and material under Section 107, Uniform Administrative Code. This is based on the A.G.A. - listed Temtex/Temco gas-fired, unvented room heaters meeting the intent of the requirements of Section 807 (c). 1991 Uniform Mechanical Code (UMC).

The condition of the approval of the Unvented Decorative Gas Logs and Fireplaces: may be installed, used, maintained and permitted to exist in any Group R Occupancy except bathrooms and bedrooms. The unvented decorative gas logs are listed for only natural gas burning with an open flame consisting of a metal frame or base supporting simulated logs which is designed so that its primary function lies in the aesthetic effect of the logs and the flame. An unvented fireplace is a listed unvented gas log permanently installed in a freestanding enclosure or zero clearance enclosure designed and approved for installation in walls or other building structures. Unvented gas logs and fireplaces are approved as follows.

- (1) Shall be equipped with an approved oxygen-depletion sensor.
- (2) Shall be listed.
- (3) Shall not be installed in any room which does not have an alternative primary source of heat.
- (4) Shall have free air volume of at least 50 cubic feet for each 1000 BTU's of thermal output.
- (5) Shall be permanently installed.

(6) Shall not be equipped or connected to any automatic ignition or shut-off device except the oxygen-depletion sensor.

Sincerely

A handwritten signature in cursive script that reads "Ron Watts".

Ron Watts
Chief of Building Inspections

cc: Plan Review Engineers
Mech/Plumbing Inspectors
File

INDOOR AIR QUALITY IN A LOW INFILTRATION RATE HOUSE

BY RICHARD J. PRIEM

AMERICAN GAS ASSOCIATION LABORATORIES [Dec 1985]

SUMMARY

This paper reports the results of studies conducted by the American Gas Association Laboratories (AGAL) staff in an ultra-tight research and demonstration house to determine the effects of infiltration rate on indoor air quality.

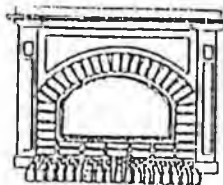
The research and demonstration house (2,500 ft.²) was constructed with a high level of insulation [R-40 walls and R-50 ceilings]. Inside the house, just under the drywall on the ceilings and walls, and under the basement floor, a 6-mil polyethylene film vapor barrier was installed to reduce normal air infiltration. The seams were glued together to form a continuous sheet as an air/vapor barrier. Breaches in the air/vapor barrier were avoided by placing electric outlets and air registers on the floor instead of outside walls. Windows were triple-glazed with an R value of 3.1. Exterior doors were insulated to an R value of 6. W. S. Fleming & Associates were commissioned to conduct on-site envelope integrity tests. Together with AGAL personnel, they located and sealed all envelope leaks. During winter testing, the air change rates were determined to be 0.5 air changes per hour (ACPH) when the house was unoccupied.

Applicable indoor air quality standards from OSHA and EPA for CO, CO₂, NO_x, and NO₂ were used for reference. AGAL found that houses with low infiltration rates do not have high concentrations of pollutants as might be expected. The data also showed that indoor air quality pollutants were higher during the summer when the house was air conditioned than in the winter. However, **THE POLLUTANT LEVELS NEVER EXCEEDED THE APPLICABLE STANDARDS.**

For example, during a cooking period for a family of four when chicken was baked, potatoes were deep fried and water was boiled, the CO₂ and CO levels rose to peak values of 0.1% and 4 PPM respectively. Concentration maximums were achieved within 5 minutes of starting a gas appliance. When the appliance was turned off, the concentration decreased dramatically within 20 minutes. During this period gasses were presumably being mixed throughout the house. However, concentrations in other areas did not noticeably increase. AGAL concluded that since indoor air concentrations in the kitchen area during cooking periods did not change significantly as infiltration rates were changed, air quality in the cooking area was controlled by the emissions from the appliances and not by the infiltration rate to the house.

KETTLER ENTERPRISES

HOME OF THE VENT-FREE FIREPLACE



HOME OF THE
VENT-FREE FIREPLACE

KETTLER ENTERPRISES
KEITH KETTLER

TEMCO Vent-Free Gas Logs and Fireplaces

2333 Judson Street - Longmont, CO 80501-1040
Phone or FAX (303) 772-2430

December 3, 1991

Mr. Ed Oxborough
ENSTAR
401 E. Intl. Airport Rd.
PO Box 1900288
Anchorage, AK 99519-0288

Dear Mr. Oxborough:

Steve Nolan, from TEMCO fireplaces, asked me to send you some information about vent-free gas logs and fireplaces. As you know, TEMCO manufactures AGA listed vent-free gas logs and fireplaces that are distributed by Majestic Sales in Anchorage and approved by the Anchorage building department. There are now six manufacturers that have gained AGA listings for vent-free gas fireplace logs; in a year there will probably be at least ten.

The municipality of Anchorage has approved these products under the alternate materials clause of the UMC. The basis for this decision is that the long, safe track record of these appliances proves their equivalent safety to conventional vented appliances. Additionally, they are allowed by every national building code used in the US except ICHO. These include CABO, BOCA, SBCCI, and the National Fuel Gas Code.

The AGA has fully certified these vent-free gas logs and fireplaces for compliance with the ANSI Z21.11.2 standards. This standard requires meeting or exceeding 19 separate safety standards, one of which is a carbon monoxide standard that is one fourth that of a gas cook stove. It also requires an oxygen depletion sensor valve (ODS) which shuts off the gas supply if the oxygen level falls from its normal level of 20.9% to 18% (well above safe limits).

The ODS was introduced in the U.S. in 1980 and has revolutionized the safety of vent-free appliances. Since then, over 2,250,000 ODS-equipped appliances have been installed in American homes. CPSC data reveals they have not led to a single CO death. Perhaps this is why the CPSC has said for 10 years that the risk of CO poisoning is 6 times higher from a vented heater than from a vent-free heater (even without an ODS valve).

I hope the enclosed information will help you, as a gas supplier, become more familiar with the products. Feel free to call me or Steve Nolan if you have any questions.

Sincerely,


KEITH KETTLER

Encls.

cc: Steve Nolan (TEMCO Fireplaces)
Jim Bergman (Majestic Sales)

*Note: Chuck Buerlen has
a set of vent-free
gas logs in his home.*



CITY OF KENAI

" Oil Capital of Alaska "

210 FIDALGO AVE., SUITE 200 KENAI, ALASKA 99611-7794
TELEPHONE 907-283-7535
FAX 907-283-3014



December 9, 1993

Keith Kettler
Kettler Enterprises
2333 Judson St.
Longmont, CO 80501

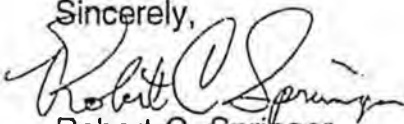
Dear Mr. Kettler:

After reviewing the conditional approval letter issued by the Municipality of Anchorage, the City of Kenai will also conditionally approve the use of Temco Unvented Decorative Gas Logs and Fireplaces.

The condition of the approval of the Unvented Decorative Gas Logs and Fireplaces: may be installed, used, maintained and permitted to exist in any Group R Occupancy except bathrooms and bedrooms. The unvented decorative gas logs are listed for only natural gas burning with an open flame consisting of a metal frame or base supporting simulated logs which is designed so that its primary function lies in the aesthetic effect of the logs and the flame. An unvented fireplace is a listed unvented gas log permanently installed in a freestanding enclosure or zero clearance enclosure designed and approved for installation in walls or other building structures. Unvented gas logs and fireplaces are approved as follows.

- (1) Shall be equipped with an approved oxygen-depletion sensor.
- (2) Shall be listed.
- (3) Shall not be installed in any room which does not have an alternative primary source of heat.
- (4) Shall have free air volume of at least 50 cubic feet for each 1000 BTU's of thermal output.
- (5) Shall be permanently installed.
- (6) Shall not be equipped or connected to any automatic ignition or shut-off device except the oxygen-depletion sensor.

Sincerely,


Robert C. Springer,
Building Official,
City of Kenai



1901 North Moore Street • P.O. Box 9245 • Arlington, Virginia 22209 • 703/525-9561

April 1, 1994

The Honorable Al Vezey
Chairman, House State Affairs Committee
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Vezey:

The Gas Appliance Manufacturers Association (GAMA) is a national trade association whose membership includes the vast majority of U.S. manufacturers of vented and unvented residential space heating equipment. At the request of Mr. Joseph Easaw of your staff, GAMA has reviewed a work draft of a bill to allow the installation and use of unvented gas space heaters in residential buildings.

GAMA recommends that Section 2 of the draft bill be revised to read as follows:

Sec 2. AS 18.60.705 is amended by adding a new subsection to read:

(c) Notwithstanding subsection (a) of this section, unvented gas space heaters are allowed in residential buildings provided: (1) they are listed by a testing agency qualified under the American National Standards Institute Accreditation Program as complying with the American National Standard for Gas-Fired Room Heaters, Volume II, Unvented Room Heaters, (ANS Z21.11.2); and (2) they are installed in accordance with the manufacturer's installation instructions.

The above language insures that only unvented gas space heaters that comply with relevant national product safety and installation standards will be allowed. For your information, manufacturers' installation instructions are reviewed and approved as part of the product safety certification process and must conform with the National Fuel Gas Code, ANS Z223.1/NFPA 54 (see enclosed excerpt from ANS Z21.11.2). The product is installed and operated by the testing agency per the

/Continued . . .

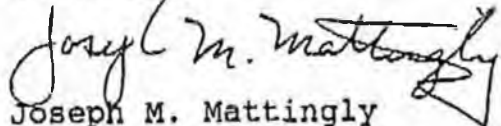


Page 2 of 2
The Honorable Al Vezey
April 1, 1994

manufacturer's instructions and is then tested for safe operation. Therefore, there is no need to reference the National Fuel Gas Code in the bill.

GAMA supports the passage and enactment of this legislation as amended to include the language we have proposed above. If GAMA can be of further assistance in this matter, please let me know. Thank you.

Sincerely,



Joseph M. Mattingly
Director of Government Affairs
and General Counsel

JMM:gjr-1
Enclosure

1.18.2 Motor, blower or fan bearings shall be either (a) permanently lubricated or (b) provided with accessible means for lubrication. (Also see 1.19.5.)

1.18.3 It shall be possible to oil the motor, blower or fan bearings, which require that lubricant be added, when the room heater is installed in accordance with the manufacturer's instructions.

TABLE IX

MAXIMUM ALLOWABLE MOTOR
WINDING TEMPERATURES, F (°C)

<u>Motor Condition</u>	<u>Class A Insulation</u>	<u>Class B Insulation</u>
1. Locked rotor, during first hour of operation.	392 (200)	437 (225)
2. Maximum temperature, locked rotor, after first hour of operation.	347 (175)	392 (200)
3. Average temperature, locked rotor, after first hour of operation.	302 (150)	347 (175)
4. Motor operating at any load.	284 (140)	329 (165)

1.18.4 Bearings of motors, blowers or fans shall be of a type suitable for the temperatures to which subjected in normal operation.

1.18.5 On belt-driven blowers or fans, means for adjusting belt tension shall be provided and shall be readily accessible.

1.19 INSTRUCTIONS

1.19.1 Each room heater shall bear a Class IIIB marking with letters on a contrasting background, located adjacent to the controlling device or in an equally conspicuous position where the instructions can be easily read. These instructions shall include the statement:

"Keep burner and control compartment clean. See installation and operating instructions accompanying heater."

On an appliance of such design that space does not permit proper location of these instructions, they may be furnished on a metal tag attached to the appliance.

1.19.2 The printed instructions accompanying the room heater shall include at least the following information in a readily obvious and prominent manner, such as by being underlined, encircled, or printed in larger or different color type:

- a. Due to high temperatures, the appliance should be located out of traffic and away from furniture and draperies.
- b. Children and adults should be alerted to the hazard of high surface temperature and should stay away to avoid burns or clothing ignition.
- c. Young children should be carefully supervised when they are in the same room with the appliance.
- d. Do not place clothing or other flammable material on or near the appliance.
- e. Any safety screen or guard removed for servicing an appliance must be replaced prior to operating the heater (see 1.2.3).
- f. Installation and repair should be done by a qualified service person. The appliance should be inspected before use and at least annually by a professional service person. More frequent cleaning may be required due to excessive lint from carpeting, bedding material, etc. It is imperative that control compartments, burners and circulating air passageways of the appliance be kept clean.
- g. "WARNING: Any change to this heater or its controls can be dangerous."

1.19.3 When provision is made for manual operation of the automatic valve, operating instructions shall be clearly indicated on Class V marking material on or adjacent to this valve.

1.19.4 Each room heater shall be accompanied by printed instructions and diagrams adequate for proper field assembly, installation and safe operation of the appliance, including all controls and accessories.



The front cover or, in the absence of a cover, the first page shall bear the following boxed warning. It shall be boxed as shown:

WARNING: If the information in this manual is not followed exactly, a fire or explosion may result causing property damage, personal injury or loss of life.

- Do not store or use gasoline or other flammable vapors and liquids in the vicinity of this or any other appliance.
- **WHAT TO DO IF YOU SMELL GAS**
 - Do not try to light any appliance.
 - Do not touch any electrical switch; do not use any phone in your building.
 - Immediately call your gas supplier from a neighbor's phone. Follow the gas supplier's instructions.
 - If you cannot reach your gas supplier, call the fire department.
- Installation and service must be performed by a qualified installer, service agency or the gas supplier.

The letters used for the boxed warning above shall be boldfaced type having a minimum uppercase letter height of 0.120 inch (3.05 mm). The minimum vertical spacing between lines of type shall be 0.046 inch (1.17 mm).^{*} Lowercase letters shall be compatible with the uppercase letter size specification.

These instructions shall specify:

- a. Adequate clearances around air openings.
- b. Provisions for adequate combustion and ventilation air.
- c. Adequate clearances for accessibility for purposes of servicing and proper operation.
- d. The installation instructions for an appliance for installation on combustible flooring shall specify that when the appliance is installed directly on carpeting, tile or other combustible material, other than wood flooring, the appliance shall be installed on a metal or wood panel extending the full width and depth of the appliance.

^{*} This letter height and line spacing corresponds to 12 point type.

- e. The installation instructions for an appliance for installation at a specified minimum distance above combustible flooring shall specify that the specified clearance shall be maintained from the top surface of carpeting, tile, etc.
- f. Minimum clearances to combustible construction as verified by test (see 2.15).

In addition to the minimum clearances the installation instructions shall identify the left and right side and front of the appliance. For those clearances where a second side wall is specified, accessibility for purposes of servicing shall also be addressed.

- g. If applicable, clearances from any projection(s) such as shelves, window sills, fireplace mantles, etc., above the appliance (see 1.20.7).
- h. As applicable:
 1. An unvented room heater having input rating of more than 10,000 Btu per hour shall not be installed in a bedroom or bathroom; or
 2. An unvented room heater having an input rating of more than 6,000 Btu per hour shall not be installed in a bathroom.

When instructions for a series of similarly constructed room heaters are included in a common printing, the instructions shall identify by model number and input rating any installation restriction pertaining to the above.

- i. Information to adequately cover cleaning of the appliance including the burner(s).
- j. The manufacturer's, distributor's, jobber's or dealer's name, as it appears on the appliance rating plate, and address and appliance model or series number.

k. The installation must conform with local codes or, in the absence of local codes, with the National Fuel Gas Code, ANSI Z223.1.

- l. The appliance and its individual shutoff valve must be disconnected from the gas supply piping system during any



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

Jerry Duncan
Signature of Camera Operator

10/1/97
Date

HCR

1

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HCR 1

Revision Date: _____
Title: Proposing amendments to the Uniform
Rules of the...relating to presiding officers pro tempore...
Sponsor: Representative Bettye Davis
Requestor: Representative Bettye Davis

Department Affected: Legislative Affairs Agency
BRU: Legislative Council
Component: Session Expenses

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
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: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director
Division: Administrative Services

Pamela A. Stoops

Phone: 465-3850
Date: 1/29/93

Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency

Warren W. Endicott

Date: 1/29/93

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

ALASKA STATE LEGISLATURE

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ANCHORAGE, ALASKA 99503
(907) 561-2039
FAX: (907) 561-1691

STATE CAPITOL
JUNEAU, ALASKA 99801-1102
(907) 465-3875
FAX: 907-465-2294

MINORITY WHIP
CHAIR
CHILDREN'S CAUCUS
HEALTH, EDUCATION
& SOCIAL SERVICES
STATE AFFAIRS
ECONOMIC TASK
FORCE

REPRESENTATIVE BETTYE DAVIS DISTRICT 21

MEMORANDUM

TO: REP. AL VEZEY, CHAIRMAN
HOUSE STATE AFFAIRS COMMITTEE

FROM: REP. BETTYE DAVIS

DATE: FEBRUARY 8, 1993

RE: SCHEDULING OF HCR 1

I respectfully request that HCR 1, amending the Uniform Rules relating to presiding officer pro tempore, be scheduled at your earliest convenience. I have attached a copy of the resolution, sponsor statement, fiscal note and other pertinent information for your review.

If you have any questions, please feel free to contact me or Renee Chatman of my staff at X3875.

ALASKA STATE LEGISLATURE

3111 C STREET
ANCHORAGE, ALASKA 99503
(907) 561-2039
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STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3875
FAX: 907-465-2294



MINORITY WHIP
CHAIR
CHILDREN'S CAUCUS
HEALTH, EDUCATION
& SOCIAL SERVICES
STATE AFFAIRS
ECONOMIC TASK
FORCE

REPRESENTATIVE BETTYE DAVIS DISTRICT 21

SPONSOR STATEMENT

House Concurrent Resolution 1 - "Proposing amendments to the Uniform Rules of the Alaska State Legislature relating to presiding officers pro tempore; and providing for an effective date."

HCR 1 amends Rule 1 and 4 of the Alaska Uniform Rules by creating the position of "permanent presiding officer pro tempore" or "speaker pro tem." This would be a permanent, two-year position, with the nominee requiring a majority vote of the full membership of the house.

Thirty-four states currently have speaker pro tems or similar positions. Although the powers and duties vary in nature, most speaker pro tems have the authority to perform in the event of absence, illness, resignation, death, or permanent disability of the speaker.

There is great emphasis this year towards term limits, which could effect leadership opportunities in the future. The speaker pro tem position could serve as a training ground for less seasoned legislators, while providing the speaker greater flexibility and assistance with the day-to-day functions. It could also serve as a stepping stone to other leadership positions.

If passed, this amendment to the Uniform Rules would take effect on the first session of the Nineteenth Alaska Legislature.

3. It was the rule that if an offense were committed by a member in the house of which the house had cognizance, it was an infringement of their right for any person or court to take notice of it until the house had punished the offender or referred him to a due course.

4. The privilege from arrest by the ancient rule attaches to the member during the period while going to the session, while in attendance and while returning to his home. Most of the state constitutions now specify a period before and after the session, during which the privilege applies, this period usually being from 15 days before the session convenes until 15 days after adjournment.

CHAPTER 53

THE PRESIDING OFFICER

SECTION 575. Duties of Presiding Officer

See also Sec. 523, Bringing the Question to Vote.

1. The duties of the presiding officer of each house, are in general, as follows:

- (a) To open the session at the time at which the body is to meet by taking the chair and calling the members to order.
- (b) To announce the business before the body in the order in which it is to be acted upon.
- (c) To recognize the members entitled to the floor.
- (d) To state and put to vote all questions which are regularly moved or which necessarily arise in the course of the proceedings, and to announce the result of the vote.
- (e) To preserve order and decorum.
- (f) To restrain the members when engaged in debate within the rules of order.
- (g) To decide all points of order, subject to appeal, unless when in doubt he prefers to submit the question to the decision of the body.

Sec. 571, Par. 3; Jefferson, Sec. III, and notes in U.S. House Manual.

Sec. 575, Par. 1; In re Sawyer (1887), 124 U.S. 200, 31 L. Ed. 402; Cockran v. McCleary (1867), 22 Iowa 75; Reynolds v. Baldwin (1846), 1 La. Ann. 162; Rex v. Williams (England, about 1760), 1 Burr 402; Willcock on Municipal Corporations, Sec. 456; Sturgis, p. 162; Cushing's Legislative Assemblies, Sec. 291; Cushing, Sec. 27; Reed, Secs. 34, 221; Tilson, pp. 28-39; U.S. House Rule I, Pa. s. 1-6.

- (h) To inform the body when necessary, or when any question is raised, on any point of order or practice pertinent to the pending business.
- (i) To sign or authenticate all acts, proceedings or orders of the body.
- (j) To receive all messages and communications and, to announce them to the body.
- (k) Generally to guide and direct the proceedings of the body, subject to the control and will of the body.
- (l) To enforce all laws and regulations applicable to the body.
- (m) To have general charge and supervision of the legislative chamber, galleries, committee rooms, and adjoining and connecting hallways and passages.

2. It is in order for the presiding officer to suggest the proper form of propositions or motions and the proper course of procedure or order of business.

3. Where a presiding officer is required to sign a bill or ordinance to authenticate its passage, the act of signing is simply ministerial and not an exercise of legislative discretion therefore mandamus will lie to compel its performance. To hold otherwise would give the presiding officer, in effect, a veto upon the acts of the legislative body. But the courts should not require him to sign a legislative proposal which he had ruled had not passed, because, in this instance, he was exercising discretion. Where he is required to certify as to the number of votes and that a quorum was present he can rely on his own observation or consult the records.

4. When there has been no provision for a clerk or secretary to keep the minutes of the proceedings the presiding officer may appoint someone to act as clerk or secretary. The fact that the person who presides at a meeting also acts as its clerk does not invalidate the proceedings.

SECTION 576. Refusal of Presiding Officer to Perform Duties

1. Whenever the presiding officer attempts to thwart the purpose of his office, the power resides in the assembly to pass him by and proceed to action otherwise. This right is but a branch of the power which assemblies exert in choosing temporary officers when the permanent officers are absent. It is not their absence which justifies the exercise of the power, but the fact they are not performing duties necessary to the proper fulfillment of the functions of the assembly. Inability or refusal to perform those duties has the same effect as actions in suspending the ordinary functions of the meeting and equally warrants the selection of the temporary chairman. The power is inherent or inseparably attached to the right of the body to convene and act.

Sec. 573, Par. 2; Sturgis, p. 13; N.Y. Manual, p. 443.

Sec. 575, Par. 3; Pevey v. Aylward (1910), 205 Mass. 102, 91 N.E. 315; State of Missouri v. Bolte (1899), 151 Mo. 362, 52 S.W. 262; N.Y. Manual (1948-49), p. 449.

Sec. 575, Par. 4; Parsons v. Brainard (N.Y. 1837), 17 Wend. 522; Budd v. Walla Walla Printing and Publishing Co. (1885), 2 Wash. 347, 7 Pac. 896.

Sec. 576, Par. 1; Hicks v. Long Branch Commission (1903), 69 N.J.L. 300, 55 Atl. 250; similarly, State of Connecticut v. Lasher (1899), 71 Conn. 540, 42 Atl. 636.

(c) The sergeant-at-arms shall attend all sessions of the house unless absent for the purpose of discharging the duties of the office. The sergeant-at-arms shall maintain order on the floor of the chamber and in the galleries and adjoining hallway, and assure that any person not permitted by law or legislative rule to be present in the chamber is removed from the chamber. The sergeant-at-arms shall assure that a member does not leave the chamber during a call of the house, and shall act to secure the attendance in the chamber of members missing during a call of the house.

DUTIES OF THE PRESIDING OFFICER

~~RULE 4.~~ DUTIES OF THE PRESIDING OFFICER. The presiding officer of each house has the duties set forth in Section 575, MASON'S MANUAL OF LEGISLATIVE PROCEDURE, 1979 edition, when not inconsistent with these Uniform Rules. In the absence of the regular presiding officer, the majority leader of the house serving ex officio as presiding officer pro tempore shall preside; except that the regular presiding officer may temporarily relinquish the chair to any member.

ADMINISTRATIVE SERVICES

RULE 5. ADMINISTRATIVE SERVICES. The Legislative Council is responsible for providing administrative services necessary to the operation of the legislature through the Legislative Affairs Agency. The director of the division of administrative services has general supervision of the central fiscal, procurement, duplicating, distribution and mailing services. Official documents and items are duplicated only when submitted with a work order signed by a presiding officer, the person who chairs a committee, or the chief clerk or senate secretary, or their authorized representatives. No requests for the duplication of personal or unauthorized items or items not accompanied by a work order signed by an authorized person may be accepted. The fiscal officer is responsible for the preparation of payroll, personnel and purchase documents and the immediate supervision of the distribution and mailing services.

EXPENDITURES

RULE 6. EXPENDITURES. The annual budget for all legislative expenses is prepared by the Legislative Council and submitted to the Finance Committees. No legislator or employee may spend or obligate legislative money without the documents required by regulation from the legislative fiscal and certifying officers. No



National Conference of State Legislatures

TO:

FROM: Rich Jones, Director, Legislative Management Program
National Conference of State Legislatures

DATE: January 10, 1986

RE: THE POWERS AND DUTIES OF THE SPEAKER PRO TEMPORE IN STATE
LEGISLATURES

In response to your question, the NCSL staff reviewed the legislative rules for 27 of 34 states that have Speaker Pro Tempores or similar positions. Information on the other states concerning the Speaker Pro Tempore's powers and duties was gathered through telephone interviews with legislative staff. In addition to reviewing the legislative rules, the NCSL staff interviewed staff in 12 states to identify the informal duties of the Speaker Pro Tempore not listed in the rules. Among the questions asked were whether the Speaker Pro Tempore was considered a member of the leadership team, if he or she had specific substantive responsibilities, if the Speaker Pro Tempore position was considered a stepping stone to the other leadership positions, and the power of the Speaker Pro Tempore in relation to other leadership positions.

Based upon a review of the rules and NCSL's contacts with legislative staff, the primary role assigned to the Speaker Pro Tempore is to preside over the House in the Speaker's absence and to assume other duties as assigned by the Speaker. In Hawaii, Kentucky, South Carolina and Wisconsin, the rules name the Speaker Pro Tempore to committees charged with the management of the legislature. According to interviews with the legislative staff, the Speaker Pro Tempore serves on the Legislative Council in Alabama, the Rules Committee and the Management Council in Wyoming, and is an ex-officio voting member of all standing and special committees in Oklahoma. In Hawaii, the Speaker Pro Tempore serves as an ex-officio non-voting member of all standing committees and the rules direct him or her to advise and consult with the committees on their work. In these states, the committee assignments provide the Speaker Pro Tempore with the potential to engage in substantive activities.

In other states, the Speaker Pro Tempore is considered an honorary position. For example, staff in Arkansas, California, Iowa, Maryland, Oregon, and Rhode Island report that there are few substantive duties assigned to the Speaker Pro Tempore and that it is primarily an honorary position.

(over)

Because of the broad and general nature of the duties assigned to the Speaker Pro Tempore by the legislative rules in most states, the potential exists for the Speaker Pro Tempore to engage in more substantive activities. Whether this occurs depends on the relationship between the Speaker Pro Tempore and the Speaker and will vary depending on the personalities of the people in these positions. In South Carolina, for example, the current Speaker is ill and the Speaker Pro Tempore is carrying out the duties of the Speaker. Prior to his illness, the current Speaker had tried to develop the Speaker Pro Tempore into a position in which its occupant would become the next Speaker.

In Wyoming, the leaders rotate every two years and the person serving as Speaker Pro Tempore generally becomes the Speaker. This usually results in a close working relationship between the Speaker Pro Tempore and the Speaker, with the Speaker Pro Tempore having substantive responsibilities. The last two Speakers, for example, made most of the decisions concerning committee chairmanships and committee appointments jointly with the Speaker Pro Tempore and the Majority Leader. Although the Majority Leader has control over the order of bills on the calendar, this is determined in a conference between the Majority Leader, Speaker and Speaker Pro Tempore.

Another indication of the role played by the Speaker Pro Tempore in the legislature is the extent to which the occupants of the position move on to become Speaker. As I mentioned, this generally happens in Wyoming. While not a planned process as in Wyoming, the current and previous Speakers of the Hawaii House of Representatives served as Vice Speaker. The current Speaker in Kentucky was the Speaker Pro Tempore before becoming Speaker, although it was the first time this occurred in 10 years. Speaker Murphy in Georgia was the Speaker Pro Tempore before becoming Speaker. However, the previous Speaker was not the Pro Tempore and the current Speaker Pro Tempore will not be running for Speaker.

In most of the states contacted, the Speaker Pro Tempore was considered less powerful than the Majority Leader and, in some states, the position was considered less powerful than the chair of the Appropriations Committee. In almost all states, the Speaker Pro Tempore was considered part of the leadership team.

Attached is a summary of the powers and duties of the Speaker Pro Tempore in the various states. This information was developed through a review of the legislative rules and interviews with legislative staff. If you have any questions or would like further information, please call me.

/js

National Conference of State Legislatures
**THE POWERS AND DUTIES OF THE SPEAKER PRO TEMPORE
 IN STATE LEGISLATURES**
 January, 1986

<u>STATE</u>	<u>RULE¹</u>	<u>POWERS AND DUTIES OF SPEAKER PRO TEMPORE</u>
ALABAMA	- no majority	The Speaker Pro Tempore presides in the absence of the Speaker. He or she is a member of the Legislative Council.
ARIZONA	4E	The Speaker may appoint a member to perform the duties of the chair for a period of not to exceed 10 days and in his omission to make such an appointment, the House shall proceed to elect a Speaker Pro Tempore to act during his absence.
ARKANSAS	11.11.(J)	The Speaker Pro Tempore shall serve during the absences of the Speaker and shall perform the Speaker's duties. The Speaker Pro Tempore shall not serve more than ten (10) consecutive legislative days without the consent of the House or beyond adjournment.
CALIFORNIA		The Speaker Pro Tempore presides over the session and carries out the duties of the Speaker in the Speaker's absence. The Speaker Pro Tempore can serve on committees but cannot act as chair.
CONNECTICUT	8	There shall be a Deputy Speaker appointed by the Speaker of the House who shall assume the duties of the Speaker in his absence.
FLORIDA	2.6	Shall perform the duties of the chair in the Speaker's absence and if the Speaker does not name any other member to do so. In the event of an interim vacancy of the Office of Speaker, through death or resignation, or in the event of disability of the Speaker...the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the House.

<u>STATE</u>	<u>RULE</u>	<u>POWERS AND DUTIES OF SPEAKER PRO TEMPORE</u>
GEORGIA	Article III, Section III, Paragraph II, Georgia Constitution	A Speaker Pro Tempore shall be elected by the House of Representatives from among its members. The Speaker Pro Tempore shall become Speaker in case of the death, resignation, or permanent disability of the Speaker and serve until a new Speaker is elected.
	24	Speaker Pro Tempore shall preside if the Speaker is absent at the beginning of a daily session.
	28-1-6 of Georgia Code	While presiding in the absence of the Speaker, the Speaker Pro Tempore shall have the same powers and duties as the Speaker of the House.
HAWAII	3.1	The Vice Speaker shall consult with and advise standing committees and assist them as an ex-officio member without vote and shall perform other duties as may be assigned by the Speaker. In the absence of the Speaker, the Vice Speaker shall exercise all the duties and powers of the Speaker.
INDIANA	21	The Speaker may appoint one of the members of the House as Speaker Pro Tempore, who shall hold his office at the pleasure of the Speaker, and who shall exercise all the powers and carry out all the duties of the Speaker in the absence of the Speaker, and who shall carry out such other duties as may be assigned by the Speaker.
IOWA	6	The House shall...elect a Speaker Pro Tempore. When the Speaker shall for any cause be absent, the Speaker Pro Tempore shall preside, except when the chair is filled by appointment of the Speaker or Speaker Pro Tempore...the acts of the Speaker Pro Tempore shall have the same validity as those of the Speaker.
KANSAS	3303	In the absence of the Speaker, the Speaker Pro Tempore shall exercise the powers and duties of the Speaker.

STATE

RULE

POWERS AND DUTIES OF SPEAKER PRO TEMPORE

KENTUCKY

28

The House shall elect a Speaker Pro Tempore (who) shall perform all the duties of the Speaker when the Speaker is absent from the House or when empowered by the Speaker to perform the duties of the chair.

27

The Speaker Pro Tempore shall preside during the pendency of any appeal of a ruling by the Speaker.

37

The Speaker Pro Tempore (in addition to other leaders) shall serve on a Committee on Committees. ...All bills and resolutions, ...shall upon their introduction, be automatically referred to the Committee on Committees who shall refer same to the proper committee...

The Committee on Committees shall have supervision and control over all employees of the House... The Committee on Committees shall appoint the members of all standing and special committees and shall fill any vacancies thereon...

41

The Speaker Pro Tempore (in addition to other leaders) shall serve on the Rules Committee... The Speaker Pro Tempore shall act as chairman in the absence of the Speaker.

LOUISIANA

2.7

The duties of the Speaker Pro Tempore shall be the following:

- A. At the discretion of the Speaker, to assist the Speaker in his duties;
- B. In the absence of the Speaker to preside or to call a member to preside as acting Speaker.
- C. Upon death of the Speaker to assume the powers, duties, responsibilities and emoluments of the Speaker of the House...
- D. In the event of disability or absence of the Speaker of the House, to assume the powers, duties and responsibilities of the Speaker until the termination of such disability or absence...

STATE	RULE	<u>POWERS AND DUTIES OF SPEAKER PRO TEMPORE</u>
		E. To perform such other duties or functions and to exercise such powers as shall be prescribed by the Constitution or laws of the state or by the legislature or the House of Representatives.
MARYLAND	7	...the Speaker Pro Tempore shall perform the duties of the chair during the absence of the Speaker... Any member temporarily performing the duties of the chair is vested with all the powers of the Speaker.
MICHIGAN	13	In the absence of the Speaker, the Speaker Pro Tempore shall exercise the powers and perform the duties of Speaker, and shall preside over the House, unless the Speaker shall have designated another member to preside for any day.
MINNESOTA	7.2	The Speaker shall appoint a member to preside whenever the Speaker is absent, as Speaker Pro Tempore.
MISSOURI	10	The Speaker Pro Tempore shall perform the duties of Speaker during the sickness or absence of the Speaker, except while some member is discharging such duties as a substitute...
MONTANA	H1-2	The House shall elect one of its members Speaker Pro Tempore, who shall perform all the duties of the Speaker in absence of that officer or on such other occasions as the Speaker may request.
NEVADA	1.3	If a vacancy occurs in the Office of Speaker, through death, resignation or disability of the Speaker, the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.
NEW JERSEY	4:09	If the Speaker shall desire temporarily to vacate the chair during any meeting, he shall request the Speaker Pro Tempore to perform the duties of the chair. While so acting, the Speaker Pro Tempore or such other member shall have and exercise the powers and duties of the Speaker.

<u>STATE</u>	<u>RULE</u>	<u>POWERS AND DUTIES OF SPEAKER PRO TEMPORE</u>
	4:10	If the Speaker shall be absent for any reason the Speaker Pro Tempore shall assume the duties of the chair and shall have and exercise the duties of the Speaker during his absence.
NEW YORK		The Speaker Pro Tempore presides over the Assembly in the Speaker's absence. Usually the position goes to the member with the most seniority.
NORTH CAROLINA	45.B	The House shall elect one of its members Speaker Pro Tempore who shall perform such duties as the Speaker may assign and shall preside over the House in the absence or incapacity of the Speaker and shall perform the duties of the Speaker until such time as the Speaker may assume the chair.
OHIO	14	The Speaker Pro Tempore in the absence of the Speaker, shall have all the rights, privileges, authority, duties and responsibilities of the Speaker.
OKLAHOMA		Performs the duties of the Speaker in the Speaker's absence. The Speaker Pro Tempore is an ex-officio voting member of all standing and special committees.
OREGON		Performs the duties of Speaker in the Speaker's absence.
RHODE ISLAND		The Deputy Speaker of the House performs the duties of the Speaker in the Speaker's absence.
SOUTH CAROLINA	1.8	The Speaker Pro Tempore shall preside in the absence of the Speaker.
	4.2	...the Speaker, Speaker Pro Tempore, and Clerk shall serve as ex-officio members of the Committee on Operations and Management of the House of Representatives... (This is an advisory committee to the Speaker on personnel, administration and management of facilities.) ...neither the Speaker nor Speaker Pro Tempore shall be a member of any of the standing committees.

<u>STATE</u>	<u>RULE</u>	<u>POWERS AND DUTIES OF SPEAKER PRO TEMPORE</u>
SOUTH DAKOTA	H1-3	The Speaker Pro Tempore shall act in the absence or inability of the Speaker and his acts shall have the same validity as those of the Speaker.
TENNESSEE	8	...the Speaker Pro Tempore shall act during the absence of the Speaker, except that the Speaker shall have the right to name any other member to perform the duties of the chair for a period not to exceed one (1) legislative day... In the event of an interim vacancy in the Office of the Speaker, through death or resignation, or in the event of disability of the Speaker, the Speaker Pro Tempore shall conduct the necessary business of the House only until such time as an election can be held in the House to fill the vacancy.
TEXAS	Rule 1, Section 10	The Speaker shall have the right to name any member to perform the duties of the chair and may name a member to serve as Speaker Pro Tempore... A permanent Speaker Pro Tempore shall, in the absence of or inability of the Speaker, call the House to order and perform all other duties of the chair in presiding over deliberations of the House and perform other duties and exercise other responsibilities as may be assigned by the Speaker... The Speaker Pro Tempore shall serve at the pleasure of the Speaker.
WASHINGTON	4(I)	The Speaker Pro Tempore shall exercise the duties, powers and prerogatives of the Speaker in the event of the Speaker's death, illness, removal or inability to act, until the Speaker's successor shall be elected.
WEST VIRGINIA	8	The Speaker shall appoint a Speaker Pro Tempore, who, during the absence of the Speaker, shall preside and perform all duties of the Speaker.
WISCONSIN	3.(2)	In the absence of the Speaker the Speaker Pro Tempore may exercise all the powers and shall carry out all the duties of the Speaker.

STATE

RULE

POWERS AND DUTIES OF SPEAKER PRO TEMPORE

- 9(3) (The Speaker Pro Tempore serves along with other leaders on the Committee on Assembly Organization.)
- 24(1) (The Speaker Pro Tempore serves along with other leaders on the Committee on Rules. The Rules Committee functions as a standing committee and as a calendar scheduling committee.)
- 97(4) A citation on behalf of the Assembly shall be signed by the Speaker and Speaker Pro Tempore.

WYOMING

The Speaker Pro Tempore is elected by the House and acts in the absence of the Speaker. No specific duties are spelled out in either the rules or statutes.

1 The descriptions of the powers and duties of the Speaker Pro Tempore in Alabama, California, New York, Oklahoma, Oregon, Rhode Island and Wyoming were obtained from telephone interviews with legislative staff in the states.

HCR

3

Alaska State Legislature

House of Representatives

3111 C STREET
ANCHORAGE, ALASKA 99503-3957
561-7007

WHILE IN SESSION:
ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1182
465-4968



DISTRICT 11:
SAND LAKE
SPENARD
TAKU-CAMPBELL

Representative Jim Nordlund

HCR 3 -- Proposing Deadlines for Scheduling Session Work

Sponsor Statement

HCR 3 addresses the end-of-session "logjam" of bills which "constitutes a serious barrier to the conduct of effective legislative business," according to the National Conference of State Legislatures. Under the present system there simply isn't enough time during the final chaotic days of the legislative session for adequate consideration and debate of a large number of bills, many of which are complex and carry large fiscal notes.

The proposed deadlines are as follows:

- * committee action in the house of origin must be complete and the second reading of a bill must be scheduled by the 105th day of a first session, or by the 90th day of a second session;
- * floor action in the house of origin must be complete and a bill must be transmitted to the other body by the 110th day of a first session, or by the 95th day of a second session;
- * committee action in the second body must be complete by the 113th day;
- * a bill must be transmitted by the second house to the house of origin by the 115th day;
- * conference committee reports must be submitted by the 117th day.

When the voters of Alaska passed the constitutional amendment establishing a 120-day session limit in 1984, they also approved language which states, "The legislature shall adopt as part of the uniform rules of procedure deadlines for scheduling session work..." (Article II, Section 8). The legislature has not lived up to this constitutional mandate.

Many other states have employed scheduling deadlines to help alleviate logjams. After studying the Alaska House of Representatives in 1983 and again in 1988, the number one recommendation of the National Conference of State Legislatures was the establishment of a system of deadlines for scheduling session work. The deadlines for committee action and floor action which are proposed by this resolution do not place onerous restrictions on the movement of bills, but rather provide more breathing room for adequate consideration of legislation at session's end.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HCR 3

Revision Date: _____
 Title: Proposing an amendment to the Uniform
Rules of the...relating to deadlines for session work...
 Sponsor: Representative Nordlund
 Requestor: Representative Nordlund

Department Affected: Legislative Affairs Agency
 BRU: Legislative Council
 Component: Session Expenses

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
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: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director
 Division: Administrative Services

Pamela A. Stoops

Phone: 465-3850
 Date: 1/27/93

Approved By: Warren W. Endicott, Executive Director
 Agency: Legislative Affairs Agency

Warren W. Endicott

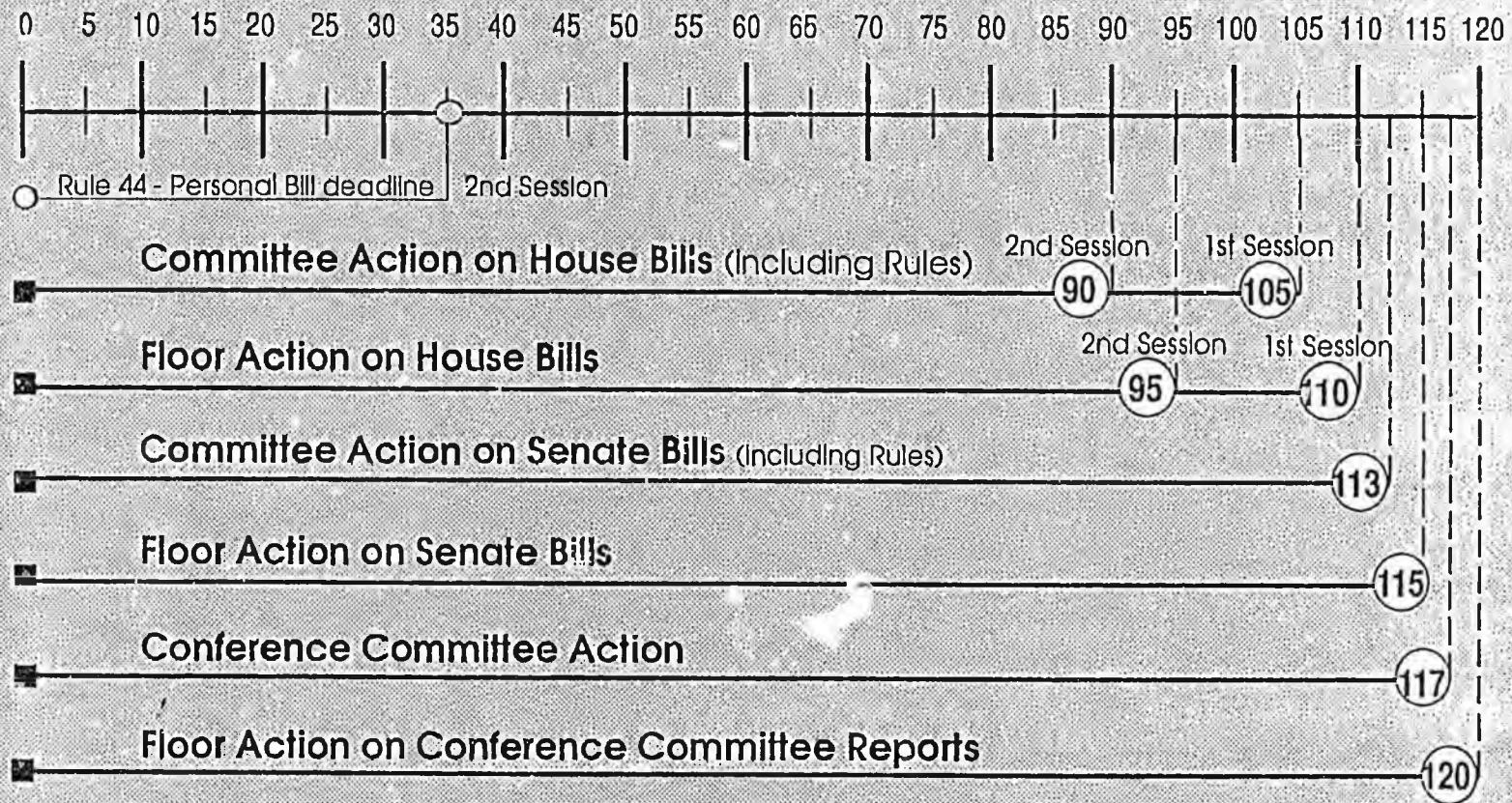
Date: 1/27/93

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

Actions Required on Bills Under HCR3*

(This example is for the House of Representatives)

Legislative Days

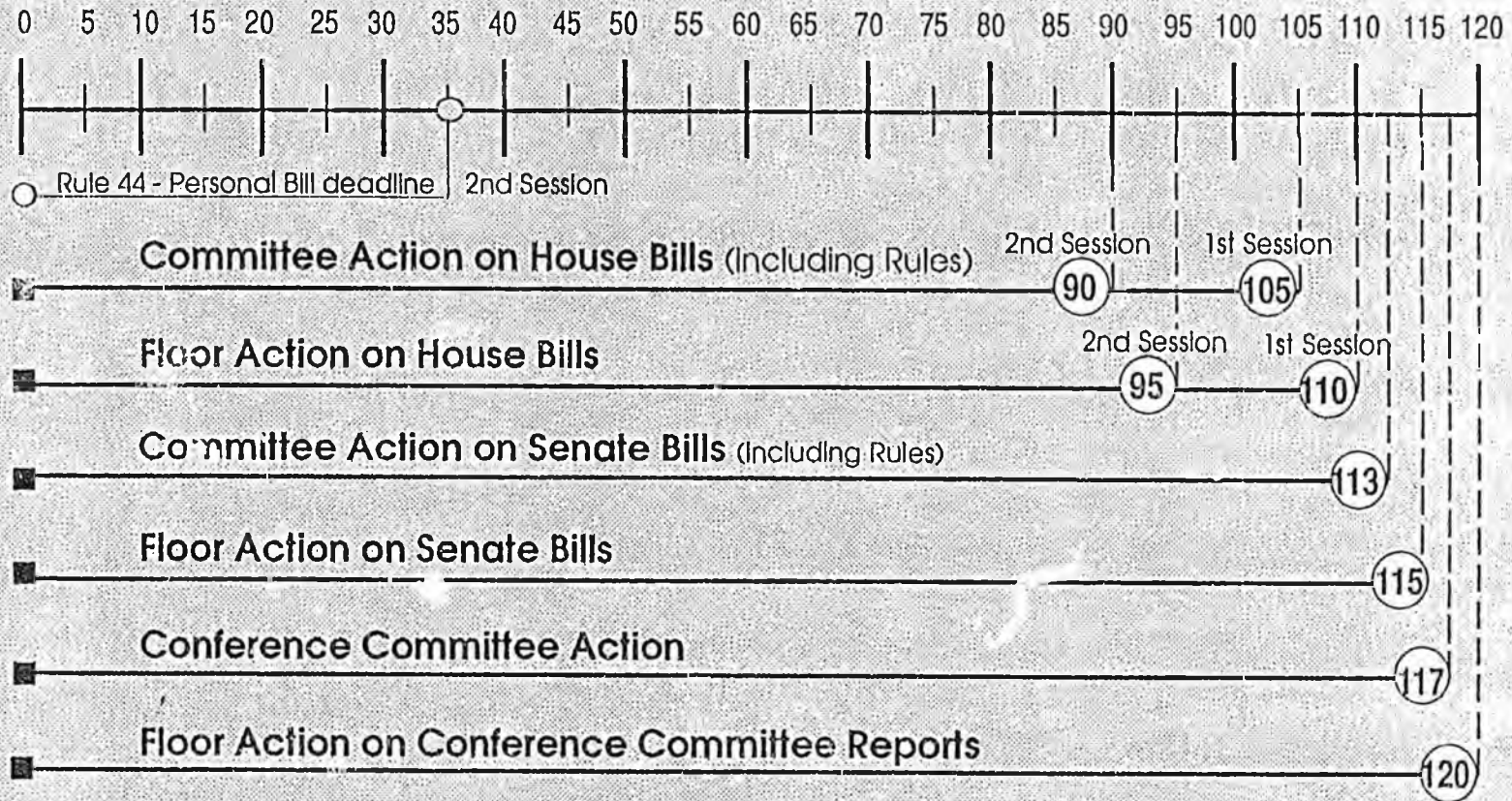


* Pursuant to Article II, Section 8 of the Alaska Constitution: "The legislature shall adopt as part of the uniform rules of procedure deadlines for scheduling session work not inconsistent with provisions controlling the length of the session."

Actions Required on Bills Under HCR3*

(This example is for the House of Representatives)

Legislative Days



* Pursuant to Article II, Section 8 of the Alaska Constitution: "The legislature shall adopt as part of the uniform rules of procedure deadlines for scheduling session work not inconsistent with provisions controlling the length of the session."

Constitution Article II

ing to, or returning from legislative sessions are not subject to civil process and are privileged from arrest except for felony or breach of the peace.

Salary and Expenses

SECTION 7. Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.

Regular Sessions

SECTION 8. The legislature shall convene in regular session each year on the fourth Monday in January, but the month and day may be changed by law. The legislature shall adjourn from regular session no later than one hundred twenty consecutive calendar days from the date it convenes except that a regular session may be extended once for up to ten consecutive calendar days. An extension of the regular session requires the affirmative vote of at least two-thirds of the membership of each house of the legislature. The legislature shall adopt as part of the uniform rules of procedure deadlines for scheduling session work not inconsistent with provisions controlling the length of the session. [Amendment approved November 6, 1984]

X

Special Sessions

SECTION 9. Special sessions may be called by the governor or by vote of two-thirds of the legislators. The vote may be conducted by the legislative council or as prescribed by law. At special sessions called by the governor, legislation shall be limited to subjects designated in his proclamation calling the session, to subjects presented by him, and the reconsideration of bills vetoed by him after adjournment of the last regular session. Special sessions are limited to thirty days.

(The amendment of this section was approved by the voters of the state November 2, 1976 and became effective December 23, 1976. This amendment deleted "or" preceding "to subjects" in the third sentence and added "and the reconsideration of bills vetoed by him after adjournment of the last regular session.")

Adjournment

SECTION 10. Neither house may adjourn or recess for longer than three days unless the other concurs. If the two houses cannot agree on the time of adjournment and either house certifies the disagreement to the governor, he may adjourn the legislature.

FINAL REPORT

Review of the Operations and Procedures of the Alaska House of Representatives



prepared by

Rich Jones and Brian Weberg
National Conference of State Legislatures

April 12, 1988

RECOMMENDATION: THE ALASKA LEGISLATURE SHOULD ADOPT A SYSTEM OF DEADLINES FOR SCHEDULING SESSION WORK. AT A MINIMUM, THE SYSTEM SHOULD INCLUDE DEADLINES FOR THE FOLLOWING ACTIONS:

- 1) INTRODUCTION OF BILLS IN THE HOUSE OF ORIGIN;
- 2) COMMITTEE ACTION ON HOUSE OF ORIGIN BILLS;
- 3) FINAL FLOOR ACTION IN HOUSE OF ORIGIN;
- 4) COMMITTEE ACTION ON BILLS FROM OPPOSITE HOUSE;
- 5) FINAL FLOOR ACTION ON BILLS FROM OPPOSITE HOUSE; AND
- 6) CONFERENCE COMMITTEE REPORTS.

The Alaska House does operate under one bill introduction limit. Rule 44 of the Uniform Rules prohibits the introduction of personal bills after the 35th day of the second session. Bill introduction data from 1986 (see Table 1 below) suggests that this deadline is strictly enforced. Indeed, 87 percent of all the 1986 House bills and resolutions were introduced by this deadline. The 1986 performance is in stark contrast to 1985, when only 44 percent of these items were introduced by the 36th day. Although it is difficult to relate this deadline directly to an improvement in the end-of-session logjam, it is interesting to note that although the House passed about the same number of House bills and resolutions in both years (1985=140, 1986=137), they passed twice as many in the last week of the 1985 session (29) as they did in the 1986 session (14). [Note: These figures represent House bills and resolutions engrossed and forwarded to the Senate for consideration. See Appendices A and B for further illustration of the Alaska House logjam.]

ALASKA LEGISLATIVE PROCEDURES STUDY

FINAL REPORT

Submitted to:

The Joint Special Committee on Legislative Reform



Prepared by the

NATIONAL CONFERENCE OF STATE LEGISLATURES

1125 Seventeenth Street, Suite 1500

Denver, Colorado 80202

May 15, 1983

PART I

RULES AND PROCEDURES

The National Conference of State Legislatures' study of the Alaska Legislature's rules and procedures began with a detailed review of the uniform rules and the gathering of information on staff size, turnover, committee makeup, committee budgets, session deadlines, past session patterns, bill flow, and interim work. Four areas - - session length, the committee process, the interim period and staff - - were examined. The National Conference of State Legislatures' staff conducted numerous interviews with leaders, committee chairmen, other members and staff of the Alaska Legislature to determine areas of concern. Lobbyists, members of the press and public interest groups also were interviewed. The study is not a comprehensive review of the Alaska Legislatures' rules and procedures, but focuses on the specific problem areas identified through the interviews.

What follows is a series of recommendations for the Alaska Legislature to consider covering various aspects of session length, the committee process, the interim period and staff. The recommendations are accompanied by a discussion of the problems as raised by members of the Alaska Legislature and information on other state practices as possible solutions for Alaska.

A. Session Length

Background: Legislatures today face extremely complex issues and tremendous bill volumes. To maintain the part-time citizen legislature and still deliberate on and screen bills has become increasingly difficult. Scheduling session time effectively is critical. Scheduling helps to avoid some of the last minute chaos, and assures important bills are not lost in the process. Scheduling helps regulate session work and can help to expedite session time.

1. The Alaska Legislature should establish a series of deadlines for scheduling session work and controlling the length of the session. The legislature should consider, at a minimum, scheduling session work (whether by rules or leadership direction) to cover the following:

- o Bill draft requests
- o Introduction of bills in house of origin
- o Committee action for house of origin bills
- o Final floor action in house of origin
- o Committee action for bills from opposite house
- o Final floor action for bills from the opposite house
- o Conference committee reports.

2. The Alaska Legislature should adopt a session scheduling system which emphasizes committee work early in the session and floor activity in the later weeks. The legislature should consider removing the limit of ten prefiled bills per member and encourage

members to prefile the majority of bills during the interim before the start of the session. Leadership should be able to assign bills to committees during the interim.

Discussion: There is concern among members of the Alaska legislature and the public that the legislature is spending too much time in session. They are concerned about preserving the part-time, citizen legislature. Yet, there is a lack of consensus, as evidenced by the interviews and votes on constitutional amendments, for limiting the number of session days or instituting a per diem cut off. Clearly, the number of session days has increased over the last four bienniums. The first and second sessions of the Eighth Alaska Legislature were 95 and 96 days, respectively. The first session of the Twelfth Alaska Legislature, however, was 165 days and the second session was 144 days. The length of sessions has been affected by a variety of factors, the most significant being the dramatic growth in Alaskan oil revenues. With population growth doubling over the past fifteen years, the Alaska legislature has had to respond to a myriad of social problems. In addition, being a relatively young state, Alaska is still faced with developing a body of law of its own.

Another factor that points to the need for deadlines is the build-up of bills on the floor of the Alaska Legislature at the end of session. For example, out of the 201 bills passed by the Alaska Senate during the 21-week 1980 session, 53% passed out during the last four weeks of the session.

The flow of legislation through the process also affects session length. The majority of bills considered by the Alaska Legislature are introduced during the first several weeks of the session, but few are passed out of either chamber. For instance, in 1979 during the first five weeks of the session 76% of the total number of Senate bills had been introduced, but the Senate had only passed out 7.8% of the total number of Senate and House bills passed out that session. During the 1980 session, the same pattern is evident. Fifty-two percent of the total number of bills had been introduced by the fifth week, but only 5.5% of the total number of bills passed had been passed out. In addition, out of 792 bills introduced in 1979, only 102 were prefiled. In 1980, 833 bills were introduced and 51 were prefiled by members of the Alaska Legislature.

By instituting a series of deadlines, encouraging prefiling, and establishing committee time in the early part of the session when floor work is not particularly heavy, the Alaska Legislature can help reduce committee and floor jams near the end of the session and place some controls on the length of the session.

Deadlines for introduction and action on bills are the most common techniques adopted by legislatures for handling bill flow and scheduling work. Three-fourths of the 99 state legislative bodies employ deadlines for introduction of bills, and one-half also provide deadlines for committee action on bills. Colorado, Illinois, and South Dakota have the detailed schedule of deadlines outlined in the recommendation.

Deadlines can be set up either formally by rule or informally enforced by leadership. In order to be effective, deadlines need to be established systematically and adhered to. If followed, deadlines will enable the legislature to schedule and plan the session.

Most legislatures permit prefilng of legislation, and in several states leadership refers prefled bills to committee before the session begins. This enables committees to begin work immediately when the session starts. Prefiling by itself is not always effective, but when coupled with a deadline system, such as in Florida, it can be a very effective device. The Florida House makes the first day of the session the deadline for all member bills, effectively requiring all bills to be prefled. Incumbent members may prefile bills immediately following sine die adjournment of the previous session. If an incumbent is defeated for reelection, those prefled bills are dead unless cosponsored by a reelected legislator. New members may begin prefiling immediately following the November organizational session. Prefled bills are referred to committees by leadership and the committees, which are appointed and begin work in November, study, amend and act on bills up until the opening day of the session in April. Between the first and second session committees actively work on carry-over legislation.

Other states have encouraged prefiling by placing a limit on the number of bills a member can introduce during the session. For example, Montana lawmakers may introduce only five bills once the session has begun. However, the limit does not apply to prefled bills prior to the session, interim committee bills, state agency bills or resolutions. In Colorado, the joint rules specify a six bill limitation for the number of measures a member can introduce during session. Detailed deadlines for various legislative actions also are set. To allow for emergencies, a Committee on Delayed Bills is established in each house. The committee, composed of the presiding officer and two party floor leaders, can approve late introductions. Appropriations bills are excluded from the limitation.

Increased committee time in the early part of the session can help expedite the process. This mechanism enables committees to work uninterrupted when floor activity is generally slow. Therefore, committees can act on more bills earlier. Increased committee time in the early part of the session can be scheduled in a variety of ways. For instance, from January to March in Connecticut, floor sessions are held only once a week and the rest of the time is devoted to committee work. Iowa utilizes the first four to eight weeks of session for all committee work. Only committee meetings are held in the Pennsylvania House in January and February, after which floor action alternates weekly with committee meetings. Nebraska and the Kentucky and Pennsylvania Senates utilize a recess period for increased committee meeting time.

B. Committee Process

Background: An effective and efficient legislature depends upon a strong committee system. Committees are the workhorses of the legislature, mini-legislatures, performing policy and program formulation and control. Committee chairmen play a key management function in directing the committee process. The success of a committee system depends significantly on how chairmen plan and manage committee time. Staff also play an important role in the committee process by providing information and analysis to committees -- the keys to informed decision making. Finally, committees serve as the



Alaska State Legislature

HOUSE CALENDAR

OFFICIAL BUSINESS OF THE HOUSE

ONE HUNDRED NINETEENTH DAY

Sunday

May 17, 1987

Convenes: 1:00 p.m.

SECOND READING OF HOUSE BILLS

- HB 160 "An Act establishing the Commission on the Future of the Permanent Fund; providing for public testimony on the use that should be made of the income and principal of the permanent fund; and providing for an effective date."
-State Affairs report w/CS, new title, p. 797:
CS FOR HOUSE BILL NO. 160 (State Affairs)
"An Act establishing the Commission on the Future of the Permanent Fund; providing for public testimony on the investment policy for the principal and the use that should be made of the income of the permanent fund; and providing for an effective date."
Letter of Intent, p. 797
Fiscal Note published 4/10/87
-Judiciary report w/CS, new title, p. 1443
CS FOR HOUSE BILL NO. 160 (Judiciary)
"An Act establishing the Commission on the Future of the Permanent Fund; providing for public testimony on the investment policy for the principal and the use that should be made of the income of the permanent fund; and providing for an effective date."
-Finance report w/CS, new title, p. 1480:
CS FOR HOUSE BILL NO. 160 (Finance)
"An Act establishing the Commission on the Future of the Permanent Fund; providing for public testimony on the use that should be made of the income of the permanent fund; and providing for an effective date."
Zero Fiscal Note published 5/15/87
- HB 187 "An Act relating to geographic pay differentials; and providing for an effective date."
-Governor's Transmittal Letter, p. 547
Fiscal Note published 3/18/87
-State Affairs report, p. 698
-Finance report w/CS, new title, p. 1399:
CS FOR HOUSE BILL NO. 187 (Finance)
"An Act relating to sick leave and medical leave, salaries, and geographic pay differentials of certain state employees who are not members of collective bargaining units; relating to salary surveys; repealing a requirement that the director of personnel prepare an annual pay schedule; and providing for an effective date."
Letter of Intent, p. 1400
Fiscal Note published 5/14/87

Continued on back

House Calendar
119th Day
May 17, 1987

SECOND READING OF HOUSE BILLS (Continued)

- HB 220 "An Act relating to legislative per diem; and providing for an effective date."
-State Affairs report w/CS(SA), same title, p. 882
Letter of Intent, p. 883
Fiscal Note published 4/17/87
-Finance report w/CS(Fin), same title, p. 1535
Fiscal Note published 5/16/87
- HB 294 "An Act relating to compensation of legislators; and providing for an effective date."
-Finance report w/CS, new title, p. 1305:
CS FOR HOUSE BILL NO. 294 (Finance)
"An Act relating to compensation of legislators and legislators-elect; and providing for an effective date."
Fiscal Note published 5/11/87
-Rules report w/CS, new title, p. 1537
CS HOUSE BILL NO. 294 (Rules)
"An Act relating to compensation of legislators and legislators-elect; and providing for an effective date."
- HB 284 "An Act making appropriations for capital projects; and providing for an effective date."
-Finance report w/CS(Fin), p. 1536
- HB 29 "An Act making a supplemental appropriation to the Department of Commerce and Economic Development for distribution to qualified regional aquaculture associations; and providing for an effective date."
-Labor & Commerce report, p. 100
-Resources report, p. 172
-Finance report forthcoming

SECOND READING OF SENATE BILLS

- CSSB 33 "An Act relating to the violation of compulsory education laws."
(HESS)
-HESS report w/HCS(HESS), same title, p. 725
-Judiciary report w/HCS(HESS), p. 1118
-Finance report w/HCS(HESS), p. 1429
- CSSB 39 "An Act relating to the Real Estate Commission; and providing for an effective date."
(HESS)
-Labor & Commerce report, p. 1445
-Finance report, p. 1539

House Calendar
119th Day

SECOND READING OF SENATE BILLS (Continued)

- CSSB 133 (Fin)am "An Act relating to general grant land entitlements; and providing for an effective date."
-Resources report w/HCS(Res), same title, pp. 1144 & 1172
-Finance report w/HCS(Fin), same title, p. 1541
Fiscal Note published 5/16/87
- CSSB 146 (Trsp) "An Act relating to weights and measures; citation authority of employees enforcing weights and measures limitations; and providing for an effective date."
-Transportation report w/HCS(Trsp), same title, p. 1402
-Labor & Commerce report w/HCS(Trsp), same title, p. 1445
-Judiciary report w/HCS(Trsp), same title, p. 1528
- CSSB 162 (L&C)am "An Act relating to fisheries business tax refunds to local government; and providing for an effective date."
-C&RA report, p. 1217
-Finance report w/HCS, new title, p. 1446:
HOUSE CS FOR CS FOR SENATE BILL NO. 162 (Finance)
"An Act relating to the fisheries business tax; and providing for an effective date."
Zero Fiscal Note published 5/15/87
Zero Fiscal Note w/analysis published 5/15/87
- CSSB 196 (Rls) "An Act relating to management of state land; and providing for an effective date."
-Resources report, p. 1446
- CSSB 212 (HESS) "An Act extending the termination date of the Special Education Service Agency; and providing for an effective date."
-HESS report, p. 1499
- CSSB 219 (I.T.) "An Act creating the Alaska Center for International Business; and providing for an effective date."
-Finance report, p. 1542
Zero Fiscal Note published 5/16/87
- CSSB 227 (SA) "An Act relating to claims of state agencies to permanent fund dividends."
-State Affairs report w/HCS(SA), same title, p. 1405
Fiscal Note published 5/14/87
Zero Fiscal Note published 5/14/87
-Finance report, p. 1543
- CSSB 238 (Fin) "An Act relating to the Alaska Research Policy Act and the science and engineering advisory commission; and providing for an effective date."
-Finance report, p. 1543

House Calendar
119th Day

SECOND READING OF SENATE BILLS (Continued)

- CSSB 247 "An Act relating to citations for certain offenses; and
(Jud) providing for an effective date."
-Finance report w/HCS(Fin), same title, p. 1543
Zero Fiscal Note published 5/16/87
- SB 290 "An Act relating to supplying false information on fish
tickets."
-Resources report, p. 1487
-Judiciary report, p. 1499
- SB 294 "An Act removing the anti-diarrheal prescription drug
loperamide from the schedules of controlled sub- stances
under the Criminal Code."
-Judiciary report, p. 1499
- CSSB 297 "An Act placing a moratorium until July 1, 1988, on the
(Res) issuance or granting of licenses, permits, leases, or
authorizations for commercial finfish farming; providing
for a bivalve spat collection permit; and providing for an
effective date."
-Resources report w/HCS(Res), same title, p. 1544
Zero Fiscal Note published 5/16/87
- CSSB 64 "An Act relating to the Alaska Industrial Development and
(Rls)am Export Authority; and providing for an effective date."
-Labor & Commerce report w/HCS(L&C), same title, p. 1216
-Finance report forthcoming
- CSSB 53 "An Act establishing criteria for the allocation of fishery
(Fin) resources by the Board of Fisheries among commercial
fisheries and among groups of commercial fishermen within
an administrative area for the purpose of preventing
economic distress among commer- cial fishermen and those
dependent upon them for a livelihood; and providing for an
effective date."
-Resources report w/HCS, new title, p. 1539:
HCS FOR CS FOR SENATE BILL NO. 53(Resources)
"An Act authorizing the Board of Fisheries to adopt
regulations establishing certain types of registration
and use areas for regulating commercial fishing; and
providing for an effective date."
Intent, p. 1539
Zero Fiscal Note published 5/16/87
- CSSB 56 "An Act amending and making effective an annuity program
(Jud) and amendments to the longevity bonus program and the
permanent fund dividend program provided for in secs. 2 -
18, ch. 99, SLA 1985; and providing for an effective date."
-State Affairs report w/HCS(SA), same title, p. 1483

House Calendar
119th Day

SECOND READING OF SENATE BILLS (Continued)

- CS
SSSB 22 "An Act exempting certain telephone and electric utilities and certain transactions from regulation by the Alaska Public Utilities Commission; restricting the authority of the Alaska Public Utilities Commission in considering certain costs in connection with rates charged by a utility and with calculating power cost equalization; and providing for an effective date."
(Fin) -Judiciary report w/HCS(Jud), same title, p. 1445
- CSSB 157 "An Act appropriating from the earnings reserve account of the Alaska permanent fund to the general fund."
(Fin) - State Affairs report w/HCS, new title, p. 767:
HCS CS for SENATE BILL 157(SA)
"An Act appropriating from the earnings reserve account of the Alaska permanent fund to the general fund; and providing for an effective date."
Fiscal Note published 4/8/87
-Finance report w/HCS(Fin), same title, p. 1541

SECOND READING OF HOUSE RESOLUTIONS

- HR 7 Relating to the funding of the Emergency Medical Services System.
-HESS report w/CS(HESS), same title, p. 1175
Zero Fiscal Note published 5/6/87

SECOND READING OF SENATE RESOLUTIONS

- CSSJR 19 Relating to resident hire on a United States Department of Defense project at Amchitka Island.
(SA)am -Labor & Commerce report, p. 1538

THIRD READING OF HOUSE BILLS

- CSHB 166 "An Act making an appropriation from the general fund to the budget reserve fund of any positive amount in the general fund balance on June 30, 1988, as reported on the combined balance sheet in the state's annual financial report for fiscal year 1988."
(Rls) -Advanced to third from 5/16 calendar, p. 1504

CITATIONS

Honoring - Nellie Bennett
By Senators Duncan, Kerttula, Fahrenkamp, Halford, Kelly, Sturgulewski, Eliason, Zharoff, Szymanski; Representatives Hudson, Ulmer

Honoring - Dr. Kenneth Burnley
By Representative Koponen

In Memoriam - Lillian A. Tackes
By Senators Sturgulewski, Uehling, Josephson, Halford

In Memoriam - Frank Dewey, Jr.
By Representative Koponen



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

July 22, 1986

MEMORANDUM

TO: Representative Max Gruenberg

ATTN: Jim Nordland

FROM: Katherine Hazard *KH*
Legislative Analyst

RE: Scheduling Bills through the Legislature
Research Request 87-003

You asked our agency to provide information on how other state legislatures schedule bills in order to prevent logjamming of bills during the last few days of the session. You asked specifically for information about these legislative rules in states which have a limit on session length. You also requested information on the number of bills passed during the last two days of the Alaska legislative session in 1986.

Bill Scheduling Rules in Other States

During the last two decades, the number of bills introduced in most state legislatures has increased. The attached graph shows that the number of bills introduced in the Alaska Legislature increased substantially through the 1960s and 70s. Since 1981 there has been a downward trend in the number of bills introduced in the Alaska Legislature.

As of 1983, 37 states had an effective limit on the length of legislative sessions: 30 states had a limit in statutory or constitutional provisions; 1 had a limit proclaimed in the legislative rules; and 6 states had indirect limits on session length through restrictions on legislators pay, per diem, or daily allowance. Only 13 states had no limit on length of the legislative session.¹

¹The amendment to the Alaska Constitution, Article II, Section 8, which limits the legislative session length, was passed in the general election held on November 6, 1984; thus, in the statistics from 1983, Alaska is included as a state with no session limit.

Because of the constraints on session length and in response to the increase in legislation, several states have adopted rules to assure the timely movement of bills through committees and/or through each house in order to prevent logjamming of bills toward the end of the session. I spoke with legislative staff in six states with such rules: Connecticut, Illinois, Colorado, Iowa, Montana, and North Dakota. Some of the states schedule bills by setting deadlines for transmittal from one house to the other; others establish deadlines for reporting bills out of committee. These rules are described below based on conversations with staff in the respective legislatures.

Connecticut. Rules of the Connecticut legislature include bill submission deadlines and deadlines for the movement of bills through committees. In Connecticut, legislators submit bill and resolution proposals to the legislative commissioner's office in informal language. These are read on the floor and assigned to committees. In 1985 members of the general assembly could submit bill and resolution proposals through January 23rd. Additional information or documentation to the committees needed to be submitted by February 1 in 1985.

Fully drafted bills may be introduced only by committees. In 1985, deadlines for committees to submit drafting requests to the legislative commissioner's office ranged from February 19th to February 28th depending upon the committee. Deadlines for Finance, Revenue and Bonding; Judiciary; and Appropriations Committees were last. Deadlines for drafting requests on proposed bills and resolutions on which hearings are held are later yet; these request deadlines are 10 days prior to the date by which bills must be reported out of committee.

There are also deadlines for reporting bills out of committees. In 1985, deadlines ranged from March 26th through May 8th. Bills not reported out of committee are deemed failed. However, bills may be forced out of committee if: (1) the speaker of the house and the president of the senate certify that the legislation should be acted on by the general assembly; or (2) a majority of the members of the house of origin petition the clerk. There are no deadlines governing transmittal of bills from one house to the other.

Illinois. The Illinois legislature adjourns on or before June 30th. All substantive bills must pass out of committee before the end of the first Friday in May. If a bill has not moved out of committee by this date, it is dead unless the deadline is suspended by a two-thirds vote. Bills may also be petitioned out of committee. Bills must be out of the appropriations committee by the second Friday in May. There is no deadline for transmittal to the other house.

Colorado. The Colorado legislature has rules governing the dates for movement of bills through committee, to the floor, and for transmittal from one house to the other. However, there are no deadlines for appropriations or revenue bills. The Colorado legislature has alternating long and short sessions, with the long session following election years. The calendar for 1986 (a short session) is described below.

Jan 8: begin session
Jan 17: bill drafting deadline
Feb 1: deadline for introducing bills
Feb 21: bills must be out of committee in the house of origin
Mar 3: deadline for passage of bills in the house of origin
Mar 18: bills must be reported out of committee in the second house
Mar 28: deadline for passage of bills in the second house
Apr 29: reconvene for adjournment²
May 27: deadline for adjournment.

Iowa. Although Iowa has no limit on the length of legislative sessions expenses are paid for a maximum of 110 legislative days (100 days in even years). The legislative rules scheduling movement of bills through the legislature in Iowa are similar to those in Colorado. There are no deadlines on Appropriations and Ways and Means bills and the majority and minority leaders may co-sponsor a bill at any time. Other bills, however, must move according to the following schedule in even years.

2nd week: deadlines for bill drafting requests; committee chairs may still make requests
8th week: bills must be out of committee in the house of origin
9th week: deadline for passage of bills in the house of origin
11th week: bills must be out of committee in the second house
12th week: deadline for passage of bills in the second house

Beginning in the 13th week, the legislative bodies address co-sponsored minority and majority bills, conference committee reports, ways and means bills, appropriation bills, unfinished business and other legislative action exempted from the deadlines applicable to most legislation.

According to Diane Bolender, of the Iowa Legislative Service Bureau, this scheduling method is effective and few exceptions are made to the deadlines.

Montana. Montana has a session limit of 90 legislative days. Bills, excepting appropriation and revenue bills, must be transmitted from one house to the other on or before the 45th legislative day of the session. Amendments to these bills must be sent back to the other house by the 70th day. If a bill is not transmitted to the other house by the deadline, it may be transmitted only if there is a two-thirds vote to accept transmittal of the bill by the house to which it is to be transmitted.

²In some legislative sessions, the rules for recessing are suspended and the legislature meets until the adjournment deadline.

In Montana, all appropriations bills originate in the House. Revenue and appropriations bills from the House must be transmitted to the Senate on or before the 70th legislative day. Senate amendments to these bills must be transmitted to the House on or before the 85th day. Revenue bills originating in the Senate must be transmitted to the House on or before the 60th legislative day. Amendments from the House to the Senate on Senate revenue bills must be transmitted to the Senate by the 70th legislative day. In addition, several types of legislative action may occur at any time during the session; interum study resolutions; bills repealing, adopting, or amending administrative rules; and joint resolutions advising or requesting a change in administrative rules. Montana has no deadlines for committee reports.

North Dakota. The North Dakota legislature has a session limit of 80 legislative days. Their rules, however, are based on a 60 legislative day session.

After the 10th day, no legislator may introduce more than 3 bills.

After the 15th day, no bills may be introduced.

After the 18th day, no resolutions excepting study resolutions or resolutions regarding the US Constitution may be introduced.

After the 23rd day, any bill with a fiscal note of more than \$5,000 must be moved to the appropriations committee.

By the end of the 31st day, all bills must be reported out of committee.

By the end of the 33rd day: (1) all study resolutions and proposed resolutions regarding the U.S. Constitution must be out of committee; and (2) all bills must be transmitted to the other house.

By the end of the 48th day, all bills must be reported out of committee of the second house.

If a bill is not reported out of committee on schedule, it is pulled out of committee at the deadline and taken to the floor or referred to the appropriations committee as necessary. There is a floor vote upon every bill introduced.

Legislative procedures in North Dakota also differ from those in Alaska in that state agencies (comparable to departments in the State of Alaska) may introduce bills. Most agency bills are first assigned to the Senate because the Senate has fewer bills introduced; this evens out the load somewhat.

In addition to the rules adopted to schedule movement of bills through the legislature, many state legislatures have adopted rules to limit the number of bills introduced. Most states (79 of 99 legislative bodies) have deadlines for bill introduction, as Alaska does for the second session of each legislature. Forty-six legislative bodies have cut-off dates for requesting bill drafts.

Other methods for reducing the number of bills introduced include:

- a skeleton bill system where an outline is submitted to the appropriate committee, and the committee is responsible for having the bill drafted;
- a limit on the number of bills a legislator may introduce; and
- a prohibition on duplication of bill introductions in the two houses.

Bills Passed in the Final Days of the Legislative Session

You also requested information about legislative action during the final days of the 1986 Fourteenth Legislature. Thirty-two percent (68 bills) of the bills passed by the House during the second session were passed in the last two days; 34 percent (62 bills) of the bills passed by the Senate during the second session were passed in the last two days. In addition, the House voted on 16 other measures during the last two days: three conference committee substitute bills, five joint resolutions, six concurrent resolutions, and two letters of intent. The Senate voted on 9 other measures: four joint resolutions, four concurrent resolutions, and one Senate resolution.

Statistical Summary of Legislation 1985-1986

	<u>Bills Introduced</u>			<u>Bills Passed</u>			<u>Bills Passed Last 2 Days</u>		
	<u>1st</u> <u>Ses</u>	<u>2nd</u> <u>Ses</u>	<u>Total</u>	<u>1st</u> <u>Ses</u>	<u>2nd</u> <u>Ses</u>	<u>Total</u>	<u>May 11</u> <u>86</u>	<u>May 12</u> <u>86</u>	<u>Total</u>
<u>House</u>	448	262	710	158	208	366	17	51	68
<u>Senate</u>	322	167	489	142	184	326	8	54	62

* * * *

We requested copies of the legislative rules from the six states discussed in this memorandum. Please let us know if you would like us to forward copies of these rules to you; or if we may provide additional information.

KH

Attachment

Changes needed to restore legislature's image

By SENS. JOE P. JOSEPHSON
and ARLISS STURGULEWSKI

Public regard for the 1987 legislature is very low. Is the reason just that the legislature is a visible target at a time of frustration, anxiety and anger?

Of course not. In spite of the positive accomplishments of the legislature, and in spite of the legislature's responsiveness to the desires of most voters, the reasons for the public's apparent displeasure with the legislature are not hard to understand.

Part of the problem is attributable to misinformation. For example, editorial writers told readers that the Senate's capital budget — never enacted into law — included traditional "porkbarrel" projects.

Not mentioned was that Anchorage senators voted to allocate 70 percent of the proposed allocation for areawide municipal priorities, identified by the assembly and the mayor. Nor were readers told that most of the balance would have gone for the clean-up of hazardous waste sites, needed equipment for the university and community college, and for a shelter for runaway teenagers.

But misinformation and economic distress don't account for all of the public criticism of the legislature. Senators and representatives need to recognize that good reasons for criticism abound.

In fact, nothing less than major systematic reforms are required in the legislative branch.

- We need to eradicate the notion that a committee chair can hold a bill even in the face of the committee members' requests for actions. A system that gives arbitrary power to any committee chair is a system that disenfranchises voters from other districts around the state and frustrates the majority will.

- We need to establish internal deadlines for the completion of legislative work. The people established the 120-day session limit. But the constitutional amendment also required the legislature to set up deadlines within the 120-day period. Legislators and

COMPASS

POINTS OF VIEW FROM OUR COMMUNITY

the public need to know that there are specific benchmarks set within the 120-day session for the introduction and passage of bills, the transmittal of budgets and so forth. A system that allows most meaningful actions to take place in the last 48 hours of a session thwarts public oversight and weakens accountability.

- We need to change the current financial management practices of the legislature. Neither the public nor the lawmakers themselves can easily follow now the flow of appropriated funds. We need to discuss how much discretion over "leader..." funds should be granted to the presiding officers and the lawful purpose of these funds. We need to establish written ground rules, available to the public, regarding legislative expenses, and we need to display clearly to the public and the media, every month, how legislative money was spent, and by whom.

- We must clarify the legislature's response to the open meetings litigation. To date the response has been wholly defensive.

Why wait for the final court decision? Why assume that the plaintiffs in the pending case — this paper and the League of Women Voters — would be unwilling to sit down with the legislative leaders, in a public setting, and seek ways to resolve the problems?

At times legislators need the chance to meet privately and exchange views. Denying that opportunity, in our judgment, means that decisions will be less wise and that information will be more closely guarded by legislative leaders. Advocates of opening all meetings to public view — even caucuses and discussions between the governor and legislative leaders — do not point to any government in the world that operates successfully



under such procedures.

And yet, it is time for the legislature to take the initiative and to cast off a "bunker" mentality that sees the press as an enemy rather than an essential part of representative government.

If implemented, these reforms will help restore the image of the legislature. But more than image is at stake. For if Alaska is

to recapture that spirit of optimism of which we spoke, respect for the institutions of government must be rekindled.

□ Sen. Joe P. Josephson, a Democrat, represents downtown Anchorage and Mt. View. Sen. Arliss Sturgulewski, a Republican, represents Hillside and Midtown.



4336 E. 101st St.
Anchorage, Alaska 99516

Dear Members of the House Judiciary Committee:

I urge your support for HCR 1, proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to deadlines for session work. The Alaska League of Women Voters believes that the Alaska legislative system should be responsive, representative, accessible, efficient, and accountable. To that end, we support measures that will lead to efficient and effective operation of the legislative process with full opportunities for citizen input.

A survey that was conducted some time ago by one of our study committees found that legislators, lobbyists, administrators and members of the press alike felt that end of the session "logjamming" and bill trading between the Houses have a detrimental effect on legislation that is finally passed. Our position includes strongly advocating for improved operations, clearly stated schedules and well publicized and coordinated opportunities for access to the public policy making process. HCR 1 is one step in the right direction.

Sincerely,

Charlotte Fox (by EKS)

Charlotte A. Fox
President

HCR

5

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 22, 1993

FURTHER REFERRALS:

Date of Committee Action: 2-9-93

The STATE AFFAIRS Committee considered:

HCR 5

HOUSE CONCURRENT RESOLUTION NO. 5

TWENTY-FIFTH ANNUAL GIRLS STATE

Relating to the twenty-fifth annual Girls' State.

RECOMMENDATIONS:

be replaced with _____ 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) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				
<i>B. Davis</i>	✓				
<i>Haley Olberg</i>	✓				
		<i>[Signature]</i>		✓	
		<i>[Signature]</i>		✓	
		<i>[Signature]</i>		✓	

[Signature]
CHAIRMAN'S SIGNATURE



Alaska State Legislature

HOUSE OF REPRESENTATIVES

REPRESENTATIVE GAIL PHILLIPS

STATE CAPITOL
JUNEAU, ALASKA
99801-1182

Official Business
PHONE: (907) 465-2689
FAX: (907) 465-3472

MEMORANDUM

TO: Representative Al Vezey, Chairman
House State Affairs Committee *Al*

FROM: Representative Gail Phillips *Gail*

SUBJECT: House Concurrent Resolution 5
(25th annual Girls' State)

DATE: February 1, 1993

I would appreciate your scheduling the above referenced resolution for a hearing before the House State Affairs Committee at your earliest possible convenience.

As a you may know, this particular resolution is introduced annually in the legislature. The only departure from the norm, this session, is that instead of both the Boys' State and Girls' State resolutions being introduced by only one body, Senator Leman chose to introduce the Boys' State version on the Senate side and afforded me the privilege of sponsoring the Girls' State version in the House.

In lieu of a sponsor statement, I believe the language contained in the resolution is self-explanatory. I have also been informed that a "zero" fiscal note will be forthcoming from the Legislative Affairs Agency.

Your consideration is greatly appreciated.

GP/sgn

*Calendar on Wednesday
for Feb 9
AV*

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HCR 5

Revision Date: _____
Title: Relating to the twenty-fifth
annual Girls' State.
Sponsor: Rep. Gail Phillips
Requestor: Rep. Gail Phillips

Department Affected: Legislative Affairs Agency
BRU: Legislative Council

Component: Administrative Services, Public
Services

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
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 FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
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: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director
Division: Administrative Services

Pamela A. Stoops

Phone: 465-3850
Date: 1/29/93

Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency

Warren W. Endicott

Date: 1/29/93

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