

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8765 HOUSE RESOURCES

**SSCR**

**2**

# FISCAL NOTE

ALASKA  
LEGISLATIVE SESSION

BILL NO. HSCR 2

Topic: Disapproving Executive Order 95

Dept. Affected Legislature

BRU: All

Sponsor: House Resources Committee

Components: \_\_\_\_\_

Requestor: \_\_\_\_\_

Serial # \_\_\_\_\_

**EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)**

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE</b>	0	0	0	0	0	0
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**FUNDING: (THOUSANDS OF DOLLARS)**

General Fund						
Federal Fund						
Other						
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS:**

Full-Time						
Part-Time						
Temporary						

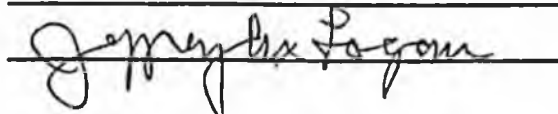
**ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)**

see attached analysis

The estimated savings reflected in EO 95 will not be achieved in the manner proposed by the Governor.

Prepared by: Jeffrey Logan

House Resources Committee



Date: 26-FEB-96

Phone: 465-6547

Phone: \_\_\_\_\_

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
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130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

## MEMORANDUM

February 26, 1996

**SUBJECT:** Fiscal notes on special concurrent resolutions

**TO:** Senator Drue Pearce  
President of the Senate

**FROM:** Tamara Brandt Cook  
Director *TBC*

You have asked whether a zero fiscal note is appropriate for a special concurrent resolution. In my opinion it is. AS 24.08.035(a) states in part:

Before a bill or resolution, except an appropriation bill, is reported from the committee of first referral, there shall be attached to the bill a fiscal note containing an estimate of the amount of the appropriation increase or decrease that would result from enactment of the bill for the current fiscal year and five succeeding fiscal years, or if the bill has not fiscal impact, a statement to that effect shall be attached.

The language of subsection (c) requires that a fiscal note contain information on "the fiscal impact on existing programs" and "the fiscal impact of new programs..." Clearly, a fiscal note is used to compare costs to the state of the existing law or policy and the law or policy as it would be changed by the measure if it is adopted. The purpose behind the requirement of a fiscal note is to enable legislators to have some idea of the fiscal impact of the change.

A special concurrent resolution is used to disapprove an executive order. Rather than resulting in a change in statute, adoption of a special concurrent resolution prevents a change in statute from occurring. Consequently, a special concurrent would, it seems to me, always have a zero fiscal note.

I have tried to ascertain how fiscal notes for special concurrent resolutions have been treated in the past. In 1993 a zero fiscal note was prepared by the House Finance Committee for HSCR 2 and in 1994 a zero fiscal note was prepared by the House Labor and Commerce Committee for HSCR 3. Other special concurrent resolutions that I checked did not have published fiscal notes.

TBC:klb:glc  
96-132.klb

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96-132.klb

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## MEMORANDUM

January 23, 1996

**SUBJECT:** Procedure for Disapproving an Executive Order  
(Work Order No. 9-LS1576)

**TO:** Representative Norman Rokeberg  
Chair, House Oil & Gas Committee

**FROM:** Tamara Brandt Cook  
Director

You have asked what the procedure is for the disapproval of an executive order. The state constitution contains the requirement that disapproval of an executive order is accomplished ". . . by resolution concurred in by a majority of the members in joint session . . ." (Article III, Section 23) This must be complied with or any attempt by the legislature to disapprove an executive order will be held invalid by the court.

In addition to the procedure set out in the constitution, Uniform Rule 49(a)(4) provides

A special concurrent resolution is employed to consider disapproval of an executive order of the governor laid before the legislature under provisions of Sec. 23, Art. III, of the State Constitution. This resolution must be considered by a joint committee and may be adopted by a majority vote of the full membership of the legislature in joint session without recourse to three readings.

So, the uniform rule adds the requirement that a joint committee consider each special concurrent resolution before it is adopted in joint session. Clearly, a joint committee could be established under Uniform Rule 21 for the purpose of considering a resolution disapproving an executive order. However, it has been the position of this office since at least 1981 that, because Uniform Rule 49(a)(4) does not specifically require the establishment of a joint committee under Rule 21, two standing committees meeting jointly would fulfill the requirement of consideration by a joint committee. This is what has been done in the past, and I cannot find an example within the past 15 years of the legislature appointing a joint committee to consider a resolution disapproving an executive order.

Any member or committee may, of course, introduce a special concurrent resolution disapproving an executive order. After the resolution and the executive order itself have

Representative Norman Rokeberg

January 23, 1996

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been reported from committee, a joint session must be either agreed to by the presiding officers or called by a house under Uniform Rule 51 for the purpose of considering the special concurrent resolution disapproving the executive order.

TBC:pl:klb

96-030.plm

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SSCR 2

Revision Date: Original Dept. Affected: \_\_\_\_\_  
 Title: Disapproving EO 95 BRU: \_\_\_\_\_  
 Sponsor: Senate Resources Component: \_\_\_\_\_  
 Requester: \_\_\_\_\_ COMPONENT SERIAL NO. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL EXPENDITURES</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

Estimate of any current year (FY96) cost: \$ none

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

The estimated savings reflected in EO 95 will not be achieved in the manner proposed by the Governor.

Prepared by: Annette Kreitzer  
 Division: Senate Resources Committee  
 Approved by Commissioner: Loren Leman  
 Agency: Senator Loren Leman, Chairman

Phone: 465-4907  
 Date: 2/26/96  
 Date: \_\_\_\_\_

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