

LEGISLATIVE RESEARCH SERVICES

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Costs for Regular Session Overruns and Special Sessions

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You asked for information on the duration and costs of special sessions and regular session overruns that have occurred since the implementation of the 90-day limit.

The Alaska Constitution limits the duration of regular sessions to 120 days, except that a regular session may be extended once for up to ten days upon a two-thirds affirmative vote of the membership of each chamber.¹ In 2006, voters approved an initiative limiting regular sessions to 90 consecutive calendar days including the day the Legislature convenes. The statute, codified at AS 24.05.150[b], went into effect in 2008. Since then, the Legislature has not voted to *extend* any regular sessions.²

Lawmakers have failed to adjourn within the statutory 90-day limit five times.³ In 2010 and 2012, the Legislature adjourned shortly after midnight of the 90th day. Those overruns accrued no extra costs for per diem or for payroll. However, overruns that did accrue costs occurred in 2014 (5 days), 2015 (8 days), and 2016 (31 days). In the following table, we provide the per diem and personal services costs for each regular session that adjourned after the 90-day limit. The costs in 2014 included only five days of legislators' per diem, because legislative staff members typically stay on payroll for three to five days after adjournment of a regular session. In 2015, legislators were paid an additional eight days of per diem and authorized staff received \$5,129 in per diem. In 2016, legislators were paid an additional 31 days of per diem and authorized staff were paid \$40,491 in per diem and travel. Personal services costs were calculated at \$248,997 for the overrun of the 2016 session.

Costs Associated with Failure to Adjourn within 90-Day Statutory Session Limit					
Year	Days in Session	Legislator Per Diem	Staff Per Diem	Personal Services Costs	Total
2010	91	0	0	0	
2012	91	0	0	0	
2014	95	70,211	0	0	\$ 70,211
2015	98	105,702	5,129	42,000	\$ 152,831
2016	121	409,284	40,491	248,997	\$ 698,772

Notes: The per diem rate was \$237/day in 2014, \$223/day in 2015, and \$247/day in 2016. Juneau's three legislators receive 75% of the rate. Personal services costs typically run about \$14,000 per day during a session. Because most employees would have been on payroll for 3 to 5 of the days in question in 2015, only costs for the 3 additional days were considered attributable to the overrun. For 2016, personal services costs reflect the actual amount spent on payroll for the session overrun.

Sources: Jessica Geary, LAA Finance Manager, and Skiff Lobaugh, LAA Human Resources Manager.

The attached table shows the duration and costs of special sessions from 2003 to the present.

We hope this is helpful. If you have questions or need additional information, please let us know.

¹ Article II, Section 8. The Alaska Supreme Court has determined that the day the Legislature convenes does not count against the 120 day limit. As such, the constitutional language authorizes the legislature to remain in session for total of 121 days.

² The last extended session occurred in 2002, lasted two days, and was immediately followed by a special session convened by the Legislature.

³ The primacy of the constitution, as well as the judicial deference to the internal procedures of the Legislature, means that a court would be unlikely to intervene or question the legality of measures passed during an informal extension, or overrun, of the statutory limit.

Special Sessions of the Alaska Legislature: Dates, Duration, Subjects, and Daily and Total Costs, 2003-Present

Legislature	Date Convened	Date Adjourned	Days	Subjects Under Consideration	Average Daily Cost	Total Cost
23rd Legislature (2003-2004) 1st Special Session Called by Governor Murkowski	22-Jun-04	24-Jun-04	3	Permanent Fund POMV & implementation; Advisory Vote on Source of Money Available for Appropriation; Spending Limit; Tobacco Tax; G.O. Bonds for Transportation & Education Capital Projects; Workers' Compensation; appropriations for listed subjects; and appropriation to DCCED to purchase fuel for rural communities	\$42,872	\$128,616
24th Legislature (2005-2006) 1st Special Session Called by Governor Murkowski	11-May-05	25-May-05	15	Capital Appropriations & Appropriations to capitalize funds; workers' compensation; teachers and public employee retirement systems; base student allocation in foundation formula; operating & capital appropriations for comprehensive integrated mental health program; appropriations for operating & loan programs; supplemental, capital, & other appropriations & reappropriations; university land grant; insurance regulation; state virology lab; elections, voters, political parties; state aid for retirement of school construction indebtedness	\$25,437	\$381,560
2nd Special Session Called by Governor Murkowski	10-May-06	8-Jun-06	30	Changes to the Stranded Gas Development Act (AS 43.82); judicial review of constitutionality or enforceability of a contract executed under AS 43.82; State interest in NS natural gas pipeline project, including indemnifications among project management & construction entities; establishing fiscal certainty for certain NS oil and gas leases; preliminary findings & determination of DNR commissioner made under AS 43.82.400(a)(1); provisions of proposed Alaska stranded gas fiscal contract; and production tax on oil and gas	\$26,711	\$801,327
3rd Special Session Called by Governor Murkowski	12-Jul-06	10-Aug-06	30	Repeal of the oil production tax and the gas production tax and passage of a production tax on oil and gas; statutory changes for the purpose of clarifying or providing additional authority for the development of contract terms under the Stranded Gas Development Act (AS 43.82); gang-related violence, contempt of court, and temporary detention and identification of persons; and an appropriation to study the feasibility of a spur line from the gas pipeline in the state	\$25,831	\$774,931
4th Special Session Called by Governor Murkowski House Senate	15-Nov-06 14-Nov-06	17-Nov-06 20-Nov-06	3 7	Employment-related benefits for same-sex domestic partners of state employees and retirees under the state's retirement systems	\$27,521	\$192,647
25th Legislature (2007-2008) 1st Special Session Called by Legislature	26-Jun-07	26-Jun-07	1	Senior Benefits Payment Program	\$111,792	\$111,792
2nd Special Session Called by Governor Palin	18-Oct-07	16-Nov-07	30	Making amendments related to oil and gas production taxes and conservation surcharges on oil; placing certain oil and gas tax and royalty auditors in the exempt service; authorizing public disclosure of certain taxpayer information on oil and gas production taxes; sharing certain oil and gas tax and royalty information among state agencies	\$27,733	\$831,990
3rd Special Session Called by Governor Palin	3-Jun-08	2-Jul-08	30	To consider any action taken by the commissioner of Natural Resources and the commissioner of Revenue under AS 43.90, the Alaska Gasline Inducement Act	\$31,353	\$940,593

Special Sessions of the Alaska Legislature: Dates, Duration, Subjects, and Daily and Total Costs, 2003-Present

Legislature	Date Convened	Date Adjourned	Days	Subjects Under Consideration	Average Daily Cost	Total Cost
25th Legislature (2007-2008) 4th Special Session Called by Governor Palin	9-Jul-08	7-Aug-08	30	To consider 1) approval of a license under AGIA to TransCanada Alaska Company, LLC and Foothills Pipe Lines Ltd., jointly as licensee; 2) statutory changes to establish the Alaska resource rebate program and to provide payments under the program to state residents; 3) statutory changes relating to power cost equalization under AS 42.45.100 - 42.45.190; 4) statutory changes to suspend temporarily the motor fuel tax; 5) statutory changes relating to a renewable and alternative energy grant fund and recommendation program, including statutory changes to authorize assistance for alternative energy purposes; and relating to the Alaska Renewable Energy Task Force; and 6) making appropriations relating to such subjects; also, [added Aug 7, 2008] statutory changes to the bulk fuel revolving loan fund and bulk fuel bridge loan fund and program; and making appropriations for those funds	\$29,895	\$896,845
26th Legislature (2009-2010) 1st Special Session Called by Legislature	10-Aug-09	10-Aug-09	1	To consider an override of Governor Palin's veto of federal energy stimulus funds and to consider confirmation of the lieutenant governor designee	\$76,592	\$76,592
27th Legislature (2011-2012) 1st Special Session Called by Governor Parnell	18-Apr-11	14-May-11	27	Operating Budget and Loan Program Expenses; Mental Health Appropriations; Capital Budget; Supplemental Appropriations; Alaska Performance Scholarship Fund; Power Projects; Extending the Alaska Coastal Management Program; Vocational Education and Basic Funding/Tax Credits; Extending the Regulatory Commission of Alaska; and Extending Boards and Commissions	\$37,114	\$1,002,084
2nd Special Session House Senate Called by Legislature	27-Jun-11	28-Jun-11(H) 27-Jun-11(S)	2 1	Alaska Coastal Management Program	\$49,580	\$99,160
3rd Special Session Called by Governor Parnell	18-Apr-12	30-Apr-12(H) 26-Apr-12(S)	13 9	Oil and gas production taxes; in-state gasoline development corporation (HB 9); and sex crimes and human trafficking (HB 359)	\$36,053	\$468,693
29th Legislature (2015-2016) 1st Special Session Called by Governor Walker	28-Apr-15	21-May-15	24	Sexual Abuse/Sexual Assault Prevention Programs (HB 44); Medicaid Expansion and Reform (HB 148); Operating Budget and making appropriations under Art. IX, Section 17(c) of the Constitution from the Constitutional Budget Reserve	\$18,405	\$441,724
2nd Special Session Called by Legislature	21-May-15	11-Jun-15	22	Operating Budget and Sexual Abuse/ Sexual Assault Prevention Program	\$20,661	\$454,543
3rd Special Session Called by Governor Walker	24-Oct-15	5-Nov-15	13	Acquire TransCanada's interest in the Alaska Liquefied Nature Gas Project	\$49,277	\$640,604
4th Special Session Called by Governor Walker	23-May-16	19-Jun-16	28	Operating, capital, and mental health budgets; restructuring the Alaska Permanent Fund for a sustainable draw to fund government services; restructuring the oil and gas production tax, tax payments, and tax credits currently in place; instituting a personal income tax and increasing various taxes on consumption and natural resource extraction; addressing aspects of adoption, foster care, and reinsurance and innovation in the health care system; and providing medical insurance coverage for survivors of peace officers and firefighters	\$22,437	\$628,225

Special Sessions of the Alaska Legislature: Dates, Duration, Subjects, and Daily and Total Costs, 2003-Present

Legislature	Date Convened	Date Adjourned	Days	Subjects Under Consideration	Average Daily Cost	Total Cost
29th Legislature (2015-2016) 5th Special Session Called by Governor Walker	11-Jul-16	18-Jul-16	8	Alaska Permanent Fund earnings reserve account, Permanent Fund Dividend, Personal Income Tax, Sales and Use Tax, Mining Tax, Fisheries Tax, Excise Tax, Oil & Gas Production Tax	\$29,351	\$234,805

Notes:

--During special sessions called by the governor, consideration is limited to subjects the governor designates and to bills vetoed following adjournment of the last regular session. Under subjects considered, we do not include measures to suspend uniform rules or to override vetoes.

--Lawmakers extended the second regular session of the 22nd Legislature from May 14, 2002, through May 16, 2002, at which time members of both chambers voted to convene in special session on the following day, May 17, 2002. By so doing, the legislature was able to dictate the topics of consideration, rather than being limited to the governor's agenda (subsistence).

--The first special session of the 25th Legislature was held in Anchorage and marks the first time the full legislature has met outside of the Capital.

--The third special session of the 25th Legislature marks the first time a session has toured the state.

--The first special session of the 26th Legislature is the second to have been held in Anchorage.

--The legislature at impasse, the first regular session of the 27th Legislature was adjourned by the governor, who then called a special session for the following day.

--In an unprecedented move, the governor on April 25, 2012, issued a supplemental proclamation withdrawing his oil tax bills (SB 3001 and HB 3001) from consideration by the third special session of the 27th Legislature. A Legal Services opinion deemed that action to be unauthorized, but the Senate concluded that without the governor's support of the bill, there was no realistic chance of meaningful policy discussion. The Senate adjourned, leaving the only bill in play, HB 9--the instate gasoline bill--unaddressed. After lengthy caucus considerations, the House also adjourned.

--29th Legislature--Lawmakers adjourned and held technical session during budget standoff. Despite the governor's call for the session to be held in Juneau, the special session was held in Anchorage on May 21, 2015, at which time both bodies adjourned the first special session *sine die*, and immediately called themselves into the second special session, again in Anchorage.