

SENATE LEADERSHIP STAFF RECOMMENDATIONS RELATED TO EFFICIENT
USE OF LEGISLATIVE BILL AND AMENDMENT DRAFTING RESOURCES

Senate leadership staff met recently to discuss options for efficiently moving bills from committees to the floor in order to get our work done before the end-of-session adjournment. Three areas, outlined below, were identified where the legislature can act to provide a more efficient process while maintaining fairness to all legislators.

1. Amend the Legislative Council Legal Services Priority Policy

One area of concern is that under the current Legislative Council Legal Services Priority Policy, it is possible for a small number of legislators to overload Legal Services' drafting resources and halt the flow of work in both bodies. This trend has emerged during the past five to ten years and is negatively affecting the legislature as it results in poor efficiency, delayed committee processes, and burned-out drafting attorneys.

For example, under the current Legal Services Priority Policy, a high volume of amendment requests for a bill on the floor of either body, or before a finance committee, are given priority. Hundreds of amendments, many of which may not even be offered can be requested. The result is that the other body, and its committees simply can't get work done during this period of high demand.

An amendment to the Legal Services Priority Policy, passed with eight votes by Legislative Council to address this issue could read:

LEGAL SERVICES PRIORITY POLICY

Adopted by Legislative Council April 3, 1998

The Legislative Council recognizes that staffing reductions and increasing workloads have made it impossible to provide at all times the level of legal services to the legislature that the Legal Services Division has provided in the past. To the extent that the Legal Services Division can meet all requests for rush drafting and other projects, the division is directed to do so. However in situations when all requests cannot be accommodated, the Legislative Council, under the authority of AS 24.20.100, directs the division to give priority to work in the following order:

1. litigation undertaken by the division at the direction of the Council;
2. drafting of amendments for a measure that has been calendared to be taken up on the floor of the House or Senate;
3. opinions relating to parliamentary matters;
4. drafting of amendments or committee substitutes for a measure scheduled for hearing by the House Finance Committee or the Senate Finance Committee, and final measures passed out of Finance Committees; priority within this category should be by time of the hearing;
5. drafting of an amendment, committee substitute, or new measure requested by any legislator if the presiding officer, majority leader, or minority leader of either house also requests that the project be given priority;

6. drafting of amendments or committee substitutes for a measure scheduled for a hearing by a committee other than a finance committee, and production of final measures passed out from a committee; priority within this category should be by the time of the hearing;
7. legal research or an opinion that is requested by any legislator if the presiding officer, majority leader, or minority leader of either house also requests that the project be given priority;
8. drafting of sponsor substitutes, amendments, or committee substitutes for measures that have been introduced;
9. legal research or opinions relating to measures that have been introduced;
10. drafting of new measures, except that drafting of new measures for individual legislators has priority over items listed in (7), (8) and (9) when necessary to meet the personal bill deadline (Uniform Rule 44);
11. sectional summaries for introduced measures; legal research or opinions that do not relate to introduced bills.

The Legislative Council recognizes that, due to the specialization of individual attorneys, the Legal Services Division will apply this priority schedule based on the workload of each attorney. Priority within each category shall be in the order the request was taken.

Amendments requested under (2) or (4), that are requested under circumstances that the division director determines exceed the drafting resources of the division, may be prioritized by the division by drafting the first five amendments for each legislator in the order received until the drafting is completed; once each legislator has been provided with 10 amendments, at the discretion of the director, the drafting attorneys and support staff may resume drafting amendments as set out in this paragraph on the next legislative day.

2. Amend Uniform Rule 44: Time Limit on Introduction of Bills

Another area of concern is that during the first session of a legislature, there is no personal bill introduction deadline. The result is that Legal Services continues drafting bills during the middle and end of the first session, while the budget and other concluding work is being done to get bills to the floor—work that could easily be accomplished by Legal Services during the interim. A personal bill deadline for both the first and second sessions of a legislature would allow staff and Legal Services to focus on bills that are already introduced and moving. Please keep in mind that a personal bill deadline does not preclude a committee from introducing a bill at any time.

An amendment to Uniform Rule 44, requiring the introducing and passage of a concurrent resolution by a two-thirds vote of the full membership of both bodies could read:

Rule 44. Time Limit on Introduction. No bill or resolution other than one sponsored by a standing committee may be introduced **after the forty-fifth day of a first regular session or after the thirty-fifth day of the second regular session of the legislature.**

3. Amend Uniform Rule 36(a) Prefiling of Bills; and 37 Introduction of Bills

Many state legislatures impose a maximum bill limit on its members so that all members can have equal access to quality drafting and other legal services. Currently, there are no *session* bill drafting request limits for any member of the Alaska State Legislature. A limitation on the total number of personal bills that a member could request during a legislature, in addition to amending the existing ten-bill limit to five for prefiled bills in Uniform Rule 36(a), would allow a total of five bill requests during a legislature, but distribute those requests over time to improve the drafting load on Legal Services. Bills introduced by committees would not be affected by these proposed amendments. Attached is a National Council of State Legislatures article summarizing limits other legislatures have imposed to conserve and focus bill drafting resources.

The following amendments to Uniform Rule 36(a) and 37 require introduction and passage of a concurrent resolution by both bodies with a two-thirds vote of the total membership of each body, could read:

Rule 36. Prefiling Bills. (a) Bills or proposals for bills may be prefiled with the executive director of the Legislative Affairs Agency at any time before January 1. All requests are confidential and are limited to bills and those joint resolutions proposing amendments to the state or federal constitutions. Bills given final approval by the sponsor will be assigned a number and duplicated during the week prior to the convening date of the session and made available to the press and public. A member may request no more than 5 [10] bills for prefiling. Drafts of prefiled bills not receiving sponsor approval prior to the convening day of the session will not be introduced as prefiled bills, but, at the direction of the sponsor, will be prepared in final form by the agency staff, subject to the demands of assigned interim and pre-session work.

Rule 37. Introduction of Bills. (a) Any member, group of members, standing special, or joint committee may introduce a bill, subject to the provisions of these Uniform Rules. **A member or group of members may not request for filing more than five bills during a legislative session, including bills requested for prefiling as otherwise provided in these Uniform Rules.** A bill must be introduced in proper form as approved by the enrolling secretary of the legislature, with the original and three copies delivered to the chief clerk or secretary. The bill is then assigned a number which it retains through subsequent changes and substitutions. The bill is considered formally introduced when the clerk or secretary reads the heading and title read aloud in open session (first reading). Bills may be introduced through the Rules Committees by the governor and the permanent interim committees pursuant to provisions of law.

Since Uniform Rule 36F(a) as amended would allow a member to request “no more than 5 [10] bills for prefiling,” the five-bill-limit during each *session* results in a total number of 10 bills that an individual member or group of members may request during a legislature. The effect of this amendment would be to try and spread the drafting demands for a member over a longer period of time. Spreading the work out should allow personal bill drafting to occur during the interim, thereby avoiding conflicts with bill drafting and amendment work during peak periods during the session.