

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

March 29, 2001

8:08 a.m.

MEMBERS PRESENT

Representative John Coghill, Chair
Representative Jeannette James
Representative Hugh Fate
Representative Gary Stevens
Representative Peggy Wilson
Representative Harry Crawford
Representative Joe Hayes

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 2

Proposing amendments to the Constitution of the State of Alaska relating to the duration of regular sessions of the legislature and to a biennial state budget.

- HEARD AND HELD

HOUSE JOINT RESOLUTION NO. 1

Proposing an amendment to the Constitution of the State of Alaska relating to the duration of a regular session.

- HEARD AND HELD

HOUSE JOINT RESOLUTION NO. 3

Proposing amendments to the Constitution of the State of Alaska relating to terms of legislators, to meetings of legislative committees, and to the length of regular sessions of the legislature.

- HEARD AND HELD

HOUSE JOINT RESOLUTION NO. 5

Proposing an amendment to the Constitution of the State of Alaska relating to the duration of a regular session.

- HEARD AND HELD

PREVIOUS ACTION

BILL: HJR 2

SHORT TITLE:BIENNIAL STATE BUDGET

SPONSOR(S): REPRESENTATIVE(S)MURKOWSKI

Jrn-Date	Jrn-Page		Action
01/08/01	0018	(H)	PREFILE RELEASED 12/29/00
01/08/01	0018	(H)	READ THE FIRST TIME - REFERRALS
01/08/01	0018	(H)	STA, JUD, FIN
01/08/01	0018	(H)	REFERRED TO STATE AFFAIRS
03/22/01		(H)	STA AT 8:00 AM CAPITOL 102
03/22/01		(H)	Heard & Held
03/22/01		(H)	MINUTE(STA)
03/27/01		(H)	STA AT 8:00 AM CAPITOL 102
03/29/01		(H)	STA AT 8:00 AM CAPITOL 102

BILL: HJR 1

SHORT TITLE:CONST AM: 90 DAY LEGISLATIVE SESSION

SPONSOR(S): REPRESENTATIVE(S)ROKEBERG

Jrn-Date	Jrn-Page		Action
01/08/01	0018	(H)	PREFILE RELEASED 12/29/00
01/08/01	0018	(H)	READ THE FIRST TIME - REFERRALS
01/08/01	0018	(H)	STA, JUD, FIN
01/08/01	0018	(H)	REFERRED TO STATE AFFAIRS
02/28/01	0472	(H)	COSPONSOR(S): KERTTULA
03/22/01	0697	(H)	COSPONSOR REMOVED: KERTTULA
03/22/01		(H)	STA AT 8:00 AM CAPITOL 102
03/22/01		(H)	Heard & Held
03/22/01		(H)	MINUTE(STA)
03/27/01		(H)	STA AT 8:00 AM CAPITOL 102
03/29/01		(H)	STA AT 8:00 AM CAPITOL 102

BILL: HJR 3

SHORT TITLE:CONST AM: SESSION LIMIT/INTERIM COMMITTEE

SPONSOR(S): REPRESENTATIVE(S)HALCRO

Jrn-Date	Jrn-Page		Action
01/08/01	0018	(H)	PREFILE RELEASED 12/29/00
01/08/01	0018	(H)	READ THE FIRST TIME - REFERRALS
01/08/01	0019	(H)	STA, JUD, FIN
01/08/01	0019	(H)	REFERRED TO STATE AFFAIRS

03/22/01	(H)	STA AT 8:00 AM CAPITOL 102
03/22/01	(H)	Heard & Held
03/22/01	(H)	MINUTE(STA)
03/27/01	(H)	STA AT 8:00 AM CAPITOL 102
03/29/01	(H)	STA AT 8:00 AM CAPITOL 102

BILL: HJR 5

SHORT TITLE:CONST AM: 90 DAY LEGISLATIVE SESSION

SPONSOR(S): REPRESENTATIVE(S)LANCASTER

Jrn-Date	Jrn-Page		Action
01/08/01	0019	(H)	PREFILE RELEASED 12/29/00
01/08/01	0019	(H)	READ THE FIRST TIME - REFERRALS
01/08/01	0019	(H)	STA, JUD, FIN
01/08/01	0019	(H)	REFERRED TO STATE AFFAIRS
03/22/01		(H)	STA AT 8:00 AM CAPITOL 102
03/22/01		(H)	Heard & Held
03/22/01		(H)	MINUTE(STA)
03/27/01		(H)	STA AT 8:00 AM CAPITOL 102
03/29/01		(H)	STA AT 8:00 AM CAPITOL 102

WITNESS REGISTER

JANET SEITZ, Staff
to Representative Norman Rokeberg
Alaska State Legislature
Capitol Building, Room 118
Juneau, Alaska 99801
POSITION STATEMENT: Testified on behalf of Representative
Rokeberg, sponsor of HJR 1.

REPRESENTATIVE LISA MURKOWSKI
Alaska State Legislature
Capitol Building, Room 408
Juneau, Alaska 99801
POSITION STATEMENT: Testified as sponsor of HJR 2.

REPRESENTATIVE ANDREW HALCRO
Alaska State Legislature
Capitol Building, Room 414
Juneau, Alaska 99801
POSITION STATEMENT: Testified as sponsor of HJR 3.

ACTION NARRATIVE

TAPE 01-30, SIDE A
Number 0001

CHAIR JOHN COGHILL called the House State Affairs Standing Committee meeting to order at 8:08 a.m. Representatives Coghill, James, Fate, Stevens, Wilson, Crawford, and Hayes were present at the call to order.

HJR 1 -CONST AM: 90 DAY LEGISLATIVE SESSION

HJR 2 - BIENNIAL STATE BUDGET

HJR 3 - CONST AM: SESSION LIMIT/INTERIM COMMITTE

HJR 5 - CONST AM: 90 DAY LEGISLATIVE SESSION

[Contains discussion of HJR 1, HJR 2, HJR 3, and HJR 5]

CHAIR COGHILL announced that the first order of business would be the subcommittee report and subsequent actions on four house joint resolutions [HJR 1, HJR 2, HJR 3, and HJR 5] relating to the date and time of the legislative session and the biennial budget.

Number 0122

REPRESENTATIVE FATE presented the report from the subcommittee, which he had chaired. He noted that there had been a lively discussion. Representatives Stevens and James were present in addition to Representatives Crawford and Wilson, who were on the subcommittee. Also participating were Representatives Murkowski and Halcro and Representative Halcro's staff. Testimony was provided by Tamara Cook, Director, Legislative Legal Services. Representative Fate described the meeting as "tremendously productive as far as information was concerned."

REPRESENTATIVE FATE then reported that the subcommittee recommends dividing the four proposals into two questions, one concerning biennial budgeting and the other concerning session length. He noted that the division could easily be done by creating two bills, one for biennial budgeting and the other changing the length of session to a consensus position of 90 days. Further, he said, the subcommittee discussed whether those two questions should be addressed as constitutional amendments or under statutory authority. The subcommittee suggested full committee discussion of that issue.

REPRESENTATIVE FATE explained that both proposals are do-able by both mechanisms. Tam Cook had pointed out that the legislature could always undo what it does under statutory authority. On the other hand, when something is placed in the constitution, "you have a fence around it that you can't change," giving that measure an amount of certainty but less flexibility, Representative Fate said

Number 0533

CHAIR COGHILL declared that he was separating the two issues, the biennial budget and the 90-day session limit, as recommended by the subcommittee. He then asked each bill sponsor to give a brief position statement addressing the issue of a constitutional amendment vs. statutory authority with regard to their own bills, suggesting that the committee hear all of their positions before beginning discussion.

Number 0675

JANET SEITZ, Staff to Representative Norman Rokeberg, Alaska State Legislature came forward to testify on behalf of Representative Rokeberg, sponsor of HJR 1. She said Representative Rokeberg feels more comfortable with a constitutional amendment because it puts a more stringent requirement on the 90-day limit. His proposal, HJR 1, includes provision for a ten-day extension of the legislative session.

Number 0741

REPRESENTATIVE LISA MURKOWSKI, Alaska State Legislature, came forward to testify as the sponsor of HJR 2. She emphasized a point Tam Cook had made, that one can go only so far statutorily. For example, it would be possible to prepare a biennial budget, but unless it was embedded in the constitution, the legislature still would have to vote on that budget annually. She views a shortened session as an incidental benefit of a biennial budget, possible only if the legislature can implement budget considerations in the first year. She is inclined to try a statutory pilot program for a biennial budget, involving one or two departments. But she does not think the length of the session can be shortened until a full biennial budget process is instituted in the constitution.

Number 0880

CHAIR COGHILL said it was his intent to hold HJR 2 in committee until she returned with a proposal for some kind of pilot program that would be more statutorily based, and which he would be glad to hear.

Number 0911

REPRESENTATIVE JAMES said she thinks a biennial budget is a very important part of the larger issue of a long-term fiscal plan for the state. "It is going to be very difficult to do a two-year budget when we can hardly determine how much money we're going to have for one," she said. "We have to have some steady flow of money." She added, "I think piecemealing [a long-term plan] is not a way to go."

REPRESENTATIVE JAMES noted that the legislature's original constitutional amendment on the Permanent Fund, while making the Permanent Fund permanent, put the earnings of the Permanent Fund into a separate, accessible account called the Earnings Reserve. Money in the Earnings Reserve can be put into the general fund or spent as determined by the legislature. There now is enough money in the earnings reserve and the constitutional budget reserve to fund a two-year budget. "This is the only way that I can see we could ever get enough money in the near future to do a biennial budget," she said.

REPRESENTATIVE JAMES agreed with Representative Murkowski that a constitutional amendment is needed.

Number 1092

CHAIR COGHILL said he would keep HJR 2 in committee for continuing discussion. He noted that it "certainly sets a direction," but thinks it would be wise to take the next step statutorily.

Number 1134

REPRESENTATIVE STEVENS added that he appreciated what Representative Murkowski had said about a pilot project. He wanted to hear more of her thoughts about phasing in a biennial budget over five or six years.

REPRESENTATIVE MURKOWSKI said she plans to consult with the Office of Management and Budget about where to start and how to accomplish a phase-in. She asked permission to report back to the committee on that in the near future.

CHAIR COGHILL said that would be fine, and that HJR 2 could be used as a framework for that discussion.

Number 1231

REPRESENTATIVE ANDREW HALCRO, Alaska State Legislature, came forward to testify as the sponsor of HJR 3. He expressed preference for a constitutional amendment to establish the structure for a 90-day session because that would eliminate the existing option to stretch the session length. Constitutionally, it now is possible to have a 90-day session and to work on a two-year budget, and he urged that the legislature do so voluntarily. Holding interim committee meetings, as proposed in HJR 3, also is possible now. Doing so would require a simple adjustment to the Uniform Rules, which does not require constitutional amendment. He closed by pointing out that today is the 80th day of the session and there is nothing on the calendar but citations.

Number 1363

CHAIR COGHILL recommended using HJR 1 as the vehicle for movement of the 90-day issue because HJR 1 deals simply and primarily with the length of the session and limits the length through a constitutional amendment. He thought an amendment would preclude convoluted discussions every legislative session about that session's length.

Number 1466

REPRESENTATIVE FATE pointed out that HB 3 envisioned that the interim would be much more active. In the subcommittee discussion, the question arose about potential difficulties of all members' participation. Representative Fate viewed that as a "huge consideration" if the session is shortened. He recommended against embedding the 90-day limit in the constitution before it had been tried. The statutory authority gives more flexibility if things don't work, and he thinks the idea of a pilot program has real merit.

CHAIR COGHILL asked Representative Fate if he had in mind going ahead and getting a statutory provision through both bodies of the legislature to see if a session could be conducted in 90 days.

REPRESENTATIVE FATE said the suggestion came up in the subcommittee that the legislature try pilot programs under statutory authority on both biennial budgeting and the 90-day session. However, as Representative James suggested, "this whole thing may have a lot to do with the fiscal policies that come out of the so-called caucus and whether or not we have a long-range fiscal policy," he said.

Number 1631

CHAIR COGHILL stated that he was dividing the question because he thought it would be wisest to drop the subject of the biennial budget for the time being and focus on the 90-day issue. He said he was going to entertain the idea of statutory authority, but cautioned, "We have four caucuses, two bodies, and a lot of different opinions as to how that might happen," He thought that proposal of a 90-day session pilot project would probably bring the discussion to the forefront.

Number 1701

REPRESENTATIVE WILSON commented, "This may be only the 90th working day and there might not be ... [anything on the floor of the session] except citations, but all of the committees are very actively working very hard, and so we have to look at not just what's happening in session but what's happening behind the scenes."

REPRESENTATIVE JAMES said she thinks there are not enough committee meetings. Many bills have only one committee of referral. Although the minutes are available on the record and once can listen to testimony on Gavel-to-Gavel, "there's not enough hours in the day for each one of us to know what's happening all over the place," she said. She prefers more committee meetings so that more people, including the public, can participate. She emphasized, "I think that whatever we do, ... the goal is to do a better job of what we're doing..., involve the public more, [and] have a more successful outcome. If that takes more or less time, that is a different issue. The outcome is what we want."

Number 1828

REPRESENTATIVE CRAWFORD said:

I couldn't agree with Representative James' last statement more.... I want to see us do the best job

that we can and I don't know that we'll be able to give the bills that come before us the proper study and the proper thought that we should if we cut ...[the session] down to 90 days. I'd like to see us shorten it. I'd like to see that we were doing more substantive work on the 80th day. But I have ... some real qualms about embedding this into the constitution without having seen that it can work. I'd like to give it a try through statute to see if 90 days really is an improvement over what we do today.

Number 1908

REPRESENTATIVE STEVENS spoke in opposition to making a constitutional change because that would not allow "any wiggle room." If it turns out that 90 days is not enough time, it is going to be virtually impossible to go back and change a constitutional amendment. He would prefer to reduce the length of the session by statute and thereby retain the option of expanding the time if needed.

CHAIR COGHILL urged caution. He pointed out that the legislature has to have enough time to go through a discovery process with the administration to be updated on what is going on in state government and to allow the public to participate in the discussion. He expressed concern about shortening to 90 days the amount of time the public could visit the legislature. Another dynamic that needs to be considered is the interaction between the House and the Senate after each has gone through its budget process, he said.

Number 2123

REPRESENTATIVE HAYES recalled the difficulty the legislature had when it tried to complete its business in fewer days last year. He opposed shortening the session either constitutionally or statutorily because leadership already has the authority to end the session in 90 days, and he does not want to see the legislature shorten the session and then find that it is not possible to get the work done in that time.

CHAIR COGHILL said it is a significant thing to shorten the session by 30 days. Referring to Representative Halcro's idea of holding committee meetings during the interim, he said he had encountered difficulty in attempting to schedule committee work between the time of election and the beginning of session because committee assignments were in the process of being

finalized, legislators were busy getting personal business in order so they could get away for the session, and it was the holiday season.

Number 2283

REPRESENTATIVE HALCRO recalled that the majority caucus had organized and committee assignments were made within 72 hours after the election. However, he acknowledged Chair Coghill's concerns and said he is starting to think "a constitutional amendment right out of the chute isn't the way to go." He expressed hope that leadership of both bodies would be willing to experiment, to put forth a concerted effort to see if the work could be accomplished in 90 days. That would retain the flexibility to go to 120 days if necessary. Also, he noted, there have been several times in recent years when the legislature has gone into special session beyond 120 days.

Number 2439

REPRESENTATIVE JAMES asked Representative Halcro if he had thought about the process by which bills could go to committees before first being read across the floor and how those bills could move from committee to committee without the required reading in between.

REPRESENTATIVE HALCRO said he envisioned legislators being sworn into office in December and committees meeting in the first 30 days to address pre-filed bills. There would be no movement of bills from one committee to the next, "but you would at least get a jump start on addressing those pieces of legislation that are already in your committee."

REPRESENTATIVE JAMES said it is possible to do that now. She asked if he envisioned legislators coming to the capitol and opening session in December to swear in all members and have the first reading of pre-filed bills, then taking a recess and reconvening the next year.

REPRESENTATIVE HALCRO said he did not think they would need to come to the capitol to be sworn in the second Monday in December.

CHAIR COGHILL said he thought the Senate had not organized until the day they gaveled in, and that there can be a lot of political dynamics associated with that organization in either house.

REPRESENTATIVE HALCRO did not think the entire body would need to assemble in one place, but could hold regional swearing-in ceremonies. He thought legislators could simply move into their home district offices and begin work there. Committee chairmen could schedule meetings by teleconference between then and mid-February, when the session would convene in the capital and "we could hit the ground running."

REPRESENTATIVE JAMES expressed appreciation for Representative Halcro's enthusiasm, saying it reminds her of when she first came to the legislature nine years ago. "I came here as an accountant and tax preparer and thought I really knew a lot about organization and management skills, and I had all these big ...[things] that I was going to do when I got down here; and halfway through the session, I found out if I wanted to do all those things, I'd have to be governor."

Number 2705

REPRESENTATIVE FATE suggested trying a pilot program under a statute with a sunset date, which would allow the option of either extending the sunset or allowing the legislation to expire. He noted that legislative leadership is an avenue that has not been explored, and that the leadership of both bodies will have to concur in the desire to shorten the session. "And to that end, if ... [those who want] the session shortened went to the leadership and had a good discussion on this thing at length, it might bear the fruits that we're all trying to achieve here," he said. "But as it stands now, Mr. Chairman, it's kind of like deadlock."

Number 2831

REPRESENTATIVE HAYES recalled several attempts to shorten the session in recent years. "I think work with leadership is the way to go, but I think you're going to have a very hard time getting to 90 days," he said.

Number 2866

REPRESENTATIVE WILSON noted that the discussion had brought up several things she had not thought about. One was how the public could take part if committees were meeting all over the state without Gavel-to-Gavel television coverage. Another was the difficulty of freshmen legislators getting settled in.

Number 2923

REPRESENTATIVE STEVENS expressed appreciation for Representative Halcro's "thinking outside the box" and stimulating serious consideration of changes. He expressed concern about group dynamics if committees met by teleconference, especially if the committee had not previously met face to face.

REPRESENTATIVE HALCRO said unless legislators continue to discuss these issues and involve the public in doing so, "We're going to allow the public [via the initiative process] to make decisions that we really should be ... making."

CHAIR COGHILL noted, "We're always examining the structure of our government, and I think that's wise." He said there still is question about whether 90 days is a good number. He emphasized that the deliberative process within committees is very important, as is including the public in the discussion. He proposed holding committee meetings to hear constituents on the 90-day issue during the interim. He also noted the importance of being able to call on legal counsel for the kind of information provided to the subcommittee, and cautioned that doing so outside the session "could be problematic."

Number 2765

REPRESENTATIVE JAMES said she had no problem with bringing these issues forward and having this discussion. "My ears are open, but so's my mouth," she said. She emphasized that the real activities of the legislature are accomplished through the deliberative process in the committees, where the public can chime in. She reiterated that anything the legislature does must improve the public process, not necessarily shorten its time.

Number 2660

REPRESENTATIVE FATE expressed appreciation for help provided to the subcommittee by Rynniva Moss, Staff to Chair Coghill, and for the valuable contributions of all involved.

CHAIR COGHILL declared that the committee would hold over the 90-day issue for further discussion. [HJR 1, HJR 2, HJR 3, and HJR 5 were Heard and Held].

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:04 a.m.