

**ALASKA STATE LEGISLATURE  
HOUSE STATE AFFAIRS STANDING COMMITTEE**

February 19, 2008  
8:05 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Bob Roses, Vice Chair  
Representative John Coghill  
Representative Craig Johnson  
Representative Andrea Doll  
Representative Max Gruenberg

**MEMBERS ABSENT**

Representative Kyle Johansen

**COMMITTEE CALENDAR**

HOUSE BILL NO. 318

"An Act relating to the location of the convening of the legislature in a special session; and providing for an effective date."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 318

SHORT TITLE: LOCATION OF SPECIAL SESSIONS

SPONSOR(S): REPRESENTATIVE(S) GATTO

01/15/08 (H) READ THE FIRST TIME - REFERRALS

01/15/08 (H) STA, FIN

02/19/08 (H) STA AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

REPRESENTATIVE CARL GATTO

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Presented HB 318 as prime sponsor.

KARLA SCHOFIELD, Deputy Director

Administrative Services

Legislative Affairs Agency

Juneau, Alaska

**POSITION STATEMENT:** During the hearing on HB 318, provided information related to the estimated cost of holding special sessions outside of Juneau.

TAMMY WILSON

North Pole, Alaska

**POSITION STATEMENT:** Testified on behalf of herself in support of HB 318.

VIVIAN STIVER

Fairbanks, Alaska

**POSITION STATEMENT:** Testified on behalf of herself in support of HB 318.

WIN GRUENING

Alaska Committee

Juneau, Alaska

**POSITION STATEMENT:** Testified on behalf of the Alaska Committee during the hearing on HB 318.

RANDY WANNAMAKER, Deputy Mayor

City & Borough of Juneau (CBJ)

Juneau, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 318.

#### **ACTION NARRATIVE**

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at [8:04:27 AM](#). Representatives Roses, Coghill, Johnson, Doll, and Lynn were present at the call to order. Representative Gruenberg arrived as the meeting was in progress.

#### HB 318-LOCATION OF SPECIAL SESSIONS

[8:04:46 AM](#)

CHAIR LYNN announced that the only order of business was HOUSE BILL NO. 318, "An Act relating to the location of the convening of the legislature in a special session; and providing for an effective date."

[8:05:10 AM](#)

REPRESENTATIVE CARL GATTO, Alaska State Legislature, presented HB 318 as prime sponsor. He said special sessions are a fairly common event. He relayed that on a recent trip to Juneau, the

plane - carrying many legislators, department heads, and the governor - was unable to land in Juneau due to weather. He said in the past legislators have given up their housing in Juneau by the time a special session is called and have had to scramble for places to live - some of them resorting to living in their offices.

REPRESENTATIVE GATTO said the special session held in Anchorage in 2007 lasted seven hours and was reported to have cost \$100,000. He noted that the most expensive airfare possible for roundtrip flights from Juneau to Anchorage was used in the calculation. He said, "It did seem to me, in the areas that I knew, that the bill was padded."

[8:09:37 AM](#)

REPRESENTATIVE GATTO said he thinks the special session should be held [outside of Juneau]. He indicated a preference for sessions to be held outside of Juneau - near to where two-thirds of the population is on a road system.

[8:10:52 AM](#)

REPRESENTATIVE GATTO, in response to a question from Chair Lynn, said he does not know the exact number of legislators that were on the aforementioned airplane, but he said, "If you count legislators and administrators and whatnot, it seemed like we should have chartered the plane."

CHAIR LYNN concluded that if that plane had gone down, the state would have lost numerous legislators and the governor.

[8:12:12 AM](#)

REPRESENTATIVE DOLL noted that the bill does not designate where special sessions would be held, thus, she presumes it could be held in various locales.

REPRESENTATIVE GATTO confirmed that the bill does not specify Anchorage; it simply would allow special sessions to be held on "the interconnected road system." In response to Representative Doll, he admitted that the necessary equipment would have to be moved to the special session locale, then back to the capital. He said his emphasis is on giving the best possible access to the public. He added, "I have a feeling that there would be a favorite place and we would probably stay there."

REPRESENTATIVE DOLL asked what the cost of a 30-day session would be.

8:16:36 AM

KARLA SCHOFIELD, Deputy Director, Administrative Services, Legislative Affairs Agency, said the most recent special session, held in Juneau, cost approximately \$800,000. The usual estimate for a 30-day special session is a \$50,000 one-time cost - to bring legislators to and from Juneau - and a \$25,000 daily cost. However, she said the cost varies depending on the subject and whether or not leadership wants to hire contractors. She said Representative Gatto had asked for the cost of a two-week special session in Anchorage, which she said would cost more money [than holding it in Juneau]. She talked about all the people behind the scenes who are needed to put on a special session, such as the Chief Clerk and Senate Secretary, and the staff of Data Processing. She noted that a very minimal staff was sent to the one-day session in Anchorage, and some of that staff volunteered to serve as pages - a job they would not be able to cover during a 30-day session, because they would be busy doing work for the legislators.

MS. SCHOFIELD addressed the fiscal note in the committee packet, [dated 2/18/08 and prepared by Ms. Schofield]. She said she chose the Egan Convention Center in Anchorage and the Carlson Center in Fairbanks as two places that could house a special session. She corrected a misconception that having a special session in Anchorage would mean only the people in Anchorage would be working, by noting that there are people in Juneau who work during a special session outside of Juneau, such as the staff of House and Senate Records who record and transcribe the minutes. She indicated an extra cost of \$26,000 to send staff to Anchorage from the Legislative Information and Data Processing Offices.

8:19:56 AM

MS. SCHOFIELD said any time a special session is held outside of Juneau there will be the added cost of sending technical staff ahead of the start of the special session to set up and then remain throughout the special session. The cost for personal services, she said, is the same whether the special session is held in Juneau or Anchorage. Regarding travel, she noted that although it does cost less to send legislators to Anchorage than to Juneau, more staff needs to be sent to Anchorage. She indicated that the number of staff she used in her calculations

was 57. Bringing all staff would cost close to \$30,000. She said the optimal special session outside of Juneau would replicate the ones held in Juneau. She said the per diem rate is higher in Anchorage in the summer than it is in Juneau. There are 28 legislators who live within a 50-mile radius of the Egan Convention Center who would get 75 percent of the per diem rate, which is what Juneau legislators get in Juneau; however, there is the additional cost of the staff that would be necessary. She explained that staff authorized to travel to a special session are considered to be on a trip and, thus, get per diem.

[8:22:54 AM](#)

MS. SCHOFIELD said the biggest issue is regarding the availability of space. She noted that the Egan Convention Center is larger than the Carl Center. She said currently the legislature is "considering block 39" in Anchorage, which she related is not big enough to house every legislator. She added, "But if that goes through and we end up with a larger space for the legislature, there are conference rooms that we could use for the session, but that wouldn't be until 2010." There is nothing comparable in Fairbanks. She said she assumes the legislature would want to alternate where it met for special sessions outside of Juneau.

MS. SCHOFIELD said 17 boxes were sent to Anchorage for the one-day special session, but she is certain a lot more boxes would have to be sent for a 14-day special session. She said all legislators have lap top computers now, which they may choose to bring. She suggested that for office space, legislators might "camp out in their hotel rooms or in other legislators' offices." Copiers would have to be rented, but the cost of supplies would be about the same. She pointed out that there is no voting machine outside of Juneau, and the purpose of the machine is to keep track of voting records. She said "voice votes" could be conducted, but would not work well for a long period of time. Another issue is one of confidentiality. If people are asking for a lot of amendments, she said, it must be guaranteed that only the legislator asking for information is privy to the response. She mentioned For The Record (FTR), the recording system used to keep the public record.

[8:25:41 AM](#)

MS. SCHOFIELD, in response to a question from Representative Doll, reiterated that the last 30-day sessions held in Juneau

have cost approximately \$800,000 and outside of Juneau would be more, depending on what leadership deems necessary.

[8:26:25 AM](#)

CHAIR LYNN asked about a handout that shows statistics related to air flights that have been diverted from Juneau.

[8:26:32 AM](#)

REPRESENTATIVE GATTO indicated that he had received that information from the Department of Transportation & Public Facilities (DOT&PF). He said delays occur at the Anchorage International Airport; however, he said he thinks that "everyone here would probably acknowledge that Anchorage is a pretty dependable airport."

REPRESENTATIVE GATTO asked Ms. Schofield what the annual budget is for Legislative Affairs.

MS. SCHOFIELD said the answer depends on what aspect of the legislature is being discussed. The session budget is approximately \$6 million or more.

[8:29:28 AM](#)

REPRESENTATIVE GATTO asked the committee to consider the cost to those constituents who want to testify in person. He said Juneau became the capital originally because it was the center of commerce, but the center of both commerce and the state's population have shifted. He stated that "this location of Southeast [Alaska] shows a diminishing population with time."

[8:31:26 AM](#)

REPRESENTATIVE GATTO, in response to a question from Chair Lynn, confirmed that the bill is not proposing to move the capital, but only to hold special sessions outside of the capital on the interconnected state road system in order to give access to the greatest concentration of the state's population.

[8:32:26 AM](#)

REPRESENTATIVE COGHILL directed attention to language on [page 2, lines 12-13], which read as follows:

(b) A special session may be held only at a [ANY] location on the interconnected state road system [IN THE STATE].

REPRESENTATIVE COGHILL asked Representative Gatto for the definition of "interconnected state road system."

[8:32:53 AM](#)

REPRESENTATIVE GATTO said such a system ought to be on hard surface roads, and he expressed his inclination is to specify the "rail belt," because that would include the major cities and "very clearly defines what we mean by the system."

REPRESENTATIVE COGHILL noted that by using the word "only", the sponsor means to exclude many locations and narrow down the accepted area.

REPRESENTATIVE GATTO confirmed that that is his intention.

[8:33:55 AM](#)

REPRESENTATIVE GRUENBERG observed that the interconnected road system, as defined by the bill sponsor, would exclude Juneau as a possible location for special sessions, because even if a road is built, there would still be a portion of the road that would be the navigable waters used by the Alaska Marine Highway System (AMHS).

REPRESENTATIVE GATTO responded, "I believe that's true."

[8:34:40 AM](#)

REPRESENTATIVE JOHNSON remarked that even though AMHS's route is considered an interconnected state road system, he would "hesitate to think the part that goes through the Yukon and British Columbia could ever be construed as a state road."

REPRESENTATIVE GRUENBERG said that the language in the bill is not clear.

REPRESENTATIVE GATTO said he thinks changing the language to "the rail belt" would clarify the matter.

[8:35:37 AM](#)

REPRESENTATIVE GRUENBERG said Ms. Schofield has given the cost related to holding special sessions in Anchorage, and he would like to see a fiscal note reflecting "the most expensive and the longest potential session."

MS. SCHOFIELD, in response to Representative Gruenberg, clarified that the fiscal note does include Fairbanks as a possible location for a special session, and she reiterated that the cost would be higher. She stated, "Under these assumptions - for a two-week [session] - it would be \$438,000 extra." In response to a follow-up question, she indicated that a 30-day session in Fairbanks would most likely be calculated by removing the one-time travel costs, doubling the remainder, [and adding back in the one-time travel cost].

[8:36:55 AM](#)

REPRESENTATIVE COGHILL remarked that Juneau has, in many ways, been a good host community. He recommended talking to prospective communities and asking if they are willing to put forth what Juneau has. He explained that he is saying that in defense of Juneau. He stated that he does not mind increasing the scope of where a special session may be held - a capability he said he thinks is already allowed by statute. He indicated that this bill may not even be necessary.

[8:38:31 AM](#)

CHAIR LYNN said the people of Juneau are cordial and he praised their hospitality. He clarified that the bill "has nothing to do with Juneau itself or anything that goes on here," but rather is just addressing "the practicalities of where we might have a special session."

[8:39:27 AM](#)

MS. SCHOFIELD, in response to a question from Representative Roses, said car rentals are usually approved for legislators who do not have access to a vehicle and need one to get to session, and that would be no different in Anchorage, for example, than it is in Juneau.

REPRESENTATIVE ROSES pointed out that a lot more legislators would have access to their cars on the interconnected state road system than in Juneau. He said he thinks there are a lot of costs involved that aren't reported because they are considered part of normal expense, but he said he thinks many of those

costs would be deferred. He said he hopes that the legislature, because of the expense involved, would want to let communities bid on having the special session in their town, because he said he guarantees the cost would be driven down considerably.

8:41:14 AM

REPRESENTATIVE GRUENBERG referred to a sentence from Article II, Section 9, of the Constitution of the State of Alaska, which read: "Special sessions may be called by the governor or by vote of two-thirds of the legislators." He said a legislature cannot bind a subsequent legislature on such issues as appropriations. He questioned the constitutionality of the proposed legislation, explaining that it attempts - in this legislature - to bind a separate future legislature on where it may hold special sessions. He asked the bill sponsor if he has obtained a legal opinion on that issue.

REPRESENTATIVE GATTO answered, "Not to my knowledge." He continued:

However, any special session requires expenditure of funds. And whether or not it's binding on a different legislature to say, "We're going to spend a certain amount of money only in one location, and that's legitimate for every future legislative session," versus, "We're going to spend the money in a different location and possibly a different amount," since the amount of money is not certain in any event.

REPRESENTATIVE GRUENBERG responded:

That raises a second issue whether this could bind the appropriations to pay for this. I think it's pretty clear it could not. I'm talking about the text itself, whether the current text - the authorizing legislation that attempts to bind where a future legislature could call itself into session - would be.

REPRESENTATIVE GRUENBERG noted that HB 318 would not be heard by the House Judiciary Standing Committee, and he said he thinks the committee should get a legal opinion regarding the bill's constitutionality.

REPRESENTATIVE GATTO said, "I think this is a thin argument that is there only to maybe raise a question." He said he thinks the question is certainly answered in the constitution, which simply

states that the legislature may call itself into a session. The implication is that doing so will cost money no matter where the session is held. He said the legislature is not binding another legislature by calling itself in or being called in by the governor.

[8:44:43 AM](#)

REPRESENTATIVE DOLL questioned the use of the word "only" [text provided previously], which would mean the legislature would have to meet outside of Juneau, even for a special session that was called to begin directly after a regular session when all the legislators would still be in Juneau. She remarked that much of the state is being left out of consideration. She asked the bill sponsor to comment.

[8:46:14 AM](#)

REPRESENTATIVE GATTO responded, "This bill is not about us; this bill is all about the public."

REPRESENTATIVE COGHILL, in response to a question from Representative Gatto, confirmed that legislative special sessions can follow immediately after regular sessions. He said he thinks exclusive language in the bill could be problematic.

[8:47:49 AM](#)

TAMMY WILSON, testifying on behalf of herself, said the committee is missing the point that the legislation is about the interaction that all constituents want to experience. She said the only reason she was able to afford coming to the capital was because the airline had a special rate and she had a daughter living in Juneau who could house her. She said the money spent in another city in Alaska boosts that city's economy. She remarked on the enthusiasm of public participants of the recent special session held in Anchorage, and noted that some of them had traveled down from Fairbanks. Ms. Wilson talked about being able to bring children to talk to legislators one on one, not to "a black box on a table." She asked the committee to support HB 318.

[8:49:50 AM](#)

REPRESENTATIVE COGHILL thanked Ms. Wilson for "coming out and speaking to the black box." He reminded Ms. Wilson that the bill would require special sessions to be held outside of

Juneau, but where regular sessions should be held is a bigger issue for another venue.

MS. WILSON remarked that sometimes it is difficult to understand testimony if someone does not speak into the microphone, so at least having special session where she can be in the same room with the testifiers and committee members would be better than the present situation.

8:51:01 AM

VIVIAN STIVER testified on behalf of herself in support of HB 318. She stated her belief that special sessions should be more accessible to the population, because the issues dealt with in them are usually ones about which people in the community are passionate. She said people are more likely to participate if they can come see legislators face to face, but the cost of going to Juneau is prohibitive for a majority of Alaskans. Holding [special sessions] on the road system would make [public participation] much more accessible and affordable. In response to a question from Chair Lynn, she said she is a small business owner who sits on the Fairbanks City Council.

8:52:28 AM

WIN GRUENING, Alaska Committee, testified on behalf of the Alaska Committee, which he stated is an all-volunteer, nonprofit group in Juneau dedicated to improving and enhancing Juneau as Alaska's capital city. He said it makes little sense to try to duplicate "all the infrastructure, offices, staffing, and Gavel to Gavel coverage" that currently exist in the capital city and pay the related cost of doing so by moving special sessions to another city or cities, particularly when a special session immediately follows a regular session and the entire legislature is convened in the capitol.

MR. GRUENING stated that Gavel to Gavel coverage is available and provides the greatest access to all Alaskans. To previous testifiers who talked about the disconnection between themselves and the legislature, he suggested monitoring the meetings on television where they could see the expressions of the legislators better than if they were sitting in the back of the committee room. At this point in time, he said, it is not clear if it would be technically feasible to provide Gavel to Gavel coverage in another city that was not equipped for it.

MR. GRUENING, regarding the sponsor's statement, said it is hard to understand where any cost savings would be realized. Per diem is paid to all legislators, regardless of where the legislature meets, and, as has been pointed out, per diem in Anchorage is much higher than it is in Juneau. The cost of providing a special session in another city would be substantially more than it is in Juneau, he said, and that does not include the cost - currently \$500,000 a year - of producing Gavel to Gavel coverage, which is provided primarily through the support of the community of Juneau. Mr. Gruening noted that the cost of the recent special session in Anchorage was approximately 50 percent higher than a similar session that was held in Juneau in 2004. Even at almost double the price, those costs did not include facility rental fees, because the aforementioned special session in Anchorage took place in donated facilities. Furthermore, there was no Gavel to Gavel coverage, he reminded the committee.

[8:56:23 AM](#)

MR. GRUENING asked how holding a special session that is not televised or covered by Gavel to Gavel would increase access. He said it would increase access for the several dozen people who may attend a special session in another city, but would take access away from thousands of potential people who would watch it on Gavel to Gavel. Mr. Gruening said millions of dollars have been spent by the community of Juneau, in partnership with the local public television station, to design and construct the currently used system, and none of the funding for that system came from the legislature. He listed the following as required to make [Gavel to Gavel] run seamlessly: miles of cabling, expensive video cameras, new production studios, digital switches, satellite link up, streaming technology, storage for archiving, the training of personnel, production procedures, and various back-up systems. He reemphasized the length of time and the expense necessary to duplicate such coverage, and he said none of that is considered in the bill before the committee.

MR. GRUENING said the proposed legislation is promoted as saving costs and increasing access to the legislature. He continued:

The sponsor points to the special session held last year as an example of how important this bill is, yet the fact that a special session was held outside the capital city proves only that this bill is unnecessary. As Representative Coghill pointed out, the legislature or the governor can make a decision

any time it wants to call a special session in any location in Alaska .... All this bill does is limit the options available to either party to pick the best location. The irony here is that if the bill passed and ... some natural disaster occurred in Southcentral - a volcano, an earthquake, a flood; natural disasters that have occurred in Southcentral in the not-too-distant past - you would have to pass another law to move it to Juneau, even temporarily.

MR. GRUENING urged the committee to hold HB 318. He stated that the bill not only does not provide any authority beyond what is available now, it limits existing authority. He said he is not denying that there may be future reasons to hold a special session in another part of the state, but he said he does not think it should be done without fully analyzing the costs and considering the issue of Gavel to Gavel coverage.

[8:59:31 AM](#)

RANDY WANNAMAKER, Deputy Mayor, City & Borough of Juneau (CBJ), testified on behalf of CBJ. He stated that over the years, the Juneau Assembly has consistently supported both the completion of the Juneau access road project and funding for the Alaska Marine Highway system. He said the highway system is a part of the interconnected state road system; the federal government shares that view and provides federal highway funds for various transportation systems across Alaska, including the Lynn Canal project and the Alaska Marine Highway System. He warned that passage of HB 318 could hinder both federal [and] state funding for these road systems.

MR. WANNAMAKER echoed Mr. Gruening's testimony that the legislature already has the ability to call a special session anywhere in the state. He said the bill assumes that there will never be "a project or issue so unique to the people and resources of another region of the state that the legislature would never consider holding a special session in that region." He questioned the wisdom of that way of thinking. Regarding the argument that the bill would allow the legislature proximity to the majority of the population, he noted that 33 of the 50 United States do not have state capitals located in their largest cities.

MR. WANNAMAKER said the Juneau Assembly has consistently supported the Kensington Gold Mine as a means of diversifying its local and regional economy, but he warned that the passage

of HB 318 would "weaken our economy." He said Alaskans need to work on improving all modes of transportation and communication between regions. He urged the committee to preserve the current flexibility the legislature already has to call special sessions wherever it so chooses. He also remarked that air travel to legislative session is common in the Lower 48.

[9:04:35 AM](#)

REPRESENTATIVE JOHNSON, regarding previous testimony about Gavel to Gavel, talked about advances in technology and said, "... the millions of dollars that you spend here is not needed there, because it already exists in three or four places." He clarified that although Gavel to Gavel coverage is an issue, it is not a "bill killer."

[9:05:19 AM](#)

CHAIR LYNN closed public testimony.

[HB 318 was heard and held.]

[9:05:29 AM](#)

CHAIR LYNN briefly discussed the upcoming committee calendar.

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [9:05:39 AM](#).