

**ALASKA STATE LEGISLATURE**  
**SENATE STATE AFFAIRS STANDING COMMITTEE**

February 27, 2007

9:04 a.m.

**MEMBERS PRESENT**

Senator Lesil McGuire, Chair  
Senator Gary Stevens, Vice Chair  
Senator Hollis French  
Senator Lyda Green  
Senator Con Bunde

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

Overview: Impacts of a 90-day session

**PREVIOUS COMMITTEE ACTION**

No action to report.

**WITNESS REGISTER**

REPRESENTATIVE JAY RAMRAS  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Spoke in favor of a 90-day session.

SENATOR TOM WAGONER  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Spoke in favor of a 90-day Session.

TAMARA COOK, Director  
Legislative Legal and Research Services  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions regarding a 90-day session.

PAM VARNI, Executive Director  
Legislative Affairs Agency  
Juneau, Alaska

**POSITION STATEMENT:** Explained the impact of a 90-day session on the legislative budget.

JACK KREINHEDER, Chief Analyst  
Office of Management and Budget (OMB)  
Juneau, Alaska

**POSITION STATEMENT:** Explained the impact of a 90-day session on the budget process.

#### **ACTION NARRATIVE**

**CHAIR LESIL MCGUIRE** called the Senate State Affairs Standing Committee meeting to order at [9:04:25 AM](#). Senators French, Stevens, McGuire, Green, and Bunde were present at the call to order. Senator John Cowdery was also present.

Presentation: Impacts of a 90-day session

CHAIR MCGUIRE announced that the committee will hear presentations on the ballot initiative that passed in 2006 regarding a 90-day session.

[9:05:56 AM](#)

REPRESENTATIVE JAY RAMRAS, Alaska State Legislature, said both the House and the Senate have draft legislation regarding a 90-day session. Sometimes it takes a new person to tip over the apple cart so that the apples get put back in a more organized fashion, he said, and more experienced people than he can put the apples back. He had frustration, so he organized sponsors—Senators Tom Wagoner and Gretchen Guess—and went across the state to collect 46,000 signatures. It was a remarkably under-discussed issue with not much money spent on either side. It was overshadowed by other campaigns, so it really was the will of the people, although it passed by only a narrow margin, he stated.

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REPRESENTATIVE RAMRAS said, "By valuing time we add value to the process." He feels comfortable in the ability to conduct legislative business in 90 days. He said he is also comfortable beginning the session in February, which may help some transportation issues, because Juneau is easier to get into later in the session; however, education proponents want a January start date for early funding. Starting in January may avoid "pink-slipping our teachers across the state in April because the House and Senate are still jostling with the ultimate budget requirement." The changes in the two draft bills

look constructive and he said he thinks it pleases the will of the people.

SENATOR TOM WAGONER, Alaska State Legislature, said he has heard all the reasons why the legislature can't have a 90-day session. But the one thing that should be stressed over and above anything else is that the chances will be improved of getting better quality members. "You take myself several years ago as a small businessman...there was no way that I could commit to 120 days to leave that business to come to Juneau." He said there are many who can't participate because of the length of time that they must be away from their businesses. He noted that former Senator Clem Tilliom participated in sessions as long as 160 days, "and that's why the session was limited to 120 days...they just had to put a stop to the bleeding." He said former Senator Gene Guess told Tilliom, "we can't beat you at the polls, we can't beat you in numbers, but we can outlast you in time." He said he prefers a 60-day session.

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SENATOR COWDERY said other states don't rely on one resource for their revenue. He said it is a good idea to stay later "to know how much money we got to play with or to work with."

SENATOR WAGONER said that is a matter of changing dates; those estimates can be done in any manner of ways. "I don't think that's a good reason at all to hold us here for 120 days."

SENATOR COWDERY said he believes that the budget estimate is what the legislature bases its budget on.

SENATOR WAGONER said those estimates can be made at any time. Without corrosion problems, the state has a pretty good idea of how much oil will flow down the pipe.

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SENATOR FRENCH said there is a law that limits the session to 90 days, and the constitution says 120 days. He asked what might happen after 90 days if the session continues.

REPRESENTATIVE RAMRAS noted that he cannot build a fence beyond the edge of his property, but there is no law that tells him he must build it on the boundary and not five feet within his own property. He said the courts or the Department of Public Safety will not rush in on the 91<sup>st</sup> day. He interprets the constitution to mean that the legislature can't meet for more than 120 days.

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CHAIR MCGUIRE said there was a legislative research report from May 2005 about all bills put forward to limit the session in Alaska and what other states do. She noted that 27 other states have shorter sessions than Alaska. She said the constitution supersedes the law, but agrees with Representative Ramras.

TAMARA COOK, Director, Legislative Legal and Research Services, said she is inclined to agree. If the legislature is in session on day 95 and legislation was passed, there might be a challenge to the validity of the legislation. She said her hunch is that the courts would say it would be valid based on the line of cases where the court will not interfere with legislative procedure. She spoke of a League of Women Voters case where the court held that whether or not a committee met was a matter of legislative procedure, "and that was a non-justiciable question. It didn't matter to the court that that particular legislative procedure was embodied in statute rather than rule." She said that is likely the type of reasoning the court would use with respect to an overrun of a statutory 90-day session.

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MS. COOK said it is her impression that most session limits are constitutional, and some may be statutory.

SENATOR STEVENS said he appreciates the applecart analogy, but now the apples must be put back. How do we avoid rushing to decision and keeping the public involvement? "I see precious few specific ways to withdraw 30 days from the length of the session." He suggested voting by audio conference or by mail, having a mid-session break, having interim working committees, limiting the number of bills, and having less and shorter public hearings. "What are your specific suggestions?" he asked.

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REPRESENTATIVE RAMRAS said he would like to defer to the institutional wisdom of someone like Senator Stevens, and he said he likes many of his suggestions except for limiting the public's involvement. He wants the legislature to look at this "as a living, growing thing that can change and evolve and actually bring government closer to people." He said there will be fewer bill "as we begin to value our time more." There are bills that appear frivolous and that don't move the state forward, but instead are "excellent showcases by request for individual legislators." With aid from members with long tenure, the legislature can initiate some of those suggested changes.

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SENATOR WAGONER said a 90-day session will strengthen the bills that are introduced and eliminate bills that "we know doesn't have a chance of getting through the system." He said he has been guilty of introducing bad bills to pacify constituents. "We should be doing good legislation that is meant to better the lives of Alaskans." He cannot see how a 90-day session will give the governor more power, as was suggested by prestigious members of the legislature. Alaska has the most powerful governor, "and there is nothing that we are going to do that's going to either increase or decrease the governor's power short of an amendment to the constitution."

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SENATOR BUNDE said he is opposed to a 90-day session, but he doesn't have a business to get back to. He has been in 15 sessions and one constant is the idea that each session will finish early, and it has never happened. It doesn't because something comes up that needs to be done. It may be that "a job will magnify to fill the time available," but in a state as diverse as Alaska, the public needs a great deal of time to weigh in. He thinks it will give the governor more power, and he spoke of a governor "of the other party" who hid things from the legislature, and so the time factor did weigh in. If a piece of legislation comes from his constituent, he would not consider it frivolous. He asked what the net gain is. Interim work will be required and it may not be in Juneau, but the body will be sitting some place. "I would rather complete the job when we're all together and get it done and go away rather than drag this out over the whole year with meetings here, meetings there, and us scattered across the state." He would like to know the net gain of meeting for 90 days instead of 120.

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CHAIR MCGUIRE said she has asked about how many special sessions have happened in Alaska. Oregon has a biennial legislature that goes into special session with those added costs.

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SENATOR BUNDE said the people have spoken; there will be a 90-day session. The discussion is whether to have special sessions. The people are not always right, but they are the boss, he said.

SENATOR COWDERY asked if the legislature will have more or less special sessions. He then asked about public hearings. There were 800 or 900 bills last session and only 200 or so became law. Referring to a bill going to three committees, "and the

committees loaded it up," he asked about only allowing public testimony in the last committee. "I know the public wants to get involved, but I'd just like you to comment on that."

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SENATOR WAGONER said he agrees, and that is probably what the legislature will be debating. If you take 900 bills, the cream will rise to the top, he said. The good bills will get the effort and the frivolous ones will be ignored. There will be debate on the rule changes, public input, and the economic impact on the community of Juneau, he surmised.

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REPRESENTATIVE RAMRAS said a shorter session will add value to the process. He welcomes special sessions; they are part of the constitution and they focus on a narrower debate. The body can recognize by March what issues are going to hold things up. The only thing that must not be affected is the public's participation in the process, whether it is telephonically or in person. He greatly discourages either body curbing that participation at all, no matter how many committee referrals. There could be more careful committee referrals, he said.

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CHAIR MCGUIRE said she wants to hear from the public. Her constituents supported the shorter session because they believed that the work could get done in that time. They were frustrated with wasteful special sessions, she noted, and "they would refer to them as power grabs and us being held hostage." It is a moment in time that people had to react and she trusts what they had to say. But the legislature is their direct line; "they can pick up the phone and call us...or knock on our door." It is very difficult for the public to reach a member of the administration. The governor is accessible, but "when you start getting down the line to the so-called bureaucrats, it's very difficult for a member of the public to find out who to talk to or how to get an answer." The Administration Regulation Review Committee is the liaison between the public and the administration during the writing of "thousands and thousands of pages of law that are being written by people that we don't know; the public doesn't know and there is virtually no recourse." She wants to hear from the public to implement their will on the session length. She spoke of SB 80 that clarifies what the legislature would allow for deductions. The legislature thought gross negligence and fraud would cover it, and now the body sees that it needs to be clearer. If that occurs outside of the 90-day session, "how do we deal with it? Should we consider

giving our committees more power in the interim...or will that thwart the people's will?" She said she doesn't want legislation that tries to subvert that will. She wants to know how to act on the public's behalf.

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CHAIR MCGUIRE said she has thought about interim committee powers, special sessions with limitations, and opening lines of communication with the administration.

SENATOR STEVENS said it is a conundrum to cut the time by one quarter and maintain public input. There already are limits on the public during hearings, and it will get more difficult. Fewer referrals mean fewer opportunities for the public to speak, he stated. He doesn't know the answer, but it is inevitable that there will be less public involvement. It is great to say that the public will have as much time as ever, but it's not true, he said.

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SENATOR WAGONER said time is relative, and as a community college dean, he has set up deadlines, timelines and goals. A 120-day session is about 17 weeks, and little work is done on weekends. If the legislature resolves to stay weekends in a 90-day session, there will be about the same amount of time.

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SENATOR BUNDE said this is an after-the-fact debate. He hopes the public weighs in. Members could work weekends and not go home to the community council meetings. It may not matter to the public, he said. The short session will cut out the public, and by not introducing so-called frivolous legislation, someone will be losing his or her voice. He said this process is just as inefficient as it is designed to be; a dictatorship is efficient. The legislature can work within the time lines that the public has said, but the repetitive work is the people's voice; it is not a business, he concluded.

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SENATOR COWDERY said he has been around a lot of speakers and presidents, and they do their job in referring bills to committees. He said no one refers bills to committees that are not entitled to hear them. It took five or six years for a tort reform bill to get through, he said. There are bills that some think are important and others don't. The current process is not bad, he said.

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REPRESENTATIVE RAMRAS said the Alaska Legal Services Fund is likely to take six years. The similarity between a business and the legislature is valuing its capital, and time is the greatest commodity of the legislature. He said he has seen bills move through the house with two referrals, and he asked if any bills got less public hearing when it only had two referrals. When a bill is referred to three committees it is often done to derail it. He said frivolous bills are identifiable.

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SENATOR WAGONER said the process is not much different than serving on boards or commissions. When he was mayor, if he wanted to kill something he threw it into a committee. Some bills may need those referrals, but he said he would like to discuss changing the rules and how to involve the public in a 90-day session.

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CHAIR MCGUIRE said she invited Representative Ramras and Senator Wagoner to represent the voice of the people. She said everyone agrees that the involvement of the public needs to be kept alive and meaningful, and the powers of the branches of government must be kept equal and active. There is no question that the executive branch is powerful. She suggested thinking about how the interim will look, and not make it look like the legislature is thwarting the will of the people. She doesn't want to create a bill that looks like a lot of loopholes.

SENATOR GREEN said she is concerned that things in statute qualify people for a full year of benefits for serving in the session, and that can't be changed. She asked how that would be addressed. Representatives Ramras and Wagoner, who worked on the initiative, should have come forward with model legislation "and not have it slugged out here." She was surprised that they had not done that and suggested they come forward with a bill.

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REPRESENTATIVE RAMRAS said the House working document changes 115 days of service to 80 days. He said he stands by his belief that the legislature wastes a lot of time, and that he is expressing the will of the people, but it is better for the State Affairs Committee to take it on. He intentionally did not submit legislation so more senior legislators could do so.

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CHAIR MCGUIRE said the Senate State Affairs Committee will incorporate that language as an amendment to change the average monthly compensation to mean that an employee must have at least 80 days as opposed to 115 days. "What that would do is allow session-only staff to go ahead and earn their steps and salary."

SENATOR GREEN said, "Well I absolutely oppose that. Why would they come any day? Why don't we have them qualify in two days? I mean, pretty soon you don't have to work."

CHAIR MCGUIRE said the committee can debate that.

SENATOR WAGONER said his conservative side agrees with Senator Green. "If this is enacted into statute then we eliminate the problem of having people who are doing community service all of a sudden get a stipend and become eligible to gain years." It is a major problem in the state. He said a 60-day session would be better, but this is the first initiative done under the new statute and it took an inordinate amount of time to get the required signatures in 36 of the districts. He said he will need a lot more passion to take part in another initiative. He thinks the new legislation works to get out to all of the state.

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CHAIR MCGUIRE said there will be an amendment drafted instead of incorporating it into the State Affairs Committee draft.

SENATOR GREEN said the irony is that Representative Ramras and Wagoner are asking people who do not have the same passion to solve this problem, and that is unfair. "This was your idea...and I have no problem with the result, but the lion's share of the work should still be in your hands because it was your idea; it was your passion and fervor that brought it forward."

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PAMELA VARNI, Director, Legislative Affairs Agency, said the legislature was heavily impacted by the special sessions in the 24<sup>th</sup> legislature, which spanned three fiscal years. The first cost \$381,000; the second, \$801,000; the third, \$777,000; and the fourth, \$193,000. Since 1959 there have been 24 legislatures and no special sessions for eight of them. Special sessions have only been budgeted for recently. This year caused a deficit. There will be a request for a transfer of funds, she explained.

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SENATOR FRENCH asked about special sessions since 1984, after the 120-day session was put forth.

MS. VARNI said there have been 21 special sessions for those 23 years. She said special sessions will continue to occur, especially with the 90-day limit. It is difficult to speculate how the 90-day session will affect legislative employees. The legislative information office will shift from seasonal to hourly, but could be called back if a special session occurs or if the legislature decides to extend the regular session. FY08 will be a good indication of any savings that might occur.

SENATOR BUNDE explained the difference between a special session and extending the regular session.

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MS. VARNI said an extension leaves staff employed as if it were the regular session. She said there should be an increase in the legislative operating budget and a decrease in session expenses, with staff being coded a shorter time to session expenses. She will budget less for session per diem but more for interim per diem. There may be staff reductions if bills and hearings are limited. "It is all very speculative," she concluded.

SENATOR BUNDE asked for a comparison with other states and how much time is spent working. "If we do something that is illusionary," and the public doesn't get what it wants, "we should be very upfront."

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MS. VARNI said she would be glad to look at that.

SENATOR GREEN asked her to find out the hours worked, noting that some legislators in other states work around the clock.

SENATOR STEVENS said he is concerned about the difficulty of attracting experienced staff to take the part-time jobs and the decrease in salaries.

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SENATOR FRENCH brought up the question of when to start a 90-day session, and he asked for the average number of days the legislators work, including special sessions. The housing market gets tighter in the summer, he noted.

MS. VARNI said it works well for legislators to rent housing prior to the tourist season. "There are several jewelry shop owners that like to come in April 15 or May 1, and with our session ending May 15, sometimes they will not shorten that

time, and unless that individual legislative staff person or legislator wants to move out early, they cannot rent that place." It is helpful to keep the session away from summer.

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JACK KREINHEDER, Chief Analyst, Office of Management and Budget (OMB), said his office is happy to work with the legislature on a 90-day session. There are three main statutory deadlines in OMB. The first is December 15 for the release of the governor's budget proposal. The supplemental budget requests are due on the 30th day of the session. The governor's budget amendments are due on the 45th day. The first is not a factor with a shortened session, but there are more issues with the other two deadlines, he said. Starting the session in February might play a role in budget timing. The current calendar dates for the supplemental budget and the amendments generally work out to be mid-February and late February. There would still be about 60 days to deal with the supplementals during the session and 45 days to deal with budget amendments. With a new governor, the budget amendments are more extensive, he explained. He said OMB is happy to work with the body on timing issues.

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SENATOR GREEN asked if releasing the budget on December 15 is fine for all four years. She said that would be the first thing that you would want to delay. "You're essentially introducing the...previous governor's budget and it looked like, to me, you'd want to move it to January 15."

MR. KREINHEDER said that is a separate issue from the impact of the 90-day session, but that is a concern with a new governor. Obviously a governor cannot rewrite the budget in that 10-day period. The question would be moving it back to mid-January, and that is still not a lot of time to rewrite the budget, he said.

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SENATOR FRENCH asked about the March revenue forecast, and if it is set in stone, or if it can be in February.

MR. KREINHEDER said it is not set in stone, but there needs to be a fair bit of lead time. OMB is working on it now, he noted. There is a lot of production time, so if it were moved up a month, the forecast would go a month further into the future.

The committee adjourned at [10:19:56 AM](#).