

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

March 1, 2007

9:02 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Senator Lyda Green

COMMITTEE CALENDAR

Overview: Impacts of a 90-day session.

PREVIOUS COMMITTEE ACTION

No action to report.

WITNESS REGISTER

RYNNIEVA MOSS, Staff
To Representative John Coghill
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained the House version of 90-day session legislation.

JERRY BURNETT
Department of Revenue (DOR)
Juneau, Alaska

POSITION STATEMENT: Spoke of changing budget reports to fit a 90-day session.

WIN GRUENING
Alaska Committee
Juneau, Alaska

POSITION STATEMENT: Spoke of the lack of impacts on Juneau from a 90-day session.

CLARK GRUENING, Lobbyist
City and Borough of Juneau

Alaska Committee member
Juneau, Alaska

POSITION STATEMENT: Spoke favorably on a 90-day session.

PAM VARNI, Executive Director
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Reported on session length of other states.

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

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

ACTION NARRATIVE

CHAIR LESIL MCGUIRE called the Senate State Affairs Standing Committee meeting to order at [9:02:43 AM](#). Senators Stevens, McGuire, Bunde, and French were present at the call to order.

Overview: Impacts of a 90-day session

CHAIR MCGUIRE announced the discussion of a 90-day session.

RYNNIEVA MOSS, Staff, to Representative John Coghill, said the House version of the 90-day session bill is identical to the Senate version with some additions. The House version requires the Department of Public Safety (DPS) to supply its narcotics and alcohol report on the first day of the regular session instead of 30 days after convening. Section 2 requires the DPS to report on sexual abuse and criminal exploitation of children on the first day of the session in the odd-numbered year. The House Section 3 is the Senate Section 1. Section 4 is the same as the Senate's Section 2 regarding when the session convenes.

[9:05:17 AM](#)

CHAIR MCGUIRE asked why session starts at one o'clock.

MS. MOSS said it gives everybody time to get into town. Section 5 is the Senate's Section 3, and it allows both houses to adopt uniform rules of procedure in both years of the session. The House Section 6 is the Senate Section 4, which requires fiscal notes to be produced when requested by committee within three days. Section 7 is the Senate's Section 5, and it addresses pre-filing of bills and resolutions. The House Section 8 is not in the Senate version, and it requires a bill to die if it is

introduced in the first session and does not pass the house of introduction.

[9:06:57 AM](#)

SENATOR FRENCH noted that currently bills stay where they are from one session to the next, and he asked how many bills will die each year from this provision.

MS. MOSS said she didn't know.

SENATOR FRENCH said if a bill is to be considered in the interim, it must be introduced the session prior, but under this proposal it would die.

[9:08:19 AM](#)

MS. MOSS said it is a policy call. There will be more interim work, and a bill may have to be prepared prior to coming to Juneau. The section may be amended or eliminated, but it is one way to try to decrease the number of bills, she said.

SENATOR FRENCH said this is important; the shorter the session the more opportunity the legislature needs to work on bills, so it seems like it's going the wrong way.

SENATOR STEVENS said the issue is how to rip 30 days out of the session and removed 25 percent of the days and still hope to get the job done. "I just don't see the specifics that will cause us to lose a quarter of the time we're here and still get the job done." He said he agrees with Senator French and thinks they ought to be trying to figure out how to move bills in the interim and not kill them in the first year.

[9:10:33 AM](#)

MS. MOSS said this is one half of what the legislature must do; it also has to look at uniform rules and attendance on weekends.

SENATOR STEVENS noted that state employees go home on weekends.

MS. MOSS said that is a policy call. The uniform rules will need to be addressed.

[9:11:19 AM](#)

CHAIR MCGUIRE said she prioritizes her committee bills, and some she considers to be second-year bills whereby she works on them during the interim and brings them to fruition the second year. Everyone manages their docket of bills differently. It is important that the Senate understands what the House is doing.

[9:13:00 AM](#)

SENATOR STEVENS said the legislature may be setting itself up to fail. Issues like limiting the number of bills per member, voting by phone, and video conferencing should be discussed. "We're not getting down to the real issue," he said.

MS. MOSS said it is being worked on through uniform rules, "and we will be coming forward with legislation to address that."

[9:14:08 AM](#)

CHAIR MCGUIRE said she invited Ms. Moss to represent the House because often both bodies work hard but don't track each other, and time is wasted. The work going on in the other body is important. The Senate may disagree, but it is a good starting point, she explained.

MS. MOSS said Section 9 is cleanup language; it has been on the books for many years but it clarifies that employees of the legislature cannot be awarded bonuses. The Legislative Budget and Audit Committee will be organized in 10 days. Section 11 is the Senate Section 6. Section 12 requires the Budget and Audit Committee to file copies of approved audits by the first day of session instead of within five days. Section 13 requires the Alaska Public Offices Commission to publish a directory of registered lobbyists within 15 days of convening. Section 14 eliminates a report required by the commission, and "you may want to amend this so that a report is due the first part of March," she opined.

[9:17:03 AM](#)

MS. MOSS said Section 15 is not in the Senate version. It followed discussions at the last Senate State Affairs meeting, and it gives the governor one month longer to present the budget. Section 16 provides that legislative finance gets an advance copy of the governor's budget on the first Monday in February instead of January. Section 17 is the Senate Section 8 and changes the deadlines for the supplemental appropriations request and the governor's budget amendments. Section 18 requires OMB to submit a report to the Legislative Budget and Audit Committee five days after convening. Section 19 changes the date of a report by DNR. She calls these accounting changes to speed up the process. Section 21 is the Senate Section 9, and the rest of the bill is identical to the Senate version, she concluded.

[9:19:09 AM](#)

JERRY BURNETT, Legislative Liaison and Administrative Service Director, Department of Revenue (DOR), said each year DOR creates formal revenue forecasts in the fall and spring. DOR is now projecting the price of oil for the next several years, and that will be completed at the end of March. With a short session and a due date for the governor's budget of January 15, OMB would do a forecast later in the year. He said OMB would likely do one formal forecast prior to the release of the governor's budget and an informal price forecast during the session. Moving the forecast a month doesn't change its accuracy unless there are events such as the pipeline shutdown. There is already seasonality built in, so "we don't believe that it would make a huge difference in the accuracy," he stated.

[9:22:06 AM](#)

SENATOR FRENCH asked if there is something structurally fixed about the timing of the forecast, like international reports.

MR. BURNETT said there is not a specific event that matters.

WIN GRUENING, Chair, Alaska Committee, said the Alaska Committee is a non-profit volunteer group that is dedicated to enhancing Juneau's Alaska capital. He said the committee has worked closely with Pam Varni to accommodate the needs of the legislature, especially special needs and requests from legislators. "We've attempted to accommodate those whenever we can." He said the partnership has worked well and will continue regardless of the length of the session. "Depending on when the session begins and ends, I don't see that the housing situation in Juneau would necessarily be impacted negatively or positively," he said.

[9:24:49 AM](#)

CLARK GRUENING, Lobbyist, City of Juneau, said Juneau has taken the housing shortage and affordability issues seriously, and it would be eager to help to make sure the legislature's needs are met no matter how long the session is. If the 90-day session started anytime within the 120-day period, it could be that it may increase housing availability with fewer impacts to landlords who rent to the tourism industry. "At this point I can't assume that it will be more difficult, and hopefully it will be better as the city works through some of the larger issues and we try to accommodate you in any way we can."

SENATOR BUNDE asked if it would be better to start at the traditional time and end 30 days earlier because of the influx of tourism at the beginning of summer.

[9:27:17 AM](#)

MR. WIN GRUENING said he thinks that is possible, "but I don't think the entire 30 days would be necessary." He suggested the session start 15 days later and end 15 days earlier.

SENATOR FRENCH asked about the seasonal creep of the cruise ship season earlier in the year and when tourist shops open.

MR. WIN GRUENING said there has been a little bit of a creep, but May 15 is considered the real start of the cruise season. He said shops get ready at the beginning of May. The Alaska season is rubbing up against the southern cruise season, so he doesn't see an earlier cruise ship season in Juneau's future.

SENATOR STEVENS said he has lived in an apartment during regular session and spent special sessions in a hotel, and he is concerned about the hotel space. A 90-day session could mean more special sessions, which may mean more hotel use. He asked if there are plans to increase hotel rooms in Juneau.

[9:30:05 AM](#)

MR. WIN GRUENING said the hotel room inventory has increased, but it would be advantageous to do the special sessions after the tourism season ends in mid-September.

PAM VARNI, Executive Director, Legislative Affairs Agency, provided a report of what other states do. There are 19 states that hold sessions of no more than 90 days. Three of those meet biannually and sixteen meet annually, she explained. Of those sixteen, seven states count by calendar days rather than legislative days. Differences in constitutional and statutory schemes and other variations make comparisons to other states difficult, but extensive prefilings of bills, substantial committee work during the interim, and strict procedural deadlines appear to be common for those with short sessions. Sources report intensive activity and long days, nights, and weekends near the end of the process, she said. Some legislatures noted extensive use of recessing rather than adjourning in order to save legislative days.

MS. VARNI said the Florida legislature has 60 calendar days, substantial committee work during the interim, a significant prefilings system with no filing after the start of session, and some limitation on bills. Maryland has a 90-calendar-day session with strict procedural deadlines, committee work during the interim, and liberal use of both legislative and calendar days.

New Mexico has 60 calendar days in odd-numbered years and 30 calendar days in even-numbered years. It has strict deadlines for the introduction of bills, joint interim committee work, limitation on bills, and shifting of legislative days. Utah has a 45-calendar-day session, and it has substantial committee work during the interim and an early deadline for introduction of bills. Virginia has intensive evening and weekend work, and staff work year round. West Virginia has frequent special sessions and substantial interim committee work. The report includes many more comparisons, she stated.

[9:34:56 AM](#)

SENATOR BUNDE said the report supports his suspicion that by using legislative days, a short session can be more of an illusion than a reality in some states.

[9:35:56 AM](#)

CHAIR MCGUIRE asked about a list of places where statutory changes would be required for a 90-day session.

TAMARA COOK, Director, Legislative Legal and Research Services, said she searched deadlines that apply to reports that had to be delivered to the legislature. "I'm not sure that all of those deadlines need to be changed," she said, but she noted them in case anyone might want to look at them. The House did elect to do a few more changes, she stated.

SENATOR BUNDE asked if legislative rule or law prevents bills from moving from committee unless the legislature is in Juneau.

MS. COOK said it is hard to understand how a committee can move a bill from one committee to another without reading it across, because it takes the full body to accept a committee report. A committee reports its recommendations to the full body. "What you're talking about, I think, is cutting out that section where the body accepts a committee report and then again makes a decision to move it on to the next committee of referral. At that point they could change committee referrals...or they could decide that the committee report is somehow defective and they want to return it to first committee. So, that process is really inherent in the uniform rules," she explained.

[9:38:20 AM](#)

SENATOR BUNDE said currently the bill passes from a committee and goes back to the full Senate floor to be read across. Often it is simply moved to the next committee, but occasionally another committee will be added. He said he doesn't recall a

bill being sent back to its original committee. It is just a procedure, but occasionally it has substantial utility.

MS. COOK said that is accurate, and there is usually no objection to a committee report, but "bear in mind that as a parliamentary rule, the opportunity to object is lost once the process moves past the parliamentary point in time where the defect is noted." If the legislature cuts out the step of the committee reporting to the full body, it will also eliminate the opportunity of a member to object to that report, she stated.

[9:39:54 AM](#)

SENATOR BUNDE noted the loss of some internal checks and balances.

SENATOR FRENCH said it is important, and he asked what rule changes are needed to allow the consideration of bills and the movement of bills from committee during the interim.

MS. COOK answered that there is no need to change the uniform rules for committees to consider bills during the interim. All committees have that authority now. Changes would be needed to allow a committee of referral to pass the bill on to another committee without being read to the full body. It would probably not be difficult to draft, she said. An amendment to the uniform rules is awkward because it requires a two-thirds vote of both houses. She said she would be glad to work up the language.

SENATOR FRENCH said that should be done. The legislature has been told to go to a 90-day session next year, and there will have to be room for committee work outside the regular session.

[9:42:17 AM](#)

SENATOR BUNDE noted a new question of legislative days versus session days. If a committee meets for 10 days in the interim, does that mean the session is 100 days? he asked.

SENATOR FRENCH agreed. "What is a legislative session?"

[9:43:10 AM](#)

SENATOR BUNDE said he takes the definition of his job as a representative literally and sent five questions to people in his district that he normally contacts. He said one of his districts supported the vote and the other failed it, "so clearly not a mandate." He has had 80 replies to his questions. His questions asked what the public had in mind when it voted for the 90-day session: 1) should all business be completed in

90 days? 2) should legislators be limited in the number of bills? 3) should there be limited hearings? 4) should committees do legislative work and pass bills outside of regular session? 5) should the notification time of hearings be reduced?

[9:45:16 AM](#)

SENATOR BUNDE read several replies with many diverse opinions.

CHAIR MCGUIRE asked for a copy for the committee.

SENATOR BUNDE said he can redact the names and do that.

[9:50:27 AM](#)

SENATOR BUNDE said his district was split on the issue, and he suggested that members ask their own constituents.

CHAIR MCGUIRE said her hunch is that they will be similar.

[9:51:00 AM](#)

DIANE HOLMES, Anchorage, said the voters did decide. There are some issues that need to be dealt with, but many other states deal with short sessions. She likes the idea of not allowing the introduction of bills once the session begins. It is not true that there won't be enough public process, because fewer bills can get quality time, she opined. The budget passes quickly in the end, anyway, without many people knowing what is in it. The public was not well-informed because the voter pamphlet was not written well. Special sessions are for specific projects that the governor wants. The session can be extended a day or two if necessary. There is a lot of "stuff" that comes through the legislature that doesn't need to, she said. [A short session] will help the legislature prioritize. Alaskans are being asked to do more with less, including the governor's proposal to cut capital projects. The legislature should make a real effort to streamline its activities. She said she respects Gretchen Guess who wouldn't support the 90-day session without thinking. "What about swearing in the new legislators in December with the governor so that those people can get themselves established, and they won't be floundering at the very beginning of the session?"

CHAIR MCGUIRE adjourned the meeting at [9:54:36 AM](#).