

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

April 17, 2007

9:31 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Senator Con Bunde

COMMITTEE CALENDAR

CS FOR HOUSE JOINT RESOLUTION NO. 11(STA)(title am)
Relating to the increased authority granted to the President of the United States to federalize the National Guard of the individual states without the consent of the governors; and urging the United States Congress to take action to honor the sovereignty of the individual states to regulate and command the National Guard of the states.

MOVED CSHJR 11 (STA)(Title am) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 171(STA) am

"An Act relating to the date and time for convening regular legislative sessions, certain procedures of the legislature, the date for organizing the Legislative Budget and Audit Committee, and deadlines for certain matters or reports to be filed or delivered to the legislature or a legislative committee; prohibiting bonuses for legislative employees; and providing for an effective date."

HEARD AND HELD

SENATE BILL NO. 95

"An Act relating to a requirement for competitive bidding on contracts for the preparation of election ballots."

SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HJR 11

SHORT TITLE: STATE'S CONTROL OF NATIONAL GUARD

SPONSOR(S): REPRESENTATIVE(S) ROSES

02/28/07 (H) READ THE FIRST TIME - REFERRALS
 02/28/07 (H) MLV, STA
 03/06/07 (H) MLV AT 1:00 PM BARNES 124
 03/06/07 (H) Moved Out of Committee
 03/06/07 (H) MINUTE(MLV)
 03/07/07 (H) MLV RPT 4DP
 03/07/07 (H) DP: LEDOUX, FAIRCLOUGH, BUCH, ROSES
 03/15/07 (H) STA AT 8:00 AM CAPITOL 106
 03/15/07 (H) Moved CSHJR 11(STA) Out of Committee
 03/15/07 (H) MINUTE(STA)
 03/16/07 (H) STA RPT CS(STA) 7DP
 03/16/07 (H) DP: JOHNSON, JOHANSEN, ROSES,
 GRUENBERG, COGHILL, DOLL, LYNN
 03/30/07 (H) TRANSMITTED TO (S)
 03/30/07 (H) VERSION: CSHJR 11(STA)(TITLE AM)
 04/02/07 (S) READ THE FIRST TIME - REFERRALS
 04/02/07 (S) STA
 04/17/07 (S) STA AT 9:00 AM BELTZ 211

BILL: HB 171

SHORT TITLE: ACCOMMODATE 90-DAY SESSION

SPONSOR(S): RULES

03/01/07 (H) READ THE FIRST TIME - REFERRALS
 03/01/07 (H) STA
 03/06/07 (H) STA AT 8:00 AM CAPITOL 106
 03/06/07 (H) Scheduled But Not Heard
 03/15/07 (H) STA AT 8:00 AM CAPITOL 106
 03/15/07 (H) Heard & Held
 03/15/07 (H) MINUTE(STA)
 03/22/07 (H) STA AT 8:00 AM CAPITOL 106
 03/22/07 (H) Heard & Held
 03/22/07 (H) MINUTE(STA)
 03/24/07 (H) STA AT 10:00 AM CAPITOL 106
 03/24/07 (H) Heard & Held
 03/24/07 (H) MINUTE(STA)
 03/29/07 (H) STA AT 8:00 AM CAPITOL 106
 03/29/07 (H) Moved CSHB 171(STA) Out of Committee
 03/29/07 (H) MINUTE(STA)
 03/30/07 (H) STA RPT CS(STA) NT 1DP 3NR 2AM
 03/30/07 (H) DP: COGHILL
 03/30/07 (H) NR: JOHNSON, ROSES, LYNN
 03/30/07 (H) AM: GRUENBERG, DOLL
 04/03/07 (H) BEFORE THE HOUSE
 04/03/07 (H) TRANSMITTED TO (S)
 04/03/07 (H) VERSION: CSHB 171(STA) AM

04/04/07 (S) READ THE FIRST TIME - REFERRALS
04/04/07 (S) STA
04/12/07 (S) STA AT 9:00 AM BELTZ 211
04/12/07 (S) Heard & Held
04/12/07 (S) MINUTE(STA)
04/17/07 (S) STA AT 9:00 AM BELTZ 211

BILL: SB 95

SHORT TITLE: COMPETITIVE BIDDING FOR BALLOT PREP

SPONSOR(S): SENATOR(S) BUNDE

02/26/07 (S) READ THE FIRST TIME - REFERRALS
02/26/07 (S) STA, JUD, FIN
04/17/07 (S) STA AT 9:00 AM BELTZ 211

WITNESS REGISTER

JOSH APPLEBEE, Staff
to Representative Bob Roses
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Presented HJR 11.

TAMARA COOK, Director
Legislative Legal Affairs
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Answered questions on HB 171.

JOHN BOUCHER, Senior Economist
Office of Management and Budget
Office of the Governor
Juneau, Alaska
POSITION STATEMENT: Answered questions on HB 171.

ACTION NARRATIVE

CHAIR LESIL MCGUIRE called the Senate State Affairs Standing Committee meeting to order at 9:31:10 AM. Senators Green, Stevens, and McGuire were present at the call to order. Senator French arrived soon thereafter.

HJR 11-STATE'S CONTROL OF NATIONAL GUARD

CHAIR MCGUIRE announced the consideration of HJR 11. [Before the committee was CSHJR 11(STA)(title am).]

JOSH APPLEBEE, Staff to Representative Roses, said the 2007 Defense Authorization bill gave the president more power over states' national guards. It added natural disasters, epidemics or other health emergencies, and terrorist incidents as conditions under which the president can deploy armed forces and federalize guard troop if he or she determines that "authorities of the state or possession are incapable of maintaining public order." He said all fifty governors object to it because it could create confusion and interfere with a state's ability to respond to natural disasters within its own borders. He said HJR 11 simply urges the necessary federal action to reverse this and honor the sovereignty of individual states.

[9:33:07 AM](#)

SENATOR GREEN asked if there might ever be a reason for the president to have this primacy.

MR. APPLEBEE said yes, there would be times for that, but the new law takes away informing and consulting with the governor. The resolution requests reverting back to where the president will consult with the governor before hand.

SENATOR STEVENS asked about changes in the last 30 years regarding the use of the National Guard. When he was in the army the army defended the nation.

MR. APPLEBEE said he can't speak to the guard's entire history, but it is clear that it has garnered a larger role in homeland security and by being deployed outside the state. The National Guard has taken on a larger role, and in Alaska it is integrally involved with the federal forces, and one concern is that this new authority by the president may upset that balance. He spoke of the Alaska National Guard rescuing a submarine, and it was seamless. Alaska has the model of federal and state cooperation, and that balance and efficiency should be kept, he stated.

[9:36:20 AM](#)

SENATOR STEVENS said he thinks he agrees but is concerned about a national emergency with an imminent threat. He asked if the resolution will cause another problem in defending the country.

MR. APPLEBEE said he doesn't think so. No one knows the state better than the governor or legislature, and the president shouldn't assume that he or she would know about the Aleutian Islands or the Brooks Range. "That's the way it used to be."

SENATOR STEVENS said he is concerned that an anti-war governor would refuse to use the troops.

MR. APPLEBEE said the contrasting opinions of the governor and president during Hurricane Katrina prompted the language. Alaska would do what was best for our state, and the governor should maintain the right to say, "I think you may be going too far."

SENATOR STEVENS said he thinks he agrees, but he noted the Civil War when President Lincoln had difficulty getting troops from some states. The same thing happened to General Washington in the Revolutionary War. He suggested that being "so politically correct" Alaska may be shooting itself in the foot when a war really needs to be fought and an obstreperous governor could put the nation in greater danger.

MR. APPLEBEE said in times of war the president has that power, but expanding the power to all emergencies is the issue.

[9:39:49 AM](#)

CHAIR MCGUIRE said she agrees with Senator Stevens' comments, but the original insurrection act allows the president to act in times of war. "What we don't want to do is extend out to natural disasters, epidemics or serious public health emergencies." She said the legislature sent resolutions on the Patriot Act opposing unanticipated consequences. It's a new world with serious concerns, "but we have to be careful about how far we go, whether it's our individual sovereignty as a state or whether or not it's our individual liberties."

SENATOR FRENCH said 51 governors sent a letter to Congress in opposition to the new federal language.

SENATOR GREEN moved to report CSHJR 11 (STA)(Title am) from committee with individual recommendations and no fiscal notes. There being no objection, the motion carried.

HB 171-ACCOMMODATE 90-DAY SESSION

[9:42:00 AM](#)

CHAIR MCGUIRE announced the consideration of HB 171. [Before the committee was CSHB 171 (STA) am.]

SENATOR FRENCH moved to adopt Amendment 1, labeled 25-LS0653\KA.6. He said it does several things, but mainly it starts the legislature on one day instead of having staggered starts. Folks will know that the legislature starts on the

fourth Monday in January, he said. It alleviates concerns about squeezing the holidays and about the revenue forecasts. The legislature has always begun in January. Let's just get down here and get to work, he said. The amendment also says pre-filed bills will be released on January 10th and must be to the Legislative Affairs Agency before that.

[9:44:50 AM](#)

SENATOR FRENCH said Amendment 1 also moves the supplemental budget up by 15 days, and budget amendments are moved to day 30 of the legislature. "You're in a time crunch no matter when you do the budget." This balances the governor's time to prepare the budget and the time for the legislature to consider it.

CHAIR MCGUIRE said Amendment 1 is on the table and she has objected for discussions. She said she would like leave of the committee to discuss KA.4, which provides a different start date. This committee prefers to start the same time every year, she surmised. The question is whether it will be the fourth Monday in January or the second Monday in February. She said no one is going to die over either choice.

[9:47:38 AM](#)

SENATOR STEVENS asked what day the sessions would end.

SENATOR FRENCH noted a calendar that was handed out to the committee and his amendment has the session ending on April 27.

SENATOR STEVENS said the length is 90 days, not 91.

SENATOR FRENCH said the courts have an obscure way of counting that leads to a 91-day session.

[9:49:03 AM](#)

TAMARA COOK, Director, Legislative Legal Affairs, said the extra day is added because the constitution is written as 120 days from the date the legislature convenes. The initiative is 90 consecutive calendar days, so it will not be 91 days.

The committee took an at-ease [9:50:38 AM](#) from [9:51:18 AM](#).

SENATOR STEVENS said he prefers the later date.

SENATOR GREEN said she is leaning that way too because of the Governor's budget.

CHAIR MCGUIRE said her amendment of KA.4 doesn't reference dates of the budget.

9:53:01 AM

SENATOR GREEN asked the timeframe for prefiling.

CHAIR MCGUIRE asked Ms. Cook to speak to the amendment.

MS. COOK said in Amendment KA.4 the first part is the start time for the session and the little change on Page 3 is the change in the prefile date. "It simply rolls the time that a pre-file can be requested forward by a month." It doesn't make any changes to the rest of the bill.

9:54:28 AM

SENATOR FRENCH said a letter from Mr. Boucher notes that the supplemental appropriations and the budget amendments are keyed to the legislative calendar. The governor's supplemental appropriations are due on day 30, and the budget amendments are due on day 45. "So it just strikes me that if we're going to deal with the fact that we've got a 90-day session, we need to advance those in one of these vehicles."

CHAIR MCGUIRE said two committee members are absent so she will ask Senator French to table the amendment, but first she asked Mr. Boucher if KA.4 should recognize the budget dates.

JOHN BOUCHER, Senior Economist, Office of Management and Budget, said it would be advantageous to the legislature to revisit Section 12. If the session started the second Monday in February, his office could provide the supplementals by mid-February. If it started the second Monday, "we could probably do that by the fifth legislative day, which would give you longer to contemplate it." The amended budget could be provided by the fifteenth day. It would just be a two-week difference, as opposed to Senator French's proposal, he said. Those are the target dates that his office is trying to hit.

9:57:20 AM

CHAIR MCGUIRE said she favors the February date because there will be a higher probability of success because the budget is so integral and dependent on one commodity, "that my fear is that if we start earlier, that we will end up extending our session."

SENATOR FRENCH withdrew Amendment 1.

SENATOR GREEN said she was given a note that said the legislative council report is not necessary, so that should be checked.

HB 171 was held over.

CHAIR MCGUIRE adjourned the Senate State Affairs Committee at [9:59:44 AM](#).