

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 10, 2011
9:03 a.m.

MEMBERS PRESENT

Senator Bill Wielechowski, Chair
Senator Joe Paskvan, Vice Chair
Senator Kevin Meyer
Senator Catherine Giessel

MEMBERS ABSENT

Senator Albert Kookesh

COMMITTEE CALENDAR

SENATE BILL NO. 39

"An Act ratifying an interstate compact to elect the President and Vice-President of the United States by national popular vote; and making related changes to statutes applicable to the selection by voters of electors for candidates for President and Vice-President of the United States and to the duties of those electors."

- MOVED SB 39 OUT OF COMMITTEE

SENATE BILL NO. 18

"An Act relating to the duration of regular sessions of the legislature; and providing for an effective date."

- MOVED CSSB 18(STA) OUT OF COMMITTEE

SENATE CONCURRENT RESOLUTION NO. 2

Proposing amendments to the Uniform Rules of the Alaska State Legislature relating to the presiding officer pro tempore.

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 39

SHORT TITLE: U.S. PRESIDENTIAL ELECTION COMPACT

SPONSOR(S): SENATOR(S) FRENCH

01/19/11 (S) PREFILE RELEASED 1/14/11
01/19/11 (S) READ THE FIRST TIME - REFERRALS
01/19/11 (S) STA, JUD, FIN
02/01/11 (S) STA AT 9:00 AM BUTROVICH 205
02/01/11 (S) Heard & Held
02/01/11 (S) MINUTE(STA)

BILL: SB 18

SHORT TITLE: DURATION OF REGULAR LEGISLATIVE SESSIONS

SPONSOR(s): SENATOR(s) STEVENS

01/19/11 (S) PREFILE RELEASED 1/7/11
01/19/11 (S) READ THE FIRST TIME - REFERRALS
01/19/11 (S) STA, FIN
01/27/11 (S) STA AT 9:00 AM BUTROVICH 205
01/27/11 (S) Heard & Held
01/27/11 (S) MINUTE(STA)
02/10/11 (S) STA AT 9:00 AM BUTROVICH 205

BILL: SCR 2

SHORT TITLE: UNIFORM RULES: PRESIDING OFFICER PRO TEM

SPONSOR(s): SENATOR(s) DAVIS

01/19/11 (S) READ THE FIRST TIME - REFERRALS
01/19/11 (S) STA, JUD, FIN
02/10/11 (S) STA AT 9:00 AM BUTROVICH 205

WITNESS REGISTER

ANDY MODEROW, Staff to Senator Hollis French
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Presented SB 39 for sponsor.

SENATOR GARY STEVENS
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Sponsor of SB 18.

TIM LAMKIN, Staff to Senator Gary Stevens
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Presented SB 18 for sponsor and answered questions.

SENATOR BETTYE DAVIS
Alaska State Legislature

Juneau, AK

POSITION STATEMENT: Sponsor of SCR 2.

TOM OBERMEYER, Staff to Senator Davis
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Presented SCR 2 for sponsor.

ACTION NARRATIVE

[9:03:54 AM](#)

CHAIR BILL WIELECHOWSKI called the Senate State Affairs Standing Committee meeting to order at 9:03 a.m. Present at the call to order were Senators Meyer, Davis, Paskvan, Giessel and Chair Wilechowski. Senator Kookesh was excused.

SB 39-U.S. PRESIDENTIAL ELECTION COMPACT

[9:05:03 AM](#)

CHAIR WIELECHOWSKI announced the first order of business would be SB 39, relating to a U.S. presidential election compact.

ANDY MODEROW, staff to Senator Hollis French, said he was available to answer questions.

SENATOR PASKVAN moved to report SB 39 from committee with individual recommendations and attached fiscal note(s).

[9:06:27 AM](#)

SENATOR GIESSEL objected, saying she was very concerned about SB 39. She feared Alaska could lose its voice in presidential elections if this bill is passed, because it would put Alaska's votes in a pool. She noted the Electoral College was designed to give small rural states a voice.

CHAIR WIELECHOWSKI responded that SB 39 has two more committees of referral.

A roll call vote was taken. Senators Wielechowski, Paskvan, and Meyer voted yea. Senator Giessel voted nay. Therefore, SB 39 moved from the Senate State Affairs Standing Committee.

SB 18-DURATION OF REGULAR LEGISLATIVE SESSIONS

[9:08:22 AM](#)

CHAIR WIELECHOWSKI announced SB 18 to be the next item for consideration.

SENATOR GARY STEVENS, sponsor of SB 18, said the state constitution says the legislature shall meet for 120 consecutive calendar days. The public voted to shorten this to 90 days. Many legislators feel they cannot get the job done in 90 days, and the public is not being adequately heard. More than 20 bills have been introduced over the years to reduce the length of legislative sessions. None of them have passed. Some legislators prefer the 90 day session for selfish reasons.

The shorter session is convenient for many people; however, the shorter session gives more power to the governor and the administration, and takes away power from the legislature. Many members feel it is not working. Last year in the resources committee the public was limited to two minutes of testimony each. Senator Stevens stressed that the legislature's job is to do the right thing for the public, not what is convenient for the legislature.

He further noted that Governor Parnell opposes returning to 120 day sessions, and emphasized that legislators need to keep an eye on the administration. Also, a legislator knows his or her home district better than the administration or the governor. The 90 day session is not working, and the legislature is weakened because of it.

[9:15:03 AM](#)

SENATOR MEYER asked how the 120 day session length was arrived at, since originally there was no limit.

SENATOR STEVENS responded the constitution says the legislature shall adjourn not later than 120 consecutive calendar days from the date it convenes.

SENATOR MEYER wondered how the drafters of the constitution arrived at that figure.

SENATOR STEVENS noted that the legislature could just convene, and stop when things get done, but an open-ended session would make it hard to reach a conclusion. Sometimes it is necessary to have a 10-day extension, which the constitution allows.

[9:17:08 AM](#)

TIM LAMKIN, staff to Senator Gary Stevens, said that originally there was no limit to the length of sessions. In the early years of statehood, sessions lasted an average of 70 calendar days. Once the pipeline arrived, in the early 1970s, the average

length went up to 170 and even 180 days. In 1984 a constitutional amendment was passed limiting the length of sessions to 120 days.

MR. LAMKIN also pointed out that the 90-day session limit was passed by 3,843 votes. Statewide there were 6,800 people who took ballots but did not vote on that question. Perhaps those voters felt that this decision was best left up to the legislature itself. He further noted that 27 other states have sessions shorter than Alaska. He explained there is a difference between calendar days and legislative days. Alaska is in the middle in terms of average annual calendar days. Mr. Lamkin also noted how other states set limits; most use the constitution. Alaska uses the constitution and statutes. Some states use an indirect method, by limiting per diem. Loss of per diem pay motivates legislatures to end on time. In conclusion, he said that SB 18 is a compromise.

[9:23:02 AM](#)

SENATOR PASKVAN asked Mr. Lamkin to explain the difference between legislative days and calendar days.

MR. LAMKIN answered that a legislative day is when the Senate or House is actually on the floor, but the session length itself is counted in calendar days.

CHAIR WIELECHOWSKI noted there was a CS for SB 18.

[9:24:32 AM](#)

SENATOR PASKVAN moved to adopt the proposed committee substitute (CS) for SB 18, labeled 27-LS0122\B as the working document.

CHAIR WIELECHOWSKI objected for discussion purposes.

MR. LAMKIN said that version B corrects a drafting oversight, to change the effective date to 2012.

CHAIR WIELECHOWSKI removed his objection and version B was before the committee.

[9:25:19 AM](#)

SENATOR PASKVAN moved to report CSSB 18, version B, from committee with individual recommendations and accompanying fiscal notes.

CHAIR WIELECHOWSKI noted there were two proposed amendments.

[9:25:32 AM](#)

MR. LAMKIN said that amendment B.1 would change the date when the legislature convenes, and would restore an earlier provision to convene the first session on the third Tuesday in January, and the second session on the second Tuesday in January. Amendment B.2 would make the change to convene every year on the second Tuesday in January.

[9:27:02 AM](#)

CHAIR WIELECHOWSKI clarified the amendments.

SENATOR MEYER asked why there are staggered start dates.

MR. LAMKIN said the start date has changed over the years, most recently to start on Tuesday rather than Monday. The staggered start dates are also in consideration of gubernatorial election years.

[9:28:59 AM](#)

SENATOR PASKVAN asked if the sponsor had a preference between the two amendments.

SENATOR STEVENS said he preferred the first amendment.

CHAIR WIELECHOWSKI clarified that was amendment B.1.

[9:30:26 AM](#)

CHAIR WIELECHOWSKI moved to adopt Amendment [27-LS0122\B.1] and objected for discussion purposes.

AMENDMENT B.1

OFFERED IN THE SENATE BY SENATOR STEVENS
TO CSSB 18(...), DRAFT VERSION "B"

Page 1, following line 3:

Insert a new bill section to read:

"* **Section 1.** AS 24.05.090 is amended to read:

Sec. 24.05.090. Duration of legislature; sessions. [THE LEGISLATURE SHALL CONVENE AT THE CAPITAL EACH YEAR ON THE THIRD TUESDAY IN JANUARY AT 1:00 p.m.] Each legislature has a duration of two years and consists of a "First Regular Session" that meets in the odd-numbered years, and a "Second Regular Session" that meets in the even-numbered years, and any special session that the governor or legislature

calls. The legislature shall convene a First Regular Session at the capital on the third Tuesday in January at 1:00 p.m. and shall convene a Second Regular Session at the capital on the second Tuesday in January at 1:00 p.m."

Page 1, line 4:

Delete "Section 1"

Insert "Sec. 2"

Renumber the following bill sections accordingly.

Page 2, line 1:

Delete "Section 1 of this Act takes"

Insert "Sections 1 and 2 of this Act take"

Page 2, line 2:

Delete "Section 2"

Insert "Section 3"

CHAIR WIELECHOWSKI removed his objection and closed public testimony.

[9:30:51 AM](#)

SENATOR PASKVAN moved to report CS for SB 18, version B as amended, from committee with individual recommendations and accompanying fiscal notes.

CHAIR WIELECHOWSKI announced that without objection, CSSB 18(STA) moved from the Senate State Affairs Standing Committee.

SCR 2-UNIFORM RULES: PRESIDING OFFICER PRO TEM

[9:32:13 AM](#)

CHAIR WIELECHOWSKI announced SCR 2 would be the next item for consideration.

SENATOR BETTYE DAVIS, sponsor of SCR 2, said this legislation could be very helpful to all 60 members, and it would increase leadership positions without taking away any duties from the current officers. Senator Davis noted there is already a temporary pro tem during organization of the session, and she would like to see a permanent speaker pro tem. She stated that 31 states have this. She added that this new position would make it easier for women to move into the leadership. No women currently have leadership positions in the Alaska State

Legislature. Senator Davis said that having an additional leadership position would strengthen the legislature.

[9:36:47 AM](#)

TOM OBERMEYER, aide to Senator Bettye Davis, read the sponsor statement, as follows:

The purpose of Senate Concurrent Resolution (SCR) 2 is to amend the Uniform Rules to increase the roles and responsibilities of temporary presiding officers.

SCR 2 first amends Uniform Rule 1 and changes the titles of Temporary Presiding officers to Presiding Officers Pro Tempore and Permanent Presiding Officers to Regular Presiding Officers.

The SCR next amends Uniform Rule 4 relating to duties of Temporary Presiding Officers. Presently, Temporary Presiding Officers only preside over floor sessions until the chamber is organized and the Permanent or "Regular" Presiding Officer is seated. Rule 4 is amended to increase the duties of the Presiding Officer Pro Tempore who in the absence of the Regular Presiding Officer "shall preside during sessions of the house and may exercise any other duty of the regular presiding officer." In this capacity the Presiding Officer Pro Tempore replaces the Majority Leader of the House presently serving ex officio as presiding officer pro tempore.

The major advantage of these rule changes is to provide opportunities for more legislators to function in leadership positions.

MR. OBERMEYER said that Doug Gardiner, Director of Legal Services, Legislative Affairs Agency, was present for questions about the current draft. The resolution proposes amendments to Uniform Rules 1 and 4 to increase the roles and responsibilities of presiding officers pro tempore. Sections 1 and 2 change the titles of temporary presiding officers. Section 4, Rule 4, establishes that in the absence of both regular presiding officers, the pro tempore serves as presiding officer. The intent of SCR 2 is that the presiding officer pro tem would be selected at the start of the first session, and would continue to serve for both sessions. This would effectively create a third permanent leadership position.

[9:40:05 AM](#)

SENATOR MEYER noted the House has created a new leadership role, referred to as majority whip.

SENATOR DAVIS said the majority whip position is already available on both sides. The proposed new position would be different, because it would be part of the structure in the Uniform Rules.

[9:42:41 AM](#)

SENATOR GIESSEL asked if there was a fiscal note.

SENATOR DAVIS said there was not.

SENATOR MEYER asked if SCR 2 would have fiscal impact.

SENATOR GIESSEL asked if the new position would require additional staff.

SENATOR DAVIS responded that would depend upon the leadership. But the bill does have a finance hearing, and that committee will determine if there is a fiscal note.

CHAIR WIELECHOWSKI said resolutions don't typically have fiscal notes.

[9:01 AM](#)

SENATOR PASKVAN moved to adopt work draft committee substitute (CS) for SCR 2, labeled 27-LS0031\M, as the working document.

CHAIR WIELECHOWSKI objected for discussion purposes.

MR. OBERMEYER stated the CS was rewritten to recognize that there was no intent to supersede the existing leadership structure. The position added would be a totally new position, and it would be a back-up, not a superior position

[9:46:27 AM](#)

CHAIR WIELECHOWSKI removed his objection; therefore, version M was before the committee.

CHAIR WIELECHOWSKI closed public testimony.

[9:47:27 AM](#)

CHAIR WIELECHOWSKI announced SCR 2 would be held in committee.

[9:50:00 AM](#)

There being no further business to come before the committee, Chair Wielechowski adjourned the Senate State Affairs Standing Committee meeting at 9:50 a.m.