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184

Original sponsor: Martin

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 184 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing convening special sessions of the
7 legislature at any location in the state."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 24.05.100 is amended by adding a new subsection to read:

10 (b) A special session may be held at any location in the state.

11 If a special session called under (a)(1) of this section is to be con-
12 vened at a location other than at the capital, the governor shall desig-
13 nate the location in his proclamation. If a special session called
14 under ^{(a)(2)} ~~(a)(1)~~ of this section is to be convened at a location other than
15 at the capital, the presiding officers shall agree to and designate the
16 location in the poll conducted of the members of both houses.

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Legislative committee report. — For report on ch. 53, SLA 1973 (CSHB 382), see 1973 House Journal, pp. 792, 885.

Sec. 24.05.087. Termination of interim committee membership. When a member of the legislature who serves on a committee created during a between session interim by either house or its presiding officers, the Legislative Council or the Legislative Budget and Audit Committee, files a declaration of candidacy for an elective office other than that of member of either house of the legislature, and he has not resigned from membership on the interim committee, his interim committee membership terminates on the date of filing. (§ 5 ch 11 SLA 1975)

Article 2. Meeting and Organization.

Section	Section
90. Regular sessions	140. Quorum
100. Special sessions	150. Adjournment
110. Joint sessions	160. Organization of a first regular session
120. Rules	170. Organization of second and special sessions
130. Journal	180. Committees
135. Record of proceedings	

Sec. 24.05.090. Regular sessions. The legislature shall convene at the capital each year on the second Monday in January at 10:00 a.m. Pacific Standard Time; however, following a gubernatorial election year the legislature shall convene on the third Monday in January at 10:00 a.m. Pacific Standard Time. Except as provided in this section, each legislature shall have a duration of two years and shall consist of a "First Regular Session" which shall meet in the odd-numbered years and a "Second Regular Session" which shall meet in the even-numbered years and any special session or sessions which the governor or legislature may find necessary to call. (§ 9 ch 157 SLA 1959; am § 2 ch 91 SLA 1969; am § 1 ch 8 SLA 1973; am § 2 ch 143 SLA 1975)

Effect of amendment. — The 1975 amendment substituted "second Monday" for "third Monday" in the first sentence, added the language beginning "however, following a gubernatorial election year" to the end of that sentence, and added "Except as provided in this section" to the beginning of the second sentence.

Am. Jur. and ALR references. — 49 Am. Jur., States, Territories and Dependencies, §§ 29, 49, 50; 50 Am. Jur., Statutes, §§ 46 to 48.

Power of legislature or branch thereof as to time of assembly and length of session, 56 ALR 721.

Sec. 24.05.100. Special sessions. The legislature may hold a special session not exceeding 30 calendar days in length. The special session shall be called in either of the following ways.

(1) The governor may call the legislature into special session by issuing a proclamation at least 15 days in advance of the convening date stated in the proclamation. At a special session called by the governor,

24.05.100

§ 24.05.110

LEGISLATURE

§ 24.05.135

legislation is limited to the subjects designated by the governor in his proclamation or to the subjects presented by him, and to reconsideration of legislation, if any, vetoed following a regular session of that legislature.

(2) The legislature may call itself into special session if two-thirds of the membership responds in the affirmative to a poll conducted by the presiding officer of each house. Each presiding officer may initiate a poll by their joint agreement, and each shall initiate a poll upon the request of 25 per cent of the membership of each house, expressed in writing and signed by those members. When two-thirds of the membership to which the legislature is entitled responds in the affirmative, the president of the senate and speaker of the house shall jointly announce the result of the poll and a date for the convening of the special session. If one of the presiding officers is deceased, has resigned or is incapacitated, the presiding officer of the other house may conduct the poll of the members of both houses. (§ 10 ch 157 SLA 1959; am § 1 ch 67 SLA 1975)

Effect of amendment. — The 1975 amendment added the language beginning "and to reconsideration of legislation" to the end of the second sentence of paragraph (1). Am. Jur. references. — 49 Am. Jur., States, Territories and Dependencies, §§ 49, 50; 50 Am. Jur., Statutes, §§ 46 to 48.

Sec. 24.05.110. Joint sessions. The houses of the legislature shall convene in joint session when required or authorized by the constitution and the rules of the legislature. (§ 11 ch 157 SLA 1959)

Sec. 24.05.120. Rules. At the beginning of the first regular session of each legislature, both houses shall adopt uniform rules of procedure for enacting bills into law and adopting resolutions. The rules in effect at the last regular session of the immediately preceding legislature serve as the temporary rules of the legislature until the adoption of permanent rules. (§ 12 ch 157 SLA 1959; am § 6 ch 100 SLA 1963)

Sec. 24.05.130. Journal. Each house shall keep and publish a daily journal of its proceedings. The journal shall reflect the essential elements of the business transacted and the messages and communications received from the governor and the other house. (§ 13 ch 157 SLA 1959)

Am. Jur. reference. — 49 Am. Jur., States, Territories and Dependencies, § 37.

Sec. 24.05.135. Record of proceedings. (a) All floor sessions of each house shall be electronically recorded. However, each house may suspend this recording requirement by concurrence of two-thirds of its members when there is an equipment failure or when no recording equipment is available as a result of a natural disaster or other exigency.

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FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL NO. 184
 Title An Act authorizing an advisory vote re convening special sessions of the
~~legislature~~ legislature at any location in the State Date 3/24/82
 Requested by: House State Affairs Committee

II. FISCAL DETAIL

Agency Affected Legislative Affairs Agency
 Program Category Affected General Government
 BRU, Program, Or Subprogram(s) Affected Session
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-					

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

-0-

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Funding for all special sessions is provided by a special appropriation made by the legislature specifically for that special session or is paid with monies from regular legislative budget for that year and replaced later by appropriation by the legislature. Legislative Affairs Agency has never anticipated or budgeted in advance for special sessions.

IV. DATE 3/24/82

PREPARED BY Wally Harrison, Director
 AGENCY Legislative Affairs Agency
 PHONE 465-3850

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

March 1, 1982

HB 7 - Phillips doesn't like it

- Legislature can do it

May use a portion of Heritage Fund
for Capital projects in Alberta

184 - O'Connell - amend statute

CS HB 184 → amend statute

Holburn & Chockson's bills → a couple of yrs
meekins

pay back
revenue generating →
good intention

investment scheme - 4 yrs. for plan. fund.

language → can it be phrased to
specify payback.

Special session

IF THE GOVERNOR won't call a special session of the Alaska Legislature to repeal state income taxes, cleanly and simply, the legislators should convene on their own. They have the constitutional authority to call themselves into special session.

At stake is a decision on whether Alaskans are going to get a full tax repeal or be stuck with something less.

Unfortunately, it's beginning to look as though Gov. Jay Hammond is willing to settle for relief — rather than repeal — in the wake of Judge Ralph Moody's decision that the tax repeal plan enacted by the 1980 legislature is unconstitutional.

That law, as everybody knows, provided that any Alaska resident who filed state tax returns in the last three years was exempt from Alaska's personal income tax, beginning with this calendar year. As far as most Alaskans are concerned, their taxes were repealed — period.

The law also provided that those who filed returns for the past two years had to pay only one-third of the normal tax assessment, while those who filed one year were to pay only two-thirds. Newcomers, obviously, had to pay the full rate during their first year of residency.

The court said that is unequal treatment and constitutionally flawed. The matter is on appeal, and the outcome is uncertain.

MR. HAMMOND, however, says nobody should worry.

After all, 1980 tax returns don't have to be filed until 1981 and meanwhile, absent a court order to the contrary, he says he has directed the commissioner of revenue to allow employers to continue withholding taxes on a scale called for in the 1980 act.

He says the 1981 legislature can deal with the matter before people have to file their 1980 returns. Ergo, no problem.

Besides, he says, there will be a tax relief initiative on the November ballot and the people will have an opportunity to pass that if they want it. And if that passes, presumably, there won't be a need for the '81 legislature to act at all. The trouble is that the initiative doesn't repeal the state income tax or give total relief.

Originally, Mr. Hammond's attorney general declared the initiative sponsored by Rep. Dick Randolph, the Fairbanks Libertarian, ineligible for the ballot because the tax repeal law substantially carried out its provisions. Now, it's back on the ballot, even though it doesn't provide what people want and expect.

Mr. Randolph's initiative — backed at a time when it appeared the legislature and the governor were going to do nothing about cutting taxes — provides that an individual's state income tax shall be 1 percent of his or her federal taxes. A sharp cut, to be sure, but less than repeal.

MR. RANDOLPH, in fact, isn't backing the initiative any more. He now wants to go all the way and simply repeal the income tax.

That's precisely what should be done. No waiting for a November ballot. No worrying about how the Supreme Court will rule. No argument about whether Gov. Hammond wants tax relief instead of tax repeal. And certainly without fiddling around waiting for the 1981 Legislature to take action — which could mean months of foolishness.

A special session of half a day is all that's required. Clean and neat and simple.

Special Session Outside Juneau May Be Illegal

JUNEAU (AP) — The state attorney general's office says there could be "a legal question" if this summer's special legislative session is conducted anywhere other than Juneau.

Assistant Attorney General Wil Condon said Gov. Jay Hammond was told the special session should take place in Juneau.

"We told them that if you don't, there's going to be a legal question," Condon said.

Condon said state statutes require regular sessions to be in the capital city but do not specify where special sessions are to be conducted.

Laws enacted during territorial days specified any legislative session must be in the capital, he said.

Hammond said Friday he would call a special session for Aug. 6 to deal with state employee pay raise issues.

He told a group of Alaska editors and publishers meeting in Girdwood last weekend he was considering a request by some legislators to have the special session in Anchorage.

Hammond's press secretary Gladys Reckley said the governor's office had checked on available hotel space in Juneau beginning Aug. 6.

A survey of Juneau's three big hotels indicated there would be space available at two of the businesses, but commitments would be needed soon to reserve space.

The special session is scheduled to begin the day after Juneau's Golden North Salmon Derby.

only if an emergency
Rec'd but the state capital would stay
They only was told about Fairbanks
Hammond's lawyer

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 184 - "An act authorizing an advisory vote by
Title the qualified voters of the State on convening special sessions of the
~~Legislature at any location in the State, and providing for an effective~~ date"
Requested by House Judiciary Date 2/2/82

II. FISCAL DETAIL

Agency Affected Office of the Governor
Program Category Affected Division of Elections
BRU, Program, Or Subprogram(s) Affected Division of Elections
(Note: If more than one budget component is affected, separate line-item
amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-		

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

No additional fiscal impact would occur with the passage of
House Bill No. 184

IV. DATE 2/3/82

PREPARED BY Danith D. Arnoldt *Danith D. Arnoldt*

AGENCY Office of the Governor/Division of Elections

Original: Legislative Finance

PHONE 586-6181

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)