

HJR

46

HOUSE COMMITTEE REPORT

Judiciary copy

(7)
Date Referred: May 17, 1991

FURTHER REFERRALS:

Finance

Date of Committee Action: 3/11/92

The JUDICIARY Committee considered:

HJR 46

HOUSE JOINT RESOLUTION NO. 46

CHANGE TIMING OF VETO OVERRIDE

Proposing an amendment to the Constitution of the State of Alaska relating to reconsideration of vetoes.

RECOMMENDATIONS:

be replaced with

CSHJR 46 (JUD)

the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact Governor (Elections)

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Dave Douley</i>	X	<i>Max Greenberg</i>			✓
<i>John Ellis</i>	X	<i>Mike Miller</i>		X	
<i>Kevin Pad Parnell</i>	✓	<i>Terry Martin</i>		X	
		<i>Mark Rasley</i>		✓	

Dave Douley
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA

BILL NO. HJR 46

1992 LEGISLATIVE SESSION

Revision Date: 01/13/92

Department Affected: Office of the Governor-Elections

Title: Amendment to the Constitution RE: Change Timing of Veto Override

BRU: Division of Elections

Sponsor: Judiciary Committee

Component: II-Primary and General Elections

Requestor: House Judiciary Committee

COMPONENT SERIAL NO.

0	0	2	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2*	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.) * This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be: 53.4.

Prepared by: Elizabeth Ziegler, Deputy Director

Phone: 465-4611

Division: Elections

Date: 01/13/92

Approved by Commissioner: *Charlotte E. Nickerson*

Agency: Office of the Governor

Date: 01-13-92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

STATE OF ALASKA
1991 LEGISLATIVE SESSION

No. 1
Bill Version: HJR 46
(H) Publish Date: 5/17/91

Revision Date: 5/3/91 Department Affected: Office of the Governor/Elections
Title: Amend. to the Constitution - re- BRU: Division of Elections
lating to reconsideration of Vetoes Component: II - Primary and General Elections
Sponsor: House Judiciary Committee
Requestor: State Affairs COMPONENT SERIAL NO.

0	0	2	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		2.2*				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		2.2*				

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		2.2*				
FEDERAL FUNDS						
OTHER						
TOTAL		2.2*				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: -0-

ANALYSIS: (Attach a separate page if necessary.) *This figure covers cost of inclusion of information about this issue in the Official Election Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be: 53.4.

Prepared By: Elizabeth Ziegler, Deputy Director *Mau* Phone: 465-4611
Division: Elections *[Signature]* Date: 5/3/91
Approved by Commissioner: D. Max Hodel, Chief of Staff *[Signature]*
Agency: Office of the Governor Date: 5/3/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

REPRESENTATIVE DAVE DONLEY

ALASKA STATE LEGISLATURE
DISTRICT ELEVEN
SEAT A

3111 "C" STREET, SUITE 450
ANCHORAGE, ALASKA 99503
(907) 561-7629 (FAX) 562-4376

ALASKA LANDINGS • BENTZEN • BIRCHWOOD • CHESTER CREEK • HEATHER MEADOWS • LINCOLN PARK • MIDTOWN • NORTHSTAR
NORTHWOOD • ROMIG • ROOSEVELT PARK • SPENARD • THOMPSON • TURNAGAIN • WINDEMERE • WOODLAND PARK



CHAIRMAN
JUDICIARY COMMITTEE

VICE CHAIRMAN
REGULATION REVIEW COMMITTEE

MEMBER
RULES COMMITTEE
LABOR AND COMMERCE COMMITTEE

M E M O R A N D U M

TO: All members of the House Judiciary Committee

FROM: Representative Dave Donley *DD*

RE: HJR 46, constitutional amendment on legislative consideration of vetoed bills.

DATE: January 29, 1992

Due to an unintended effect of the 120-day session limit and the way the Alaska Constitution is worded, the balance of power between two of our three co-equal branches of government is seriously skewed.

The existing language of Art. II, Sec. 16, provides that if a veto occurs after the first regular session has adjourned, the veto shall be taken up no later than the fifth day of the next special or regular session.

If a veto occurs after adjournment of a second regular session, the veto shall be taken up no later than the fifth day of a special session, if one is called. Note that the legislature has never called itself into special session. Therefore, the legislature has historically been effectively precluded from considering vetoes occurring after adjournment of a second session. This allows a governor to rule by fiat every other year during that governor's term of office.

The provision in the constitution for the legislature to call itself into special session is very vague and the fact that it has never occurred proves that the provision is not really workable. Special sessions will probably only ever be called by the governor. He will certainly never call one to reconsider bills he has vetoed.

In addition, the legislature does not have the option of taking up the matter of a veto at the next regular session if the veto occurs at any time during a regular session.

Not only does the Alaska Constitution probably create the most powerful chief executive in the nation, but a



three-fourths vote is required to override a vetoed budget item. Of course, we don't even have the opportunity to exercise that override if a veto occurs after the end of the second session of a legislature.

When Article II, Section 8, of the constitution was amended to provide for the 120-day session limit, Section 16 of that article, dealing with action upon a veto, was not amended. Sec. 16 provides in pertinent part:

Upon receipt of a veto message during a regular session of the legislature, the legislature shall meet immediately in joint session and reconsider passage of the vetoed bill or item.

Before the 120-day session limit, if a veto message was received just prior to a planned adjournment of the legislature, the legislature could choose to remain in session for the purpose of meeting in joint session to reconsider the veto.

Under the session limit, it is possible that a veto message will be received so late in the session that the legislature will not be able to meet in joint session before it is constitutionally required to adjourn.

Under this proposed constitutional amendment, a veto occurring after 115 days from the convening of the first or second regular session can be considered by the legislature at the next regular or special session. Thus, the requirement of a special session for reconsideration of a veto that takes place after a second regular session is eliminated and the next legislature may consider vetoes which occurred after adjournment of the second session of the previous legislature.

In addition, the legislature must consider a veto before adjournment of a regular session if the veto message is received before the 115 day deadline. This gives the legislature a minimum of 5 days to consider the matter of holding a joint session before the session limit comes into play. This amendment puts the legislature on a more equal footing with the executive and serves to more equally balance the three branches of government.

HOUSE COMMITTEE REPORT

(7) Date Referred: May 1, 1991 FURTHER REFERRALS: Judiciary Finance

Date of Committee Action: 5-17-91

The STATE AFFAIRS Committee considered: HJR 46

HOUSE JOINT RESOLUTION NO. 46 CHANGE TIMING OF VETO OVERRIDE

Proposing an amendment to the Constitution of the State of Alaska relating to reconsideration of vetoes.

- RECOMMENDATIONS: [] the same title [] a new title be replaced with [] have attached amendments(s) [x] do pass [] do not pass [] no recommendations [] individual recommendations [] additional referral to the Committee

ADOPTS: letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date) [x] fiscal impact Division of Elections [] fiscal note(s) [] zero fiscal note [] zero fiscal note(s)

Table with columns: SIGNING DQ PASS, DP, OTHER RECOMMENDATIONS, DNP, NR, AM. Includes handwritten signatures and checkmarks.

Gene Kubera

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

February 13, 1992

SUBJECT: Enactment of Legislation (CSHJR 46(JUD))

TO: Representative Dave Donley
Chair, House Judiciary Committee

FROM: Tamara Brandt Cook
Director *TBC*

Here is the amendment you requested providing that a veto is invalid if information supporting it is not provided by the governor with the veto message. This approach will, I believe, create a question with respect to each veto as to whether or not the bill has become law notwithstanding the veto. A determination as to the enactment of legislation will, of course, have to be made by the courts. Undoubtedly, the issues litigated will include questions as to the sufficiency of the information provided, as well as the simple question of whether any information at all was provided.

Unfortunately, I cannot think of a way of tightening up the language or setting standards that will effectively avoid the need for judicial construction. I assume that, should the amendment be included in this resolution and adopted by the voters, over time a body of judicial interpretation will evolve that will serve as guidance to the governor as to the type of information that must be submitted to support a veto.

TBC:gc
92-128.glc

Enclosure

A M E N D M E N T

OFFERED IN THE HOUSE
TO: CSHJR 46(JUD)

Page 2, line 3, after "origin.":

Insert "If the information supporting the veto decision is not provided with the vetoed bill, the veto is invalid and the bill is enacted on the date the house of origin receives it from the governor."

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

October 15, 1991

SUBJECT: Joint session to consider veto (HJR 46)

TO: Representative Dave Donley

FROM: Tamara Brandt Cook *TBC*
Director
Division of Legal Services

You have asked whether the legislature is required to meet in joint session to consider a veto or whether it may take no action on the veto message. It has been the practice of the legislature not to take action on every veto message received. (See legislative histories for SB 162, veto letter page 796, Senate Journal, 1983; SB 82, veto letter page 1626, Senate Journal 1983; SB 190, veto letter page 1630 - 1631, Senate Journal 1983; HB 314, veto letter page 1658 - 1659, Senate Journal 1983; HB 309, vetoed during the interim, July 29, 1983; HB 105, vetoed during the interim, July 29, 1983; HB 151, vetoed during the interim, July 29, 1983, HB 635, veto taken up and tabled, page 2690, Senate Journal, 1984; SB 27, veto letter page 1740 - 1741, House Journal, 1985; HB 60, veto letter page 1742, House Journal, 1985; HB 195, veto letter page 1749, House Journal, 1985.)

Nevertheless, it appears to me that a fairly strong legal argument could be made for the proposition that the legislature is required to take the matter of a veto up. Article II, section 16 of the state constitution addresses the matter in mandatory terms:

Upon receipt of a veto message during a regular session of the legislature, the legislature shall meet immediately in joint session and reconsider passage of the vetoed bill or item. Bills to raise revenue and appropriation bills or items, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature. Other vetoed bills become law by affirmative vote of two-thirds of the membership of the legislature. Bills vetoed after adjournment of the first regular session of the legislature shall be reconsidered by the legislature sitting as one body no later than the fifth day of the next regular or special session of that legislature. Bills vetoed after ad-

Representative Dave Donley
October 15, 1991
Page 2

journalment of the second regular session shall be reconsidered by the legislature sitting as one body no later than the fifth day of a special session of that legislature, if one is called. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses. (Emphasis added)

Both AS 24.30.100 and Uniform Rule 45 dealing with vetoes also require legislative action in mandatory terms. A discussion of the constitutional provision during the Constitutional Convention indicates that a primary purpose behind the section was to prevent a bill from being held from the floor to prevent an attempt to override a veto and to prevent additional legislative action that might be taken in response to an override of a veto. (Alaska Constitutional Proceedings, Part 3, page 1744 - 1745, copy attached) But note also that the discussion includes a suggestion that the matter need not be brought up. (See McCutcheon comment, page 1744.)

It may be that the court, if faced with the question, would uphold the past practice of the legislature in not taking up vetoes based upon a disinclination to interfere with legislative procedure on "separation of powers" grounds or on the grounds that the only remedy for ignoring the mandate is contained in the section itself (i.e. that the legislature loses the opportunity to act by failing to do so). But it is also possible that the court would find itself obligated to protect the interests of individual legislators and each of the houses in having the opportunity to vote upon the matter. In view of the conflicting comments made during the Constitutional Proceedings, I believe that failing to take up a veto will entail some legal risk that the court could find this failure unconstitutional.

Attachment

TBC:gc
91-371.glc

DAVIS: The Rules Committee is not ready and will not be ready by 7:30 this evening to make any such report.

PRESIDENT EGAN: The question is "Shall the rules be suspended and the Rules Committee be instructed to make recommendations as to how to expedite the proceedings of the Convention?" It is not debatable because it is a suspension of the rules.

HERMANN: Point of order. I think we have a rule that says any time we want to call out a report of the Committee you have to have 14 people, if I recollect, requesting it.

PRESIDENT EGAN: Of course, this request by Mr. McLaughlin, Mrs. Hermann, is in effect a suspension of the rules.

V. FISCHER: Point of information. Is such a motion amendable by Mr. McLaughlin to provide, instead of 7:30 tonight, to have it as soon as possible?

PRESIDENT EGAN: Mr. McLaughlin, the Chair will allow you to make a statement.

MCLAUGHLIN: I shall amend it with reluctance to read "as soon as possible" instead of "7:30 this evening".

BUCKALEW: I would like to ask Mr. McLaughlin to withdraw that. You know they are going to get it out as soon as possible. Why don't you withdraw it?

MCLAUGHLIN: I shall withdraw my motion and rely on the speed with which the Rules Committee produces recommendations.

PRESIDENT EGAN: Mr. McLaughlin, hearing no objection, your proposed motion has been withdrawn. Mr. Davis.

DAVIS: At this time I will announce a meeting of the Rules Committee for the morning recess.

PRESIDENT EGAN: There will be a meeting of the Rules Committee during the morning recess. Are there amendments to Section 15? Mrs. Nordale.

NORDALE: Mr. President, I have an amendment.

ARMSTRONG: May I suggest again that the Chairman of the Committee be asked to speak to this section and if there are to be amendments to it.

PRESIDENT EGAN: He has already spoken to this section.

ARMSTRONG: I am sorry. I thought it was 16.

CHIEF CLERK: "Section 15, line 20, after the word 'shall'

insert the word 'immediately'."

NORDALE: Mr. President, I ask unanimous consent, or I move that the amendment be adopted.

PRESIDENT EGAN: Mrs. Nordale moves the adoption of the proposed amendment. Is there a second?

METCALF: I second the motion.

PRESIDENT EGAN: Will the Chief Clerk please read the amendment again.

CHIEF CLERK: "Section 15, line 20, after the word 'shall' insert the word 'immediately'."

PRESIDENT EGAN: Mrs. Nordale.

NORDALE: Mr. President, my feeling is that I don't know that it is too important, but it seems to me that it is of enough importance to insert the word. If the bill should be considered immediately after the veto, then if the veto is sustained, there is an opportunity for those who still believe in the substance of the bill to introduce a revised bill incorporating such amendments as will coincide with the governor's attitude on the bill. Otherwise, it could be just delayed and not taken up in sufficient time to reconsider something that might be of value.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, I address a question to Mrs. Nordale. Would you consent to the word "promptly" instead of "immediately"? You don't know what the business is or what kind of jam they are going to be in for the next 24 hours.

NORDALE: I would consider that if the word would be interpreted reasonably, so that at the first possible recess the bill would be considered.

MCCUTCHEON: I don't see why we are heckling about one particular word. The house does not even have to receive the bill as far as the floor is concerned for some period of time. If there is a matter under consideration, it does not even come before it except if the president calls it up.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: There is something else here. This, as we have it here, maybe we are going to change it tomorrow. It says they are going to sit in joint session and you can't consider --

NORDALE: It says "immediately".

SUNDBORG: "The legislature sitting as one body shall immediately reconsider the passage of the bill." He returns it to the house of representatives together with his objections and the legislature sitting as one body and now it is proposed immediately to reconsider the passage of the bill. Would that mean that once the governor's veto message hits the clerk's desk in the house of representatives, that all business of both houses ceases at that moment and they go into joint session to immediately consider this matter?

NORDALE: Mr. President, rather than waste any time I withdraw the amendment. I think that almost every section of every constitution that talks about reconsidering a vetoed message says "immediately".

TAYLOR: I object.

PRESIDENT EGAN: Mr. Taylor objects to withdrawing. Mr. Taylor.

TAYLOR: I object to withdrawing. I think that word should be in there. I have seen the times in the legislature where there was an attempt after a bill had been vetoed by the governor, and it came back down to hold it so it could not come up for a hearing. It would be forced out and many times that happens. I think it should be "immediately" or some word which will denote the same meaning or say "within the following day", or "within 24 hours", but I think it is very imperative that we have this in here so when it goes back to the house of origin nobody in that house can sit on the bill and allow the veto to kill the bill. I object to withdrawing it and believe it should be voted on.

PRESIDENT EGAN: Objection is heard. The question is, "Shall the proposed amendment as offered by Mrs. Nordale be adopted by the Convention?" All those in favor of the adoption of the proposed amendment will signify by saying "aye", all opposed by saying "no". The Chief Clerk will call the roll.

(The Chief Clerk called the roll with the following result:

Yeas: 39 - Armstrong, Aves, Barr, Boswell, Collins, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hynckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratovich, R. Rivers, V. Rivers, Robertson, Stewart, Taylor, Walsh, Wien, Mr. President.

Nays: 12 - Buckalew, Cooper, Cross, Harris, Laws, Poulsen, Reader, Rosswog, Smith, Sundborg, Sweeney, White.

Mr. Schneider testified that the bonds required by subsection (f) of the bill might not involve a very significant amount of money. He suggested that these bonds could become "an easy, cheap way" around buying malpractice insurance. Mr. Schneider also pointed out that professionals should continue to purchase malpractice insurance after leaving their profession or retiring because of statute of limitations considerations.

Number 223

Rep. Martin voiced concern that consumers might end up paying for the malpractice insurance and that, in the end, only attorneys would benefit from the law.

Number 240

Mr. Schneider responded by pointing out that his clients benefited from any favorable settlement. He suggested that the committee should worry about the public who was victimized by virtually every profession. Mr. Schneider added that most lawyer and doctors, as well as some engineers and architects, already held malpractice insurance. He added that HB 302 would not create a cause of action for people to sue.

Number 274

Rep. Donley asked whether there were any witnesses who wished to testify about the constitutional amendment regarding veto overrides, HJR 46. Noting that there were no witnesses present, Rep. Donley stated that the bill had come from the State Affairs Committee. He explained that, unless the legislature called itself back to Juneau for a special session, it had no opportunity to review vetoes at the end of the second year of a legislative session. Rep. Donley added that the legislature had never called itself back into a special session and that, consequently, it was effectively precluded from reviewing vetoes by the governor at the end of a session. According to Rep. Donley, the only way to resolve this issue would be to require the existing legislature to reconvene to consider all vetoes or to allow the subsequent legislature to consider them when they began the next session. He indicated that the only drawback to the latter alternative was that new legislators might not be familiar with the bills that had been vetoed. However, he suggested that this was not a serious problem. Rep. Donley maintained that it would be difficult and expensive to mandate a special session.

Number 320

Rep. Hanley suggested that the wording "shall meet" may be too strong and mentioned the possibility of using "may meet" instead.

Number 334

Rep. Donley responded that it should be a constitutional requirement that the legislature provide the opportunity to any member to move to override.

Number 346

Rep. Ellis indicated that he supported using stronger language, such as "shall" rather than "may". Rep. Ellis, Rep. Donley and Rep. Hanley discussed the language that should be used.

Number 392

Rep. Hanley stated that he was not ready to take a position on the option of allowing a new legislature to review vetoes of bills passed by a prior legislature. He raised the possibility of allowing a new legislature to take up vetoes later than during the first five days of the session. He indicated that this would allow them to familiarize themselves with the relevant issues. Rep. Ellis mentioned that there could be budgetary considerations which would weigh in favor of reviewing vetoes during the first five days of the session. Rep. Hanley suggested considering a ten to fourteen day time frame for the new legislature to review vetoes. Rep. Donley noted that the bill could require the legislature to meet on the tenth day of the session to review vetoes.

Number 440

Rep. Martin pointed out that a new governor would be taking office and that some major political battles could occur. He concurred with Rep. Ellis that the House and Senate leadership had, in the past, circumvented the will of the majority of the legislature. Rep. Martin stated that he would not like to see the legislature misuse its prerogative to review vetoes, given the fact that a new administration would be establishing itself. Also, he expressed concerns about the legislature extending its session beyond its statutory 120 day session.

Number 519

Ms. Otto explained that the proposed constitutional amendment would not give the legislature authority to extend the session. She indicated that it would allow the

legislature to take up a veto override during the first five days of the following session.

Number 546

Rep. Martin and Rep. Donley discussed whether a newly elected governor could influence the legislature's decision to override vetoes by the previous governor.

Number 574

Rep. Ellis, Rep. Martin and Rep. Donley discussed whether the legislature had ever called itself back to Juneau for a special session. They could not recall a single instance when it had done so, though previous governors had called special sessions.

Number 606

Rep. Donley pointed out that the costs associated with a special session would be very high.

Number 614

Rep. Donley indicated that he was primarily concerned with the fact that the legislature could not review vetoes made at the end of the second year of a session. He noted that he was less concerned about the procedure or mechanism that would be established to circumvent this "anomaly." According to Rep. Donley, the present situation, which he associated with authoritarian dictatorship rather than separation of powers, was not acceptable.

Number 641

Rep. Hanley noted that the Constitution did not specify when a governor had to transmit a veto back to the legislature. He suggested that this was an outstanding issue that needed to be considered. Rep. Ellis concurred. Rep. Donley indicated that various provisions in the Constitution needed to be "cleaned up." He suggested that some of these issues could be addressed through the legislative process.

TAPE JUD 91-#67, SIDE B

Number 000

Responding to a comment by Rep. Martin, Rep. Donley pointed out that the the legislature could not call itself into a special session unless the Speaker of the House and President of the Senate were in favor of doing it. Rep.

Donley noted that this represented a "catch-22" situation. Rep. Donley stated that a joint session for reviewing vetoes should be mandated so it would not be subject to political manipulation. He also suggested that if the amendment allowed a new legislature to review vetoes, it should provide more than five days so new members could familiarize themselves with the issues and bills.

Number 032

Rep. Hanley raised the prospect of setting a specific day, for instance the tenth day of a new session, on which outstanding vetoes would be reviewed.

Number 035

Mark Handley, legislative aide to Rep. Gruenberg, suggested that confusion about whether a joint session would be mandatory stemmed from a lengthy sentence in the proposed amendment. He recommended using two separate sentences.

Number 054

Rep. Hanley indicated that the word "immediately" was also a source of confusion and suggested asking for a legal opinion on the language.

Number 060

Rep. Hanley, Rep. Ellis and Rep. Donley discussed the option of requiring the joint session to take place on a specific day. Rep. Ellis pointed out that this approach would remove a great deal of uncertainty.

Number 070

Rep. Martin, Rep. Ellis and Rep. Donley discussed the impact of the proposed amendment on appropriations bills.

Number 113

Ms. Otto clarified that the proposed amendment would simply give the legislature the same rights following the second year of a session as it already had following the first year of a session.

Number 121

Rep. Hanley asked whether the legislature would have to review the budget line-by-line during its joint session, given the fact that the governor may have used his or her line-item veto powers. Rep. Donley responded that this

could happen, but noted that it would be up to the members of the legislature to determine what vetoes were reviewed. He said that motions to override vetoes would be offered and voted on by members. Rep. Ellis, Rep. Hanley, Rep. Donley and Rep. Martin discussed how political factors and practical considerations would affect this process.

Number 184

Rep. Martin and Rep. Donley discussed why the legislature did not call itself into special sessions. Rep. Donley said that the Constitution discouraged the legislature from taking such action. He noted that he had drafted an amendment to make the process more open and less complicated. Rep. Hanley stated that he would favor a formal request process. Rep. Donley, in turn, raised the option of delivering a petition to the Speaker.

Number 212

Rep. Donley noted for the record that Rep. Miller was in attendance and adjourned the meeting.