

HB

90

FISCAL NOTES

No. 3

STATE OF ALASKA
1996 LEGISLATIVE SESSION

NO
BIL
PU
Bill Version: HB 90am
(S) Publish Date: 2-29-96

Revision Date: _____
Title: "An Act changing the date that the legislature convenes in the years following a gubernatorial .."
Sponsor: Representatives B. Davis
Requestor: Senate State Affairs

Department Affected: Legislative Affairs Agency
BRU: All
Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues (Thousands of Dollars)

| OPERATING | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 | FY 02 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 0 | 0 | 0 | 0 | 0 | 0 |
| SUPPLIES | 0 | 0 | 0 | 0 | 0 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|---------------------|---|---|---|---|---|---|
| REVENUE FUND SOURCE | 0 | 0 | 0 | 0 | 0 | 0 |
|---------------------|---|---|---|---|---|---|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|-------------------|---|---|---|---|---|---|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | | | | | | |
| OTHER FUND SOURCE | | | | | | |
| TOTAL | 0 | 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: _____

ANALYSIS (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Karla Schofield, Deputy Director Phone: 465-3852
Division: Administrative Services Date: 1/17/96

Approved By: Pamela A. Varni, Executive Director Date: 1/17/96
Agency: Legislative Affairs Agency

Distribution (by preparer): Leg

FISCAL NOTES

& Impacted Agency(ies)

FISCAL NOTE

No. 4

Bill Version: HB 90am

(S) Publish Date: 2-29-96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 1/23/96
Title: "An Act changing the date that the legislature convenes in the years following a gubernatorial election."
Sponsor: Rep. B. Davis
Requester: Rep. B. Davis

Dept. Affected: Executive Branch Agencies
BRU: Various
Component: Various

COMPONENT SERIAL NO. _____

Expenditures/Revenues

(Thousands of Dollars)

| OPERATING EXPENDITURES | FY 97 | FY 98 | FY 99 | FY 100 | FY 01 | FY 02 |
|------------------------|------------|------------|--------------|------------|------------|------------|
| PERSONAL SERVICES | 0.0 | 0.0 | (5.8) | 0.0 | 0.0 | 0.0 |
| TRAVEL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CONTRACTUAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SUPPLIES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| EQUIPMENT | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| LAND & STRUCTURES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| GRANTS, CLAIMS | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| MISCELLANEOUS | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL OPERATING | 0.0 | 0.0 | (5.8) | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

| | | | | | | |
|--------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES | | | | | | |
|--------------------|--|--|--|--|--|--|

FUND SOURCE

(Thousands of Dollars)

| | | | | | | |
|---------------------------|------------|------------|--------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 0.0 | 0.0 | (5.1) | 0.0 | 0.0 | 0.0 |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other 1081 Info Svcs Fund | 0.0 | 0.0 | (0.7) | 0.0 | 0.0 | 0.0 |
| TOTAL | 0.0 | 0.0 | (5.8) | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY96) cost: 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 |

ANALYSIS: (Attach a separate page if necessary)

Executive Branch Overtime Cost Savings

(Based on 1/16/95 overtime costs plus 1.5% increase to reflect increases due to Labor Contracts.)

| | |
|---|--------------|
| Commissioner's Executive Secretaries | 3,567 |
| Governor's Executive Office over-time eligible staff | 1,551 |
| Department of Administration, Information Services over-time eligible staff | 715 |
| Total | 5,833 |

Prepared by: Laura Baker, Budget Analyst
Division: Budget Review
Approved by Commissioner: Michelle McConnell, Director
Agency: Office of Management and Budget

Phone: 465-4884
Date: 1/23/96

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LEGISLATIVE COUNCIL

REPRESENTATIVE BETTYE DAVIS DISTRICT 21

SPONSOR STATEMENT

HB 90: An Act changing the date that the legislature convenes in the years following a gubernatorial election.

It is now ten years since the President and Congress declared the birthday of Dr. Martin Luther King a national holiday. In Alaska, this holiday ironically falls on the opening day of the legislative session in the year following a gubernatorial election. This not only means that Alaska legislators are unable to pay proper homage to this great leader, but that hundreds of legislative staff are also impacted.

I propose that this particular legislative session day be changed to the following Tuesday. This action would bring Alaska in line with the other 48 states that observe this holiday.

I would like to quote the executive proclamation issued by Governor Walter Hickel:

Dr. King is remembered for his tireless dedication to achieving, through peaceful means, freedom and equal rights for all people, and for making the promise of democracy truly an inalienable right for all members of society.

It is our responsibility, as legislators, to set an example for the millions of people who have benefited from the dreams and promises of Dr. Martin Luther King, Jr.

SPONSOR STATEMENT

Position Statement

HB 90

The Knowles Administration supports HB 90. This bill would shift the beginning date of legislative sessions following gubernatorial elections by one day, in order to avoid having the opening day of the session on Martin Luther King, Jr. Day.

Although the legislature often meets on other national holidays in the midst of the legislative session, in this instance all that is required to accommodate the Martin Luther King, Jr. holiday is to move the start of the session by one day every four years. The Administration believes that this change would minimally impact legislative business, and would allow legislators, legislative staff and other state employees to appropriately honor and celebrate the birth of this great civil rights leader. In addition, this bill would result in some cost savings from a reduction in holiday overtime required to be paid to some employees who now must work on the holiday.

Alaska is geographically far removed from the heart of the civil rights movement in which Martin Luther King, Jr. played such an important leadership role. But the rights of equality and freedom for all, which he advocated, are as central to the spirit of Alaska as to any state in the Union.

LEGAL SERVICES

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MEMORANDUM

February 23, 1996

SUBJECT: Martin Luther King, Jr. Day (HB 90 am)

TO: Senator Bert Sharp
Attn: Ann Ringstad

FROM: Terri Lauterbach
Legislative Counsel *TLauterbach*

You have asked for verification that the third Monday in January is the holiday relating to Martin Luther King, Jr., and for changes in HB 90 am that would ensure that the legislators would "always have that day off."

AS 44.12.010 lists Martin Luther King, Jr.'s Birthday as being the third Monday in January.

As for the second part of your request, it is true that, in some gubernatorial election years, the third Monday in January may fall after the legislature convenes even if it convenes on the third Tuesday. This would happen if January starts on a Tuesday, so that the third Tuesday occurs before the third Monday. I could change the new language to read "the Tuesday that follows the third Monday," but that would not ensure that legislators would always have MLK day "off".

(2002, 2030 or there up thru 2050. see calendar)

If you want to ensure that the legislators always have MLK Day "off," then you would also have to amend the part of AS 24.05.090 that relates to the three years that do not follow gubernatorial election years. In those years, the legislature convenes on the second Monday in January, which is obviously always before MLK day. This would necessitate a change in the bill's title and the passage of an accompanying resolution authorizing the title change in the second house.

I think the purpose of HB 90 was to ensure that the opening day of the session, when legislators are sworn into office, would never fall on MLK Day. HB 90 does accomplish this purpose. In those rare instances when the third Monday in January falls after the third Tuesday, MLK Day will be about a week after the legislature convenes, just as it falls a week after the legislature convenes in the other three years that don't follow a gubernatorial election. The legislature could simply choose not to meet on that day, thereby having it "off."

SECTIONAL ANALYSIS

Legislator wants delay for holiday

By IAN MADER
The Associated Press

JUNEAU — Alaska's sole black state legislator said Monday the state constitution should be changed so the legislature is not required to convene on Martin Luther King Day every four years.



Opening day usually falls on the second Monday in January, which does not conflict with the national and state holiday on the third Monday.

But a conflict arises during a new

Please see Page B-3. HOLIDAY

HOLIDAY: Constitutional change needed

Continued from Page B-1

governor's first year, when the Alaska Constitution requires the body to convene the third Monday to give the governor extra time to put together an administration.

The federal government also chose that date in 1986 for a holiday to honor the slain civil rights leader who sought equal rights for blacks. All but one state, New Hampshire, have followed suit with a state holiday.

While most Alaskans had the day off Monday, lawmakers were sworn in by Lt. Gov. Fran Ulmer during a full day of ceremony and meetings.

Rep. Bettye Davis, D-Anchorage, said she will introduce a measure this week to change the opening day to Tuesday during years of a new governor. It must be passed by two-thirds majorities of both chambers and approved by voters in a general election.

"We have to change with the times," Davis said.

Blacks make up about 4 percent of

Alaska's population, and most reside in Anchorage, where several events Monday commemorated King.

"There's all kinds of activities," Davis said. "I'm missing every one of them."

Davis said she would have made an issue of the holiday in 1990, but that she was a freshman lawmaker then and felt she didn't have the necessary clout.

Rep. Gail Phillips, R-Homer and the new House speaker, said Davis' proposal would be an easy way to solve the problem, but would not predict its chances for passing. "I certainly think people would look favorably on that," Phillips said.

After her expected election as speaker, Phillips referred to King in a speech to her colleagues calling for bipartisan efforts in the 19th legislature.

"His message most of all was a message of peace. And I hope that our legislative body — when we adjourn two years from now — that people will remember us that way."

Chapter 12. Holidays.

Section

- 10 Legal holidays
- 20 Holiday falling on Sunday
- 25 Holiday falling on Saturday
- 30 Wickersham Day
- 40 Anthony J. Dimond Day

Section

- 50 Ernest Gruening Day
- 55 Bob Bartlett Day
- 60 William A. Egan Day
- 65 Elizabeth Peratrovich Day
- 70 Alaska Flag Day

Cross references. — For Arbor Day,
see AS 41.15.900

Sec. 44.12.010. Legal holidays. (a) The following days are legal holidays:

- (1) the first of January, known as New Year's Day;
- (2) the third Monday of January, known as Martin Luther King, Jr.'s Birthday as provided in (b) of this section;
- (3) the third Monday in February, known as Presidents' Day;

- (4) the last Monday of March, known as Seward's Day;
 - (5) the last Monday in May, known as Memorial Day;
 - (6) the fourth of July, known as Independence Day;
 - (7) the first Monday in September, known as Labor Day;
 - (8) the 18th of October, known as Alaska Day;
 - (9) the 11th of November, known as Veterans' Day;
 - (10) the fourth Thursday in November, known as Thanksgiving Day;
 - (11) the 25th of December, known as Christmas Day;
 - (12) every Sunday;
 - (13) every day designated by public proclamation by the President of the United States or the governor of the state as a legal holiday.
- (b) For employment purposes, Martin Luther King, Jr.'s Birthday is a legal holiday for state employees who
- (1) are not covered by a collective bargaining agreement; or
 - (2) are covered by a collective bargaining agreement whose terms
 - (A) include by name Martin Luther King, Jr.'s Birthday; or
 - (B) have been amended to substitute a holiday on the third Monday of January for Martin Luther King, Jr.'s Birthday in place of another paid holiday. (§ 1-1-6 ACLA 1949, am § 1 ch 183 SLA 1959; am § 1 ch 37 SLA 1969; am § 1 ch 5 SLA 1973; am § 1 ch 38 SLA 1973; am §§ 1, 2 ch 109 SLA 1989)

Effect of amendments. — The 1989 amendment, effective September 11, 1989, rewrote paragraph (a)(2) which read "the 12th of February, known as Lincoln's Birthday", substituted "Presidents' Day" for "Washington's Birthday" in paragraph (a)(3); made a stylistic change in paragraph (a)(8); and added subsection (b).

NOTES TO DECISIONS

Applied in *In re Dalton*, 8 Alaska 338 (1932)

Cited in *Jefferson v. Moore*, 354 P 2d 373 (Alaska Ct. App. 1960)

Collateral references. — 73 Am Jur 2d, Sundays and Holidays, § 1 et seq; 40 C.J.S., Holidays, § 1 et seq.

Validity of statute or ordinance prohibiting or regulating sports and games on Sunday 24 ALR2d 813.

Validity, under establishment of religion clause of federal or state constitution, of provision making day of religious observance a legal holiday 90 ALR3d 752.

Validity and construction of Sunday closing or blue laws. 10 ALR4th 246.

Validity, under federal and state establishment of religion provisions, of prohibition of sale of intoxicating liquors on specific religious holidays 27 ALR4th 1155.

Scheduling election on religious holiday as violation of federal constitutional rights 44 ALR Fed 446.

Sec. 44.12.020. Holiday falling on Sunday. If a holiday listed in AS 44 12 010, except AS 44 12 010(a)(12), falls on a Sunday, Sunday and the following Monday are both legal holidays (§ 1-1-6 ACLA 1949, am § 1 ch 183 SLA 1959, am § 2 ch 37 SLA 1969)

Collateral references. — 72
Am Jur 2d, States, Territories and Depen-
dencies, § 55
81A C.J.S., States, § 45.
Defamation: nature and extent of privi-

lege accorded public statements, relating
to subject of legislative business or con-
cern, made by member of state or local
legislature or council outside of formal
proceedings. 41 ALR4th 1116

Section 7. Salary and Expenses. Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.

Collateral references. — 72
Am Jur 2d, States, Territories and Depen-
dencies, § 56.

81A C.J.S., States, §§ 46, 47

Section 8. Regular Sessions. The legislature shall convene in regular session each year on the fourth Monday in January, but the month and day may be changed by law. The legislature shall adjourn from regular session no later than one hundred twenty consecutive calendar days from the date it convenes except that a regular session may be extended once for up to ten consecutive calendar days. An extension of the regular session requires the affirmative vote of at least two-thirds of the membership of each house of the legislature. The legislature shall adopt as part of the uniform rules of procedure deadlines for scheduling session work not inconsistent with provisions controlling the length of the session.

Cross references. — For statutory pro-
visions changing the date the legislature
convenes, see AS 24.05.090.
Effect of amendments. — The amend-

ment effective December 30, 1984 (13th
Legislature's SCS CSHJR 2 (1983)) added
the second, third, and fourth sentences.

NOTES TO DECISIONS

121-day legislative session authorized. — This section authorizes a legisla-
tive session totaling 121 days. *Alaska
Christian Bible Inst. v State*, 772 P.2d
1079 (Alaska 1989).

The 120-day requirement in this section
results in a 121-day durational limit on
regular sessions of the legislature. The
day the legislature convenes is not

counted. The next day, day two of the ses-
sion, is one day from the convening date.
It is day one for purposes of the constitu-
tional limitation. By arithmetic exten-
sion, 120 days from the date the legisla-
ture convenes is the 121st day of the ses-
sion. *Alaska Christian Bible Inst. v State*,
772 P.2d 1079 (Alaska 1989).

Collateral references. — 72
Am Jur 2d, States, Territories and Depen-
dencies, §§ 41, 57, 59.

81A C.J.S., States, §§ 45, 49

Article 3. Meeting and Organization.

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

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.; however, following a gubernatorial election year the legislature shall convene on the third Monday in January at 10.00 a. m. 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; am § 80 ch 6 SLA 1984)

HB 90 am - Martin Luther King Jr. Holiday

After much ado about nothing, I have delivered this bill as is to the Senate Secretary without any amendments by the Senate State Affairs Committee.

Two problems: Per Sen. Leman's concern re: if January starts on a Tuesday, so the third Tuesday occurs before the third Monday - this would only happen in the years 2002 and 2030 (out to the year 2050). Sen. Leman has reviewed Teri Lauterbach's memo and concluded that the purpose of the legislation is to give MLK day recognition, so the legislature could choose not to meet on that particular day, rather than amend this bill and include a resolution with title change.

Second problem: OMB provided a fiscal note and showed a SAVINGS of \$5.8K for FY99; therefore, you will hear a further referral to Senate Finance...i.e. the Executive branch employees would not have to work on a holiday if the legislature did not work that day...every little bit helps!!

Ann

2/29/99

P.S.

Welcome back!