

HB

171

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 1, 2007

FURTHER REFERRALS:

Date of Committee Action: 3-29-07

The STATE AFFAIRS Committee considered:

HB 171

HOUSE BILL NO. 171

ACCOMMODATE 90-DAY SESSION

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

Recommends it be replaced with HCS or CS for HB 171 (STA)
 For Senate Bills with new title: Technical Title New Title: HCR Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts:
 ADM
 CED
 COR
 CRT
 FED
 DEC
 DFG
 GOV
 HSS
 LWF
 LAW
 LEG
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
GOV / ALL				X

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Craig Johnson</i>	Johnson			X	
<i>Bob Roses</i>	Roses			X	
<i>Mark Humphrey</i>	Humphrey				✓
<i>John Cochill</i>	Cochill	✓			
<i>John Doll</i>	Doll				✓
Chair: <i>Lynn</i>	Lynn			X	
Chair: <i>Lynn</i>	Lynn			X	

Failed

AMENDMENT #3

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 171(STA), Draft Version "M"

1 Page 3, following line 1:

2 Insert a new bill section to read:

3 **** Sec. 4.** AS 24.05.180 is amended by adding new subsections to read:

4 (c) The chair of a standing or special committee that meets during the interim
5 to consider an introduced measure shall give at least 30 days' notice of the meeting.
6 The notice must include the subject and number of the measure that will be heard.

7 (d) A member of a standing or special committee may attend a meeting held
8 by that committee during the interim telephonically or by teleconference. The member
9 may vote on any question before the committee; however, the vote shall be conducted
10 in such a manner that the public and other committee members may know the vote of
11 the member who attends telephonically or by teleconference.

12 (e) A standing committee may report a measure from committee during the
13 interim. A committee member who is voting telephonically or by teleconference shall
14 sign a copy of the committee report and indicate on the copy the member's
15 recommendation. The member shall send the signed copy by facsimile or other
16 electronic means to the committee chair. The member shall also mail the original
17 signed copy to the senate secretary or the chief clerk of the house of representatives, as
18 appropriate. The chair of the committee shall deliver the committee report and the
19 facsimile copy to the senate secretary or the chief clerk of the house of representatives
20 to be taken up when the legislature next convenes."

21

22 Renumber the following bill sections accordingly.

*Amend # 1, 171
Fixed # 2
Passed*

HB 171 – 90 Day Session Timing Changes

Existing Law	HB 171
Sec. 1 AS 18.65.085(b) Narcotics and alcohol drug enforcement report due on 30 days from start of session	Due on the first day of the regular session.
Sec 2 AS 18.65.086(b) Child abuse reports within 30 days of start of first session	Due on the first day of the first regular session.
Sec. 3 AS 24.05.080 Legislator terms begin on the second Monday following an election	Terms begin on second Monday in February
Sec. 4 AS 24.05.090 Legislature convenes on second or third Monday in January	Legislature convenes second Monday in February.
Sec. 5 AS 24.05.120 Uniform rules adopted at beginning of the first regular session	Adopted at beginning of each session.
Sec. 6 AS 24.08.035(a) Fiscal notes to be available within 5 days of request	Within 3 days of request.
Sec. 7 AS 24.08.050 Prefiled bills by January 1	Prefiled bills by February 1
Sec. 8 AS 24.08.110 Bills from first session carry over to second session	Language change
Sec 9 AS 24.10.220 Bonuses for legislators are not allowed	Bill revisor suggestion on new wording.
Sec 10 AS 24.20.171 LB&A committee organized 15 days after the organization of each legislature	10 days after the organization of each legislature
Sec 11 AS 24.20.206 LB&A report on investments within 30 days of convening	On or before first day of session
Sec 12	

AS 24.20.311 Audit reports during within 5 days of convening of each regular session	On or before convening.
Sec 13 AS 24.45.041(e) Publish directory of lobbyist registry within 45 of convening	Publish within 15 days of convening
Sec 14 AS 24.45.116 Civic league or organization contribution reporting requirements on Feb 10, April 25, and July 10	Remove Feb 10 reporting requirement.
Sec 15 AS 37.07.020(a) Budget becomes public on Dec 15	January 15 th
Sec 16 AS 37.07.040(7) Governor workbooks to Leg Fin by first Monday in January	By first Monday in February
Sec 17 AS 37.07.070 Supplemental appropriations requested by 30 th legislative day Budget amendments by 45 th legislative day	5 th legislative day 15 th legislative day
Sec 18 AS 37.10.050(c) State agency fee regulations report within 30 days of convening of regular session	Within 5 days.
Sec 19 AS 38.04.022(b) Land disposal report within 30 days of convening regular session	Within 5 days
Sec 20 AS 38.05.027(b) Cooperative resource agreement reports within 30 days of beginning of each session.	Within 5 days
Sec 21 AS 39.05.080(1) Names for confirmation within 30 says of convening session	Within 15 days
Sec 22	Application. Provisions on start of legislative terms beginning in Feb starts after 2008 election.
	Effective date of Act is Jan. 1, 2008



ALASKA STATE LEGISLATURE
HOUSE RULES COMMITTEE
REPRESENTATIVE JOHN COGHILL, CHAIRMAN
State Capitol Juneau, AK 99801-1182 (907) 465-3719
1292 Sadler Way, Fairbanks AK 99701 (907) 456-5081

HB 171 Sectional Amendments to Version "E"

Section 1. Public Safety annual report on activities of the narcotic drug and alcohol enforcement unit will be available the first day of session. Currently it is to be made available within 30 days.

Sec. 2. In odd numbered years Public Safety submits their report on repeated child sexual abuse arrests and criminal exploitation of children to legislature on first day of session

Sec. 3. Changes the beginning of the term of each member of the legislature to the second Monday of February. (in Senate version)

Sec. 4. The first session of a legislature begins on the second Monday of January, except for the session following a gubernatorial election which begins on the third Tuesday of January. The second session of a legislature starts on the second Monday of February.

Sec. 5. Requires the department affected by a piece of legislation to deliver to a requesting legislative committee a fiscal note within three days of the request. This is a change from five days and after the 90th day two days.

Sec. 6. Extends the prefile deadline from January 1 to February 1 for the second session of a legislature. The prefile for the first session of a legislature remains at January 1.

Sec. 7. Cleans up AS 24.10.220 and clarifies legislative employees cannot be awarded bonuses.

Sec. 8. Requires the Legislative Budget & Audit Committee to be organized within 10 days after the convening of the legislature.

Sec. 9. Requires the Legislative Budget & Audit Committee to prepare a report of investment programs, plans, performance, and policies of all agencies of the state that perform lending or investment functions and notify the legislature of the report on or before the first day of each regular session versus 30 days after convening.

Sec. 10. Requires the LB & A to file with the governor and the legislature its annual report summarizing audit reports on or before the first day of session versus within five days.

Sec. 11. Requires APOC to publish a directory of registered lobbyists within 15 days after session convenes. They now have 45 days.

Sec. 12. Moves the deadline for the governor's budget workbook from the first Monday in January to seven days before the legislature convenes in a regular session.

Sec. 13. The governor's request for supplemental appropriations must be provided to the legislature by the fifth day of session versus 30th day and the governor's budget amendments must be submitted by the 15th day versus the 45th day.

Sec. 14. Requires LB & A to prepare a report of fees collected and recommended fee adjustments of state agencies and provide it to the legislature by the fifth day of session versus 30 days.

Sec. 15. Requires DNR to give notice to the legislature within five days from convening that a report reflecting all money deposited to the State Land Disposal Income Fund for the prior fiscal year is available. They currently have until the 30th day.

Sec. 16. Reduces from 30 to five days after convening the deadline for DNR to submit a summary of all "cooperative resource management or development agreements" to the legislature.

Sec. 17. Requires governor to submit to the legislature within 15 days from convening the names of persons appointed to a position or membership who have not been confirmed by the legislature and persons to be appointed to fill a position or membership for a term that will expire on or before March 1 during that session. Current provides for 30 days. It also instructs the governor to immediately submit the name of someone appointed after the first 15 days by while the legislature is in regular session.

Sec. 18. This legislation has an effective date of January 1, 2008.

Blue text refers to amendments made to Version "F" by Amendment #1 moved by Representative Johnson.

Deleted Language from version E:

Sec. 18. The term of office beginning on the second Monday of February for a member of the legislature first applies to legislators elected during 2008.

Updated For
3/29/07 Meeting

HB171 90 Day Session	LEGISLATIVE DEADLINES FOR INFORMATION FROM EXECUTIVE BRANCH	Proposed Deadlines w/Jan 8th Start Date	Proposed Deadlines w/Feb 5 th Start Date	Current Deadlines w/Feb 5 th Start Date
Sec. 1	Public Safety's Narcotic Drug & Alcohol Enforcement Report	Jan. 8	Feb. 5	March 7
Sec. 2	Public Safety's Repeat Child Abuse Report & Criminal Exploitation of Children Report	Jan. 8	Feb. 5	March 7
Sec. 5	Fiscal Notes	Jan. 11	Feb. 8	Feb. 10
Sec. 6	Profile Deadline	Jan. 1	Feb. 1	Jan. 1
Sec. 8	Leg Budget & Audit Organized	Feb. 18	N/A	Feb. 20
Sec. 9	LB & A Investment Programs Report	Jan. 8	Feb. 5	Mar. 7
Sec. 10	LB & A Audit Reports Summary	Jan. 8	Mar. 5	Mar. 10
Sec. 11	APOC Lobbyists Directory	Jan. 23	Feb. 20	Mar. 22
Sec. 12	Governor's Budget Workbook	Jan. 1	Feb. 10	Jan. 5
Sec. 13	Governor's Supplemental Budget	Jan. 13	Feb. 10	Mar. 12
Sec. 13	Governor's Amendments	Jan. 23	Feb. 20	Mar. 22
Sec. 14	Leg Budget & Audit Report of Fees	Jan. 13	Feb. 10	Mar. 7
Sec. 15	DNR State Land Disposal Income Fund Report	Jan. 13	Feb. 10	Mar. 7
Sec. 16	DNR Summary Cooperative Management or development agreements	Jan. 13	Feb. 10	Mar. 7
Sec. 17	Governor submits appointments	Jan 23	Feb. 20	Mar. 7

Alaska State Legislature



Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

A Communication From
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Re: HB 171 Version M - Accommodate 90-day Session

3/29/07 – The House State Affairs Committee passed out HB 171 Version M with two amendments. Please draft a Final CS for HB 171 Version M as amended. Thank you!

Amendment #1 (Gruenberg & Coghill)
25-LS0653\M.1

Amendment #2 (Coghill)
25-LS0653\M.2

passed

25-LS0653M.1
Cook
3/28/07

CONCEPTUAL AMENDMENT #1

OFFERED IN THE HOUSE BY REPRESENTATIVES GRUENBERG
TO: CSHB 171(STA), Draft Version "M" AND COGHILL

1 Page 7, line 28:

2 Delete all material and insert:

3 *** Sec. 17.** AS 24.05.150(b) is repealed.

4 *** Sec. 18.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 REINSTATEMENT OF LAWS IN UNAMENDED FORM. AS 18.65.085(b),
7 18.65.086(b), AS 24.05.080, 24.05.090, AS 24.08.035(a), 24.08.050, AS 24.20.171(a),
8 24.20.206, 24.20.311, AS 24.45.041(e), AS 37.07.040(7), 37.07.070, AS 37.10.050(c),
9 AS 38.04.022(b), AS 38.05.027(b), and AS 39.05.080(1) shall read as they read on
10 December 31, 2007.

11 *** Sec. 19.** Sections 1 - 16 of this Act take effect January 1, 2008.

12 *** Sec. 20.** Sections 17 and 18 of this Act take effect June 1, 2009."

13

14 The Legal Services Division is directed to incorporate this amendment into CSHB 171(STA)
15 in the form required by the Manual of Legislative Drafting.

Passed

25-LS0653M.2
Cook
3/28/07

AMENDMENT #2

OFFERED IN THE HOUSE

BY REPRESENTATIVE COGHILL

TO: CSHB 171(STA), Draft Version "M"

1 Page 6, line 18:

2 Delete "fifth [30TH] legislative day"

3 Insert "30th legislative day in odd-numbered years and through the fifth legislative
4 day in even-numbered years"

5

6 Page 6, line 21:

7 Delete "15th [45TH] legislative day"

8 Insert "30th legislative day in odd-numbered years and through the 15th [45TH]
9 legislative day in even-numbered years "

10

11 Page 7, line 20, following "session,":

12 Insert "or, following a gubernatorial election year, within the first 30 days after
13 the legislature convenes in regular session,"

14

15 Page 7, lines 24 - 25:

16 Delete "15 [30] days of the convening of the regular session"

17 Insert "presentment deadline [30 DAYS OF THE CONVENING OF THE
18 REGULAR SESSION]"

*Moved
out of
Committee*

25-LS0653\M
Cook
3/26/07

CS FOR HOUSE BILL NO. 171(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

**Offered:
Referred:**

Sponsor(s): HOUSE RULES COMMITTEE

Handwritten notes and a circular stamp, possibly containing a date or signature.

A BILL

FOR AN ACT ENTITLED

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

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 *** Section 1.** AS 18.65.085(b) is amended to read:

8 (b) The commissioner of public safety shall prepare [, **WITHIN 30 DAYS**
9 **FROM THE DATE THE LEGISLATURE CONVENES,**] a report concerning the
10 activities of the narcotic drugs and alcohol enforcement unit. The commissioner shall
11 notify the legislature on the first day of each regular session that the report is
12 available. The report must include, but is not limited to, the number of arrests made,
13 the kind, amount, and value of narcotic drugs and alcoholic beverages seized, the

1 sentences received by narcotic drug and alcohol offenders, and an overall view of the
2 narcotic drug and illicit alcohol problem in the state.

3 * Sec. 2. AS 18.65.086(b) is amended to read:

4 (b) The commissioner of public safety shall prepare, [WITHIN 30 DAYS
5 FROM THE DATE THE LEGISLATURE CONVENES] in odd-numbered years, a
6 report concerning the activities of the special unit on repeated child sexual abuse and
7 the criminal exploitation of children. The commissioner shall notify the legislature by
8 the first day of each regular session in an odd-numbered year that the report is
9 available. The report must include, but is not limited to, the number of arrests made in
10 cases of repeated child sexual abuse and the criminal exploitation of children, the
11 number of investigations that result in the Department of Health and Social Services
12 taking temporary or permanent custody of the child, the sentences received by persons
13 convicted in the state of child sexual abuse or criminal exploitation of a child, and an
14 overall view of the problems of child sexual abuse and the criminal exploitation of
15 children in the state.

16 * Sec. 3. AS 24.05.090 is amended to read:

17 Sec. 24.05.090. Duration of legislature; [REGULAR] sessions. Each
18 legislature has a duration of approximately two years, and sessions consist of a
19 "First Regular Session" that meets in the odd-numbered years, a "Second
20 Regular Session" that meets in the even-numbered years, and any special session
21 that the governor or the legislature calls. The legislature shall convene at the capital
22 for the First Regular Session [EACH YEAR] on the second Monday in January at
23 1:00 p.m. [10:00 A.M.]; however, following a gubernatorial election year, the
24 legislature shall convene on the third Tuesday in January at 1:00 p.m. The legislature
25 shall convene at the capital for the Second Regular Session on the second
26 Monday in February at 1:00 p.m. [10:00 A.M. EXCEPT AS PROVIDED IN THIS
27 SECTION. EACH LEGISLATURE SHALL HAVE A DURATION OF TWO
28 YEARS AND SHALL CONSIST OF A "FIRST REGULAR SESSION," WHICH
29 SHALL MEET IN THE ODD-NUMBERED YEARS, AND A "SECOND
30 REGULAR SESSION," WHICH SHALL MEET IN THE EVEN-NUMBERED
31 YEARS, AND ANY SPECIAL SESSION OR SESSIONS THAT THE GOVERNOR

1 OR LEGISLATURE MAY FIND NECESSARY TO CALL].

2 * Sec. 4. AS 24.08.035(a) is amended to read:

3 (a) Before a bill or resolution, except an appropriation bill, is reported from
4 the committee of first referral, there shall be attached to the bill a fiscal note
5 containing an estimate of the amount of the appropriation increase or decrease that
6 would result from enactment of the bill for the current fiscal year and five succeeding
7 fiscal years or, if the bill has no fiscal impact, a statement to that effect shall be
8 attached. The fiscal note or statement shall be prepared in conformity with the
9 requirements of this section by the department or departments affected and may be
10 reviewed by the office of management and budget. The fiscal note or statement shall
11 be delivered to the committee requesting it within three [FIVE] days of the request
12 [OR WITHIN TWO DAYS IF THE REQUEST IS MADE AFTER THE 90TH DAY
13 OF A REGULAR SESSION, OR DURING A SPECIAL SESSION OF THE
14 LEGISLATURE]. If the bill is presented by the governor for introduction in
15 accordance with AS 24.08.060(b) and the uniform rules of the legislature, the fiscal
16 note or statement shall be attached to the bill before the bill is introduced. An
17 amendment or a substitute bill proposed by a committee of referral that changes the
18 fiscal impact of a bill shall be explained in a revised fiscal note or statement attached
19 to the bill.

20 * Sec. 5. AS 24.08.050 is amended to read:

21 **Sec. 24.08.050. Prefiling of bills and resolutions.** Any member of the
22 legislature whose term extends into a forthcoming session or legislature, or a member-
23 elect may file a bill or resolution or a proposal for a bill or resolution with the
24 Legislative Affairs Agency at any time before January 1 preceding a First Regular
25 Session or at any time before February 1 preceding a Second Regular Session.

26 The agency shall place a prefiled bill or resolution that [, WHICH] is approved by the
27 sponsor [.] in proper form and deliver it to the chief clerk of the appropriate house on
28 the day on which the next session convenes or is organized for business. Prefiled bills
29 or resolutions shall be considered as introduced on the day of their delivery to each
30 house.

31 * Sec. 6. AS 24.10.220 is amended to read:

1 **Sec. 24.10.220. Bonuses for certain legislative employees. An employee of**
2 **the legislature may not be awarded or paid a bonus that is in [IN] addition to**
3 compensation authorized under AS 24.10.200 and 24.10.210 [, AN EMPLOYEE OF
4 THE LEGISLATURE MAY BE AWARDED AND PAID A BONUS TO REWARD
5 EXTRAORDINARY EFFORT, COMPETENCY, JOB PERFORMANCE, OR
6 UNCOMPENSATED OVERTIME. HOWEVER, AFTER JANUARY 1, 2005, THE
7 AUTHORITY TO AWARD AND PAY A BONUS UNDER THIS SECTION IS
8 TERMINATED, AND BONUSES MAY NOT BE AWARDED OR PAID AFTER
9 THAT DATE].

10 * **Sec. 7.** AS 24.20.171(a) is amended to read:

11 (a) The committee shall be organized within 10 [15] days after the
12 organization of each legislature. Members serve for the duration of the legislature
13 during which they are appointed.

14 * **Sec. 8.** AS 24.20.206 is amended to read:

15 **Sec. 24.20.206. Duties.** The Legislative Budget and Audit Committee shall

16 (1) [REPEALED

17 (2)] annually review the long-range operating plans of all agencies of
18 the state that perform lending or investment functions;

19 (2) [(3)] review periodic reports from all agencies of the state that
20 perform lending or investment functions;

21 (3) [(4)] prepare a complete report of investment programs, plans,
22 performance, and policies of all agencies of the state that perform lending or
23 investment functions and notify the legislature on or before the first day [WITHIN
24 30 DAYS AFTER THE CONVENING] of each regular session that the report is
25 available;

26 (4) [(5)] in conjunction with the finance committee of each house
27 recommend annually to the legislature the investment policy for the general fund
28 surplus and for the income from the permanent fund;

29 (5) [(6)] provide for an annual post audit and annual operational and
30 performance evaluation of the Alaska Permanent Fund Corporation investments and
31 investment programs;

1 (6) [(7)] provide for an annual operational and performance evaluation
2 of the Alaska Housing Finance Corporation and the Alaska Industrial Development
3 and Export Authority; the performance evaluation must include, but is not limited to, a
4 comparison of the effect on various sectors of the economy by public and private
5 lending, the effect on resident and nonresident employment, the effect on real wages,
6 and the effect on state and local operating and capital budgets of the programs of the
7 Alaska Housing Finance Corporation and the Alaska Industrial Development and
8 Export Authority;

9 (7) [(8)] provide assistance to the trustees of the trust established in
10 AS 37.14.400 - 37.14.450 in carrying out their duties under AS 37.14.415.

11 * Sec. 9. AS 24.20.311 is amended to read:

12 **Sec. 24.20.311. Reports.** The committee shall file copies of its approved audit
13 reports including any committee recommendations with the governor, the agency
14 concerned, and the legislature. An annual report summarizing the audit reports and
15 committee recommendations made during the year shall be filed with the governor and
16 with the legislature on or before [WITHIN] the first day [FIVE DAYS] of each
17 regular session of the legislature. Reports shall be approved by a majority of the
18 committee before their release and shall be open to public inspection after their release
19 to the legislature.

20 * Sec. 10. AS 24.45.041(e) is amended to read:

21 (e) Within 15 [45] days after the convening of each regular session of the
22 legislature, the commission shall publish a directory of registered lobbyists, containing
23 the information prescribed in (b) of this section for each lobbyist and the photograph,
24 if any, furnished by a lobbyist under (c) of this section. From time to time hereafter
25 the commission shall publish those supplements to the directory that in the
26 commission's judgment may be necessary. The directory shall be made available to
27 public officials and to the public at the following locations: a public place adjacent to
28 the legislative chambers in the state capitol building, the office of the lieutenant
29 governor, the legislative reference library of the Legislative Affairs Agency, and the
30 commission's central office.

31 * Sec. 11. AS 37.07.040(7) is amended to read:

1 (7) provide the legislative finance division with an advance copy of the
2 governor's budget workbooks at least seven days before the legislature convenes in
3 a regular session [BY THE FIRST MONDAY IN JANUARY OF EACH YEAR,
4 EXCEPT THAT FOLLOWING A GUBERNATORIAL ELECTION YEAR THE
5 ADVANCE COPY SHALL BE PROVIDED BY THE SECOND MONDAY IN
6 JANUARY];

7 * Sec. 12. AS 37.07.070 is amended to read:

8 **Sec. 37.07.070. Legislative review.** The legislature shall consider the
9 governor's proposed comprehensive operating and capital improvements programs and
10 financial plans, evaluate alternatives to the plans, make program selections among the
11 various alternatives and determine, subject to available revenues, the level of funding
12 required to support authorized state services. The operating and capital budgets of
13 each agency shall be separately reviewed. During each regular session of the
14 legislature, legislative review of the governor's supplemental appropriation bills and
15 the governor's budget amendments shall be governed by the following time limits:

16 (1) requests by the governor for supplemental appropriations for state
17 agency operating and capital budgets for the current fiscal year may be introduced by
18 the rules committee only through the fifth [30TH] legislative day;

19 (2) requests by the governor for budget amendments to state agency
20 budgets for the budget fiscal year may be received and reviewed by the finance
21 committees only through the 15th [45TH] legislative day.

22 * Sec. 13. AS 37.10.050(c) is amended to read:

23 (c) Except as provided in AS 37.10.052(a), each state agency shall annually
24 review fees collected by the agency. By October 1, each state agency shall submit a
25 report to the office of management and budget regarding existing fee levels set by the
26 agency by regulation and adjustments made to fee levels by the agency during the
27 previous fiscal year, and recommended adjustments in fees set by statute that the
28 agency collects. Each year by December 15, the office of management and budget
29 shall submit a report to the Legislative Budget and Audit Committee summarizing the
30 reports and recommendations and the extent to which the fee adjustments have been
31 incorporated in the governor's budget. Within five [30] days after the convening of

1 each regular session of the legislature, the committee shall prepare a report on the
2 status of fee regulations and making recommendations for changes in regulations or
3 statutes as appropriate. The committee shall notify the legislature that the report is
4 available.

5 * **Sec. 14.** AS 38.04.022(b) is amended to read:

6 (b) Within five [30] days after the legislature convenes in regular session, the
7 Department of Natural Resources shall notify the legislature that a report reflecting all
8 money deposited in the fund established under (a) of this section during the prior fiscal
9 year is available.

10 * **Sec. 15.** AS 38.05.027(b) is amended to read:

11 (b) A summary of agreements entered into under this section shall be
12 submitted to the legislature within five [30] days of the beginning of each regular
13 session.

14 * **Sec. 16.** AS 39.05.080(1) is amended to read:

15 (1) Each governor shall present to the legislature the names of the
16 persons appointed by that governor; each governor may present the name of a person
17 appointed by a previous governor; only presentment that occurs during the time that
18 the legislature is in regular session constitutes presentment under this section. The
19 governor shall, within the first 15 [30] days after the legislature convenes in regular
20 session, present to the legislature for confirmation the names of the following persons:
21 (A) persons appointed to a position or membership who have not previously been
22 confirmed by the legislature, and (B) persons to be appointed to fill a position or
23 membership the term of which will expire on or before March 1 during that session of
24 the legislature. If an appointment is made after the first 15 [30] days of the convening
25 of the regular session but while the legislature is in regular session, the governor shall
26 immediately present to the legislature for confirmation the name of the person
27 appointed.

28 * **Sec. 17.** This Act takes effect January 1, 2008.

Library

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
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Fax #: 2029

From: Nancy Manly x2794
Alaska State Capitol, room 104
Juneau, AK 99801-1182

of Pages (including cover): 1

Phone: 907-465-4931
Fax: 907-465-4316

Re: HB 171

Please draft a State Affairs Committee CS for HB 171. The Committee will continue to work on this bill but wants to update this bill with the amendments made so far. Thank you!

Amendment #1 (Coghill)

Page 3 Line 3-8 (Delete all material – which is Section 5)

Amendment #2 (Coghill)

Page 4, lines 6-10 (Delete all material – which is Section 8)

Amendment #3 (Coghill)

Page 6, lines 11-20 (Delete all material – which is Section 14)

Amendment #4 (Coghill)

Page 6, lines 21-31 and Page 7, Lines 1-8 (Delete all material – which is Section 15)

**LEGISLATIVE DEADLINES FOR
INFORMATION FROM
EXECUTIVE BRANCH**

**Current
Deadlines
w/Feb 5th
Start Date**

**Proposed
Deadlines
w/Feb 5th
Start Date**

Public Safety's Narcotic Drug & Alcohol Enforcement Report	March 7	Feb. 5
Public Safety's Repeat Child Abuse Report & Criminal Exploitation of Children Report	March 7	Feb. 5
Fiscal Notes	Feb. 10	Feb. 8
Leg Budget & Audit Organized	Feb. 20	Feb. 15
LB & A Investment Programs Report	Mar. 7	Feb. 5
LB & A Audit Reports Summary	Mar. 10	Mar. 5
APOC Lobbyists Directory	Mar. 22	Feb. 20
Governor's Supplemental Budget	Mar. 12	Feb. 10
Governor's Amendments	Mar. 22	Feb. 20
Leg Budget & Audit Report of Fees	Mar. 7	Feb. 10
DNR State Land Disposal Income Fund Report	Mar. 7	Feb. 10
Governor submits appointments	Mar. 7	Feb. 20

Library

25-LS0653\E.2
Cook
3/23/07

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE JOHNSON

TO: CSHB 171(STA), Draft Version "E"

1 Page 1, line 1:

2 Delete "the terms of legislators,"

3

4 Page 2, lines 16 - 22:

5 Delete all material.

6

7 Renumber the following bill sections accordingly.

8

9 Page 2, line 24, through page 3, line 2:

10 Delete all material and insert:

11 "Sec. 24.05.090. Duration of legislature; [REGULAR] sessions. Each
 12 legislature has a duration of approximately two years, and sessions consist of a
 13 "First Regular Session" that meets in the odd-numbered years, a "Second
 14 Regular Session" that meets in the even-numbered years, and any special session
 15 that the governor or the legislature calls. The legislature shall convene at the capital
 16 for the First Regular Session [EACH YEAR] on the second Monday in January at
 17 1:00 p.m. [10:00 A.M.]; however, following a gubernatorial election year, the
 18 legislature shall convene on the third Tuesday in January at 1:00 p.m. The legislature
 19 shall convene at the capital for the Second Regular Session on the second
 20 Monday in February at 1:00 p.m. [10:00 A.M. EXCEPT AS PROVIDED IN THIS
 21 SECTION, EACH LEGISLATURE SHALL HAVE A DURATION OF TWO
 22 YEARS AND SHALL CONSIST OF A "FIRST REGULAR SESSION," WHICH
 23 SHALL MEET IN THE ODD-NUMBERED YEARS, AND A "SECOND

1 REGULAR SESSION," WHICH SHALL MEET IN THE EVEN-NUMBERED
2 YEARS, AND ANY SPECIAL SESSION OR SESSIONS THAT THE GOVERNOR
3 OR LEGISLATURE MAY FIND NECESSARY TO CALL]."

4

5 Page 3, line 25:

6 Delete "February [JANUARY] 1"

7 Insert "January 1 preceding a First Regular Session or at any time before
8 February 1 preceding a Second Regular Session"

9

10 Page 6, lines 2 - 3:

11 Delete all material.

12 Insert "governor's budget workbooks at least seven days before the legislature
13 convenes in a regular session [BY THE FIRST MONDAY IN JANUARY OF EACH
14 YEAR, EXCEPT THAT FOLLOWING A GUBERNATORIAL ELECTION YEAR"

15

16 Page 7, lines 27 - 30:

17 Delete all material.

18

19 Renumber the following bill section accordingly.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET

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FAX: (907) 465-3008

March 22, 2007

The Honorable John Coghill
Alaska State Representative
State Capitol, Room 214
Juneau, AK 99801-1182

Dear Representative Coghill:

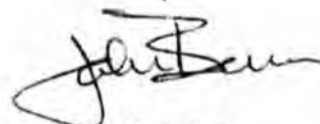
At the March 15 hearing for HB171, you asked what the Palin Administration's position was regarding Section 17 of HB171 (version 25-LS0653\ E). This letter is in response to that request.

Section 17 of the bill proposes an amendment to the number of days after the Legislature convenes that the Governor must submit names to the Legislature for confirmation for certain persons (to 15 from 30).

The proposed deadline of 15 days, presumes that the legislative session would begin on the second Monday in February (as proposed in section 4 of the bill). If the Legislature were to leave the start date of the session unchanged, the Palin Administration would propose the timeline for presentation of names to the Legislature revert back to the original language which provides the Governor 30 days to present appointments.

Should you have any questions, please feel free to contact me.

Sincerely,



John Boucher
Senior Policy Analyst

cc: The Honorable Bob Lynn, House State Affairs

25-LS0653\E
Cook
3/16/07

CS FOR HOUSE BILL NO. 171(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): **HOUSE RULES COMMITTEE**

BILL

FOR AN ACT ENTITLED

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

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 * **Section 1.** AS 18.65.085(b) is amended to read:

8 (b) The commissioner of public safety shall prepare [, WITHIN 30 DAYS
9 FROM THE DATE THE LEGISLATURE CONVENES,] a report concerning the
10 activities of the narcotic drugs and alcohol enforcement unit. The commissioner shall
11 notify the legislature on the first day of each regular session that the report is
12 available. The report must include, but is not limited to, the number of arrests made,
13 the kind, amount, and value of narcotic drugs and alcoholic beverages seized, the

1 sentences received by narcotic drug and alcohol offenders, and an overall view of the
2 narcotic drug and illicit alcohol problem in the state.

3 * **Sec. 2.** AS 18.65.086(b) is amended to read:

4 (b) The commissioner of public safety shall prepare, [WITHIN 30 DAYS
5 FROM THE DATE THE LEGISLATURE CONVENES] in odd-numbered years, a
6 report concerning the activities of the special unit on repeated child sexual abuse and
7 the criminal exploitation of children. The commissioner shall notify the legislature **by**
8 **the first day of each regular session in an odd-numbered year** that the report is
9 available. The report must include, but is not limited to, the number of arrests made in
10 cases of repeated child sexual abuse and the criminal exploitation of children, the
11 number of investigations that result in the Department of Health and Social Services
12 taking temporary or permanent custody of the child, the sentences received by persons
13 convicted in the state of child sexual abuse or criminal exploitation of a child, and an
14 overall view of the problems of child sexual abuse and the criminal exploitation of
15 children in the state.

16 * **Sec. 3.** AS 24.05.080 is amended to read:

17 **Sec. 24.05.080. Terms.** The term of each member of the legislature begins on
18 the second Monday in **February** [JANUARY FOLLOWING A PRESIDENTIAL
19 ELECTION YEAR; HOWEVER, FOLLOWING A GUBERNATORIAL ELECTION
20 YEAR, THE TERM OF EACH MEMBER BEGINS ON THE THIRD TUESDAY IN
21 JANUARY]. The term of representatives is two years, and the term of senators is four
22 years. One-half of the senators shall be elected every two years.

23 * **Sec. 4.** AS 24.05.090 is amended to read:

24 **Sec. 24.05.090. Regular sessions.** The legislature shall convene at the capital
25 each year on the second Monday in **February** [JANUARY] at **1:00 p.m. Each** [10:00
26 A.M.; HOWEVER, FOLLOWING A GUBERNATORIAL ELECTION YEAR, THE
27 LEGISLATURE SHALL CONVENE ON THE THIRD TUESDAY IN JANUARY
28 AT 10:00 a.m. EXCEPT AS PROVIDED IN THIS SECTION, EACH] legislature
29 shall have a duration of two years and **consists** [SHALL CONSIST] of a "First
30 Regular Session [,]" **that meets** [WHICH SHALL MEET] in the odd-numbered years,
31 [AND] a "Second Regular Session [,]" **that meets** [WHICH SHALL MEET] in the

1 even-numbered years, and any special session or sessions that the governor or
2 legislature may find necessary to call.

3 * Sec. 5. AS 24.08.035(a) is amended to read:

4 (a) Before a bill or resolution, except an appropriation bill, is reported from
5 the committee of first referral, there shall be attached to the bill a fiscal note
6 containing an estimate of the amount of the appropriation increase or decrease that
7 would result from enactment of the bill for the current fiscal year and five succeeding
8 fiscal years or, if the bill has no fiscal impact, a statement to that effect shall be
9 attached. The fiscal note or statement shall be prepared in conformity with the
10 requirements of this section by the department or departments affected and may be
11 reviewed by the office of management and budget. The fiscal note or statement shall
12 be delivered to the committee requesting it within three [FIVE] days of the request
13 [OR WITHIN TWO DAYS IF THE REQUEST IS MADE AFTER THE 90TH DAY
14 OF A REGULAR SESSION, OR DURING A SPECIAL SESSION OF THE
15 LEGISLATURE]. If the bill is presented by the governor for introduction in
16 accordance with AS 24.08.060(b) and the uniform rules of the legislature, the fiscal
17 note or statement shall be attached to the bill before the bill is introduced. An
18 amendment or a substitute bill proposed by a committee of referral that changes the
19 fiscal impact of a bill shall be explained in a revised fiscal note or statement attached
20 to the bill.

21 * Sec. 6. AS 24.08.050 is amended to read:

22 **Sec. 24.08.050. Prefiling of bills and resolutions.** Any member of the
23 legislature whose term extends into a forthcoming session or legislature, or a member-
24 elect may file a bill or resolution or a proposal for a bill or resolution with the
25 Legislative Affairs Agency at any time before February [JANUARY] 1. The agency
26 shall place a prefiled bill or resolution that [, WHICH] is approved by the sponsor [,]
27 in proper form and deliver it to the chief clerk of the appropriate house on the day on
28 which the next session convenes or is organized for business. Prefiled bills or
29 resolutions shall be considered as introduced on the day of their delivery to each
30 house.

31 * Sec. 7. AS 24.10.220 is amended to read:

1 **Sec. 24.10.220. Bonuses for certain legislative employees.** An employee of
2 the legislature may not be awarded or paid a bonus that is in [IN] addition to
3 compensation authorized under AS 24.10.200 and 24.10.210 [, AN EMPLOYEE OF
4 THE LEGISLATURE MAY BE AWARDED AND PAID A BONUS TO REWARD
5 EXTRAORDINARY EFFORT, COMPETENCY, JOB PERFORMANCE, OR
6 UNCOMPENSATED OVERTIME. HOWEVER, AFTER JANUARY 1, 2005, THE
7 AUTHORITY TO AWARD AND PAY A BONUS UNDER THIS SECTION IS
8 TERMINATED, AND BONUSES MAY NOT BE AWARDED OR PAID AFTER
9 THAT DATE].

10 * **Sec. 8.** AS 24.20.171(a) is amended to read:

11 (a) The committee shall be organized within 10 [15] days after the
12 organization of each legislature. Members serve for the duration of the legislature
13 during which they are appointed.

14 * **Sec. 9.** AS 24.20.206 is amended to read:

15 **Sec. 24.20.206. Duties.** The Legislative Budget and Audit Committee shall

16 (1) [REPEALED

17 (2)] annually review the long-range operating plans of all agencies of
18 the state that perform lending or investment functions;

19 (2) [(3)] review periodic reports from all agencies of the state that
20 perform lending or investment functions;

21 (3) [(4)] prepare a complete report of investment programs, plans,
22 performance, and policies of all agencies of the state that perform lending or
23 investment functions and notify the legislature on or before the first day [WITHIN
24 30 DAYS AFTER THE CONVENING] of each regular session that the report is
25 available;

26 (4) [(5)] in conjunction with the finance committee of each house
27 recommend annually to the legislature the investment policy for the general fund
28 surplus and for the income from the permanent fund;

29 (5) [(6)] provide for an annual post audit and annual operational and
30 performance evaluation of the Alaska Permanent Fund Corporation investments and
31 investment programs;

1 (6) [(7)] provide for an annual operational and performance evaluation
2 of the Alaska Housing Finance Corporation and the Alaska Industrial Development
3 and Export Authority; the performance evaluation must include, but is not limited to, a
4 comparison of the effect on various sectors of the economy by public and private
5 lending, the effect on resident and nonresident employment, the effect on real wages,
6 and the effect on state and local operating and capital budgets of the programs of the
7 Alaska Housing Finance Corporation and the Alaska Industrial Development and
8 Export Authority;

9 (7) [(8)] provide assistance to the trustees of the trust established in
10 AS 37.14.400 - 37.14.450 in carrying out their duties under AS 37.14.415.

11 * **Sec. 10.** AS 24.20.311 is amended to read:

12 **Sec. 24.20.311. Reports.** The committee shall file copies of its approved audit
13 reports including any committee recommendations with the governor, the agency
14 concerned, and the legislature. An annual report summarizing the audit reports and
15 committee recommendations made during the year shall be filed with the governor and
16 with the legislature on or before [WITHIN] the first day [FIVE DAYS] of each
17 regular session of the legislature. Reports shall be approved by a majority of the
18 committee before their release and shall be open to public inspection after their release
19 to the legislature.

20 * **Sec. 11.** AS 24.45.041(e) is amended to read:

21 (e) Within 15 [45] days after the convening of each regular session of the
22 legislature, the commission shall publish a directory of registered lobbyists, containing
23 the information prescribed in (b) of this section for each lobbyist and the photograph,
24 if any, furnished by a lobbyist under (c) of this section. From time to time thereafter
25 the commission shall publish those supplements to the directory that in the
26 commission's judgment may be necessary. The directory shall be made available to
27 public officials and to the public at the following locations: a public place adjacent to
28 the legislative chambers in the state capitol building, the office of the lieutenant
29 governor, the legislative reference library of the Legislative Affairs Agency, and the
30 commission's central office.

31 * **Sec. 12.** AS 37.07.040(7) is amended to read:

1 (7) provide the legislative finance division with an advance copy of the
2 governor's budget workbooks by the first Monday in February [JANUARY] of each
3 year [, EXCEPT THAT FOLLOING A GUBERNATORIAL ELECTION YEAR
4 THE ADVANCE COPY SHALL BE PROVIDED BY THE SECOND MONDAY IN
5 JANUARY];

6 * Sec. 13. AS 37.07.070 is amended to read:

7 **Sec. 37.07.070. Legislative review.** The legislature shall consider the
8 governor's proposed comprehensive operating and capital improvements programs and
9 financial plans, evaluate alternatives to the plans, make program selections among the
10 various alternatives and determine, subject to available revenues, the level of funding
11 required to support authorized state services. The operating and capital budgets of
12 each agency shall be separately reviewed. During each regular session of the
13 legislature, legislative review of the governor's supplemental appropriation bills and
14 the governor's budget amendments shall be governed by the following time limits:

15 (1) requests by the governor for supplemental appropriations for state
16 agency operating and capital budgets for the current fiscal year may be introduced by
17 the rules committee only through the fifth [30TH] legislative day;

18 (2) requests by the governor for budget amendments to state agency
19 budgets for the budget fiscal year may be received and reviewed by the finance
20 committees only through the 15th [45TH] legislative day.

21 * Sec. 14. AS 37.10.050(c) is amended to read:

22 (c) Except as provided in AS 37.10.052(a), each state agency shall annually
23 review fees collected by the agency. By October 1, each state agency shall submit a
24 report to the office of management and budget regarding existing fee levels set by the
25 agency by regulation and adjustments made to fee levels by the agency during the
26 previous fiscal year, and recommended adjustments in fees set by statute that the
27 agency collects. Each year by December 15, the office of management and budget
28 shall submit a report to the Legislative Budget and Audit Committee summarizing the
29 reports and recommendations and the extent to which the fee adjustments have been
30 incorporated in the governor's budget. Within five [30] days after the convening of
31 each regular session of the legislature, the committee shall prepare a report on the

1 status of fee regulations and making recommendations for changes in regulations or
2 statutes as appropriate. The committee shall notify the legislature that the report is
3 available.

4 * **Sec. 15.** AS 38.04.022(b) is amended to read:

5 (b) Within five [30] days after the legislature convenes in regular session, the
6 Department of Natural Resources shall notify the legislature that a report reflecting all
7 money deposited in the fund established under (a) of this section during the prior fiscal
8 year is available.

9 * **Sec. 16.** AS 38.05.027(b) is amended to read:

10 (b) A summary of agreements entered into under this section shall be
11 submitted to the legislature within five [30] days of the beginning of each regular
12 session.

13 * **Sec. 17.** AS 39.05.080(1) is amended to read:

14 (1) Each governor shall present to the legislature the names of the
15 persons appointed by that governor; each governor may present the name of a person
16 appointed by a previous governor; only presentment that occurs during the time that
17 the legislature is in regular session constitutes presentment under this section. The
18 governor shall, within the first 15 [30] days after the legislature convenes in regular
19 session, present to the legislature for confirmation the names of the following persons:
20 (A) persons appointed to a position or membership who have not previously been
21 confirmed by the legislature, and (B) persons to be appointed to fill a position or
22 membership the term of which will expire on or before March 1 during that session of
23 the legislature. If an appointment is made after the first 15 [30] days of the convening
24 of the regular session but while the legislature is in regular session, the governor shall
25 immediately present to the legislature for confirmation the name of the person
26 appointed.

27 * **Sec. 18.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 APPLICATION. The beginning of the term of office under AS 24.05.080, as amended
30 by sec. 3 of this Act, first applies to legislators elected during 2008 and applies thereafter.

31 * **Sec. 19.** This Act takes effect January 1, 2008.

**Attached
Information for HB 171
From
Representative Max Gruenberg**

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Division of Elections

[State of Alaska](#) > [Division of Election](#) > [Petitions](#) > [05LEGS](#)

INITIATIVE PETITION BILL LANGUAGE by Petition Sponsors

Petition ID: 05LEGS

"An Act relating to a 90-day regular session of the legislature; and providing for an effective date."

Proposed Bill:

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA

*Section 1. AS 24.05.150 is amended by adding a new subsection to read:

(b) The legislature shall adjourn from a regular session within 90 consecutive calendar days, including the day the legislature first convenes in that regular session.

*Sec. 2 This act takes effect on the first day of the second regular session of the 25th Alaska Legislature.

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Ballot Measure 1 - 05LEGS

90-DAY SESSION LIMIT FOR LEGISLATURE

STATEMENT IN OPPOSITION

If you like power-wielding committee chairs, special interests, and high-paid lobbyists, you're going to love Ballot Measure 1. This proposed change to Alaska's statutes would play right into their hands.

On the other hand if you like your Legislature truly representative and dedicated to listening to the people of Alaska on issues that affect their lives, rights, resources, and revenues then Ballot Measure 1 deserves a "NO" vote on your ballot November 7.

Here's why:

Most Alaskans want meaningful, beneficial bills to be respectfully considered during the course of the regular sessions of each Legislature. They want appropriate committees in each house to have time to schedule hearings so that members can study legislation, hear Alaskan citizen testimony and experts, then intelligently vote their recommendations and send the bills on to the next committee of referral, if any. Some important, many-faceted bills may require consideration and recommendations from as many as three committees. A natural resources measure, for instance, may require referrals to Resources, Judiciary, and Finance.

Here's where the special interests and power brokers come in. If a bill is filed that is not to their liking there are two ways they can kill it.

First is the honorable way, by participating in honest, forthright testimony in committees, and by presenting their views to members of each house before a vote on each house floor. Of course, for an outcome to their liking they will need to round up enough negative votes (20 "nays" in the House, 10 in the Senate) to cause the bill to fail passage.

The other, easier way for the well-heeled, well-connected lobbyist or interest group is to find a friendly, sympathetic committee chair who will either outright refuse to bring up a bill for committee consideration and advancement or kill it with kindness by scheduling multiple strung-out hearings or by holding it for "more study."

What does this have to do with session limits? Obviously, the shorter the allowable session, the easier it is to stall a good bill's progress until the legislative session clock runs out. Hence the enthusiasm for Ballot Measure 1 among special interests and legislator power brokers.

Remember this: the more you limit the legislature's time to do its legitimate business, the more you limit the opportunity of Alaskans to hear the facts and share their expertise.

And by the way, session-limiting statutes don't even work. Ever since the current 120-day session went into effect in 1985 every single Legislature has had to be called back into special session one, two, or even three more times!

This is expensive and wasteful. The people of Alaska deserve better.

Please vote "NO" on Ballot Measure 1!

Mike Miller, Juneau
Former Majority Leader Alaska House of Representatives

Niilo E. Koponen, Fairbanks
Former Chair, Committee on Health, Education, & Social Services

Sam Cotten, Anchorage
Speaker of the House 1989-1990

The statement printed on this page is the opinion of the author(s) and is presented as submitted to the Division of Elections.

REGION IV ★ PAGE 47

MEMORANDUM**State of Alaska
Department of Law****To:** The Honorable Loren Leman
Lieutenant Governor**Date:** July 1, 2005**File No.:** 663-05-0225**Tel. No.:** 269-6612**From:**Brenda B. Page
Assistant Attorney General
Labor and State Affairs - Anchorage
*B. Page***Re:** Review of Initiative Application
to Limit Legislative Session to 90
Days**I. INTRODUCTION AND SUMMARY:**

You have asked us to review an application for an initiative petition entitled "An Act relating to a 90-day regular session of the legislature; and providing for an effective date." We have completed our review. Although we believe that there is a question as to whether the initiative complies with the constitutional provisions governing use of the initiative, given the recent decision by the Alaska Supreme Court in *State v. Trust the People*, 2005 WL 1297915 (Alaska May 27, 2005), we believe that this issue is more appropriately addressed post-election. Under these circumstances, we recommend that you certify the application.

II. SUMMARY OF THE PROPOSED BILL AND ANALYSIS:**A. SUMMARY**

The bill proposed by this initiative is comprised of two sections. Section one of the bill proposes to amend AS 24.05.150, which sets forth certain procedures for adjournment of the legislature, to add a new subsection as follows: "The legislature shall adjourn from a regular session within 90 consecutive calendar days, including the day the legislature first convenes in that regular session." Section two of the bill contains an effective date provision, providing that the act takes effect on the first day of the second regular session of the 25th Alaska Legislature.

The initiative is offered in the form of a statutory amendment rather than as a constitutional amendment. The Alaska Constitution currently contains a provision that addresses the length of the regular legislative session, specifically providing that:

Hon. Loren Leman
Re: Initiative Petition AGO 663050225

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The legislature shall adjourn from regular session no later than one hundred twenty consecutive calendar days from the date it convenes

...

Alaska Const., art. II, sec. 8.

B. ANALYSIS

Under AS 15.45.070, the lieutenant governor is required to review an application for a proposed initiative and either "certify it or notify the initiative committee of the grounds for denial." The grounds for denial of an application are that (1) the proposed bill is not in the required form; (2) the application is not substantially in the required form; or (3) there is an insufficient number of qualified sponsors. AS 15.45.080.

1. The Form of the Application

The form of an initiative application is prescribed in AS 15.45.030, which provides:

The application shall include (1) the proposed bill to be initiated, (2) a statement that the sponsors are qualified voters who signed the application with the proposed bill attached, (3) the designation of an initiative committee of three sponsors who shall represent all sponsors and subscribers in matters relating to the initiative, and (4) the signatures and addresses of not less than 100 qualified voters.

The application meets the first three requirements. With respect to the fourth requirement, the Division of Elections within your office determines whether the application contains the signatures and addresses of not less than 100 qualified voters.

2. The Form of the Proposed Bill

The form of a proposed initiative bill is prescribed by AS 15.45.040, which requires that (1) the bill be confined to one subject; (2) the subject be expressed in the title; (3) the enacting clause state, "Be it enacted by the People of the State of Alaska"; and (4) the bill not include subjects restricted by AS 15.45.010. The restricted subjects in AS 15.45.010 -- dedication of revenue, appropriations, the creation of courts or the definition of their jurisdiction, rules of court, and local or special legislation -- also are listed in article XI, section 7 of the Alaska Constitution.

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Page 3

In addition to these specific subjects, a constitutional amendment also is a prohibited subject for an initiative. In defining the permissible scope of initiatives, the Alaska Constitution provides that "the people may propose and enact laws by the initiative" Alaska Const., art. XI, sec. 1 (emphasis added). In addition, under the general provision concerning "Law-Making Power," the constitution provides that "[u]nless clearly inapplicable, the law-making powers assigned to the legislature may be exercised by the people through the initiative, subject to the limitations of Article XI." Alaska Const., art. XII, sec. 11 (emphasis added).

In drafting these sections, the framers of the Alaska Constitution specifically considered and rejected the use of initiatives for constitutional amendments. 2 *Proceedings of the Alaska Constitutional Convention* 1270-73 (Jan. 5, 1956). Therefore, the constitution can only be amended by the actions of the legislature and people in concert or by a constitutional convention as set forth in art. XIII. Neither the legislature nor the people may amend the constitution by the enactment of a statute. This prohibition on a constitutional amendment by initiative has been reaffirmed by the Alaska Supreme Court. See *State v. Lewis*, 559 P.2d 630, 639 (Alaska 1977) (stating "[t]he Alaska Constitution may not be amended by popular vote alone, without prior action by either the legislature or a constitutional convention"); *Starr v. Hagglund*, 374 P.2d 316, 317 n.2 (Alaska 1962) (noting that "[t]he initiative may be used only to enact laws, and not for the purpose of constitutional amendment. Alaska Const., art. XI and art. XII, § 11.").

We previously addressed an initiative seeking to limit the length of the regular session of the Alaska Legislature in November 1991. See 1991 Inf. Op. Att'y Gen. (Nov. 7; 663-91-0527). In that opinion, we recommended that you deny the application because the initiative, although presented as a statute, was in fact a constitutional amendment, which may not be enacted by initiative. The laws prohibiting the use of initiatives for amendments to the constitution have not changed since our 1991 opinion. There have been several decisions by the Alaska Supreme Court, however, refining the appropriate scope of pre-election review of initiative petitions. As a result, we must address not only whether this initiative constitutes an amendment to the constitution, but also whether, in light of these decisions, review of that issue is appropriate prior to placing the initiative on the ballot.

a. The Initiative as an amendment.

If imposition of a 90-day limit on legislative sessions would, in fact, amend the Alaska Constitution, such a change cannot be enacted through an initiative. The section of the Alaska Constitution governing regular legislative sessions provides that:

Hon. Loren Leman
Re: Initiative Petition AGO 663050225

July 1, 2005
Page 4

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.

Alaska Const., art. II, sec. 8. The second, third and fourth sentences of this provision were added by a constitutional amendment, effective December 30, 1984. (13th Legislature's SCS CSHJR 2 (1983)).

An argument can be made that reducing the maximum length of legislative sessions to 90 days does not clearly conflict with the constitution. A 90-day session would satisfy the requirement that the legislative session adjourn "no later than" 120 days from the date it convenes. On the other hand, an argument can be made that the intent of the drafters and language of the current provision governing legislative sessions supports the conclusion that the 90-day limit on legislative sessions necessarily amends the constitution.

There are arguments on both sides of the issue and a court has not had the opportunity to consider the merits of those arguments. The question remains, however, whether review of this issue should occur before or after the election.

b. The permissible scope of pre-election review.

Although a proposed amendment to the Alaska Constitution cannot be brought through the initiative process, the constitutionality of an initiative "may be reviewed either before it goes to the voters or after it is enacted." *Alaska Action Center, Inc. v. Municipality of Anchorage*, 84 P.3d 989, 992 (Alaska 2004). Pre-election review, however, is appropriate only for certain categories of challenges, the scope of which have been defined over time through Alaska Supreme Court decisions.

Prior to the Alaska Supreme Court's recent decision in *Trust the People*, the court divided challenges to initiatives into two categories to determine when review was proper. *Alaska Action*, 84 P.3d at 992. The first type of challenge invoked "the particular

Hon. Loren Leman
Re: Initiative Petition AGO 663050225

July 1, 2005
Page 5

constitutional and statutory provisions regulating initiatives." *Id.* (quoting *Brooks v. Wright*, 971 P.2d 1025, 1027 (Alaska 1999)). According to the court in *Alaska Action*, this first category, comprised of challenges based on the use of the initiative process itself, can be reviewed before the initiative is placed on the ballot. *Id.* at 992-93. The second category was comprised of challenges as to whether the underlying provisions of an initiative are unconstitutional. The court in *Alaska Action* held that this second category of challenge should not be brought until after the initiative goes before the electorate, unless controlling authority leaves no room for argument about its unconstitutionality. *Id.* at 992-93.

Under the analysis set forth in *Alaska Action*, the challenge to this initiative, which is a challenge to the use of the initiative process to amend the constitution, would appear to fall within the first category. This conclusion comports with our opinion in 1991, in which we advised against certifying an initiative limiting the legislative session to 90-days because the initiative was an unconstitutional use of the initiative process.

Since our previous opinion, and the decision in *Alaska Action*, however, the Alaska Supreme Court issued its decision in *Trust the People*, in which it narrowed the scope of pre-election review.¹ In *Trust the People*, the court held that pre-election review was inappropriate for a challenge asserting that the U.S. Constitution did not allow the proposed change to be brought by the initiative process. *Trust the People*, 2005 WL 1297915, at ** 10-14. The court specifically rejected the argument that pre-election review is appropriate whenever the issue is whether voters can enact the law by initiative. *Id.* at *12. The court explained that the category distinction that it set forth in *Alaska Action* "simply describes a baseline for pre-election review ..." *Id.* at *11. The court concluded that "pre-election judicial review may extend only to subject matter restrictions that arise from a provision of Alaska law that expressly addresses and restricts Alaska's constitutionally-established initiative process or to proposals that are clearly unlawful under controlling authority ..." *Trust the People*, 2005 WL 1297915, at *10. The court further explained that, "when an alleged subject-matter violation hinges on an implied constitutional restriction outside the specific restrictions enumerated in article XI, section 7 ... it is eligible for pre-election review only if it meets article XII, section 11's 'clearly inapplicable' test." *Id.* at 14.

Thus, the question in this case is whether pre-election review of an initiative that may constitute an amendment to the constitution remains appropriate after the decision in *Trust the People*. The proposed initiative does not violate the express restrictions enumerated in article XII, section 7. Therefore, under the analysis in *Trust the People*, it

¹ The court issued its opinion in *Trust the People* on May 27, 2005. Because it is so recent, the opinion has not been released for publication and remains subject to revision or withdrawal.

Hon. Loren Leman
Re: Initiative Petition AGO 663050225

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Page 6

will be eligible for pre-election review only if other constitutional provisions make the process "clearly inapplicable." *Id.* at *11. In this case, the constitutional provision that could restrict this proposed initiative is article XI, section 1, which provides that the people may propose and enact laws by initiative. The court in *Trust the People* discussed two cases that challenged initiatives based on this provision, but reached conflicting conclusions regarding the propriety of pre-election review.

First, the court reaffirmed its decision in *Yute Air, Inc. v. McAlpine*, 698 P.2d 1173 (Alaska 1985), in which the challengers argued that certain provisions of an initiative were a plebiscite rather than a law, and thus were not a proper subject for an initiative under article XI, section 1. *Id.* The court in *Trust the People* concluded that pre-election review was proper in *Yute Air* because the review was "limited to ascertaining whether an initiative is in compliance with constitutional provisions that regulate legislative enactment via initiative." *Id.* Under this analysis, pre-election review of any challenges based on the constitutional provision that restricts the use of initiative to the enactment of laws would seem to be appropriate.

In its discussion, however, of another case based on the same provision, *Alaskans for Legislative Reform v. State*, 887 P.2d 960 (Alaska 1994), the court reached a different conclusion. Specifically, the question was whether the Alaska Constitution allowed the use of the initiative process to establish term limits for state legislators or whether the proposed term limits could only be established by constitutional amendment. *Alaskans for Legislative Reform*, 887 P.2d at 962. After conducting pre-election review, the court concluded that a term-limit restriction would constitute a constitutional amendment and could not be brought through the initiative process. *Id.* at 966. In discussing *Alaskans for Legislative Reform*, the court in *Trust the People* indicated that pre-election review was not appropriate for this issue, stating, "to the extent *Alaskans for Legislative Reform* supports pre-election review of claims that a term limits initiative is unconstitutional, it appears to have been overruled by *Kodiak Island Borough v. Mahoney*, where we declined to allow pre-election review of a term-limits proposal."² *Id.* at 13.

Because the court's conclusions regarding these cases appear to conflict, it is not clear as to how the court would rule regarding the propriety of pre-election review of this initiative. According to the decision in *Trust the People*, pre-election review of this

² The challenge to the initiative in *Mahoney* was not based on the argument that a term limit initiative could not be brought because it was an amendment to the constitution and in violation of the constitutional restrictions on initiatives. *Kodiak Island Borough v. Mahoney*, 71 P.3d 896 (Alaska 2003). Instead, the challenge was based on the authority under a municipal initiative statute for a clerk to deny a petition on the basis that it would not be enforceable as a matter of law - a question that relates to general conventions as to the initiative's constitutionality, not whether it can properly be brought as an initiative. *Id.* at 900-01. The court in *Trust the People* did not recognize this distinction. As a result, the overruling of *Alaskans for Legislative Reform* may be limited to the issue of pre-election review of term limits.

Hon. Loren Leman
Re: Initiative Petition AGO 663050225

July 1, 2005
Page 7

initiative is only appropriate if the restriction on initiatives under article XI, section 1 makes the process "clearly inapplicable." Given the overall approach of the court to narrow and restrict pre-election review, it appears that it intended the "clearly inapplicable" rule to be a stringent standard. In this case, there is a valid dispute as to whether this initiative would constitute a constitutional amendment. In addition, the Alaska Supreme Court expressly overruled pre-election review of a challenge based on the same argument that is at issue here - whether the initiative constitutes a constitutional amendment.

We believe that this is a close call. Although the proposed initiative to limit the legislative session to 90 days may constitute an amendment to the constitution, the key issue is whether it is appropriate to make that evaluation prior to an election. The usual rule is to construe voter initiatives broadly so as to preserve them whenever possible. *Boucher v. Engstrom*, 528 P.2d 456, 462 (Alaska 1974). Nevertheless, this rule must be balanced against the expense and time required to conduct an election that ultimately will prove futile. *Whitson v. Anchorage*, 608 P.2d 759, 762 (Alaska 1980).

On balance, given the Alaska Supreme Court's ruling in *Trust the People*, we recommend that you certify the initiative petition.

III. PROPOSED BALLOT AND PETITION SUMMARY

We also have prepared a ballot-ready petition summary and title for your consideration. It is our practice to provide you with a proposed title and summary to assist you in complying with AS 15.45.090(2) and AS 15.45.180. We believe that it is good practice for the petition and ballot to conform to the requirements of a title (six words) and ballot summary (100 words) under AS 15.45.180. We do this in order to reduce the chance of collateral attack due to a divergence between the ballot and petition summaries. We therefore propose the following ballot and petition title and summary for your review:

Initiative for 90-day Legislative Session

This initiative would reduce the maximum length of regular legislative sessions from 120 days to 90 days.

Should this initiative become law?

This summary has a Flesch test score of 50.239, which is close to the target readability score of 60. We believe this summary meets the readability standards of AS 15.60.005.

Hon. Loren Leman
Re: Initiative Petition AGO 663050225

July 1, 2005
Page 8

IV. CONCLUSION

For the reasons set out above, we recommend that you certify this initiative and so notify the initiative committee. Preparation of the petitions may then commence in accordance with AS 15.45.090.

Please contact me if we can be of further assistance to you on this matter.

cc:

State Capitol
Juneau, Alaska 99801
907.465.3520 465.5400 FAX
www.llgov.state.ak.us

550 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460 269.0263 FAX
LL_Governor@gov.state.ak.us

Lieutenant Governor Loren Leman

July 5, 2005

Representative Jay Ramras
86 C St
Fairbanks, AK 99701

Dear Representative Ramras: *Jay*

You submitted an initiative application for a bill entitled "An Act relating to a 90-day regular session of the legislature, and providing for an effective date " to my office for review under AS 15.45.070. I forwarded it to the Division of Elections for verification of signatures and the Department of Law for review.

The petition statistics report prepared by the Division of Elections and the Department of Law's opinion regarding your application are enclosed.

The Division of Elections has verified that your application has a sufficient number of sponsors to qualify for circulation as a petition. The Department of Law has concluded that the initiative application complies with AS 15.45.030 and AS 15.45.040. Consequently, I certify this initiative application as being in the proper form under the provisions of AS 15.45.010 through AS 15.45.070, and Article XI of the Alaska Constitution. Your official certificate is enclosed.

As Lieutenant Governor and in accordance with AS 15.45.090 (2), it is my duty to prepare an impartial summary for the petition booklets. The following is the petition summary I propose:

Initiative for a 90-day Legislative Session

This initiative would reduce the maximum length of a regular legislative session from 121 days to 90 days.

Should this initiative become law?

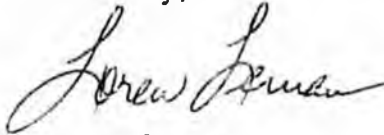
The Division of Elections will prepare and print numbered petition booklets for circulation. As soon as the booklets are available, the Division will send them to the Division's regional office of your choice (Juneau, Anchorage, Fairbanks or Nome). At that time, you will also be provided with instructions for booklet distribution and accounting. These must be followed.

The initiative must be filed within one year from the date notice is given that the petition booklets are ready for delivery (AS 15.45.140). However, you should also be aware of the time requirements provided in AS 15.45.190 (copy enclosed). The petition must be signed by qualified voters at least equal in number to 10 percent of those who voted in the last General Election, who are resident in at least three-fourths of the House districts of the State and who, in each of these House districts, are equal in number to at least seven percent of those who voted in the preceding General Election in the House district.

The number of signatures that you need to gather will be based on the 2004 General Election (6 AAC 25.240 (i)). You will need at least 31,451 qualified voters in at least 30 election districts to sign the petition. The vote totals for each House district from the 2004 General Election are enclosed.

If you have questions or comments about the initiative application certification, please contact my special assistant, Robert Pearson at 465-4082.

Sincerely,



Loren Lema
Lieutenant Governor

Enclosures

cc. Sen. Tom Wagoner, Initiative Committee Member
Sen. Gretchen Guess, Initiative Committee Member
David Marquez, Attorney General
Laura Glaiser, Director, Division of Elections

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 16, 2007

SUBJECT: 90-day regular session (HB 171)

TO: Representative John Coghill
Chair of the House Rules Committee
Attn: Rynniva Moss

FROM: Tamara Brandt Cook
Director *TBC*

Since Art. II, sec. 3 establishes a two-year term for a Representative and a four-year term for a Senator, does moving the beginning of the term from January to February create a gap during which only half of the Senate seats will be filled and none of the House seats will be filled?

This may be the result, although I think it is more likely that affected legislators hold over until successors take office. There is no explicit provision for legislators to hold over for a period that is longer than the term stated in the constitution. For what it is worth, the problem of the gap in legislators' terms exists now in AS 24.05.080 as a result of the provision added in 1975 delaying the beginning of a term following a gubernatorial election year. (ch. 143 SLA 1975) Now, every four year the terms of all Representatives and half of the Senators are either extended by 8 days or an 8-day vacancy exists in those seats. In addition, the terms of legislators that begin following a gubernatorial election are shortened by 8 days. As an administrative matter, currently sitting legislators have been treated as remaining in office during the 8-day period. It is possible that is how the court would view the situation also.

Despite the constitutionally established term length set in Art. II, sec. 3, that same section provides: "Their terms begin on the fourth Monday of the January following election **unless otherwise provided by law.**" Clearly, the legislature has the constitutional right to change the date the legislative terms begin, and, equally clearly, when the legislature does so some terms will be shortened, while other seats will be lengthened or left vacant. HB 171 in bill section 3 changes the terms of all members to the second Monday in February to apply consistently every year. If the terms of outgoing legislators are not lengthened, the period during which seats will be vacant is somewhat longer than the periodic gaps under existing law, but the gaps will no longer be recurring. Given the constitutional provision authorizing changes by law to the date a legislative term begins, I suspect that a court would conclude that the resulting shortening of a term due to such a

Representative John Coghill
March 16, 2007
Page 2

change is permissible, and that the lengthening of a term due to such a change is also permissible.

What authority does a Representative-elect or Senator-elect have to perform the duties of office before being sworn in?

Under Art. XII, sec. 5 the oath of office must be taken by all public officers "before entering upon the duties of their offices" A person elected to the legislature is not authorized to perform any of the duties of office before being sworn in. Nonetheless, the services of the Legislative Affairs Agency are routinely extended to newly elected individuals, including bill drafting and research services. Although Uniform Rule 36 does not specifically address pre-filing of bills by newly-elected individuals, this has been consistently permitted. However, personal staff and office space has not been provided to a Representative-elect or Senator-elect.

Is there a way to adopt a law that would allow for swearing in an elected legislator prior to the convening of session without amending Uniform Rule 1?

Such a law could be enacted, but it would directly conflict with Uniform Rule 1. There is no reason to feel convinced that the law would be given preference over the Rule if the matter were to become the subject of litigation. I must observe that swearing in a legislator prior to the convening of the session creates other problems. Because the legislature cannot formally organize until after it is convened, there would be no organization in place -- no committees, no presiding officers -- between the time the new legislators are sworn in and the time they convene in session. This could be messy, especially if a special session is called before each house has chosen its officers. Swearing in members before the body convenes might also deprive members of the constitutional right to "judge of the election and qualifications of its members" under Art. II, sec. 12.

TBC:lmb
07-057.lmb

Referent

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative Bob Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol
Juneau, AK 99801-1182

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Toll Free: (800) 870-4391

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716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207

FAX

To: Legal Services

Fax #: 2029

From: Nancy Manly x2794
Alaska State Capitol, room 104
Juneau, AK 99801-1182

of Pages (including cover): 1

Phone: 907-465-4931
Fax: 907-465-4316

*This is what was taken
out of HB 171 (C) version*

Re: HB 171

Please draft a State Affairs Committee CS for HB 171. The Committee will continue to work on this bill but wants to update this bill with the amendments made so far. Thank you!

Amendment #1 (Coghill)

Page 3 Line 3-8 (Delete all material - which is Section 5) *to file*

Amendment #2 (Coghill)

Page 4, lines 6-10 (Delete all material - which is Section 8) *to file*

Amendment #3 (Coghill)

Page 6, lines 11-20 (Delete all material - which is Section 14) *to file*

Amendment #4 (Coghill)

Page 6, lines 21-31 and Page 7, Lines 1-8 (Delete all material - which is Section 15) *to file*

LEGAL SERVICES

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MEMORANDUM

March 20, 2007

SUBJECT: Statutory 31-day recess (Work Order No. 25-LS0764)

TO: Representative Paul Seaton

FROM: Tamara Brandt Cook
Director TBC

Could a statute providing for a 31-day recess during each regular session constitute the agreement required under Art. II, sec. 10 of the state constitution for a recess longer than three days?

Art. II, sec. 10 states: "Neither house may adjourn or recess for longer than three days unless the other concurs." The constitution is silent as to the method used to concur. It would be a bit odd for the legislature to use a statutory method of demonstrating concurrence in a long recess because a bill is subject to veto by the governor and the governor does not play a role in the relationship between the two houses under art. II, sec. 10. Furthermore, it is contemplated in the constitution that matters of legislative procedure will be addressed in the uniform rules of the legislature. (Art. II, sec. 12, Constitution of the State of Alaska) That said, there are other statutes that address matters of legislative procedure and I know of nothing that prohibits the legislature from enacting that type of statute.

Be aware that a statute providing for a 31-day recess will not be enforceable by the judicial branch, should one house or both houses refuse to abide by the statute. (Aboud v. League of Women Voters, 743 P.2d 333 (Alaska 1987)) Each house will retain its constitutional power to refuse to concur in a recess by the other despite the statute. However, so long as both houses cooperatively abide by the statute and neither expresses its determination to force the other house back into session, I believe that the statute will serve as acceptable evidence of the concurrence in the recess by each of the houses under art. II, sec. 10.

Note also that a statute providing for a 31-day recess will conflict with Uniform Rule 52 which now requires adoption of a concurrent resolution by both houses as evidence of concurrence in a recess that is longer than three days.

TBC:med
07-187.med

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Juneau, Alaska 99801-1182
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MEMORANDUM

March 16, 2007

SUBJECT: Length of regular legislative session (Work Order 25-LS0764)

TO: Representative Paul Seaton

FROM: Tamara Brandt Cook
Director TBC

What legal issues arise if the legislature limits its regular session to 90 days, but splits the time so that a 30-day break occurs?

The schedule you propose would not comply with the recently initiated law that adds a new subsection to AS 24.05.150 stating: "(b) The legislature shall adjourn from a regular session within 90 consecutive calendar days, including the day the legislature first convenes in that regular session."

Despite the initiated statute, it is unlikely that a court would enforce the 90-day session limit against the legislature by ordering it to adjourn or by invalidating legislation passed by the legislature after the 90-day limit. Under art. II, sec. 12 it is the legislature that must adopt uniform rules for its procedure. The court has determined that, because of separation of powers, it will not interfere with matters involving the procedure of the legislature. (Malone v. Meekins, 650 P.2d 351 (Alaska 1980)) Even when a statute imposes a procedural requirement on the legislature, the court has found the issue to be nonjusticiable. (Abood v. League of Women Voters, 743 P.2d 333 (Alaska 1987) holding that the Open Meetings Act (AS 44.62.310), then applicable to the legislature, only established a rule of procedure that is not a subject of judicial inquiry unless the procedural violation also infringes on the rights of a third person, ignores constitutional restraints, or violates fundamental rights.)

While the matter has not yet been considered by a court, it seems unlikely that the court would give greater weight to the 90-day session limit statute than it gave to the Open Meetings statute simply because the 90-day limit results from a statute that was initiated by the people rather than from a statute passed by the legislature. The decision regarding when the legislature is to adjourn from session is surely a matter central to the procedures of the body itself. Furthermore, the people's power to enact law by initiative is not greater than that of the legislature itself. (Alaskans for Legislative Reform v. State, 887 P.2d 960 (Alaska 1994)) If the legislature cannot bind itself on procedural matters by statute, then it would seem that the people cannot do so by initiated law.

Representative Paul Seaton
March 16, 2007
Page 2

If I am correct that the legislature is not bound by the statutory session limit under AS 24.05.150(b), then the legislature is legally free to adopt your proposed schedule as a compromise position designed to limit the actual number of days the legislature meets to 90 days, while allowing the legislature to wait for better revenue forecasts before it reconvenes and finalizes the budget in the spring. Essentially, the legislature will be in regular session for 120 days, but will take a 30-day recess. Art. II, sec. 10 of the state constitution prevents a house from recessing for longer than three days unless the other concurs, so both houses must be in agreement regarding the timing and duration of the recess. It should also be noted that the governor retains the power to convene the legislature while it is in its scheduled recess under art. III, sec. 17.

A 30-day recess will present other potential scheduling demands that will have to be taken into account. For example, if the governor vetoes a bill and it is returned to the legislature while it is in recess, the legislature may have to return or forego its chance to override the veto under art. II, sec. 16. Under art. X, sec. 12, the Local Boundary Commission may present local boundary changes to the legislature within the first ten days of a regular session and those changes become effective forty five days later unless the legislature acts to disapprove them before that deadline. Consequently, Local Boundary Commission proposals will probably need to be resolved before the legislature recesses.

TBC:med
07-176.med

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB171-GOV-OMB-3-05-07
 Bill Version: HB 171
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: All
 Title ACCOMMCODE 90-DAY SESSION RDU _____
 Component _____
 Sponsor House Rules Committee
 Requester House State Affairs Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Ment., Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would not have a significant fiscal impact on any State agency.

Prepared by: John Boucher, Senior Analyst Phone 465-4677
 Division Office of Management and Budget Date/Time 3/5/07 10:15 AM
 Approved by: Karen J. Rehfeld, Director Date 3/5/2007
 Agency Office of Management and Budget

AMENDMENT

OFFERED IN THE HOUSE
STATE AFFAIRS COMMITTEE

BY REPRESENTATIVE COGHILL

TO: HB 171 Version C

- 1 Page 4, lines 6 – 10:
- 2 Delete all material

AMENDMENT

OFFERED IN THE HOUSE
STATE AFFAIRS COMMITTEE

BY REPRESENTATIVE COGHILL

TO: HB 171 Version C

1 Page 6, lines 11-20:

2 Delete all material

3

4 Page 9, line 9, after the words "Sec. 23.":

5 Insert:

6 AS 24.45.116 is repealed.

7 Renumbered "This Act takes effect January 1, 2008." as Sec. 24.

FOR IMMEDIATE RELEASE: March 1, 2007

CONTACT: Will Vandergriff, (907) 465-5446
House Majority Press Secretary

Coghill Introduces 90-Day Session Clean-up Bill **HB 171 Adjusts Session Schedules, Governor's Budget Deadlines**

(Juneau) – House Rules Committee Chairman John Coghill (R-North Pole) today introduced legislation that will make needed changes to the schedule and deadlines of the Legislature and governor that will allow a smooth flow of legislative business next year when a new 90-day limit takes effect. The 90-day limit resulted from an initiative passed at the August 2006 primary election.

Coghill's bill, HB 171, establishes the convening day of each regular legislative session as the second Monday of February each year. Currently, the legislative session begins on the second Monday of January, except during the session following a gubernatorial election, when it is set for the third Monday.

HB 171 will also give the governor an additional 30 days to make public the annual operating and capital budgets, which currently must be presented on December 15 of each year. It also proposes to reduce the 30-day deadline by which the governor must submit her nominees for boards, commissions, and councils to 15 days.

In addition to numerous minor internal legislative rules changes, HB 171 would also disallow a bill introduced in the first session of a Legislature from carrying over to the second session if it has not been passed by the house in which it was introduced.

"House Bill 171 is the first step toward the smooth flow of bills and other business of the Legislature that we will have to accomplish in 90 days next year," Coghill said. "I expect the bill will evolve as it moves through the process, and I hope by the time it passes and is sent to the governor, we will have identified every piece of the puzzle needed to make it happen."

Coghill noted it has been about 20 years since the Legislature adopted the 120-day session limit, and that the rules and laws related to the flow of work through the session have evolved over those two decades.

"Now, we are a little bit under the gun to condense a four-month session into a three-month one, so we have to be highly aware of each potential glitch that presents itself, and address it with a statute or rule change, whichever is appropriate," he said.

HB 171 was referred to the House State Affairs Committee.

###

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AMENDMENT

#3

OFFERED IN THE HOUSE
STATE AFFAIRS COMMITTEE

BY REPRESENTATIVE COGHILL

TO: HB 171 Version C

1 Page 6, lines 11-20:

2 Delete all material

3

4 Page 9, line 9, after the words "Sec 23.":

5 Insert:

6 AS 24.45.116 is repealed.

7 Renumbered "This Act takes effect January 1, 2008." as Sec. 24.



ALASKA STATE LEGISLATURE
HOUSE RULES COMMITTEE
REPRESENTATIVE JOHN COGHILL, CHAIRMAN
State Capitol Juneau, AK 99801-1182 (907) 465 3719
1292 Sadler Way, Fairbanks AK 99701 (907) 456 5081

HB 171 Sectional

- Section 1.** Public Safety annual report on activities of the narcotic drug and alcohol enforcement unit.
- Sec. 2.** In odd numbered years Public Safety submits their report on repeated child sexual abuse arrests and criminal exploitation of children to legislature on first day of session
- Sec. 3.** Changes the beginning of the term of each member of the legislature to the second Monday of February. (in Senate version).
- Sec. 4.** Starts session the second Monday of February. (in Senate version).
- Sec. 5.** Expand the direction of the legislature to adopt uniform rules at the beginning of each session. Currently the legislature adopts uniform rules in first legislative session.
- Sec. 6.** Requires the department affected by a piece of legislation to deliver to a requesting legislative committee a fiscal note within three days of the request. This is a change from five days and after the 90th day two days.
- Sec. 7.** Extends the profile deadline from January 1 to February 1.
- Sec. 8.** Requires a bill introduced in the first legislative session to be passed through its house of origin in the first session to be considered in the second session.
- Sec. 9.** Cleans up AS 24.10.220 and clarifies legislative employees cannot be awarded bonuses.
- Sec. 10.** Requires the Legislative Budget & Audit Committee to be organized within 10 days after the convening of the legislature.
- Sec. 11.** Requires the Legislative Budget & Audit Committee to prepare a report of investment programs, plans, performance, and policies of all agencies of the state that perform lending or investment functions and notify the legislature of the report on or before the first day of each regular session versus 30 days after convening.

Sec. 12. Requires the LB & A to file with the governor and the legislature its annual report summarizing audit reports on or before the first day of session versus within five days.

Sec. 13. Requires APOC to publish a directory of registered lobbyists within 15 days after session convenes. They now have 45 days.

Sec. 14. Eliminates one of the disclosure reports for contributions made to a civic league or organization to influence activities of a legislature. The report is currently due on February 10th which most likely will be close to the first day of session.

Sec. 15. This section gives the governor an extra 30 days to present to the legislature the annual operating, capital, and mental health trust budget bills. The deadline is moved from December 15th to January 15th.

Sec. 16. Moves the deadline for the governor's budget workbook to the first Monday in February versus the first Monday in January.

Sec. 17. The governor's request for supplemental appropriations must be provided to the legislature by the fifth day of session versus 30th day and the governor's budget amendments must be submitted by the 15th day versus the 45th day.

Sec. 18. Requires LB & A to prepare a report of fees collected and recommended fee adjustments of state agencies and provide it to the legislature by the fifth day of session versus 30 days.

Sec. 19. Requires DNR to give notice to the legislature within five days from convening that a report reflecting all money deposited to the State Land Disposal Income Fund for the prior fiscal year is available. They currently have until the 30th day.

Sec. 20. Reduces from 30 to five days after convening the deadline for DNR to submit a summary of all "cooperative resource management or development agreements" to the legislature.

Sec. 21. Requires governor to submit to the legislature within 15 days from convening the names of persons appointed to a position or membership who have not been confirmed by the legislature and persons to be appointed to fill a position or membership for a term that will expire on or before March 1 during that session. Current provides for 30 days. It also instructs the governor to immediately submit the name of someone appointed after the first 15 days by while the legislature is in regular session.

Sec. 22. The term of office beginning on the second Monday of February for a member of the legislature first applies to legislators elected during 2008.

Sec. 23. This legislation has an effective date of January 1, 2008.

25-LS0653\c
Cook
2/28/07

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Introduced:
Referred:

*FROM HB 171
RYANNEVA*

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the terms of legislators, the date and time for convening regular**
2 **legislative sessions, adoption of uniform rules of the legislature and to certain of those**
3 **rules, the date for organizing the Legislative Budget and Audit Committee, and**
4 **deadlines for certain matters or reports to be delivered to the legislature or filed;**
5 **prohibiting bonuses for legislative employees; and providing for an effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 *** Section 1. AS 18.65.085(b) is amended to read:**

8 (b) The commissioner of public safety shall prepare [. WITHIN 30 DAYS
9 FROM THE DATE THE LEGISLATURE CONVENES.] a report concerning the
10 activities of the narcotic drugs and alcohol enforcement unit. The commissioner shall
11 notify the legislature on the first day of each regular session that the report is
12 available. The report must include, but is not limited to, the number of arrests made,
13 the kind, amount, and value of narcotic drugs and alcoholic beverages seized, the

1 sentences received by narcotic drug and alcohol offenders, and an overall view of the
2 narcotic drug and illicit alcohol problem in the state.

3 * **Sec. 2.** AS 18.65.086(b) is amended to read:

4 (b) The commissioner of public safety shall prepare, [WITHIN 30 DAYS
5 FROM THE DATE THE LEGISLATURE CONVENES] in odd-numbered years, a
6 report concerning the activities of the special unit on repeated child sexual abuse and
7 the criminal exploitation of children. The commissioner shall notify the legislature by
8 the first day of each regular session in an odd-numbered year that the report is
9 available. The report must include, but is not limited to, the number of arrests made in
10 cases of repeated child sexual abuse and the criminal exploitation of children, the
11 number of investigations that result in the Department of Health and Social Services
12 taking temporary or permanent custody of the child, the sentences received by persons
13 convicted in the state of child sexual abuse or criminal exploitation of a child, and an
14 overall view of the problems of child sexual abuse and the criminal exploitation of
15 children in the state.

16 * **Sec. 3.** AS 24.05.080 is amended to read:

17 **Sec. 24.05.080. Terms.** The term of each member of the legislature begins on
18 the second Monday in February [JANUARY FOLLOWING A PRESIDENTIAL
19 ELECTION YEAR; HOWEVER, FOLLOWING A GUBERNATORIAL ELECTION
20 YEAR, THE TERM OF EACH MEMBER BEGINS ON THE THIRD TUESDAY IN
21 JANUARY]. The term of representatives is two years, and the term of senators is four
22 years. One-half of the senators shall be elected every two years.

23 * **Sec. 4.** AS 24.05.090 is amended to read:

24 **Sec. 24.05.090. Regular sessions.** The legislature shall convene at the capital
25 each year on the second Monday in February [JANUARY] at 1:00 p.m. Each [10:00
26 A.M.; HOWEVER, FOLLOWING A GUBERNATORIAL ELECTION YEAR, THE
27 LEGISLATURE SHALL CONVENE ON THE THIRD TUESDAY IN JANUARY
28 AT 10:00 a.m. EXCEPT AS PROVIDED IN THIS SECTION, EACH] legislature
29 shall have a duration of two years and consists [SHALL CONSIST] of a "First
30 Regular Session [,]" that meets [WHICH SHALL MEET] in the odd-numbered years.
31 [AND] a "Second Regular Session [,]" that meets [WHICH SHALL MEET] in the

1 even-numbered years, and any special session or sessions that the governor or
2 legislature may find necessary to call.

3 * **Sec. 5.** AS 24.05.120 is amended to read:

4 **Sec. 24.05.120. Rules.** At the beginning of each [THE FIRST] regular session
5 of the [EACH] legislature, both houses shall adopt uniform rules of procedure for
6 enacting bills into law and adopting resolutions. The rules in effect at the last regular
7 session of the immediately preceding legislature serve as the temporary rules of the
8 legislature until the adoption of permanent rules.

9 * **Sec. 6.** AS 24.08.035(a) is amended to read:

10 (a) Before a bill or resolution, except an appropriation bill, is reported from
11 the committee of first referral, there shall be attached to the bill a fiscal note
12 containing an estimate of the amount of the appropriation increase or decrease that
13 would result from enactment of the bill for the current fiscal year and five succeeding
14 fiscal years or, if the bill has no fiscal impact, a statement to that effect shall be
15 attached. The fiscal note or statement shall be prepared in conformity with the
16 requirements of this section by the department or departments affected and may be
17 reviewed by the office of management and budget. The fiscal note or statement shall
18 be delivered to the committee requesting it within three [FIVE] days of the request
19 [OR WITHIN TWO DAYS IF THE REQUEST IS MADE AFTER THE 90TH DAY
20 OF A REGULAR SESSION, OR DURING A SPECIAL SESSION OF THE
21 LEGISLATURE]. If the bill is presented by the governor for introduction in
22 accordance with AS 24.08.060(b) and the uniform rules of the legislature, the fiscal
23 note or statement shall be attached to the bill before the bill is introduced. An
24 amendment or a substitute bill proposed by a committee of referral that changes the
25 fiscal impact of a bill shall be explained in a revised fiscal note or statement attached
26 to the bill.

27 * **Sec. 7.** AS 24.08.050 is amended to read:

28 **Sec. 24.08.050. Prefiling of bills and resolutions.** Any member of the
29 legislature whose term extends into a forthcoming session or legislature, or a member-
30 elect may file a bill or resolution or a proposal for a bill or resolution with the
31 Legislative Affairs Agency at any time before February [JANUARY] 1. The agency

1 shall place a prefiled bill or resolution that [, WHICH] is approved by the sponsor [,]
2 in proper form and deliver it to the chief clerk of the appropriate house on the day on
3 which the next session convenes or is organized for business. Prefiled bills or
4 resolutions shall be considered as introduced on the day of their delivery to each
5 house.

6 * Sec. 8. AS 24.08.110 is amended to read:

7 **Sec. 24.08.110. Bills carry over.** A bill introduced [BUT NOT RECEIVING
8 FINAL ACTION] in the first regular session of a legislature that is passed by the
9 house in which it is introduced but that does not receive final action carries over in
10 the same reading or status into the second regular session of the same legislature.

11 * Sec. 9. AS 24.10.220 is amended to read:

12 **Sec. 24.10.220. Bonuses for certain legislative employees.** An employee of
13 the legislature may not be awarded or paid a bonus that is in [IN] addition to
14 compensation authorized under AS 24.10.200 and 24.10.210 [, AN EMPLOYEE OF
15 THE LEGISLATURE MAY BE AWARDED AND PAID A BONUS TO REWARD
16 EXTRAORDINARY EFFORT, COMPETENCY, JOB PERFORMANCE, OR
17 UNCOMPENSATED OVERTIME. HOWEVER, AFTER JANUARY 1, 2005, THE
18 AUTHORITY TO AWARD AND PAY A BONUS UNDER THIS SECTION IS
19 TERMINATED, AND BONUSES MAY NOT BE AWARDED OR PAID AFTER
20 THAT DATE].

21 * Sec. 10. AS 24.20.171(a) is amended to read:

22 (a) The committee shall be organized within 10 [15] days after the
23 organization of each legislature. Members serve for the duration of the legislature
24 during which they are appointed.

25 * Sec. 11. AS 24.20.206 is amended to read:

26 **Sec. 24.20.206. Duties.** The Legislative Budget and Audit Committee shall

27 (1) [REPEALED

28 (2)] annually review the long-range operating plans of all agencies of
29 the state that perform lending or investment functions;

30 (2) [(3)] review periodic reports from all agencies of the state that
31 perform lending or investment functions;

1 (3) [(4)] prepare a complete report of investment programs, plans,
2 performance, and policies of all agencies of the state that perform lending or
3 investment functions and notify the legislature on or before the first day [WITHIN
4 30 DAYS AFTER THE CONVENING] of each regular session that the report is
5 available;

6 (4) [(5)] in conjunction with the finance committee of each house
7 recommend annually to the legislature the investment policy for the general fund
8 surplus and for the income from the permanent fund;

9 (5) [(6)] provide for an annual post audit and annual operational and
10 performance evaluation of the Alaska Permanent Fund Corporation investments and
11 investment programs;

12 (6) [(7)] provide for an annual operational and performance evaluation
13 of the Alaska Housing Finance Corporation and the Alaska Industrial Development
14 and Export Authority; the performance evaluation must include, but is not limited to, a
15 comparison of the effect on various sectors of the economy by public and private
16 lending, the effect on resident and nonresident employment, the effect on real wages,
17 and the effect on state and local operating and capital budgets of the programs of the
18 Alaska Housing Finance Corporation and the Alaska Industrial Development and
19 Export Authority;

20 (7) [(8)] provide assistance to the trustees of the trust established in
21 AS 37.14.400 - 37.14.450 in carrying out their duties under AS 37.14.415.

22 * **Sec. 12.** AS 24.20.311 is amended to read:

23 **Sec. 24.20.311. Reports.** The committee shall file copies of its approved audit
24 reports including any committee recommendations with the governor, the agency
25 concerned, and the legislature. An annual report summarizing the audit reports and
26 committee recommendations made during the year shall be filed with the governor and
27 with the legislature on or before [WITHIN] the first day [FIVE DA S] of each
28 regular session of the legislature. Reports shall be approved by a majority of the
29 committee before their release and shall be open to public inspection after their release
30 to the legislature.

31 * **Sec. 13.** AS 24.45.041(e) is amended to read:

1 (e) Within 15 [45] days after the convening of each regular session of the
2 legislature, the commission shall publish a directory of registered lobbyists, containing
3 the information prescribed in (b) of this section for each lobbyist and the photograph,
4 if any, furnished by a lobbyist under (c) of this section. From time to time thereafter
5 the commission shall publish those supplements to the directory that in the
6 commission's judgment may be necessary. The directory shall be made available to
7 public officials and to the public at the following locations: a public place adjacent to
8 the legislative chambers in the state capitol building, the office of the lieutenant
9 governor, the legislative reference library of the Legislative Affairs Agency, and the
10 commission's central office.

11 * **Sec. 14.** AS 24.45.116 is amended to read:

12 **Sec. 24.45.116. Disclosure of contributions.** A civic league or organization
13 shall report the total amount of contributions received for the reporting period and, for
14 any contribution over \$100, the name of the contributor and the amount contributed.
15 The civic league or organization may establish a separate fund to account for receipts
16 and expenditures arising out of activities to influence legislative action. Reports shall
17 be made on a form provided by the commission on [FEBRUARY 10,] April 25 [,] and
18 July 10 of each year, listing contributions received during the period that ended 10
19 days earlier. Upon request of the commission, information required under this section
20 shall be submitted electronically.

21 * **Sec. 15.** AS 37.07.020(a) is amended to read:

22 (a) The governor shall prepare a budget for the succeeding fiscal year that
23 must cover all estimated receipts, including all grants, loans, and money received from
24 the federal government and all proposed expenditures of the state government. The
25 budget shall be organized so that the proposed expenditures for each agency are
26 presented separately. The budget must be accompanied by the information required
27 under AS 37.07.050 and by the following separate bills: (1) an appropriation bill
28 authorizing the operating and capital expenditures of the state's integrated
29 comprehensive mental health program under AS 37.14.003(a); (2) an appropriation
30 bill authorizing state operating expenditures other than those included in the state's
31 integrated comprehensive mental health program; (3) an appropriation bill authorizing

1 capital expenditures other than those included in the state's integrated comprehensive
2 mental health program; and (4) a bill or bills covering recommendations, if any, in the
3 budget for new or additional revenue. The budget for the succeeding fiscal year and
4 each of the bills shall become public information on January [DECEMBER] 15 at
5 which time the governor shall submit copies to the legislature and make copies
6 available to the public. The bills, identical in content to the copies released on
7 January [DECEMBER] 15, shall be delivered to the rules committee of each house
8 before the fourth legislative day of the next regular session for introduction.

9 * **Sec. 16.** AS 37.07.040(7) is amended to read:

10 (7) provide the legislative finance division with an advance copy of the
11 governor's budget workbooks by the first Monday in February [JANUARY] of each
12 year [, EXCEPT THAT FOLLOWING A GUBERNATORIAL ELECTION YEAR
13 THE ADVANCE COPY SHALL BE PROVIDED BY THE SECOND MONDAY IN
14 JANUARY];

15 * **Sec. 17.** AS 37.07.070 is amended to read:

16 **Sec. 37.07.070. Legislative review.** The legislature shall consider the
17 governor's proposed comprehensive operating and capital improvements programs and
18 financial plans, evaluate alternatives to the plans, make program selections among the
19 various alternatives and determine, subject to available revenues, the level of funding
20 required to support authorized state services. The operating and capital budgets of
21 each agency shall be separately reviewed. During each regular session of the
22 legislature, legislative review of the governor's supplemental appropriation bills and
23 the governor's budget amendments shall be governed by the following time limits:

24 (1) requests by the governor for supplemental appropriations for state
25 agency operating and capital budgets for the current fiscal year may be introduced by
26 the rules committee only through the fifth [30TH] legislative day;

27 (2) requests by the governor for budget amendments to state agency
28 budgets for the budget fiscal year may be received and reviewed by the finance
29 committees only through the 15th [45TH] legislative day.

30 * **Sec. 18.** AS 37.10.050(c) is amended to read:

31 (c) Except as provided in AS 37.10.052(a), each state agency shall annually

1 review fees collected by the agency. By October 1, each state agency shall submit a
2 report to the office of management and budget regarding existing fee levels set by the
3 agency by regulation and adjustments made to fee levels by the agency during the
4 previous fiscal year, and recommended adjustments in fees set by statute that the
5 agency collects. Each year by December 15, the office of management and budget
6 shall submit a report to the Legislative Budget and Audit Committee summarizing the
7 reports and recommendations and the extent to which the fee adjustments have been
8 incorporated in the governor's budget. Within five [30] days after the convening of
9 each regular session of the legislature, the committee shall prepare a report on the
10 status of fee regulations and making recommendations for changes in regulations or
11 statutes as appropriate. The committee shall notify the legislature that the report is
12 available.

13 * **Sec. 19.** AS 38.04.022(b) is amended to read:

14 (b) Within five [30] days after the legislature convenes in regular session, the
15 Department of Natural Resources shall notify the legislature that a report reflecting all
16 money deposited in the fund established under (a) of this section during the prior fiscal
17 year is available.

18 * **Sec. 20.** AS 38.05.027(b) is amended to read:

19 (b) A summary of agreements entered into under this section shall be
20 submitted to the legislature within five [30] days of the beginning of each regular
21 session.

22 * **Sec. 21.** AS 39.05.080(1) is amended to read:

23 (1) Each governor shall present to the legislature the names of the
24 persons appointed by that governor; each governor may present the name of a person
25 appointed by a previous governor; only presentment that occurs during the time that
26 the legislature is in regular session constitutes presentment under this section. The
27 governor shall, within the first 15 [30] days after the legislature convenes in regular
28 session, present to the legislature for confirmation the names of the following persons:
29 (A) persons appointed to a position or membership who have not previously been
30 confirmed by the legislature, and (B) persons to be appointed to fill a position or
31 membership the term of which will expire on or before March 1 during that session of

1 the legislature. If an appointment is made after the first 15 [30] days of the convening
2 of the regular session but while the legislature is in regular session, the governor shall
3 immediately present to the legislature for confirmation the name of the person
4 appointed.

5 * **Sec. 22.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 APPLICATION. The beginning of the term of office under AS 24.05.080, as amended
8 by sec. 3 of this Act, first applies to legislators elected during 2008 and applies thereafter.

9 * **Sec. 23.** This Act takes effect January 1, 2008.



ALASKA STATE LEGISLATURE
HOUSE RULES COMMITTEE
REPRESENTATIVE JOHN COGHILL, CHAIRMAN

State Capitol Juneau, AK 99801-1182 (907) 465-3719
1292 Sadler Way, Fairbanks AK 99701 (907) 456-5081

HB 171 Sectional

- Section 1. Public Safety annual report on activities of the narcotic drug and alcohol enforcement unit.
- Sec. 2. In odd numbered years Public Safety submits their report on repeated child sexual abuse arrests and criminal exploitation of children to legislature on first day of session
- Sec. 3. Changes the beginning of the term of each member of the legislature to the second Monday of February. (in Senate version).
- Sec. 4. Starts session the second Monday of February. (in Senate version).
- Sec. 5. Expand the direction of the legislature to adopt uniform rules at the beginning of each session. Currently the legislature adopts uniform rules in first legislative session. *90th session "1" passed in 1981*
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- Sec. 8. Requires a bill introduced in the first legislative session to be passed through its house of origin in the first session to be considered in the second session.
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get a CS drafted ASAP

- ✓ **Sec. 12.** Requires the LB & A to file with the governor and the legislature its annual report summarizing audit reports on or before the first day of session versus within five days.
- ✓ **Sec. 13.** Requires APOC to publish a directory of registered lobbyists within 15 days after session convenes. They now have 45 days.
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- ✓ **Sec. 17.** The governor's request for supplemental appropriations must be provided to the legislature by the fifth day of session versus 30th day and the governor's budget amendments must be submitted by the 15th day versus the 45th day.
- ✓ **Sec. 18.** Requires LB & A to prepare a report of fees collected and recommended fee adjustments of state agencies and provide it to the legislature by the fifth day of session versus 30 days.
- ✓ **Sec. 19.** Requires DNR to give notice to the legislature within five days from convening that a report reflecting all money deposited to the State Land Disposal Income Fund for the prior fiscal year is available. They currently have until the 30th day.
- ✓ **Sec. 20.** Replaces from 30 to five days after convening the deadline for DNR to submit a summary of all "cooperative resource management or development agreements" to the legislature.
- ✓ **Sec. 21.** Requires governor to submit to the legislature within 15 days from convening the names of persons appointed to a position or membership who have not been confirmed by the legislature and persons to be appointed to fill a position or membership for a term that will expire on or before March 1 during that session. Current provides for 30 days. It also instructs the governor to immediately submit the name of someone appointed after the first 15 days by while the legislature is in regular session.
- ✓ **Sec. 22.** The term of office beginning on the second Monday of February for a member of the legislature first applies to legislators elected during 2008.
- ✓ **Sec. 23.** This legislation has an effective date of January 1, 2008.

AMENDMENT # 3

*Passed
As Amended*

OFFERED IN THE HOUSE
STATE AFFAIRS COMMITTEE

BY REPRESENTATIVE COGHILL

TO: HB 171 Version C

1 Page 6, lines 11-20:

2 Delete all material

3

4 Page 9, line 9, after the words "Sec. 23.":

5 Insert:

6 AS 24.45.116 is repealed.

7 Renumbered "This Act takes effect January 1, 2008." as Sec. 24.

The new section

2008

Handwritten notes and signatures at the bottom of the page, including "2008" and "2008" written twice.

AMENDMENT # 2

Passed

OFFERED IN THE HOUSE
STATE AFFAIRS COMMITTEE

BY REPRESENTATIVE COGHILL

TO: HB 171 Version C

- 1 Page 4, lines 6 - 10:
- 2 Delete all material

AMENDMENT

OFFERED IN THE HOUSE
STATE AFFAIRS COMMITTEE

BY REPRESENTATIVE COGHILL

TO: HB 171 Version C

- 1 Page 6, lines 11-20:
- 2 Delete all material
- 3
- 4 Page 9, line 9, after the words "Sec. 23.":
- 5 Insert:
- 6 AS 24.45.116 is repealed.
- 7 Renumbered "This Act takes effect January 1, 2008." as Sec. 24.



90-Day Session

HB 171
An Act relating to a 90 Day
Session



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The 25th Alaska State Legislature, 1st Session



Press Release: Rep. John Coghill

Coghill Introduces 90-Day Session Clean-up Bill

HB 171 Adjusts Session Schedules, Governor's Budget Deadlines

Posted: March 1, 2007

Contact: Will Vandergriff, 465-5446, House Majority Press Secretary

(Juneau) - House Rules Committee Chairman John Coghill (R-North Pole) today introduced legislation that will make needed changes to the schedule and deadlines of the Legislature and governor that will allow a smooth flow of legislative business next year when a new 90-day limit takes effect. The 90-day limit resulted from an initiative passed at the August 2005 primary election.

“House Bill 171 is the first step toward the smooth flow of bills and other business of the Legislature that we will have to accomplish in 90 days next year.”

Coghill's bill, HB 171, establishes the convening day of each regular legislative session as the second Monday of February each year. Currently, the legislative session begins on the second Monday of January, except during the session following a gubernatorial election, when it is set for the third Monday.

HB 171 will also give the governor an additional 30 days to make public the annual operating and capital budgets, which currently must be presented on December 15 of each year. It also proposes to reduce the 30-day deadline by which the governor must submit her nominees for boards, commissions, and councils to 15 days.

“Now, we are a little bit under the gun to condense a four-month session into a three-month one, so we have to be highly aware of each potential glitch that presents itself, and address it with a statute or rule change, whichever is appropriate.”

In addition to numerous minor internal legislative rules changes, HB 171 would also disallow a bill introduced in the first session of a Legislature from carrying over to the second session if it has not been passed by the house in which it was introduced.

"House Bill 171 is the first step toward the smooth flow of bills and other business of the Legislature that we will have to accomplish in 90 days next year," Coghill said. "I expect the bill will evolve as it moves through the process, and I hope by the time it passes and is sent to the governor, we will have identified every piece of the puzzle needed to make it happen."

Coghill noted it has been about 20 years since the Legislature adopted the 120-day session limit, and that the rules and laws related to the flow of work through the session have evolved over those



Rep. John Coghill (R-11)
Chair, (H) RLS Com.

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two decades.

"Now, we are a little bit under the gun to condense a four-month session into a three-month one, so we have to be highly aware of each potential glitch that presents itself, and address it with a statute or rule change, whichever is appropriate," he said.

HB 171 was referred to the House State Affairs Committee.

#

Speaker Of The House
Rep. John Harris

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House Majority Leader
Rep. Ralph Samuels



ALASKA STATE LEGISLATURE
HOUSE RULES COMMITTEE
REPRESENTATIVE JOHN COGHILL, CHAIRMAN

State Capitol Juneau, AK 99801-1182 (907) 465-3719
3340 Badger Road Suite #290, North Pole, AK 99705 (907) 488 5725

SPONSOR STATEMENT

HB 171 90-Day Session Cleanup Bill

With the passage of the initiative on the August, 2006 primary election ballot, state statutes establishing deadlines for submitting budgets and reports will have to be amended to accommodate the 90-day session. HB 171 is the first link to a series of events that must occur to make a 90-day session as productive as possible without usurping adequate public process.

This legislation would move the legislative session forward approximately thirty days and session would begin on the second Monday of February. The legislation would require departments and committees to submit their reports to the legislature within one to five days after the legislature convenes. Under current law, the reports are due thirty to 45 days after the beginning of session.

HB 171 reduces the amount of time the governor has to submit appointments of certain commissioners and appointees of boards, councils, and commissions to the legislature for confirmation.

It requires a piece of legislation introduced in the first session to clear one house in the first session to be carried over to the second session of a legislature.

The bill would give the governor an additional thirty days to present the annual operating and capital appropriations budgets to the legislature but reduces the period of time between the legislature convening and the governor's submittal of a supplemental budget and amendments to the annual appropriations bills.