

**HJR**

**27**

<TARGET><BILL>HJR 27</BILL><SUBJECT>HJR  
27</SUBJECT><COMM>HSTA29</COMM></TARGET>



# Alaska State Legislature

Representative Matt Claman

Session: State Capitol, Rm 405 Juneau, AK 99801 Phone: 465-4919  
Interim: 716 W. 4<sup>th</sup> Ave, Rm 312 Anch, AK 99501 Phone: 269-0130

To: Representative Bob Lynn, Chairman  
House State Affairs Committee

From: Representative Matt Claman  
HJR 27 Prime Sponsor

A handwritten signature in blue ink, appearing to read "Matt Claman".

Subject: Hearing Request for HJR 27

Date: January 29, 2016

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I respectfully request that you calendar HJR 27 for a hearing in the House State Affairs Committee. You have received a copy of the most recent version of the bill, the sponsor statement, and additional support material.

The resolution proposes a constitutional amendment that changes the length of a regular session of the Legislature to 90 days. The option to extend the regular session for up to 10 days would still be allowed by a 2/3 vote of the Legislature. If passed by the Legislature, Alaskans would vote on the constitutional amendment in the next general election.

The staff assigned to this resolution is Meghan Cavanaugh who can be reached at 465-6597. Please do not hesitate to contact my office if we can provide any additional information.



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### House Joint Resolution 27 Sponsor Statement

*Proposing amendments to the Constitution of the State of Alaska relating to the duration of regular sessions of the Legislature*

This resolution would align Alaska State Statute with the Alaska State Constitution with regard to the length of regular sessions of the Legislature. This fall is the tenth anniversary of the ballot initiative passed by Alaskan voters in 2006 that statutorily established 90 day regular sessions of the Legislature. Since 2008, when the ballot initiative took effect, the Legislature has failed to adjourn within the statutory 90-day limit four times. In 2010 and 2012, the Legislature adjourned shortly after midnight of the 90<sup>th</sup> day, which caused no cost overruns. In 2014 and 2015 the Legislature ran past the statutory limit by five and eight days, respectively, incurring costs to the state of \$70,211 and \$152,831.

The variation between state statute and the constitution creates inconsistency in the law governing the length of regular sessions. This resolution allows Alaskan voters to decide, once and for all, on the length of regular sessions of the Legislature by voting on an amendment to the Alaska State Constitution. If passed by Alaskan voters, the amendment would change the length of the regular session in the Alaska State Constitution from 120 days to 90 days. That change would align the Constitution with State Statute. The Constitution already allows the Legislature to extend its regular session for 10 days by a two-thirds vote, and the amendment does not change that provision.

Please support HJR 27 in order to let the voters confirm length of regular sessions of the Legislature.

# LEGISLATIVE RESEARCH SERVICES

29<sup>th</sup> Alaska Legislature  
LRS Report 16.074  
October 23, 2015



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## Costs for Sessions—Extended, Overrunning the 90-Day Limit, and Special Sessions

Patricia Young, Legislative Analyst

*You asked for information on the duration and costs of extended session, overruns, and special sessions that have occurred since implementation of the 90-day limit to regular sessions.*

The Alaska Constitution limits the duration of regular sessions to 120 days, except that a regular session may be extended once for up to ten days upon a two-thirds affirmative vote of the membership of each chamber.<sup>1</sup> In 2006, voters approved an initiative limiting regular sessions to 90 consecutive calendar days including the day the Legislature convenes. The statute, codified at AS 24.05.150[b], went into effect in 2008. Since then, the Legislature has not voted to *extend* any regular sessions.<sup>2</sup>

Lawmakers have failed to adjourn within the statutory 90-day limit four times.<sup>3</sup> In 2010 and 2012, the Legislature adjourned shortly after midnight of the 90<sup>th</sup> day. Those overruns accrued no extra costs for per diem or for payroll.

Overruns past the statutory limit of five and eight days occurred in 2014 and 2015, respectively. Legislative staff members typically stay on payroll for three to five days after adjournment of a regular session, so in 2014 there would likely have been costs only for five days of legislators' per diem. In 2015, legislators were paid an additional eight days of per diem. One staff member was authorized to receive per diem for the eight days, and three were authorized to receive five days of per diem. Extra personnel costs of approximately \$42,000 are estimated based on three additional days (at \$14,000 per day) for staff beyond the three to five days they would normally continue on payroll after adjournment.

### Costs Associated with Failure to Adjourn within 90-Day Statutory Session Limit

Year	Days in Session	Legislator Per Diem	Staff Per Diem	Additional Personal Services Costs	Total
2010	91	0	0	0	
2012	91	0	0	0	
2014	95	70,211	0	0	70,211
2015	98	105,702	5,129	42,000	152,831

**Notes:** Per diem rate was \$237/day in 2014 and \$223/day in 2015. Juneau's 3 legislators receive 75% of the rate. In 2015, one staff member was authorized to receive per diem for all 8 days beyond the limit, and three staff members were authorized to receive per diem for 5 such days. Personal services costs typically run about \$14,000 per day during a session. Because most employees would have been on payroll for 3 to 5 of the days in question in 2015, only costs for the 3 additional days would be considered attributable to the overrun. Personal services costs are an estimate that is likely to be somewhat high.

**Sources:** Jessica Geary, LAA finance manager, and Skiff Lobaugh, LAA human resources manager.

For duration and costs of special sessions, please see the attached table.

I hope this is helpful. If you have questions or need additional information, please contact this office.

<sup>1</sup> Article II, Section 8. The Alaska Supreme Court has determined that the day the Legislature convenes does not count against the 120 day limit. As such, the constitutional language authorizes the legislature to remain in session for total of 121 days.

<sup>2</sup> The last extended session occurred in 2002, lasted two days, and was immediately followed by a special session convened by the Legislature.

<sup>3</sup> The primacy of the constitution as well as the judicial deference to the internal procedures of the Legislature, means that a court would be unlikely to intervene or question the legality of measures passed during an informal extension, or overrun, of the statutory limit.

**Special Sessions of the Alaska Legislature: Dates, Duration, Subjects, and Daily and Total Costs, 2003 - Present**

Legislature	Date Convened	Date Adjourned	Days	Subjects Under Consideration	Average Daily Cost	Total Cost
<b>23rd Legislature (2003-2004)</b> 1st Special Session Called by Governor Murkowski	22-Jun-04	24-Jun-04	3	Permanent Fund POMV & implementation; Advisory Vote on Source of Money Available for Appropriation; Spending Limit; Tobacco Tax; G.O. Bonds for Transportation & Education Capital Projects; Workers' Compensation; appropriations for listed subjects; and appropriation to DCCED to purchase fuel for rural communities	\$42,872	\$128,616
<b>24th Legislature (2005-2006)</b> 1st Special Session Called by Governor Murkowski	11-May-05	25-May-05	15	Capital Appropriations & Appropriations to capitalize funds; workers' compensation; teachers and public employee retirement systems; base student allocation in foundation formula; operating & capital appropriations for comprehensive integrated mental health program; appropriations for operating & loan programs; supplemental, capital, & other appropriations & reappropriations; university land grant; insurance regulation; state virology lab; elections, voters, political parties; state aid for retirement of school construction indebtedness	\$25,437	\$381,560
2nd Special Session Called by Governor Murkowski	10-May-06	8-Jun-06	30	Changes to the Stranded Gas Development Act (AS 43.82); judicial review of constitutionality or enforceability of a contract executed under AS 43.82; State interest in NS natural gas pipeline project, including indemnifications among project management & construction entities; establishing fiscal certainty for certain NS oil and gas leases; preliminary findings & determination of DNR commissioner made under AS 43.82.400(a)(1); provisions of proposed Alaska stranded gas fiscal contract; and production tax on oil and gas	\$26,711	\$801,327
3rd Special Session Called by Governor Murkowski	12-Jul-06	10-Aug-06	30	Repeal of the oil production tax and the gas production tax and passage of a production tax on oil and gas; statutory changes for the purpose of clarifying or providing additional authority for the development of contract terms under the Stranded Gas Development Act (AS 43.82); gang-related violence, contempt of court, and temporary detention and identification of persons; and an appropriation to study the feasibility of a spur line from the gas pipeline in the state	\$25,831	\$774,931
4th Special Session Called by Governor Murkowski House Senate	15-Nov-06 14-Nov-06	17-Nov-06 20-Nov-06	3 7	Employment-related benefits for same-sex domestic partners of state employees and retirees under the state's retirement systems	\$27,521	\$192,647

**Special Sessions of the Alaska Legislature: Dates, Duration, Subjects, and Daily and Total Costs, 2003 - Present**

Legislature	Date Convened	Date Adjourned	Days	Subjects Under Consideration	Average Daily Cost	Total Cost
<b>25th Legislature (2007-2008)</b>						
1st Special Session Called by Legislature	26-Jun-07	26-Jun-07	1	Senior Benefits Payment Program	\$111,792	\$111,792
2nd Special Session Called by Governor Palin	18-Oct-07	16-Nov-07	30	Making amendments related to oil and gas production taxes and conservation surcharges on oil; placing certain oil and gas tax and royalty auditors in the exempt service; authorizing public disclosure of certain taxpayer information on oil and gas production taxes; sharing certain oil and gas tax and royalty information among state agencies	\$27,733	\$831,990
3rd Special Session Called by Governor Palin	3-Jun-08	2-Jul-08	30	To consider any action taken by the commissioner of Natural Resources and the commissioner of Revenue under AS 43.90, the Alaska Gasline Inducement Act	\$31,353	\$940,593
4th Special Session Called by Governor Palin	9-Jul-08	7-Aug-08	30	To consider 1) approval of a license under AGIA to TransCanada Alaska Company, LLC and Foothills Pipe Lines Ltd., jointly as licensee; 2) statutory changes to establish the Alaska resource rebate program and to provide payments under the program to state residents; 3) statutory changes relating to power cost equalization under AS 42.45.100 - 42.45.190; 4) statutory changes to suspend temporarily the motor fuel tax; 5) statutory changes relating to a renewable and alternative energy grant fund and recommendation program, including statutory changes to authorize assistance for alternative energy purposes; and relating to the Alaska Renewable Energy Task Force; and 6) making appropriations relating to such subjects; also, [added Aug 7, 2008] statutory changes to the bulk fuel revolving loan fund and bulk fuel bridge loan fund and program; and making appropriations for those funds	\$29,895	\$896,845
<b>26th Legislature (2009-2010)</b>						
1st Special Session Called by Legislature	10-Aug-09	10-Aug-09	1	To consider an override of Governor Palin's veto of federal energy stimulus finds and to consider confirmation of the lieutenant governor designee	\$76,592	\$76,592

**Special Sessions of the Alaska Legislature: Dates, Duration, Subjects, and Daily and Total Costs, 2003 - Present**

Legislature	Date Convened	Date Adjourned	Days	Subjects Under Consideration	Average Daily Cost	Total Cost
<b>27th Legislature (2011-2012)</b> 1st Special Session Called by Governor Parnell	18-Apr-11	14-May-11	27	Operating Budget and Loan Program Expenses; Mental Health Appropriations; Capital Budget; Supplemental Appropriations; Alaska Performance Scholarship Fund; Power Projects; Extending the Alaska Coastal Management Program; Vocational Education and Basic Funding/Tax Credits; Extending the Regulatory Commission of Alaska; and Extending Boards and Commissions	\$37,114	\$1,002,084
2nd Special Session House Senate Called by Legislature	27-Jun-11	28-Jun-11(H) 27-Jun-11(S)	2 1	Alaska Coastal Management Program	\$49,580	\$99,160
3rd Special Session Called by Governor Parnell	18-Apr-12	30-Apr-12(H) 26-Apr-12(S)	13 9	Oil and gas production taxes; in-state gasoline development corporation (HB 9); and sex crimes and human trafficking (HB 359)	\$36,053	\$468,693
<b>29th Legislature (2015-2016)</b> 1st Special Session Called by Governor Walker	28-Apr-15	21-May-15	24	Sexual Abuse/Sexual Assault Prevention Programs (HB 44); Medicaid Expansion and Reform (HB 148); Operating Budget and appropriations under Art. IX, Section 17(c) of the Constitution from the Constitutional Budget Reserve sufficient to cover the remainder of FY 15 and to cover FY 16.	\$18,405.17	\$441,724
2nd Special Session Called by Legislature	21-May-15	11-Jun-15	22	Operating Budget and Sexual Abuse/ Sexual Assault Prevention Program	\$20,661.05	\$454,543

- Notes:**
- Since statehood, the legislature has met in special session 38 times, for a total of 452 days. Costs specific to special sessions have been tracked since 1997, and since that time, the legislature has convened in special session 23 times, for a total of 304 days.
  - During special sessions called by the governor, consideration is limited to subjects the governor designates and to bills vetoed following adjournment of the last regular session. Under subjects considered, we do not include measures to suspend uniform rules or to override vetoes.
  - Lawmakers extended the second regular session of the 22nd Legislature from May 14, 2002, through May 16, 2002, at which time members of both chambers voted to convene in special session on the following day, May 17, 2002. By so doing, the legislature was able to dictate the topics of consideration, rather than being limited to the governor's agenda (subsistence).
  - The first special session of the 25th Legislature was held in Anchorage and marks the first time the full legislature has met outside of the Capital.
  - The third special session of the 25th Legislature marks the first time a session has toured the state.
  - The first special session of the 26th Legislature is the second to have been held in Anchorage.
  - The legislature at impasse, the first regular session of the 27th Legislature was adjourned by the governor, who then called a special session for the following day.
  - In an unprecedented move, the governor on April 25, 2012, issued a supplemental proclamation withdrawing his oil tax bills (SB 3001 and HB 3001) from consideration by the third special session of the 27th Legislature. A Legal Services opinion deemed that action to be unauthorized, but the Senate concluded that without the governor's support of the bill, there was no realistic chance of meaningful policy discussion. The Senate adjourned, leaving the only bill in play, HB 9--the instate gasoline bill--unaddressed. After lengthy caucus considerations, the House also adjourned.
  - 29th Legislature--Lawmakers adjourned and held technical session during budget standoff. Despite the governor's call for the session to be held in Juneau, the special session was reconvened in Anchorage on 5/21/15, at which time both bodies adjourned the first special session *sine die* and immediately called themselves into the second special session, in Anchorage.

**Sources:** *Summary of Alaska Legislation*, (dates); Executive Proclamations (subjects); Legislative Affairs Agency (costs).

## **§ 8. Regular Sessions**

The legislature shall convene in regular session each year on the fourth Monday in January, but the month and day may be changed by law. The legislature shall adjourn from regular session no later than one hundred twenty consecutive calendar days from the date it convenes except that a regular session may be extended once for up to ten consecutive calendar days. An extension of the regular session requires the affirmative vote of at least two-thirds of the membership of each house of the legislature. The legislature shall adopt as part of the uniform rules of procedure deadlines for scheduling session work not inconsistent with provisions controlling the length of the session. [Amended 1984]

**STATE OF ALASKA**  
 DIVISION OF ELECTIONS  
*Initiative History*

**INITIATIVES APPEARING ON THE BALLOT IN ALASKA**

DATE	Initiative ID	TOPIC	FOR	AGAINST
11/4/12	<b>13PSUM</b>	An Act to Tax and Regulate the Production, Sale, and Use of Marijuana	<b>149,021</b>	130,924
11/4/14	<b>13MINW</b>	An Act to Increase Alaska's Minimum Wage	<b>194,654</b>	86,040
11/4/14	<b>12BBAY</b>	An Act Providing for Protection of Bristol Bay Wild Salmon and Waters Within or Flowing Into the Existing 1972 Bristol Bay Fisheries Reserve	<b>180,490</b>	93,212
08/28/12	<b>11ACMP</b>	An Act establishing the Alaska Coastal Management Program	46,678	<b>76,440</b>
08/28/12	<b>09RPEA</b>	An Act Increasing the Maximum Residential Property Exemption and Providing for Annual Adjustments	<b>61,804</b>	61,495
08/24/10	<b>09PIMA</b>	Abortion for Minor Requires Notice to or Consent from Parent or Guardian or Through Judicial Bypass	<b>90,259</b>	70,746
08/24/10	<b>07ANCO</b>	Bill prohibiting the Use of Public Funds to Lobby or Campaign; and Prohibiting Holders of Government Contracts and Family Members from Making Political Contributions	62,909	<b>97,478</b>
08/26/08	<b>07WTR3</b>	Bill Providing For Regulations of Water Quality	83,574	<b>108,138</b>
08/26/08	<b>07CASE</b>	Bill Providing For Public Funding in Campaigns	67,162	<b>120,875</b>
08/26/08	<b>05HUNT</b>	Bill Amending Same Day Airborne Shooting	85,619	<b>105,417</b>
08/26/08	<b>05GAM2</b>	Establishing Alaska Game Commission	73,463	<b>116,670</b>
11/07/06	<b>05GAS2</b>	Natural Gas Resources Tax and Production Credit	80,909	<b>152,889</b>
11/07/06	<b>05LEGS</b>	90-Day Session Limit For Legislature	<b>117,675</b>	113,832
08/22/06	<b>03DISC</b>	Campaign Contribution Limits, Lobbying and Disclosure	<b>113,130</b>	41,836
08/22/06	<b>03CTAX</b>	Cruise Ship Taxation, Regulation and Disclosure	<b>81,963</b>	75,432
11/02/04	<b>03SENV</b>	Temporary Replacement of U.S. Senator	<b>165,017</b>	131,821
11/02/04	<b>03BEAR</b>	Prohibiting Bear Baiting or Feeding	130,648	<b>171,338</b>
11/02/04	<b>01MRNA</b>	Initiative to Legalize Marijuana	134,647	<b>169,608</b>
11/05/02	<b>01CHGE</b>	Moving Location of Legislative Session	74,650	<b>153,127</b>
11/05/02	<b>01GSLN</b>	Gas Pipeline Development Authority	<b>138,353</b>	84,682
08/27/02	<b>99PRVT</b>	An Initiative Amending the Election Process for Election to Alaska State and Federal Elective Office, Except Governor, by Adopting Preferential or Instant Run-Off Voting: Repealing Conflicting Statutes, and Providing for Severability	39,666	<b>69,683</b>
11/07/00	<b>99 HEMP</b>	Allowing Uses of Hemp, Including Marijuana	114,321	<b>165,315</b>
11/07/00	<b>99PTAR</b>	An Act Providing Property Tax and Assessment Reform	80,276	<b>193,760</b>

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## LEGISLATIVE SESSION LENGTH

Legislative session length may be unrestricted, or it may be limited. Session length limitations are set in a variety of ways. The limits may be found in constitution, statute or chamber rule. They also may set indirectly by restricting the number of days for which a legislator receives compensation, per diem or mileage reimbursement.

In the early 1960s, 17 states did not place restrictions on the length of their legislative sessions. In another 10 states, the limits were indirect. Several states increased their session length. These were Colorado (from 120 to 160); Georgia (from 80 to 85); Kansas (from 90 to 120); Minnesota (from 90 to 120); and South Dakota (from 60 to 75).

Throughout the 1970s, 1980s and early 1990s, session limitations became more defined. Fewer states had unrestricted sessions, and the number of states with indirect session limits declined.

Since the late 1980s, several session lengths were shortened. Colorado's session was cut to 120 days in 1988. In 1992, Louisiana changed its constitution to shorten and limit the scope of its even-year session. In 1998, the citizens of Nevada adopted a constitutional amendment that restricts the legislative session to 120 days. In 2002, an amendment to the Louisiana Constitution changed the timing of its general and fiscal sessions and adjusted the length of the fiscal session; the changes went into effect January 2004. In 2006, Alaska voters passed an initiative establishing a 90 day session in statute, which took effect in 2008.

In November 2008, however, South Dakota voters approved a constitutional amendment that lengthened legislative sessions. The amendment equalized the length of session at 40 legislative days each year. Previously, session length was 40 legislative days in odd-numbered years, and 35 legislative days in even-numbered years.

Currently, only 11 states do not place a limit on the length of regular session. In the remaining 39, the limits are set by constitution, statute, chamber rule or indirect method.

State	Current Session Length Limit	Method of Setting
Alabama	30 L in 105 C	Statute
Alaska	90 C	Statute
Arizona	Sat of week in which 100th C falls	Chamber rule
Arkansas	Odd-60 C Even-30 C	Constitution
California	Odd-None Even-Nov 30 Odd-Sept 12 Even-Aug 31	Constitution
Colorado	120 C	Constitution
Connecticut	Odd-Wed after 1st Mon in June Even- Wed after 1st Mon in May	Constitution
Delaware	June 30	Constitution
Florida	60 C	Constitution
Georgia	40 L	Constitution
Hawaii	60 L	Constitution
Idaho	None	Not applicable
Illinois	None	Not applicable
Indiana	Odd-Apr 29 Even-Mar 14	Statute
Iowa	Odd-110 C Even-100 C	Indirect
Kansas	Odd-None Even-90 C	Constitution
Kentucky	Odd: 30 L or Mar 30 Even:60 L or Apr 15	Constitution
Louisiana	Odd-45 L in 60 C Even-60 L in 85 C	Constitution

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State	Session Length	Authority
Maine	Odd-3rd Wed in June Even-3rd Wed in Apr	Statute
Maryland	90 C	Constitution
Massachusetts	Formal sessions: Odd-3rd Wed in November Even-July 31 Informal sessions: None	Chamber rule
Michigan	None	Not applicable
Minnesota	120 L total within biennium or 1st Mon after 3rd Sat in May each year	Constitution
Mississippi	90 C except year after gubernatorial election, then 125 C	Constitution
Missouri	May 30	Constitution
Montana	Biennial session; 90 L	Constitution
Nebraska	Odd-90 L Even-60 L	Constitution
Nevada	Biennial session ; 120 C	Constitution
New Hampshire	45 L or July 1	Indirect
New Jersey	None	Not applicable
New Mexico	Odd-60 C Even-30 C	Constitution
New York	None	Not applicable
North Carolina	None	Not applicable
North Dakota	Biennial session ; 80 L	Constitution
Ohio	None	Not applicable
Oklahoma	Last Fri in May	Constitution
Oregon	Odd-160C Even-35C	Constitution
Pennsylvania	None	Not applicable
Rhode Island	None	Not applicable
South Carolina	1st Thurs in June	Statute
South Dakota	40 L	Constitution
Tennessee	90 L	Indirect
Texas	Biennial session ; 140 C	Constitution
Utah	45 C	Constitution
Vermont	None	Not applicable
Virginia	Odd-30 C Even-60 C	Constitution
Washington	Odd-105 C Even-60 C	Constitution
West Virginia	60 C	Constitution
Wisconsin	None	Not applicable
Wyoming	Odd-40 L Even-20 L	Constitution



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**Key:**

C = calendar day  
L = legislative day (that is, a day on which a floor session is held)

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