

HJR

3

<TARGET><BILL>HJR 3</BILL><SUBJECT>HJR
3</SUBJECT><COMM>HSTA30</COMM></TARGET>



Alaska State Legislature

Representative Matt Claman

Session: State Capitol, Rm 118 Juneau, AK 99801 Phone: 465-4919
Interim: 1500 W. Benson Blvd., Anch, AK 99503 Phone: 269-0130

House Joint Resolution 3 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. Last fall was 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 five times. In 2010 and 2012, the Legislature adjourned shortly after midnight of the 90th day, which caused no cost overruns. In 2014, 2015 and 2016 the Legislature ran past the statutory limit by five, eight, and 31 days respectively, incurring costs to the state of \$70,211, \$152,831, and \$698,772.

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 3 in order to let the voters confirm length of regular sessions of the Legislature.



Alaska State Legislature

Representative Matt Claman

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

To: Representative Jonathan Kreiss-Tomkins, Chairman
House State Affairs Committee

From: Representative Matt Claman
HJR 3 Prime Sponsor

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

Subject: Hearing Request for HJR 3

Date: February 2, 2017

I respectfully request that you calendar HJR 3 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 Sara Perman who can be reached at 465-6597. Please do not hesitate to contact my office if we can provide any additional information.

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

LEGISLATIVE RESEARCH SERVICES

30th Alaska Legislature
LRS Report 17.104
February 2, 2017



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Costs for Regular Session Overruns and Special Sessions

Susan Haymes, Manager

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

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.¹ 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.²

Lawmakers have failed to adjourn within the statutory 90-day limit five times.³ In 2010 and 2012, the Legislature adjourned shortly after midnight of the 90th day. Those overruns accrued no extra costs for per diem or for payroll. However, overruns that did accrue costs occurred in 2014 (5 days), 2015 (8 days), and 2016 (31 days). In the following table, we provide the per diem and personal services costs for each regular session that adjourned after the 90-day limit. The costs in 2014 included only five days of legislators' per diem, because legislative staff members typically stay on payroll for three to five days after adjournment of a regular session. In 2015, legislators were paid an additional eight days of per diem and authorized staff received \$5,129 in per diem. In 2016, legislators were paid an additional 31 days of per diem and authorized staff were paid \$40,491 in per diem and travel. Personal services costs were calculated at \$248,997 for the overrun of the 2016 session.

Costs Associated with Failure to Adjourn within 90-Day Statutory Session Limit					
Year	Days in Session	Legislator Per Diem	Staff Per Diem	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
2016	121	409,284	40,491	248,997	\$ 698,772

Notes: The per diem rate was \$237/day in 2014, \$223/day in 2015, and \$247/day in 2016. Juneau's three legislators receive 75% of the rate. 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 were considered attributable to the overrun. For 2016, personal services costs reflect the actual amount spent on payroll for the session overrun.

Sources: Jessica Geary, LAA Finance Manager, and Skiff Lobaugh, LAA Human Resources Manager.

The attached table shows the duration and costs of special sessions from 2003 to the present.

We hope this is helpful. If you have questions or need additional information, please let us know.

¹ 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.

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

³ 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
23rd Legislature (2003-2004) 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
24th Legislature (2005-2006) 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
25th Legislature (2007-2008) 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

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
25th Legislature (2007-2008) 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
26th Legislature (2009-2010) 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 funds and to consider confirmation of the lieutenant governor designee	\$76,592	\$76,592
27th Legislature (2011-2012) 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
29th Legislature (2015-2016) 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 making appropriations under Art. IX, Section 17(c) of the Constitution from the Constitutional Budget Reserve	\$18,405	\$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	\$454,543
3rd Special Session Called by Governor Walker	24-Oct-15	5-Nov-15	13	Acquire TransCanada's interest in the Alaska Liquefied Nature Gas Project	\$49,277	\$640,604
4th Special Session Called by Governor Walker	23-May-16	19-Jun-16	28	Operating, capital, and mental health budgets; restructuring the Alaska Permanent Fund for a sustainable draw to fund government services; restructuring the oil and gas production tax, tax payments, and tax credits currently in place; instituting a personal income tax and increasing various taxes on consumption and natural resource extraction; addressing aspects of adoption, foster care, and reinsurance and innovation in the health care system; and providing medical insurance coverage for survivors of peace officers and firefighters	\$22,437	\$628,225

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
29th Legislature (2015-2016) 5th Special Session Called by Governor Walker	11-Jul-16	18-Jul-16	8	Alaska Permanent Fund earnings reserve account, Permanent Fund Dividend, Personal Income Tax, Sales and Use Tax, Mining Tax, Fisheries Tax, Excise Tax, Oil & Gas Production Tax	\$29,351	\$234,805

Notes:

--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 held in Anchorage on May 21, 2015, at which time both bodies adjourned the first special session *sine die*, and immediately called themselves into the second special session, again in Anchorage.

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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 Chamber Rule
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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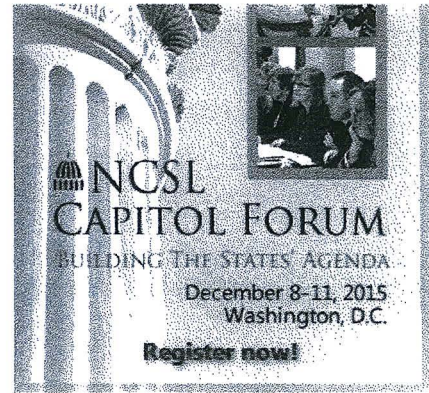
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Maine	Odd-3rd Wed in June Even-3rd Wed in Apr	Statute
Maryland	90 C	Constitution
Massachusetts	Formal sessions: Odd-3rd Wed in November Even-July 31 Informal sessions: None	Chamber rule
Michigan	None	Not applicable
Minnesota	120 L total within biennium 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	
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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