

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8171 HOUSE STATE AFFAIRS

436

HJR

11

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HJR 11

Revision Date: _____
Title: Amendment to the Constitution RE: repeal of regulations by the legislature
Sponsor: Representatives Phillips and Brice
Requestor: _____

Department Affected: Office of the Governor
BRU: Division of Elections
Component: General and Primary Elections
COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	2.2*	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

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

Estimate of current year (FY93) impact: 0

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

Prepared by: Charlot E. Thickstun, Director *Charlot E. Thickstun* Phone: 465-4611
Division: Division of Elections Date: 1/15/93
Approved by Commissioner: Lt. Governor John B. Coghill *John B. Coghill*
Agency: Office of the Lt. Governor Date: 1/15/93

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TESTIMONY BEFORE HOUSE STATE AFFAIRS COMMITTEE (1-21-93)

HOUSE JOINT RESOLUTION 11
(Repeal of regulations by the legislature)

REP. GAIL PHILLIPS

THIS JOINT RESOLUTION IS A PROPOSAL TO PLACE A CONSTITUTIONAL AMENDMENT BEFORE THE VOTERS OF THE STATE OF ALASKA ON THE 1994 GENERAL ELECTION BALLOT.....

THE AMENDMENT WOULD PERMIT THE LEGISLATURE TO TAKE ACTION ON REGULATIONS PROMULGATED BY STATE AGENCIES THAT MAY NOT PROPERLY IMPLEMENT THE INTENT OF THE LAWS PASSED BY THE LEGISLATURE.....

ANNULMENT OF REGULATIONS BY RESOLUTION WAS AUTHORIZED BY THE FIRST STATE LEGISLATURE IN 1959; HOWEVER, IN 1980 THE ALASKA SUPREME COURT RULED.....IN A 3-2 DECISION..... THAT THE CONSTITUTION PERMITS THE LEGISLATURE TO ANNUL A REGULATION BY PASSING A BILL. A BILL PASSED BY THE LEGISLATURE ANNULLING A REGULATION COULD BE VETOED BY THE GOVERNOR OR REPEALED BY REFERENDUM. A RESOLUTION ANNULLING A REGULATION COULD NOT.....

ADOPTION OF A RESOLUTION ANNULLING A REGULATION REQUIRES APPROVAL BY A MAJORITY VOTE OF THE MEMBERSHIP OF EACH BODY OF THE LEGISLATURE.....

WHILE MANY REGULATIONS DO CONFORM TO AND SUPPORT THE LAWS PASSED BY THE LEGISLATURE..... THERE ARE EVER INCREASING EVIDENCE THAT REGULATIONS WHICH ARE IMPOSED ON THE CITIZENS OF THE STATE GO FAR BEYOND THE INTENT OF THE LAWS PASSED BY THE LEGISLATURE.....MANY TIMES IGNORING THE LEGISLATIVE DIRECTIVE OR GOING BEYOND THE LIMITS OF WHAT THE LEGISLATURE INTENDED.....

ONCE REGULATIONS GO INTO EFFECT.....THEY HAVE ALL THE FORCE OF LAW.....EVEN THOUGH NO SINGLE PERSON, ELECTED BY THE VOTERS, HAS APPROVED THEM.....

TESTIMONY BEFORE HOUSE STATE AFFAIRS COMMITTEE (1-21-93)

PAGE TWO

HOUSE JOINT RESOLUTION 11

(Repeal of regulations by the legislature)

I FIRMLY BELIEVE THAT THE FRAMERS OF OUR STATE CONSTITUTION NEVER INTENDED THAT ANY GOVERNMENTAL BODY.....EXCEPT THE LEGISLATURE.....HAVE THE POWER TO MAKE LAWS.....

THE ALASKA CONSTITUTION PROVIDES A SYSTEM OF CHECKS AND BALANCES AMONG THE THREE BRANCHES OF GOVERNMENT AND FURTHER PROVIDES THE PEOPLE OF ALASKA THEIR OWN CHECKS AND BALANCES THROUGH THE VOTING BOOTH.....THE INITIATIVE PROCESS.....AND FINAL AUTHORITY OVER AMENDMENTS TO THE CONSTITUTION.....

THE ONE AREA THAT IS NOT CURRENTLY ACCESSIBLE TO THE PEOPLE'S CHECKS AND BALANCES IS THE VOLUME OF ADMINISTRATIVE REGULATIONS WHICH ARE PROPOSED BY THE STATE AGENCIES IN THE EXECUTIVE BRANCH OF GOVERNMENT.....AND ARE WRITTEN BY THE DEPARTMENT OF LAW.....REGULATIONS THAT AFFECT EVERY ASPECT OF THESE PEOPLE'S LIVES.....YET THEY ARE POWERLESS TO CHANGE THEM.....

THIS MEASURE WOULD PROVIDE A REASONABLE AVENUE FOR ANNULMENT OF IMPROPER REGULATIONS.....

THIS PROPOSAL WAS MOST RECENTLY BEFORE THE LAST LEGISLATURE.....IT PASSED THE SENATE UNANIMOUSLY.....WAS REPORTED OUT OF BOTH HOUSE STATE AFFAIRS AND HOUSE JUDICIARY COMMITTEES WITH UNANIMOUS "DO PASS" RECOMMENDATIONS: AND RECEIVED AN ENDORSEMENT FROM THE JOINT HOUSE/SENATE COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.....HOWEVER IT WAS LOST TO A HOUSE FLOOR VOTE JUST MINUTES BEFORE ADJOURNMENT.....

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

January 20, 1993

Hon. Al Vezey
Alaska House of Representatives
P.O. Box V
Juneau, AK 99801-1182

Dear Representative Vezey:

HJR 11 appears on this week's schedule for a hearing before your committee on Thursday, January 21, 1993. This letter is to express the Department of Law's opposition to that resolution.

HJR 11 is a resolution to place before the voters for the fourth time in 13 years an amendment to the Constitution of the State of Alaska to allow repeal or annulment of regulations by resolution of the legislature. If passed by the voters, the amendment would create a new section 22 in Article II of our state constitution to allow the legislature, by joint resolution, to repeal a regulation adopted by a state department or agency. The resolution would not be subject to the review, and possible veto, of the governor.

The Department of Law opposes the resolution for the following reasons:

1. Under existing law, the legislature has substantial power to guide or limit the adoption of regulations. Initially, the legislature can pass tight statutes that clearly define the executive branch's rule-making authority. The Administrative Procedure Act requires that a regulation must be consistent with the statute. See AS 44.62.030. The Department of Law makes a legal review for consistency before a regulation is filed by the Office of the Lieutenant Governor. After an executive-branch regulation is adopted, if the legislature believes that the regulation is not consistent with the enabling statute, the legislature can amend the statute to clarify its intent. The current system provides the legislature with the power to guide regulation formation.

2. Allowing the legislature to repeal a regulation by resolution would mean a major change in the way law is developed in this state. Regulations have the force of law. Repealing regulations changes law. Our constitution presently grants the power to the legislature to change law by passing a bill, which is then subject to the governor's review and

WALTER J. HICKEL, GOVERNOR

REPLY TO:

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ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 276-3550
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KEY BANK BUILDING
100 CUSHMAN ST. SUITE 400
FAIRBANKS, ALASKA 99701-4676
PHONE: (907) 452-1568
FAX: (907) 456-1317

P.O. BOX K— STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
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possible veto. Because the governor cannot veto a resolution, allowing repeal of regulations by resolution would allow the legislature to change law without that action being subject to the governor's review. This is an important change in our constitution's system of checks and balances between the legislative and executive branches.

3. By repealing a regulation by resolution, the legislature would not be providing policy guidance or direction that is appropriate to the legislature's law-making function. In other words, the resolution would tell the executive branch that the regulation was unacceptable, but not what is acceptable. The state agency would have to guess again and spend state money to develop a new regulation, which might not be on the "right track." By using a bill, the legislature could change statutes to give clearer policy direction to the executive branch.

4. The Administrative Procedure Act allows legislators, as well as the general public, to comment on any new regulation proposed. The executive branch considers comments in the development of regulations. In this way, the legislature and the public have input into the regulation-adoption process.

5. Finally, the voters of Alaska have voted down this type of constitutional amendment three times in the last 13 years. We assume that the public means what its votes have indicated, and that the public prefers the status quo on checks and balances in the development and enforcement of regulations.

If you have additional questions, please let me know.

Sincerely,

CHARLES E. COLE
ATTORNEY GENERAL

By: *Deborah E. Behr*
Deborah E. Behr
Assistant Attorney General

DEB:cl

cc: Rep. Gail Phillips

Charles Cole
Bruce Botelho

Kris Lethin



ALASKA STATE LEGISLATURE

Representative Gail Phillips

AV

MEMORANDUM

TO: Representative Al Vezey, Chairman *Al*
House State Affairs Committee

FROM: Representative Gail Phillips *Gail*

SUBJECT: HJR 11 (repeal of regulations by the legislature)

DATE: January 19, 1993

It is my understanding that the House State Affairs Committee has scheduled the above referenced resolution for a hearing on Thursday, January 21. I have asked my staff to prepare a packet for your committee files with a brief history of past ballot propositions. I have attached this information under separate cover. Additionally, a fiscal note has been requested from the Division of Elections.

As you are aware, this subject has been before the legislature before and has appeared on the ballot several times. It is my desire that with a better campaign presentation to the voters, we can see this constitutional amendment become reality.

I appreciate your consideration of this issue.

GP/sgn
Attachment



ALASKA STATE LEGISLATURE

Representative Gail Phillips

MEMORANDUM

TO: Representative Al Vezey, Chairman *Al*
 House State Affairs Committee
 House State Affairs Committee Members

FROM: Representative Gail Phillips *Gail*

SUBJECT: HJR 11 (repeal of regulations by the legislature)

DATE: January 19, 1993

Background

This proposal for an amendment to the Constitution of the State of Alaska, to repeal regulations by the Legislature, has been placed on the ballot on three previous occasions. Each time it failed to be approved by the voters. The following chart and past proposition materials are attached for your files.

1980	1984	1986	
58,808	91,174	65,176	Yeas
82,010	98,856	94,299	Nays
140,818	190,030	159,475	Total Proposition Votes
16%	4%	18%	Failure Percentage
162,653	213,173	182,526	Total Votes Cast
258,742	305,262	292,274	Total Registered Voters
63%	70%	62%	Voter Turnout

GF/sgn
Attachments

BALLOT MEASURE NO. 2

Constitutional Amendment Legislative Annulment of Administrative Regulations (1986 Legislative Resolve No. 60 HCS SJR 40 [Jud] am H)

BALLOT LANGUAGE

(As it will appear on the November 4, 1986, General Election Ballot)

This amendment of the Alaska Constitution would permit the legislature to annul executive branch regulations by passing a resolution that is not subject to veto by the governor or repeal by referendum. The annulment would become effective 30 days after passage by the legislature, unless the resolution sets a different date. The resolution must have three readings in each house on separate days, except that it may be advanced from second to third reading on the same day by a three-fourths vote of the house considering it. The resolution must receive approval of a majority of the membership of each house. The yeas and nays on final passage must be entered in the legislative journals.

A vote "FOR" adopts the amendment. FOR

A vote "AGAINST" rejects the amendment. AGAINST

VOTES CAST BY MEMBERS OF THE 14TH ALASKA LEGISLATURE ON FINAL PASSAGE

House:	Yeas	31
	Nays	4
	Absent or Not Voting	5
Senate:	Yeas	17
	Nays	0
	Absent or Not Voting	3

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(HCS SJR 40 (Jud) am H)

This proposal for a constitutional amendment would allow the legislature to annul a regulation adopted by a state department or agency by its adoption of a concurrent resolution. Under the present provisions of the constitution, the legislature may annul a regulation only by the enactment of a bill that is subject to the veto of the governor; if the governor vetoes the bill, the constitution now requires a two-thirds affirmative vote of the legislature assembled in joint session to override the veto.

If the legislature adopts a concurrent resolution to annul a regulation under the authority proposed here, the annulment would be effective thirty days after the date the concurrent resolution is approved by both houses unless the resolution specified a different date. The concurrent resolution would not be subject to the veto of the governor. Adoption would require three readings in each house on three separate days except that it may be advanced from second to third reading on the same day by the concurrence of three-fourths of the membership of the house considering it. Adoption would require approval by a majority vote of each membership of each house. The vote on final passage must be entered into the journal.

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT

(This amendment would add the following section to article II of the Alaska Constitution.) - -

SECTION 22. ANNULMENT OF REGULATIONS. The legislature by concurrent resolution may annul a regulation adopted by a state department or agency. The annulment of the regulation is effective thirty days after the date the concurrent resolution is approved by both houses unless the concurrent resolution specifies a different date. The concurrent resolution requires three readings in each house on three separate days, except that it may be advanced from second to third reading on the same day by concurrence of three-fourths of the house considering it, and approval by a majority vote of the membership of each house. The yeas and nays on final passage shall be entered into the journal.

BALLOT MEASURE NO. 2

STATEMENT IN SUPPORT OF BALLOT MEASURE NO. 2

The issue is basically simpler: should bureaucrats or the Legislature be the ultimate lawmaking authority?

All 60 members of the Legislature (40 House and 20 Senate) are elected by the people. They are all voted in to, and out of, office by individual voters. The Alaska Constitution says, "The legislative (i.e., lawmaking) power of the State is vested in a Legislature consisting of a Senate... and a House of Representatives..." The Legislature proposes, considers, and enacts laws, known collectively as the Alaska Statutes (if general and permanent) or as the Session Laws of Alaska (if specific and temporary).

All bureaucrats who promulgate (i.e., enact and enforce) regulations (theoretically, to put laws into effect) are in the Executive Branch, headed by the Governor. Bureaucrats are not voted into office and thus cannot be removed by the people. Instead, bureaucrats are hired by the Governor or by his/her appointees, and thus can only be removed from office by the Governor or by somebody answerable to him/her. However, the regulations promulgated by the bureaucrats, known collectively as the Alaska Administrative Code, have the force of law and affect all of us, sometimes adversely.

What can be done about a law that's bad? It can be repealed by the Legislature or, in some cases, by the people directly via an initiative petition.

What about a regulation that's bad? It can only be repealed by the bureaucrats who promulgated it, up to and including the Governor. If the Legislature tries to repeal a regulation by passing a bill, the Governor will almost certainly (and always has, in the past) veto the bill so that the bad regulation stays in full force and effect.

Now, if the Legislature had the power to repeal regulations by passing a concurrent resolution (instead of a bill), then the resolution could not be vetoed by the Governor. Thus, the Legislature would be able to get rid of bad regulations, which in effect it cannot do now.

Would this give the Legislature too much power? Not hardly. Since the Legislature already has full power to enact laws, why shouldn't it have full power to repeal all laws, including regulations?

Why do Governors and bureaucrats oppose giving the Legislature such regulatory repeal power? Because Governors and their handpicked bureaucrats, which are answerable only to the Governor (and cannot be removed by the people, which can remove Legislators), don't want to lose the power they now have to promulgate and enforce any regulation they want. It's that simple.

If you feel that the Legislature should have the power to repeal regulations via concurrent resolution (not vetoable by the Governor), vote FOR the ballot measure. If you feel that bureaucrats should be the ultimate law-making authority, vote otherwise.

I recommend that you vote FOR. Only in this way will we realistically be able to get rid of bad regulations.

Andre Marrou
State Representative

STATEMENT OPPOSING BALLOT MEASURE NO. 2

For the third time in six years, the legislature insists on confronting the voters with a proposed constitutional amendment giving the legislature a short-cut to law-making—another attempt by the legislature to concentrate governmental power in its own hands. The voters rejected a similar proposal in 1980 and the identical proposal in 1984. It should be rejected again.

Under the current constitution and statutes, the legislature has all the power it needs to make laws and to limit or guide the adoption of administrative regulations. Regulations are adopted to implement statutes. They have the force of law. Annulling them changes the law. This proposal would enable legislators to use a law-making procedure that is not subject to veto by the governor or repeal by referendum, and that would be used to ignore the prohibition against special and local legislation.

The constitution now provides for a balance of power between the legislative, executive, and judicial branches of the government. This balance requires a blending or sharing, as well as a dividing, of governmental responsibilities. If this constitutional amendment were to be approved by the voters, it would enable the legislature not only to write the laws, as has traditionally been the legislature's function, but it would also enable the legislature to act in place of the courts in deciding whether the executive has lawfully executed the laws when adopting a regulation, and it would empower the legislature to act in place of the executive by reversing a specific executive-branch decision.

In its intent statement accompanying this proposal, the legislature admitted that the "difficulty in achieving [the two-thirds] majority [to override a veto] in opposition to the governor and the governor's administration has led the legislature to propose this amendment." In other words, the fear that the governor might veto a bill and that not enough legislators would agree to override that veto prompted this short-cut approach to law-making. That fear overlooks the governor's accountability to the voters throughout the state.

The annulment is like a repeal. The legislature would act only in a negative way. It would not be providing the sort of policy guidance and direction that is appropriate to its law-making function. The legislature would be saying to the agency "your decision to adopt that regulation is wrong." But it would not be telling the agency what would be right. This is especially troublesome when dealing with a complex subject. Without any guidance beyond the statute that the executive-branch agency was trying to implement in the first place, the agency is left with only the option to guess again. That is neither an efficient nor appropriate way to run the government.

The Alaska Supreme Court has ruled that the legislature must abide by the constitution's checks and balances on its power, including when it acts to annul regulations. The present proposal is intended to overrule the court's decision. As mentioned when the voters rejected the 1980 and 1984 proposals, this amendment would aid legislators, not the public, and it should be rejected.

Katherine D. Nordale
Delegate to the Alaska
Constitutional Convention, 1955—1956

MEASURE NO. 1

Constitutional Amendment

LEGISLATIVE ANNULMENT OF ADMINISTRATIVE REGULATIONS

(1983 Legislative Resolve No. 15 (SCS HJR 5[Jud]))

SUMMARY

(As it will appear on the November 6, 1984 General Election Ballot)

This amendment of the Alaska Constitution would permit the legislature to annul executive-branch regulations by passing a resolution. The annulment would become effective 30 days after passage by the legislature, unless the resolution sets a different date. The resolution must have three readings in each house on separate days, except that it may be advanced from second to third reading on the same day by a three-fourths vote of the house considering it. The resolution must receive approval of a majority of the membership of each house. The yeas and nays on final passage must be entered in the legislative journals. The resolution is not subject to veto by the governor, and it is not subject to repeal by referendum.

BALLOT FORM:

A vote "FOR" adopts the amendment.

A vote "AGAINST" rejects the amendment.

FOR
AGAINST

VOTES CAST BY MEMBERS OF THE 13TH STATE LEGISLATURE ON FINAL PASSAGE

Senate	(20 members):	Yeas 19	Nays 0	Absent or Not Voting 1
House	(40 members):	Yeas 34	Nays 2	Absent or Not Voting 4

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

This proposal for a constitutional amendment would allow the legislature to annul a regulation adopted by a state department or agency by concurrent resolution. The annulment is effective thirty days after the date the concurrent resolution is approved by both houses unless the resolution specifies a different date. Adoption requires three readings in each house on three separate days except it may be advanced from second to third reading on the same day by concurrence of three fourths of the membership of the house considering it. Adoption requires approval by a majority vote of the membership of each house. The vote on final passage must be entered into the journal.

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT - -

(This amendment would add the following section to article II of the Alaska Constitution.)

SECTION 22. ANNULMENT OF REGULATIONS. The legislature by concurrent resolution may annul a regulation adopted by a state department or agency. The annulment of the regulation is effective thirty days after the date the concurrent resolution is approved by both houses unless the concurrent resolution specifies a different date. The concurrent resolution requires three readings in each house on three separate days, except that it may be advanced from second to third reading on the same day by concurrence of three-fourths of the house considering it, and approval by a majority vote of the membership of each house. The yeas and nays on final passage shall be entered into the journal.

STATEMENT IN FAVOR OF BALLOT MEASURE NO. 1

Voters who have ever experienced irritation or anger as a result of a problem they have had with state regulations should vote in favor of Ballot Measure No. 1. While many regulations do conform to and support state laws, there are occasionally regulations which are imposed that go beyond the intent of the law and cause undue hardship on our citizens. These regulations often make no sense at all, state agency people are often at a loss to explain the meaning or sense of the regulations, and yet the state agencies involved continue to enforce them, and voters are powerless to change them.

The Alaska Constitution, patterned essentially upon the Constitution of the United States and the experience of the other states, provides a system of checks and balances among the three branches of government, and further entitles the people to their own checks and balances through the voting booth, the initiative process, and final authority over amendments to the constitution. The one major area of government that is currently not directly accessible to the people's checks and balances is the very considerable volume of administrative regulations which are written by the state agencies in the executive branch of government.

These regulations deal with every aspect of government and our lives: fish and game, education, health and social services, traffic, land development, utilities, taxes; the list is endless. And once the regulations go into effect, they have all the force of law. The problem is, that unlike the situation that occurs with laws, the agency people who make and enforce regulations are not subject to voter approval at election time; they are either appointed by the governor or by his commissioners.

While the legislature is often made aware of foolish bureaucratic requirements by unhappy constituents, it is almost powerless to do anything about them. Currently, to annul a regulation, the legislature must pass a new bill which is then subject to veto by the governor. This puts the governor in the powerful position of being able to stop a bill that would overturn a regulation made by his own subordinates.

It was never intended by the framers of our State Constitution that any governmental body except the legislature have the power to make laws. Yet, bad regulations have been written, on occasion by state agencies, which go beyond the letter and intent of the law as passed by the legislature and in effect create law on their own.

This measure would provide a reasonable avenue for annulment of bad regulations. It would allow your elected representatives in the legislature, through a majority vote of both houses, to annul regulations in the same way they pass any legislative bill, except it would not be subject to veto by the governor, who clearly has a biased position in the matter.

The House Joint Resolution which created the ballot measure had bi-partisan sponsorship during the last legislative session, and was passed with near-unanimous support by both houses of the legislature.

—Mike Szymanski,
State Representative

STATEMENT OPPOSING BALLOT MEASURE NO. 1

This proposed amendment to the Alaska Constitution is very similar to the one proposed in 1980 and rejected by the voters 82,010 to 58,808. Although the present version includes some improvements over the 1980 version, it is another attempt by the legislature to concentrate governmental power in its own hands.

Under the current constitution and statutes, the legislature has all the power it needs to make laws and to limit or guide the adoption of administrative regulations. The regulations are adopted to implement statutes. This proposal would enable legislators to use a law-making procedure that is not subject to veto by the governor or repeal by referendum, and that could be used to ignore the prohibition against special and local legislation.

The constitution now provides for a balance of power among the legislative, executive, and judicial branches of the government. This balance requires a blending or sharing, as well as a dividing, of governmental responsibilities. If this constitutional amendment were to be approved by the voters, it would enable the legislature not only to write the laws, as has traditionally been the legislature's function, but it would also enable the legislature to act in place of the courts in deciding whether the executive has lawfully executed the laws when adopting a regulation; and it would empower the legislature to act in place of the executive by nullifying a specific executive-branch decision.

The annulment is like a repeal. In using this expedited procedure to annul a regulation, the legislature would act only in a negative way. It would not be providing the sort of policy guidance and direction that is appropriate to its law-making function. And it would not be providing the thoughtful analysis necessary to solve a problem. The legislature would be saying to the agency "your decision to adopt that regulation is wrong". But it would not be telling the agency what would be right. This is especially troublesome when dealing with a complex subject. Without any guidance beyond the statute that the executive branch agency was trying to implement in the first place, the agency is left with only the option to guess again. That is neither an efficient nor an appropriate way to run the government.

The Alaska Supreme Court has ruled that the legislature must abide by the Constitution's checks and balances on its power when it exercises that power, including when it acts to annul regulations. The present proposal is intended to overrule the court's decision. As argued four years ago, when the voters rejected the 1980 proposal, this amendment would aid legislators, not the public, and it should be rejected.

—Katherine D. Nordale,
Delegate to the Alaska Constitutional Convention, 1955-1956

BALLOT PROPOSITION NO. 1

LEGISLATIVE ANNULMENT OF REGULATIONS Constitutional Amendment

(Committee Substitute for House Joint Resolution No. 82 Amended)

SUMMARY

(As it will appear on the November 4, 1980 General Election Ballot)

This proposal would permit the legislature to annul, by adopting a resolution, regulations adopted by state agencies. Annulment of regulations by resolution was authorized by the First State Legislature in 1959; however, in 1980 the Alaska Supreme Court held that the constitution permits the legislature to annul a regulation only by passing a bill, which requires three readings of the bill and a roll call vote which is recorded. The procedures for adopting resolutions are governed by legislative rules and require only the approval of the resolution by voice vote of a majority of both houses. A bill passed by the legislature annulling a regulation could be vetoed by the governor or repealed by referendum. A resolution annulling a regulation could not.

BALLOT FORM:

A vote "FOR" adopts the amendment.

A vote "AGAINST" rejects the amendment.

FOR
AGAINST

VOTE CAST BY MEMBERS OF 11TH STATE LEGISLATURE ON FINAL PASSAGE

Senate	(20 members):	Yeas <u>18</u>	Nays <u>0</u>	Absent or Not Voting <u>2</u>
House	(40 members):	Yeas <u>36</u>	Nays <u>0</u>	Absent or Not Voting <u>4</u>

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

This proposal would add a new section, section 22, to Article II of the state constitution. If adopted, the proposal would authorize the legislature to annul or set aside a regulation which has been adopted by a state department or agency. In order to annul a regulation, the legislature could adopt a concurrent resolution by approval of the resolution by majority vote of the membership of each house of the legislature. The resolution specifies the date on which the annulment of a regulation would take effect.

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT

SECTION 22. ANNULMENT OF REGULATIONS. The legislature by a concurrent resolution approved by a majority vote of the membership of each house may annul a regulation adopted by a state department or agency. The annulment of the regulation is effective on the date the concurrent resolution is approved by both houses unless the concurrent resolution specifies a different date.

STATEMENT IN FAVOR OF BALLOT PROPOSITION NO. 1

The legislature, when it writes a law, cannot foresee all of the possible details involved in carrying it out. The appropriate administrative agency is therefore allowed to write regulations which spell out who does what, when, where, and how. If the agency does no more than this no problem is created.

Unfortunately agency regulations are not always consistent with the intent the legislature had in passing the law. Sometimes an agency will get carried away and put out regulations that cause an unnecessary burden for the citizens. The First State Legislature realized this and provided a simple solution. The legislature could, by a concurrent resolution passed by a majority of each house, annul an administrative regulation. Such a resolution is not subject to the governor's veto.

The Alaska Supreme Court recently held, in a 3-2 decision, that the legislature must use a bill rather than a resolution to annul administrative regulations. But a bill is subject to

the governor's veto. The governor can hardly be expected to approve a bill overruling his subordinates, who put out the regulation in the first place. The present governor has already vetoed one such bill.

The court ruling gives agency regulations equal standing with laws, *even though no single person elected by the voters has approved them.*

Our government is wisely based on dividing power among the three branches: legislative, executive and judicial. The current situation gives entirely too much power to the executive branch. Your approval of this constitutional amendment will restore the better balance under which the state operated from 1961 to 1980.

— Charles H. Parr
Chairman, House Judiciary Committee
Alaska State Legislature

STATEMENT AGAINST BALLOT PROPOSITION NO. 1

This is still another proposal by the legislature to free itself from the checks and balances of our constitution. Under the constitution, the legislature has all the power it needs to make laws and annul administrative regulations. This proposal does not aid the public in any way. What it does is allow the legislature to exercise its power to annul regulations in disregard of the constitutional requirements that each bill have a single subject, that each bill have three readings in each house, and that there be a recorded vote of the yeas and nays on final passage. It would also free the legislature from the executive veto and it would allow it to ignore the prohibition against special and local legislation.

The Alaska Supreme Court has recently ruled that the legislature must abide by the constitution's checks and balances on its power whenever it exercises that power, including when it acts to annul regulations. This amendment is intended to overrule the court's decision and erode the constitution's safeguards. It aids legislators, not the public, and it should be rejected.

— Katherine D. Nordale
Delegate to the Alaska
Constitutional Convention,
1955-1956

HJR

15

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HJR 15

Revision Date: _____
Title: Amendment to the Constitution RE: duration of a regular session
Sponsor: Representative Kott
Requestor: _____

Department Affected: Office of the Governor
BRU: Division of Elections
Component: General and Primary Elections
COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	2.2*	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

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

Estimate of current year (FY93) impact: 0

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

Prepared by: Charlot E. Thickstun, Director *Charlot E. Thickstun* Phone: 465-4611
Division: Division of Elections Date: 1/15/93

Approved by Commissioner: Lt. Governor John B. Coahill *J. Coahill*
Agency: Office of the Lt. Governor Date: 1/15/93

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Official Business

Alaska State Legislature

State Capitol

Juneau, Alaska 99801-1182

Representative Pete Kott

MEMORANDUM

DATE: January 18, 1993

TO: Rep. Al Vezey
Chairman, House State Affairs Committee

FROM: Rep. Pete Kott *P. K.*

RE: Request for hearing
SSHJR 15, 100 Day Session Limit

Please schedule SSHJR 15 for a hearing before the House State Affairs Committee as soon as possible.

SSHJR 15 proposes a constitutional amendment establishing a 100 day limit on the regular session of the legislature. This amendment will reduce the legislative budget and demonstrate the 18th Legislature's commitment to fiscal restraint.

As you requested, the following items are attached:

- Sectional analysis
- Fiscal note from Legislative Affairs
- Sponsor statement
- Background material

If you have any questions on this issue, please call me or my Legislative Assistant, Jack Phelps, at 465-3777.

SECTIONAL ANALYSIS OF SSHJR 15

SECTION 1:

Section 1 of SSHJR 15 consists of a proposed amendment to Article II, Section 8 of the Alaska Constitution. The principal substantive change is to reduce the length of the regular legislative session from 120 days to 100 days.

All other changes proposed in SSHJR 15 have the effect of making it clear that the regular session will last a total of 100 days and not 101 days. Thus, SSHJR 15 would supplant the reasoning expressed in *Alaska Christian Bible Institute v. State*, 772 P.2d 1079 (Alaska 1989). In that case, the Alaska Supreme Court held that the first day of a regular session is not counted towards the 120 days that the constitution presently permits. SSHJR 15 makes it clear that the first day of the regular session is to be counted toward the 100 day limit now proposed.

Except as noted above, no other substantive changes are made to Article II, Section 8 by SSHJR 15. Those provisions contained in Article II, Section 8 which address extensions to the regular session remain unaltered.

SECTION 2:

Section 2 reaffirms that, if approved by the legislature, the proposed amendment will go before the voters in accordance with Article XIII, Section 1 of the Alaska Constitution.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HJR 15

Revision Date: _____
Title: Proposing an amending to the
Constitution...duration of a regular session.
Sponsor: Rep. Kott
Requestor: Rep. Kott

Department Affected: Legislative Affairs Agency
BRU: Legislative Council

Component: Session Expenses, Legal Svcs.,
Sal & Allow., Public Svcs & Admin Services

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS		<1,000.0>	<1,000.0>	<1,000.0>	<1,000.0>	<1,000.0>
TOTAL OPERATING	0	<1,000.0>	<1,000.0>	<1,000.0>	<1,000.0>	<1,000.0>

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	<1,000.0>	<1,000.0>	<1,000.0>	<1,000.0>	<1,000.0>
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE	0	0	0	0	0	0
TOTAL	0	<1,000.0>	<1,000.0>	<1,000.0>	<1,000.0>	<1,000.0>

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

HJR 15 reduces the length of the legislative session from a 120 day limit to a 100 day limit. The estimated daily cost of the session is \$50,000 a day. If the session is reduced by 20 days, a savings of \$1,000,000 is calculated.

Prepared By: Pamela A. Stoops, Director
Division: Administrative Services

Pamela A. Stoops

Phone: 465-3850
Date: 1/18/93

Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency

Warren W. Endicott

Date: 1/18/93

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

SPONSOR STATEMENT

SSHJR 15 — 100 DAY SESSION LIMIT

INTRODUCTION

The purpose of SSHJR 15 is to help reduce the cost of doing state business without impinging severely upon the ability of the legislature to address matters of importance to the state of Alaska. Currently there is widespread popular belief that it should not take the legislature 120 days to finish its business. The legislature, by placing time constraints on its own activities, can demonstrate an ongoing commitment to the prudent use of state funds. This body has already taken a positive step in that direction by establishing an early calendar goal for the first session of the 18th Legislature. House Joint Resolution 15 would give the voters of our state the opportunity to ratify this commitment by amending the state constitution to limit each legislative session to 100 days.

A REASONABLE REDUCTION

A major obstacle to this kind of legislative reform has been the legitimate concern that a shorter session would not allow the legislature adequate time for reasoned debate on the merits of a given issue. This difficulty was taken into consideration in the drafting of SSHJR 15, and contributed to the decision to call for a twenty day session reduction rather than the more common thirty day reduction. SSHJR 15 is an attempt to address the issue of a reduced session while allowing some flexibility for exigencies which may require more time to resolve in some years than in others. Certainly nothing in this act nor in the Constitution itself requires the legislature to remain in session for the maximum allowable time.

The present 120 day limit resulted from Legislative Resolve No. 23 passed by the 13th Legislature, and was approved by the voters on November 6, 1984. Prior to that time, there was no constitutional limitation on the length of a session.

During the second session of the 15th Legislature, the National Conference of State Legislatures, at the request of the Alaska House of Representatives, conducted a review of House rules and procedures. In its final report, NCSL identified the session limitation as one element in a comprehensive approach to improving the efficiency of the legislative process.

At the time the NCSL study was done, the 120 day session limit was relatively new and many members of the 15th Legislature had served long enough to evaluate the difference. The report indicated that "the 120 day limit has been an overwhelming success. Few respondents connected the limit to logjam problems or any other negative consequences." Furthermore, during the interviews, "[m]ost respondents called the limit

'great' or 'very positive' and several suggested that the legislature could conduct its business within an even shorter time frame."

A STRICT 100 DAY LIMIT

Article II, Section 8, as amended by Legislative Resolve No. 23, SLA 1983, requires adjournment 120 days from the date the legislature convenes in regular session. In 1989, the Alaska Supreme Court interpreted the language of Article II, Section 8 to mean that the total session length was 121 days since the day the legislature convenes is not counted for purposes of the constitutional limitation. *Alaska Christian Bible Institute v. State*, 772 P. 2d 1079 (Alaska 1989). It is the intent of SSHJR 15 to specify clearly a 100 day maximum duration for the regular legislative session.

DATE FOR CONVENING FIXED BY STATUTE

The Alaska Constitution fixes the date for convening the regular session as the fourth Monday in January except as provided by law. This allows the legislature the flexibility to establish a different date as it deems appropriate. The legislature has, in fact, taken advantage of that flexibility, and presently Sec. 24.05.090 requires the legislature to convene on the second Monday in January except on the years following a gubernatorial election, in which years the legislature is to convene on the third Monday in January.

SSHJR 15 is silent regarding the constitutionally mandated starting point because the sponsor believes that the flexibility currently provided by Article II, Section 8 already allows the legislature to adjust by statute the date the legislature convenes. If there are compelling reasons now to convene the legislature later than present law provides, the statute can be changed without proposing a constitutional amendment. Perhaps within a few years, it may be expedient to convene the legislature at an earlier date. A change in statute can accommodate that need as well. In short, there is no compelling reason to amend the constitution on this point.

Furthermore, there are legitimate practical reasons for keeping the start of the legislative session in January. First, the budget process is placed under no unmanageable constraints by the present calendar. It is true that the revenue projections do not normally appear until April. But there is much preliminary work that can be done in advance of those projections. Indeed, Title 37 requires the governor's proposed budget to be delivered to the legislature by the fourth day of the legislative session. The governor must submit requests for supplemental appropriations before the end of the 30th day of session. The governor must also submit requests for budget amendments to agency budgets before the 60th day. In short, there is sufficient work which can be done before revenue projections arrive to justify a January starting date.

Additional arguments for retaining a January startup date may be adduced from the practical implications of a citizen legislature. The livelihood of many Alaskans depends upon the fishing and tourism industries. Legislative adjournment before the end of April each year will provide additional relief for those legislators whose primary source of income lies in one of these vital industries. For those legislators who must move their families to Juneau at the beginning of each session, a later starting date could pose a hardship since the common school semester break now falls reasonably close to the beginning of session.

Reducing the length of session while retaining a January start date will lend itself well to the ideas of forward and early funding. In any case, the longer period of time between the end of legislative activity and the beginning of the fiscal year can assist agencies in making adjustments for changes in funding levels.

LEGISLATURES

Rep Kott
1-21-93
SSHR 15

Legislative Operations, Organization, and Procedures

The increase in the capacity and willingness of legislatures to deal with modern societal problems has involved more than changes in patterns of representation. Legislative organi-

zation and procedures are constantly evolving. Many legislatures regularly review their structures and procedures, often through a Rules Committee or an interim study. Many procedural changes in recent years have had the objective either of opening and formalizing the process and providing more information to both the public and members of the legislative body, or of more effectively using legislative time.

Concern about legislative use of time has been motivated by at least two issues: How much time should a legislature spend in session, and should it be considered "full-time" or "part-time" in nature? And, how can the legislature most effectively use the time available and avoid the end-of-session logjam that occurs in many states?

Length of Legislative Sessions

Twelve states place no limit on session length, while 32 operate with constitutional limits (two of these, Colorado and Kansas, limit only the second year), and six states (Arizona, Iowa, Nevada, Rhode Island, Tennessee and Vermont) have statutory or indirect limitations based on cutoffs in legislator's salaries or per diem expense payments.

The argument about session limitations often is couched in terms of preserving the "citizen" nature of state legislatures, as opposed to developing "professional" or full-time legislatures on the congressional model. There is no question that the amount of time spent in session and the level of compensation affect the composition of the membership of the legislative bodies. Many argue it is desirable that the predominant occupation of members of the legislature not be that of "legislator," but that legislative bodies represent a broad spectrum of vocations. However, the growing demands on state legislatures and the greater legislative role in policy initiation, budgeting and program oversight have increased the pressure on legislative time.

The 1960s and 1970s were a time of elimination or relaxation of the limits on legislative sessions. More recently, however, there has been a mixed response to the question of session length. In 1984, Alaska adopted a 120-day limit, replacing its previously unlimited sessions. In 1982, Colorado adopted a limit of 140 days for the second year of the session, and in 1981, Washington included session limitations when it moved from biennial to annual sessions. In 1984, Utah lengthened its sessions by

ten days per biennium when it changed from a 60-day (first year) 20-day (second year) system to 45 days per session. New Hampshire adopted annual sessions effective in 1986. Several legislatures, notably Arizona and Iowa, have limited their sessions by legislative rule or statute. Movements to adopt more restrictive session limits surface periodically. Michigan has experienced several attempts to limit sessions. Montana held annual sessions for one biennium in the 1970s, then returned to a biennial schedule. Colorado is considering further limitations on session days and there is a serious proposal in New Hampshire to return to biennial sessions.

"Full-time" Legislatures and Legislators

Whether a legislature is full-time in nature generally can be measured by factors such as time spent in session, level of compensation and occupational self-definition of members. Moreover, full-time legislatures are likely to have a pattern of considerable legislator time spent in district offices and a high priority placed on constituent service functions.

The legislatures of California, Illinois, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania and Wisconsin have lengthy sessions, relatively high legislator salaries and many members whose primary occupation is "legislator." None of these states have constitutionally-imposed session limitations, although both California and Wisconsin adopt a systematic schedule of committee and floor activity, as well as recess periods at the beginning of each biennium. Many of the legislatures which have longer sessions meet only two or three days per week, while in other states with more restricted sessions, five- and six-day work weeks are common. Several of the medium-sized states spend as many actual days in session as do the full-time legislatures. Twenty-nine legislatures today have the authority to convene themselves in special session without being dependent on the governor.

The number of legislators who define their occupation as "legislator" is increasing. An occupational survey of state legislators conducted by the National Conference of State Legislatures in 1986 found that more than 60 percent of the legislators in New York and Pennsylvania define their occupation as "legislator," and more than half the legislators in the Middle Atlantic states are full-time. The study also indicated that in larger states the number of

"business owners" who are members of the legislature is much smaller than it is in the states with more limited session lengths. Lawyer legislators exist in greatest numbers in the South, with Virginia having the largest number (45 percent). In a number of states, members engaged in "education" outnumber those coming from any other professional background. Individuals engaged in "agriculture" still are found in every legislature but are in greatest number in the rural Midwestern and mountain states. In rank order, the largest occupational categories are "attorney" (16 percent), "business owner" (14 percent), "full-time legislator" (11 percent), "agricultural occupations" (10 percent) and "educator" (8 percent).

The category of full-time legislator would exceed 20 percent if those who list themselves as "retired," "homemaker" or "student" were included. The increased time demands and complexity of legislative activity as well as stringent conflict of interest and disclosure laws have likely contributed to the continuing decline in lawyer legislators. The number of women and minorities in the legislatures continues to increase each biennium. In 1987, 1,157 of the 7,461 state legislators were female (15.5 percent). The number of women legislators is highest in New Hampshire, Colorado, Maine, Washington and Vermont. Female representation is smallest in Alabama, Kentucky, Louisiana, Mississippi and Pennsylvania. Minority membership in state legislatures now exceeds 400 (5.4 percent).

1989 LEGISLATIVE SESSION DATES

	Scheduled to Convene	Time Limit (Days)	
		Regular Session	Special Session
Alabama	Feb. 7	30	12
Alaska	Jan. 9	121 120a	30
Arizona	Jan. 9	None	None
Arkansas	Jan. 9	60a	b
California	Jan. 2	None	None
Colorado	Jan. 4	None	None
Connecticut	Jan. 4	June 7	None
Delaware	Jan. 10	June 30	None
Florida	Apr. 4	60a	20a
Georgia	Jan. 9	40	40c
Hawaii	Jan. 18	60a	30a
Idaho	Jan. 9	60	20
Illinois	Jan. 11	None	None
Indiana	Jan. 3	61	30
Iowa	Jan. 9	None	None
Kansas	Jan. 9	90a	None
Kentucky	No regular session		
Louisiana	Apr. 17	60d	30
Maine	Dec. 7, 1988	June 21a	None
Maryland	Jan. 11	90a	30
Massachusetts	Jan. 4	None	None
Michigan	Jan. 11	None	None
Minnesota	Jan. 3	120e	None
Mississippi	Jan. 3	90	None
Missouri	Jan. 4	June 30	None
Montana	Jan. 2	90a	None
Nebraska	Jan. 4	90a	None
Nevada	Jan. 16	60	20
New Hampshire	Jan. 4	45	15
New Jersey	Jan. 10	None	None
New Mexico	Jan. 17	60	30c
New York	Jan. 4	None	None
North Carolina	Jan. 11	None	None
North Dakota	Jan. 10	80f	None
Ohio	Jan. 2	None	None
Oklahoma	Jan. 3	90	None
Oregon	Jan. 9	None	None
Pennsylvania	Jan. 3	None	None
Puerto Rico	Jan. 9	Apr. 30a	20
Rhode Island	Jan. 3	60	60
South Carolina	Jan. 10	40	40
South Dakota	Jan. 10	40	None
Tennessee	Jan. 10	90	30
Texas	Jan. 10	140	30
Utah	Jan. 9	45	30
Vermont	Jan. 4	None	None
Virginia	Jan. 11	60a.g	30
Washington	Jan. 9	105	30h
West Virginia	Jan. 11	60a	None
Wisconsin	undetermined	None	None
Wyoming	Jan. 10	40	None

(a) May be extended.

(b) 15 days after disposal of subjects on governor's call.

(c) Legislature convening itself — 30 day limit.

(d) 60 legislative days within 85 calendar days.

(e) Limited to 120 legislative days during 2-year period.

Must adjourn by May 22, 1989.

(f) Preliminary session convenes in Dec. following elec-

tion of members for organizational purposes. Bill in-

troduction permitted.

(g) Limited to 30 days.

(h) Legislature may convene itself with unlimited sub-

ject agenda.

ADN 11/9/92

The Anchorage Times

"Believing in Alaskans, putting Alaska first"

Publisher: BILL J. ALLEN

Editors: DENNIS FRADLEY, PAUL JENKINS, WILLIAM J. TOBIN

The Anchorage Times Commentary in this segment of the Anchorage Daily News does not represent the views of the Daily News. It is written and published under an agreement with former owners of The Times, in the interests of preserving a diversity of viewpoints in the community.

A shorter session?

THE NEW LEGISLATURE that Alaskans elected this past Tuesday will be meeting in Juneau in just a matter of another 10 weeks. Will it be business as usual — four months of unproductive frustration and unlimited spending?

Or will the 1993 session, at long last, be one marked by diligent attention to work and a commitment to do the job in no more than 90 days, if not less?

Many of those who campaigned and won last Tuesday expressed a firm resolve to help reduce state spending and to attend to legislative business in a workmanlike fashion.

We'd like to wish they meant it, and can actually make such things happen.

UNFORTUNATELY, we've been disappointed before when other legislators have made similar pledges, only to fail when the session opened and everybody slipped all too easily back into the Juneau routine.



The routine, as you'll have no trouble remembering, means looking busy but really doing nothing for the first three months — all the while stashing away pieces of legislation that can be used as trading blocks when the pressure finally comes to bring the session to an end.

Budget action is always delayed, under this tired scenario, until appropriation dollars have been allocated for pet projects all over the state. Supplemental appropriations, however, are always approved — to cover budget overruns by the Juneau bureaucracy since the last session adjourned.

WE REPEAT: THERE is no earthly reason why the business of Alaska's Legislature cannot be completed in 60 days, and even under the most grave of circumstances within 90 days.

There will be grave matters on the table in '93, as a matter of fact — centered around the need to close the fiscal gap between the state's fattened spending habits and its declining revenue base. But 90 days — three full months — is more than enough time to deal with the matter, if only the legislators have the courage and the will to do so. Among other things that Alaskans can no longer afford is a Legislature that stays in session for one-third of the entire year.

The Anchorage Times

"Putting Alaska first"

BILL I. ALLEN *Publisher* GENE AREHART *President*
WILLIAM J. TOBIN *Asst. Publisher* JAMES H. SLACK *General Manager*

J. RANDOLPH MURRAY *Editor*
PAUL JENKINS *Managing Editor*
DENNIS FRADLEY *Editor, Editorial Pages*

Robert B. Atwood, *Publisher Emeritus*

WHOLE LOT OF NOTHING

The halfway mark

THE LEGISLATURE last Thursday passed the halfway mark in its 121-day session. If you're concerned about having missed the celebration, don't worry. There wasn't anything to celebrate. Other than collecting their \$100 per day, per diem checks on top of their salaries and expenses, lawmakers haven't accomplished very much so far. They never do during the first half of a session.

Sure, they've introduced bills and resolutions, scads of them. They've mailed out their surveys and newsletters to constituents. They huddle with lobbyist to concoct strategies, and they summon administrative department heads to be at their beck and call.

But the legislators haven't tackled any of the hard problems yet. It's a good chance they will avoid altogether the sticky issues like subsistence, ethics and spending reform. They would rather just wait for the March predictions about next year's oil revenue so they can horse trade with one another on how to spend those dwindling dollars.

WHAT HAVE they accomplished so far this session? A handful of resolutions and one bill are all that has cleared the Legislature. Things like passing resolutions declaring salmon to be St. Valentine's Day food, congratulating Hilary Lindh for her Olympic silver medal, and supporting on-shore fish allocations. The one bill has to do with providing education employees with collective bargaining rights.

And that's it.

A whole bunch of bills and resolutions have been introduced in this, the 17th Legislature. At last count there were 558 House bills, 447 Senate bills, and more than 240 different types of resolutions. Don't worry about too many of them going anywhere — 90 percent never do.

FOUR MONTHS in legislative session in Juneau, more than half of which is dead time, and eight more months back home in their districts with full-time staffs and offices. That's what legislators do — all courtesy of the state's limited tax revenue.

It's hardly the kind of citizen Legislature envisioned at statehood. Rather, it is a full-time, year-round government bureaucracy. Sixty lawmakers and staffs on the payroll year-round for a state with the population of a half a million people. It's a disgrace.

Gov. Walter Hickel wants to limit the Legislature to 75-day sessions. Other people, we're among them, believe 60 days are enough. Public surveys have shown more than three-fourths of the public wants to put limits on both terms of office for lawmakers and length of legislative sessions.

But it doesn't appear to make much difference to the 60 sitting down in Juneau right now. They kind of like it the way it is.

It will take a voter revolt to change things. That revolt should take place in the election ballot booths later this year.

✓ Legislative excess

REPORTS FROM precinct meetings held in recent days indicate the folks back home are getting fed up with legislative flim-flam, the likes of which were discussed in the editorial above.

In this election year, there is at least a glimmer of hope that there will be an outcry telling the legislators:

- The people want a limit set on the number of consecutive terms anyone can serve in either the House or the Senate.

- The people are fed up with legislative sessions that last four months a year and want a 90-day limit imposed on lawmaking activities.

Five weeks have now transpired since the 1990 legislature began work.

One veteran member of the House, in a telephone call from Juneau yesterday, said he had never see a

slower start to any second-term session. There is, he reported, no sense of any kind of urgency to get on with the work at hand.

But why should there be?

THEY HAVE until May 7 before they have to adjourn, and this is just the second weekend in February.

There's no rush to do anything — and certainly no thought even given to the possibility they could attend to all the important matters now and simply adjourn, saving millions of dollars in staff salaries and other related costs.

The Alaska legislative process has become an embarrassing and costly annual exercise in governmental excess.

And at the precinct level, at least, the public is beginning to speak up.

AT 9 Feb 1990 BY

Editorials

Robert B. Atwood
President and Publisher

Elaine Atwood
Assistant Publisher

William J. Tobin
Vice-President, Editor-in-Chief

The 90-day dream

THE BEST thing about the dismal legislative session now unraveling in Juneau was the introduction of a proposed constitutional amendment by freshman Republican Rep. Loren Leman of Anchorage.

God bless him, he's asking his fellow legislators to put on the ballot for the vote of the people a constitutional change that would limit the state's annual lawmaking sessions to 90 days.

Such a plan would pass at the polls by a landslide vote — no question about it.

But the trouble is, of course, that Mr. Leman's resolution hasn't a snowball's chance in hell of being passed by the legislators themselves.

It will never get on the ballot. As a matter of fact, it probably will never see the light of day from whatever committee was given the first chance to quietly murder it.

THE LAST thing the legislative establishment wants is another curtailment on its right to sit in Juneau and waste time and money.

Many of the legislators now publicly plead that they hardly have time enough to meet their heavy obligations — ever since the people were so stupid as to put a 120-day limit on the length of the session.

Privately they'll say something else — the honest ones, anyway.

They'll tell you that 90 days is more than enough time to do the annual law-making job, if it is done with diligence.

But that isn't the way things work in Juneau.

This horrible session is a case in point.

It very likely has been the worst in the state's history.

It spent the first 90 days doing absolutely nothing, un-

less you consider the frittering away of time and money to be important. We're now in the 112th day of the session. Little still has been done, and the final frenzy of pell-mell legislating is about to begin.

Rep. Leman introduced his resolution on the 100th day of this sad and depressing session.

Here's what he had to say about it:

"WHY CAN'T we arrive, establish priorities, set schedules and get to work? Here we are at 100 days and we could have been finished 10 days ago. My resolution would require a vote of the people. If they approve the 90-day limit, we will cut the length of the session by 25 percent. There is substantial savings to the treasury right there."

But of course that's not what most of the legislators want to achieve. They give lip service to the idea of cutting state costs — while at the same time running one of the most costly operations of state government, one loaded with four-star benefits and extras.

Mr. Leman was even so bold as to suggest that a 90-day session would "make it easier for the average citizen to serve in the legislature."

Spoken like a true freshman. He should know by now that the professional legislators we have in the legislature don't want average, working-class Alaskans having any part of their elite, full-time lifestyle.

But the people of Alaska would buy this proposal in a minute, given the chance. But the hard, sad and realistic truth is their elected legislators will never give them a chance to vote on this proposal.

Bill J. Allen
Publisher and Chairman

Hugh Cunningham
Editor

William J. Tubin
Editor, Editorial Page

Paul Jenkins
Managing Editor

60th legislative day

THE ALASKA Legislature is at the midway point today of its 120-day journey in Juneau.

A number of state legislatures only meet for 60 days a year — or every other year, in some cases. But in Alaska, where the lawmaking job has been transformed by the legislators themselves into virtually a full-time occupation, the legislative sessions last for four full months every year.

It's a terrible waste of time and money.

The job could be done annually in half the time. Most of the legislators will privately admit that, even if they won't say it publicly.

We have sung this same song many times over the years in these columns, and it's worth echoing the refrain one more time just as a reminder that there is a better way to do things.

FIRST OF all, of course, there needs to be a commitment on the part of the legislative leadership to settle down to a disciplined work schedule from the very first day of the session.

This legislature convened last Jan. 8.

And in all kindness, not much has been accomplished.

Sure, there have been floor sessions and committee meetings and roll calls and bills and resolutions introduced by the score. There has been no end of political posturing and tugs-of-war between the majority and the minority caucuses and between Republicans and Democrats.

But there has been little in the way of productive accomplishment.

Nothing, really, worthy of two months of very, very expensive operations.

In the old days — and we acknowledge that issues of the territorial past cannot be likened to the challenges of

today — Alaska's lawmakers handled the legislative function in just 60 days, and then only every other year.

We acknowledge, too, that biennial sessions probably make no realistic sense.

But shorter annual sessions certainly do — 90 days at the maximum, and probably 60 days every other year or so. There are, after all, only a few more than 500,000 people in Alaska — and they require only so much lawmaking every year. And the governor and the administration do need time to try to run the state, without the legislature demanding their constant attention.

WHAT IS going to happen now is what happens every other year in Juneau.

The legislators are going to do everything they have to do in the next 60 days.

And the point is perfectly clear to just about everybody but the legislators themselves.

They could have skipped the first 60 days and started at what now is the midpoint of the session. And the results would be exactly the same — without millions of dollars being spent on staff, travel, tons of paper grinding through the legislative print shop and all the other items that make the legislative process one of the state's most expensive operations.

The real fact is that most of the work will be done in the last 45 to 30 days of the session — ignoring the mad frenzy that will turn the legislative chambers and offices into a mini asylum on the final two or three days.

But let's thank heaven for small favors. Before the voters finally rose up in outrage and anger and forced lawmakers to accept a 120-day limit on the length of the sessions, legislatures were running beyond the 160-day mark.

Robert B. Atwood
President and Publisher

Elaine Atwood
Assistant Publisher

William J. Tobin
Vice-President, Editor-in-Chief

Aloha, legislators

FOR SOME weekend food for thought, we offer a tidbit of information about the legislative process.

Not Alaska's legislative process.

Hawaii's.

Down in the 50th State, where prosperity blooms, there is a 60-day limit on the length of the annual legislative session.

And the system works very well.

This year, the Hawaiian legislature convened on Jan. 21, a Wednesday, and will adjourn — no ifs, ands or buts — on April 27, a Monday.

And midway through the session — if you can believe such radical stuff — the legislators of Hawaii took a mandatory five-day recess. It extended from March 17 to March 23, and took all the lawmakers back to their home districts and out of the pressure cooker for a little exposure once again to the reality of life.

HOW'S IT work? Just fine, say legislative leaders.

Because of the deadlines imposed to meet the 60-day requirement, one influential senator from Honolulu says, members of the Hawaii House and Senate are forced to concentrate on priority issues.

They aren't inundated by hundreds and hundreds of pieces of legislation, because the members know the practice of papering the record

with campaign bills is counterproductive to an effective session.

At the start of each session, the president of the Senate and the speaker of the House — this year, the respective posts are held by Sen. Richard S.H. Wong and Rep. Richard A. Kawakami — sign off on a schedule that everybody abides by until adjournment comes.

AMONG OTHER things, these rules provide that no new bill can be introduced after the 22nd day of the session. Period. End of discussion. In other words, just a little more than one-third of the session can be used for bill introduction — and just about a full two-thirds for consideration of the legislation that has been put on the table.

And not all of those bills hang around until the very end.

Throughout the 60-day period, there are checkpoints along the way. If bills don't clear those hurdles, they're dead ducks.

That's how the major, priority items get handled in due order, with time for deliberation and thoughtful consideration.

Why can't Alaska legislators get the message that there is a better way to do business — and they don't have to reinvent the wheel to get there?

The Anchorage Times

Bill J. Allen, Publisher
 William J. Tobin, Assistant Publisher
 Gene R. Arnhart, General Manager

J. Randolph Murray, Editor
 Paul Jenkins, Managing Editor
 Dennis Fradley, Editor, Editorial Pages

Robert B. Atwood, Publisher Emeritus

ALASKAN OWNED AND OPERATED SINCE 1915

SHORTENING THE LEGISLATURE

Put lid on at 75 days

WHEN IT COMES to reforms that would improve the way the state of Alaska functions, put high on the list a reduction in the length of time the Legislature stays in session every year.

The new suggestion is for a 75-day limit.

Let's endorse that, and urge all Alaskans to think in that time frame.

Clearly it will take a voter revolt to reduce the length of legislative session, because lawmakers themselves will never do so on their own. They like being in session for four months each year, and they cultivate the appearance of working full time — complete with full-time staffs and offices — the other eight months of the year.

And before the people of the state brought enough pressure to bear to force a 120-day limit on the annual sessions, the legislators were delighted to stay in Juneau for much longer periods of time — more than 160 days on three occasions, in fact.

THAT KIND OF time spent legislating each year for a half a million people is a frightful disgrace.

So, too, is 120 days each year.

The truth is, and most legislators will privately acknowledge the reality, nothing much is accomplished in the first 30 days of any session — and often not much in 60, besides a great deal of posturing and pandering to each other's egos.

And while the legislators are in Juneau, doing whatever they do to occupy the time, the wheels of government essentially stop turning.

The result is that for three months at the start of every year, the administrative departments of government — which are supposed to be running things — drop everything else and concentrate on being at the beck and call of the lawmakers.

Then once the Legislature has adjourned, the administrative branches of government spend the next three months trying to figure out what happened to them as a result of legislative actions — and changing regulations and whatnot to conform to changes in the law. Not a whole lot of progressive actions are accomplished during this part of the year.

By the time the last three months are at hand, the administrative offices have to start getting ready for the next legislative session — spending three months building their defenses or trying to concoct arguments in favor of some new program or spending plan.

IT'S NO WONDER that the state winds up running in circles, accomplishing little for the good of the people — but spending an enormous amount of dollars in the process.

The governor — whoever the governor might be — has little time to develop programs and to effectuate leadership goals. Juneau's whole attention is on the legislators — not on the administration and the governor, charged by the Alaska Constitution to lead and direct the state's welfare and future.

Walter J. Hickel, who now occupies the governor's office, has endorsed the 75-day legislative limit. He recognizes there is much to be done and that huge challenges are out there — with great opportunities awaiting if only the state could focus on the goals.

The one-third-of-year legislative session indeed can be shortened. But it will take action by the voters — speaking loudly and with force — to make it happen.

Speaking out



Clymer



Lopez



Grabowski

Q. Should the Alaska Legislature's 120-day session be further reduced to a 75-day limit?

• "Yes. They need to reduce the length. They're taking too long. I think 75 days is sufficient time for them to legislate."

— Chlora Clymer, Kodiak

• "Yes. It takes them too long to make decisions."

— Nga Lopez, Anchorage

• "Yes. I always feel it takes them too long to make decisions. I think we need to reduce the session."

— Sue Grabowski, Anchorage

January 18, 1993

To: Representative Pete Kott
Representative Terry Martin
State Capitol Room 409
Juneau, AK 99811

From: Roger E. Henderson

Re: House Joint Resolutions Nos. 3 and 15

I wholeheartedly support both of the above referenced resolutions, particularly in view of the fact that the proposal in the last general election for a constitutional convention was defeated. Based upon my contact with voters during campaigns before the election, I am convinced that both of the proposed resolutions are favored by a majority of Alaskans.

Roger E. Henderson

Rep Koff

1-21-93
SSHR 15

LEGISLATIVE SESSIONS SINCE STATEHOOD

Legislature/Session & Number of Days	Date- Convened	Day/Date Adjourned	Adjournment Time	
			SENATE	HOUSE
1ST LEGISLATURE: 1959 - 1960 1st Session - 81 days 2nd Session - 65 days	1/26/59 1/25/60	Tu 4/16/59 Tu 3/29/60	9:50pm 12:00pm	9:45pm 12:00pm
2ND LEGISLATURE: 1961 - 1962 1st Session - 74 days 2nd Session - 81 days	1/23/61 1/22/62	Th 4/6/61 Th 4/12/62	2:01am 1:22am	2:20am 1:10am
3RD LEGISLATURE: 1963 - 1964 1st Session - 76 days 2nd Session - 85 days* 1st Special Session - 3 days *Formal recess, 40 days	1/28/63 1/27/64 8/31/64	Sa 4/13/63 Sa 5/30/64 We 9/2/64	10:46am 1:00am 11:12am	10:45am 1:00am 11:08am
4TH LEGISLATURE: 1965 - 1966 1st Session - 75 days 2nd Session - 84 days	1/25/65 1/24/66	Fr 4/9/65 Su 4/17/66	4:32am 1:14am	4:35am 1:28am
5TH LEGISLATURE: 1967 - 1968 1st Session - 77 days 1st Special Session - 6 days 2nd Session - 86 days	1/23/67 9/29/67 1/22/68	Su 4/9/67 We 10/4/67 Tu 4/16/68	11:35am 2:37am 8:05am	11:32am 2:35am 8:00am
6TH LEGISLATURE: 1969 - 1970 1st Session - 95 days 2nd Session - 147 days	1/27/69 1/12/70	Th 5/1/69 Su 6/7/70	4:18am 3:33am	4:30am 3:51am
7TH LEGISLATURE: 1971 - 1972 1st Session - 121 days 2nd Session - 161 days	1/11/71 1/10/72	5/11/71 6/18/72	3:23am 12:50am	3:26am 12:59am
8TH LEGISLATURE: 1973 - 1974 1st Session - 90 days 1st Special Session - 27 days 2nd Session - 96 days 2nd Special Session - 4 days	1/8/73 10/17/73 1/21/74 6/17/74	Sa 4/7/73 Mo 11/12/73 Fr 4/27/74 Th 6/20/74	5:45pm 4:35pm 8:21pm 6:17pm	5:50pm 4:35pm 8:25pm 6:12pm
9TH LEGISLATURE: 1975 - 1976 1st Session - 139 days 2nd Session - 142 days	1/20/75 1/12/76	6/7/75 6/1/76	2:30am 8:19am	2:43am 8:14am
10TH LEGISLATURE: 1977 - 1978 1st Session - 141 days 2nd Session - 161 days	1/10/77 1/9/78	Mo 5/30/77 Su 6/18/78	10:41am 9:32pm	12:33pm 11:36pm
11TH LEGISLATURE: 1979 - 1980 1st Session - 112 days 1st Special Session - 3 days 2nd Session - 145 days 2nd Special Session - 3 days	1/15/79 8/6/79 1/14/80 9/22/80	Su 5/6/79 We 8/8/79 Fr 6/6/80 We 9/24/80	12:15pm 2:16pm 8:43pm (6/5) 9:38am	3:00pm 7:26pm (8/7) 1:01am 2:55am (9/23)

* All sessions convened on a Monday, except the First Special Session of the Fifth Legislature, which convened on a Friday, the First Special Session of the Eighth Legislature, which convened on a Wednesday, and the First Special Session of the Seventeenth Legislature, which convened on a Wednesday.

LEGISLATIVE SESSIONS SINCE STATEHOOD

Legislature/Session & Number of Days	Date* Convened	Day/Date Adjourned	Adjournment Time	
			SENATE	HOUSE
12TH LEGISLATURE: 1981 - 1982 1st Session - 165 days 1st Special Session - 3 days 2nd Session - 144 days	1/12/81 7/13/81 1/11/82	Th 6/25/81 We 7/15/81 We 6/3/82	7:06pm (6/24) 6:11pm (7/14) 5:35pm	12:23am 1:32am 7:23am (6/2)
13TH LEGISLATURE: 1983 - 1984 1st Session - 162 days 2nd Session - 152 days	1/17/83 1/9/84	Mo 6/27/83 Fr 6/8/84	9:39am 4:38pm	9:28pm (6/26) 4:05pm
14TH LEGISLATURE: 1985 - 1986 1st Session - 119 days 1st Special Session - 30 days** 2nd Session - 120 days	1/14/85 7/15/85 1/13/86	Su 5/12/85 Tu 8/13/85 Mo 5/12/86	9:42pm ** 11:54pm	10:52pm ** 11:59pm
15TH LEGISLATURE: 1987 - 1988 1st Session - 122 days*** 1st Special Session - 3 days 2nd Session - 121 days	1/19/87 7/1/87 1/11/88	We 5/20/87 Fr 7/3/87 Mo 5/9/88	11:58pm (5/19) 1:31am 4:12am	1:30am 12:12am 6:04am
16TH LEGISLATURE: 1989 - 1990 1st Session - 121 days 2nd Session - 122 days 1st Special Session - 14 days	1/9/89 1/8/90 6/25/90	Tu 5/9/89 We 5/9/90 Su 7/8/90	11:59pm 11:59pm (5/8) 5:13pm	11:32pm 12:01am 5:00pm
17TH LEGISLATURE: 1991 - 1992 1st Session - 122 days 2nd Session - 122 days 1st Special Session - 4 days 2nd Special Session - 8 days	1/21/91 1/13/92 05/13/92 06/15/92	We 5/22/91 We 5/13/92 Sat 5/16/92 Mon 6/22/92	9:39pm (5/21) 11:59pm (5/12) 4:56pm (5/15) 3:44pm	12:37am 12:06am 5:40am 4:17pm

* All sessions convened on a Monday, except the First Special Session of the Fifth Legislature, which convened on a Friday, the First Special Session of the Eighth Legislature, which convened on a Wednesday, and the First Special Session of the Seventeenth Legislature, which convened on a Wednesday.

** The First Special Session of the Fourteenth Legislature (considering the question of impeachment of Governor Sheffield) adjourned in 30 days under Article II, Section 9, Constitution of the State of Alaska.

*** The First Session of the Fifteenth Legislature was extended by a proclamation by the Governor.

HJR

81

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 1, 1993

FURTHER REFERRALS:

Date of Committee Action: 3-9-93

The STATE AFFAIRS Committee considered:

HJR 18

HOUSE JOINT RESOLUTION NO. 18

ESTABLISH FISHING COMMUNITY AT ADAK

Relating to establishment of a fishing community at Adak.

RECOMMENDATIONS:

be replaced with _____ the same title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

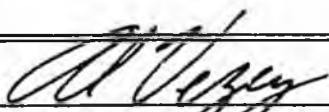
fiscal impact _____

fiscal note(s) Military + Veterans Affairs 2/16/93

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Al Veary</i>	X				
<i>A. Walker</i>	X				
<i>B. Davis</i>	X				
<i>Wayne Olney</i>	✓				
<i>Ken J. Davis</i>	✓				
<i>Jack Sanders</i>	✓				
<i>Pete Felt</i>	✓				



 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HJR 18

Revision Date: _____ Dept. Affected: DMVA
 Title: Establishment of a fishing community BRU: _____
at Adak. Component: _____
 Sponsor: Rep. Moses
 Requestor: Rep. Moses COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact

Prepared by: Jeff Morrison, Director
 Division: Administrative and Support Services
 Approved by Commissioner: [Signature] Hugh L. Cox III
 Agency: Military and Veterans Affairs

Phone: 465-4730
 Date: 16 Feb 93
 Date: 2/16/93

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Alaska State Legislature

Representative Carl E. Moses



CHAIRMAN
HOUSE RULES COMMITTEE

CHAIRMAN
HOUSE SPECIAL FISHERIES COMMITTEE

MEMBER
FINANCE SUBCOMMITTEES
FISH AND GAME
PUBLIC SAFETY

SESSION:
CAPITOL BUILDING, ROOM 204
JUNEAU, ALASKA 99801-1182
PHONE: (907) 465-4451
FAX: (907) 465-3445

INTERIM:
P.O. BOX 109
UNALASKA, ALASKA 99685
PHONE: (907) 581-1234
FAX: (907) 581-2875

MEMORANDUM

TO: Representative Al Vezey, Chairman *CEM*
House State Affairs Committee

FROM: Representative Carl Moses

DATE: March 3, 1993

RE: Scheduling of HJR 18

I would like to respectfully request that you schedule for a hearing HJR 18, relating to establishment of a fishing community on Adak Island.

The Adak Naval Base has been in existence as a military establishment in the Aleutian Islands since World War II. Commercial fishing is the major industry in the Aleutian Island Chain and along the Alaska Peninsula, but natural harbors that are adjacent to prime fishing grounds are at a premium. Adak Island has a number of such harbors that have the potential of being developed as small outposts of the local fishing industry. It is now time for Alaska and the U.S. Department of Defense to look to the future of Adak Island. Releasing a portion of the naval reserve for development of a fishing community, or at least making it available for civilian use, would be a first step.

The resolution has no fiscal impact.

Alaska State Legislature

Representative Carl E. Moses



CHAIRMAN
HOUSE RULES COMMITTEE

CHAIRMAN
HOUSE SPECIAL FISHERIES COMMITTEE

MEMBER
FINANCE SUBCOMMITTEES
FISH AND GAME
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SESSION:
CAPITOL BUILDING, ROOM 204
JUNEAU, ALASKA 99801-1182
PHONE: (907) 485-4451
FAX: (907) 485-3445

INTERIM:
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UNALASKA, ALASKA 99685
PHONE: (907) 581-1234
FAX: (907) 581-2875

Sponsor Statement

HJR 18

Relating to establishment of a fishing community at Adak

The Adak Naval Base has been in existence as a military establishment in the Aleutian Islands since World War II. With the easing of Cold War tensions, the U.S. Department of Defense is now looking at reducing or phasing out numerous installations across the country, including Adak.

Commercial fishing is the major industry in the Aleutian Island Chain and along the Alaska Peninsula. Natural harbors that are adjacent to prime fishing grounds are at a premium. Adak Island has a number of such harbors that have the potential of being developed as small outposts of the local fishing industry.

At one time, civilians did have limited access to the Adak Naval Reserve, but that access was revoked.

It is now time for Alaska and the U.S. Department of Defense to look to the future of Adak Island. Releasing a portion of the naval reserve for development of a fishing community, or at least making it available for civilian use, would be a first step.

ALEUTIANS EAST BOROUGH

SERVING THE COMMUNITIES OF

■ KING COVE ■ SAND POINT ■ AKUTAN ■ COLD BAY ■ FALSE PASS ■ NELSON LAGOON

February 17, 1993

Representative Carl Mosas
P.O. Box V
Juneau, AK

Dear Representative Moses:

The Aleutians East Borough supports HJR #18. The use of the harbors around Adak Naval Base would be advantageous to the fishing industry in a number of ways. First and paramount is the issue of safety. No other industry has the mortality rate of the fishing industry in Alaska. Having access to safe harbors and good facilities is essential to the safety of our fishermen. The creation of such a port at the extreme end of the Aleutians is an intriguing concept that needs further exploration and development. It would appear that additional fish products would be brought ashore that are now leaving the State. This should enhance the State's revenue picture.

For the above reasons, the Aleutians East Borough supports the further development of this concept.

Sincerely,



Dick Jacobsen
Mayor

CLERK/PLANNER
P.O. BOX 349
SAND POINT, ALASKA 99681
(907) 383-2889
(907) 383-3498 FAX

BOROUGH ADMINISTRATOR
1600 A STREET, SUITE 103
ANCHORAGE, ALASKA 99501-5146
(907) 274-7555
(907) 278-7589 FAX

FINANCE DIRECTOR
P.O. BOX 49
KING COVE, ALASKA 99612
(907) 497-2588
(907) 497-2388 FAX

HJR

22

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HJR22

Revision Date: _____
Title: Amendment to the Constitution RE: Legislature
of 25 Senators and 50 Representatives
Sponsor: Representative Foster
Requestor: _____

Department Affected: Office of the Governor
BRU: Division of Elections
Component: General and Primary Elections
COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	203.8	0	0	0
TRAVEL	0	0	16.7	0	0	0
CONTRACTUAL	2.2*	0	462.0	27.0	0	27.0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	682.5	27.0	0	27.0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	2.2*	0	682.5	27.0	0	27.0
1005 GF/Program	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	2.2*	0	0	27.0	0	27.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	17	0	0	0

Estimate of current year (FY93) impact: 0

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

Prepared by: Charlot E. Thickstun, Director *Charlot E. Thickstun* 465-1611
Division: Division of Elections Date: 2/23/93

Approved by Commissioner: Lt. Governor John B.... *John B. ...*
Agency: Office of the Lt. Governor Date: 2/23/93

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SPONSOR'S STATEMENT

The primary reason for offering this resolution is to give the voters the option of having smaller legislative districts. This has the effect of bring legislators closer to the people that they represent. While this is less important in the urban areas, it is extremely important in rural areas. In my own case, the house district is several hundred miles long and represents very diverse interests.

One advantage of smaller districts is that campaigning would be easier and less expensive for persons who may otherwise might not be able to finance a campaign. It would also make it possible for more people to participate in the political system as legislators. Another advantage is that residents would be more likely to know their legislators and as a result cast an informed ballot.

This legislation would result in more rural and urban district but would not change the rural and urban proportions of the legislature since that is governed by federal law.

There are two fiscal notes. The first deals with the cost of reapportionment. The projected cost of \$682.5 could be significantly reduced if the plan was implemented after the 2000 census as a part of the required redistricting needed to meet federal reapportionment requirements.

The second fiscal note is the more interesting since the Legislative Affairs Agency has projected the increased annual cost as \$3,667,700. This figure seems excessive when one considers that the FY 94 House proposed budget for LAA is \$5,489,400. If one makes the assumption that a 25% increase would inflate the budget by 125% the expected increase in cost would be \$1,372,350 which is \$2,295,350 less than Legislative Affairs has projected.

Since increase membership does not increase the number of committees within the body, staff should not be expected to also rise by 25%. Also we are looking at attempting to shorten the legeslative sessions and this would also affect the cost that would be incurred.

Alaska House of Representatives

Richard Foster
P.O. Box 1630
Nome, Alaska 99762-1630
907-443-5036
Fax 907-443-2162



During Session
State Capitol
Juneau, Alaska 99801-1182
907-465-3789
Fax 907-465-3242

MEMORANDUM

TO: Representative Al Vezey
Chair, State Affairs Committee

FROM: Representative Richard Foster *RF*

RE: Scheduling HJR 22

DATE: January 11, 1994

I would appreciate that HJR 22 be scheduled for a hearing in the near future. While I do not intend to try to get the legislation through the legislature during this session, I would appreciate the resolution being discussed so that various points of view may be aired.

Thank you for your consideration

Alaska State Legislature

Legislative Research Agency




130 Seward Street, Suite 218
Juneau, Alaska 99801-2196

Phone: (907) 463-3991
Fax: (907) 463-3351

January 22, 1993

MEMORANDUM

TO: Representative Richard Foster

FROM: Gordon S. Harrison, Director 

RE: Cost and Other Effects of Enlarging the Alaska Legislature
Research Request 93.083

You asked for an assessment of the cost and other effects of increasing the Alaska Senate to 30 members and the Alaska House of Representatives to 60 members (i.e., adding 10 senators and 20 representatives), particularly the effects on representation. You also asked for information about the size of other state legislatures.

This memorandum will provide a brief historical account of the evolution of the size of the Alaska legislature, a comparison with other state legislatures, a discussion of the impact on representation, and an assessment of the cost of the change.

Evolution of the Alaska Legislature to a 60-Member Body

The Alaska territorial legislature was created in 1912. With only 24 members--8 senators and 16 representatives--it must surely have been among the smallest of such legislative bodies in American history. Many in Congress at the time were skeptical that the sparse and transient population of the territory of Alaska justified the expense of an elected legislature, and the diminutive body probably reflected a concern for costs.

In 1942 Congress enlarged the territorial legislature to 40 members: from 8 to 16 senators, and from 16 to 24 representatives. This change (which took effect in 1944) was the result of efforts by Delegate Anthony Dimond, who believed strongly that the territorial senate of 8 was too small to be an effective legislative body. He was particularly incensed that as few as four senators could--and regularly did--thwart the will of the 24-member institution. Delegate Dimond initially campaigned for a unicameral body. When a territorial-wide referendum in 1937 rejected that option, he introduced a bill in Congress to increase both

houses to 18 members and to apportion them both on the basis of population.¹ Congress eventually consented to an enlargement of the senate to 16 and the house to 24, with only the house apportioned on the basis of population.

The Alaska Constitutional Convention set the present size of the state legislature at 60 members. The question of the optimum size of the two houses was not debated on the floor of the convention. In general, the delegates wanted to increase representation, particularly of rural areas, over that afforded by a 40-member body, but they were also determined to have a small legislature. The cost of operating the prospective government was never far from the minds of the delegates, and concern for the expense of the legislature doubtless contributed much to the pressure to keep it comparatively small.

Some convention delegates thought a senate of 20 members was too small. Doubts about so small a body have been expressed from time to time since statehood. Although the state senate has more members, it is proportionally the same size as the original territorial senate. One complaint about so few senators is the fact that they have too many committee assignments. In his book *Legislative Life*, Alan Rosenthal writes: "It is difficult to imagine a body of 40 members (not to mention those with fewer) really maintaining a committee system."

Despite this lingering concern about the size of the senate, only two resolutions have been introduced over the years to enlarge the legislature: HJR 71 in 1978 proposed to increase the senate to 25 members and the house to 51 members, and HJR 48 in 1981 proposed to increase the senate to 30 members and the house to 60. In addition, two resolutions have been introduced to increase by one the membership of both the senate and house, but these measures were concerned with another problem, that of partisan deadlocks of 10-10 and 20-20.

Comparison with Other States

Attached is a table that shows the size of legislative chambers in each of the 50 states. Alaska has the smallest bicameral legislature, although Delaware with 62 members, and Nevada, with 63, are close. The average number of members in the upper houses is about

¹With regard to apportioning both houses on the basis of population, Dimond was ahead of his time. He argued eloquently for the inherent fairness and democratic logic of the idea, but Congress turned a deaf ear. Apportionment of both houses of state legislatures on the basis of population was imposed on the states by a series of U.S. Supreme Court cases in the early 1960s.

Representative Foster
January 22, 1993
Page 3

38, and the average number of members of the lower houses is about 110. There does not appear to be any correlation between the population of a state and the size of its legislature. New Hampshire is one of the least populated states yet has a lower house of 400; California is one of the most populous states, and it has a legislature of 120. One of the few generalizations that may be possible is that western states tend to have smaller legislatures than the older, New England states.

In all states the senate is smaller than the house. This is a matter of political custom rather than law or logic (Delegate Dimond argued this point, unsuccessfully, in his effort enlarge both chambers of the Alaska territorial legislature to 18 members).

Several states have decreased the size of their legislatures in recent years. However, these reductions have occurred in states with comparatively large legislatures, and the resulting bodies remain substantially larger than Alaska's.

Effects Of Enlargement on Representation

Enlarging Alaska's legislature would result in more legislators from smaller districts. This would have the effect of bringing elected representatives "closer to the people," and it would result in more rural districts as well as urban districts, but it would not alter the current proportion of urban and rural legislators.

Both houses of state legislatures must be, as a matter of federal law, apportioned on the basis of population. There are currently 40 election districts in Alaska. One house member is elected from each. Senate districts are a combination of two election districts; one senator is elected from each. If the number of house members were increased from 40 to 60, there would be 20 additional districts from which a representative would be elected (assuming the continuation of single-member districts). The 60 house members would, in the short run at least, each represent substantially fewer constituents than the 40 members currently represent, and the mega-districts which we now have in Alaska would be reduced in size to some extent. Senators would likewise represent smaller constituencies. While there would be more rural and urban districts, the urban and rural areas of the state would continue to have the same proportion of total members.

There may be several advantages to smaller election districts in Alaska. One is that campaigning for office would be easier and less expensive. Another is that residents would be more likely to know their legislators and be able to cast an informed ballot on election day. Greater familiarity could improve communication with and access to elected representatives. Also, there would be opportunity for more people to participate in the political system as legislators.

Fiscal Impacts

Increasing the membership of the legislature from 60 to 90 would create higher annual operating expenses of about \$6 million. It would also involve a substantial one-time capital expense because the existing legislative chambers, committee rooms and office space would have to be expanded to accommodate the new members. While we have estimated the annual recurring cost, we have not attempted to estimate the one-time capital cost.

Annual Recurring Cost

Annual recurring costs would fall into four general categories: compensation, travel, contractual, and staff. We obtained estimates of these items, based on the current average cost per legislator, from the Division of Administrative Services, Legislative Affairs Agency. The total cost would be approximately \$6,102,540, as shown below. This estimate assumes that central support staff (employees of Legislative Affairs Agency, for example) would remain unchanged.

Compensation for legislators is currently \$33,000 each (including benefits). Thus, 30 additional legislators would increase compensation \$990,000 annually.

Travel expense, including moving, session per diem, and long-term per diem, averages approximately \$20,933 per legislator. Thus, the new members would increase travel expense by \$627,990 per year.

Contractual expense includes a \$4,000 allowance per member, plus an additional approximately \$7,000 each for phones, supplies, and equipment. Thus, contractual expenses associated with the additional members would be an additional \$330,000 per year.

Staff expenses average \$21,465 per staff member during session; they average \$37,045 per staff during the interim. If we assume that on average each legislator has three session staff and two interim staff, the additional staff expense per legislator is \$138,485. Thus, staff expense caused by the expansion would be \$4,154,550.

The foregoing incremental costs total \$6,102,540.

One-time Capital Costs

We have not attempted to estimate the capital cost required to accommodate the new legislators, but we presume it would be several million dollars. The existing capitol

Representative Foster

January 22, 1993

Page 5

building would have to be remodeled to make space available to the new members. In all likelihood, the executive branch would vacate the capitol building and it would become a legislative hall. The existing house and senate chambers would have to be enlarged, several of the meeting rooms would have to be expanded, and more office space would have to be found. The reshuffle of office space could push some employees into leased space, which would increase the foregoing estimate of annual recurring costs.

I hope this information is useful. If you have any questions, please contact this agency.

Attachments

NUMBER OF MEMBERS IN THE STATE LEGISLATURES

State	Senate	House	Total
ALABAMA	35	105	140
ALASKA	20	40	60
ARIZONA	30	60	90
ARKANSAS	35	100	135
CALIFORNIA	40	80	120
COLORADO	35	65	100
CONNECTICUT	36	151	187
DELAWARE	21	41	62
FLORIDA	40	120	160
GEORGIA	56	180	236
HAWAII	25	51	76
IDAHO	42	84	126
ILLINOIS	59	118	177
INDIANA	50	100	150
IOWA	50	100	150
KANSAS	40	125	165
KENTUCKY	38	100	138
LOUISIANA	39	105	144
MAINE	35	151	186
MARYLAND	47	141	188
MASSACHUSETTS	40	160	200
MICHIGAN	38	110	148
MINNESOTA	67	134	201
MISSISSIPPI	52	122	174
MISSOURI	34	163	197
MONTANA	50	100	150
NEBRASKA	49		49
NEVADA	21	42	63
NEW HAMPSHIRE	24	400	424
NEW JERSEY	40	80	120
NEW MEXICO	42	70	112
NEW YORK	61	150	211
NORTH CAROLINA	50	120	170
NORTH DAKOTA	53	106	159
OHIO	73	99	132
OKLAHOMA	48	101	149
OREGON	30	60	90
PENNSYLVANIA	50	203	253
RHODE ISLAND	50	100	150
SOUTH CAROLINA	46	124	170
SOUTH DAKOTA	35	70	105
TENNESSEE	33	99	132
TEXAS	31	150	181
UTAH	29	75	104
VERMONT	30	150	180
VIRGINIA	40	100	140
WASHINGTON	49	98	147
WEST VIRGINIA	34	100	134
WISCONSIN	33	99	132
WYOMING	30	64	94

Source: Book of the States, 1992 - 1993, The Council of State Governments

Prepared by the Legislative Research Agency, January 1993 (93.083)

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

RECEIVED MAR 30 1993

March 31, 1993


The Honorable Richard Foster
Representative
Alaska State Legislature
Court Building, Room 611
Juneau, Alaska 99801-1182

Dear Representative Foster:

Just a word to let you know we have submitted the attached fiscal note through the normal process. If the effective date could have corresponded with reapportionment in the year 2000 we could have avoided such a high dollar figure.

Your bill is excellent, please give me a call if you would like to discuss this fiscal note.

Sincerely yours,



Charlot E. Thickstun
Director

Revision Date: _____
Title: Proposing amendments to the
Constitution...relating to membership of the legislature.
Sponsor: Representative Foster
Requestor: Representative Foster

Department Affected: Legislative Affairs Agency
BRU: Legislative Council
Legislative Operating Budget
Component: Sal. & Allowances, Gen. Services
Session Expenses, Leg. Coer. Budget

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES			1523.0	2891.7	2891.7	2891.7
TRAVEL			257.2	318.5	318.5	318.5
CONTRACTUAL			442.5	442.5	442.5	442.5
SUPPLIES			15.0	15.0	15.0	15.0
EQUIPMENT			195.0	0.0	0.0	0.0
LAND & STRUCTURES			0.0	0.0	0.0	0.0
GRANTS, CLAIMS						
MISCELLANEOUS			0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	2442.7	3667.7	3667.7	3667.7
CAPITAL	0.0	0.0	150.0	0.0	0.0	0.0
REVENUE FUND SOURCE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	2442.7	3667.7	3667.7	3667.7
FEDERAL FUNDS	0	0	0.0	0	0	0
OTHER FUND SOURCE	0	0	150.0	0	0	0
TOTAL	0	0	2592.7	3667.7	3667.7	3667.7

POSITIONS:

FULL-TIME	0	0	45	45	45	45
PART-TIME	0	0	34	34	34	34
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

HJR 22 proposes amendments to the Constitution changing the membership of the Legislature from 20 senators to 25 and from 40 representatives to 50. Total membership would change from 60 to 75. It is estimated there would be increased costs by enlarging the size of the membership of the Legislature. These increases would be additional members and legislative staff, additional sgt-at-arms staff, additional support staff, additional office space, increase in travel, additional annual allowances, increase in supplies, telephone equipment and charges, computer and office equipment, etc. Also a one time cost would be incurred to remodel the existing chambers to accommodate the additional members.

Prepared By: Pamela A. Stoops, Director
Division: Administrative Services

Pamela A. Stoops

Phone: 465-3853
Date: 3/5/93

Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency

Warren W. Endicott

Date: 3/5/93

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

CONTINUATION OF FISCAL NOTE: HJR 22

PERSONAL SERVICES

It is anticipated the additional members and staff will not occur until FY 96. The FY 96 cost is for six months.

15 additional legislators (75 not 60) - \$519,000	
30 additional full time legislative staff - \$1,699,500	
30 additional permanent part time legislative staff - \$615,000	
2 additional sgt-at-arms staff for House and Senate - \$25,000	
2 additional House and Senate support staff - \$33,200	2891.7

Personal services costs are estimated using FY 94 personal services costs. Support staff costs are conservative. Not sure what impact additional 15 members will have on the Agency.

TRAVEL

Travel to and from session, session per diem, relocation costs, interim per diem, travel per diem for 15 additional legislators - \$318,500. FY 96 cost is \$51,300 less for legislator's interim per diem. 318.5

CONTRACTUAL

Telephones 70 lines @\$250/yr - \$17,500	
Long distance and local charges - \$90,000	
Annual \$4,000 allowance - \$60,000	
Increased lease space for session and interim - \$275,000	442.5

SUPPLIES

Supplies for 79 additional members and staff for session and interim - \$25,000 25.0

EQUIPMENT

Equipment for 79 additional members and staff for session interim. This would be a one time cost.

75 Desks or funding for built-ins = \$33,000	
40 Computers @\$1,500 = \$60,000	
45 File cabinets = \$18,000	
40 Printers @\$1,500 = \$60,000	
75 Chairs = 15 @ \$400; 60 @ \$300 = \$24,000	195.0

MISCELLANEOUS

A capital appropriation would be requested to remodel the 2nd floor of the Capitol. The Senate and House Chambers would have to be enlarged to accommodate additional members. Offices would need to be moved and additional committee and office space would be required. The Legislative Lounge might also need to be enlarged.

Approximate amount for the 2nd floor renovation is \$150,000. 150.0

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HJR22

ANALYSIS: (continued)

Travel:

72270	Administrative Travel	16.7
	(2 Supervisor meetings(1 Juneau, 1 Anchorage 7.8; Reapportionment paralegal (2 trips to 4 regions) 5.9; Admin. Officer (1 trip to 3 Regional Offices and Director's Office 1.0)	

Personal Services:

	Additional Clerk IIIs	203.8
	(17 @ Range 8A, no overtime 6 months)	

Contractual Services:

73100	Professional Services	
	Mapping	236.1
	Voter ID cards (110,000)	130.0
73300	Communications	
	Postage	95.7
	Printing and Binding	27.0
	Additional Ballots	

Total

709.5

HJR

24

FISCAL NOTE

STATE OF ALASKA 1993 LEGISLATIVE SESSION

BILL NO. HJR 24

Revision Date: _____ Department Affected: Natural Resources
 Title: "Relating to the shortage of housing for military personnel" BRU: Resource Management
 Components: Land Management
 Sponsor: Representative Mulder
 Requestor: Representative Mulder Component Serial No. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE fund source:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current year (FY93) Impact: \$ No fiscal impact anticipated

ANALYSIS: (Attach a separate page if necessary)
 This resolution requests the department to identify state land that might be made available for increased housing for military personnel and to report these results to the legislature. We have already met with the Municipality of Anchorage, Fairbanks North Star Borough, City of Fairbanks and City of North Pole to identify available land. In both the Anchorage and Fairbanks areas there is no state land available. All the land is privately owned or the land has been transferred from the state to the local municipalities. We will continue to meet and work with all affected parties to explore alternatives.

Prepared by: Ron Swanson Phone: 762-2692
 Division: Land Date: 4-Feb-93
 Approved by Commissioner: Glenn A. Olds Date: _____
 Agency: Department of Natural Resources

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HJR 24

Revision Date:

Dept. Affected:

Title: A resolution relating to the shortage of adequate housing...

BRU: AHFC

Component: AHFC

Sponsor: Mulder

Requestor:

COMPONENT SERIAL NO. _____

Expenditures/Revenues:

(Thousands of Dollars)

	FY94	FY95	FY96	FY97	FY98	FY99
OPERATING						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year (FY93) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary)

Prepared by:

Judith DeSpain

Phone: 561-1900

Division:

AHFC

Date: 02/05/93

Approved by Commissioner:

Richard David [Signature]

Date: 2/5/93

Agency:

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STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FACSIMILE: (907) 586-2754

February 4, 1993

The Honorable Al Vezey, Chair
House State Affairs Committee
Capitol Building, Room 102
Juneau, Alaska 99801

Subject: HJR 24, Housing for military personnel

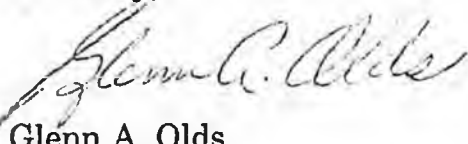
Dear Representative Vezey:

The Department of Natural Resources (DNR) supports HJR 24. DNR recognizes that the military is a vital component of the Alaska economy and that in order to keep an active military presence in Alaska and avoid base closures it is important to assure an adequate housing stock to meet the needs of military personnel.

To this end, DNR has had meetings with key leaders with the Municipality of Anchorage, the Fairbanks North Star Borough, the City of Fairbanks, and the City of North Pole. Unfortunately, in both the greater Anchorage and Fairbanks areas there is no state land available for housing. All land suitable for these purposes is either privately owned or has already been conveyed by the state to the appropriate municipality.

DNR will continue to meet and work with all affected parties to explore alternative solutions to this important matter.

Cordially,



Glenn A. Olds
Commissioner

cc: Representative Eldon Mulder
Kris Lethin, Legislative Liaison, Governor's Office
Ron Swanson, Director, Division of Land

Representative Eldon Mulder

HJR #24

February 4, 1993

AMENDMENT TO HOUSE JOINT RESOLUTION #24

On page 2, line 6, strike the word "decent" and insert the word "adequate".



ALASKA STATE LEGISLATURE HOUSE OF REPRESENTATIVES

REPRESENTATIVE ELDON MULDER
DISTRICT 23 MULDOON-FT. RICHARDSON

- CHAIRMAN -
LEGISLATIVE COUNCIL

- CO-CHAIRMAN -
HOUSE SPECIAL COMMITTEE ON
MILITARY AND VETERANS AFFAIRS

- CO-CHAIRMAN -
MILITARY AFFAIRS FOR
ANCHORAGE CAUCUS

MEMORANDUM

TO: Representative Al Vezey, Chair
House State Affairs

FROM: Representative Eldon Mulder *EM*

SUBJ: Scheduling of House Joint Resolution #24

DATE: February 5, 1993

I would like to request that the House State Affairs Committee hear House Joint Resolution #24 as soon as possible. This legislation has been a joint effort between Senator Ted Stevens, the Department of Military and Veterans Affairs and my office. Senator Stevens has informed us that this legislation will be a great help to his work in Washington and has expressed interest in having it passed as soon as possible. Attached is some information regarding HJR #24. If you require any further information, please contact my office. Thank you for your positive consideration.

**House Joint Resolution #24
SPONSOR STATEMENT**

HISTORICAL OVERVIEW

Due to the downsizing of our military personnel and facilities, the President established the Base Relocation and Closure Commission (BRAC) to review military facilities around the nation for closure. Last December, the Department of Defense published the selection criteria which the BRAC will use when it begins to review military facilities in the U.S. for closure in 1993 (see attachment A). A few weeks ago, Senator Ted Stevens made statements in the Anchorage Daily News that Anchorage and Fairbanks lacked suitable housing for military personnel and therefore, did not meet the infrastructure component in the BRAC selection criteria. Section G of the selection criteria relates to infrastructure and states as follows: "The ability of both the existing and potential receiving communities' infrastructures to support forces, missions and personnel." Analysis of the housing markets in both Anchorage and Fairbanks showed a significant shortage of housing that meets military standards.

A market analysis performed for Elmendorf AFB in Anchorage showed that 1,467 families (out of 3,281 total) are unsuitably housed off-base (see attachment B). Additional information gathered by a special housing task force appointed by the Anchorage Chamber of Commerce showed that there were 459 families from Ft. Richardson that were unsuitably housed (see attachment C). Those two figures combine for a total of 1,926 unsuitably housed in the Anchorage area. Eielson AFB and Ft. Wainwright are shown to have a combined total of 1,225 unsuitably housed (out of 2,102).

Military Families Unsuitably Housed

Anchorage		Fairbanks	
Elmendorf AFB	1,467	Eielson AFB	583
Ft. Richardson	<u>459</u>	Ft. Wainwright	<u>642</u>
TOTAL	1,926 (59%)		1,225 (45%)

MILITARY HOUSING STANDARDS

Department of Defense (DoD) has established standards and requirements for military housing that are defined as follows:

(1) **Affordability:** DoD establishes a maximum allowable housing cost (MAHC) to cover rent and utilities. MAHC varies by grade (rank) and is coupled with a 15% additive factor. Current analysis shows that the majority of the unsuitably housed are non-commissioned officers (1,685 in Anchorage and 1,127 in Fairbanks.)

(2) **Location:** Requirements are that housing be within 30 miles and commute time less than one hour by personal vehicle during rush hours. Also, housing must be in a residential area which meets standards of sanitation and is free of objectional features (fumes, industrial noise, etc.)

(3) **Condition:** Must be structurally sound and have a private entrance, bath and kitchen. Dwelling must be arranged so both kitchen and living room can be entered without going through the bedroom.

(4) **Bedroom Requirements:** Size and number are based on rank and number, age, and sex of dependents.

- No child should share a bedroom with a parent
- All families with two children have a three bedroom requirement
- A child 6 yrs. or older should not share a bedroom with a child of the opposite sex
- Dependents 10 years of age or older are entitled to separate bedroom

(5) **Minimum Square Footage:** DoD uses net square footage (excludes non-living areas).

- one bedroom - 550 sq. ft.
- two bedroom - 750 sq. ft.
- three bedroom - 960 sq. ft.
- four or more bedrooms - 1,190 sq. ft.

Obviously, there are two solutions to correcting this problem: renovating current housing to meet the criteria defined above or building new housing to meet the above criteria. The Anchorage Chamber of Commerce Military Housing Task Force determined that there is enough existing housing that could be converted to DoD standards for the 1 bedroom and 2 bedroom needs of the military personnel in Anchorage. However, there are not enough existing 3 bedroom units to meet the demand in Anchorage and therefore, new construction of 3 bedroom units would be necessary.

**Representative Eldon Mulder
House Joint Resolution #24
February 5, 1993**

In the Fairbanks area, a private contractor, Ben Lomond, Inc. received a contract in September of 1991 to build housing for Eielson AFB. The contractor has not been able to get a bond for the project since that time. Eielson AFB just issued Ben Lomond, Inc. a "cure" notice that informs them that they have not fulfilled their contract and have ten days to develop a plan that would get the project moving (see attachment D). This project was the last one authorized under the Military Family Housing Leasing Program, section 801 10 U.S.C. 2828 (also referred to as "801 housing"). This program allows the military to make long-term leasing commitments (20-25 yrs.) with a third party developer who finances the construction. This program has since been eliminated. An assessment of the Fairbanks housing market is underway to determine if renovation of existing housing will meet military needs or if new construction will be necessary.

WHAT HOUSE JOINT RESOLUTION #24 DOES

This resolution does the following:

(1) Directs the Alaska Housing Finance Corporation in cooperation with the Municipality of Anchorage and the Fairbanks North Star Borough to develop a self-sustaining program to provide suitable housing for military personnel and their dependents.

The intent is for the AHFC, MOA, and the North Star Borough to develop a self-sustaining program to provide military housing. The intent is not to create publicly financed housing, but to establish a [plan/set of regulations] that would allow the private sector to develop this housing.

(2) Directs the Governor and the Commissioner of the Department of Natural Resources to identify state land that might be available for improvement of military housing.

As stated earlier, new construction of 3 bedroom units is necessary in Anchorage and no determination can be made in Fairbanks as of yet. The intent is self-explanatory, to find state land that could be used to construct new housing.

(3) The Governor, Commissioner of DNR and the AHFC Board of Directors are required to submit a report of their findings by the 10th day of the Second Session of the Eighteenth Legislature.

Finally, all parties involved are asked to submit a report of their findings by the start of the next session (January, 1994).

Representative Eldon Mulder
House Joint Resolution #24
February 5, 1993

CONCLUSION

The military facilities, military personnel and their dependents have a huge impact on the local and state economies. A joint effort between Senator Stevens office, General Cox and the Department of Military & Veterans Affairs and my office produced HJR #24. Senator Stevens has informed me that this would be a great help to his work in Washington and would like to see it passed as soon as possible.

I feel that it is extremely important to keep our military facilities in Anchorage and Fairbanks and would greatly appreciate your support of this legislation.

ATTACHMENT A

SELECTION CRITERIA UTILIZED BY BASE CLOSURE COMMISSION

- A. The current and future mission requirements and the impact on operational readiness of the Department of Defense's total force.
- B. The availability and condition of land, facilities and associated airspace at both the existing and potential receiving locations.
- C. The ability to accommodate contingency, mobilization, and future total force requirements at both the existing and potential receiving locations.
- D. The cost and manpower implications.
- E. The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion on the closure or realignment, for the savings to exceed the costs.
- F. The economic impact on communities.
- G. The ability of both the existing and potential receiving communities' infrastructures to support forces, missions and personnel.
- H. The environmental impact.

NOTE: See attached 1992/1993 Base Closure Milestones

ATTACHMENT B

HOUSING NEEDS BY GRADE

ELMENDORF AFB (1992)

	COLONELS	LT COL/ MAJOR	CAPT/ LT	SR NCO	NCO	AIRMAN/ SOLDIER	1992 TOTAL	1997 PROJ TOTAL
PERMANENT PARTY	37	291	572	728	4,114	1,176	6,918	
LIVING OFF BASE	14	165	276	470	2,060	296	3,281	
UNSUITABLY HOUSED	0	20	102	207	1,061	77	1,467	2,179
% UNSUITABLE	0%	12%	37%	44%	52%	26%	45%	
BAQ + VHA \$	1,374.66	1,328.19	860.19	1,150.83	886.83	649.84		
MAHC \$	1,580.85	1,527.42	989.22	1,323.45	1,019.85	747.32		

FT RICHARDSON (1992)

	OFFICER	ENLISTED	1992 TOTAL	1997 PROJ TOTAL
PERMANENT PARTY	438	3,958	4,396	
LIVING OFF POST	156	877	*1,033	
UNSUITABLY HOUSED (APPROX)	42	417	459	939
% UNSUITABLE (APPROX)	27%	48%	44%	

*DOES NOT INCLUDE 44 MEMBERS DENIED CONCURRENT TRAVEL--LACK OF 4 BR HOUSING

ATTACHMENT C

HOUSING NEEDS BY GRADE

EIELSON AFB (1990)

	COLONELS	LT COL/ MAJOR	CAPT/ LT	SR NCO	NCO	AIRMAN/ SOLDIER	1992 TOTAL	1997 PROJ TOTAL
PERMANENT PARTY	14	90	257	334	1,998	782	3,475	
LIVING OFF BASE	1	50	133	147	457	209	997	
UNSUITABLY HOUSED	0	25	73	52	270	163	563	1,314
% UNSUITABLE	0%	50%	55%	35%	59%	78%	59%	
BAQ + VHA \$	1,181.69	1,119.82	893.86	980.60	792.84	571.06		
MAHC \$	1,358.94	1,289.79	1,027.94	1,127.69	911.77	656.72		

FT WAINWRIGHT (1992)

	OFFICER	ENLISTED	1992 TOTAL	1997 PROJ TOTAL
PERMANENT PARTY	679	4,324	5,003	
LIVING OFF POST	264	841	*1,105	
UNSUITABLY HOUSED (APPROX)	141	501	642	950
% UNSUITABLE (APPROX)	53%	60%	58%	

*DOES NOT INCLUDE 50 MEMBERS DENIED CONCURRENT TRAVEL--LACK OF 4 BR HOUSING

Fairbanks Daily News-Miner, Wednesday, February 3, 1993

3/4

Eielson builder gets 10 days

By KATE RIPLEY
Staff Writer

The Air Force has given developer Ben Lomond Inc. another 10 days to prove it has financing for the 356-unit "801" housing project on Eielson Air Force Base.

The original deadline expired Monday.

Spokeswoman Staff Sgt. Jacqueline Boucher said the Eielson contracting office sent Ben Lomond a "cure notice" Tuesday, notifying the developer that it has not complied with terms laid out in its September 1991 contract.

The notice requests the developer respond within 10 days with a game plan that would allow the project to proceed, Boucher said.

"It's just one step the base has taken," the Air Force spokeswoman said Tuesday. "All we can do is wait and see what the contractor does."

Robert Hull, business manager for Ben Lomond, said he's hopeful he can pull together the necessary bonding and long-term financing for the \$80 million project within the Air Force's time frame.

Ben Lomond sought help from Alaska Housing Finance Corp., a state agency, after more traditional methods of financing failed to come through.

The project is mired in a financial Catch-22; unable to arrange for the financing until the builder obtains a type of insurance that will guarantee money to finish construction.

But the builder, Martech USA Inc. of Anchorage, says it can't buy that insurance, known as a construction bond, until the long-term financing is arranged.

"What we seem to have is a chicken and egg situation," said Barry Hull, executive director of

Alaska Housing Finance in Anchorage.

AHFC is reviewing Ben Lomond's application for long-term financing, but the board of directors will not make a final decision on the request until it meets Feb. 28, Hull said.

The Air Force contract also requires a \$1 million lease bond, which would, among other things, protect the Air Force if long-term financing is not secured.

"No one wants to put that bond up without the assurance that long-term financing is available," Hull said.

Hull said he's working with the Air Force to satisfy the lease-bond requirement. He declined to provide details, but said Ben Lomond likely would finance the bond itself by mortgaging some of its property in Fairbanks.

"Hopefully people understand

to prove financing

how much of a commitment we're willing to make," Hull said. "It's called hanging it all out there."

Ben Lomond already has sunk \$800,000 into the project, which must be completed by September 1994. "If this project doesn't go through, we lose a half-million dollars," Hull said. "It will cause us some real grief."

Ben Lomond's money woes don't stop there; the Fairbanks North Star Borough claims the company owes \$2.7 million in back taxes since 1986 on its Cool Homes housing project at Eielson.

Ben Lomond disputes the tax bill. The argument is now before the Alaska Supreme Court, where a judge will make the final decision.

Borough Assemblyman Guy Bartley said he's concerned with Ben Lomond's appeal to Alaska Housing Finance for help.

"It just seems to me that before

they go to a state entity for bonding that they should get square with the local government," Bartley said.

Hull said the taxes in question are up to a judge—not Bartley or other borough officials.

The military's 801 housing program was created as a cost-effective way to increase housing on Air Force bases and Army posts.

Instead of the government spending cash upfront on new housing complexes, private developers finance construction of housing, then lease it back to the military under long-term agreements.

Sen. Ted Stevens said last week that improved military housing is key if Alaska is to survive upcoming base closure reviews over the next two years.

About 370 of 1,000 Air Force families living off base in Fairbanks are on the waiting list for Eielson housing.

PAGE B-1

HJR

25

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 5, 1993

FURTHER REFERRALS:

Date of Committee Action: 2/25/93

The STATE AFFAIRS Committee considered:

HJR 25

HOUSE JOINT RESOLUTION NO. 25

IMPLEMENTING ALEUTIAN TRADE ACT OF 1990

Relating to implementation of the Aleutian Trade Act of 1990.

RECOMMENDATIONS: the same title
 be replaced with _____ a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Al Vega</i>	✓				
<i>Betty Davis</i>	✓				
<i>John Miller</i>	✓				
<i>Ken Frost</i>	✓				
<i>John Sanders</i>	✓				
<i>Don L. Jani</i>	✓				
<i>Audrey Olberg</i>	✓				

Al Vega

 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HJR-25

Revision Date: _____ Department Affected: LAA

Title: Relating to implementation of Aleutian Trade Act of 1990 BRU: _____

Component: _____

Sponsor: Rep. Carl Moses

Requestor: _____ COMPONENT SERIAL NO.

--	--	--	--

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: House State Affairs Committee Phone: 465-3719

Division: _____ Date: 2/22/93

Approved by Commissioner: Rep. Al Vezey, Chairman, House State Affairs Committee

Agency: HOUSE OF REPRESENTATIVES Date: 2/22/93

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

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HJR-25

Revision Date: _____ Department Affected: LAA
Title: Relating to implementation of Aleutian BRU: _____
Trade Act of 1990 Component: _____

Sponsor: Rep. Carl Moses
Requestor: _____ COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

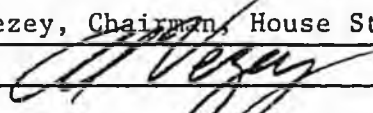
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: _____

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have attached amendments(s)

do pass

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no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)


fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Al Vezy</i>	✓				
<i>Betty Davis</i>	✓				
<i>[Signature]</i>	✓				
<i>Paul East</i>	✓				
<i>John Sanders</i>	✓				
<i>[Signature]</i>	✓				
<i>Audby Olberg</i>	✓				


 CHAIRMAN'S SIGNATURE

FISCAL NOTE

1993 STATE OF ALASKA LEGISLATIVE SESSION

BILL NO. HJR-25

Revision Date: _____ Department Affected: LAA
 Title: Relating to implementation of Aleutian Trade Act of 1990 BRU: _____

Sponsor: Rep. Carl Moses Component: _____

Requestor: _____ COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

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

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: House State Affairs Committee Phone: 465-3719

Division: _____ Date: 2/22/93

Approved by Commissioner: Rep. Al Vezey, Chairman, House State Affairs Committee

Agency: HOUSE OF REPRESENTATIVES Date: 2/22/93

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

Alaska State Legislature

Representative Carl E. Moses



CHAIRMAN
HOUSE RULES COMMITTEE

CHAIRMAN
HOUSE SPECIAL FISHERIES COMMITTEE

MEMBER
FINANCE SUBCOMMITTEES
FISH AND GAME
PUBLIC SAFETY

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SPONSOR STATEMENT for HJR 25

Implementation of the Aleutian Trade Act of 1990

Residents of the Aleutian Islands have historically relied on domestic fish tender vessels to provide freighter services for general and fisheries cargo. These vessels, and in particular, those operated by Coastal Transportation, Sunmar Shipping, and Western Pioneer, have provided reliable service to small remote communities along the Aleutian chain on a year-round basis. Unlike foreign freighters, they are regulated, and are willing to take low volume cargo to and from the smaller ports. They have a proven safety record, and have met new manning and safety requirements.

However, the United States Coast Guard is now obligated to implement two new pieces of national legislation - the Aleutian Trade Act of 1990 and the Commercial Fishing Industry Vessel Safety Act of 1988. In the Aleutian Trade Act, Congress fashioned a compromise so that the traditional tender supply service would not be interrupted, yet safety requirements would be upgraded. One provision of the legislation specifically **prohibits** the adoption of regulations that require alterations to vessels constructed before the effective date of those regulations. However, the Coast Guard's proposed vessel safety regulations ignore that provision, and would require extensive alterations so costly that the Coast Guard itself predicts that 75% of the current fleet will be forced out of service. The additional costs due to retrofitting the remaining vessels would be passed directly to the fishing industry and communities of the Aleutian chain.

This resolution expresses the support of the Alaska State Legislature for the continued existence of the small "mosquito" fleet of fish tender vessels in the Aleutian Islands chain. Although the deadline for public comments is February 28, 1993, I have been assured that any resolution from the Legislature will be included in the public record. I ask your support for this resolution.