

**ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672**

**10081 SENATE JUDICIARY**



# Viewpoints

Religious Freedom Amendment

## Opinion Polls

### National Polls Since the 1962 Engel v. Vitale U.S. Supreme Court Decision on Voluntary Prayer in Public Schools

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<u>Poll</u>	<u>Survey Date</u>	<u>Question</u>	<u>% Support</u>
Gallup	July 26-31, '62	Approve religious observances in schools	85%
Gallup	Sept. '64	Favor a Constitutional Amendment	77%
Nat'l Opinion Research Center	1974	Disapprove of <i>Engel v. Vitale</i> ruling	66%
Nat'l Opinion Research Center	1975	Disapprove of <i>Engel v. Vitale</i> ruling	62%
Nat'l Opinion Research Center	1977	Disapprove of <i>Engel v. Vitale</i> ruling	64%
Gallup	Mar. 28-31 '80	Favor a Constitutional Amendment	76%
Gallup	Sep. 12-15, '80	Favor requiring prayer in schools	55%
CBS / NY Times	Apr. 22-26, '81	Favor a Constitutional Amendment	76%
NBC	May 18-19, '81	Favor a Constitutional Amendment	73%
Time	June 1, '81	Favor a Constitutional Amendment	74%
LA Times	Sep. 27, '81	Allowing prayer in schools	78%
Time	Oct. 5, '81	Voluntary school prayer	69%
NBC	May 10-11, '82	Favor a Constitutional Amendment	68%
Gallup	June 10, '82	Favor a Constitutional Amendment	79%
Newsweek	June 27, '83	Favor a Constitutional Amendment	71%
Gallup	July 22-25, '83	Favor a Constitutional Amendment	85%
Gallup	Sep. 8, '83	Favor a Constitutional Amendment	81%

CBS / NY Times	Sep. 12-16, '84	Favor a Constitutional Amendment	68%
Harris	Oct. 22, '84	Favor a Constitutional Amendment	81%
Univ. of Michigan	Nov. 7, '84	Schools allowed to start day with prayer	65%
Media General	Jan. '85	Favor a Constitutional Amendment	61%
L.A. Times	July 14, '86	Favor prayers in public schools	71%
Media General / AP	Oct. 14 '86	Favor a moment of silence (for prayer)	87%
NY Times / CBS	May 26, '87	Favor a Constitutional Amendment	69%
Time / CNN	Dec. '91	Allowing children to say prayer in public schools	78%
NBC / Wall St. Journal	Dec 6-9, '91	Favor a Constitutional Amendment	61%
Times - Mirror	May 18-24, '93	Favor a Constitutional Amendment	69%
Wirthlin	Apr. 4-6, '94	Reinstating prayer in public schools	78%
LA Times	Jul. 23-26, '94	Favor prayer in school	76%
Times - Mirror	Sept., '94	Favor a Constitutional Amendment	74%
Gallup	Nov., '94	Favor a Constitutional Amendment	73%
Washington Post	Dec. 9-13, '94	Moment for voluntary silent prayer	64%
ABC / Washington Post	Jan. 3-4, '95	Favor a Constitutional Amendment	67%
Gallup	May 25, '95	Favor a Constitutional Amendment	71%
LA Times	Oct. 27 - 30, '95	Favor of prayer in public schools	75%
Joint Center	Feb., '96	Favor a Constitutional Amendment	64%
CBS / NY Times	Feb., '96	Favor prayer in school	65%
Kaiser - Howard	Jan., '97	Favor a Constitutional Amendment	69%
CBS / NY Times	Jan., '97	Favor prayer in public schools	67%



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**Proposing an amendment to the Constitution of the United States relating to voluntary school prayer. (Introduced in the Senate)**

SJ 1 IS

106th CONGRESS

1st Session

**S. J. RES. 1**

Proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

**IN THE SENATE OF THE UNITED STATES**

**January 19, 1999**

Mr. THURMOND introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

**JOINT RESOLUTION**

Proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:*

**Article--**

'Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.'

to the Constitution would clarify that it does not prohibit vocal, voluntary prayer in the public school and other public institutions. It emphatically states that no person may be required to participate in any prayer. The government would be precluded from drafting school prayers. This well-crafted amendment enjoys the support of an overwhelming number of Americans.

I strongly urge my colleagues to support prompt consideration and approval of this legislation during this Congress.

Mr. President I ask unanimous consent that the joint resolution be printed in the **Record**.

There being no objection, the joint resolution was ordered to be printed in the **Record**, as follows:

## **S.J. Res. 1**

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein),* That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

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# SENATOR JERRY WARD

ALASKA STATE LEGISLATURE

## SPONSOR STATEMENT

### SENATE JOINT RESOLUTION 25

Religious freedom is a fundamental constitutional right enshrined by our founders in the First Amendment to the United States Constitution.

This resolution would restore the right to pray voluntarily in public schools---a right, which was freely exercised under our Constitution until the 1960's, when the Supreme Court ruled to the contrary.

The vast majority of Americans of all political parties favor a constitutional amendment that will allow voluntary prayer in public schools and the First Amendment has been turned on its head--it was meant to protect Church from State, not vice-versa.

Our government has a constitutional obligation to protect religious freedom and, in light of the assault on traditional moral values, the government needs to ensure that freedom without fear of hostility to open and public prayer.

Despite a clear express of the public's desire, federal courts have steadfastly refused to allow many forms of religious expression.

As Supreme Court Justice William Douglas once stated: "We are a religious people whose institutions presuppose a Supreme Being. Nearly every President since George Washington has proclaimed a day of public prayer. Moreover, we as a Nation, continue to recognize the Deity in our Pledge of Allegiance by affirming that we are a Nation "under God." Our currency is inscribed with the motto, "In God We Trust." In the Body, we open the Senate and begin our workday with the comfort and stimulus of voluntary group prayers. I would note that this practice has been upheld as constitutional by the Supreme Court.

It is unreasonable that the opportunity for the same beneficial experience is denied to the boys and girls who attend public schools.

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-4940 • FAX (907) 465-3766  
ANCHORAGE: 716 W. 4<sup>th</sup> AVE. • STE. 450 • ANCHORAGE, AK 99501 • (907) 269-0106 • FAX (907) 269-0109  
KENAI: 145 MAIN STREET LOOP • KENAI, AK • 99611 • (907) 283-7996 • FAX (907) 283-3075

Chairman, Senate Transportation Committee • Chairman, Senate State Affairs Committee

Senator\_Jerry\_Ward@legis.state.ak.us

4-26-99

To: Senator Robin Taylor

From: Jonathan and Ruth Ewig  
2325-30th Avenue  
Fairbanks, Alaska 99701  
phone/fax: 907-452-5538

RE: SUPPORT SJR 25 --relating to voluntary school prayer and any other supporting resolutions.

Voluntary prayer was never intended to be outlawed from public school and now that it is we have a disaster.

Respectfully yours,

  
Jon and Ruth Ewig

\*\*\*\*\*

**Background:** In David Barton's book America To Pray? or Not to Pray?, through the use of statistical information gathered primarily from U.S. government offices, he contrasts the years when religious and moral principles guided our national policies, with the years following their rejection. He looks at each of the areas of "us" (the students), "our parents" (the families), "our teachers" (the academic leaders), and "our Country" (the nation).

We see that after the reinterpretation of "separation of church and state" in 1962, hundreds of lawsuits sprang up challenging any presence of religion in public life. Some of these lawsuits included removal of student prayer, removal of Bible readings, removal of the Ten Commandments from view, and removal of benedictions and invocations from school activities.

The disaster that has followed has been witnessed by us in every arena including but not limited to: an increase of pregnancies to unwed girls, STDs, premarital sexual activity; a decrease in the number of male and female virgins on college campuses; an increase in rape arrests, aggravated assault arrests, murder arrests, divorce rates, unmarried couples living together, single parent households, adultery; a decrease in SAT scores; an increase in Christian Schools established in the US; a decrease of Public school test scores while at the same time an increase of Christian school scores; an increase of violent crime, child abuse, sexual abuse of children, use of illegal drugs, AIDS, and public corruption.



**SJR**

**27**

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. SJR27

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected \_\_\_\_\_ Office of the Governor \_\_\_\_\_  
 Title Constitutional Amendment: Revisions to the BRU Elective Operations  
state constitution Component Elections  
 Sponsor Senator Donley  
 Requester Senate Judiciary Committee Component No. 21

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>1.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	1.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>1.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. However, only six measures can be printed on an 8-1/2 by 14 inch ballot. If this measure requires printing an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by: Gail Fenumiai Phone 465-3935  
 Division Division of Elections Date/Time 1/13/00 12:46 PM  
 Approved by: Lt. Governor Fran Ulmer Date 01/13/2000  
 Agency Office of the Lieutenant Governor

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# SENATE COMMITTEE REPORT

DATE: 5/14/99

FURTHER: Finance

Date of 5-Day Notice: <sup>1/13/00</sup> ~~24-hour rule in effect~~  
 (in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 1/21/00

Judiciary Committee considered SENATE JOINT RESOLUTION NO. 27

Proposing amendments to the Constitution of the State of Alaska relating to revisions of the state constitution and providing that a court may not change language of a proposed constitutional amendment or revision.

and recommends:

- |   |  |
|---|--|
| <p><input type="checkbox"/> be replaced with _____ CS _____ (_____)</p> <p><input type="checkbox"/> adopt previous _____ CS _____ (_____)</p> <p><input type="checkbox"/> attached amendment(s)</p> <p><input type="checkbox"/> adopt Letter of Intent by _____ Committee</p> <p><input type="checkbox"/> further referral to the _____ Committee</p> | <p><b>Senate Bill:</b></p> <p><input type="checkbox"/> same title</p> <p><input type="checkbox"/> new title</p> <p><b>House Bill:</b></p> <p><input type="checkbox"/> same title</p> <p><input type="checkbox"/> technical title</p> <p><input type="checkbox"/> new: SCR# _____</p> |
|---|--|

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal

170Y. Div. of Elect.	1/13		1.5

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date      Zero      Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill



**SENATOR DAVE DONLEY**  
ALASKA STATE LEGISLATURE

**SPONSOR STATEMENT  
FOR SJR 27  
AMENDING THE STATE CONSTITUTION  
TO PROTECT ALASKAN'S RIGHT TO AMEND THEIR CONSTITUTION**

Senate Joint Resolution 27 amends Article XIII, sec. 1 of the Alaska State Constitution by making it possible for the legislature place constitutional *revisions* as well as *amendments* before Alaskans for a vote. SJR 27 also adds a new section to Article XIII which would prohibit a court from changing the wording of constitutional amendments or revisions proposed by the legislature or constitutional convention.

The Alaska Supreme Court's August 17, 1999 final decision in Bess v. Ulmer, Case No. 5167, severely weakened the rights of the people of Alaska to amend Alaska's State Constitution. This decision badly unbalances the constitutional separation of powers in Alaska and destroys a fundamental element in the success of American democracy—the right of the people to amend their constitution. The Bess v. Ulmer decision sets up the members of the Alaska Supreme Court as an elitist oligarchy of lawyers who can dictate to the Alaskan public what constitutional issues they can and cannot vote on.

The Bess v. Ulmer decision, for the first time in Alaska, created a distinction between amendments to the state constitution and revisions to the constitution. An amendment may be proposed by vote of two-thirds of the legislature and take effect after approval by a majority of voters (Art. XIII, sec. 1). An amendment may also be proposed at a constitutional convention and take effect after voter ratification (Art. XIII, sec. 4). A revision may only be proposed by a constitutional convention and take effect after ratification by the voters (Art. XIII, sec. 4). The court, in Bess v. Ulmer, dictated that amendments can only be constituted of changes that are 'few and simple and independent', whereas revisions are whatever else the members of the court say they are.

Vice-Chair, Senate Finance Committee • Chair, Capital Budget Subcommittee • Co-Chair, Anchorage Caucus  
Member: Senate Judiciary Committee • Senate Labor & Commerce Committee • Legislative Council

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Alaskans have been understandably been reluctant to call a constitutional convention due to the uncertainty of what would result. But Alaskans have voted in favor of 24 amendments since statehood. Several of which clearly do not even meet the vague test the court adopted in Bess v. Ulmer. The Bess v. Ulmer decision is an outrageous abuse of judicial process. The ultimately decided issues of revision and the court's power to change the wording of a proposed amendment were not noticed as a point on appeal or even briefed. The failure of the members of the court to ensure such fundamental fairness in their decision process is truly an outrage.

The ambiguous nature of these definitions allows the members of the court tremendous latitude as to what constitutional issues Alaskans can and cannot vote on. By usurping the elected legislators' power to decide whether an amendment is appropriate for the ballot, they actually can and have removed amendments from the ballot, thus taking the power away from the people to amend the people's constitution.

The members of the Alaska Supreme Court have also taken it upon themselves to actually change the wording of constitutional proposals. This is an incredibly dangerous and terrible public policy and the worst kind of political power grab. Under the Alaska State Constitution, the unelected and unconfirmed judges of Alaska do not have the power to make policy, but by altering ballot propositions that is exactly what they now claim the power to do.

This creates a situation where a small group of elitist lawyers, who are not elected by the people or confirmed by the people's elected representatives, are dictating whether the people get to vote on constitutional amendments and even deciding what ballot propositions say and mean.

Senate Joint Resolution 27 addresses this unacceptable, un-American situation by putting *revisions* in Article XIII, sec. 1 alongside *amendments* and making it impossible for the courts to alter or change the language of constitutional amendments or revisions proposed by the legislature or constitutional convention. This would restore the true meaning of these sections of Alaska's State Constitution and return these powers to the people of Alaska.

**SJR**

**28**

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. SJR28

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Office of the Governor  
 Title Constitutional Amendment: Relating to BRU Elective Operations  
 appropriation limit \_\_\_\_\_ Component Elections  
 Sponsor Senator Donley  
 Requester Senate Judiciary Committee Component No. 21

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>1.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	1.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>1.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. However, only six measures can be printed on an 8-1/2 by 14 inch ballot. If this measure requires printing an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by: Gail Fenumiai Phone 465-3935  
 Division Division of Elections Date/Time 1/13/00 12:47 PM  
 Approved by: Lt. Governor Fran Ulmer Date 01/13/2000  
 Agency Office of the Lieutenant Governor

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# SENATE COMMITTEE REPORT

DATE: 5/19/99

FURTHER: Finance

Date of 5-Day Notice: <sup>1/13/00</sup> ~~24-hour rule in effect~~  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Judiciary Committee considered

SENATE JOINT RESOLUTION NO. 28

Proposing an amendment to the Constitution of the State of Alaska relating to the appropriation limit.

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ C. \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical title
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
Gov. Div. of Elect.	1/13		1.5

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

1-LS1001AS  
Cook  
1/20/00

CS FOR SENATE JOINT RESOLUTION NO. 28( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATORS DONLEY, Ward, Halford

A RESOLUTION

1 Proposing amendments to the Constitution of the State of Alaska relating to an  
2 appropriation limit and a spending limit.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* Section 1. Article IX, sec. 16, Constitution of the State of Alaska, is amended to read:

5 Section 16. Appropriation and Spending Limit. (a) Except for  
6 appropriations for Alaska permanent fund dividends, appropriations to the Alaska  
7 permanent fund, appropriations to meet a state of disaster declared by the  
8 governor as prescribed by law, appropriations for the Alaska Railroad,  
9 appropriations of revenue bond proceeds, appropriations required to pay the principal  
10 and interest on general obligation bonds, and appropriations of money received from  
11 the federal government [A NON-STATE SOURCE IN TRUST FOR A SPECIFIC  
12 PURPOSE, INCLUDING REVENUES OF A PUBLIC ENTERPRISE OR PUBLIC  
13 CORPORATION OF THE STATE THAT ISSUES REVENUE BONDS],  
14 appropriations [FROM THE TREASURY] made for a fiscal year shall not exceed  
15 \$2,250,000,000 [\$2,500,000,000] by more than one-eighth of the cumulative change,  
16 derived from federal indices as prescribed by law, in population and inflation since

1 July 1, 1981. [WITHIN THIS LIMIT, AT LEAST ONE-THIRD SHALL BE  
2 RESERVED FOR CAPITAL PROJECTS AND LOAN APPROPRIATIONS. THE  
3 LEGISLATURE MAY EXCEED THIS LIMIT IN BILLS FOR APPROPRIATIONS  
4 TO THE ALASKA PERMANENT FUND AND IN BILLS FOR APPROPRIATIONS  
5 FOR CAPITAL PROJECTS, WHETHER OF BOND PROCEEDS OR OTHERWISE,  
6 IF EACH BILL IS APPROVED BY THE GOVERNOR, OR PASSED BY  
7 AFFIRMATIVE VOTE OF THREE-FOURTHS OF THE MEMBERSHIP OF THE  
8 LEGISLATURE OVER A VETO OR ITEM VETO, OR BECOMES LAW WITHOUT  
9 SIGNATURE, AND IS ALSO APPROVED BY THE VOTERS AS PRESCRIBED BY  
10 LAW. EACH BILL FOR APPROPRIATIONS FOR CAPITAL PROJECTS IN  
11 EXCESS OF THE LIMIT SHALL BE CONFINED TO CAPITAL PROJECTS OF  
12 THE SAME TYPE, AND THE VOTERS SHALL, AS PROVIDED BY LAW, BE  
13 INFORMED OF THE COST OF OPERATIONS AND MAINTENANCE OF THE  
14 CAPITAL PROJECTS. NO OTHER APPROPRIATION IN EXCESS OF THIS LIMIT  
15 MAY BE MADE EXCEPT TO MEET A STATE OF DISASTER DECLARED BY  
16 THE GOVERNOR AS PRESCRIBED BY LAW.] The governor shall cause any  
17 unexpended and unappropriated balance to be invested so as to yield competitive  
18 market rates to the treasury.

19 \* Sec. 2. Article IX, sec. 16, Constitution of the State of Alaska, is amended by adding  
20 new subsections to read:

21 (b) An appropriation that exceeds the limit established under (a) of this section  
22 by no more than two percent may be made for any public purpose upon affirmative  
23 vote of two-thirds of the members of each house of the legislature.

24 (c) If appropriations for a fiscal year exceed the amount that may be  
25 appropriated under (a) or (b) of this section, the governor shall reduce expenditures by  
26 the executive branch for its operation and administration to the extent necessary to  
27 avoid spending more than the amount that may be appropriated under (a) or (b) of this  
28 section. The operating expenditures of each of the principal departments established  
29 by law under Section 22 of Article III shall be reduced by an equal percentage. This  
30 subsection does not apply to expenditures that are approved by a resolution concurred  
31 in by at least two-thirds of the members of each house.

1 \* Sec. 3. Article XV, Constitution of the State of Alaska, is amended by adding a new  
2 section to read:

3           **Section 30. Reconsideration of Appropriation and Spending Limit.** If the  
4 2000 amendment relating to an appropriation and spending limit (art. IX, sec. 16) is  
5 adopted, the lieutenant governor shall place the ballot title and proposition for the  
6 amendment on the ballot again at the general election in 2010. If the majority of those  
7 voting on the proposition in 2010 rejects the amendment, it shall be repealed and  
8 Section 16 of Article IX shall read exactly as it did when it was first adopted in 1982.

9 \* Sec. 4. The amendments proposed by this resolution shall be placed before the voters of  
10 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the  
11 State of Alaska, and the election laws of the state.



# SENATOR DAVE DONLEY

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## ALASKA STATE LEGISLATURE

### Sponsor Statement for Senate Joint Resolution 28

Senate Joint Resolution 28 would amend Article IX, sec 16 of Alaska's Constitution by lowering the existing appropriation limit to better reflect Alaska's current revenue picture. Passage of SJR 28 would ensure a limit on the growth of state government and force the state to further reasonably reduce non-essential state spending.

The existing constitutional appropriation limit, adopted by voters in 1981, has not worked as anticipated and has never been effective in restraining state spending. A main reason for its failure is that the starting amount of \$2.5 billion was too high and its escalator factor based on population and inflation was too liberal. In fact, given the increases in inflation and population over the last 19 years, the general fund spending limit imposed by Article IX, Section 16 will be over **\$6 billion**. **That is about \$3 billion more than general fund spending in the Fiscal Year 2000.** SJR 28 would more accurately reflect today's spending by lowering the existing appropriation limit.

Additionally, SJR 28 would allow the legislature to exceed the limit by no more than ten percent of the base limit with a two-thirds vote of each house.

SJR 28 also removes the requirement that one-third of the budget be appropriated for capital expenditures. Over the years, several attorney general opinions have been written on the meaning of the constitutional limit; those opinions counter the plain English meaning of the language and have allowed the legislature and the administration to avoid this requirement. SJR 28 removes this arbitrary and superfluous requirement.

SJR 28 also simplifies and clarifies exactly what spending counts towards the appropriation limit, something that is not clear in the existing constitutional language.

Without a meaningful constitutional amendment in place that limits the amount of state general fund expenditures, there is absolutely no guarantee that the state will reduce spending. SJR 28 would limit state spending and is a needed step in addressing and solving our state's fiscal gap problem.

DD/jja

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Vice-Chair, Senate Finance Committee • Chair, Capital Budget Subcommittee • Co-Chair, Anchorage Caucus  
Member: Senate Judiciary Committee • Senate Labor & Commerce Committee • Legislative Council

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June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 269-0234 • FAX: (907) 269-0238

**SJR**

**29**

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

NO. \_\_\_\_\_  
BILL VERSION: SJR 29  
PUBLISH DATE: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: "Proposing amendments to the  
Constitution of the State of Alaska relating to terms..."  
Sponsor: Senator Parnell  
Requestor: Senator Parnell

Department Affected: Legislative Affairs Agency  
BRU: Legislative Council  
Legislative Operating Budget  
Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06
PERSONAL SERVICES	-769.5	-769.5	-769.5	-769.5	-769.5	-769.5
TRAVEL	-382.5	-382.5	-382.5	-382.5	-382.5	-382.5
CONTRACTUAL	-36.0	-36.0	-36.0	-36.0	-36.0	-36.0
SUPPLIES	-27.0	-27.0	-27.0	-27.0	-27.0	-27.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-1,215.0</b>	<b>-1,215.0</b>	<b>-1,215.0</b>	<b>-1,215.0</b>	<b>-1,215.0</b>	<b>-1,215.0</b>

CAPITAL	0	0	0	0	0.0	0
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REVENUE FUND SOURCE	0	0	0	0	0.0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-1,215.00	-1,215.00	-1,215.00	-1,215.00	-1,215.00	-1,215.00
FEDERAL FUNDS						
OTHER FUND SOURCE						
<b>TOTAL</b>	<b>-1,215.00</b>	<b>-1,215.00</b>	<b>-1,215.00</b>	<b>-1,215.00</b>	<b>-1,215.00</b>	<b>-1,215.00</b>

POSITIONS:

FULL-TIME	0	0	0	0	0.0	0
PART-TIME	0	0	0	0	0.0	0
TEMPORARY	0	0	0	0	0.0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary)

SJR 29 would amend the Constitution of the State of Alaska by limiting the regular session to 75 days. The Legislature would realize a cost savings of approximately \$27.0 per day for each day of a shorter session. 120 days minus 75 days equals 45 days. 45 x 27.0 equals a cost savings of \$1,215.0.

Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852  
Division: Administrative Services Date: 1/19/00

Approved By: Pamela A. Varni, Executive Director *Pamela Varni*  
Agency: Legislative Affairs Agency Date: 1/14/00

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

The Legislature traditionally charges expenses occurring during session to session expense accounts and expenses occurring during the interim to interim expense accounts. For example: Most legislative staff payroll costs are charged to operating expense accounts during the interim. Staff salaries for most legislative staffers are charged to session during the session. The legislative payroll is higher during a legislative session. If the regular session were shortened to 75 days, the session payroll would decrease and the interim payroll would increase. There would be a decrease in the total amount of the payroll due to the higher cost of personal services during a session. The majority of the personal services costs would be a transfer of cost between allocations.

The costs below are for items not needed if the legislature shortened the number of days of a session.

	Per Day	times 45 days	Total
<b>Personal Services</b>	17.1	45	769.5
<b>Travel</b>			
Session per diem	9.5		
less increase \$65 interim	<u>-1.0</u>		
per diem	8.5	45	382.5
<b>Contractual</b>	0.8	45	36.0
Telephones, chaplin fees, copier Maintenance			
<b>Supplies</b>	0.6	45	27.0
Lounge supplies			
Printshop paper supplies			
	<hr/>		<hr/>
	27.0		1,215.0

Current number of session days	120
Proposed number of session days	<u>75</u>
Difference	45

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. SJR29

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Office of the Governor  
 Title Constitutional Amendment: Relating to terms BRU Elective Operations  
of legislators and length of regular sessions Component Elections  
 Sponsor Senator Parnell  
 Requester Senate Judiciary Committee Component No. 21

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>1.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>1.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. However, only six measures can be printed on an 8-1/2 by 14 inch ballot. If this measure requires printing an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by: Gail Fenumia *Gail Fenumia* Phone 465-3935  
 Division Division of Elections Date/Time 1/13/00 12:48 PM  
 Approved by: Lt. Governor Fran Ulmer *Fran Ulmer* Date 01/13/2000  
 Agency Office of the Lieutenant Governor

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For further distribution information, call the Governor's Legislative Office

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 1/10/00

FURTHER: Finance

Date of 5-Day Notice: 1/13/00  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Judiciary Committee considered

SENATE JOINT RESOLUTION NO. 29

Proposing amendments to the Constitution of the State of Alaska relating to terms of legislators and to the time of convening and length of regular sessions of the legislature.

and recommends:

- be replaced with \_\_\_\_\_ CS SJR 29 (Jud)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**  
 same title  
 new title  
**House Bill:**  
 same title  
 technical title  
 new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
LAA	1/19		1215.
GOV - ELECTIONS	1/13		1.5

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

Amendment 1  
SJR 29  
Sen. Parnell  
1/21/00

adopted

Page 1, Line 16 is amended to read:

... HUNDRED TWENTY] consecutive calendar days [FROM THE DATE IT CONVENES] except ...

# Alaska State Legislature

## SENATE DISTRICT 1

Bayshore	Abbott Loop
Campbell	Bear Valley
Diamond	Bird Creek/Indian
Independence Park	Girdwood
Klatt	Glen Alps
Old Seward	Hillside
Southport	Huffman/O'Malley
Taku	Portage
	Rabbit Creek

716 W. FOURTH AVE., SUITE 530  
ANCHORAGE, AK 99501-2133  
(907) 269-0250 Fax: (907) 269-0249

While in Session:  
STATE CAPITOL  
JUNEAU, AK 99801-1182  
(907) 465-2995 (800) 365-2995

## SENATOR SEAN PARNELL

Senate Finance Committee Co-Chair

### Bill Packet Senate Joint Resolution 29

- 1) Sponsor statement
- 2) Current version of SJR 29
- 3) Fiscal notes
  - a) Office of Governor/Elections
  - b) Legislative Affairs Agency
- 4) "Alaska's Constitution: A Citizen's Guide"
  - a) Section 8, Regular Sessions
  - b) Section 11, Interim Committees
- 5) Alaska State Legislature Session lengths, Leg. Research report, 6/17/1997
- 6) "Legislative Sessions," NCSL report
- 7) Information on 50 states' legislative session, NCSL "Book of States"
  - a) Session convening schedules
  - b) Length of session
- 8) Editorials supporting shorter sessions
  - a) "Where to Cut?" The Anchorage Times, 10/15/1999
  - b) "Shorter session, better government," Juneau Empire, 1/26/1997

# Alaska State Legislature

## SENATE DISTRICT I

Bayshore	Abbott Loop
Campbell	Bear Valley
Dimond	Bird Creek/Indian
Independence Park	Girdwood
Klatt	Glen Alps
Old Seward	Hillside
Southport	Huffman/O'Malley
Taku	Portage
	Rabbit Creek

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## SENATOR SEAN PARNELL

Senate Finance Committee Co-Chair

### Sponsor Statement Senate Joint Resolution 29

Senate Joint Resolution 29 would place a constitutional amendment on the 2000 general election ballot to limit the Alaska State Legislature to regular annual sessions of no more than 75 days, which would begin on the fourth Monday in February.

The Alaska Constitution originally imposed no session limits, and while pre-oil sessions averaged about 70 days, by the 1980s sessions stretched from January into June or even July. In 1984, Alaska voters amended the Constitution to impose a 120-day limit, and legislators found they could transact the people's business in the time allowed. It is likely that legislators could likewise adapt to a 75-day session that would save money, foster a citizen legislature and focus attention on legislative priorities.

- **SAVE MONEY:** Shortening sessions would help lower the cost of state government. Fiscal notes show savings of \$1.21 million, including legislative per diem, session staff, contractual services, and operations and maintenance.
- **FOSTER CITIZEN LEGISLATURE:** Many Alaskans choose not to seek legislative office because it can mean putting their families and careers on hold – or moving them along to Juneau – for at least 120 days each year. Reducing session by 45 days would lessen that impediment significantly, making legislative service more attractive to more Alaskans.
- **FOCUS ATTENTION:** A shorter session would focus the Legislature's attention on its primary constitutional duty – to pass a budget – and bring its work schedule more in light with the spring revenue forecast. And with more time in their home districts to hear constituents' concerns face-to-face, legislators would be better prepared to use the remainder of the session on the issues of greatest concern to their constituents.

Some would argue that shortening the session would simply shift workload and expenses to the interim, but this is not likely given historical trends. Legislative Council and other standing committees already meet during interim, but at a fraction of the cost of full sessions. Unless the Legislature increased interim staff budgets or committee powers, interim expenses would continue to be much lower than regular session costs.

Alaskans in 1984 saw the benefit of reducing legislative sessions from no limit to 120 days. Alaskans in 2000 deserve the chance to continue this process. Passing SJR 29 will give voters their say on a measure that would save the state money, speed action on legislative priorities and allow more Alaskans to serve their state.

I urge you to pass SJR 29 on to a vote of the people.

**Section 8. Regular Sessions**

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

The first sentence of this section provides for annual sessions of the legislature. The majority of states have annual sessions, and in those where the constitution provides for biennial sessions (a session every two years), a special session during the "off" year is common. The ability to meet annually, in order to keep abreast of current developments and administrative activity, is generally considered necessary for a legislature to be an effective policy-making body and to avoid being dominated by the executive branch.

The legislature has changed the beginning of the regular session to the second Monday in January at 10:00 a.m., except following a gubernatorial election year, when it is the third Monday in January at 10:00 a.m. (AS 24.25.090). The later date following a gubernatorial election gives a new governor an extra week to prepare for the opening of the session.

The second sentence establishes a limit of 120 days after convening for each regular session (with one ten-day extension if agreed to by two-thirds of each house). This limit was imposed by a constitutional amendment ratified by the voters in 1984. Until that time, the constitution did not limit the length of sessions. The framers of the constitution adopted the progressive view that the legislature should not be rushed in its deliberations, as the business of modern state government is too complex to be transacted in hurried,

## Article II

in frequent sessions. (About two-thirds of state constitutions impose some limit on the length of sessions.) Delegates feared that constraints on the length (and frequency) of sessions might result in ill-conceived or imprudent measures as well as a legislative disadvantage *vis-a-vis* the executive.

Over the years, sessions lasted progressively longer. Initially, they ran about 70 days; by the early 1980s, sessions over twice that length were common. Alaskans both inside and outside the legislature grew increasingly skeptical that all of this time was spent wisely and productively. In 1978, the legislature (stopping short of adopting an amendment) asked Alaskans to cast an advisory vote on limiting the length of regular sessions to 120 days. The proposition asked voters whether a constitutional amendment to that effect should be placed before them in the 1980 election. The voters responded strongly in the affirmative. Three years later the legislature acted to put an amendment before the electorate in the 1984 general election that would limit the session to 120 days. It was ratified by a large majority (150,999 to 46,099).

In May 1986, at the end of the 120th day of the second regular session of the fourteenth legislature, legislative leaders stopped the clock in order to complete business before the adjournment deadline. A suit was filed challenging the legality of the 29 laws passed after midnight. The Alaska Supreme Court rejected the challenge, holding that the day the legislature convenes should not be counted against the 120-day limit, so the legislature has, in effect, a total of 121 days in which to transact business (*Alaska Christian Bible Institute v. State*, 772 P.2d 1079, 1989).

The call for deadlines for scheduling session work, found in the last sentence of this section, is an effort to mitigate the perennial problem of the "logjam" of legislation at the end of the session (most of the bills that pass the legislature are enacted in the closing days of the session, often in long, wearisome meetings which are not conducive to the studious deliberation of each item).

At the end of the second regular session of the seventeenth legislature (1991 - 1992), both houses adjourned before work was completed on several appropriation bills. In this case it was too late to extend the regular session according to the provision in this section, so the legislature called a special session to finish its business.

**Section 11. Interim Committees**

**There shall be a legislative council, and the legislature may establish other interim committees. The council and other interim committees may meet between legislative sessions. They may perform duties and employ personnel as provided by the legislature. Their members may receive an allowance for expenses while performing their duties.**

This section authorizes the legislature to carry on business with the help of staff between sessions. These powers were considered essential for the legislature to become an efficient and effective body, fully the equipoise of a strong governor. At the time of the constitutional convention, the concept of the legislative council was becoming popular nationwide as a means of strengthening the legislative branch by giving it organizational continuity between sessions, leadership in the area of policy making, and professional research and bill-drafting services. The Alaska territorial legislature had created a legislative council in 1953, and the delegates considered it such a successful innovation that they did not want to leave to chance its continuation under statehood. (The general import of the council at that time is revealed in the fact that the *Model State Constitution* devoted four separate sections to it in the otherwise terse legislative article.)

Today the Alaska legislative council oversees the work of the Legislative Affairs Agency, which performs day-to-day administrative functions for the legislature such as accounting, property management, data processing, public information, teleconferencing, printing, bill drafting and maintaining a reference library. The council does not play a role in policy development as it did in the early years. It is composed of fourteen legislators, seven from each house, including the president of the senate and the speaker of the house. The council is now one of four permanent interim committees of the legislature. The others

## Article II

are the legislative budget and audit committee (which oversees the legislative auditor and the legislative finance division), the administrative regulation review committee, and the ethics committee.

The second sentence of this section allows interim committees to meet between sessions. Does this suggest that special committees and the regular standing committees (finance, state affairs, judiciary, and others) must confine their activity to the session? The legislature has not read this section to restrict the activities of standing or special committees, which routinely work between sessions.

A major political controversy over budgetary matters developed during the 1970s between the legislative and executive branches, the solution to which was sought in amendments to this section. The controversy concerned the ability of the legislative budget and audit committee to jointly review and approve with the governor budget revisions when the legislature was not in session. This had been a common practice in Alaska and elsewhere until questions about its constitutionality were raised around the country. State courts elsewhere ruled that it violated the separation of powers doctrine and constituted an improper delegation of legislative power. In 1977, the Alaska legislature amended the executive budget act to authorize the legislative budget and audit committee to review and authorize budget revisions jointly with the governor between sessions (ch 74 SLA 1977). The governor vetoed the bill as being "clearly unconstitutional." The legislature overrode the veto and shortly thereafter took the administration to court over the matter (*Kelly v. Hammond*, Civil Action No 77-4, Juneau Superior Court). The lower court sided with the governor, who then prevailed on the legislature to put the matter before the voters as a constitutional amendment, and the suit was dismissed.

Voters defeated the proposed amendment at the general election in 1978. A second attempt was made in 1980, when the voters rejected essentially the same amendment by an even wider margin. Consequently, the entire legislature must act on all appropriations and any subsequent modifications of them.

96,000069

# Legislative Research Services

Alaska State Legislature  
Legislative Affairs Agency  
Division of Legal & Research Services



130 Seward Street, Suite 218  
Juneau, Alaska 99801-2196  
Phone: (907) 465-3991  
Fax: (907) 463-3351

June 17, 1996

## MEMORANDUM

TO:

FROM: Gina Spartz *Gina*  
Legislative Analyst

RE: Alaska State Legislature: Session Length and Days With Floor Sessions, 1981-1996  
Research Request 96.069

You asked how many days of floor sessions occurred during the Twelfth through the Nineteenth Alaska legislatures. The attached table lists these totals by legislative session.

As the table illustrates, over the last 15 years the Legislature held floor sessions between half and three-quarters of the days during which the Legislature was convened. The Senate typically has spent more days per session on the floor, with an average of roughly 68%, than has the House with an average of 60%. As you know, the length of the session includes weekends. Historically, both houses generally have not met over weekends during the early part of the session but have met almost everyday toward the end of the session. The table also shows the number of times the legislature went into special session. This seems to occur regardless of the percentage of days spent in floor sessions.

The Legislature is not required to meet on the floor each day of session. In addition to floor sessions, legislators spend legislative days attending caucus and committee meetings and taking care of other business. These activities occur whether or not floor sessions are scheduled.

We obtained information for the Twelfth through the Fourteenth legislatures by searching Senate and House daily journals. For the Fifteenth through the Nineteenth legislatures, we used Legislative Affairs Agency's Folioviews database and spot-checked this with manual searches of the printed daily journals. The session lengths were found in the "Summary of Alaska Legislation," printed by Legislative Affairs Agency. Copies of the relevant pages are attached.

I hope this information is useful to you. If you have any further questions please don't hesitate to call this office.

Attachment

**ALASKA STATE LEGISLATURE**  
**SESSION LENGTH AND PERCENTAGE OF DAYS WITH FLOOR SESSIONS, 1981-1996**

LEGISLATURE	YEAR	SPEAKER	HOUSE			PRESIDENT	SENATE		
			SESSION LENGTH(1)	NOT IN SESSION(2)	PERCENTAGE OF DAYS IN SESSION		SESSION LENGTH(1)	NOT IN SESSION(2)	PERCENTAGE OF DAYS IN SESSION
Twelfth	1981(4) 1982	J. Duncan	165	45	68%	J. Kerttula	164	46	73%
		J. Duncan	143	54		J. Kerttula	144	38	
Thirteenth	1983 1984	J. Hayes	161	62	64%	J. Kerttula	162	45	71%
		J. Hayes	152	53		J. Kerttula	152	46	
Fourteenth (First legislature under 120-day session limit)	1985(4) 1986	B. Grussendorf	119	50	57%	D. Bennett	119	33	73%
		B. Grussendorf	120	52		D. Bennett	120	33	
Fifteenth	1987(4) 1988	B. Grussendorf	122	54	58%	J. Faiks	121	33	72%
		B. Grussendorf	121	49		J. Faiks	121	36	
Sixteenth	1989 1990(4)	S. Cotten	121	50	61%	T. Kelly	121	32	74%
		S. Cotten	122(3)	46		T. Kelly	121	33	
Seventeenth	1991 1992(4)	B. Grussendorf	122(3)	54	57%	R. Eliason	121	55	55%
		B. Grussendorf	122(3)	53		R. Eliason	121	56	
Eighteenth	1993 1994(4)	R. Barnes	121	54	57%	R. Halford	121	44	60%
		R. Barnes	121	51		R. Halford	121	54	
Nineteenth	1995 1996(4)	G. Phillips	121	47	58%	D. Pearce	121	41	62%
		G. Phillips	121	54		D. Pearce	121	52	

**Notes**

- (1) Session lengths as published in "Summary of Alaska Legislation," Legislative Affairs Agency, Alaska State Legislature
- (2) Information obtained from Alaska State Legislature's printed House and Senate Journals, and Legislative Affairs Agency Followups Database.
- (3) House adjourned after midnight on the 121st day
- (4) Legislature went into special session.

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



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State of Alaska

96.000069

# Legislative Research Services

Alaska State Legislature  
Legislative Affairs Agency  
Division of Legal & Research Services



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Juneau, Alaska 99801-2196  
Phone: (907) 465-3991  
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June 17, 1996

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**ALASKA STATE LEGISLATURE  
SESSION LENGTH AND PERCENTAGE OF DAYS WITH FLOOR SESSIONS, 1981-1996**

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Thirteenth	1983	J. Hayes	161	62	64%	J. Kerttula	162	45	71%
	1984	J. Hayes	152	53		J. Kerttula	152	46	
Fourteenth (First legislature under 120-day session limit)	1985(4)	B. Grussendorf	119	50	57%	D. Bennett	119	33	73%
	1986	B. Grussendorf	120	52		D. Bennett	120	33	
Fifteenth	1987(4)	B. Grussendorf	122	54	58%	J. Faiks	121	33	72%
	1988	B. Grussendorf	121	49		J. Faiks	121	36	
Sixteenth	1989	S. Cotten	121	50	61%	T. Kelly	121	32	74%
	1990(4)	S. Cotten	122(3)	46		T. Kelly	121	33	
Seventeenth	1991	B. Grussendorf	122(3)	54	57%	R. Eliason	121	55	55%
	1992(4)	B. Grussendorf	122(3)	53		R. Eliason	121	56	
Eighteenth	1993	R. Barnes	121	54	57%	R. Halford	121	44	60%
	1994(4)	R. Barnes	121	51		R. Halford	121	54	
Nineteenth	1995	G. Phillips	121	47	58%	D. Pearce	121	41	62%
	1996(4)	G. Phillips	121	54		D. Pearce	121	52	

**Notes**

- (1) Session lengths as published in "Summary of Alaska Legislation," Legislative Affairs Agency, Alaska State Legislature
- (2) Information obtained from Alaska State Legislature's printed House and Senate Journals, and Legislative Affairs Agency Followups Database.
- (3) House adjourned after midnight on the 121st day.
- (4) Legislature went into special session.



## NATIONAL CONFERENCE of STATE LEGISLATURES

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### LEGISLATIVE SESSIONS

#### *Annual v. Biennial.*

In the early 1960s, only 19 state legislatures met annually. The remaining 31 held biennial regular sessions. All but three (Kentucky, Mississippi and Virginia) held their biennial session in the odd-numbered year. Ten of the 19 states with annual sessions limited the "off-year" to consideration of budgetary and fiscal matters.

By the mid-1970s, the number of states meeting annually grew tremendously--up from 19 to 41. However, several of these states used a "flexible" session format in which the total days of session time was divided between two years; these states included Minnesota, North Carolina, Tennessee and Vermont.

Today, 43 state legislatures meet annually. The remaining seven states--Arkansas, Kentucky, Montana, Nevada, North Dakota, Oregon and Texas--hold session every other year. Six of the biennial legislatures hold their regular sessions in the odd year; the seventh--Kentucky--holds its regular session in the even year. Six states have limited scope sessions--that is, where one year of the biennium is limited to consideration of specific types of legislation. The states with limited scope sessions are Connecticut, Louisiana, Maine, New Mexico, North Carolina and Wyoming.

Washington and New Hampshire were the last states to switch from biennial to annual sessions, doing so in 1981 and 1985, respectively. A November 1998 constitutional amendment to move Kentucky to annual sessions was defeated.

#### *Session Length.*

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

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

Currently, only 11 states do not place a limit on the length of regular session. The remaining 39 set limits through a variety of ways. Constitutional provisions establish the limits in 29 states. Indirect limits on legislator compensation, per diem or mileage reimbursement are in effect in 4 states. Statutory provisions set the restrictions in 3, and another 3 use chamber rules.

The recent trend is to shorten session lengths. For example, Colorado's session was cut to 120 days in 1988. In 1992, Louisiana changed its constitution to shorten and limit the scope of its even-year session. The most recent limit was imposed in Nevada; the November 1998 constitutional amendment restricts session to 120 days.

Session Length Limits

State	1962-63	1972-73	1982-83	Dec 1998
Alabama	36 L	36 L	30 L in 105 C	30 L in 105 C
Alaska	None	None	None	120 C
Arizona	63 C (indirect)	None	Sat of week in which 100 <sup>th</sup> C falls (chamber rule)	Sat of week in which 100 <sup>th</sup> C falls (chamber rule)
Arkansas	60 C	60 C	60 C	60 C
California	Odd-120 C Even-30 C	None	None	Odd-Sept 12 Even-Aug 31
Colorado	160 C within biennium (indirect)	None	Odd-None Even-140 C	120 C
Connecticut	Wed after 1 <sup>st</sup> Mon in June	Odd-Wed after 1 <sup>st</sup> Mon in June Even-Wed after 1 <sup>st</sup> Mon in May	Odd-Wed after 1 <sup>st</sup> Mon in June Even-Wed after 1 <sup>st</sup> Mon in May	Odd-Wed after 1 <sup>st</sup> Mon in June Even- Wed after 1 <sup>st</sup> Mon in May
Delaware	Odd-90 L Even-30 L	June 30	June 30	June 30
Florida	60 C	60 C	60 C	60 C
Georgia	Odd-45 C Even-40 C	Odd-45 L Even-40 L	40 L	40 L
Hawaii	Odd-60 C Even-30 C	60 L	60 L	60 L
Idaho	60 C (indirect)	60 C (indirect)	None	None
Illinois	None (by custom- July 1)	None	None	None
Indiana	61 C	Odd-61 L or April 30 Even-30 L or March 15	Odd-61 L or April 30 Even-30 L or March 15	Odd-Apr 29 Even-Mar 14 (by statute)
Iowa	None	None	(indirect)	Odd-110 C Even-100 C (indirect)
Kansas	Odd-90 L Even-30 C (indirect)	Odd-90 C Even-60 C (indirect)	Odd-None Even-90 C	Odd-None Even-90 C
Kentucky	60 L	60 L	60 L	60 L or Apr 15
Louisiana	Odd-30 C Even-60 C	Odd-30 C Even 60 C	60 L in 85 C	Odd-60 L in 85 C Even-30 L in 45 C
Maine	None	None	Odd-100 L Even-50 L	Odd-3 <sup>rd</sup> Wed in June Even-3 <sup>rd</sup> Wed in Apr (by statute)
Maryland	Odd-90 C Even-30 C	90 C	90 C	90 C
Massachusetts	None	None	None	Formal sessions: Odd-3 <sup>rd</sup> Wed in November Even-July 31  Informal sessions: None (by chamber rule)
Michigan	None	None	None	None

State	1962-63	1972-73	1982-83	1998
Minnesota	120 L	120 L	120 L total within biennium or 1 <sup>st</sup> Mon after 3 <sup>rd</sup> Sat in May each year	120 L total within biennium or 1 <sup>st</sup> Mon after 3 <sup>rd</sup> Sat in May each year
Mississippi	None	90 C except year after gub elect, then 125 C	90 C except year after gub elect, then 125 C	90 C except year after gub elect, then 125 C
Missouri	July 15	Odd-June 30 Even-May 15	Odd-June 30 Even-May 15	May 30
Montana	60 C	60 L	90 L	90 L
Nebraska	None	Odd-90 L Even-60 L	Odd-90 L Even-60 L	Odd-90 L Even-60 L
Nevada	60 C (indirect)	60 C (indirect)	60 C (indirect)	120 C
New Hampshire	July 1 (indirect)	90 days or July 1 (indirect)	90 L or July 1 (indirect)	45 L or July 1 (indirect)
New Jersey	None	None	None	None
New Mexico	60 C	Odd-60 C Even-30 C	Odd-60 C Even 30 C	Odd-60 C Even-30 C
New York	None	None	None	None
North Carolina	120 C (indirect)	120 C (indirect)	None	None
North Dakota	60 L	60 L	80 L	80 L
Ohio	None	None	None	None
Oklahoma	None	90 L	90 L	Last Fri in May
Oregon	None	None	None	None
Pennsylvania	None	None	None	None
Rhode Island	60 L (indirect)	60 L (indirect)	60 L (indirect)	60 L (indirect)
South Carolina	None	None	1 <sup>st</sup> Thurs in June (by statute)	1 <sup>st</sup> Thurs in June (by statute)
South Dakota	Odd-45 L Even-30 L	Odd-45 L Even-30 L	Odd-40 L Even-35 L	Odd-40 L Even-35 L
Tennessee	75 C (indirect)	75 C (indirect)	90 L (indirect)	90 L (indirect)
Texas	140 C	140 C	140 C	140 C
Utah	60 C	Odd-60 C Even-20 C	Odd-60 C Even-20 C	45 C
Vermont	None	None	(indirect)	None
Virginia	60 C (indirect)	Odd-30 C Even-60 C	Odd-30 C Even-60 C	Odd-30 C Even-60 C
Washington	60 C	60 C	Odd-105 C Even-60 C	Odd-105 C Even-60 C
West Virginia	Odd-60 C Even 30 C	60 C	60 C	60 C
Wisconsin	None	None	None	None
Wyoming	40 C	Odd-40 L Even 20 L	Odd-40 L Even-20 L	Odd-40 L Even-20 L

**Key:**

C = calendar day  
L = legislative day

Solid highlight = biennial

Striped highlight = "FLEXIBLE" SESSION FORMAT

**Table 3.2**  
**LEGISLATIVE SESSIONS: LEGAL PROVISIONS**

State or other jurisdiction	Regular sessions				Limitation on length of session (a)	Special sessions		
	Year	Legislature convenes		Legislature may call		Legislature may determine subject	Limitation on length of session	
		Month	Day					
Alabama	Annual	Jan. Apr. Feb.	2nd Tues. (b) 3rd Tues. (c, d) 1st Tues. (e)	30 L in 105 C	No	Yes (f)	12 L in 30	
Alaska	Annual	Jan. Jan.	2nd Mon. 3rd Mon. (g)	120 C (h)	By 2/3 vote of members	Yes (i)	30 C	
Arizona	Annual	Jan.	2nd Mon.	(j)	By petition, 2/3 members, each house	Yes (l)	None	
Arkansas	Biennial-odd year	Jan.	2nd Mon.	60 C (h)	No	Yes (f, k)	(k)	
California	(l)	Jan.	1st Mon. (d)	None	No	No	None	
Colorado	Annual	Jan.	2nd Wed.	120 C	By request, 2/3 members, each house	Yes (i)	None	
Connecticut	Annual (m)	Jan. Feb.	Wed. after 1st Mon. (r) Wed. after 1st Mon. (o)	(p)	Yes (q)	(q)	None (r)	
Delaware	Annual	Jan.	2nd Tues.	June 30	Joint call, presiding officers, both houses	Yes	None	
Florida	Annual	Mar.	Tues. after 1st Mon. (d)	60 C (h)	Joint call, presiding officers, both houses	Yes (f)	20 C (h)	
Georgia	Annual	Jan.	2nd Mon.	40 L	By petition, 3/5 members, each house	Yes (i)	(s)	
Hawaii	Annual	Jan.	3rd Wed.	60 L (b)	By petition, 2/3 members, each house	Yes	30 L (h)	
Idaho	Annual	Jan.	Mon. on or nearest 9th day	None	No	No	20 C	
Illinois	Annual	Jan.	2nd Wed.	None	Joint call, presiding officers, both houses	Yes (i)	None	
Indiana	Annual	Jan.	2nd Mon. (d, t)	odd-61 L or Apr. 30; even-30 L or Mar. 15	No	No	30 L or 40	
Iowa	Annual	Jan.	2nd Mon.	(u)	No	No	None	
Kansas	Annual	Jan.	2nd Mon.	odd-None; even-90 C (h)	Petition to governor of 2/3 members, each house	Yes	None	
Kentucky	Biennial-even year	Jan.	Tues after 1st Mon. (d)	60 L (v)	No	No	None	
Louisiana	Annual	Mar. Apr.	1st Mon. (d, n) last Mon. (m, o)	odd-60 L in 85 C; even-30 L in 45 C	By petition, majority, each house	Yes (i)	30 C	
Maine	(ln)	Dec. Jan.	1st Wed. (b) Wed. after 1st Tues. (o)	3rd Wed. of June (h) 3rd Wed. of April (h)	Joint call, presiding officers, with consent of majority of members of each political party, each house	Yes (i)	None	
Maryland	Annual	Jan.	2nd Wed.	90 C (g)	By petition, majority, each house	Yes	30 C	
Massachusetts	Annual	Jan.	1st Wed.	(w)	By petition (x)	Yes	None	
Michigan	Annual	Jan.	2nd Wed. (d)	None	No	No	None	
Minnesota	(y)	Jan.	Tues. after 1st Mon. (n)	120 L or 1st Mon. after 3rd Sat. in May (y)	No	Yes	None	
Mississippi	Annual	Jan.	Tues. after 1st Mon.	125 C (h, z); 90C (h, z)	No	No	None	
Missouri	Annual	Jan.	Wed. after 1st Mon.	May 30	By petition, 3/4 members, each house	Yes	30 C (aa)	
Montana	Biennial-odd year	Jan.	1st Mon.	90 L	By petition, majority, each house	Yes	None	
Nebraska	Annual	Jan.	Wed. after 1st Mon.	odd-90 L (h); even-60 L (h)	By petition, 2/3 members	Yes	None	
Nevada	Biennial-odd year	Jan.	3rd Mon.	60 C (u)	No	No	20 C (u)	
New Hampshire	Annual	Jan.	Wed. after 1st Tues. (d)	45 L	By 2/3 vote of members, each house	Yes	15 L (u)	
New Jersey	Annual	Jan.	2nd Tues.	None	By petition, majority, each house	Yes	None	
New Mexico	Annual (m)	Jan.	3rd Tues.	odd-60 C; even-30 C	By petition, 3/5 members, each house	Yes (i)	30 C	
New York	Annual	Jan.	Wed. after 1st Mon.	None	By petition, 2/3 members, each house	Yes (i)	None	
North Carolina	(y)	Jan.	3rd Wed. after 2nd Mon. (n)	None	By petition, 3/5 members, each house	Yes	None	
North Dakota	Biennial-odd year	Jan.	Tues. after Jan. 3, but not later than Jan. 11 (d)	80 L (bb)	No	Yes	None	
Ohio	Annual	Jan.	1st Mon.	None	Joint call, presiding officers, both houses	Yes	None	
Oklahoma	Annual	Feb.	1st Mon. (cc)	160 C	By vote, 2/3 members, each house	Yes (i)	None	
Oregon	Biennial-odd year	Jan.	2nd Mon. after 1st Tues.	None	By petition, majority, each house	Yes	None	
Pennsylvania	Annual	Jan.	1st Tues.	None	By petition, majority each house	No	None	
Rhode Island	Annual	Jan.	1st Tues.	60 L (u)	No	No	None	
South Carolina	Annual	Jan.	2nd Tues. (d)	1st Thurs. in June (h)	No	Yes	None	
South Dakota	Annual	Jan.	2nd Tues.	odd-40 L; even-35 L	No	No	None	
Tennessee	Annual	Jan.	(dd)	90 L (v)	By petition, 2/3 members, each house	Yes	30 L (u)	
Texas	Biennial-odd year	Jan.	2nd Tues.	140 C	No	No	30 C	
Utah	Annual	Jan.	3rd. Mon.	45 C	No	No	30 C (cc)	
Vermont	(y)	Jan.	Wed. after 1st Mon. (n)	None	No	Yes	None	
Virginia	Annual	Jan.	2nd Wed.	odd-30 C (h); even-60 C (h)	By petition, 2/3 members, each house	Yes	None	
Washington	Annual	Jan.	2nd Mon.	odd-105 C; even-60 C	By vote, 2/3 members, each house	Yes	30 C	
West Virginia	Annual	Feb. Jan.	2nd Wed. (c, d) 2nd Wed. (e)	60 C (h)	By petition, 3/5 members, each house	Yes (ff)	None	
Wisconsin	Annual (gg)	Jan.	1st Mon. (n)	None	No	No	None	

See footnotes at end of table.

**LEGISLATIVE SESSIONS: LEGAL PROVISIONS — Continued**

State or other jurisdiction	Regular sessions				Limitation on length of session (a)	Special sessions		
	Year	Legislature convenes		Legislature may call		Legislature may determine subject	Limitation length of session	
		Month	Day					
Wyoming	Annual (m)	Jan.	2nd Tues. (n)	odd-40 L; even-20 L	No	Yes	None	
Dist. of Columbia	(hb)	Jan.	2nd day	None				
American Samoa	Annual	Jan.	2nd Mon.	45 L	No	No	None	
		July	2nd Mon.	45 L				
Guam	Annual	Jan.	2nd Mon. (ii)	None	No	No	None	
No. Mariana Islands	Annual	(jj)	(d, jj)	90 L (jj)	Upon request of presiding officers, both houses	Yes (i)	10 C	
Puerto Rico	Annual	Jan.	2nd Mon.	None	No	No	20 C	
U.S. Virgin Islands	Annual	Jan.	2nd Mon.	None	No	No	None	

Sources: State constitutions and statutes.

Note: Some legislatures will also reconvene after normal session to consider bills vetoed by governor. Connecticut—if governor vetoes any bill, secretary of state must reconvene General Assembly on second Monday after the last day on which governor is either authorized to transmit or has transmitted every bill with his objections, whichever occurs first; General Assembly must adjourn *sine die* not later than three days after its reconvening. Hawaii—legislature may reconvene on 45th day after adjournment *sine die*, in special session, without call. Louisiana—legislature meets in a maximum five-day veto session on the 40th day after final adjournment. Missouri—if governor returns any bill on or after the fifth day before the last day on which legislature may consider bills (in even-numbered years), legislature automatically reconvenes on first Wednesday following the second Monday in September for a maximum 10 C sessions. New Jersey—legislature meets in special session (without call or petition) to act on bills returned by governor on 45th day after *sine die* adjournment of the regular session; if the second year expires before the 45th day, the day preceding the end of the legislative year. Utah—if 2/3 of the members of each house favor reconvening to consider vetoed bills, a maximum five-day session is set by the presiding officers. Virginia—legislature reconvenes on sixth Wednesday after adjournment for a maximum three-day session (may be extended to seven days upon vote of majority of members elected to each house). Washington—upon petition of 2/3 of the members of each house, legislature meets 45 days after adjournment for a maximum five-day session.

Key:

C — Calendar day  
L — Legislative day (in some states called a session day or workday; definition may vary slightly, however, generally refers to any day on which either house of legislature is in session).

- (a) Applies to each year unless otherwise indicated.
- (b) General election year (quadrennial election year).
- (c) Year after quadrennial election.
- (d) Legal provision for organizational session prior to stated convening date. Alabama—in the year after quadrennial election, second Tuesday in January for 10 C. California—in the even-numbered general election year, first Monday in December for an organizational session, recess until the first Monday in January of the odd-numbered year. Florida—in general election year, 14th day after election. Indiana—third Tuesday after first Monday in November. Kentucky—in odd-numbered year, Tuesday after first Monday—in January for 10 L. Louisiana—in year after general election, second Monday in January, not to exceed 3 L. Michigan—held in odd-numbered year. New Hampshire—in even-numbered year, first Wednesday in December. North Dakota—in December. South Carolina—in even-numbered year, Tuesday after certification of election of its members for a maximum three-day session. West Virginia—in year after general election, on second Wednesday in January. No. Mariana Islands—in year after general election, second Monday in January.

- (e) Other years.
- (f) By 2/3 vote each house.
- (g) Following a gubernatorial election year.
- (h) Session may be extended by vote of members in both houses. Alaska—2/3 vote for 10-day extension. Arkansas—2/3 vote. Florida—3/5 vote. Hawaii—petition of 2/3 membership for maximum 15-day extension. Kansas—2/3 vote. Maine—2/3 vote for maximum 10 L. Maryland—3/5 vote for maximum 30 C. Missis. 2/3 vote for 30 C extension, no limit on number of extensions. Nebraska—4/5 vote. South Carolina—2/3 Virginia—2/3 vote for 30 C extension. West Virginia—2/3 vote (or if budget bill has not been acted upon days before session ends, governor issues proclamation extending session). Puerto Rico—joint resolution.
- (i) Only if legislature convenes itself. Special sessions called by the legislature are unlimited in Arizona, Georgia, Maine, and New Mexico.
- (j) No constitutional or statutory provision; however, legislative rules require that regular sessions at no later than Saturday of the week during which the 100th day of the session falls.
- (k) After governor's business has been disposed of, members may remain in session up to 15 C by a 2/3 of both houses.
- (l) Regular sessions begin after general election, in December of even-numbered year. In California, legislature meets in December for an organizational session, recesses until the first Monday in January of the numbered year and continues in session until Nov. 30 of next even-numbered year. In Maine, session begins in December of general election year runs into the following year (odd-numbered); second session begins in next even-numbered year.
- (m) Second session limited to consideration of specific types of legislation. Connecticut—individual legislators may only introduce bills of a fiscal nature, emergency legislation and bills raised by committees. Louisiana—fiscal matters. Maine—budgetary matters; legislation in the governor's call; emergency legislation; legislation referred to committees for study. New Mexico—budgets, appropriations and revenue bills; bills pursuant to governor's message; vetoed bills. Wyoming—budget bills.
- (n) Odd-numbered years.
- (o) Even-numbered years.
- (p) Odd-numbered years—not later than Wednesday after first Monday in June; even-numbered—year later than Wednesday after first Monday in May.
- (q) Constitution provides for regular session convening dates and allows that sessions may also be held "such other times as the General Assembly shall judge necessary." Call by majority of legislators is implied upon completion of business.
- (r) Limited to 40 L unless extended by 3/5 vote and approved by the governor, except in cases of important proceedings.

**LEGISLATIVE SESSIONS: LEGAL PROVISIONS — Continued**

- (t) Legislators may reconvene at any time after organizational meeting; however, second Monday in January is the final date by which regular session must be in process.
- (u) Indirect limitation; usually restrictions on legislator's pay, per diem, or daily allowance.
- (v) May not extend beyond April 15.
- (w) Legislative rules say formal business must be concluded by Nov. 15th of the 1st session in the biennium, or by July 31st of the 2nd session for the biennium.
- (x) Joint rules provide for the submission of a written statement requesting special session by a specified number of members of each chamber.
- (y) Legal provision for session in odd-numbered year; however, legislature may divide, and in practice has divided, to meet in even-numbered years as well.
- (z) 90 C sessions every year, except the first year of a gubernatorial administration during which the legislative session runs for 125 C.
- (aa) 30 C if called by legislature; 60 C if called by governor.
- (bb) No legislative day is shorter than a natural day.
- (cc) Odd number years will include a regular session commencing on the first Tuesday after the first Monday

- in January and recessing not later than the first Monday in February of that year. Limited constitutional day can be performed.
- (dd) Commencement of regular session depends on concluding date of organizational session. Legislature meets, in odd-numbered year, on second Tuesday in January for a maximum 15 C organizational session, returns on the Tuesday following the conclusion of the organizational session.
- (ee) Except in cases of impeachment.
- (ff) According to a 1955 attorney general's opinion, when the legislature has petitioned to the governor called into session, it may then act on any matter.
- (gg) The legislature, by joint resolution, establishes the session schedule of activity for the remainder of biennium at the beginning of the odd-numbered year.
- (hh) Each Council period begins on January 2 of each odd-numbered year and ends on January 1 of following odd-numbered year.
- (ii) Legislature meets on the first Monday of each month following its initial session in January.
- (jj) 60 L before April 1 and 30 L after July 31.

**Table 3.19**  
**BILL AND RESOLUTION INTRODUCTIONS AND ENACTMENTS:**  
**1996 AND 1997 REGULAR SESSIONS**

State or other jurisdiction	Duration of session**	Introductions		Enactments		Measures vetoed by governor	Length of session
		Bills	Resolutions	Bills	Resolutions		
Alabama	Feb. 6-May 20, 1996	1,793	760	437	367	20 (a)	30L
	Feb. 4-May 19, 1997	1,832	741	387	385	47 (a)	30L
Alaska	Jan. 4-May 19, 1996	342	77	146	39	20 (a)	122C
	Jan. 13-May 11, 1997	495	132	113	51	10 (a)	119C
Arizona*	Jan. 10-April 17, 1994	1,160	60	380	17	0	98C
	Jan. 9-April 13, 1995	957	70	300	23	8	95C
Arkansas	No regular session in 1996						
	Jan. 13-May 2, 1997 (b)	2,041	149	1,362	N.A.	9 (a)	96C
California	Jan. 3-Sept. 1, 1996	2,367	146	1,174	83	114	127L
	Dec. 2, 1996-Sept. 13, 1997	3,024	233	951	136	197	139L
Colorado	Jan. 10-May 8, 1996	615	94	344	84	19	120C
	Jan. 8-May 7, 1997	598	113	338	101	27	120C
Connecticut*	Feb. 9-May 4, 1994	1,296	161	263	144	4 (a)	85C
	Jan. 4-June 7, 1995	3,226	256	387	149	2	155C
Delaware	Jan. 16-June 30, 1996	538	181	309	16	3	49L
	Jan. 14-June 30, 1997	628	187	220	14	5	51L
Florida*	Feb. 8-April 15, 1994	2,447	210	380	0	15	60C
	Mar. 7-May 11, 1995	2,605	152	473	0	28	60C
Georgia	Jan. 8-Mar. 18, 1996	975	1,017	458	881	16	40L
	Jan. 13-Mar. 28, 1997	1,515	1,176	511	975	15	40L
Hawaii	Jan. 17-April 29, 1996	3,064	1,209	315	235	27	60L
	Jan. 15-May 1, 1997	4,287	961	383	211	14	61L
Idaho	Jan. 8-Mar. 15, 1996	774	63	433	22	8	68C
	Jan. 6-Mar. 19, 1997	695	57	404	38	5	73C
Illinois	Jan. 10-May 25, 1996	3,038	259	275	90	13 (a)	(c)
	Jan. 8-May 17, 1997	3,484	293	537	245	88 (a)	(c)
Indiana*	Nov. 16, 1993-Mar. 4, 1994	888	24	179	2	0	30L
	Nov. 22, 1994-April 29, 1995	1,504	50	34	6	11 (a)	61L
Iowa	Jan. 8-May 1, 1996	981	10	220	1	13	115C
	Jan. 13-April 29, 1997	1,290	32	217	2	13	107C
Kansas	Jan. 8-May 23, 1996	876	47	272	15	3 (d)	69L
	Jan. 13-May 27, 1997	970	41	192	10	2	68L
Kentucky	Jan. 2-April 15, 1996	1,333	323	357	239	1	60L
	No regular session in 1997						
Louisiana	April 29-June 12, 1996	313	306	45	254	0	30L
	Mar. 31-June 23, 1997	4,087	636	1,487	488	19	60L
Maine*	Jan. 5-April 14, 1994	615	11	340	0	12 (a)	39L
	Dec. 7-June 30, 1995	1,586	33	607	2	1	70L
Maryland	1996 N.A.	2,259	30	692	7	104	90C
	Jan. 8-April 7, 1997	2,385	45	759	8	132	90C
Massachusetts*	Jan. 8, 1992-Jan. 5, 1993	7,353	0	414	0	39 (a)	(c)
	Jan. 6, 1993-Jan. 4, 1994	7,667	0	498	0	53 (a)	(c)
Michigan*	Jan. 12-Dec. 29, 1994	1,103	20	451	2	10	352 (e)
	Jan. 11-Dec. 28, 1995	2,299	43	291	2	4	352 (e)
Minnesota	Jan. 16-April 3, 1996	2,398	0	187	1	19	47L
	Jan. 7-May 19, 1997	4,258	0	235	4	15	63L
Mississippi*	Jan. 7-May 16, 1992	2,693	535	676	221	0	125C
	Jan. 5-April 2, 1993	4,346	343	406	155	17	90C
Missouri*	Jan. 5-May 13, 1994	1,256	45	180	3	6	129C
	Jan. 4-May 12, 1995	1,242	63	170	4	5	129C
Montana	No regular session in 1996						
	Jan. 6-April 23, 1997	1,013	75	552	56	7 (a)	87L
Nebraska	Jan. 3-April 18, 1996	503	26	182	2	5	60L
	Jan. 8-June 12, 1997	891	53	307	8	5 (a)	90L
Nevada	No regular session in 1996						
	Jan. 20-July 7, 1997	1,167	202	691	158	3	169C

See footnotes at end of table.

**LEGISLATURES**

**INTRODUCTIONS AND ENACTMENTS: REGULAR SESSIONS — Continued**

State or other jurisdiction	Duration of session*	Introductions		Enactments		Measures vetoed by governor	Length of session
		Bills	Resolutions	Bills	Resolutions		
New Hampshire.....	Jan. 3-June 13, 1996	887	57	302	6	2	23L
	Jan. 8-June 25, 1997	1,007	49	w351	8	4	25L
New Jersey .....	Jan. 11, 1996-Jan. 9, 1997	4,352	467	168	8	10	(c)
	Jan. 9, 1997-Jan. 8, 1998	1,462	186	259	6	18 (a)	N.A.
New Mexico .....	Jan. 16-Feb. 15, 1996	1,586	43	146	12	57	30C
	Jan. 21-Mar. 22, 1997	2,617	35	370	6	102	60C
New York* .....	Jan. 8-July 30, 1992	17,667	3,731	846	3,731	51 (d)	151L
	Jan. 6-July 7, 1993	14,596	3,607	720	3,607	93 (d)	152L
North Carolina .....	May 13-June 21, 1996	781	32	211	14	0	27L
	Jan. 29-Aug. 28, 1997	2,334	60	528	33	0	123L
North Dakota .....	No regular session in 1996						
	Jan. 6-April 11, 1997	881	116	554	90	11 (a,d)	66L
Ohio (f) .....	(g)	379	41	168	23	1	(c)
	(h)	856	77	112	26	1	(c)
Oklahoma .....	Feb. 6-May 31, 1996	1,638	244	363	145	35	69L
	Jan. 7-May 30, 1997	1,963	242	421	151	24	71L
Oregon .....	No regular session in 1996						
	Jan. 13-July 5, 1997	3,091	191	871	38	43	174C
Pennsylvania (l) .....	Jan. 3, 1995-Nov. 26, 1996	4,764	640	377	464	1	(c)
Rhode Island* .....	Jan. 4-July 17, 1994	3,565	(j)	959	490	38	85L
	Jan. 3-Nov. 17, 1995	3,708	(j)	445	522	24	77L
South Carolina .....	Jan. 9-June 27, 1996	1,342	N.A.	314	N.A.	21 (a)	(c)
	Jan. 14-June 17, 1997	1,389	775	257	553	19 (a)	64L
South Dakota .....	Jan. 9-Mar. 11, 1996	651	9	306	2	11 (a)	35L
	Jan. 14-Mar. 26, 1997	557	13	300	3	13 (a)	40L
Tennessee .....	Jan. 9-April 26, 1996	1,387	830	625	6/0	3	(c)
	Jan. 14-May 31, 1997	2,044	987	661	N.A.	0	(c)
Texas .....	No regular session in 1996						
	Jan. 14-June 2, 1997	5,561	166	1,487	15	36	140C
Utah .....	Jan. 15-Feb. 28, 1996	797	69	348	33	5	45C
	Jan. 20-Mar. 5, 1997	668	63	394	41	6	45C
Vermont.....	Jan. 3-May 3, 1996	409	128	138	97	1	122C
	Jan. 8-June 13, 1997	738	136	74	120	0	157C
Virginia .....	Jan. 10-Mar. 11, 1996	2,193	599	1,066	487	16	60C
	Jan. 8-Feb. 22, 1997	1,920	663	933	536	15	N.A.
Washington .....	Jan. 8-Mar. 7, 1996	1,540	36	325	11	49 (a,d)	60C
	Jan. 13-April 27, 1997	2,408	88	456	12	126 (d)	105C
West Virginia* .....	Jan.-Mar. 1994	1,293	402	333	206	7	60C
	Jan.-Mar. 1995	1,431	197	303	31	4	60C
Wisconsin .....	Jan. 3, 1995-Jan. 6, 1996	1,779	201	467	98	8	735C
	Jan. 6, 1997-Jan. 4, 1999 (i)	936 (k)	121 (k)	27 (k)	38 (k)	1 (k)	307C
Wyoming .....	Feb. 19-Mar. 15, 1996	282	14	126	3	3	20L
	Jan. 14-Mar. 1, 1997	463	20	202	3	1	34L
Puerto Rico .....	Jan. 8-June 30, 1996	524	1,468	238	602	4	65L
	Jan. 13-June 30, 1997	2,205	1,651	212	678	4	101C
	Aug. 18-Nov. 18, 1997						
U.S. Virgin Islands .....	Jan. 9-Dec. 19, 1996	169	30	67	23	26	20L
	Jan. 13 -Nov. 18, 1997	178	9	60	6	7 (a)	14C

## INTRODUCTIONS AND ENACTMENTS: REGULAR SESSIONS — Continued

Source: The Council of State Governments; legislative survey, 1997 except where noted by \* where data are from *The Book of the States, 1996-97*.

\* Actual adjournment dates are listed regardless of constitutional or statutory limitations. For more information on provisions, see Table 3.2, "Legislative Sessions: Legal Provisions."

## Key:

C - Calendar day.

L - Legislative day (in some states, called a session or workday; definition may vary slightly; however, it general refers to any day on which either chamber of the legislature is in session.)

N.A. - Not available.

(a) Number of vetoes overridden: Alabama: 1996-1, 1997-1; Alaska: 1996-1, 1997-6; Arkansas: 1997-8; Connecticut: 1994-2; Illinois: 1996-1, 1997-1; Indiana: 1995-3; Kansas: 1994 - 7 bills and 2 line items; Louisiana: 1; Maine: 1994-1; Massachusetts: 1992-7, 1993-6; Montana: 1997-3; Nebraska: 1997-1; New Jersey: 1997-1; North Dakota: 1997-2; South Carolina: 1996-11, 1997-8; South Dakota: 1996-2, 1997-1; Washington: 1996-1; U.S. Virgin Islands: 1997-3.

(b) Recessed for two weeks.

(c) Length of session: Illinois: 1996 Senate 47L and House 70L, 1997 Senate 50L and House 63L; Massachusetts: 1992 Senate 37L and House 144L, 1993 Senate 49L and House 150L; New Jersey: 1996 Senate 36L and House 41L; Ohio: 1996 Senate 121L and House 92L, 1997 Senate 126L and House 107L; Pennsylvania: Senate 136L and House 152L; South Carolina: 1996 Senate 67L and House 66L. Tennessee: 1996 Senate 43L and 40L, 1997 Senate 52L and House 51L.

(d) Line item or partial vetoes. Kansas 1996: 17 appropriations - line items. New York - includes line item vetoes in appropriation bills. North Dakota - 2 line item vetoes. Washington - 1996: includes 27 measures partially vetoed; 1997: includes 34 measures partially vetoed.

(e) In addition, an organizational session was held on January 13, 1992.

(f) Preliminary information.

(g) Senate: Jan. 3, 1996-Dec. 31, 1996; House: Jan. 3, 1996-Dec. 27, 1996.

(h) Senate: Jan. 6, 1997-Dec. 11, 1997; House: Jan. 6, 1997-Dec. 10, 1997.

(i) Continuous 1995-1996 session.

(j) Bills and resolutions are not counted separately.

(k) Data as of Nov. 8, 1997.

# The Anchorage Times

Publisher: BILL J. ALLEN

"Believing in Alaskans, putting Alaska first"

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

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## Where to cut?

**O**NE OF THE questions on the table now, in the wake of last month's election, is simply this: Where does the Legislature make some of the cuts necessary to help reduce the cost of government?

The answer is equally simple: It should start right in the Legislature's own backyard by cutting the enormous fat that has crept into the legislative process.

Basically, there is far too much lawmaking going on, for far too many weeks every year, by far too many people, doing far too little to justify the cost.

The first thing to be done is make big — make that very big — reductions in the number of legislative employees, including staff aides, deputies, secretaries and clerks, part-time and full-time, who have turned the Legislature's operation into a mini-Congress.

The next thing to be done is to cut the length of the annual legislative sessions. Meeting for one-third of the year, every year, year in and year out, to serve a population of 600,000 is ludicrous.

The Alaska Constitution is framed to provide this state with a strong executive branch. The governor is in charge. Unfortunately, in the last decade or two, those who serve and have served in the legislative branch have developed delusions that they are mini-governors, micro-managing state government operations.

There is no reason that legislative sessions could not be cut back routinely to two months every year — or, at the very outside, three months — instead of dragging out for four months. The savings would be enormous.

As proof that this easily could be done, consider this: In any given year, hardly any real lawmaking business happens in the first three or four or five weeks, anyway. That time is spent jousting for positions, political posturing, and other non-productive fun and games in which legislators love to engage, all at public expense.

Further, the Legislature could decide — if statesmanship were a real part of the operations in Juneau — to divide its duties, restricting one session to an intensive budget-setting process to cover a two-year period, in a session lasting no more than 30 or 40 days, and then devote the next session to general lawmaking.

It can be done, and done easily, if there were a will to do so. States many times bigger than Alaska, with populations much greater than ours, have biennial legislative sessions or limit one of their annual sessions to budget-making only.

There is too much time wasted in Juneau. There is too much money wasted in Juneau.

Cut government? That was one of the powerful messages heard in the recent election.

The job should begin within the Legislature itself.

ANCHORAGE TIMES  
10/15/99

# Shorter session, better government

**A**mong the more pertinent pieces of legislation filed this session is a proposed amendment to the state Constitution that would limit the 120-day session to 90 days. If passed, House Joint Resolution No. 1 would require a vote of the people.

It's a worthy concept that keeps surfacing, especially with legislators who live elsewhere, and we think it merits discussion.

Here's why: Every year, Christmas and New Year holidays are very nearly ruined for people preparing to return to Juneau for the session. First, they must wind down their duties and close up their offices before Christmas. Then, they must pack up their belongings and hit the road around the New Year to make it to Juneau in time to settle in for the session. New legislators must be in Juneau by about Jan. 4 so they can take part in orientations. Some legislators and staff members must catch a ferry. Many of them arrive in the capital exhausted, having had their family time over the holidays completely disrupted.

This has spawned an annual sense of dread among many involved in the Legislature, a dread that isn't easily dissolved by the friendliness of Juneau. As one staff member put it, they feel as though they are gerbils on a treadmill: "We get here (Juneau) with a bad attitude."

Rep. Norm Rokeberg and Rep. Jerry Sanders are putting their efforts behind the resolution, the very one that died of neglect last session. Rokeberg argues the Legislature could start later, perhaps in February or early March. So much of what the Legislature does must wait until the March budget forecast from the Department of Revenue, so why not wait to get started until some of the real nuts-and-bolts work can be done?

Years ago, the people of Alaska became frustrated with the Legislature when sessions-without-limits dragged on until June or July. Thus, the 120-day limit was passed by voters. We think an even shorter session would be just as responsive, more cost-effective for the people of Alaska, and possibly even more productive. Other states do it.

Although Juneau would feel an economic impact, the perceived need to move the capital to Anchorage or elsewhere would become far less important.

The idea of a shorter session is also in line with the concept of a citizen-statesman government, one that has legislators spending more time in their districts, working in their own professions and being available to listen to their constituents. And that's a capital idea that would benefit the state as a whole.

JUNEAU EMARE

1/26/97

**SJR**

**30**

# SENATE COMMITTEE REPORT

DATE: 2/10/00

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Judiciary Committee considered

SENATE JOINT RESOLUTION NO. 30

Proposing an amendment to the Constitution of the State of Alaska relating to the repeal of regulations by the legislature.

and recommends:

- be replaced with Jul 11 CS SCR 30 (Jul 11)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:  
same title
- new title
- House Bill:  
same title
- technical title
- new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Rich Halford</i>	<input checked="" type="checkbox"/>	<i>Billers</i>		<input checked="" type="checkbox"/>	
<i>Debra Dorely</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Adrian L. Taylor</i>	<input checked="" type="checkbox"/>	CHAIR:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>GOV - ELECTIONS</i>	<i>2/13</i>		<i>1.0</i>

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. SJR30

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Office of the Governor  
 Title Constitutional Amendment: Relating to the BRU Elective Operations  
repeal of regulations by the legislature Component Elections  
 Sponsor Senator Taylor  
 Requester Senate Judiciary Committee Component No. 21

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>1.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>1.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. However, only six measures can be printed on an 8-1/2 by 14 inch ballot. If this measure requires printing an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by: Gail Fenurta *Gail Fenurta* Phone 465-3935  
 Division Division of Elections Date/Time 2/15/00 12:35 PM  
 Approved by: Lt. Governor Fran Ulmer *Fran Ulmer* Date 02/15/2000  
 Agency Office of the Lieutenant Governor

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SENATE JOINT RESOLUTION NO. 30

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY SENATOR TAYLOR

Introduced: 1/10/00

Referred: State Affairs, Judiciary

A RESOLUTION

1 Proposing an amendment to the Constitution of the State of Alaska relating to  
2 the repeal of regulations by the legislature.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 \* Section 1. Article II, Constitution of the State of Alaska, is amended by adding a new  
5 section to read:

6 Section 22. Repeal of Regulations. [The legislature may, after finding that a  
7 A regulation [adopted by a State department or agency] <sup>FOUND</sup> is inconsistent with its enabling  
8 statute, <sup>IS</sup> repeal <sup>ED</sup> the regulation] by a resolution concurred in by a majority of the members  
9 of each house. <sup>OF THE LEG.</sup> The repeal of the regulation is effective thirty days after the passage  
10 of the resolution by the legislature unless a different prospective effective date is  
11 specified in the resolution.

12 \* Sec. 2. The amendment proposed by this resolution shall be placed before the voters of  
13 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the  
14 State of Alaska, and the election laws of the state.

# Alaska State Legislature

Chairman,  
Judiciary Committee  
Administrative Regulations  
Revenue Committee

Vice Chairman,  
Resources Committee



*Senator Robin L. Taylor*

State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-3873  
Fax: (907) 465-3922

50 Front Street  
Suite 203  
Ketchikan, Alaska 99901  
(907) 225-8088  
Fax: (907) 225-0713

## SPONSOR STATEMENT

### SJR 30

**Proposing an amendment to the Constitution of the State of Alaska relating to the repeal of regulations by the legislature.**

SJR 30 is a proposed amendment to the Constitution of the State of Alaska. It would grant the legislature the authority to repeal a regulation adopted by a state agency that is inconsistent with the enabling statute.

The legislature does not have authority at this time to change onerous regulations that are not within the original intent of the enabling statute. The only way the legislature can make changes is by recommendation or by statutory change to better clarify the original intent.

This issue has come before the voters in the past, several people have approached the Administrative Regulation Review Committee to try again. SJR 30 is supported by the Alaska State Chamber of Commerce, the National Federation of Independent Business.

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell

Headquarters:  
217 2nd Street, Suite 201  
Juneau, Alaska 99801  
(907) 586-2323 FAX 463-5515



Senator Robin Taylor  
Chair, Senate Judiciary Committee  
Alaska State Capitol  
Juneau, Alaska

Re: SJR30, Legislative Repeal of Regulations

Dear Senator Taylor:

The Alaska State Chamber of Commerce, representing approximately 700 member businesses, as well as a network of local chambers of commerce statewide, supports SJR 30, relating to the repeal of regulations by the Legislature.

The volumes of regulations produced by the bureaucracy are beyond the checks and balances that are part of the legislative process. It is essential that the elected leaders of Alaska, rather than the anonymous members of the bureaucracy, have the final say on the laws Alaskans live by and the regulations that implement those laws. SJR 30 would return the system of checks and balances to the regulatory process that was intended by the creators of Alaska's Constitution.

SJR 30 is a straight forward and clearly worded proposal that the ASCC membership believes should be put before the public. We urge the Committee's support of SJR 30.

Sincerely,

Pamela La Bolle  
President

NFIB Alaska



**National Federation of Independent Business**

**Statement of Support**

**of SJR 30**

**A resolution calling for a constitutional amendment to allow the legislature to annul regulations found to be inconsistent with the intent of the law.**

**February 15, 2000**

The Alaska Chapter of the National Federation of Independent Business has 3,000 members, making it the largest small-business advocacy group in the state.

The legislative agenda of NFIB is determined by ballot. The ballot is our poll of members on a series of state legislative and regulatory issues.

NFIB/Alaska ballot results have shown very strong support for giving the voters the chance to amend the constitution to allow repeal of regulations by the legislature. Following are the ballot results on this issue:

**Should the State of Alaska place a proposed constitutional amendment before the voters to decide whether the legislature should be given the authority to repeal regulations found to be improper or inconsistent with the law?**

**73 % YES**

**15 % NO**

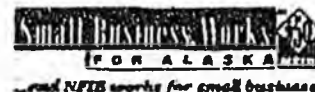
**12 % Undecided**

NFIB/Alaska urges support for SJR 30.

Submitted by Thyes Shaub on behalf of NFIB/Alaska.

**National Federation of Independent Business**

217 Second Street, Suite 206 • Juneau, AK 99801 • 907-463-5118 • Fax 907-463-5128



NFIB

**SJR**

**31**

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

No. 1  
Bill Version: STR 31  
(S) Publish Date: 3-30-00

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected \_\_\_\_\_  
 Title Subsistence for Urban Alaska Natives BRU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor Senator Ward \_\_\_\_\_  
 Requester Senate Resources Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2000) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This resolution is anticipated to have no fiscal impact on state agencies.

Prepared by: Juli Lucky  Phone 465-4907  
 Division Senate Resources Committee Date/Time 3/24/00 3:16 PM  
 Approved by \_\_\_\_\_ Date \_\_\_\_\_  
 Agency \_\_\_\_\_

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# SENATE COMMITTEE REPORT

DATE: 3/30/00

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Judiciary Committee considered

SENATE JOINT RESOLUTION NO. 31

Relating to subsistence activities of urban Alaska Natives under the Alaska National Interest Lands Conservation Act.

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓				
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
RESOURCES CNTE	3/24/00	✓	

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill



# **SENATOR JERRY WARD**

ALASKA STATE LEGISLATURE

## **SPONSOR STATEMENT**

**For SJR 31**

### **Resolution relating to subsistence activities of urban Alaska natives**

SJR 31 provides that urban Alaska Natives exercise the same rights of subsistence as do rural Alaska residents. A large number of Alaska Natives reside in the urban areas of Alaska. Urban natives rely on renewable resources for physical, economic, traditional, social and cultural existence as well as rural residents. The federal subsistence preference established under Title VIII, Alaska National Interest Lands Conservation Act, denies urban Alaska Natives the ability to participate in subsistence activities on the same level as rural residents. The Alaska State Legislature respectfully requests the Congress of the United States to clarify whether it intended to deny urban Alaska Natives the opportunity to engage in subsistence activities on the same level as rural Alaska residents when it passed Title VIII, Alaska National Interest Lands Conservation Act.

**January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-4940 • FAX (907) 465-3766**  
**ANCHORAGE: 716 W. 4<sup>th</sup> AVE. • STE. 450 • ANCHORAGE, AK 99501 • (907) 269-0106 • FAX (907) 269-0109**  
**KENAI: 145 MAIN STREET LOOP • KENAI, AK • 99611 • (907) 283-7996 • FAX (907) 283-3075**

**Chairman, Senate Transportation Committee • Chairman, Senate State Affairs Committee**

**Senator\_Jerry\_Ward@legis.state.ak.us**

**SJR**

**32**

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. SJR 32

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Office of the Governor  
 Title "Proposing amendments to the Constitution... BRU Executive Operations  
relating to the office of the attorney general." Component Executive Office  
 Sponsor Senator Kelly  
 Requester Senate Judiciary Component No. 6

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services			*****	*****	*****	*****
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF			*****	*****	*****	*****
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This analysis emulates the organizational structure of the states of Washington, Oregon and Arizona. Each of these states has an elected attorney general, and each Governor has on-staff counsel to respond to general legal questions, public policy issues, internal matters, open meeting laws, ethics laws, revocation of appointments, to handle extraditions and petitions, prepare administrative orders, deeds relating to the state's natural resources, etc., and to carry-out the constitutional requirements of the Governor (i.e., executive clemency, messages to the Legislature, executive orders.)

The constitutional amendment proposed by this resolution would be on the 2000 ballot. If approved by the voters, the first election of an attorney general would be with the next gubernatorial election in 2002. Fiscal impact to the Office of the Governor would begin in FY03. A fiscal analysis for informational purposes is attached.

Prepared by: Michael A. Nizich, Administrative Director *M Nizich* Phone 465-3876  
 Division Administrative Services Date/Time 2/2/00 2:16 PM  
 Approved by: Jim Ayers, Chief of Staff *J Ayers* Date \_\_\_\_\_  
 Agency Office of the Governor

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## SJR 32 Analysis

The fiscal impact below is for illustration purposes only and is based on 2000 costs and salaries. The fiscal impact associated with an elected attorney general would not be realized until FY03, and accurate costs will need to be identified then. Additionally, if the voters approve the constitutional amendment calling for an elected attorney general, the functions and duties of the attorney general will need to be defined and may result in further fiscal impact.

This note assumes an increase in Governor's staff by three positions - an attorney, rg. 26, a paralegal, rg 19, and an executive secretary, rg. 14. Fiscal note further assumes existing state-owned office space would be available and does not include lease costs.

Personal services:	three PFTs	194.3
Contractual:	comm., phones, tolls courier svcs., subscripts, etc.	19.2
Supplies:	office/library supplies	<u>9.8</u>
	Total estimated annual costs:	223.3

### Additional first year set-up costs:

Equipment:	office furniture, DP and communication equipment	39.5 *
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\* 39.5 first year set-up costs only and not included in annual estimate

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. SJR32

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Office of the Governor  
 Title Constitutional Amendment: Relating to the BRU Elective Operations  
office of attorney general Component Elections  
 Sponsor Senator Pete Kelly  
 Requester Senate Judiciary Committee Component No. 21

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>1.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>1.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. However, only six measures can be printed on an 8-1/2 by 14 inch ballot. If this measure requires printing an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by: Gail Fenumia Phone 465-3935  
 Division Division of Elections Date/Time 1/24/00 10:37 AM  
 Approved by: Lt. Governor Fran Ulmer Date 01/24/2000  
 Agency Office of the Lieutenant Governor

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**Alaska State Legislature  
Senator Pete Kelly**

**Session**  
Capitol Building, Room 510  
Juneau, Alaska 99801  
Phone: (907) 465-2327  
Fax: (907) 465-5241



**Interim**  
119 N. Cushman St. Suite 201  
Fairbanks, AK 99701  
Phone: (907) 456-8161  
Fax: (907) 451-9293

**SPONSOR STATEMENT**

**SJR 32 Electing an Attorney General**

SJR 32 is a resolution that would place before the voters a proposed constitutional amendment to elect Alaska's Attorney General. The specifics of the election would be expressed statutorily.

Forty-three states popularly elect their attorneys general. In Maine the legislature elects the attorney general, and in Tennessee the justices of the highest court select the attorney general. The governor appoints the attorney general in only five states: Alaska, Hawaii, New Jersey, New Hampshire, and Wyoming.

An Attorney General who serves at the will of the voters will be better able to focus on the best interest of the state than an AG appointed by the Governor. An appointed AG is more likely to be used as an agent to carry out that particular Governor's political agenda.

This constitutional amendment would bring accountability to the office of attorney general. Alaska deserves an Attorney General dedicated to advancing the State's rights with vigor and full commitment. We will be far more certain the AG will do just that if he faces the voters in the next election.

**HB**

**3**

**FISCAL NOTE**

STATE OF ALASKA  
 1000 LEGISLATIVE SESSION

BILL NO. CSHB 3 (JUD)

Revision Date: January 19, 2000  
 Title: "An Act relating to controlled substances and to the possession of certain chemicals"  
 Sponsor: Representative Brice  
 Requestor: (H) Finance

Department Affected: Administration  
 BRU: Legal and Advocacy Services  
 Component: Public Defender Agency  
 COMPONENT SERIAL NO. 1631

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2 003	FY 2004	FY 2005	FY 2006
PERSONAL SERVICES	**	**	**	**	**	**
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	**	**	**	**	**	**
<b>CAPITAL EXPENDITURES</b>	**	**	**	**	**	**
<b>CHANGE IN REVENUES ( )</b>	**	**	**	**	**	**

**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts	**	**	**	**	**	**
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	**	**	**	**	**	**

Estimate of any current year (FY 00) cost: \$ \_\_\_\_\_

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary.)

See attached.

Prepared by: Barbara Brink, Director  
 Division: Public Defender Agency

Phone: (907) 264-4414  
 Date: \_\_\_\_\_

Approved by Commissioner: Robert Poe, Jr. *Alison K. Segal*  
 Agency: Department of Administration

Date: 1/19/00

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FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB 3 (JUD)

2000 LEGISLATIVE SESSION

ANALYSIS: (continued)

This bill increases the level of offense for manufacturing methamphetamine. Under current law it is a class B felony. (Methamphetamine is classified as a "Schedule IIA" controlled substance. Manufacture or delivery of Schedule IIA substances has traditionally been a class B felony.) Under Section 1 of the bill, manufacturing methamphetamine would be a class A felony.

The bill also makes it a class A felony offense to manufacture or possess with intent to manufacture "immediate precursors" of methamphetamine. Finally, Section 1 makes it a class A felony to possess "listed chemicals" that can be used in manufacturing methamphetamine. Possession of "precursor chemicals" is already a violation of federal statutes. See 21 U.S.C. § 841(d). This bill would, for the first time, make possession of such chemicals illegal under state law. The "listed chemicals" are not controlled substances. Many of them, such as acetone or iodine, are common and often used for legal purposes. The state would have to prove that the possession was with intent to manufacture methamphetamine.

The Public Defender Agency (PDA) does not have information on how many new prosecutions would result if this law is passed or how many cases PDA would be appointed to. However, PDA has to assume that there would be additional cases if this bill is passed and the law is enforced by police and prosecutors. Therefore, an indeterminate fiscal note is being submitted.

# FISCAL NOTE

**STATE OF ALASKA**  
**2000 LEGISLATIVE SESSION**

**BILL NO. CSHB 3 (JUD)**

Revision Date/Time (Note if correction) <u>1/13/00, 1:25 PM</u>	Dept. Affected <u>Law</u>
Title <u>"An Act relating to controlled substances and to the possession of certain chemicals."</u>	BRU <u>Criminal Division</u>
Sponsor <u>Representative Brice</u>	Component <u>1st-4th Jud Dist, Crim Apps/Spec Lit</u>
Requester <u>Senate Judiciary Committee</u>	Component Serial No. <u>2198-99/2261/79/01/03</u>

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2000) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

CSHB 3 (JUD) provides that it is a class A felony to manufacture methamphetamine, or to possess precursors or certain chemicals with the intent to manufacture methamphetamine. Manufacture of methamphetamine is extremely dangerous, not only to those working in the laboratories, but to those in the surrounding areas.

Passage of this bill is not anticipated to have a fiscal impact on the Department of Law. The department already has the ability to prosecute most instances of manufacture of a controlled substance under existing law.

Prepared by: <u>Joan M. Kasson</u>	Phone <u>465-5370</u>
Division <u>Attorney General's Office</u>	Date/Time <u>1/13/00, 1:25 PM</u>
Approved by <u>Commissioner</u> <u>Bruce M. Botelho, Attorney General</u>	Date <u>1/13/00</u>
Agency <u>Department of Law</u>	

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# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. CSHB3

Revision Date \_\_\_\_\_ Dept. Affected Public Safety  
 Title An Act relating to controlled substances and to the BRU AST Detachments  
possession of certain chemicals. Component AST Detachments  
 Sponsor Judiciary Committee  
 Requester Rep. Brice Component No. 2325

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill will not adversely impact the budget.

Prepared by: Lt. David Hudson Phone 269-5655  
 Division Alaska State Troopers Date/Time 1/14/00 1:15 PM  
 Approved by Commissioner Ronald L. Ote Date 1/18/00  
 Agency Department of Public Safety

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FISCAL NOTE

No: 4

Bill Version: CSHB 3 (JUD)  
 (H) Publish Date: 4/6/99

STATE OF ALASKA  
 1999 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to controlled substances and to the possession of certain chemicals"  
 Sponsor: Representative Brice  
 Requestor: (H) FIN

Department Affected: Administration  
 BRU: Legal and Advocacy Services  
 Component: Public Defender Agency  
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES	**	**	**	**	**	**
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	**	**	**	**	**	**

CAPITAL EXPENDITURES	**	**	**	**	**	**
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CHANGE IN REVENUES ( )	**	**	**	**	**	**
------------------------	----	----	----	----	----	----

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	**	**	**	**	**	**
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	**	**	**	**	**	**

Estimate of any current year (FY 98) cost: \$ \_\_\_\_\_

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared by: Barbara Brink, Director  
 Division: Public Defender Agency

Phone: (907) 264-4414  
 Date: \_\_\_\_\_

Approved by Commissioner: Robert Poe, Jr.  
 Agency: Department of Administration

Date: 4/2/99

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COMMITTEE COPY

FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB 3(JUD)

1999 LEGISLATIVE SESSION

ANALYSIS: (continued)

This bill increases the level of offense for manufacturing methamphetamine. Under current law it is a class B felony. (Methamphetamine is classified as a "Schedule IIA" controlled substance. Manufacture or delivery of Schedule IIA substances has traditionally been a class B felony.) Under Section 1 of the bill, manufacturing methamphetamine would be a class A felony.

The bill also makes it a class A felony offense to manufacture or possess with intent to manufacture "immediate precursors" of methamphetamine. Finally, Section 1 makes it a class A felony to possess "listed chemicals" that can be used in manufacturing methamphetamine. Possession of "precursor chemicals" is already a violation of federal statutes. See 21 U.S.C. § 841(d). This bill would, for the first time, make possession of such chemicals illegal under state law. The "listed chemicals" are not controlled substances. Many of them, such as acetone or iodine, are common and often used for legal purposes. The state would have to prove that the possession was with intent to manufacture methamphetamine.

The Public Defender Agency (PDA) does not have information on how many new prosecutions would result if this law is passed or how many cases PDA would be appointed to. However, PDA has to assume that there would be additional cases if this bill is passed and the law is enforced by police and prosecutors. Therefore, an indeterminate fiscal note is being submitted.

# SENATE COMMITTEE REPORT

DATE: 4/23/99

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Judiciary Committee considered

CS FOR HOUSE BILL NO. 3(JUD)

"An Act relating to controlled substances and to the possession of certain chemicals."

and recommends:

be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)

attached amendment(s)

adopt Letter of Intent by \_\_\_\_\_ Committee

further referral to the \_\_\_\_\_ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	X				
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
Admin - PDA	1/9		*
LAW	1/3	✓	
PUBLIC SAFETY	1/8	✓	

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# Representative Tom Brice

## ALASKA STATE LEGISLATURE

119 N. Cushman, Ste. 205  
Fairbanks, AK 99701  
907-456-7423 / Fax: 451-9293

*While in Juneau*  
State Capitol  
Juneau, AK 99801-1182  
907-465-3466

### Sponsor Statement

#### CSHB 3, Drugs: Possession of Precursor Chemicals

Methamphetamine is an addictive stimulant that dramatically affects the central nervous system. Methamphetamine is commonly known as "crank," "speed," and "ice." The drug is easily made in laboratories with relatively inexpensive, over-the-counter ingredients. Meth labs are extremely dangerous, even if they are not producing as the combinations of the chemicals that are used in the production process are highly explosive. These factors make methamphetamine a dangerous drug with great potential for widespread abuse.

The CSHB 3 will address the problem of increasing production and use of methamphetamines in Alaska, and the danger posed by these illicit laboratories. This is accomplished by raising the penalties for the manufacture of methamphetamines and their immediate precursors, and the possession of listed chemicals with the intent to manufacture these drugs. Under the CSHB 3, the manufacture of methamphetamines and their immediate precursors will be a class A felony, punishable as provided in AS 12.55.125. Since this offense will be a class A felony, someone causing the death of a person while committing this crime will be subject to prosecuting for felony murder under AS 11.41.110. An attempt to manufacture methamphetamine or its immediate precursors will be punishable as a class B felony under as 11.31.100.

CSHB 3 also identifies chemicals that are legal to possess but are used for the manufacture of controlled substances. Possession of these chemicals with the intent to manufacture methamphetamines or their immediate precursors is made a class A felony. Since the manufacture of methamphetamines or their immediate precursors is being elevated to a class A felony, it automatically becomes a ground for eviction by a land lord under the definition of illegal activity involving a controlled substance under AS 34.03.360.

Methamphetamine labs are very dangerous, even if they are not producing drugs. By increasing the penalties for methamphetamine offenses, the CSHB 3 will discourage people from producing methamphetamine thereby protecting the lives and property of people who may be living in an area where methamphetamine is being produced.



# LEGAL SERVICES

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

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

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

## MEMORANDUM

March 16, 1999

**SUBJECT:** Sectional Summary of CSHB 3(JUD). (Work Order No. 21-LS0040\1)

**TO:** Representative Tom Brice  
Attn: Bonnie Carroll

**FROM:** Gerald P. Luckhaupt *JEL*  
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1. Amends AS 11.71.020(a) by providing that a person that (1) manufactures methamphetamine or an immediate precursor of methamphetamine, (2) possesses an immediate precursor of methamphetamine with the intent to manufacture methamphetamine, or (3) possesses a listed chemical with the intent to manufacture methamphetamine or an immediate precursor of methamphetamine, commits misconduct involving a controlled substance in the second degree, a class A felony.

Section 2. Provides a cross reference to a definition.

Section 3. Amends AS 11.71.030(a)(1) to clarify that this provision only applies to conduct that is not proscribed under AS 11.71.020(a), amended in sec. 1 of the bill.

Section 4. Amends AS 11.71.195 to provide that the exemption for certain substances provided by this statute only applies if the conduct in regard to the substances is not otherwise made illegal under our controlled substance laws.

Section 5. Defines what listed chemicals are and identifies listed chemicals.

GPL:glc  
99-100.glc

# MEMORANDUM ALASKA PUBLIC DEFENDER AGENCY

900 West Fifth Avenue, Suite 200  
Anchorage, Alaska 99501

Tel: (907) 264-4400  
Direct line: 264-4412  
Fax: (907) 269-5476  
e-mail: blair\_mccune@admin.state.ak.us

TO: Representative Tom Brice  
Alaska House of Representatives

Senator Robin Taylor  
Chairman Senate Judiciary Committee  
Alaska State Senate

FROM: Blair McCune, Deputy Public Defender

RE: HB 3 – Precursor chemicals  
Senate Judiciary – Friday, January 21st.

DATE: January 20, 2000

=====  
The Public Defender Agency commented on this bill in the House last year. We still feel the bill has problems, especially in the level of the offenses it creates.

We believe that Section 1 of the bill, which makes the conduct a class A felony, is out of synch with other Alaska drug laws. Presently, manufacture of methamphetamines is a class B felony. The bill makes it a class A felony. It also makes possession of any amount of an "immediate precursor" of methamphetamine a class A felony. Finally, possession of any amount of "listed chemicals" is a class A felony.

Although the desire to increase penalties for setting up a large-scale "meth lab" is understandable, this bill makes possession of any amount of the chemicals a class A felony. There should be some recognition that possessing a large quantity of these chemicals is more serious than possessing only a small amount. If provisions on quantities were added, the bill would differentiate between defendants who are preparing for or engaging in a large-scale drug manufacturing operation and misguided individuals who possess small quantities of listed substances with the intent of trying to make a small amounts of drugs.