

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 86/2

10461 HOUSE STATE AFFAIRS

HCR

26

Alaska State Legislature

WHILE IN SESSION
CAPITOL BUILDING
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CHAIRMAN, LEGISLATIVE COUNCIL
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MEMBER, MILITARY & VETERAN AFFAIRS

BUDGET SUBCOMMITTEES
ALASKA COURT SYSTEM
DEPT. OF CORRECTIONS
DEPT. OF LAW

Representative Joe Green
District 10

SPONSOR STATEMENT HCR 26

“A resolution supporting increased use of the house arrest program/electronic monitoring with sobriety monitoring as a means of preventing crime and reducing the high costs of imprisonment in Alaska.”

In 1998, the Legislature established the house arrest program/electronic monitoring (HAP/EM) authorizing the commissioner of corrections to designate prisoners to serve their terms of imprisonment or temporary commitment by electronic monitoring at their residence.

The use of this program protects the public by restricting an offenders' freedom, yet allows the offender to function productively in society with regard to work, family and education commitments.

Offenders who are able are required to pay costs of the HAP/EM program at \$14.00 per day, thus saving the state from paying the costs of imprisonment. The current average cost of incarceration statewide is \$114.00 per day.

While the program defines stringent parameters by which an individual can be considered as a participant in HAP/EM, it is believed that the program can be better utilized in combination with sobriety monitoring. This resolution attempts to expand the use of HAP/EM as a means of serving terms of imprisonment or temporary commitment for offenders who are in or have completed a therapeutic designed court program. Developing a program specifically for alcohol or other drug dependent offenders utilizing a combination of sobriety monitoring, treatment and anti-craving medication as is used in district court wellness programs would make excellent use of HAP/EM.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HCR 26
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAA
 Title Supporting Use of House Arrest/ BRU _____
Electronic monitoring Component _____
 Sponsor Representative Joe Green _____
 Requester House STA Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	3.0	0.0	0.0	0.0	0.0

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

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

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

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This resolution has no fiscal impact on state spending.

Prepared by: House State Affairs Phone 465-4963
 Division _____ Date/Time 3/12/02 11:10 AM
 Approved by: Representaitve John Coghill, Chairman Date 3/12/2002
 Agency House State Affairs

Alaska State Legislature

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BUDGET SUBCOMMITTEES
ALASKA COURT SYSTEM
DEPT. OF CORRECTIONS
DEPT. OF LAW

Representative Joe Green
District 10

MEMORANDUM

To: Representative John Coghill, Chairman
From: Representative Joe Green
Date: February 22, 2002
RE: HCR 26

Please schedule House Concurrent Resolution 26 before your committee for a hearing.

Attached are:

1. HCR 26
2. Sponsor Statement

If you have any questions, please do not hesitate to contact my aide Jessica Menendez at ext. 4920

22-LS1578C
Luckhaupt
3/13/02

CS FOR HOUSE CONCURRENT RESOLUTION NO. 26()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE GREEN

A RESOLUTION

1 **Supporting increased use of the house arrest program/electronic monitoring with**
2 **sobriety monitoring as a means of preventing crime and reducing the high costs of**
3 **imprisonment in Alaska.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **WHEREAS** a recent study shows that 42 percent of arrests and 44 percent of
6 incarceration in Alaska are attributed to alcohol and other drug abuse; and

7 **WHEREAS**, among this population, treating alcoholism and other drug addiction also
8 prevents future criminal offenses; and

9 **WHEREAS**, in 1998, the legislature established the house arrest program/electronic
10 monitoring (HAP/EM) and authorized the commissioner of corrections to designate prisoners
11 to serve their terms of imprisonment or temporary commitment by 24 hour electronic
12 monitoring and supervision at their residences or other places selected by the commissioner
13 under AS 33.30.065; and

14 **WHEREAS** HAP/EM protects the public by restricting offenders' freedom and
15 movement through 24 hour electronic monitoring and supervision, yet improves the

1 likelihood that the offender can function productively in society through employment, care of
2 family, and education; and

3 **WHEREAS** offenders on HAP/EM are required to pay all or some of the costs of the
4 program, thus saving the state from paying the costs of imprisonment; and

5 **WHEREAS** HAP/EM now uses a new technology for sobriety monitoring of alcohol
6 abusing offenders, a computerized device that tests offenders for sobriety and transmits the
7 blood-alcohol reading by telephone; and

8 **WHEREAS** offenders on the HAP/EM program who are also in the Anchorage
9 district court's wellness court are required to take the prescription medicine Naltrexone to
10 quell the craving for alcohol and are required to participate in a state-approved alcoholism
11 treatment program; and

12 **WHEREAS** the experience of the Anchorage district court wellness court shows that,
13 with a combination of intensive monitoring, treatment, and anti-craving medication, alcohol
14 and other drug abusing defendants can attain and maintain total abstinence from alcohol and
15 other drugs and avoid further criminal violations; and

16 **WHEREAS** the Department of Corrections could create a program for alcohol and
17 other drug abusing offenders incorporating the primary elements of the Anchorage wellness
18 court program--monitoring, treatment and medication--regardless of whether the offenders
19 were enrolled in a therapeutic court; and

20 **WHEREAS** HAP/EM is available in Anchorage, Palmer, Wasilla, Juneau, and
21 Ketchikan, but is not used to capacity;

22 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the
23 Governor to direct the Department of Corrections, the Department of Law, and the Alaska
24 Court System, and urges attorneys who prosecute and defend alcohol and other drug abusing
25 offenders and Alaska judges, to work together to

26 (1) expand the use of the house arrest program/electronic monitoring
27 (HAP/EM) as a condition of bail, in the manner pioneered by the Department of Corrections
28 and the Anchorage district court wellness court program;

29 (2) expand the use of HAP/EM as a means of serving terms of imprisonment
30 or temporary commitment for offenders who are in or have completed a therapeutic court
31 program;

1 (3) develop programs specifically for alcohol and other drug abusing
2 offenders, modeled on the combination of sobriety monitoring, treatment, and anti-craving
3 medication that is employed in the Anchorage district court's wellness court program;

4 (4) publicize the availability of these programs through seminars and
5 educational outreach.

6 **COPIES** of this resolution shall be sent to the Honorable Jim Duncan, Commissioner,
7 Department of Administration; the Honorable Jay Livey, Commissioner, Department of
8 Health and Social Services; the Honorable Margaret Pugh, Commissioner, Department of
9 Corrections; the Honorable Bruce M. Botelho, Alaska Attorney General; and to Stephanie J.
10 Cole, Administrative Director, Alaska Court System; and to Mauri Long, President of the
11 Alaska Bar Association.

22-LS1578C
Luckhaupt
3/13/02

CS FOR HOUSE CONCURRENT RESOLUTION NO. 26()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE GREEN

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10 **monitoring (HAP/EM) and authorized the commissioner of corrections to designate prisoners**
11 **to serve their terms of imprisonment or temporary commitment by 24 hour electronic**
12 **monitoring and supervision at their residences or other places selected by the commissioner**
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14 **WHEREAS** HAP/EM protects the public by restricting offenders' freedom and
15 **movement through 24 hour electronic monitoring and supervision, yet improves the**

1 likelihood that the offender can function productively in society through employment, care of
2 family, and education; and

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4 program, thus saving the state from paying the costs of imprisonment; and

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9 district court's wellness court are required to take the prescription medicine Naltrexone to
10 quell the craving for alcohol and are required to participate in a state-approved alcoholism
11 treatment program; and

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13 with a combination of intensive monitoring, treatment, and anti-craving medication, alcohol
14 and other drug abusing defendants can attain and maintain total abstinence from alcohol and
15 other drugs and avoid further criminal violations; and

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17 other drug abusing offenders incorporating the primary elements of the Anchorage wellness
18 court program--monitoring, treatment and medication--regardless of whether the offenders
19 were enrolled in a therapeutic court; and

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21 Ketchikan, but is not used to capacity;

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8 Health and Social Services; the Honorable Margaret Pugh, Commissioner, Department of
9 Corrections; the Honorable Bruce M. Botelho, Alaska Attorney General; and to Stephanie J.
10 Cole, Administrative Director, Alaska Court System; and to Mauri Long, President of the
11 Alaska Bar Association.

HOUSE ARREST/ELECTONIC MONITORING PROGRAM

Background

Pursuant to Alaska State Legislature House Bill 272, the Department of Corrections established the House Arrest Program (HAP). HAP provides a low-cost sentencing alternative to incarceration, reserving the most secure and expensive prison/jail beds for Alaska's more dangerous offenders. The program utilizes 24-hour electronic monitoring systems and supervision which restricts an offender's freedom and movement, yet allows offenders to maintain employment and remain with their family while still being held accountable for their crimes.

The House Arrest Program has a program population capable of serving 130 with placements in Anchorage, Fairbanks and Juneau. Department of Corrections personnel supervise offenders on electronic monitoring 7 days a week, 24 hours a day. DOC personnel is also responsible for offender placement, approval of weekly plans, contact visits, surveillance, daily program compliance (including drug & alcohol testing), and providing necessary sanctions, and a response to violations. DOC contracts with BI, who provides the electronic monitoring equipment, set-up/retrieval, and equipment maintenance. BI reports program violations to DOC personnel.

Once an offender is considered eligible, DOC personnel develop an individualized House Arrest Program agreement and supervision conditions. The agreement clearly defines both the offender's responsibilities and those of the program. Additionally, there is a zero tolerance policy concerning alcohol or other drug use by offenders supervised under the program.

The minimum eligibility requirements are:

- Community custody classification;
- Meeting DOC's furlough matrix score of 20 or below, and furlough eligible;
- Serving approximate sentences greater than 30 days and less than 2 years;
- No pending disciplinary actions or high moderate infractions during the last 120 days;
- Current offense(s) not involving domestic violence;
- No current or past criminal convictions involving sexual offenses;
- Negative drug urinalysis immediately prior to entering the program;
- Agree in writing to the terms and conditions of the program;

The offender is evaluated using criteria such as:

- Safety of the public
- Offender rehabilitation potential;
- Availability of program space;
- Nature and circumstances of the offender's current offenses;
- Recommendation made by the sentencing court;
- Offender's criminal history;
- Offender's substance/alcohol abuse history;
- Other criteria considered appropriate by the program staff.

A sliding fee scale was implemented in the program to allow for equitable distribution of retribution among offenders and for program expansion. Currently, the cost of electronic monitoring is \$14.00 a day. The following are statistics reported by DOC.

ELECTRONIC MONITORING STATISTICS

Anchorage

From 05/99 – 01/31/01

Total offenders through the program	436
Completed Program	359 (82%)
Removed from program	72 (17%)
Quit program	5 (1%)
Offenders on program	59
Total number of offenders on program	495
Cost avoidance	\$2,275,923.00
Fees collected	\$485,741.00

Since 02-01-01

Total offenders through the program	145
Completed Program	132 (91%)
Removed from program	13 (9%)
Quit program	0 (0%)
Cost avoidance	\$746,280.00
Fees collected	\$192,326.00

Fairbanks

From 11/00 – 01/31/01

Total offenders through the program	21
Completed Program	8 (38%)
Removed from program	3 (14%)
Quit program	0 (0%)
Offenders on program	10
Total number of offenders on program	31
Cost avoidance	\$62,868.00

Information compiled by Representative Joe Green's Office

Fees collected	\$9,332.00
<u>Since 02-01-01</u>	
Total offenders through the program	42
Completed Program	38 (90%)
Removed from program	4 (10%)
Quit program	0 (0%)
Cost avoidance	\$248,836.00
Fees collected	\$39,664.00

Juneau

From 01/04/01 – 01/31/01

Total offenders through the program	2
Completed Program	2 (100%)
Removed from program	0 (0%)
Quit program	0 (0%)
Offenders on program	2
Total number of offenders on program	2
Cost avoidance	\$0.00
Fees collected	\$0.00

Since 02-01-01

Total offenders through the program	6
Completed Program	6 (100%)
Removed from program	0 (0%)
Quit program	0 (0%)
Fees collected	\$4,838.00

Total cost of GHS contract 01-04-01 – present	\$8,333.30
Program fees collected	<u><\$4,838.00></u>
Total cost of program	\$3,495.30

The following appropriations for fiscal year '01 and '02 are attached.

J.Menendez

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

FROM: LEGISLATIVE FINANCE
 FAX NO.: 9874651327
 03-13-02 16:49A P.01

Component Detail - FY 03 Operating Budget - House Structure

Numbers AND Language Sections:

Agency: Department of Corrections

Component: **Electronic Monitoring**
 BRU: **Administration & Operations**

	<u>01 Final</u>	<u>01 Actual</u>	<u>02 Mgt Pln</u>	<u>H Intro</u>	<u>Hse Sub</u>	<u>Gov Amd</u>	<u>02 Mat Pln to Hse Sub</u>	
Total	736.2	369.7	821.8	827.6	827.6	827.6	5.8	0.7 %
<u>Objects of Expenditure:</u>								
Personal Services	187.6	187.6	238.5	244.3	244.3	244.3	5.8	2.4 %
Travel	0.0	0.4	0.0	0.0	0.0	0.0	0.0	0.0 %
Contractual	544.9	171.9	579.6	579.6	579.6	579.6	0.0	0.0 %
Commodities	3.7	9.5	3.7	3.7	3.7	3.7	0.0	0.0 %
Equipment	0.0	0.3	0.0	0.0	0.0	0.0	0.0	0.0 %
Lands/Buildings	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0 %
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0 %
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0 %
<u>Funding Sources:</u>								
1004 Gen Fund	95.9	93.9	62.0	63.5	63.5	63.5	1.5	2.4 %
1007 I/A Rcpts	17.3	5.2	0.0	0.0	0.0	0.0	0.0	0.0 %
1156 Rcpt S	623.0	270.6	759.8	764.1	764.1	764.1	4.3	0.6 %
<u>Positions:</u>								
Perm Full Time	3.0	3.0	4.0	4.0	4.0	4.0	0.0	0.0 %
Perm Part Time	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0 %
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0 %

Wellness Court

Background

A Federal grant known as the BURNE grant from Department of Justice along with a modest legislative appropriation last year helped to create the Wellness Court in Anchorage. A total of \$85,000 was appropriated with \$75,000 going to Anchorage and \$10,000 to Juneau. Wellness court is a special court given the responsibility to handle cases involving municipal alcohol and drug-addicted offenders through an extensive supervision and treatment program. Wellness Court is facilitated by Judge James Wanamaker in Anchorage and Judge Peter Froelich in Juneau. The primary goals of wellness court are to: (1) to reduce recidivism, (2) to reduce substance abuse among participants, and (3) to rehabilitate participants. Achieving these goals requires a special organizational structure. Specifically, the wellness court model includes the following key components:

- Incorporating drug testing into case processing.
- Creating a non-adversarial relationship between the defendant and the court.
- Identifying defendants in need of treatment and referring them to treatment as soon as possible after arrest.
- Providing access to a continuum of treatment and rehabilitation services.
- Monitoring abstinence through frequent, mandatory drug testing.
- Monitoring Naltrexone, a medication given to stop alcohol cravings.
- Establishing a coordinated strategy to govern wellness court responses to participants' compliance.
- Maintaining judicial interaction with each wellness court participant.
- Monitoring and evaluating program goals and gauging their effectiveness.
- Continuing interdisciplinary education to promote effective wellness court planning, implementation, and operations.
- Forging partnerships among wellness courts, public agencies, and community-based organizations to generate local support and enhance wellness court effectiveness.

Support services are provided by Partners for progress and is a cooperative effort of the Anchorage District Court, the Anchorage Municipal Prosecutor's office and Partners for Progress. Successful completion of the treatment program results reduced or set aside sentences, lesser penalties, and in rare cases dismissal of the charges, or a combination of these. Most importantly, graduating participants gain the necessary tools to rebuild their lives.

Summary

Both these programs have had a degree of success in providing for alternatives to incarceration. Continuing to expand community correction programs, alcohol and other drug treatment, and other sentencing alternatives can partially attempt to control the growth of prison expansion and incarceration and hence, the cost of corrections. More importantly, there is a growing awareness that long prison sentences are not the answer to crime in many instances.

Alaska's budget shortfalls, the need to cut state expenditures and substantial shifts in funding for criminal justice programs force us to look for program approaches that draw on community resources and use problem-solving empirically based model programs. Associations such as the American Correctional Association, American Probation and Parole Association, International Community Corrections Association, and the National Institute of Corrections have all supported the rapid expansion of treatment oriented alcohol and drug courts, community policing and restorative justice programs.

HCR 26 looks towards the joint efforts of the Alaska Court System, the Department of Law, the Public Defender Agency, the Department of Corrections, the Department of Health and Social Services, and other agencies to work together in developing a mutually agreed-upon plan that expands the use of the house arrest program/electronic monitoring and promotes and utilizes the program elements established in therapeutic courts, alcohol and other drug courts and wellness court programs.

Building our way out of the problems of overcrowding prisons, the high costs of incarcerations and high rates of offender recidivism forces Alaska to re-consider three decades of punishment-oriented policies. Alaska must acknowledge that front-end diversion is recognized more and more as the means to begin decreasing offender recidivism and increasing public safety against untreated criminal and addictive behaviors.

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 19, 2002

FURTHER REFERRALS:

Date of Committee Action: 14 MAR. 02

The STATE AFFAIRS Committee considered:

HCR 26

HOUSE CONCURRENT RESOLUTION NO. 26

HOUSE ARREST/ELECTRONIC MONITORING

Supporting increased use of the house arrest program/electronic monitoring with sobriety monitoring as a means of preventing crime and reducing the high costs of imprisonment in Alaska.

Recommends it be replaced with CS HCR 26 (STA) [] Same Title [] New Title
 For Senate Bills with new title: [] Technical Title [] New Title: HCR _____

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

List of Abbrev. for Depts.:

- ADM
- CED
- COR
- CRT
- E&D
- DEC
- DFG
- GOV
- HSS
- LAA
- LAW
- LWF
- MVA
- DNR
- DPS
- REV
- DOT
- UA

NEW FISCAL NOTES				
*For Chief Clerk's Office Use Only				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
LAA/HSTA				✓

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

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Peggy Wilson</i>	Wilson	✓			
<i>Larry Crawford Jr</i>	CRAWFORD	✓			
<i>James</i>	STURZ	x			
<i>James</i>	JAMES	x			
<i>Plenko Fata</i>	Fata	✓			
<i>Huges</i>	Huges	✓			
Chair: <i>John Giffert</i>	Giffert	✓			
Chair: <i>John Giffert</i>	Giffert	✓			

ALASKA STATE HOUSE OF REPRESENTATIVES

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Fax# (907)-456-8245



Session Contact:
(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 102

REPRESENTATIVE JOHN COGHILL

Date: March 14, 2002

To: Jerry Luckhaupt, Leg Legal

From: Rynnieva Moss, Legislative Aide

A handwritten signature in cursive script, appearing to read "Rynnieva Moss".

Re: Work Order #LS1578 Version C

Please prepare a final on CSHCR 26(STA) which is version C with no changes.

Thanks.

Alaska State Legislature

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Representative Joe Green
District 10

MEMORANDUM

To: Representative John Coghill, Chairman
From: Representative Joe Green
Date: March 13, 2002
RE: HCR 26

The following individuals have notified us regarding their interest to provide testimony or be available for questions telephonically:

Janet McCabe, Chairman, Board of Directors – Partners for Downtown Progress
Judge James Wanamaker, Anchorage District Court Judge
Gary Webster, Assistant Director of Institutions L10
Rudy Newman, Board Member Partners for Downtown Progress and Graduate
Carmen Clark Weeks, Defense Attorney

The following individuals are planning on attending the committee meeting:

Pamela Watts, Executive Director Advisory Board on Alcoholism and Drug Abuse
Don Dapceovich, Dapceovich Consultants

If you have any questions, please do not hesitate to contact my aide Jessica Menendez at ext. 4920

HJR

1

ALASKA STATE LEGISLATURE
House of Representatives

COMMITTEE ASSIGNMENTS:

JUDICIARY COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT &
TOURISM, MEMBER

website: <http://www.akrepublicans.org/Rokeberg.htm>



INTERIM:
716 WEST 4TH AVENUE, SUITE 350
ANCHORAGE, AK 99501
PHONE: (907) 269-0117
FAX: (907) 269-0119


SESSION:
ALASKA STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE: (907) 465-4968
FAX: (907) 465-2040

Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

MEMORANDUM

TO: The Honorable John Coghill, Chairman
House State Affairs Committee

FROM: Representative Norman Rokeberg 

DATE: April 4, 2002

RE: HJR 1 - 90-day session limit

Please bring up HJR 1 for another hearing before your committee.

Your committee heard this bill on March 22, 2001; a subcommittee met on March 27, 2001; and the full committee again heard the bill on March 29, 2001.

I prefer the version of the bill that I presented to your committee, HJR 1.

As you know, the bill has further referrals to the House Judiciary Committee and the House Finance Committee.

Your cooperation in moving this matter along is appreciated.

Thank you for your consideration of this request.

ALASKA STATE LEGISLATURE
House of Representatives

COMMITTEE ASSIGNMENTS:

JUDICIARY COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT &
TOURISM, MEMBER

website: <http://www.akRepublicans.org/Rokeberg.htm>



INTERIM:
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Representative Norman Rokeberg

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MEMORANDUM

TO: The Honorable John Coghill, Chairman
House State Affairs Committee

FROM: Representative Norman Rokeberg

DATE: February 19, 2001

RE: HJR 1 - 90-day session limit

A handwritten signature in black ink, appearing to read "Norman Rokeberg".

Please schedule HJR 1 for a hearing before your committee.

Attached are:

1. HJR 1
2. Sponsor Statement
3. Sectional Analysis
4. Information on Session Duration from The Book of States, 1998-99 Edition, Volume 32
5. "Shorter session, better government", *Juneau Empire*, January 26, 1997
6. "WHAT OTHERS SAY: Set a 90-day legislative session", *Fairbanks Daily News-Miner*, February 1, 1997
7. "Voice of the Times: Too darned long", *Anchorage Daily News*, May 9, 1997
8. *Alaska's Constitution: A Citizen's Guide*, pages 63-64

Thank you for your consideration of this request.

ED1:02/15/2001

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS:

JUDICIARY COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT &
TOURISM, MEMBER

website: <http://www.akrepublicans.org/Rokeberg.htm>



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SPONSOR STATEMENT HOUSE JOINT RESOLUTION 1

Proposing an amendment to the Constitution of the State of Alaska relating to the duration of a regular session.

House Joint Resolution 1 proposes an amendment to Alaska's Constitution that would limit regular legislative sessions to 90 consecutive calendar days. If this resolution passes, the proposed constitutional amendment would be presented to the voters at the 2002 general election. The voters would then decide the fate of this proposal.

Ninety days is more than enough time for the Legislature to complete its business. In an era of decreasing budgets, reducing the session by thirty days would save state funds. Shorter sessions would: (1) save approximately \$1.5 million in per diem and staffing costs; (2) aid in candidate recruitment; (3) focus the public attention; and (4) stop wasting time. Other states can do their work in 90 days or less -- Alaska should be able to accomplish this also. Our neighbor, Washington, is scheduled to be in session from January 8 to April 22 this year, a little over 90 days. Fourteen other states have legislative session of 90 days or less.

Another benefit of shorter sessions is that Alaskans want citizen-legislators. They feel legislators should be able to carry on a livelihood outside of legislative work. Shorter sessions would encourage a larger number of people to run for office and still be able to make a living at their everyday jobs.

Prior to 1984, the Legislature had no time limit on the number of days it could remain in session. The voters approved the present 120-day limit on November 6, 1984. Since that time, it has been amply proven that the Alaska Legislature can operate within a time limit. It is now time to shorten that session limit so that the business of the people can be addressed in a reasonable manner within a reasonable time limit.

One criticism of the 90-day session starting in January is that Alaska's Spring Revenue forecast, upon which we base the following fiscal year's budget, comes out in late March or early April. My answer to that problem: start the session later in the year. Alaska's Constitution currently provides that the Legislature convene on the fourth Monday in January but gives the Legislature the right to change that convening date by law. This date has been changed to the second Monday of January except after a gubernatorial election. A later start date would take care of some of the problems concerning Spring budget forecasts.

Your positive consideration of this measure would be appreciated.

ED1:02/15/2001

ALASKA STATE LEGISLATURE

House of Representatives

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SECTIONAL ANALYSIS HOUSE JOINT RESOLUTION 1 90-day session limit

By Representative Norman Rokeberg

- Section 1:** Provides an amendment to the Constitution of the State of Alaska limiting legislative sessions to 90 consecutive calendar days.
- Section 2:** Instructs that this proposed amendment be placed before Alaskan voters for consideration at the next general election.

ED1:02/15/2001

THE BOOK OF THE STATES

**1998-99 EDITION
VOLUME 32**

**The Council of State Governments
Lexington, Kentucky**

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Table 3.2
LEGISLATIVE SESSIONS: LEGAL PROVISIONS

State or other jurisdiction	Regular sessions				Special sessions			
	Year	Legislature convenes		Limitation on length of session (a)	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. (c)	30 L in 105 C	No	Yes (f)	12 L in 30 C	
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 (i)	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. (n) 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 (h)	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 C	
Iowa	Annual	Jan.	2nd Mon.	(u)	No	No	None	
Kansas	Annual	Jan.	2nd Mon.	adj-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.	last 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	(l,m)	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 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	

		Apr.	1st Mon. (m, o)	even-30 L in 45 C			
Maine _____	(l,m)	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 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

LEGISLATIVE SESSIONS: LEGAL PROVISIONS — Continued

State or other jurisdiction	Year	Regular sessions			Limitation on length of session (a)	Legislature may call	Special sessions	
		Legislature convenes		Legislature may determine subject			Limitation on length of session	
		Month	Day					
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 (l)	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 (l)	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 (u)	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)	Legislature may call	Special sessions	
	Year	Legislature convenes		Legislature may determine subject			Limitation on length of session	
		Month	Day					
Wyoming	Annual (m)	Jan.	2nd Tues. (n)	odd-40 L; even-20 L	No	Yes	None	
Dist. of Columbia	(hh)	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. Mississippi—2/3 vote for 30 C extension, no limit on number of extensions. Nebraska—4/5 vote. South Carolina—2/3 vote. Virginia—2/3 vote for 30 C extension. West Virginia—2/3 vote (or if budget bill has not been acted upon three 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 scope in Arizona, Georgia, Maine, and New Mexico.

(j) No constitutional or statutory provision; however, legislative rules require that regular sessions adjourn 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 vote 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 odd-numbered year and continues in session until Nov. 30 of next even-numbered year. In Maine, session which 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 drawn 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—years not later than Wednesday after first Monday in May.

(q) Constitution provides for regular session convening dates and allows that sessions may also be held "... at such other times as the General Assembly shall judge necessary." Call by majority of legislators is implied.

(r) Upon completion of business.

(s) Limited to 40 L unless extended by 3/5 vote and approved by the governor, except in cases of impeachment 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 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.

in January and recessing not later than the first Monday in February of that year. Limited constitutional duties 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, then 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 to be 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 the biennium at the beginning of the odd-numbered year.

- (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.

... (a) ... (b) ... (c) ... (d) ... (e) ... (f) ... (g) ... (h) ... (i) ... (j) ... (k) ... (l) ... (m) ... (n) ... (o) ... (p) ... (q) ... (r) ... (s) ... (t) ... (u) ... (v) ... (w) ... (x) ... (y) ... (z) ... (aa) ... (ab) ... (ac) ... (ad) ... (ae) ... (af) ... (ag) ... (ah) ... (ai) ... (aj) ... (ak) ... (al) ... (am) ... (an) ... (ao) ... (ap) ... (aq) ... (ar) ... (as) ... (at) ... (au) ... (av) ... (aw) ... (ax) ... (ay) ... (az) ... (ba) ... (bb) ... (bc) ... (bd) ... (be) ... (bf) ... (bg) ... (bh) ... (bi) ... (bj) ... (bk) ... (bl) ... (bm) ... (bn) ... (bo) ... (bp) ... (bq) ... (br) ... (bs) ... (bt) ... (bu) ... (bv) ... (bw) ... (bx) ... (by) ... (bz) ... (ca) ... (cb) ... (cc) ... (cd) ... (ce) ... (cf) ... (cg) ... (ch) ... (ci) ... (cj) ... (ck) ... (cl) ... (cm) ... (cn) ... (co) ... (cp) ... (cq) ... (cr) ... (cs) ... (ct) ... (cu) ... (cv) ... (cw) ... (cx) ... (cy) ... (cz) ... (da) ... (db) ... (dc) ... (dd) ... (de) ... (df) ... (dg) ... (dh) ... (di) ... 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- (n) Odd-numbered years.
- (o) Even-numbered years.
- (p) Odd-numbered years—not later than Wednesday after first Monday in June; even-numbered—years not later than Wednesday after first Monday in May.
- (q) Constitution provides for regular session convening dates and allows that sessions may also be held "... at such other times as the General Assembly shall judge necessary." Call by majority of legislators is implied.
- (r) Upon completion of business.
- (s) Limited to 40 L unless extended by 3/5 vote and approved by the governor, except in cases of impeachment 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 duties 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, then 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 to be 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 the 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 the 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.

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Shorter session, better government

Among 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.

Daily News - Miner

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WHAT OTHERS SAY

Set a 90-day legislative session

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—Juneau Empire, Jan. 26

LETTERS TO THE EDITOR

DIU LIPPO

Strange sequence smells no good

WASHINGTON — In his "errors were made" press conference, President Clinton became flustered when asked by The Washington Post's John Harris if he had found anything "unusual or suspicious" in large payments by the Lippo Group to Clinton's friend Webster Hubbell just after he was forced out of the Justice Department and before he went to jail.

"I didn't know about it," he insisted. "And I can't imagine who could have ever arranged to do something improper like that and no one around here know about it. It's just not — we — we did not know anything about it."

Later in his answer he added "before it happened," because his blanket denial was untrue. His closest confidential aide, Bruce Lindsey, had already told the Senate he was aware of the payments to the disgraced Hubbell by Clinton's Asian friends. But the president now claims that the "improper" arrangement was kept secret from him "till I read about it in the press."

Consider: The financially desperate Hubbell, who could have sunk the Clintons if he turned against them, received a bundle from the same Asian crew bankrolling Clinton campaigns; he

When bala

Sen. Lott wants Social Security, not highway fund, in the formula

By LAWRENCE M. O'ROURKE

WASHINGTON — Trent Lott, the Senate Republican Leader, has a bit of an inconsistency problem with trust funds.

It's a critical inconsistency because it lies at the center of the debate over whether the Constitution should be amended to require an annual balanced federal budget.

Both the Senate and House intend to vote in February. If each chamber approves the amendment by a two-thirds majority, it will be sent to the states. If three-fourths of the states ratify, the balanced budget amendment becomes part of the Constitution.

The resolution of Lott's inconsistency is pivotal because his issues involve two of America's

may 9, 1997

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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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Too darned long

WITH THE end of the 1997 legislative session in sight, let's suggest again that it's time to make a fundamental change in the way Alaska lawmakers do their business.

We're not talking about the conduct or results of this session. We are not criticizing legislators, individually or collectively.

The change that's needed is in the system itself.

Simply put, the state's annual legislative sessions last too long.

As thing now stand, lawmakers meet for four months every year.

For one-third of every year, the principal focus of government is on events happening in the state House and Senate. The workings of the bureaucracy may go on, albeit with some considerable distractions from the Capitol, but the attention of the top administration leaders — the commissioners, their deputies and various department heads — is riveted on what is happening in the Legislature.

Once adjournment is reached, each department of the government spends the next three months dealing with implementation of any new laws that affect their respective operations, and struggling with financial changes caused by budget cuts and changes in line-item appropriations.

And during the final one-third of the year the administration — all the departments, commissioners, deputy commissioners and workers down the line — must concentrate on planning for the next session, preparing new bills for introduction, working on the next budget, and generally gearing up to do battle all over again.

It's a wonder anything gets done.

THERE IS a solution.

By statute or by constitutional amendment, it should be mandated that the Legislature handle the state budget process on a two-year cycle — rather than dealing with appropriations annually.

Every other year, legislators should meet for a short session — 45 days at the maximum — to consider only a biennial budget. No other legislation would be considered, other than that required to address items that are judged to be absolute emergencies.

On the alternate years, the legislators would meet to consider general legislation — no budget work at all. Without the need to deal with budgets and funding, the work of this session would not require lawmakers to be in Juneau for four months of the year.

Maybe, under this scenario, they could get the work done in 60 days. Certainly 90 would be sufficient, under any circumstances.

The grim need for legislators to be in Juneau for a third of the year would be eliminated. And the administration would have much more time to concentrate on the job of running the state.

This is not rocket science. This is not plowing new fields in government. Any number of states now operate, very successfully, in this fashion. So should Alaska.

Alaska's Constitution

A CITIZEN'S GUIDE

Third Edition • 1992

Gordon S. Harrison

additional \$500 per year. Also, legislators may claim \$65 per day for each day spent on legislative business during the interim.

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.

HOUSE STATE AFFAIRS COMMITTEE

Legislative Session Subcommittee Meeting

March 27, 2001

FINAL MINUTES

The House State Affairs subcommittee met at 8:05 a.m. Subcommittee Chair REPRESENTATIVE FATE introduced the other two members of the subcommittee Representative Wilson and Representative Crawford. He also introduced Representatives Lancaster, Stevens and Murkowski.

REPRESENTATIVE FATE said the subcommittee is charged with determining whether or not there is a process of condensing HJR 1, 2, 3, & 5 into one bill. HJR 1,3 & 5 have a commonality of having 90 days for session.

REPRESENTATIVE FATE said HJR 1, 3 and 5 deal with a 90-day session, while HJR 2 deals with having a biennial budget session and a second session [non-budget] limited to 60 days.

REPRESENTATIVE MURKOWSKI said her legislation establishes a biennial state budget. She said there is no magic to the sixty days and she is not wedded to it. If the focus were on budget and not other legislation, she would like to think we could cut session from 120 to 90. She said many states accomplish their bill work and budget in much shorter time than 90 days.

REPRESENTATIVE JAMES said we always seem to compare ourselves to other states. Many have designated funds and don't have the discretionary flexibility we have. She said in many states much of the accounting is done by counties. REPRESENTATIVE JAMES said there are lots of ways to cut the cost of what we are doing and she thinks biennial budgeting is a really good idea. She said she felt the legislature is premature in dealing with the issues before subcommittee today. She said we need a long-term fiscal policy before we consider shortening session. She said she believes the legislature will move, but there is a cost to everything. She said there is no way to do a biennial budget until we have two years budget in the bank. Questions have to be answered like what are we going to do with the CBR and the permanent fund earnings. The money has to be piled up first. There's lots of ways to do a biennial budget. The public has to participate in this decision. She said the legislature needs to forward fund the budget. The schools have been asking the legislature to do this for years.

REPESENTATIVE STEVENS said he likes the idea of a biennial budget, but the legislature is just beginning to deal with a long-term fiscal plan.

REPRESENTATIVE MURKOWSKI said the constitutional amendment process should be in the process for two years to be reviewed by the legislature, the Department of Law and the public. Implementation of a biennial budget has to be reviewed very carefully to

figure out how it is to be done. Arizona phased their biennial budget in over a period of six to eight years. She said the legislature needs to have additional predictability in the process, not necessarily funding, before implementing a biennial budget.

REPRESENTATIVE CRAWFORD said that of all the elements he sees in these bill, he is interested in the biennial budget. He has talked to people in departments who say they spend so much time preparing a budget every year that a biennial budget would free up department management to do their real job.

REPRESENTATIVE LANCASTER said he thinks the budget process could be shortened up considerably. Lancaster likes the idea of interim committees. He pointed out that the [operating] budget came out of the House this year the earliest it has ever been. He said he would have no objections to folding his bill into Halcro's bill.

CHAIRMAN FATE said there is an opinion that a biennial budget is a preferred process.

REPRESENTATIVE WILSON said she has experience with the biennial budget process. Her first session was seven months long. She said that could be attributed to the fact that she was working with 170 legislators. She said when the legislature is dealing with a budget for two years it probably takes a little longer than 120 days. WILSON said the legislature can't just deal with the budget. There are things that come up. She said there are twenty-three other states that have biennial budgets. Alaska is unique and with a long-term fiscal plan Alaska can have a stable economy.

REPRESENTATIVE WILSON said she is concerned about cutting session short and making the process too hurried. She said there are times when she comes to committee and hasn't read the legislation that the committee is dealing with. She said she would hate to shorten session too much. She said if the legislature is going to have a shorter session, interim committees are needed. She said she was shocked at what the different departments have to go through to prepare and present their budget every year. A biennial budget would help state government run smoother. She warned not to be too quick to shorten first session more than 120 days.

REPRESENTATIVE LANCASTER said he didn't think the legislature can get to biennial budget without a long-term fiscal plan.

CHAIRMAN FATE asked while considering the length of the session and interim committee meetings, how much time should be spent between session in committee work?

REPRESENTATIVE MURKOWSKI said that between the 12th legislature and 19th legislature the percentage of time the legislature was really in session was from forty-five to sixty-two days. She believes the legislature could tighten up how they spend their time and shorten the session by working more in the 120 days. Working during the interim goes against the grain of a citizen legislature. She said we need to be cautious about

shortening time of session but possibly increasing days of work by interim committee work.

REPRESENTATIVE FATE said if interim work gets out of hand there will have to be an increase in salary or per diem.

REPRESENTATIVE HALCRO said if legislators were sworn in the second Monday of December, legislators would be able to work at home with constituents the first thirty days of each year. He said the first year he was here on the fifty-first day of session the House was still just approving citations. He thought the second year would be different but it wasn't. HALCRO said that thirty days in district working with constituents would make the legislative occupation more appealing to people, as they would be able to stay at home with family and get to know their constituents better. He said the key to a fiscal plan is to show the public the legislature is willing to change the way it is doing business. He said if the legislature is going to be asking the public for money out of their pocket, the legislature needs to work harder. HALCRO doesn't think 120 days are needed. He said he knows there are days he shows up for session that he would be better off back in his district working for his constituents.

REPRESENTATIVE STEVENS said he appreciated the original creative thinking put into these bills. He said that he is not aware of the exact wording in the constitution addressing legislative sessions but he wondered if some of these options are available through statutory change.

REPRESENTATIVE HALCRO said the constitution says the legislature can be in session for 120 days. He said committees can meet but can't move bills from committee to committee without being read across the floor of the House.

REPRESENTATIVE JAMES said she doesn't know how long legislators spend in committee, but that is the most important job a legislator has. She said that in order to be able to vote in committee and move to other committees a floor reading is required.

REPRESENTATIVE JAMES said the other thing that worries her is that the public knows that legislature is in session January through May. She said anything the legislature can do to get the public more involved is good and maybe interim committees would do that. She said she likes to be there in person for committee meetings, but would consider videoconferencing. In a long-term plan maybe the legislature would want to do more videoconferencing. She said these are really good ideas to have on the table. She said the legislature needs to be more honest with the public; maybe more committee meetings and public comment might make us more honest.

REPRESENTATIVE CRAWFORD said he was concerned that by shortening our session the legislature might be expanding what they do in the interim. He said he has selfish reasons for not wanting to expand interim because he may be at a remote site on a job and can't participate in the interim.

REPRESENTATIVE WILSON said the legislature needs to be careful about what is done in the interim. She said she was on an interim committee that had to find funding for Alzheimer's because all of a sudden Alzheimer's went up 50%. Interim committees should be special issues to research. She said the legislature needs to be careful that they are not conducting business but can study issues and come back to full body. She said such working committees could also have non-legislative people participating if it was a task force or study committee.

REPRESENTATIVE HALCRO clarified that HJR 3 doesn't say that the legislature would have to spend more than 120 days in session. It says that the first 30 days allows legislators to stay at home working with their constituents. He said that when people talk about moving the legislature they talk about getting people involved. Normally the only time people show up at meetings is when an issue affects them. HJR 3 allows legislators to be more responsive to their constituents and will attract more candidates for public office. Halcro said he doesn't envision working in summer, just the first 30 days of session.

REPRESENTATIVE LANCASTER said he believes that there are LIO's in most communities. He said that the Legislative Councils budget shows that a lot of legislators are collecting interim per diem and working during the interim already. He said the work is already going on, so HJR 3 brings more accountability to that work.

REPRESENTATIVE MURKOWSKI asked members of the committee to think about the first month legislators are in Juneau and what is accomplished. She said things are stirring around but there is no forward motion. She said there is some time in this 120 days that legislators are not being productive. She said legislators will use up the time allotted to them. She said she did have a concern that Christmas and New Years falls in that first thirty days and is a bad time to try to work with constituents. She said that maybe the legislature could come to Juneau the first or second week of February. She said Representative Wilson's comments about task forces are right on. That is one way to approach interim work but it is very specific like unemployment insurance.

REPRESENTATIVE STEVENS said he doesn't take to changing the constitution lightly. He said it seems that there are ways to change the legislative process without a constitutional amendment.

JANET SEITZ of Representative Rokeberg's office said that a uniform rule change would allow committees to work during interim but a bill couldn't be transmitted to the next committee until read across.

REPRESENTATIVE HALCRO said he has heard the argument that in limiting the session we are limiting the power of the legislature and giving more power to the governor. He doesn't believe that and thinks that some of the concerns about limiting session are red herrings from people who always have a problem changing. He said the legislature has to prove to the public that they are willing to make changes.

REPRESENTATIVE WILSON said that the first few days of session new legislators are brought in are part of a learning process.

REPRESENTATIVE FATE would like to explore what Representative Stevens queried addressing statutory changes versus constitutional amendments. He feels we do have that fence. Can we do anything with state law that these resolutions are trying to achieve?

REPRESENTATIVE MURKOWSKI said biennial budget would have to be constitutional.

REPRESENTATIVE FATE said he felt that a statutory change could accommodate the 90 days issue.

REPRESENTATIVE CRAWFORD said a statute would work on the 90-day issue only if leadership stood by the statute. He said that if the leadership decided to extend, they would extend.

REPRESENTATIVE STEVENS said he saw an advantage of statute changes because the legislature may find that it won't work. Statute would give the flexibility of change but if the legislature found that it does work, it could then be done constitutionally. He said he would like a legal opinion on it. Tam Cook with legislative legal was contacted to come address the question.

REPRESENTATIVE HALCRO said his legislation would not be requiring the legislature to spend all 120 days in Juneau.

REPRESENTATIVE FATE said he was not sure that a new legislator would know what to do in that first 30 days. Considering that a new legislator does not have an office and doesn't even have staff he's not sure it would be cost effective for a new legislator to spend the first 30 days of his term in his district.

REPRESENTATIVE HALCRO said that under his legislation a new legislator could have an office and a staff. The office would be that of the former legislator being replaced. He said as a freshman it was a little intimidating the first day, but he said there wasn't anything he learned the first day that he couldn't have learned through other sources.

REPRESENTATIVE FATE introduced Tam Cook, Director of Legislative Legal Division. He asked her whether or not a statute would have the same force of law as the constitution?

TAM COOK said the legislature could pass a statute to limit session but there would be no ability for the legislature to enforce it. If you want a measure of flexibility a statute would be appropriate. A constitutional provision is mandatory; there is no flexibility. If there was a reason for more time it would then require a special session or an extension of the session.

REPRESENTATIVE MURKOWSKI said that in 1978 the legislature asked for an advisory vote concerning a 120-day session. Voters overwhelming said yes to the limit. It was not until 1984 the public ratified 120 days. Between 1978 and 1984, even though the legislature knew the advisory vote, the legislature continued to run 170 days or more. REPRESENTATIVE MURKOWSKI wanted to know if the legislature at any time during that period addressed statutory changes for a legislative session.

TAM COOK said that she started working in 1980 so has some personal knowledge of 1980 through 1984. There was not a statute adopted that would have established a limit. She said she couldn't respond to the late 1970's, but didn't think there was any such legislation.

REPRESENTATIVE MURKOWSKI noted the former Representative Rick Urion was in attendance and was a legislator during the period in question. She asked him to respond to the question.

FORMER REPRESENTATIVE URION said there was no statute considered.

TAM COOK further explained the flexibility of a statute. If the legislature statutorily limited session to 90 days and passed a law on the ninety-first day, the law could be challenged. A court would look at whether the law was valid. She believes bills passed after the 90-day statutory limit would stand a good chance of being held valid. A constitutional limit of 120 days does not have the same flexibility; laws passed after 120 days, regardless of the justification, would be invalid.

TAM COOK said that a statutory session limit would have practical force just as the statutory provisions for the Permanent Fund Dividend and the earnings reserve have incredible force.

REPRESENTATIVE STEVENS asked Tam Cook to explain special sessions and extensions.

TAM COOK said the constitution now tells us that the legislature can extend by a super majority vote on a motion on the floor to extend by both houses separately. She said this has never occurred since the session limit was adopted.

TAM COOK said a special session can be held by governor calling the special session at any time. In the last 15 years of legislature two-thirds of the time a special session has occurred. Occasionally the legislature has had several special sessions in the same year. The legislature typically holds special sessions and, not as often, holds more than one. When the governor calls a special session, the governor sets the agenda. In addition, the legislature can take up certain matters such as legislative vetoes. The governor sets the legislative subject. If the legislature wanted to get into a different subject, it would have to adjourn and call itself into another special session. When the legislature calls itself into

special session there is no subject matter restriction. The process for which the legislature can call a special session is statutory. She said Title 24 involves a poll by the two presiding officers who mutually announce the results of the poll. Two-thirds of all sixty members must vote to call a special session. She noted that means the House controls the decision.

REPRESENTATIVE STEVENS thanked Tam Cook for explaining the process so well. He thought only the governor could call a special session.

TAM COOK addressed voluntary compliance for subject matter restriction in a special session called by the legislature. If another subject matter came up and passed that would be valid because the restriction was voluntary. When another subject matter is adopted in governor special session new law would be invalid.

REPRESENTATIVE MURKOWSKI asked if by statute the legislature could implement a pilot project with a department, preferably one relying on fee receipts, and have them present a biennial budget.

TAM COOK said the planning of the budget and requirements on state agencies could happen statutorily by amending the executive budget act. The difference, however, is that with the existing constitution provisions, even though everyone knows this is a biennial budget, the legislature would have to approve the second year's appropriation at the beginning of the second year's session. The constitution requires the governor to submit a budget each year. A superior court case involving the Trustees of Alaska addressed this issue. TAM COOK said that while she believes it was improperly decided it wasn't appealed. The legislature currently appropriates money in one year that will take several years to expend through the capital budget process. Trustees of Alaska involved a very large capital project that would occur over a period of time and the money would be appropriated over several years. The Superior Court held it was a continuing appropriation, considered it a dedication of revenue and held it invalid. As a legal matter the legislature can't approved biennial budget statutorily because of the court case. If legislature appropriated the budget for the first year and planned for the second year, the second year has to be appropriated the second year. If your are trying to appropriate money for a second year that has not been received you can't do it. The budget would have to be the first order of business in the second year. Obviously it implies there is a chance to manipulate that second year. Legislature always has the power to go back and reappropriate as long as the is not encumbered. The question is how formal or rigid does the legislature wants a biennial budget to be.

REPRESENTATIVE WILSON indicated she did not want the process caste in stone until it was tested and found workable.

REPRESENTATIVE STEVENS said he likes the pilot project for the biennial budget.

REPRESENTATIVE MURKOWSKI said that for the biennial budget to work we have to have other pieces in place. She said she was intrigued about Tam Cook saying we have

the ability to do most of this right now with what we have. She would like to look at specifically carving out a department like DOE come to the legislature with a two year budget, recognizing that the legislature would have to approve the second year. She would like to just to see just how possible it is to do this before moving forward with a constitutional amendment. Let's see if efficiency can be increased by biennial budgeting through a pilot project. She said she was encouraged about what she learned from Tam Cook and this would be something that might address forward funding for schools.

REPRESENTATIVE HALCRO noted all seven of the people sitting in committee have been here for two years or less and it is refreshing that they are all talking about doing things different. He said that the legislature needs to ask how do they deliver government better. He said that the legislature needs to start taking steps that are uncomfortable. He noted that the group wanting to move the legislature to the Mat-Su have the hundred signatures to move the petition.

REPRESENTATIVE FATE said time was getting short and he wanted to address the report to the full committee. He noted that there is a different awareness of the need for a constitutional amendment to get the job done. There is an alternative to the constitutional amendment approach. There are advantages of flexibility to disadvantages.

REPRESENTATIVE WILSON would feel more comfortable to study this more. There may be one state that has statutes that would be perfect for Alaska.

REPRESENTATIVE FATE said that if Chairman Coghill wants them to go further he can make that recommendation.

REPRESENTATIVE MURKOWSKI said that her office has gathered a lot of information and the administration has "oodles" of information.

REPRESENTATIVE FATE said there is tremendous interest in the shorter session. He noted there was extensive discussion of the shortness of session and biennial review and how these concerns could be addressed statutorily.

REPRESENTATIVE FATE said the subcommittee report is that the subcommittee would prefer to see two bills, one for shortening of session and one for a biennial budget.

The subcommittee adjourned at 9:50 a.m.

Alaska State Legislature

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Session: (Jan. - May)
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Representative Hugh Fate

FOR IMMEDIATE RELEASE: March 22, 2001

CONTACT: Rep. Hugh Fate (907) 465-4976

Fate Heads Subcommittee on Shorter Sessions **Panel to Consider 90-Day Sessions, Biennial Budgeting Measures**

(JUNEAU) – Rep. Hugh “Bud” Fate (R-Fairbanks) was named today to head a subcommittee of the House State Affairs Committee tasked with considering several bills proposing significant changes in how long the Alaska Legislature meets and how it writes state budgets.

“We had so many bills before State Affairs on issues relating to how the session would operate, the chairman thought it would be more productive for all the sponsors to get together with a subcommittee,” said Fate. “If possible, we hope to come up with one bill addressing the issue of legislative sessions, and another one dealing with interim committee meetings and biennial budgeting.”

State Affairs Committee Chair Rep. John Coghill (R-Fairbanks) named Fate as subcommittee chair, and appointed as members Rep. Peggy Wilson (R-Wrangell) and Rep. Harry Crawford (D-Anchorage). They plan to meet Tuesday, March 27 at 8 a.m. in the State Affairs committee room, and report back to the full committee by Thursday, March 29, Fate said.

The bills referred to the subcommittee are:

- House Joint Resolution 1, sponsored by Rep. Norman Rokeberg (R-Anchorage), and House Joint Resolution 5, sponsored by Rep. Ken Lancaster (R-Soldotna), both of which propose constitutional amendments to shorten legislative sessions to 90 days.
- House Joint Resolution 2, sponsored by Rep. Lisa Murkowski (R-Anchorage), proposing a constitutional amendment providing for alternating sessions of 120 days and 60 days, and requiring the Legislature to adopt a two-year budget in the longer sessions.
- House Joint Resolution 3, sponsored by Rep. Andrew Halcro (R-Anchorage) proposing a constitutional amendment shortening regular sessions to 90 days starting in February, but also authorizing the Legislature to hold committee meetings and take action during the interim between sessions.

Shorter sessions have been touted as a way to reduce the burden of legislative service, by reducing the amount of time most legislators would spend away from their homes, families and careers, and as a way to cut the expenses the Legislature incurs while in regular session. The subcommittee will consider, however, whether the savings from shorter regular sessions would be eaten up by the cost of special sessions or interim committee work.

Likewise, the subcommittee will explore how extending the state budget from an annual exercise to one occurring every two years might impact state business and the flow of other legislation, Fate said. Other factors to consider include the timeliness and reliability of state revenue forecasts the Legislature uses in writing spending plans.

Fate said he may consider whether such changes might be better implemented by statute, giving the Legislature more opportunity to evaluate and fine-tune their effects than if they were locked into the state Constitution.

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SITE: ANCHORAGE LIO

COMMITTEE:

House State Affairs

DATE: 3-17-2001

SUBJECT OF MEETING:

HB 1 - Move Legislature to Anchorage

UPDATE #: Final Stats



PLEASE SIGN IN

PLEASE PRINT:

NAME

ADDRESS (MAILING & ZIP)

REPRESENTING

**DO YOU WANT
TO TESTIFY?
Y or N**

✓ Uwe Kalenka	PO Box 92824, Anchorage 99509		Y - HB 1
✓ Bob Monson	PO Box 222524, Anchorage 99522		Y - HB 1
✓ Joseph R. Henri	9921 Near Point Dr, Anchorage 99507		Y - HB 1
✓ Terry Martin	PO Box 102381, Anchorage 99510		Y - HB 1
✓ Bill Dudley	2123 Esquire Dr, Anchorage 99517		Y - HB 1
George Gaguzis	7100 Old Harbor, Anchorage 99504		Y - HB 1
Scott Robart	627 W 20 th Ave, Anchorage 99503		Y - HB 1
Andre McLeod	3721 Young St, Anchorage 99508		Y - HB 1
✓ Aletha Henri	9921 Near Point Dr, Anchorage 99507		N - HB 1
Rep Coghill, Rep Rokeberg, Rep Green, Rep Crawford			
Sen. Randy Phillips			
2 observers			

✓ ~~Rep.~~ Co udery
Sen.

SITE: ANCHORAGE LIO

COMMITTEE:

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Rep Coghill, Rep Rokeberg, Rep Green, Rep Crawford			
Sen. Randy Phillips			
2 observers			

✓ ~~Rep~~ Cowdrey
Sen.

Lawmakers attempt to trim session

Reps seek two-year budgets

By BILL McALLISTER
THE JUNEAU EMPIRE

A group of freshman and sophomore representatives is investigating whether legislative sessions and state budgeting can be reformed through regular laws, rather than constitutional amendments.

But the lawmakers are still looking hard at 90-day and 60-day sessions and a biennial state budget, which they believe would result in a more efficient legislative process.

A House State Affairs subcommittee this morning discussed four proposed constitutional amend-

ments.

All of them would shorten the period in which the Legislature is in session. One, authored by Anchorage Republican Rep. Lisa Murkowski, also would call for the state budget to be set on a two-year cycle.

While House Majority Leader Jeannette James, a North Pole Republican, sat in for part of the discussion, the seven lawmakers who participated throughout the two-hour hearing all have been elected since 1998.

"I think the risk is, the longer you're here, the more comfortable

Please see Reforms, Page 8

8 JUNEAU EMPIRE, TUESDAY, MARCH 27, 2001

Reforms...

Continued from Page 1

you get with the status quo," said Rep. Andrew Halcro, an Anchorage Republican who is in his second term.

Proposed amendments by Halcro, Anchorage Republican Norm Rokeberg and Soldotna Republican Ken Lancaster would establish 90-day sessions every year. Now the annual regular session is limited by the constitution to 121 days.

Halcro's amendment also calls for legislators to begin their terms in December, rather than January, allowing a month of preparatory work in their districts before the Legislature convenes. He also would allow interim meetings of committees.

Murkowski would limit sessions

in even-numbered years to 60 days, although she said she's not firm on the length. The heart of her proposal is setting a two-year budget during odd-numbered years, when sessions would remain 120 days.

The premise is that legislators don't really need all the time they take to do their business.

"There's a lot of stirring around and not a lot of motion forward in that first month," Murkowski said.

In discussion, the sponsors of the legislation and subcommittee members gained "a different awareness" about alternatives to constitutional amendments, said subcommittee chairman Hugh Fate, a Fairbanks Republican.

Legislative staffer Tam Cook said that in going to a biennial budget, "you can get 95 percent of the way there" without amending the constitution. The constitution

prohibits the appropriation of revenues not yet received, Cook said. So the Legislature could do all of the calculations necessary for a two-year budget but could not officially adopt the second half of it until the next regular session, she said.

A statutory limit on session length would have little if any legal force, Cook said. If lawmakers acted on bills after the statutory deadline, the courts probably would reject any challenges to the validity of the new laws on the grounds that the Legislature "by implication" had suspended the deadline, she said.

But she didn't rule out a statutory deadline as an effective political tool for self-discipline.

James, the majority leader, said she thinks that putting a long-range fiscal plan in place is necessary before doing any of the other

structural reforms, although she said a biennial budget is "a super idea."

"We should never take up a constitutional amendment lightly," Murkowski said. But she said the biennial budget could go "hand in hand" with a long-range fiscal plan and could be implemented gradually. Halcro said support for new taxes in a long-range plan could be gained by showing the public "we're willing to change the way we do business now."

Murkowski broached the idea of selecting an agency - say, the state Department of Education and Early Development - and trying to draft a biennial budget "just to see how possible it is to do this before we move forward with a constitutional amendment."

♦♦♦♦

Bill McAllister can be reached at billm@juneauempire.com.

Alaska State Legislature

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HUGH "BUD" FATE

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House Of Representatives

While in session
State Capitol
Juneau, Alaska
99801-1182
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House District 33

House Special Sub-Committee Report State Affairs HJR 2, HJR 3, and HJR 5

The special sub committee in State Affairs convened on March 27, 2001 at 8:05 AM to look into the feasibility of combining HJR 1, HJR 2, HJR 3, and HJR 5 into one House Joint Resolution.

The recommendations are as follows:

We recommend that HJR 1, HJR 2, HJR 3 and HJR 5 be divided into two questions.

- 1) The first is the division of the question of biennial budgeting and length of session.
- 2) The second is that HJR 1, HJR 2, HJR 3 and HJR 5 be further discussed with a view towards whether a constitutional amendment or statute change would be preferable.

HJR

2

CORRECTION

Discard HJR 2

and retain this corrected version.

ALASKA STATE LEGISLATURE

Chair:
LABOR AND COMMERCE

Member:
MILITARY AND VETERANS AFFAIRS
COMMUNITY AND REGIONAL AFFAIRS
LEGISLATIVE COUNCIL
JOINT ARMED SERVICES



REPRESENTATIVE LISA MURKOWSKI

Government Hill • Elmendorf • East Anchorage

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Sponsor Statement

HJR 2

“Proposing amendments to the Constitution of the State of Alaska relating to the duration of regular sessions of the legislature and to a biennial state budget.”

In an effort to promote efficiency and effectiveness in state government, I have introduced HJR2. HJR2 proposes amendments to the Constitution of the State of Alaska relating to a biennial state budget. In the first year of a two-year legislative session the Governor would propose and the Legislature would adopt a budget for the next two fiscal years. The second year of the session would be freed up for other legislation and be limited to 60 consecutive days.

As it currently stands, the state budget process is a tedious annual event. This process involves hearings, debates, and closeouts with considerable time spent by the various departments drafting their budgets. Once the agencies have prepared a budget, they must defend and revise, with little time for actual implementation before they start all over again preparing for the next year. A biennial budget would allow agencies to devise their budgets for two fiscal years, giving more time to implement the budget and allow for advanced planning initiatives. This would result in cost efficiencies and greater productivity overall.

With a biennial budget, the “off-year” would then be focused on legislative issues and priorities other than the budget. The off-year length of the session could be significantly reduced from 120 days to just 60 days and be a further cost savings to the state. It should be noted that HJR2 does not limit other legislation to just the off-year, it would be business as usual with the exception that the budget would be tackled during the first year.

As a resource state, we recognize that Alaska’s annual revenue is a moving target. HJR2 responds to this by allowing for a supplemental budget during the off year as needed, without going through the expense and hassle of a full budget review.

Each year the idea of smaller, smarter government is addressed by the legislature and each year more concepts have been considered and adopted. With a move toward privatization, results-based government, and consolidation of services, we are making progress in that direction. Passage of HJR2 would continue that success.

Alaska Support Industry

ALLIANCE

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Phone 907.563.2226
Fax 907.561.8870
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Business Consultant

GENERAL MANAGER

Larry Houlo



THE ALLIANCE

... for responsible development of Alaska's Oil, Gas & Mineral Resources

January 25, 2001

Representative Lisa Murkowski
Alaska State Legislature
State Capitol
Juneau, AK 99801

RE: House Joint Resolution 2, Biennial State Budget

Dear Representative Murkowski:

I understand that HJR 2 is on the agenda for discussion in the House State Affairs Committee. On behalf of the Alaska Support Industry Alliance (The Alliance) I'd like to offer the following comments in support of this House Joint Resolution.

The Alliance is a statewide, non-profit trade organization representing over 350 businesses, organizations and individuals that provide goods and services in support of oil and gas exploration, development and production. Collectively our members employ 29,000 people; 25,000 of those are permanent residents of the state.

Since its inception in 1979, The Alliance has advocated a balanced state budget. We believe state government should do business like a business and investigate new ideas that would allow the public sector to do more with less – be more efficient and effective in planning and executing our state budget and budget process. Budgetary efficiency would send a message to potential investors that Alaska has a solid and sound fiscal plan, and that its “house is in order – a good place to do business.”

Specifically, The Alliance believes that a two-year budget cycle could result in the following:

- An opportunity for more effective agency planning. A biennial budget would be conducive to developing proactive spending habits instead of reactive spending dialogue.
- The opportunity to analyze state programs based on performance and results, prior to yearly budget appropriations.

- The potential for a shortened legislative session. The budget typically takes an enormous amount of time to hammer out. By undergoing the full process every other year, we could save state dollars and resources.
- Greater utilization of all our legislators and their expertise. Traditionally, the Senate and House Finance committees are made up of the more senior members of each body. The House Finance Committee members serve on no other committee. In many cases, we are missing their valuable input, wisdom and vast experience in creating other critical legislation. A two-year process would afford all legislators time to focus their attentions – one year on budget, the next on legislation.
- Flexibility to address emergency needs or supplementary requirements. A biennial budget process would not preclude supplemental budget considerations due to circumstances of need. These could be addressed on a case-by-case basis.

Twenty states have already adopted a biennial budget process. That's a good indication that other states are "thinking outside of the box." We believe that Alaskan must also embrace new ways of thinking, and for this reason, we encourage the legislature to continue dialogue on the biennial budget process.

The Alliance further believes that *all measures* should be *considered with an open mind*, whether it be results-based budgeting, consolidation of government programs, elimination of non-essential services, use of a two-year budget cycle, and/or privatization of some government functions. Ultimately our goal must be to begin to live within our means.

Sincerely,



Larry J. Houle
General Manager



217 Second Street, Suite 200 ■ Juneau, Alaska 99801 ■ Tel (907)586-1325, Fax (907)-463-5480

February 13, 2001

Representative Lisa Murkowski
State Capitol
Juneau, AK 99811

Dear Representative Murkowski,

Re: **Support of State biennial budget**

The members of the Alaska Municipal League and the Alaska Conference of Mayors voted in November, 2000 to support a state biennial budget as part of our top legislative priority to "adopt a long-range fiscal plan." (See attached AML/ACoM Legislative Platform)

HJR 2 that proposes voter consideration of a constitutional amendment to adopt a **biennial budget** and reduce the length of the legislative session to 60 days in non-budget years. This appears to be a reasonable approach. According to the National League of Cities, western states with populations and economies similar to Alaska (North Dakota, South Dakota, Wyoming) all have biennial budgets with shorter sessions in non-budget years. South Dakota, and Wyoming have 40-day legislative sessions in budget years, with 35/20 day sessions respectively in non-budget years. The North Dakota legislature can meet a maximum of 80 days over two years and can allocate the time between the years as needed.

While Alaska's major revenue source is volatile, the purpose of a long-range fiscal plan is to create more stability. Therefore, a biennial budget may add to stability of services while allowing for annual modifications as necessary.

Juneau is in its third cycle of biennial budgeting. Craig Duncan, Finance Director, spoke highly of time savings, and acceptance by the assembly. The assembly still has the ability to fine tune the budget each year, or make major changes if necessary.

Sincerely,


Kevin Ritchie
Executive Director

Cc: AML Board of Directors and Legislative Committee

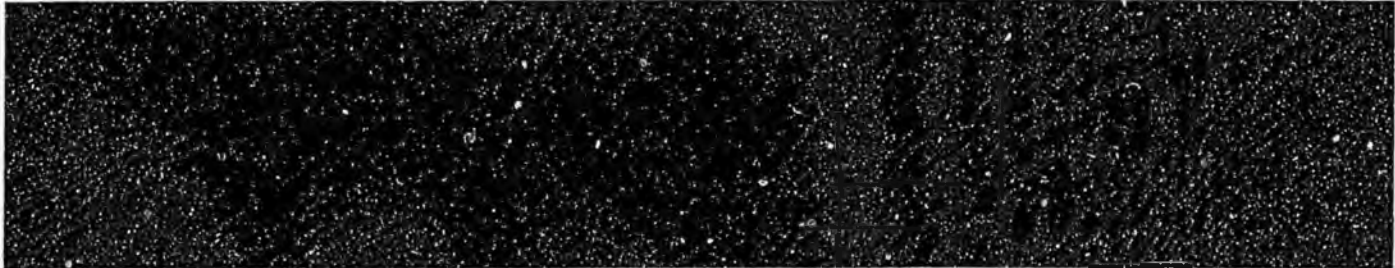
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2001

STATE LEGISLATIVE PRIORITIES

1. Urge the Legislature to adopt a **state long-range fiscal plan** that considers the direct and indirect impacts on municipal services and local taxes. A long-range fiscal plan should include:
 - A biennial state budget, and
 - Preservation of local control of sales tax.
2. As specifically required by the Alaska Constitution and interpreted by the Alaska Supreme Court, the Legislature must **increase per student state education spending** to meet increased costs necessary to provide an adequate education for all Alaskan children.
3. As a key component of a state long-range fiscal plan to stabilize local taxes, the Governor and Legislature are urged to **restore \$50 million to communities** through the existing revenue sharing programs, or create a voter-approved **categorical Community Dividend Program** for public safety, roads, and other key local services.
4. Provide adequate operation and maintenance funding for existing, as well as new surface, air, and marine transportation infrastructure.
5. Continue funding for ongoing state and local **deferred maintenance** of roads, schools, and other public improvements through bonding and other funding mechanisms.
6. State support for an **Alaska Local Government Summit**, to include state, municipal and tribal governments, to determine if state policies on local government are consistent with the intent of the Alaska Constitution and if improvements are warranted.





Fiscal Affairs Program

Annual And Biennial Budgeting

The Experience Of State Governments

Ronald K. Snell, National Conference of State Legislatures

February 2000 (updated November 2000)

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Introduction

The trend among state governments for the past 50 years has been to abandon biennial budgeting for annual budgeting. Forty-four states practiced biennial budgeting in 1940. Twenty-one do so now. There were several reasons for the shift to annual budgeting, but in general the shift has been part of the resurgence of state legislative power since the middle of the century. In the past decade, however, two states have returned to biennial budgeting from annual budgeting, and no state has shifted from biennial to annual budgeting.

The growing role in legislatures in state government can be measured by the shift from biennial to annual legislative session. In 1940 only four state legislatures held annual sessions; now 43 do so. A shift to annual budgeting tended to follow the move to annual sessions, as state budgets became larger and more complicated and as federal grant-in-aid programs to state and local governments

became increasingly prominent in the 1960s and 1970s. At the same time, state finances became more dependent upon personal income and sales taxes, enlarging the revenue stream and making it somewhat less stable than in the past, adding another reason for adoption of annual budgets.

State changes have not moved in only one direction. Connecticut returned to biennial budgeting in 1991, reversing the decision it made to go to annual budgeting when the state shifted to annual legislative sessions in 1971. Arizona made a gradual transition from annual to biennial budgeting in the course of the 1990s, and completed the process with the enactment of a biennial budget in 1999. Kansas provides smaller agencies with biennial budgets and larger agencies with annual budgets, a practice Arizona used in the mid-1990s. A few states have moved from annual to biennial budgeting over the past 20 years or have changed back and forth, because of partisan politics, uncertainty as to which worked better, or both. As this report will show, state experience does not make a clear case for the superiority of either biennial or annual budgeting over the other.

True biennial budgeting--enactment of a consolidated two-year budget--occurs only in three states--Oregon, North Dakota, and Wyoming (table 1). Oregon and North Dakota have biennial legislatures as well--they meet in regular session only once in two years. Although the Wyoming legislature meets annually, in the non-budget year its session is scheduled for only 20 days.

Except for those three, the practice is for biennial budgeting states to enact separate budgets for two fiscal years at once. Since most of the states that do this have annual legislative sessions in which they can and do revisit the budget, table 1 may overstate the extent of true biennial budgeting.

As already noted, the long term trend has been for states to move to annual budgeting. Biennial budgets are more likely to be found in the less populous states, as are biennial legislatures. Among the 10 largest states--whether measured by population or by legislative appropriations--only Ohio and Texas use biennial budgets, and only Texas has regular biennial sessions of the legislature.

Annual Session Annual Budget (29 States)	Annual Session Biennial Budget (15 States)	Biennial Session Biennial Budget (6 States)
Alabama	Arizona	Arkansas
Alaska	Connecticut	Montana
California	Hawaii	Nevada
Colorado	Indiana	North Dakota*
Delaware	Kentucky	Oregon*
Florida	Maine	Texas
Georgia	Minnesota	
Idaho	Nebraska	
Illinois	New Hampshire	
Iowa	North Carolina	
Kansas	Ohio	
Louisiana	Virginia	
Maryland	Washington	
Massachusetts	Wisconsin	
Michigan	Wyoming*	
Mississippi		
Missouri		
New Jersey		
New Mexico		
New York		
Oklahoma		

Oklahoma Pennsylvania Rhode Island South Carolina South Dakota Tennessee Utah Vermont West Virginia		
Biennial budget states that enact a consolidated two-year budget. Other biennial budgets enact two annual budgets at one time.		
Population estimates are for 2000.		

These are the other issues this report examines:

1. Significant differences of budget administration between states with annual and biennial budgets.
2. Advantages and disadvantages of a biennial budget cycle.
3. The consequences of a biennial budget cycle for predictability and planning certainty for executive branch agencies and legislative committees.
4. The ability of governors and legislatures to respond to changing events and changing budget priorities.
5. The likelihood and consequences of increasing reliance upon supplemental appropriations in a biennial budget cycle.
6. The contention that biennial-budget states spend more money than annual-budget states.

1. Significant differences or variations among the states utilizing a biennial budget process.

Biennial and annual budgets do not seem to cause significant differences in budgeting practices among the states, although state practices vary so widely for reasons of politics and history that it is difficult to single out any one reason for differences in practice.

There does not appear to be any consistent relationship between state budget and legislative cycles and the powers governors have to cut budgets or transfer funds between agencies or programs. A governor's power to reduce budgets or make transfers varies greatly from state to state, but it does not appear to be consistently greater in states with biennial budgets or legislative sessions than in other states.

Arkansas, for example, which has a biennial legislature and budget, imposes strict limits on the governor's power to transfer funds among programs in an agency appropriation, denies the power to transfer funds among agencies, and limits the governor's power to cut the budget with provisions that are enacted in the budget itself. Despite the biennial legislative sessions, the legislature preserves a significant amount of control over changes in the budget when it is not in session. This is no different in its effect from the practice in the annual-budget state of Tennessee, where the constitution encourages the governor to call a special session of the legislature if budget cuts are needed, and where transfers are similarly limited.

Some states with annual legislatures and budgets provide governors with remarkably broad administrative authority over the budget. Iowa, Indiana, South Carolina, and South Dakota allow their governors unlimited power to transfer funds among state agencies. Ten of the states with annual legislative sessions allow their governors to reduce budgets by unlimited amounts to cope with revenue shortfalls. Only five of the 20 states with biennial budgets give their governors as much power to reduce spending. Thus the budget cycle in itself does not appear either to create a need for strong executive budget review powers or to prevent the need for them.

2. Advantages and disadvantages of a biennial budget cycle.

There is little evidence of clear advantages of either annual or biennial state budgeting practices. These are the findings of two major studies. In 1972, the Council of State Governments examined the issue, a favorable time for doing so since states' experience in shifting from biennial to annual budgeting was recent enough to allow comparisons of biennial and annual budgeting within some states. No clear findings emerged, and the study concluded that:

In reality, a State can develop a good system of executive and legislative fiscal and program planning and controls under either an annual or biennial budget. The system would work differently with the alternative timespans, but could be effective under either approach.

Analysts at Texas A & M University reviewed the CSG study in the course of their own examination of annual and biennial budgeting in 1984, and came to the same conclusions:

The arguments used to justify and refute both annual and biennial budgets remain essentially unchanged [since 1972]-and unproven. The success of a budget cycle seems to depend on the commitment of state officials to good implementation rather than on the method itself.

Major advantages of biennial budgeting are said to be that it is conducive to long-term planning; that it allows more time for program review and evaluation; and that the process itself is less expensive and time-consuming than that of annual budgeting.

Long-term planning. Many states, like the federal government, carry out long-term planning efforts that are independent of their budget cycle, but there is no evidence that biennial budgeting particularly favors those efforts. Evidence from states which have changed from annual to biennial budgeting over the past 30 years fails to provide strong support for the contention that biennial budgeting is conducive to long-term planning. The Council of State Governments' 1972 study of eight states produced such conflicting evidence that it could neither confirm nor reject the idea. An in-depth study of five states carried out by faculty of Texas A&M University in 1984 was also inconclusive on the point, as is the study done by the General Accounting Office in 1987. Analysts in Connecticut, however, emphasize that the governor and legislature have greatly increased their long-term budget forecasting and analysis since the state adopted a biennial budget in 1991.

Program Review and Evaluation. A strong argument for biennial budgeting is that it allows more time for performance evaluation, and thus can encourage administrators and legislators to move in the direction of outcome-focused budgeting rather than continue to focus on budget controls. This was one of the principal arguments that led Connecticut to return to biennial budgeting. Proponents contended that, "The present system (of annual budgeting) does not allow enough time to review expenditures in depth. Those preparing the budget finish one year and then immediately plunge into the next year's budget."

It is not clear that Connecticut's experience has lived up to this goal, since budget revision and consideration of new programs has, according to participants, taken up about as much time in the non-budget years as writing a budget does in the budget sessions. Analysts

in two other biennial budget states--Ohio and Oregon--emphasize that their budget cycles facilitate policy consideration and reflection. Oregon's biennial legislative schedule provides time for interim study committees to undertake major projects in the absence of a legislative session.

Comparisons between states are very difficult, however, and many legislatures with annual budgets carry out sophisticated program and performance review through specialized staff agencies with legislative oversight. Although it seems intuitively certain that biennial budgeting encourages legislative performance review and evaluation, there is probably no way to prove that the opportunity is more beneficial than the existence of a strong performance evaluation effort in an annual-budget

state.

Budgeting costs. Biennial budgeting may reduce executive branch costs of preparing budgets, since the process is consolidated in comparison with annual budgeting. State experience appears to bear this out, according to the studies cited in the notes on the previous page. Annual budgets certainly create greater pressures on all budget staff and policy makers than biennial budgets, since in many states preliminary work on the next fiscal year's budget is simultaneous with beginning the implementation of the current budget and wrapping up the previous fiscal year's budget.

Economic and fiscal circumstances probably have more to do with a state's rigorous review of its fiscal priorities than its budget cycle does. For example, in the early 1990s many states discovered serious shortfalls in the middle of a fiscal year. They reviewed earlier budget commitments, considered cuts and revenue increases, revised spending priorities, and in effect wrote new budgets. This was primarily an executive activity in some states, and in others there was the usual budget process of executive recommendations and legislative enactments.

In years when political leadership and economic circumstances are unchanged, budget processes can be fairly routine, regardless of whether an annual or a biennial budget is being written. Conversely, appropriations for the second year of a biennium are not secure if economic conditions have altered for the worse.

3. The consequences of a biennial budget cycle for predictability and planning certainty for executive branch agencies and legislative committees.

It is obviously more difficult to project revenues and expenditures accurately for a biennium (requiring forecasts of events 30 months away) than for an annual budget (requiring forecasts for 18 months). Accurate forecasting is important for state governments, partly because of the focus on balancing resources and spending and partly because inaccurate forecasts attract political attacks. As one would expect, the consensus is that forecasting is more accurate in states with annual budgets. Accuracy in forecasting, in turn, reduces the need for special sessions of the legislature, supplemental appropriations, and reserves.

Biennial budgeting represents a commitment of policy direction and funding amounts for a longer period than annual budgeting; it also means that agency personnel have to spend less time in budget planning and presentations than under a system of annual budgeting. Does this mean more predictability and certainty of planning for them and for legislative committees, in matters other than total revenue and expenditure forecasts? The answer to that question is generally yes, but the increase in the certainty of policy and funding commitment may in fact be small.

State governments tend to budget incrementally, which means in effect that budgeting for the coming period, whether annual or biennial, begins with the current level of expenditures and tends to divide up any additional resources largely in proportion to the size of program budgets in the past. In the absence of dramatic economic change, state budgets rarely impose dramatic changes in agency budgets.

Predictability tends to continue under both kinds of budgeting cycle because state budgeting is incremental in nature. Between 60 percent and 70 percent of most states' general fund appropriations are for elementary, secondary and higher education, health care programs, other entitlement programs, and corrections. Such programs are not susceptible to sweeping changes in funding levels or program redesign. Predictability and stability characterize them regardless of the budget cycle.

Economic cycles can make state budgets uncertain and unstable. Seventy percent of state tax revenue comes from sales and income taxes, which are very sensitive to the health of the economy. The boom of the 1980s affected annual and biennial states alike: they prospered and expanded their budgets. The recession of 1990 and the slow recovery have had unsettling effects on states regardless of the length of their budget cycles. State experience suggests that nothing they can do about the length of their budget cycles can isolate them from external factors such as the condition of the economy and

federal mandates.

4. The ability of governors and legislatures to respond to changing events and changing budget priorities.

State governments have developed mechanisms to deal with unexpected fiscal and policy events-constitutional and statutory provisions to allow for transfers of revenue among programs with departments, rainy day funds, the reduction of expenditures when legislatures are not in session, and the use of unanticipated grants from the federal government. The National Conference of State Legislatures recently published a study of the solutions states have found to such problems. This report has discussed some of them already in making the point that there does not appear to be greater executive authority over state budget administration in states with biennial budgets than in states with annual budgets.

State balanced-budget requirements require prompt action when revenues fall short of projections. Fifteen states give their governors full authority to cut the budget when there is a revenue shortfall. Very few prohibit the governor from making any spending cuts. California, which has a full-time legislature, prohibits the governor from making such cuts, but that is exceptional.

Most states take a middle way. They give the governor limited authority to make cuts and require the legislature to act when circumstances require more extensive action than the governor has authority to take. Maryland, for example, allows the governor to cut any line-item appropriation by as much as 25 percent. Connecticut and Kentucky limit such cuts to 5 percent. In Oklahoma, the governor's cuts must affect all appropriations equally, meaning that elementary education funding must be cut along with programs where cuts would produce less of a public outcry. This provision tends to bring the legislature into the picture when cuts have to be made.

When constitutional and statutory provisions do not cover a problem, a special legislative session is necessary. Partly because of fiscal difficulties, legislatures in 31 states held more than 50 special sessions in 1991. But legislative reapportionment and education reform were as likely to be the cause of special sessions as the recession was. Reforming the state school funding formula required Texas to hold three special sessions in 1989 and four in 1990. Overall, states with biennial legislatures appear to have had no more special sessions than states with annual, part-time legislatures in the four years beginning with 1988 and ending in 1991.

5. The likelihood and consequences of increasing reliance upon supplemental appropriations in a biennial budget cycle.

According to older studies of state decisions to shift to annual budgeting from biennial budgeting, supplemental appropriations became less common after the shift. But in recent years supplemental appropriations have been common in all states-not just those with biennial budgets-because of the unpredictable changes in the national economy and because of cost overruns in Medicaid programs.

In the late 1980s and early 1990s, many state budgets were hit by revenue shortfalls and expenditure overruns. The former tended to occur in the three largest state tax sources-the general sales tax, personal income taxes, and corporate income taxes where a small error of estimate can create a significant dollar shortfall. Overruns occurred largely in Medicaid programs, to a less extent in other entitlement programs, and to a small extent in elementary education and corrections.

Annual legislative sessions and annual budgets provide for reasonably timely responses to such issues and insure that requests for supplemental appropriations will be reviewed in the context of the entire state budget. States where annual legislative sessions review biennial budgets for the off year also can put supplemental requests into perspective. In either case, consideration of supplemental appropriations is often as difficult and time-consuming as consideration of an original departmental budget, and, by focusing attention on a few agencies, is likely to bring entire departmental budgets back into the political arena.

The extent to which budgets are actually revised for the second year of a biennium varies from state to state and from time to time, largely depending on economic and fiscal conditions. Connecticut's experience has been that budget revisions and adjustments to account for new programs cause off-year budget revision to be about as time-consuming as creation of the full budget. Ohio's experience has been the opposite: except for the regularly scheduled enactment of a capital budget in the off-year, the biennial budget usually receives a minimum of adjustment and the adjustments are not time-consuming.

6. The contention that biennial-budget states spend more money than annual-budget states.

The possibility that biennial budgeting results in lower state budgets than annual budgeting was raised and rejected in NCSL's earlier study of annual and biennial budgeting. One careful student of the issues has recently reopened the question, and failed to find strong evidence on either side of the issue. She has, however, argued on the basis of multiple regression analysis that states with annual budgets are likely to spend less per capita than states with biennial budgets. Since her research does not appear to correct for the fact that some states are responsible for a much greater share of total state and local government expenditures than other states, the question has to remain open.

Conclusion

There is little evidence that either annual or biennial state budgets hold clear advantages over the other. Evidence from the past is inconclusive on the question whether biennial budgeting is more conducive to long-term planning than annual budgeting is. Some evidence indicates that biennial budgeting is more conducive to program review and evaluation. Biennial budgeting is likely somewhat to reduce budgeting costs for executive agencies, but it also is likely to reduce legislators' familiarity with budgets. States with biennial budgets and biennial legislative sessions do not appear to have given greater authority over budget revision to governors than other states have. Forecasting is likely to prove more accurate in annual-budget states than in biennial-budget states, reducing the need for supplemental appropriations and special legislative sessions.

In the short run, economic conditions largely determine how efficiently a state budget is enacted and whether it requires extensive change in the course of administration. In the long run, the political expectation that state operations budgets will be balanced annually or biennially is one of the basic controlling elements of state budgeting, far more important than the length of the budget period or the frequency of legislative sessions.

Notes:

The author is indebted to Steven D. Gold and Harold Hovey for their suggestions for revising an earlier version of this report. This paper benefits from the research presented in Barbara Yondorf, "Annual versus Biennial Budgeting: The Arguments, the Evidence: A Presentation to the Wisconsin Assembly Ways and Means Committee, January 26, 1987," (Denver, Colo.: National Conference of State Legislatures, 1987).

These states have changed their budget cycles since 1968.

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JUNEAU EMPIRE

The Voice of Alaska's Capital City

Seeking shorter sessions

■ Bills to limit Legislature pass
House and Senate committees

By CATHY BROWN

Lawmakers are trying to shorten the amount of time they spend in Juneau.

Rather than debate the budget every year, the Legislature would set two-year spending plans under a proposal approved Friday by the House Judiciary Committee. Under the proposal, legislative sessions would be shortened from 120 to 60 days during non-budget years.

A Senate proposal to shorten the Legislature's annual session from 121 days to 75 days without altering the budget process, also passed its first committee Friday with little difficulty.

The House constitutional amendment providing for a biennial budget is sponsored by Rep. Gail Phillips, a Homer Republican. She said the change in budgeting should make state government more efficient and effective, and could save money.

"Where it would make a significant impact is with the agencies," Phillips said. Instead of spending three or four months every year working on their budgets, "they would be able to become far more productive in the program they're putting into place."

If revenues changed dramatically during a "off-year," the Legislature still could make changes during those years, Phillips said.

The measure received support from the five members of the Judiciary Committee present. The governor also supports it, according to Jack Farnoll, a senior policy analyst with the Office of Management and Budget.

Rep. Eric Croft, an Anchorage Democrat, said in addition to possible savings for the state government, the change would save money and time for other Alaskans who come to Juneau every year to lobby on budget issues.

"It seems like there's just a societal savings," Croft said.

Rep. Norm Rokeburg, an Anchorage Republican, has opposed the change to biennial budgeting in the past, but he supported the proposal Friday.

Several issues troubled him in the past, he said. One was the fact that Alaska's budget is so dependent on oil revenues, which can fluctuate widely from year to year. Another concern was that setting the budget for two years instead of one, loosens the Legislature's control on the



SEANNA O'SULLIVAN/THE ASSOCIATED PRESS

No objection: Sen. Dave Donley, an Anchorage Republican, shrugs at what the Senate Judiciary Committee all agreed was a workable idea to limit the legislative session to 75 days as Sens. John Torgerson, center, a Kasilof Republican, and Robin Taylor, a Wrangell Republican, look on.

Short...

Continued from Page A1

"We're in a certain sense giving up... legislative power," he said.

Rokeburg said he decided to support this proposal because he believes a long-term fiscal plan will be adopted within a few years, which will provide more year-to-year stability in income.

Also, he likes the idea of limiting legislative sessions during non-budget years to 60 days and he believes agencies will operate more effectively with two-year budgets.

If approved by both the House and Senate, the constitutional amendment would go to voters this fall.

The Senate proposal by Sen. Sean Parnell, an Anchorage Republican, is also in the form of a constitutional amendment. He said a 75-day session will save the state money and entice more candidates to run for the Legislature.

"The legislative process can expand to fill whatever time we give it," Parnell said, adding that the Legislative Affairs Agency has estimated the state would save more than \$2 million on the change.

The Legislature now convenes in January and meets until mid-May. Parnell's measure would push opening day to late February.

The measure drew little dissent from the three members of the Senate Judiciary Committee present on Friday. Chairman Robin Taylor, a Wrangell Republican, suggested that the starting date might be moved back to January to accommodate lawmakers who work in seasonal industries such as fishing.

"I think the deader part of winter is better," Taylor said.

Parnell said he was concerned that might give legislative budget-writers less time to work after the Department of Revenue issues its annual spring revenue forecast.

Sen. John Torgerson, a Kasilof Republican who co-chairs the Senate Finance Committee with Parnell, called the proposal "very workable" but observed that some lawmakers might find themselves

working more in the interim between sessions.

"I'm not sure the amount of work is going to change," said Torgerson, R-Kasilof.

Rick Urion, a former member of the Legislature who now works as a lobbyist, testified in favor of the measure.

"The Legislature is sort of like water. It will occupy whatever space you give it," Urion said. "If you could harness the wasted energy in this building, you could light the state for the year."

Urion served before 121-day limit was imposed in 1984.

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The Associated Press contributed to this report.

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Anchorage Daily News

Saturday, January 22, 2000

2-year budget backed

Plan could save state thousands

By DAN JOLING
The Associated Press

JUNEAU - Shifting to a two-year budget plan would save state money and allow the Legislature to meet for shorter sessions, the sponsor of a constitutional amendment said Friday.

Rep. Gail Phillips, R-Homer, told the House Judiciary Committee that her measure would save thousands of dollars in agency staff time now taken up by annual budget preparations. The measure would also save money by shortening legislative sessions to 60 days in years when the budget is not taken up.

"It gives a far greater efficiency and effectiveness in our budget, and it saves us money," Phillips said.

Judiciary Committee members agreed and voted unanimously to approve the measure. Phillips said estimates of actual savings are being researched and will be reported when the bill is taken up by the House Finance Committee.

Under the plan, two-year budgets would be considered by legislators in the first year after an election. Other bills could be considered in either year, but any measure approved the second year that spends money would have to wait to be implemented until the next budget cycle, Phillips said.

The former House speaker said the second session of the Legislature could be shortened considerably if lawmakers had no budget matters to consider. But the real savings in state government would come through greater productivity by agency personnel who would not have to prepare budgets and defend them before lawmakers every year.

"They can do real planning and have the time to spend on programs," Phillips said.

Rep. Norm Rokeberg, R-Anchorage, agreed.

"The administration spends so much time budget-building, they can't

get their work done," Rokeberg said. "That may be the singular thing that swings my vote."

Jack Fagnoli of the governor's Office of Management and Budget said the governor supports the notion of a biennial budget.

During off-budget years in other states, Fagnoli said, lawmakers are free to focus on pressing issues like rural economic development or welfare reform.

In response to a question from Rokeberg, Fagnoli said he could not say whether the change would mean a reduction in personnel, but savings could be achieved by a reduction in travel and overtime.

In the case of a major downswing in the amount of projected revenue, Phillips said, legislators could take up the budget again to make adjustments. But even that would be less time-consuming, she said, because departments could be reduced by percentages.

"You wouldn't have to go through the whole budget process," she said.

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Voice of The Times

The Anchorage Times

Publisher: BILL J. ALLEN

"Believing in Alaska, putting Alaska first"

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

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Every two years

THE IDEA IS not new. It's been kicked around time and time again. Unfortunately, it's still being kicked around — in not the best sense of the phrase. Too bad. The subject: adopting the state budget on a two-year basis.

Since statehood, Alaska's spending plan has been proposed by the governor and adopted by the Legislature on an annual schedule. Each year, the Legislature spends an uncommon amount of time fussing with the budget — four months each year, as a matter of fact.

One of the first bills presented at the opening of each legislative session is the budget. One of the last bills passed at the end of every four-month lawmaking session is the budget.

All kinds of other legislation is log-jammed until it is known how various bills will dovetail with the spending proposals. In many ways, the session is dragged out to a full one-third of the year because — and only because — the budget stands as a red light, stopping other progress.

Over the years, various attempts have been made in the Legislature to change this by providing for enactment of a budget that would span a two-year period, instead of one. Each time, the proposal has sunk like a rock in a stormy sea.

The arguments against it are never very good, mostly centering on the contention that it's impossible to look two years ahead and see what the state's income and spending needs might be.

That's specious. Any number of other states — big states, with spending budgets much larger than Alaska's — do biennial budgets. It is by far the most efficient way to keep the decks clear for consideration of other legislation.

In fact, some states provide that every other year, the budget — and related financial legislation — is the only topic that can be considered. The agenda for the alternate years then is open to full consideration of other matters and other issues, free of having to link everything to new spending proposals.

In territorial days, when the Alaska Legislature met only every other year, the budget did indeed cover a 24-month period. Ah, but say the diehards, Alaska was a much smaller place then — with fewer people to serve, fewer issues to handle.

True, but so what? If other states can efficiently manage their financial affairs in this fashion, why can't Alaska? There would be nothing to prevent the Legislature from dealing with emergency funding situations during the intervening year — but lawmakers should be able to handle that in stride.

Rep. Gail Phillips of Homer is the latest legislator to offer a bill calling for biennial budgeting. Unfortunately, her measure got short-shrift in the last session. But it's still on the table — and it deserves attention when the Legislature next meets in January.

JUNEAU EMPIRE

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Two-year budgeting worth discussing

A two-year budget cycle for the state is an idea that House Speaker Gail Phillips promises to pursue during the session. It's a capital idea. According to Phillips, if the state operates with a two-year budget, the Legislature could cut down the amount of time it meets, a savings of both time and money. The second year of every legislative session could be shortened dramatically.

What the speaker wants is a serious discussion, and we think the topic deserves that. Yes, it's difficult to forecast budgets in a commodity-dependent economy like Alaska. But the state could save millions of dollars if lawmakers would do more long-range budgeting, and many areas of the budget are stable from year to year. As long as revenue projections are conservative and responsible, a biennial budget should be workable with the help of supplemental budgeting.

We welcome the discussion and debate about biennial budgeting. It may be the needed step to control fluctuating budgets and costly legislative sessions.



ALASKA MINERS ASSOCIATION, INC.

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March 20, 2001

The Honorable Lisa Murkowski
Alaska State House of Representatives
State Capitol
Mailstop 3100
Juneau, Alaska 99801-1182

Re: HJR 2 - Biennial State Budget

Dear Representative Murkowski:

The Alaska Miners Association (AMA) appreciates this opportunity to comment on HJR 2, which proposes amendments to the State Constitution relating to a biennial budget. This issue is a top priority for AMA and its members.

The AMA is pleased to see that this legislation is being put forward and we fully support HJR 2. We feel this legislation will lead to greater efficiency and effectiveness in our state government by having a two-year budget cycle in place. This will allow the legislature and administration to address other pressing issues requiring the full attention and focus of our lawmakers during the "off-year".

Thank you for this opportunity to comment on this important issue.

Sincerely,
Alaska Miners Association

Stanley T. Foo
(Acting) Executive Director

Lawmakers attempt to trim session

Reps seek two-year budgets

By BILL McALLISTER
THE JUNEAU EMPIRE

A group of freshman and sophomore representatives is investigating whether legislative sessions and state budgeting can be reformed through regular laws, rather than constitutional amendments.

But the lawmakers are still looking hard at 90-day and 60-day sessions and a biennial state budget, which they believe would result in a more efficient legislative process.

A House State Affairs subcommittee this morning discussed four proposed constitutional amend-

ments.

All of them would shorten the period in which the Legislature is in session. One, authored by Anchorage Republican Rep. Lisa Murkowski, also would call for the state budget to be set on a two-year cycle.

While House Majority Leader Jeannette James, a North Pole Republican, sat in for part of the discussion, the seven lawmakers who participated throughout the two-hour hearing all have been elected since 1998.

"I think the risk is, the longer you're here, the more comfortable

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Reforms...

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you get with the status quo," said Rep. Andrew Halcro, an Anchorage Republican who is in his second term.

Proposed amendments by Halcro, Anchorage Republican Norm Rokeberg and Soldotna Republican Ken Lancaster would establish 90-day sessions every year. Now the annual regular session is limited by the constitution to 121 days.

Halcro's amendment also calls for legislators to begin their terms in December, rather than January, allowing a month of preparatory work in their districts before the Legislature convenes. He also would allow interim meetings of committees.

Murkowski would limit sessions

in even-numbered years to 60 days, although she said she's not firm on the length. The heart of a her proposal is setting a two-year budget during odd-numbered years, when sessions would remain 120 days.

The premise is that legislators don't really need all the time they take to do their business.

"There's a lot of stirring around and not a lot of motion forward in that first month," Murkowski said.

In discussion, the sponsors of the legislation and subcommittee members gained "a different awareness" about alternatives to constitutional amendments, said subcommittee chairman Hugh Fate, a Fairbanks Republican.

Legislative staffer Tam Cook said that in going to a biennial budget, "you can get 95 percent of the way there" without amending the constitution. The constitution

prohibits the appropriation of revenues not yet received, Cook said. So the Legislature could do all of the calculations necessary for a two-year budget but could not officially adopt the second half of it until the next regular session, she said.

A statutory limit on session length would have little if any legal force, Cook said. If lawmakers acted on bills after the statutory deadline, the courts probably would reject any challenges to the validity of the new laws on the grounds that the Legislature "by implication" had suspended the deadline, she said.

But she didn't rule out a statutory deadline as an effective political tool for self-discipline.

James, the majority leader, said she thinks that putting a long-range fiscal plan in place is necessary before doing any of the other

structural reforms, although she said a biennial budget is "a super idea."

"We should never take up a constitutional amendment lightly," Murkowski said. But she said the biennial budget could go "hand in hand" with a long-range fiscal plan and could be implemented gradually. Halcro said support for new taxes in a long-range plan could be gained by showing the public "we're willing to change the way we do business now."

Murkowski broached the idea of selecting an agency - say, the state Department of Education and Early Development - and trying to draft a biennial budget "just to see how possible it is to do this before we move forward with a constitutional amendment."

♦♦♦♦

Bill McAllister can be reached at billm@juneauempire.com.

Alaska State Chamber of Commerce**Priority 2001 - 1****Long Range Fiscal Planning**

The Alaska State Chamber of Commerce urges the Administration and Legislature to adopt and implement a unified long-range fiscal plan for the state. The plan should address a strategy to bring state spending in line with revenues, encourage and promote economic investment and business development, maintain the state's infrastructure and implement a deferred maintenance plan for all state-owned facilities, and further establish performance measures for state services in concert with results-based government.

The plan should implement a biennial state budget; privatize state services which could be competitively provided by the private sector; promote development of new businesses that could competitively provide goods or services currently provided by the state; and utilize a systematic funding mechanism, such as general obligation bonds, to meet the state's capital needs. The budget shall disclose all revenue and expense items.

ADOPTED

December 1, 2000

BY

Pamela La Bolle

Pamela La Bolle
President

BY

Rob Shoaf

Rob Shoaf
Chairman

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March 21, 2001

Representative Lisa Murkowski
Alaska State Legislature
Juneau, Alaska

Re: HJR 2, Biennial State Budget

Dear Representative Murkowski:

The Alaska State Chamber of Commerce supports HJR 2, proposing an amendment to the state constitution to establish a two-year budget cycle, rather than the current annual budgeting process.

We believe that a biennial budgeting cycle would provide for greater efficiency in state government by allowing state agencies more time to carry out the programs for which they are responsible, rather than spending an great deal of time every year preparing and defending their budgets.

The legislative process would also benefit from a two-year budget cycle. During the alternate years, Legislators could focus their time and resources on other legislative matters, allowing them to complete their work on policy issues and priorities in a shorter period of time. The shorter session should result in a significant cost saving to the state.

The State Chamber also believes that the biennial budget process should be an integral part of long-range fiscal planning and would facilitate the long-range planning process.

Thank you for introducing HJR 2, and we will encourage your fellow Legislators to support this measure.

Sincerely,

A handwritten signature in cursive script that reads "Pamela LaBolle".

Pamela La Bolle
President

ALASKA STATE LEGISLATURE

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LEGISLATIVE COUNCIL
JOINT ARMED SERVICES



REPRESENTATIVE LISA MURKOWSKI

Government Hill • Elmendorf • East Anchorage

To: Representative John Coghill, Chairman, House State affairs

From: Representative Murkowski

Date: March 12, 2001

Re: House Joint Resolution 2

Please schedule House Joint Resolution 2 "Proposing amendments to the Constitution of the State of Alaska relating to the duration of regular sessions of the legislature and to a biennial state budget" for a hearing in House State Affairs Committee as soon as possible.

Included with the request is:

- 1) HJR 2
- 2) Sponsor Statement
- 3) Letters of Support
- 4) Experience of State Governments
- 5) Past editorials

Thank you for your consideration.