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## Passage of fiscal plan seems unlikely

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COMMENT

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Is anything going to be accomplished in the special session Gov. Frank Murkowski has called for later this week? Sure, they'll pass a tobacco tax, and that by itself is probably worth bringing our crew of 60 politicians back to Juneau. But anything beyond that? I say the odds are long, maybe 1 in 20 at best.

The history of special sessions suggests some of the reasons for my skepticism, and besides, that history is interesting in its own right. There have been 23 special sessions since statehood. But during the state's first 10 years there were only two, both dealing with natural disasters, the Good Friday earthquake in 1964, and the Fairbanks flood in 1967. In contrast, during the last 10 years we've averaged more than one a year.

The Legislature has called itself into special session only three times. Two of those sessions, in 1992 and again in 2002, were called because legislators wanted to give themselves a few extra days to wrap-up the budget and other ordinary business. But in 1985, in one of the most interesting special sessions ever, the Legislature met on its own initiative to consider impeaching Gov. Bill Sheffield. Special sessions are limited to 30 days, and that's how long the Senate agonized over Sheffield's alleged procurement violations and perjury. They finally voted down the impeachment resolution.

Chances are good for a successful special session when a governor calls legislators back to address an issue that has been bottled up in committee or otherwise kept from an up-or-down vote. That was the case in 2000, when Gov. Tony Knowles summoned legislators after the regular session to focus on state employee pay increases. Approval of the increases had been stymied in the Senate Finance Committee, where senators refused to move the legislation forward. Even then-Senate President Drue Pearce agreed that kicking the matter into a special session made sense. "Approaching it as a stand-alone issue avoids horse-trading for votes," Pearce said at the time.

As a political tool, the special session can be useful in focusing attention on an issue that has popular appeal but is opposed by powerful special interests. Gov. Bill Egan called a special session in October 1973 and used the publicity to communicate the need for an oil reserves tax. The session lasted 27 days--the third longest on record--and the tax was approved.

But special sessions called to fix big, well-debated policy problems like subsistence haven't usually produced solutions. Governors have called five special sessions trying to put a subsistence preference in the state constitution. It still hasn't happened. Of course, calling a special session can sometimes make political sense for a governor, notwithstanding slim chances of resolving an issue. Knowles was responsible for three of the special sessions on subsistence, secure in the knowledge that the action would make him look good to key constituencies, regardless of the outcome. That may be Murkowski's thinking now: the public probably won't blame him if this special

session fails to produce a fiscal plan.

But the governor better watch out what he asks for. He has included the idea of an advisory vote in his special session call. Unlike a constitutional amendment proposition, which requires a two-thirds majority in the House and Senate, an advisory measure can get on the statewide ballot with simple majorities in the two chambers. Frank's idea is that such a nonbinding vote of the people might give legislators political permission to spend Permanent Fund income.

Everyone remembers the 1999 advisory proposition that voters overwhelmingly defeated in September of that year. But how quickly we forget the history of how it got on the ballot. During the final days of the 1999 regular session the House passed a fiscal plan centered on using Permanent Fund earnings. The Senate balked, refusing to approve the House plan. Sound familiar? Knowles called them back, and it was during that special session that the governor and key legislators, meeting in secret, agreed on the advisory vote plan that went to the voters later that year.

Legislators of both parties worry that another defeat at the polls of a proposal to use Permanent Fund income in the budget will solidify the unwritten prohibition against such use, perhaps to the point where money from the fund won't be accessible when the need for cash becomes really dire. If Murkowski's political luck continues, these fears will probably prevent any such proposition from reaching the ballot. What we need to fear is the long-shot chance that legislators just might give our governor what he is asking for.