

310.5X - CONSTITUTIONAL CONVENTION  
C/P No. 5 - Legislative Branch  
Enrolled  
Jan. 12, 1956

ACE 585112

- 1.) December 14, 1955
- 2.) 1<sup>st</sup> enrolled copy 1/12/56
- 3.) Style + Drafting 1/24/56
- 4.) Style + Drafting (Article I) 1/26/56

Constitutional Convention  
Committee Proposal/5  
December 14, 1955

ALASKA CONSTITUTIONAL CONVENTION  
REPORT OF THE COMMITTEE ON  
LEGISLATIVE BRANCH

Hon. William A. Egan  
President, Alaska Constitutional Convention

Dear Mr. President:

Your Committee on Legislative Branch submits the attached proposed Article, together with a commentary and explanation of its reasons for its decisions.

The committee considered Delegate Proposals Numbers 23 and 25 and incorporated some of their provisions in its report.

Respectfully submitted,  
Steve McCutcheon, Chairman  
John McNees, Secretary  
George D. Cooper  
Helen Fischer  
Jack Hinckel  
Eldor Lee

I do not concur as to Sections 13, 14, 15, and 21.

Dora M. Sweeney

Constitutional Convention of Alaska

COMMITTEE PROPOSAL NO. 5

Introduced by Committee on Legislative Branch

LEGISLATIVE POWERS AND DUTIES

RESOLVED, that the following be agreed upon as part  
of the Alaska State Constitution.

ARTICLE ON LEGISLATIVE BRANCH

Legislative	1	<u>Section 1.</u> The legislative power and authority of the
Power	2	state is vested in a legislature, which consists of a
	3	Senate of not more than 20 members and a House of
	4	Representatives of not more than 40 members.
Qualifica-	5	<u>Section 2.</u> A senator shall be at least 25 years of age
tions of	6	and have resided in Alaska at least 3 years, and in the
Members	7	district to be represented at least one year, immediately
	8	prior to filing for office, and shall otherwise be a
	9	qualified elector.
	10	A representative shall be at least 21 years of age
	11	and have resided in Alaska at least 3 years, and in the
	12	district to be represented at least one year, immediately
	13	prior to filing for office, and shall otherwise be a
	14	qualified elector.
Election;	15	<u>Section 3.</u> Members of the legislature shall be elected
Terms	16	on the day provided for general elections, and their
	17	terms of office shall begin on the fourth Monday of the
	18	following January. The term of office of members of the

1 House of Representatives is two years. The term of  
2 office of members of the Senate is four years, and one-  
3 half of the members shall be elected each two years.

Vacancies

4 Section 4. Any vacancy in the legislature shall be filled  
5 for the unexpired term in such manner as may be prescribed  
6 by law, or, if no provision be made by law, by appoint-  
7 ment by the governor for the unexpired term.

Disquali-  
fications

8 Section 5. No member of the legislature shall hold any  
9 other office which has been created, or the salary or emol-  
10 uments of which have been increased while he was a member  
11 of the legislature, during the term for which he was  
12 elected and for one year after the expiration of such  
13 term. No legislator or other elective or appointive  
14 officer of this state shall file or run for election to  
15 any other state office until his services have been termin-  
16 ated, but a member of one house of the legislature may be  
17 nominated and elected to the other house. This section  
18 shall not apply to positions of employment in or  
19 elections to any constitutional convention.

Privileges  
of  
Members

20 Section 6. No member of the legislature shall be held to  
21 answer before any other tribunal for any statement made  
22 or action taken in the exercise of his legislative func-  
23 tions; and members of the legislature shall, in all cases  
24 except felony or breach of the peace, be privileged from  
25 arrest during their attendance at the sessions of their

1 respective houses, and in going to and returning from  
2 the same.

Salary and  
Travel  
Expense

3 Section 7. Each member of the legislature shall receive  
4 an annual salary equal to one-third of the salary of the  
5 Governor, and shall be entitled to travel expenses in go-  
6 ing to and returning from sessions. The presiding offi-  
7 cers of the respective houses may receive an additional  
8 salary, and members of the legislature may receive a per  
9 diem allowance for expenses while in session, as the  
10 legislature may direct.

Regular  
Sessions

11 Section 8. The legislature shall convene on the fourth  
12 Monday in January each year. Neither house may adjourn  
13 or recess for a period longer than three days without the  
14 concurrence of the other.

Special  
Sessions

15 Section 9. Special sessions may be called by the Governor.  
16 Special sessions may be ordered by a vote of two-thirds  
17 of the legislators, through a poll directed by the legis-  
18 lative council, which shall cause the legislature to assem-  
19 ble in special session. When the legislature is convened  
20 in special session by the Governor there shall be no legis-  
21 lation upon subjects other than those designated in the  
22 proclamation of the Governor calling such session, or  
23 presented to them by the Governor. No special session  
24 shall be of longer duration than thirty days.

Interim  
Committees

25 Section 10. There shall be a legislative council and  
26 such other interim committees as the legislature may

1 establish. The council and other committees may meet  
2 between sessions and perform such duties and employ other  
3 persons as the legislature may direct or permit. Members  
4 of the council and other committees may receive an allow-  
5 ance for expenses during the performance of their duties.

Rules of  
Procedure

6 Section 11. The Houses of each legislature shall adopt  
7 uniform rules of procedure. Each house shall have the  
8 power to choose its officers and employees, shall be the  
9 judge of the elections and qualifications of its members;  
10 and each house shall keep a journal of its proceedings. A  
11 majority of the members of each house shall constitute a  
12 quorum to do business, but a smaller number may adjourn  
13 from day to day and may compel the attendance of absent  
14 members. The legislature shall have the power to regulate  
15 lobbying.

Suits  
against  
State

16 Section 12. The legislature shall direct by law in what  
17 manner and in what court suits may be brought against  
18 the state or agencies thereof.

Impeach-  
ment.

19 Section 13. All civil officers of this state shall be  
20 liable for impeachment by the legislature. A motion for  
21 impeachment shall arise in the Senate and shall be by two-  
22 thirds vote of all the Senators. Such motion shall list  
23 fully the basis for the proceeding. The trial on impeach-  
24 ment shall be conducted before the house of representatives,  
25 and a Justice of the Supreme Court designated by the Court  
26 shall preside. A vote of two-thirds of all the members of

1 the house of representatives is required to render a judg-  
2 ment of impeachment. Judgment of impeachment shall not  
3 extend beyond removal from office, but shall not prevent  
4 punishment of such officer by the courts on charges growing  
5 out of the same matter.

Joint  
Address

6 Section 14. Any civil officer, except the Governor, may  
7 be removed for cause which need not be sufficient ground  
8 for impeachment. The cause or causes shall be stated at  
9 length in a concurrent resolution and entered on the jour-  
10 nal of each house. The resolution must be passed by vote  
11 of a majority of the members of each house. No officer  
12 shall be removed unless he has been served with a state-  
13 ment of the cause alleged, and had an opportunity to be  
14 heard. On the question of removal, the yeas and nays  
15 shall be entered on the journals.

Veto by  
Governor

16 Section 15. The governor shall have the power to veto  
17 bills passed by the legislature. If the Governor vetoes  
18 a bill he shall return it to the house of representatives  
19 together with his objections. The legislature sitting as  
20 one body shall <sup>immediately</sup> reconsider the passage of the bill. Bills  
21 not carrying appropriations or affecting the expenditure  
22 of monies shall become law by a two-thirds vote of the  
23 total number of legislators to which <sup>each house</sup> [the state] is entitled.  
24. Bills carrying appropriations, dealing with taxation or  
25 affecting payments of monies under existing statutes, or

1 an item or items in the general appropriations bill shall  
2 become law upon the affirmative vote of three-fourths of  
3 the total number of legislators to which <sup>- each house</sup> the state is  
4 entitled. The vote on reconsideration of a vetoed bill  
5 shall be entered on the journals of both houses. While  
6 the legislature is in session, if the Governor neither  
7 signs nor vetoes a bill within fifteen days (Sundays ex-  
8 cepted) after it is delivered to him, it shall become law  
9 without his signature. If the legislature is not in  
10 session and the Governor neither signs nor vetoes a bill  
11 within twenty days (Sundays excepted) after it has been  
12 presented to him, the same shall be law in like manner  
13 as if he had signed it.

Bills;  
Enactment

14 Section 16. The legislature shall establish the procedure  
15 for enactment of bills into law, and no bill shall become  
16 law without <sup>an affirmative</sup> [a] vote of a majority of the membership of each  
17 house, and the yeas and nays on final passage shall be  
18 entered in the journal. Every bill, except bills for ap-  
19 propriations and bills for codification, revision, or re-  
20 arrangement of existing laws, shall be confined to one  
21 subject, which shall be expressed in the title. Bills  
22 for appropriations shall be confined to appropriations.

Time of  
Taking  
Effect

23 Section 17. No law passed by the legislature, except the  
24 general appropriation act, shall take effect until ninety  
25 days after the adjournment of the session at which it was



1 enacted, unless in case of emergency, which emergency must  
2 be expressed in the act, the legislature shall, by a vote  
3 of two-thirds of all the members of each house, otherwise  
4 direct.

Local or 5 Section 18. The legislature shall pass no local or special  
Special 6 act in any case where a general act can be made applicable,  
Acts 7 and whether a general act can be made applicable shall be  
Prohibited 8 a matter for judicial determination. No local act shall  
9 take effect until approved by a majority of the qualified  
10 voters voting thereon in the district to be affected.

Appropria- 11 Section 19. No appropriation shall be made for other than  
tion Re- 12 a public purpose; nor to any denominational or sectarian  
striction 13 institution or association.

Remission 14 Section 20. No obligation or liability of any person,  
of Taxes 15 association or corporation held or owned by the state, or  
Prohibited 16 any municipal corporation therein, shall ever be ex-  
17 changed, transferred, remitted, released or postponed, or  
18 in any way diminished by the legislature nor shall such  
19 liability or obligation be extinguished except by the  
20 payment thereof into the proper treasury.

Referendum 21 Section 21. Any bill failing of passage by the legislature  
22 may be submitted to referendum by order of the Governor  
23 either in its original form or with such amendments which  
24 were considered by the legislature, as he may designate.  
25 Any bill which, having passed the legislature, is returned

1 thereto by the Governor with objections and, upon reconsid-  
2 eration is not approved by the majorities required by this  
3 constitution, may be submitted to referendum by a majority  
4 of all the members sitting as one body. Bills thus sub-  
5 mitted to referendum shall be voted on at the next suc-  
6 ceeding regular election occurring at least sixty days  
7 after action is taken to submit them, unless the legisla-  
8 ture shall provide for their submission at an earlier date.  
9 This section shall not apply to bills containing appropria-  
10 tions, raising or earmarking revenues, nor to local or  
11 special bills.

Freedom of 12 Section 22. The legislature shall never pass any law which  
Religion 13 affects the freedom of religious worship nor shall any  
14 inhabitant of this state be molested in person or property  
15 on account of his or her mode of religious worship.

Native 16 Section 23. The state of Alaska and its people do agree  
Lands 17 that they forever disclaim all right and title to any  
18 lands or other property not granted or confirmed to the  
19 State or its political subdivisions by or under the author-  
20 ity of the Act of Admission of this state, the right or  
21 title to which is held by the United States or is subject  
22 to disposition by the United States, and to any lands or  
23 other property (including fishing rights) the right or  
24 title to which may be held by any Indians, Eskimos, or  
25 Aleuts (hereinafter called natives) or is held by the

1 United States in trust for said natives; that all such  
2 lands or other property, belonging to the United States or  
3 which may belong to said natives, shall be and remain  
4 under the absolute jurisdiction and control of the United  
5 States until disposed of under its authority, except to  
6 such extent as the Congress has prescribed or may here-  
7 after prescribe and except when held by individual natives  
8 in fee without restrictions on alienation; and that no  
9 taxes shall be imposed by the State upon any lands or other  
10 property now owned or hereafter acquired by the United  
11 States or which, as hereinabove set forth, may belong to  
12 said natives, except to such extent as the Congress has  
13 prescribed or may hereafter prescribe, and except when held  
14 by individual natives in fee without restriction on alien-  
15 ation; and no legislative act by the State of Alaska shall  
16 be taken thereon. Nothing in this section shall prevent  
17 this state from accepting any payments in lieu of taxes  
18 that may be authorized by the Congress.

Taxes on  
Nonresi-  
dents

19 Section 24 The legislature shall not pass any act which  
20 taxes the property and lands of citizens of the United  
21 States residing without the state at a higher rate than  
22 the lands and other property belonging to residents of  
23 the State of Alaska.

Board of  
Apportion-  
ment

24 Section 25. There shall be a Board of Apportionment to  
25 be composed of one member elected from each house and

1 three members of the public appointed by the Governor;  
2 and the Chief Justice shall preside, without a vote. In  
3 the event that either house shall fail to elect a member  
4 of the board the governor shall appoint one member of that  
5 house to serve on the Board of Apportionment. Any three  
6 members of the Board constitute a quorum, but no reappor-  
7 tionment shall take effect without the affirmative vote  
8 of three members. The Board shall have the power to  
9 reapportion and redistrict both the house and the senate,  
10 not oftener than once in six years but at least once each  
11 twelve years, and the Supreme Court shall issue an order  
12 fixing the boundaries and the number of members to be  
13 elected in each Senatorial and House District.

ALASKA CONSTITUTIONAL CONVENTION  
Commentary on the Legislative Article

(Sec. 1 Size of Houses)

There seems to be widespread opinion that small houses focus the attention of the people upon the legislature better than do large ones, for the personalities and voting records of a few legislators may be understood by the public but they will not make the effort necessary to keep up with large houses. In small houses, moreover, the members may grow to know one another well and to proceed with the minimum formality. Instead of setting the number, therefore, it is here set at a maximum with no minimum.

(Sec. 2 Age and Residence)

The age and residence requirements for senators and representatives are set low in order to induce young people to take an early and active part in the democratic process.

(Sec. 3 Election Day and Term)

The election day is to be provided by act of the legislature, and the date at which legislators take their seats is the same as in the Territorial Legislature. The term of two years for members of the House and four for the Senate is common in the majority of states.

(Sec. 4 Vacancies)

The Legislature is permitted under the proposed wording to provide for special elections if it cares to use such a more expensive method than appointment by the governor for the unexpired term.

(Sec. 5 Dual Officeholding)

It is generally agreed that the temptation to create jobs or to increase the salary in existing jobs which legislators would then accept ought to be removed. There have been instances in which legislators have virtually coerced governors into appointing them to state offices as the price for their acting on the governor's program; such deals would be prevented by requiring a year to elapse before eligibility. This section, furthermore, would prevent any state official from using his office or expense account as a vehicle for campaigning for another office.

(Sec. 6 Legislative Immunity)

This immunity from actions of slander for words spoken in debate is an ancient and necessary protection for members of parliaments. The wording is almost the same as that in the United States Constitution.

(Sec. 7 Salary and Travel)

Most states have not paid legislators respectable salaries, and then the citizens have often been disappointed when their legislators were not respectable, either. Good salaries will not automatically

produce good legislators; rather, they make their selection possible. Poor salaries, on the other hand, tend to produce two types of legislators: Those who have private means, and who are, consequently, likely to be upper-class in their attitudes; and, second, those who are on the payroll of some outside interest and who are sent to the legislature to vote as that interest desires. Such legislators are, in some states, called "the inside lobby". The interests that control these legislators do not want them to vote for higher legislative salaries, lest they get too independent, and this opposition is added to the sentiment that the poorly paid legislators are not worth more than they are paid. A consequence is that the legislature, which ought to be the forum of the people, has come to be that branch of the state government that the people have held in the lowest regard. The people's business is sufficiently important so that men should make careers of being legislators, as they make careers of being in Congress; and we should pay them enough to make careers possible and respectable.

Since the governor occupies a single, conspicuous office, payment of more adequate salaries to governors has generally been possible, and the states have therefore attracted many fine men as candidates. But since the value of money changes over the years, it is undesirable to put **dollaramounts** in a constitution. Instead, it appears that both objectives (higher salaries and no dollar amounts) may be reached at once by tying the salaries of governors and legislators together.

(Sec. 8 Regular Sessions)

Having paid legislators so poorly that they got poor legislators,

some states have sought to cure that evil by limiting the number of days the legislature could remain in session on the theory that the less the legislators were at the capitol the less harm they could do. This is essentially an anti-democratic view, for it presumes that the representatives of the people ought not to be available to represent them except for short and limited periods. It seems better to pay legislators well and then to trust them to stay in session as long as necessary. As our states increase in population, the 30-day and 60-day sessions set in some constitutions have become more and more obviously inadequate, and to do the necessary business such tricks have had to be resorted to as setting phoney legislative days, stopping the clock, forcing the governor to call special sessions, and so on.

The date for the meeting (the fourth Monday in January) is the date used by the Territorial Legislature.

The requirement that neither house may adjourn without the consent of the other is universal. It is necessary to prevent one house from stopping the public business by adjourning.

(Sec. 9 Special Sessions)

Some constitutions permit only the executive to call special sessions, but if the governor has performed some questionable action when the legislature is not in session he can prevent or postpone being queried about it by refusing to call a special session. The newer constitutions have, therefore, set up some arrangement by which the legislators may without him produce a special session.



The other provisions of this section are almost standard constitutional equipment.

(Sec. 10 Legislative Council and Interim Committees)

Provision for these is also now almost standard. Their authorization is desirable lest a question be raised about the legislature's constitutional ability to designate committees to act when the legislature is no longer in session.

(Sec. 11 Rules)

Different sets of rules have occasionally led to trickery and often have led to citizen confusion. It is difficult for a citizen to understand why one house cannot do what the other can do. To avoid these situations both houses are required to adopt uniform rules.

The other provisions of this section are usual in constitutions, except perhaps for the regulation of lobbying. That power is here specifically given to the legislature, because in some jurisdictions cases have arisen to challenge the right of the legislature, under the freedom of petition rights, to regulate the behavior of lobbyists.

(Sec. 12 Suits against the State)

Congress has by law permitted suits by aggrieved or injured citizens against the United States, and most states permit under various restrictions suits against municipalities and other local governments. It is no longer regarded as justice for the states to preserve absolute immunity against legal action for injuries its agents may commit.

(Sec. 13 Impeachment)

This section provides that all civil officers are subject to impeachment and removal from office by the legislature. In order to avoid unwarranted use of this power by the legislature the section provides that the Senate shall bring the action by a two-thirds vote. Since the Senate is composed of members with four-year terms it is expected that the Senators will not be over-hasty in bringing the impeachment proceeding. Because an impeachment proceeding is essentially a judicial action, one of the Justices of the Supreme Court will preside during the trial before the House of Representatives.

(Sec. 14 Joint Address)

Removal of officers, other than the Governor, by concurrent resolution of the legislature is authorized by this section. State Legislatures have not used the method of joint address too frequently. It permits the removal of officers for causes less than the high crimes that are usually the basis for impeachment proceedings; for example, removal on joint address permits removal for negligence, senility, or other inability.

(Sec. 15 Veto by Governor)

In many state constitutions, and in Alaska at present, the time allowed to the Governor for consideration of bills is so short that he is often unable to give them full and careful study. This section provides that the Governor will have fifteen days to sign or veto a bill while the legislature is in session and twenty days when the legislature

is not in session. With the extended time allowed, the Governor is required to take positive action to sign or veto a bill, or the bill becomes law without his signature.

A two-thirds vote of the members of both houses sitting as one body is required to override a veto on ordinary bills. However, on revenue and appropriation bills, which affect the Governor's budget program, a majority of three-fourths is required to override a veto.

(Sec. 16 Bills: enactment)

Instead of incorporating specific requirements for the form and procedure of enacting bills, this section, like the United States Constitution, leaves this matter to the legislature. However, the section requires that the votes on final passage shall be recorded, and that bills shall be confined to one subject, except for revisions or consolidations and appropriation bills, which may cover many subjects. The use of riders on appropriation bills is prohibited, because of the abuses that have arisen in the Congress and in some states which do not have such a restriction.

(Sec. 17 Time of Taking Effect)

In order that a single date may be established when all bills, except emergency measures, will become laws, this section provides that the laws passed by any session will take effect 90 days after adjournment of each session. Exceptions are provided for the general appropriation bill, and, by a special two-thirds majority, any emergency measure. The emergency is required to be stated in the bill which will

tend to prevent use of this device for measures that are not, in fact, emergency legislation needed to prevent the disruption of governmental processes.

(Sec. 18 Local or Special Acts Prohibited)

The legislature is prohibited from passing any local or special act when a general act can be made applicable . The question of whether a general act can be made applicable is made a matter of judicial determination. This method seems to be much better than attempting to enumerate the kinds of local or special acts that are prohibited. Local acts when permitted are required to be submitted to the voters of the district to be affected before taking effect as law.

(Sec. 19 Appropriation Restriction)

This section prohibits appropriations for other than public purposes and to sectarian or denominational institutions or associations. Your Committee knows that several proposals to this convention relate to a "public purpose" clause. Your Committee believes that some agreement must be reached as to just what language should be adopted to carry out the desires of this convention.

(Sec. 20 Remission of Taxes Prohibited)

This section prohibits the remission of taxes by the State or any municipal corporation. The section is added to ensure that no advantage will be gained by delinquent taxpayers.

(Sec. 21 Referendum)

Despite attempts to ensure a harmonious legislative-executive relationship by other sections of this Article, it is always possible that at times a deadlock will occur where a bill deemed necessary by the Governor will fail of passage, or a bill which a majority of the Legislature deems necessary but for which it cannot obtain the special majority required to override a veto. This section permits either the Governor or the Legislature to resolve such a deadlock by submitting the bill to a vote of the people. The provision does not apply to revenue or appropriation measures, nor to local or special legislation.

(Sec. 22, 23, 24)

These sections contain language which is directed by the enabling acts to be in the state constitution. Section 23 makes clear that the state may accept payments in lieu of taxes from the Federal government.

(Sec. 25 Board of Apportionment)

A board is set up here to eliminate delays in apportionment and reapportionment. All branches of the state government are involved in its selection, and its determinations are enforceable by the Supreme Court.

F I R S T E N R O L L E D C O P Y

Constitutional Convention  
Committee Proposal/5/Enrolled  
January 12, 1956

Constitutional Convention of Alaska

COMMITTEE PROPOSAL NO. 5

Introduced by Committee on Legislative Branch

LEGISLATIVE POWERS AND DUTIES

RESOLVED, that the following be agreed upon as  
part of the Alaska State Constitution.

ARTICLE ON LEGISLATIVE BRANCH

Legislative Power	1	Section 1. The legislative power and authority of
	2	the state is vested in a legislature, which consists of
	3	a Senate and a House of Representatives.
Qualifi- cations of Members	4	Section 2. A senator shall be at least 25 years of
	5	age and have resided in Alaska at least 3 years, and in
	6	the district to be represented at least one year, immed-
	7	ately prior to filing for office, and shall otherwise be
	8	a qualified elector.
	9	A representative shall be at least 21 years of age and
	10	have resided in Alaska at least 3 years, and in the dis-
	11	trict to be represented at least one year, immediately
	12	prior to filing for office, and shall otherwise be a
	13	qualified elector.
Election; Terms	14	Section 3. Members of the legislature shall be elected
	15	on the day provided for general elections, and their
	16	terms of office shall begin on the fourth Monday of the
	17	following January unless otherwise provided by law. The

1 term of office of members of the House of Represent-  
2 atives is two years. The term of office of members  
3 of the Senate is four years, and one-half of the  
4 members shall be elected each two years.

Vacancies

5 Section 4. Any vacancy in the legislature shall  
6 be filled for the unexpired term in such manner as  
7 may be prescribed by law, or, if no provision be  
8 made by law, by appointment by the governor for the  
9 unexpired term.

Disqualifi-  
cations

10 Section 5. No member of the legislature shall be  
11 nominated, elected or appointed to any other office  
12 which has been created, or the salary or emoluments  
13 of which have been increased while he was a member  
14 of the legislature, during the term for which he was  
15 elected and for one year after the expiration of such  
16 term. This section shall not apply to positions of  
17 employment in or elections to any constitutional  
18 convention.

Privileges  
of Members

19 Section 6. No member of the legislature shall be  
20 held to answer before any other tribunal for any  
21 statement made or action taken in the exercise of  
22 his legislative functions; and members of the legis-  
23 lature shall, in all cases except felony or breach  
24 of the peace, be privileged from arrest and not sub-  
25 ject to civil process during their attendance at the

1 sessions of their respective houses, and in going  
2 to and returning from the same.

Salary  
and Travel  
Expense

3 Section 7. Each member of the legislature shall  
4 receive an annual salary and shall be entitled to  
5 travel expenses in going to and returning from sessions.  
6 The presiding officers of the respective houses may  
7 receive an additional salary, and members of the legis-  
8 lature may receive a per diem allowance for expenses  
9 while in session, as the legislature may direct.

Regular  
Sessions

10 Section 8. The legislature shall convene on the  
11 fourth Monday in January each year unless otherwise  
12 provided by law. Neither house may adjourn or recess  
13 for a period longer than three days without the con-  
14 currence of the other. If the two houses cannot agree  
15 on the time of adjournment, the Governor may, on the  
16 same being certified to him by one of the houses,  
17 adjourn the legislature, subject to the provisions  
18 of Section 9 hereof.

Special  
Sessions

19 Section 9. Special sessions may be called by the  
20 Governor. Special sessions may be ordered by a vote  
21 of two-thirds of the legislators, through a poll  
22 conducted by the legislative council or as otherwise  
23 prescribed by law, which shall cause the legislature  
24 to assemble in special session. When the legislature  
25 is convened in special session by the Governor there



1 shall be no legislation upon subjects other than  
2 those designated in the proclamation of the Governor  
3 calling such session, or presented to them by the  
4 Governor. No special session shall be of longer  
5 duration than thirty days.

Interim  
Committees

6 Section 10. There shall be a legislative council  
7 and such other interim committees as the legislature  
8 may establish. The council and other committees may  
9 meet between sessions and perform such duties and  
10 employ other persons as the legislature may direct  
11 or permit. Members of the council and other committees  
12 may receive an allowance for expenses during the  
13 performance of their duties.

Rules of  
Procedure

14 Section 11. The House of each legislature shall  
15 adopt uniform rules of procedure. Each house shall  
16 have the power to choose its officers and employees,  
17 shall be the judge of the elections and qualifications  
18 of its members; and each house shall keep a journal  
19 of its proceedings. A majority of the members to  
20 which each house is entitled shall constitute a  
21 quorum to do business, but a smaller number may ad-  
22 journ from day to day and may compel the attendance  
23 of absent members. The legislature shall have the  
24 power to regulate lobbying.

Suits  
against  
State

25 Section 12. The legislature shall direct by law

1 in what manner suits may be brought against the  
2 state.

Impeachment

3 Section 13. All civil officers of this state  
4 shall be liable for impeachment by the legislature.  
5 A motion for impeachment shall arise in the Senate  
6 and shall be by two-thirds vote of all the Senators.  
7 Such motion shall list fully the basis for the pro-  
8 ceeding. The trial on impeachment shall be conducted  
9 before the house of representatives, and a Justice  
10 of the Supreme Court designated by the Court shall  
11 preside. A vote of two-thirds of all the members  
12 of the house of representatives is required to render  
13 a judgement of impeachment. Judgement of impeachment  
14 shall not extend beyond removal from office, but shall  
15 not prevent punishment of such officer by the courts  
16 on charges growing out of the same matter.

Veto by  
Governor

17 Section 14. The governor shall have the power to  
18 veto bills passed by the legislature. The governor may  
19 veto appropriation bills by item, by striking or reduc-  
20 ing specific appropriations. If the governor vetoes a  
21 bill he shall return it to the house of origin together  
22 with his objections. The legislature sitting as one  
23 body shall immediately reconsider the passage of the  
24 bill. Bills not carrying appropriations or affecting  
25 the expenditure of monies shall become law by a two-

1 thirds vote of the total number of legislators  
2 to which the state is entitled. Bills carrying  
3 appropriations, dealing with taxation or affecting  
4 payments of monies under existing statutes, or an  
5 item or items in the general appropriations bill shall  
6 become law upon the affirmative vote of three-fourths  
7 of the total number of legislators to which the state  
8 is entitled. The vote on reconsideration of a vetoed  
9 bill shall be entered on the journals of both houses.  
10 While the legislature is in session, if the Governor  
11 neither signs nor vetoes a bill within fifteen days  
12 (Sundays excepted) after it is delivered to him, it  
13 shall become law without his signature. If the  
14 legislature is not in session and the Governor neither  
15 signs nor vetoes a bill within twenty days (Sundays  
16 excepted) after it has been presented to him, the  
17 same shall be law in like manner as if he had signed  
18 it.

Bills;  
Enactment

19 Section 15. The legislature shall establish the  
20 procedure for enactment of bills into law, and no  
21 bill shall become law without an affirmative vote of  
22 a majority of the membership of each house, and the  
23 yeas and nays on final passage shall be entered in  
24 the journal. Every bill, except bills for appropria-  
25 tions and bills for codification, revision, or

1 rearrangement of existing laws, shall be confined to  
2 one subject, which shall be expressed in the title.  
3 Bills for appropriations shall be confined to appropri-  
4 ations. The enacting clause of each law shall be, "Be  
5 it enacted by the legislature of the State of Alaska."  
6 No bill shall become law unless it shall pass three  
7 readings in each house on separate days except that  
8 any bill may be advanced from second to third reading  
9 by a three-fourths majority of the house having the  
10 bill under consideration.

Time of  
Taking  
Effect

11 Section 16. No law passed by the legislature,  
12 except the general appropriation act, shall take effect  
13 until ninety days after the adjournment of the session  
14 at which it was enacted, unless in case of emergency,  
15 which emergency must be expressed in the act, the  
16 legislature shall, by a vote of two-thirds of all the  
17 members of each house, otherwise direct.

Local or  
Special  
Acts Pro-  
hibited

18 Section 17. The legislature shall pass no local  
19 or special act in any case where a general act can  
20 be made applicable, and whether a general act can be  
21 made applicable shall be a matter for judicial deter-  
22 mination. No local act calling for use of funds to be  
23 appropriated by a political subdivision shall take  
24 effect until approved by a majority of the qualified  
25 voters voting thereon in the district to be affected.

Constitutional Convention  
Committee Proposal/5/Enrolled  
Style and Drafting  
January 24, 1956

ALASKA CONSTITUTIONAL CONVENTION  
REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Hon. William A. Egan, President  
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its redraft of the Article on The Legislature for consideration by the Convention.

Respectfully submitted,

George Sundborg, Chairman  
R. Rolland Armstrong  
Edward V. Davis  
Victor Fischer  
Mildred R. Hermann  
James J. Hurley  
Maurice T. Johnson  
George M. McLaughlin  
Katherine D. Nordale

January 23, 1956

REPORT OF COMMITTEE ON STYLE AND DRAFTING

Constitutional Convention  
Committee Proposal/5

CONSTITUTIONAL CONVENTION OF ALASKA

RESOLVED, that the following be agreed upon as  
part of the Alaska State Constitution.

ARTICLE II

THE LEGISLATURE

Legislative	1	Section 1. The legislative power of the State is
Power; Mem-	2	vested in a legislature consisting of a senate with a
bership	3	membership of twenty and a house of representatives with
	4	a membership of forty.
Members:	5	Section 2. A member of the legislature shall be a
Qualifica-	6	qualified voter who has been a resident of Alaska for at
tions	7	least three years and of the district from which elected
	8	for at least one year, immediately preceding his filing
	9	for office. A senator shall be at least twenty-five
	10	years of age and a representative at least twenty-one
	11	years of age.
Election	12	Section 3. Legislators are elected at general elec-
and Terms	13	tions. Their terms begin on the fourth Monday of the
	14	January following election unless otherwise provided by
	15	law. The term of representatives is two years. The
	16	term of senators is four years. One-half of the senators
	17	shall be elected every two years.
Vacancies	18	Section 4. A vacancy in the legislature is filled

1 for the unexpired term as provided by law. If no pro-  
2 vision is made, the governor fills the vacancy by appoint-  
3 ment.

Disqualifi-  
cations

4 Section 5. During the term for which elected and  
5 for one year thereafter, no legislator may be nominated,  
6 elected or appointed to any other office or position of  
7 profit which has been created, or the salary or emolu-  
8 ments of which have been increased, while he was a member.  
9 This section does not apply to employment by or election  
10 to a constitutional convention.

Immunities

11 Section 6. Legislators may not be held to answer  
12 before any other tribunal for any statement made or ac-  
13 tion taken in the exercise of their legislative duties.  
14 Members attending, going to or returning from legislative  
15 sessions are not subject to civil process and are pri-  
16 vileged from arrest except for felony or breach of the  
17 peace.

Salary and  
Expenses

18 Section 7. Legislators shall receive annual salaries.  
19 They may receive a per diem allowance for expenses while  
20 in session and are entitled to travel expenses going to  
21 and from sessions. Presiding officers may receive addi-  
22 tional compensation.

Regular  
Sessions

23 Section 8. The legislature shall convene each year  
24 on the fourth Monday in January, but the month and day  
25 may be changed by law.

Special Sessions 1 Section 9. Special sessions may be called by the  
2 governor or by vote of two-thirds of the legislators.  
3 The vote may be conducted by the legislative council or  
4 as prescribed by law. At special sessions called by the  
5 governor legislation is limited to subjects designated in  
6 his proclamation calling the session or to subjects pre-  
7 sented by him. Special sessions are limited to thirty  
8 days.

Adjournment 9 Section 10. Neither house may adjourn or recess for  
10 longer than three days unless the other concurs. If the  
11 two houses cannot agree on the time of adjournment and  
12 either house certifies the disagreement to the governor,  
13 he may adjourn the legislature.

Interim Committees 14 Section 11. There shall be a legislative council.  
15 The legislature may establish other interim committees.  
16 The council and other interim committees may meet between  
17 legislative sessions. They may perform duties and employ  
18 personnel as provided by the legislature. Their members  
19 may receive an allowance for expenses while performing  
20 their duties.

Rules 21 Section 12. The houses of each legislature shall  
22 adopt uniform rules of procedure. Each house may choose  
23 its officers and employees. Each is the judge of the  
24 election and qualifications of its members. Each shall  
25 keep a journal of its proceedings. A majority



1 of the membership of each house constitutes a quorum to  
2 do business, but a smaller number may adjourn from day  
3 to day and may compel attendance of absent members. The  
4 legislature may regulate lobbying.

Form of  
Bills

5 Section 13. Every bill shall be confined to one sub-  
6 ject unless it is an appropriation bill or one codifying,  
7 revising or rearranging existing laws. Bills for appro-  
8 priations shall be confined to appropriations. The sub-  
9 ject of each bill shall be expressed in the title. The  
10 enacting clause shall be: "Be it enacted by the legisla-  
11 ture of the State of Alaska."

Passage of  
Bills

12 Section 14. The legislature shall establish the pro-  
13 cedure for enactment of bills into law. No bill may be-  
14 come law unless it has passed three readings in each  
15 house on separate days, except that any bill may be ad-  
16 vanced from second to third reading on the same day by  
17 concurrence of three-fourths of the house considering it.  
18 No bill may become law without an affirmative vote of a  
19 majority of the membership of each house. The yeas and  
20 nays on final passage shall be entered in the journal.

Veto

21 Section 15. The governor may veto bills passed by  
22 the legislature. He may by veto strike or reduce items  
23 in appropriation bills. He shall return any vetoed bill,  
24 with a statement of his objections, to the house of origin.

Action Upon 1           Section 16. Upon receipt of a veto message, the  
Veto           2 legislature shall meet immediately in joint session and re-  
              3 consider passage of the vetoed bill or item. Appropria-  
              4 tion bills or items and bills dealing with taxation or  
              5 affecting expenditures, although vetoed, become law by  
              6 affirmative vote of three-fourths of the membership of the  
              7 legislature. Other vetoed bills become law by affirmative  
              8 vote of two-thirds of the membership of the legislature.  
              9 The vote on reconsideration of a vetoed bill shall be en-  
             10 tered on the journals of both houses.

Bills Not 11           Section 17. A bill becomes law if, while the legis-  
Signed       12 lature is in session, the governor neither signs nor vetoes  
             13 it within fifteen days, Sundays excepted, after its de-  
             14 livery to him. If the legislature is not in session and  
             15 the governor neither signs nor vetoes a bill within twenty  
             16 days, Sundays excepted, after its delivery to him, the  
             17 bill becomes law.

Effective 18           Section 18. Laws passed by the legislature, except  
Date        19 general appropriation acts, do not become effective until  
             20 ninety days after adjournment of the session at which en-  
             21 acted. The legislature may, by concurrence of two-thirds  
             22 of the membership of each house, provide for an earlier  
             23 effective date in case of emergency. The emergency must  
             24 be expressed in the act.

Local or 1 Section 19. The legislature shall pass no local or  
Special 2 special act if a general act can be made applicable.  
Acts 3 Whether a general act can be made applicable shall be sub-  
4 ject to judicial determination. Local acts necessitating  
5 appropriations by a political subdivision may not become  
6 effective unless approved by a majority of the qualified  
7 voters voting thereon in the subdivision affected.

Impeachment 8 Section 20. All civil officers of the State are sub-  
9 ject to impeachment by the legislature. Impeachment origi-  
10 nates in the senate and must be approved by a two-thirds  
11 vote of its members. The motion for impeachment shall list  
12 fully the basis for the proceeding. Trial on impeachment  
13 is conducted by the house of representatives. A supreme  
14 court justice designated by the court presides at the  
15 trial. Concurrence of two-thirds of the members of the  
16 house is required for a judgment of impeachment. The  
17 judgment may not extend beyond removal from office, but  
18 shall not prevent proceedings in the courts on the same or  
19 related charges.

Suits 20 Section 21. The legislature shall establish procedures  
Against 21 for suits against the State.  
the State

REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Constitutional Convention  
Style and Drafting/Article II  
January 26, 1956

ALASKA CONSTITUTIONAL CONVENTION

Hon. William A. Egan, President  
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its redraft of amendments to the Article on the Legislature which was recommitted to us last night.

Section 5. This section was amended on the floor to read as follows:

Section 5. No legislator shall hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section does not prohibit the election, appointment or succession of any person as governor, secretary of state, or member of a constitutional convention, or the employment of anyone by a constitutional convention, or election to the Congress.

We recommend that the section be as follows:

Section 5. No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, secretary of state or member of Congress. This section shall not apply to employment by or election to a constitutional convention.

Section 6. We recommend that the language, as amended on the floor, be retained.

Section 12. We recommend that the language, as amended on the floor, be retained.

Section 16. The second sentence in this section was amended on the floor to read as follows:

Appropriation bills or items and bills to raise revenue, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature.

We recommend that the sentence be as follows:

Bills to raise revenue and appropriation bills or items, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature.

Section 18. We recommend that the language, as amended on the floor, be retained.

Respectfully submitted,

George Sundborg, Chairman  
R. Rolland Armstrong  
Edward V. Davis  
Victor Fischer  
Mildred R. Hermann  
James J. Hurley  
Maurice T. Johnson  
George M. McLaughlin  
Katherine D. Nordale