1) December 17, 1955
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3) Style & Drafting 1/24/56
4) Style & Drafting (Article II) 1/26/56
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
### Legislative Powers and Duties

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

**ARTICLE ON LEGISLATIVE BRANCH**

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<th>Legislative Power</th>
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House of Representatives is two years. The term of
office of members of the Senate is four years, and one-
half of the members shall be elected each two years.

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

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

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

Section 7. Each member of the legislature shall receive an annual salary equal to one-third of the salary of the Governor, and shall be entitled to travel expenses in going to and returning from sessions. The presiding officers of the respective houses may receive an additional salary, and members of the legislature may receive a per diem allowance for expenses while in session, as the legislature may direct.

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

Section 9. Special sessions may be called by the Governor. Special sessions may be ordered by a vote of two-thirds of the legislators, through a poll directed by the legislative council, which shall cause the legislature to assemble in special session. When the legislature is convened in special session by the Governor there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor. No special session shall be of longer duration than thirty days.

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

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

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

Section 13. All civil officers of this state shall be liable for impeachment by the legislature. A motion for impeachment shall arise in the Senate and shall be by two-thirds vote of all the Senators. Such motion shall list fully the basis for the proceeding. The trial on impeachment shall be conducted before the house of representatives, and a Justice of the Supreme Court designated by the Court shall preside. A vote of two-thirds of all the members of
the house of representatives is required to render a judgment of impeachment. Judgment of impeachment shall not extend beyond removal from office, but shall not prevent punishment of such officer by the courts on charges growing out of the same matter.

Section 14. Any civil officer, except the Governor, may be removed for cause which need not be sufficient ground for impeachment. The cause or causes shall be stated at length in a concurrent resolution and entered on the journal of each house. The resolution must be passed by vote of a majority of the members of each house. No officer shall be removed unless he has been served with a statement of the cause alleged, and had an opportunity to be heard. On the question of removal, the yeas and nays shall be entered on the journals.

Section 15. The governor shall have the power to veto bills passed by the legislature. If the Governor vetoes a bill he shall return it to the house of representatives together with his objections. The legislature sitting as one body shall reconsider the passage of the bill. Bills not carrying appropriations or affecting the expenditure of monies shall become law by a two-thirds vote of the total number of legislators to which the state is entitled. Bills carrying appropriations, dealing with taxation or affecting payments of monies under existing statutes, or
an item or items in the general appropriations bill shall become law upon the affirmative vote of three-fourths of the total number of legislators to which the state is entitled. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses. While the legislature is in session, if the Governor neither signs nor vetoes a bill within fifteen days (Sundays excepted) after it is delivered to him, it shall become law without his signature. If the legislature is not in session and the Governor neither signs nor vetoes a bill within twenty days (Sundays excepted) after it has been presented to him, the same shall be law in like manner as if he had signed it.

Section 16. The legislature shall establish the procedure for enactment of bills into law, and no bill shall become law without a vote of a majority of the membership of each house, and the yeas and nays on final passage shall be entered in the journal. Every bill, except bills for appropriations and bills for codification, revision, or rearrangement of existing laws, shall be confined to one subject, which shall be expressed in the title. Bills for appropriations shall be confined to appropriations. Section 17. No law passed by the legislature, except the general appropriation act, shall take effect until ninety days after the adjournment of the session at which it was passed.
enacted, unless in case of emergency, which emergency must be expressed in the act, the legislature shall, by a vote of two-thirds of all the members of each house, otherwise direct.

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

Section 19. No appropriation shall be made for other than a public purpose; nor to any denominational or sectarian institution or association.

Section 20. No obligation or liability of any person, association or corporation held or owned by the state, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way diminished by the legislature nor shall such liability or obligation be extinguished except by the payment thereof into the proper treasury.

Section 21. Any bill failing of passage by the legislature may be submitted to referendum by order of the Governor either in its original form or with such amendments which were considered by the legislature, as he may designate.

Any bill which, having passed the legislature, is returned
thereto by the Governor with objections and, upon reconsideration is not approved by the majorities required by this constitution, may be submitted to referendum by a majority of all the members sitting as one body. Bills thus submitted to referendum shall be voted on at the next succeeding regular election occurring at least sixty days after action is taken to submit them, unless the legislature shall provide for their submission at an earlier date. This section shall not apply to bills containing appropriations, raising or earmarking revenues, nor to local or special bills.

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

Section 23. The state of Alaska and its people do agree that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of the Act of Admission of this state, the right or title to which is held by the United States or is subject to disposition by the United States, and to any lands or other property (including fishing rights) the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the
United States in trust for said natives; that all such
lands or other property, belonging to the United States or
which may belong to said natives, shall be and remain
under the absolute jurisdiction and control of the United
States until disposed of under its authority, except to
such extent as the Congress has prescribed or may here-
after prescribe and except when held by individual natives
in fee without restrictions on alienation; and that no
taxes shall be imposed by the State upon any lands or other
property now owned or hereafter acquired by the United
States or which, as hereinabove set forth, may belong to
said natives, except to such extent as the Congress has
prescribed or may hereafter prescribe, and except when held
by individual natives in fee without restriction on alien-
ation; and no legislative act by the State of Alaska shall
be taken thereon. Nothing in this section shall prevent
this state from accepting any payments in lieu of taxes
that may be authorized by the Congress.

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

Section 25. There shall be a Board of Apportionment to
be composed of one member elected from each house and
three members of the public appointed by the Governor;
and the Chief Justice shall preside, without a vote. In
the event that either house shall fail to elect a member
of the board the governor shall appoint one member of that
house to serve on the Board of Apportionment. Any three
members of the Board constitute a quorum, but no reappor­
tionment shall take effect without the affirmative vote
of three members. The Board shall have the power to
reapportion and redistrict both the house and the senate,
not oftener than once in six years but at least once each
twelve years, and the Supreme Court shall issue an order
fixing the boundaries and the number of members to be
elected in each Senatorial and House District.
(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 dollar amounts 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. 16 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.
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

Section 1. The legislative power and authority of the state is vested in a legislature, which consists of a Senate and a House of Representatives.

Qualifications of Members

Section 2. A senator shall be at least 25 years of age and have resided in Alaska at least 3 years, and in the district to be represented at least one year, immediately prior to filing for office, and shall otherwise be a qualified elector.

A representative shall be at least 21 years of age and have resided in Alaska at least 3 years, and in the district to be represented at least one year, immediately prior to filing for office, and shall otherwise be a qualified elector.

Election; Terms

Section 3. Members of the legislature shall be elected on the day provided for general elections, and their terms of office shall begin on the fourth Monday of the following January unless otherwise provided by law. The Committee Proposal No. 5 First Enrolled
term of office of members of the House of Representa-
tives is two years. The term of office of members
of the Senate is four years, and one-half of the
members shall be elected each two years.

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

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

Section 6. No member of the legislature shall be
held to answer before any other tribunal for any
statement made or action taken in the exercise of
his legislative functions; and members of the legis-
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ject to civil process during their attendance at the
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Section 7. Each member of the legislature shall receive an annual salary and shall be entitled to travel expenses in going to and returning from sessions. The presiding officers of the respective houses may receive an additional salary, and members of the legislature may receive a per diem allowance for expenses while in session, as the legislature may direct.

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

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

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

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4 receive an annual salary and shall be entitled to
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17 adjourn the legislature, subject to the provisions
18 of Section 9 hereof.

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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
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24 to assemble in special session. When the legislature
25 is convened in special session by the Governor there
shall be no legislation upon subjects other than
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calling such session, or presented to them by the
Governor. No special session shall be of longer
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Section 10. There shall be a legislative council
and such other interim committees as the legislature
may establish. The council and other committees may
meet between sessions and perform such duties and
employ other persons as the legislature may direct
or permit. Members of the council and other committees
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Section 11. The House of each legislature shall
adopt uniform rules of procedure. Each house shall
have the power to choose its officers and employees,
shall be the judge of the elections and qualifications
of its members; and each house shall keep a journal
of its proceedings. A majority of the members to
which each house is entitled shall constitute a
quorum to do business, but a smaller number may ad-
journ from day to day and may compel the attendance
of absent members. The legislature shall have the
power to regulate lobbying.

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

Section 14. The governor shall have the power to veto bills passed by the legislature. The governor may veto appropriation bills by item, by striking or reducing specific appropriations. If the governor vetoes a bill he shall return it to the house of origin together with his objections. The legislature sitting as one body shall immediately reconsider the passage of the bill. Bills not carrying appropriations or affecting the expenditure of monies shall become law by a two-
thirds vote of the total number of legislators
to which the state is entitled. Bills carrying
appropriations, dealing with taxation or affecting
payments of monies under existing statutes, or an
item or items in the general appropriations bill shall
become law upon the affirmative vote of three-fourths
of the total number of legislators to which the state
is entitled. The vote on reconsideration of a vetoed
bill shall be entered on the journals of both houses.

While the legislature is in session, if the Governor
neither signs nor vetoes a bill within fifteen days
(Sundays excepted) after it is delivered to him, it
shall become law without his signature. If the
legislature is not in session and the Governor neither
signs nor vetoes a bill within twenty days (Sundays
excepted) after it has been presented to him, the
same shall be law in like manner as if he had signed
it.

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

Local or Special Acts Prohibited

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

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

Section 17. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a matter for judicial deter-

mination. No local act calling for use of funds to be appropriated by a political subdivision shall take effect until approved by a majority of the qualified voters voting thereon in the district to be affected.
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

Section 1. The legislative power of the State is vested in a legislature consisting of a senate with a membership of twenty and a house of representatives with a membership of forty.

Section 2. A member of the legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of the district from which elected for at least one year, immediately preceding his filing for office. A senator shall be at least twenty-five years of age and a representative at least twenty-one years of age.

Section 3. Legislators are elected at general elections. Their terms begin on the fourth Monday of the January following election unless otherwise provided by law. The term of representatives is two years. The term of senators is four years. One-half of the senators shall be elected every two years.

Section 4. A vacancy in the legislature is filled...
Section 5. 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 apply to employment by or election to a constitutional convention.

Section 6. Legislators may not be held to answer before any other tribunal for any statement made or action taken in the exercise of their legislative duties. Members attending, going to or returning from legislative sessions are not subject to civil process and are privileged from arrest except for felony or breach of the peace.

Section 7. Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.

Section 8. The legislature shall convene each year on the fourth Monday in January, but the month and day may be changed by law.
<table>
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<th>Section</th>
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<td>9</td>
<td>Section 9. Special sessions may be called by the governor or by vote of two-thirds of the legislators. The vote may be conducted by the legislative council or as prescribed by law. At special sessions called by the governor legislation is limited to subjects designated in his proclamation calling the session or to subjects presented by him. Special sessions are limited to thirty days.</td>
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<td>Section 10. Neither house may adjourn or recess for longer than three days unless the other concurs. If the two houses cannot agree on the time of adjournment and either house certifies the disagreement to the governor, he may adjourn the legislature.</td>
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<td>14</td>
<td>Section 11. There shall be a legislative council. The legislature may establish other interim committees. The council and other interim committees may meet between legislative sessions. They may perform duties and employ personnel as provided by the legislature. Their members may receive an allowance for expenses while performing their duties.</td>
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<td>21</td>
<td>Section 12. The houses of each legislature shall adopt uniform rules of procedure. Each house may choose its officers and employees. Each is the judge of the election and qualifications of its members. Each shall keep a journal of its proceedings. A majority</td>
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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.

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

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

Section 15. The governor may veto bills passed by
the legislature. He may by veto strike or reduce items
in appropriation bills. He shall return any vetoed bill,
with a statement of his objections, to the house of origin.
Section 16. Upon receipt of a veto message, the legislature shall meet immediately in joint session and reconsider passage of the vetoed bill or item. Appropriation bills or items and bills dealing with taxation or affecting expenditures, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature. Other vetoed bills become law by affirmative vote of two-thirds of the membership of the legislature. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses.

Section 17. A bill becomes law if, while the legislature is in session, the governor neither signs nor vetoes it within fifteen days, Sundays excepted, after its delivery to him. If the legislature is not in session and the governor neither signs nor vetoes a bill within twenty days, Sundays excepted, after its delivery to him, the bill becomes law.

Section 18. Laws passed by the legislature, except general appropriation acts, do not become effective until ninety days after adjournment of the session at which enacted. The legislature may, by concurrence of two-thirds of the membership of each house, provide for an earlier effective date in case of emergency. The emergency must be expressed in the act.
Local or Special Acts

Section 19. The legislature shall pass no local or special act if a general act can be made applicable.

Whether a general act can be made applicable shall be subject to judicial determination. Local acts necessitating appropriations by a political subdivision may not become effective unless approved by a majority of the qualified voters voting thereon in the subdivision affected.

Impeachment

Section 20. All civil officers of the State are subject to impeachment by the legislature. Impeachment originates in the senate and must be approved by a two-thirds vote of its members. The motion for impeachment shall list fully the basis for the proceeding. Trial on impeachment is conducted by the house of representatives. A supreme court justice designated by the court presides at the trial. Concurrence of two-thirds of the members of the house is required for a judgment of impeachment. The judgment may not extend beyond removal from office, but shall not prevent proceedings in the courts on the same or related charges.

Suits Against the State

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