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C/P No. 5 - Legislative Branch
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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 ^{immediately} 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 ^{each house} [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 ^{- each house} 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 ^{an affirmative} [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

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Introduced by Committee on Legislative Branch

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RESOLVED, that the following be agreed upon as
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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.

Qualifications 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 iately 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

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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.

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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
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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
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17 employment in or elections to any constitutional
18 convention.

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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.

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4 receive an annual salary and shall be entitled to
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6 The presiding officers of the respective houses may
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8 lature may receive a per diem allowance for expenses
9 while in session, as the legislature may direct.

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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.

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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.

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State

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

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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
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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
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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 viledged 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