ALASKA STATE LEGISLATURE SENATE MAJORITY COUNSEL



MEMORANDUM

DATE: March 11, 2024

TO: Senator Gary Stevens, Senate President

FROM: Doug Gardy Ar Sen ge Majority Counsel

RE: Article II, Section 16: Joint Sessions to Reconsider Executive Vetoes

<u>Question Presented:</u> After receipt of a veto message by the legislature from the governor, either during a regular session or after adjournment of the first regular session, is the legislature required to meet immediately in joint session to reconsider passage of the vetoed bill or item under article II, section 16¹?

<u>Brief Answer:</u> Yes. While the recent precedent of the legislature has been to follow the procedure in Uniform Rule 51², which is a discretionary process to enter into a joint session, a court would exercise its independent judgment interpreting the constitution. Based on (1) the Minutes of the Alaska Constitutional Convention; (2) the interpretation and implementation of article II, section 16 by the legislature in 1959; and (3) the plain meaning of "shall immediately" a court would most

Section 16. Action Upon Veto. Upon receipt of a veto message during a regular session of the legislature, the legislature shall meet immediately in joint session and reconsider passage of the vetoed bill or item. Bills to raise revenue and appropriation bills of items, 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. Bills vetoed after adjournment of the first regular session of the legislature shall be reconsidered by the legislature sitting as one body no later than the fifth day of the next regular ² Currently, Uniform Rule 51 provides in relevant part:

Rule 51. Joint Sessions. A joint session may be called by agreement of the presiding officers of both houses or by either house by motion adopted by a majority vote of the full membership of the house. If a joint session is called by a house, the house calling the session shall propose a time for the session. The other house may agree to meet in joint session at the time proposed or set another time within the three-day period following the time proposed. The president of the senate in the presence of the speaker of the house presides over joint sessions and the joint sessions are governed by the Uniform Rules.

Page 1 of 6

¹ Article II, section 16 of the Alaska State Constitution provides:

likely conclude that article II, section 16 imposes an affirmative duty on the legislature to meet in joint session.

Our court has written that matters of internal legislative procedure will not be Discussion: interfered with by a court.³ The interpretation of the "shall immediately" language in article II, section 16, is a question of interpreting the Alaska Constitution, and the Alaska Supreme Court exercises its independent judgment when interpreting the Alaska Constitution.⁴

The language in article II, section 16—not the language and legislative prerogative contained in Uniform Rule 51—is at issue. When a court interprets the constitution and uses its independent judgment, the court reads words within the context of the overall section in the constitution. It will look to what is "implied" in the language of the constitution as much as what is "expressed" in the language. The plain language of the constitution and the framers' intent as evidenced by review of the Minutes of the Alaska Constitutional Convention are used by the court in it's de novo review of constitutional language.⁵

1. The Constitutional Convention Minutes

When the Alaska Constitutional Convention was considering language that became article II, section 16. Delegate Nordale offered an amendment⁶ that passed by a vote of 39-12.⁷ The amendment added "immediately" after "shall." The overall context of the discussion that led up to the adoption of the "immediately" language shows that the purpose of the amendment was to: (1) reconsider the veto immediately to provide "an opportunity for those who still believe in the substance of the bill to introduce a revised bill incorporating such amendments as will coincide with the governor's attitude on the bill"; and (2) to provide that the house of origin cannot "sit on the bill and allow the veto to kill the bill."8 Here is the relevant exchange between the delegates:

NORDALE: Mr. President, my feeling is that I don't know that it is too important, but it seems to me that it is of enough importance to insert the word. If the bill should be

³ Malone v. Meekins, 650 P.2d 351, 356-57 (Alaska 1982); Abood v. League of Women Voters, of Alaska, 743 P.2d 333 (Alaska 1987).

⁴ In State of Alaska v. Legislative Council, 515 P.3d 117, 123 (Alaska 2022), the Alaska Supreme Court wrote that "[o]ur analysis of a constitutional provision begins with, and remains grounded in, the words of the provision itself. Constitutional provisions should be given a reasonable and practical interpretation in accordance with common sense. [We] ... look to the plain meaning and purpose of the provision and the intent of the framers. We do not interpret constitutional provisions in a vacuum — the document is meant to be read as a whole with each section in harmony with the others," and we have noted that often what is implied is as much a part of the constitution as what is expressed." Internal citations omitted.

⁵ In Forrer v. State, 471 P.3d 569, 583 (Alaska 2020), the court emphasized that "[w]hile we have also said that we consider "precedent, reason, and policy, policy judgments do not inform our decision-making when the text of the Alaska Constitution and the framers' intent as evidenced through the proceedings of the Constitutional Convention are sufficiently clear. Internal citations omitted.

⁶ Attachment #1.

⁷ Attachment #2.

⁸ Alaska Constitutional Convention Proceedings, Part 3, pages 1744-45.

considered immediately after the veto, then if the veto is sustained, there is an opportunity for those who still believe in the substance of the bill to introduce a revised bill incorporating such amendments as will coincide with the governor's attitude on the bill. Otherwise, it could be just delayed and not taken up in sufficient time to reconsider something that might be of value.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, I address a question to Mrs. Nordale. Would you consent to the word "promptly" instead of "immediately?" You don't know what the business is or what kind of jam they are going to be in for the next 24 hours.

NORDALE: I would consider that if the word would be interpreted reasonably, so that at the first possible recess the bill would be considered.

McCUTCHEON: I don't see why we are heckling about one particular word. The house does not even have to receive the bill as far as the floor is concerned for some period of time. If there is a matter under consideration, it does not even come before it except if the president calls it up.⁹

PRESIDENT EAGAN: Mr. Sunborg.

SUNBORG: There is something else here. This, as we have it here, maybe we are going to change it tomorrow. It says they are going to sit in joint session and you can't consider

NORDALE: It says immediately.

SUNBORG: "The legislature sitting as one body shall immediately reconsider the passage of the bill." He returns it to the house of representatives together with his objections and the legislature sitting as one body and not it is proposed immediately to reconsider the passage of the bill. Would that mean that once the governor's veto message hits the clerk's desk in the house of representatives, that all business of both houses ceases at that moment and they go into joint session to immediately consider this matter?

NORDALE: Mr. President, rather than waste any time I withdraw the amendment. I think that almost every section of every constitution that talks about reconsidering a vetoed message says "immediately."

TAYLOR: I object.

PRESIDENT EAGAN: Mr. Taylor objects to withdrawing. Mr. Taylor.

TAYLOR: I object to withdrawing. I think that word should be in there. I have seen the times in the legislature where there was an attempt after a bill had been vetoed by the governor, and it came back down to hold it so it could not come up for hearing. It would be forced out and many times that happens. I think it should be "immediately" or some

⁹ It is a general tenet of legislative procedure and practice that only one proposition may be considered by the body at one time. *See, Mason's Manual of Legislative Practice and Procedure, Sec.* 56 (2010 ed.).

word which will denote the same meaning or say "within the following day", or "within 24 hours", but I think it is very imperative that we have this in here so when it goes back to the house of origin nobody in that house can sit on the bill and allow the veto to kill the bill. I object to withdrawing and believe it should be voted on.

The Convention then adopted the "immediately" amendment by a vote of 39-12 and it remains in our constitution today. If the Alaska Supreme Court looks at this exchange, it is likely that the court would conclude that "shall immediately" imposes a mandatory duty on the legislature to reconsider vetoed measures "immediately." The court would likely reject an argument under the current Uniform Rule 51 procedure that requires a minimum vote (requiring 11 votes in the Senate, and 21 votes in the House) to enter a joint session for reconsidering vetoed measures. A court would likely reject the current Uniform Rule 51 process because it would lead to exactly the result that Delegates Nordale and Taylor objected to: it would deprive a legislator who still believes in the bill from fixing it and allow one house to "sit on" a vetoed measure and prevent reconsideration of the veto effectively killing the bill.

2. Interpretation of Article II, Section 16 by the Legislature in 1959

In 1959, the governor vetoed bills during the First Regular Session of the First Alaska Legislature. In response, the legislature considered how to proceed into joint session to reconsider the vetoes. A court would likely find the legislature's interpretation of its own constitutional duties during that first session very persuasive given the contemporaneous interpretation and implementation of article II section 16 by the legislature in relation to the drafting of the constitution by the framers. Constitutional Convention Delegate Thomas Stewart, a lawyer and subsequently highly regarded superior court judge, was a senator when this first discussion occurred.

On April 10, 1959, the Senate received veto messages from Hugh J. Wade, Acting Governor for the State of Alaska, notifying the senate of his veto of Senate Bills 12, 26, and 89 under the section of the daily senate calendar of messages from the governor. Uniform Rule 70, Uniform Rules of the Alaska State Legislature, Adopted First Legislature – First Session, 1959, provided the procedure upon receipt of a veto message:

Rule 70. A bill vetoed by the Governor shall first be returned to its house of origin. That house shall then have the vetoed message read immediately and order it to be spread upon the journal. The house receiving the vetoed bill and message shall promptly inform the other house of the action which has transpired, and both houses shall thereupon meet immediately in joint session and reconsider passage of the vetoed bill or item.¹¹

Later in the daily calendar, the Senate Journal states:

The President read Rule 69¹² concerning action to be taken on vetoes. Senator Stewart rose to a point of information to ask whether the action could be deferred.

¹⁰ Attachment #3.

¹¹ Attachment #4.

¹² It is unclear why Uniform Rule 69 is being referred to in the Senate Journal since Uniform Rule 70 was the rule governing procedures upon a veto by the executive in 1959.

The President referred the matter to the Rules Committee¹³ for determination. The Senate stood at ease until the Rules Committee could report.¹⁴

After the at-ease, the journal reflects the guidance from the Senate Rules Committee on the proper procedure after receiving veto messages from the governor:

Senator Cooper, Chairman of the Rules Committee reported that both the State Constitution and the Joint Rules directed the House and Senate to meet immediately upon receiving a veto message from the Governor, and it therefore was necessary that a message be sent to the House requesting a joint session.¹⁵

There was no objection to this ruling from former Delegate Stewart. Shortly thereafter during the Senate floor session on April 10, 1959, the Senate rolled back up the calendar to Messages from the House, and accepted a message stating that the House was prepared to meet in joint session to reconsider Senate Bills 12, 26 and 89. A joint session was held shortly thereafter. A court would likely give considerable weight to the statement by the Chairman of the Senate Rules Committee that article II section 16 and the Uniform Rules both require a joint session immediately in the context of deciding what "shall" and "immediately" mean in article II, section 16. It is noteworthy that Uniform Rule 75 in effect in 1959 did not conflict with Uniform Rule 70 for convening a joint session to reconsider bills and items vetoed by the governor:

Rule 75. Whenever either house deems it necessary to hold a joint assembly, except as provided above for joint session to reconsider executive vetoes, a concurrent resolution shall be introduced setting forth the purpose of such joint assembly and fixing the time for same. The President of the Senate in the presence of the Speaker of the House, shall preside over all joint assemblies. Joint assemblies shall be governed by these uniform rules. [Emphasis added.]

3. The Plain Meaning of "Shall Immediately"

The Manual of Legislative Drafting, Legislative Affairs Agency, 2023, which is subject to approval by the Alaska Legislative Council and required for use in legislative drafting by AS 24.08.060(a) and the Uniform Rules, provides a definition the court would accept as the plain meaning of "shall":

Use the word "shall" to impose a duty upon someone. The Alaska Supreme Court has stated that the use of the word "shall" denotes a mandatory intent. Fowler v. Anchorage, 583 P.2d 817 (Alaska 1978).¹⁷

The plain meaning¹⁸ of "immediate" is defined in Black's Law Dictionary, Tenth Edition (2014),

¹³ In 1959, during the First Regular Session of the First Alaska State Legislature, the Senate Rules Committee had the following members: Senator's Cooper, Moody, Bronson, Peratrovich, and Coghill. Senate Journal 1959, Part I, page 7.

¹⁴ Senate Journal, April 10, 1959, page 939.

¹⁵ Id. at 941.

¹⁶ Id. at 946-47.

¹⁷ Attachment #5.

¹⁸ In Kohlhass v. State, 518 P.3d 1095, 1113 (Alaska 2022), the Alaska Supreme Court noted that when interpreting constitutional language, the court looks to the plain meaning of words: Our Page 5 of 6

as "occurring without delay." It is likely that a court construing "shall immediately" in the context of article II, section 16, including the framers' intent and the legislature's interpretation of those terms, would give the words their plain and ordinary meaning: the legislature is required to meet in joint immediately in joint session to consider an executive veto.

Conclusion

In 1959, the First Alaska Legislature considered it a duty, at least during a legislative session, to immediately meet in a joint session to reconsider measures vetoed by the executive. For vetoes received by the legislature after the first regular session, during a special session, or at the commencement of a second session, article II, section 16 imposes a similar duty, but allows a five-day window for execution of this duty. This five-day window applicable to special sessions and to the commencement of a second regular session was provided by Alaska voters as an amendment to article II, section 16 when SCS CS HJR 11 became law upon voter approval in 1976. Over time, the legislature's own rules changed and they called joint sessions where there was agreement by the presiding officers or a majority vote of the full membership of each body to do so.

Alaska is a state with a constitution drafted to provide for a strong executive. Even a strong executive has the powerful ability to veto bills and strike or reduce appropriations. A court will probably view the "shall immediately" duty of the legislature to meet in joint session to reconsider vetoes by the executive as an important check and balance on executive power. The importance of defining the scope of legislative power will support a supreme court decision interpreting article II, section 16 as a duty to reconsider vetoed bills and items, originally imposed by the framers, and reaffirmed by the voters in 1976.

A court reviewing "shall immediately" in article II section 16 is unlikely to defer to the legislature's practice that has been driven by the discretionary process in Uniform Rule 51. If the legislature continues its recent practice, it runs the risk that a court will rule against it as a matter of constitutional interpretation.

analysis of a constitutional provision begins with, and remains grounded in, the words of the provision itself. We are not vested with the authority to add missing terms or hypothesize differently worded provisions ... to reach a particular result. We instead 'look to the plain meaning and purpose of the provision and the intent of the framers.' This includes "the Delegates' debates and statements in interpreting the constitution" as well as "the historical context, including events preceding ratification."

[&]quot;Because of our concern for interpreting the constitution as the people ratified it, we generally are reluctant to construe abstrusely any constitutional term that has a plain ordinary meaning, and we give provisions a reasonable and practical interpretation in accordance with common sense." [Internal citations omitted.]

¹⁹ See generally, State v. Alaska Legislative Council, 515 P.3d 117 (2022). Page 6 of 6

Attachment # 1

Amendment No.	By Morale
	Date gen 11
AMENDMENT TO (COMMITTEE) PROPOSAL	NO
MR. PRESIDENT:	
I move that (Committee) Propo	osal No. <u>S</u> be amended
as follows: Lection 15, line 20,	after the word
feeling " and the w	and " immediately

not maked

N. C. C. C.

23 January **20,** 1956

STYLE AND DRAFTING

(Subcommittee Draft)

Constitutional Convention
Committee Proposal/5/Enrolled

Constitutional Convention of Alaska

Introduced by Commission on Legislavive Branch

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

THE LEGISLATURE

Legislative 1 Section 1. The legislative power of the State Power is vested in a Legislature water consists of a will a manhership Senate of twenty newborn and a House of Representatives of forty me 4 mercher of the legislature A Sanatas shall be a qualified voter who has 5 Members: Qualifica-6 tions AND THE PERSON NAMED IN sided in Alaska at least three years and in his the 7 from which all chit mans District at least one year, immediately prior 8 screter should be at least wenty-five to filing for office. A Representative shall be 9 qualified motor at least twenty-one years out 10 11 12 and in his recent on Disperior at least one your 13 immediately prior to Tiling Top office. Section 3. Members of the Legislaturg are elected Election 14 15 at general elections. Their terms begin on the fourth

	1 Monday of the January following election unless
	2 otherwise provided by law. The term of Represent-
	3 atives is two years. The term of Senators is four
	4 years. One-half of the Senators are elected every
	5 two years.
Vacancies	6 Section 4. A vacancy in the Legislature is
	7 filled for the unexpired term as provided by law.
	8 If no provision is made, the governor fills the
	9 vacancy by appointment,
Disqualifi- cations	10 A During the term for which houses elected and for one
Cautons	ll year after, may be nominated, or position of profit.
TI	12 elected or appointed to any other office, which has
6	13 been created, or of which the salary or emoluments)
	14 have been increased, while he was a member. This
	15 section does not apply to cleation to es employment
	16 by a constitutional convention.
Immunities	17 Section 6. Legislator may be held to answer
	18 before any other tribunal for any statement made or
	19 action taken in the exercise of him legislative dulies.
	20 Members going to or returning
	21 from legislative sessions are not subject to civil
	22 process and are privileged from arrest except for felony
	23 or breach of the peace.
Salary and	24 Section 7. Wall receive annual salaries, and
Expenses	25 as presented by the legislatures While in cossion.

while in session.

	1	may receive per diem expense allowances They
	2	are entitled to expenses traveling to and from
	3	sessions. Presiding officers may receive additional
	4	compensation, and the boundary of the compensation of the compensa
Regular Sessions	5	Section 8. The Legislature convenes on the
	6	fourth Monday in January each year unless otherwise
	7	provided by law. Neither house may adjein or recess
	8	for more than three days unless the other concurs.
	9	If the two houses cannot agree on the time of adjourn-
	10	ment the Sovernor, may adjourn the Legislature, when
	11 conteither house certifies the disagreement to him.	
Special Sessions	12	Section 9. Special sessions may be called by the
	13	Movernor or by vote of two-thirds of the Kegislators.
	14	The vote may be conducted by the Legislative Council
	15	or as prescribed by law. At # special session called
	16	by the Governor legislation upon
	17	subjects designated in his proclamation
	18	calling the session or presented by him. Special
	19	session in limited to thirty days.
Interim Committees	20	Section There shall be a Kegislative Council.
	21	The Legislature may establish other interim committees.
	22	The Council and other interim committees may meet
	23	between legislative sessions. They may perform duties
	24	and employ personnel as disected no presitted by the
	25	Legislature. Their members may receive an allowance
	26	for expenses while performing their duties.

-4except Those shall be no legislation upon subjects other designated in the proclemation of the 2 session, or presented special session shall to thirty days. There shall be a degislative Council, 6 Section 10. Interim Committees other interim committees the degislature may establish The Council and other committees may meet between sessions, and perform such duties and 9 the degislature may receive an allowance for expenses during the their nombers 13 Section 12. The Mouse of each legislature shall 14 Rules of adopt uniform rules of procedure. 15 Zach house and imma the power to choose its officers and employees, 16 the judge of the election and qualification 17 of its members, and each house shall keep a journal 18 or its proceedings. A majority of the members 19 each house to the constitute a 20 quorum to do business, but a smaller number may ad-21 22 journ from day to day and may compel the attendance of absent members. The legislature shall have 23 24 power to regulate lobbying. Section 2. The legislature shall Suits 21.

procedures for such arought against the State. All civil officers of tate Section 4 Impeachment impeachment by the legislature. 4 A motion for Impeachment similar in the Senate and must be approved by 26 menberg. for impochases 6 Such motion shall list fully the basis for the proceeding. The trial on impeachment shall be conducted by 8 MERCHAN! before the house of representatives. 9 the Supreme Court designated by the Court challe 10 members 11 presides, two-thirds of of the house of representatives is required 12 a judgment of imprachment. Judgment of imprachment not extend beyond removal from office, but shall the courts 15 not prevent quality the same 16 Section 15. The governor chad Veto ter 17 18 veto bills passed by the legislature. veto appropriation il he striking or roduce 18 the governor vetoco a 20 Commence of the selved till, hill be shall return to the house of origin together 21 22 (with his objections, the legislature citaling as one bedy shall immediately reconsider to passage of the velocal action light

Other bills he cono Law by off exercises were of two thirds and of the total number of legislators wills or dema, fully Appropriation, dealing with taxation or affecting 3 expertitives, although atten become law apon affirmative vote of three-fourths in of the flag is to ture. The vote on reconsideration of a vetoed is entitled. bill shall be entered on the journals of both houses. patcher pinns nor vecosi a bill within in teen days, chall 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 ils relivery to him, excepted after it has same shall be law, in title manner as 9 Section 13. The legislature shall establish the Snactment procedure for enactment of bills, in Bills bill shall become law without an affirmative vote of 21 a majority of the membership of each house, and the 23 yeas and mays on final passage shall be entered in the journal. | Every bill, every had be compared to one subjects, which about the expressed title, inceres it is an appreguetor bill in one colding many or market

rearrangement of existing laws, shall be confined 1 one subject, which shall be expressed in the bitras 2 Bills for appropriations shall be confined to appropri-3 The enacting clause of each kaw shall be: "Be it enacted by the legislature of the State of Alaska. No bill shell become law unless it shell pass three Section 140 7, Bill readings in each house on separate days, except that 8 any bill may be advanced from second to third reading by a three-fourths rejority of the house baving the 9 Afill under consideration 10 Section 18. He law passed by the legislature, 11 Time of Taking except se general appropriation act, shall take effect Effect 12 until ninety days after the adjournment of the session 13 at which is enacted (in case of emergency, 14 which emergency must be expressed in the act, 16 Telegislature show by the of to of two-thirds of the members of each house, themis direct affective date 17 Section 17. The legislature shall pass no local 18 Local or Special or special act in any sace whereal act can Acts & 19 be made applicable, and thether a general act can be 20 subject to made applicable shall be a master for judicial deter-21 mination. Ge local act calling appropriate by a political subdivision charl take effect wastel approved by a majority of the qualified 24 voters voting thereon in the decliento Enprocunt recting 21. feets of the 12th

Constitutional Convention Committee Proposal/2/Enrolled Style and Drafting January 22, 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 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

BALLOT PROPOSITION NO. 1 ACTION ON VETO OF BILLS Constitutional Amendment

(SCS CS House Joint Resolution No. 11)

BALLOT FORM:

A vote "FOR" adopts the amendment.

A vote "AGAINST" rejects the amendment.

FOR ()
AGAINST ()

VOTE CAST BY MEMBERS OF 9TH STATE LEGISLATURE ON FINAL PASSAGE

Senate (20 members): Yeas $\underline{19}$ Nays $\underline{0}$ Absent or Not Voting $\underline{1}$ House (40 members): Yeas $\underline{39}$ Nays $\underline{0}$ Absent or Not Voting $\underline{1}$

SUMMARY OF PROPOSITION

This proposal, if approved, would amend the Constitution of the State of Alaska by amending Article II, Section 9 (dealing with special sessions of the Alaska Legislature) and Article II, Section 16 (dealing with the action by the legislature upon vetoed bills). It would provide specific procedures and time periods for the reconsideration of bills vetoed by the governor after the adjournment of a regular session. Bills vetoed after adjournment of the first regular session of a legislature (which extends for two years and encompasses two regular sessions) would be reconsidered by the legislature no later than the fifth day of the next regular or special session of the legislature. Bills vetoed after adjournment of the second regular session would be reconsidered by the legislature no later than the fifth day of a special session of that legislature, if one is called. The constitution currently does not provide a specific time period for reconsideration of bills vetoed after adjournment and does not provide for the reconsideration of vetoed bills at or during a special session called by the governor.

Summary prepared by Legislative Affairs Agency as required by law

STUDY THE BALLOT PROPOSITIONS CAREFULLY

STATEMENT IN FAVOR OF PROPOSITION NO. 1

At present there is some question as to whether the legislature, during a special session called by the governor for another reason, can properly take up a veto which came down from the governor after the adjournment of a regular legislative session. This question should be resolved and will be resolved if the voters approve this proposed constitutional amendment. The amendment states without ambiguity that if a special legislative session is called by the governor (or by the legislature itself) for any reason, such vetoed bills will be considered during the first five days of the session.

- Mike Miller Member, State House of Representatives, District 4

STATEMENT AGAINST PROPOSITION NO. 1

NO STATEMENT AGAINST PROPOSITION NO. 1 WAS SUBMITTED

The argument printed on this page is the opinion of the author and has not been checked for accuracy by any official agency.



Alaska State Tiegislature

1975

Source:

SCS CSHJR 11

HOUSE JOINT RESOLUTION NO. 12

Amending the Constitution of the State of Alaska to provide for consideration of vetoed bills.

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

Section 1. Article II, sec. 9 of the Constitution of the State of Alaska is amended to read:

SECTION 9. SPECIAL SESSIONS. 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 shall be limited to subjects designated in his proclamation calling the session, to subjects presented by him, and the reconsideration of bills vetoed by him after adjournment of the last regular session. Special sessions are limited to thirty days.

Sec. 2. Article II, sec. 16 of the Constitution of the State of Alaska is amended to read:

SECTION 16. ACTION UPON VETO. Upon receipt of a vetomessage during a regular session of the legislature, the legislature shall meet immediately in joint session and reconsider passage of the vetoed bill or item. 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. Other vetoed bills become law by affirmative vote of two-thirds of the membership of the legislature. Bills vetoed after adjournment of the first regular session of the legislature shall be resonsidered by the legislature sitting as one body no later than the fifth day of the next regular or special session of that

legislature. Bills vetoed after adjournment of the second regular session shall be reconsidered by the legislature sitting as one body no later than the fifth day of a special session of that legislature, if one is called. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses.

* Sec. 3. The amendments proposed by this resolution shall be placed before the voters of the state at the next general election in conformity with art. XIII, sec. 1 of the Constitution of the State of Alaska and the state election laws.

DAVIS: The Rules Committee is not ready and will not be ready by 7:30 this evening to make any such report.

PRESIDENT EGAN: The question is "Shall the rules be suspended and the Rules Committee be instructed to make recommendations as to how to expedite the proceedings of the Convention?" It is not debatable because it is a suspension of the rules.

HERMANN: Point of order. I think we have a rule that says any time we want to call out a report of the Committee you have to have 14 people, if I recollect, requesting it.

PRESIDENT EGAN: Of course, this request by Mr. McLaughlin, Mrs. Hermann, is in effect a suspension of the rules.

V. FISCHER: Point of information. Is such a motion amendable by Mr. McLaughlin to provide, instead of 7:30 tonight, to have it as soon as possible?

PRESIDENT EGAN: Mr. McLaughlin, the Chair will allow you to make a statement.

MCLAUGHLIN: I shall amend it with reluctance to read "as soon as possible" instead of "7:30 this evening".

BUCKALEW: I would like to ask Mr. McLaughlin to withdraw that. You know they are going to get it out as soon as possible. Why don't you withdraw it?

MCLAUGHLIN: I shall withdraw my motion and rely on the speed with which the Rules Committee produces recommendations.

PRESIDENT EGAN: Mr. McLaughlin, hearing no objection, your proposed motion has been withdrawn. Mr. Davis.

DAVIS: At this time I will announce a meeting of the Rules Committee for the morning recess.

PRESIDENT EGAN: There will be a meeting of the Rules Committee during the morning recess. Are there amendments to Section 15? Mrs. Nordale.

NORDALE: Mr. President, I have an amendment.

ARMSTRONG: May I suggest again that the Chairman of the Committee be asked to speak to this section and if there are to be amendments to it.

PRESIDENT EGAN: He has already spoken to this section.

ARMSTRONG: I am sorry. I thought it was 16.

CHIEF CLERK: "Section 15, line 20, after the word 'shall'

insert the word 'immediately'."

NORDALE: Mr. President, I ask unanimous consent, or I move that the amendment be adopted.

PRESIDENT EGAN: Mrs. Nordale moves the adoption of the proposed amendment. Is there a second?

METCALF: I second the motion.

PRESIDENT EGAN: Will the Chief Clerk please read the amendment again.

CHIEF CLERK: "Section 15, line 20, after the word 'shall' insert the word 'immediately'."

PRESIDENT EGAN: Mrs. Nordale.

NORDALE: Mr. President, my feeling is that I don't know that it is too important, but it seems to me that it is of enough importance to insert the word. If the bill should be considered immediately after the veto, then if the veto is sustained, there is an opportunity for those who still believe in the substance of the bill to introduce a revised bill incorporating such amendments as will coincide with the governor's attitude on the bill. Otherwise, it could be just delayed and not taken up in sufficient time to reconsider something that might be of value.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, I address a question to Mrs. Nordale. Would you consent to the word "promptly instead of "immediately"? You don't know what the business is or what kind of jam they are going to be in for the next 24 hours.

NORDALE: I would consider that if the word would be interpreted reasonably, so that at the first possible recess the bill would be considered.

MCCUTCHEON: I don't see why we are heckling about one particular word. The house does not even have to receive the bill as far as the floor is concerned for some period of time. If there is a matter under consideration, it does not even come before it except if the president calls it up.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: There is something else here. This, as we have it here, maybe we are going to change it tomorrow. It says they are going to sit in joint session and you can't consider --

NORDALE: It says "immediately".

SUNDBORG: "The legislature sitting as one body shall immediately reconsider the passage of the bill." He returns it to the house of representatives together with his objections and the legislature sitting as one body and now it is proposed immediately to reconsider the passage of the bill. Would that mean that once the governor's veto message hits the clerk's desk in the house of representatives, that all business of both houses ceases at that moment and they go into joint session to immediately consider this matter?

NORDALE: Mr. President, rather than waste any time I withdraw the amendment. I think that almost every section of every constitution that talks about reconsidering a vetoed message says "immediately".

TAYLOR: I object.

PRESIDENT EGAN: Mr. Taylor objects to withdrawing. Mr. Taylor.

TAYLOR: I object to withdrawing. I think that word should be in there. I have seen the times in the legislature where there was an attempt after a bill had been vetoed by the governor, and it came back down to hold it so it could not come up for a hearing. It would be forced out and many times that happens. I think it should be "immediately" or some word which will denote the same meaning or say "within the following day", or "within 24 hours", but I think it is very imperative that we have this in here so when it goes back to the house of origin nobody in that house can sit on the bill and allow the veto to kill the bill. I object to withdrawing it and believe it should be voted on.

PRESIDENT EGAN: Objection is heard. The question is, "Shall the proposed amendment as offered by Mrs. Nordale be adopted by the Convention?" All those in favor of the adoption of the proposed amendment will signify by saying "aye", all opposed by saying "no". The Chief Clerk will call the roll.

(The Chief Clerk called the roll with the following result:

Yeas: 39 - Armstrong, Awes, Barr, Boswell, Collins, Davis,
Doogan, Emberg, H. Fischer, V. Fischer, Gray,
Hellenthal, Hermann, Hilscher, Hinckel, Hurley,
Johnson, Kilcher, King, Knight, Lee, Londborg,
McCutcheon, McLaughlin, McNees, Marston, Metcalf,
Nerland, Nolan, Nordale, Peratrovich, R. Rivers, V.
Rivers, Robertson, Stewart, Taylor, Walsh, Wien, Mr.
President.

Nays: 12 - Buckalew, Cooper, Cross, Harris, Laws, Poulsen, Reader, Rosswog, Smith, Sundborg, Sweeney, White.

Absent: 4 - Coghill, McNealy, Riley, VanderLeest.)

CHIEF CLERK: 39 yeas, 12 nays and 4 absent.

PRESIDENT EGAN: So the "yeas" have it and the proposed amendment is ordered adopted. Are there other amendments to Section 15? If not, are there amendments to Section 16? Mr. Johnson.

JOHNSON: I have an amendment to Section 16.

PRESIDENT EGAN: Would the Chairman of the Committee then please present us with an explanation for the reasons for Section 16. Mr. McCutcheon.

MCCUTCHEON: There are several matters in this particular section. I wonder if we could have Mr. Johnson announce which particular matter he chooses to amend.

JOHNSON: Actually it is an addition, not an amendment.

PRESIDENT EGAN: We might have the Chief Clerk read the amendment first. Mr. Barr.

BARR: Has the Chairman of the Committee explained the section to us yet?

PRESIDENT EGAN: Not yet, but we thought it might be better to have the Chief Clerk read the proposed amendment.

CHIEF CLERK: "Section 16, line 22, after the period add the following: 'The enacting clause of each law shall be, 'Be it enacted by the legislature of the State of Alaska.' No bill shall become law unless it shall pass three readings in each house, on separate days.'"

JOHNSON: I move the adoption of the amendment.

ROBERTSON: I second the motion.

MCCUTCHEON: The first sentence of Section 16 provides that the legislature, like the United States Congress, shall set up the procedure for enactment of bills into law. It requires that a journal be kept and that the votes on the final passage of the act shall be entered into the journal. That part is included because a journal must be had in order that the court requires to search into the background of the law to seek its validity, they ascertain as to whether it legally passed. The theory of requiring that all bills be confined to one subject with certain exceptions here, as shown, is that nothing can be gotten through the legislature under the guise of some other things. Often times a bill that is very popular and has a great deal of public support and sentiment will have a rider attached to it which may defeat the very purpose of the bill or may pertain to some

tricts, health districts, public utility districts; and other local subdivisions" (Incorporated villages, etc.) are saved and permitted to exercise their powers and function "under existing law." Since these units of local government are saved by virtue of Section 3 of Article XV, the powers that they may exercise and the functions that they may perform are tion 3, Article XV of the State Constitution, the "school disthose which were in effect or in existence on January 3,1959

timustion of certain local soverming units which would have been otherwise inconsistent with the Constitutional concept of local government, the local subdivisions saved were limited in duration to the period, namely, from January 3, 1959, until the legislature enacted legislation which would be consistent with the State Constitution. Thus, this Legislature cannot amend "Existing Law" relating to school districts, health districts, public utility districts or incorporated villages unless and until it is consistent with the State Consistent with the State Consistent with the plan of local government are not consistent with the plan of local government as envisioned by the framer of the State Constitution, our State Legislature is presided from amending the "existing law" under which they presently The framers of our Constitution realized and recognized that the units of local government in existence on the effective date (January 3, 1959) of the Constitution should be continued and allowed to exercise their powers and functions "under existing law, pending enactment of legislation to carry out the provisions of this Constitution." It becomes apparent that since the framers of the Constitution authorized the conexist and function.

In conclusion, and for emphasis only, let me reiters that in the absence of Section 3 of Article XV of the State stitution, there would be no authority for the continuance of existing local subdivisions of government which are not reint to in the State Constitution. Only the Constitution itself (Sec. 3, Article XV) saves these subdivisions, and then only for a limited time. Therefore, unless and until boroughs and cities have been established and have assumed jurisdiction, existing local subdivisions must remain as constituted on the date of admission.

In addition to the above, the Attorney General's Office made the following comments on this bill. The Legislature has attempted to amend Section 49-2-21, ACIA 1949, as amended by Chapter 75, SIA 1949, Chapter 21, SIA 1951, Chapter 105, SIA 1953, and Chapter 123, SIA 1957. However, it should be noted that the Legislature apparently did not take into one sideration the amendments contained in Section 2 of Chapter 124, SIA 1957, not in Section 1 of Chapter 125, SIA 1957, which in effect added two new paragraphs to Section 49-2-21, ACIA 1949. It must be recognized that the Legislature in legislating does so in light of the existing law. Accordingly the ommission of the provisions of Section 2 or Chapter 124 of SIA 1957 and the provisions of Chapter 125, SIA 1957 would constitute a repeal by implication of the foregoing provisions of law.

It would appear that, as I suggested in my message, have been spending their time during this session on legislation implementing the several provisions of the Constitution. I trust that, when the Legislature returns for its second session, this will be given your priority attention.

Sincerely yours, /s/ Hugh J. Wade

Acting Governor Hugh J. Wade

Message from the Acting Governor, dated April 10, regarding his veto of COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 26, was read as follows:

April 10, 1959

Alaska State Legislature Juneau, Alaska "Fresident of the Senate

Dear Mr. President:

I have reviewed CONMITTED SUBSTITUTE FOR SENATE stion Act of 1957, and to define the term "Incorporated Village," provided for in Chapter 150, SIA 1957.

the State Constitution. For this reason it is necessary for me to veto it. It purports to add new duties to those already created under the provisions of the Village Incorporation Act of 1957. The laws creating incorporated villages, as they presently exist, are incorsistent with the State Constitution. Insamuch as the legislation contained in this bill is not designed to carry out the provisions of the eadd Constitution, it is in conflict therewith.

If more detailed legal reasons for the foregoing are desired, I refer you to my veto message on SENATE BILL NO. 89.

Sincerely yours, /s/ Hugh J. Wade

Hugh J. Wade

Acting Governor

Message from the Acting Governor, dated April 10, regarding the veto on Octobering SUBSTITUTE FOR SENATE BILL NO. 12, was read as follows:

"President of the Senate Alaska State Legislature Alaska

Dear Mr. President:

BILL NO. 12, an act imposing new duties on political subdivisions in connection with the impounding of dogs threatening the peace, person, or property of others, the wetoing the bill, insamuch as it is an attempt to amend "existing law relating to all incomporated subdivisions of Alaska," contrary to Articles X and XV of the State Constitution. There is no indication that the proposed legislation is enacted to implement the provisions of the State Constitution. This imposition of new duties on existing local government is not authorized under the Constitution of the new State of I have reviewed COMMITTEE SUBSTITUTE FOR SENATE

going are desired, I refer you to my veto message on SENATE BILL NO. 89. If more detailed legal reasons for the afore-

Sincerely yours,

/s/ Hugh J. Wade

Acting Governor" Hugh J. Wade

COMMUTEE REPORTS

The Finance Committee, to whom was referred HOUSE BILL NO. 221, reported the same to the Senate with the recommendation that the bill do pass. The report was signed by Senator Owen, Chairman, and concurred in by Senators Peratrovich, Coghill and Chairman, and concurred in by Senators Peratrovich, Coghill and Chairman, and concurred in by Senators Peratrovich.

mittee. HOUSE BILL NO. 221 was referred to the State Affairs Com-

The Finance Committee, to whom was referred COMMITTEE SUB-STITUTE FOR HOUSE HILL NO. 198, reported the same to the Senate with the recommendation that it do pass. The report was signed by Senator Owen, Chairman, and concurred in by Senators Feretro-vich, Coghill, McNees and Gilbert. Senator Ewen offered the following additional remarks on the bill:

REMARKS OF SENATOR ALFRED OWEN RE H.B. #198

Surwollog This bill is an excellent bill and should pass for the reasons:

1. It broadens the basis for allocating and apportioning income under the State income tax so that the portion of

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net income earned by stateside business corporations operating in Alaska and thus texable by Alaska can be more accurately determined.

2. The basis was broadened because two recent U.S. Supreme Court decisions handed down in February, 1959, permit this for the first time.

This bill will bring the State a minimum of \$900,000 in addition to normal income tax revenues.

Attorney General The bill has been drafted by the Tax Commissioner, the and representatives of the House and Sen-

firms order firms, express companies. The bill will enable taxes to be collected from many is that presently pay no State income taxes - e.g., mail

state income taxes in meager amounts. 6. The bill will further enable additional taxes to be collected from such mail order houses, etc., as now pay

7. No price increase will result from the passage of this bill; the firms upon which the tax falls sell nationally advertised products and will not increase prices.

b. The passage of the bill will equalize the burden now borns by local merchants.

0 the Judiciary Committee COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 198 was referred

REPORTS OF SPECIAL COMMITTEES

sented the following report: The Second Conference Committee on HOUSE BILL NO. 60 pre-

REPORT OF COMMITTEE

Juneau, Alaska April 1959

PRESIDENT: SPEAKER:

We, the Second Conference Committee with Powers of Free Conference, selected to confer and recommend on House Bill No. 60, engrossed as amended in the Senate, have had the same under consideration, and have found that version of House ... Bill No, 60 as amended in the Senate acceptable and recommend

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the adoption of same.

The Committee met on 10 April, 1959 at 12:15 F.M. with a quorum present and participating in the meeting.

We concur in this report:

SENATORS:

/s/ B. J. Logan B.J. Logan

/s/ Robert J. McNealy

Thomas B. Stewart

REPRESENTATIVES:

s/ Helen A. Fischer elen A. Fischer

/s/ Robert Giersdorf Robert Giersdorf

/s/ Richard J. Greuel

Senator Stewart moved and asked unanimous consent that the Senate adopt the report of the Second Conference Committee or HOUSE BILL NO. 60. Senator Gilbert objected. Senator Moody seconded. Senator Gilbert withdrew his objection. On voice were the motion passed unanimously, and the Secretary was instructed to inform the House that the Senate had adopted the Second Conterence Committee report on HOUSE BILL NO. 60.

The President stated that since the House message, dated to it is transmitting House amendments to COMMITTES SUBSTITUTE FOR SENATE BILL NO. 50's being resolved, the message from the House was before the body at this time.

Senator Stemart moved that the Senate concur in the House amendments to COINTIVE SUBSTITUTE FOR SEWATE BILL NO. 41.

Senator Erruson seconded. On voice vote the motion failed unanimously, and the Secretary was instructed to inform the bruse that the Senate did not concur in the House amendments to CONMITTE SUBSTITUTE FOR SEWATE BILL NO. 41 and to sak the House to recede from its amendments.

Senator McNealy was granted personal privilege of the loor.

Senator Cooper was granted personal privilege of the

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floor to introduce Senator McNealy's daughter, Maureen, who was present in the gallery. Miss McNealy was given a hearty welcome.

The Chair stated that the Acting Governor had received SENATE BILLS NOS. 58, 111, 118 and 123 at 2:13 p.m. today, Friday April 10.

At the request of Senator Bronson and with unan-mous consent of the Senate the Senate reverted to

PRESENTATION OF PETITIONS, MEMORIALS AND RESOLUTIONS

SENATE JOINT MEMORIAL NO. 27; by the Federal Relations Committee, to President Eisenhower, Interior Secretary Seaton, Labor Secretary Mitchell, Speaker of the House Rayburn, President of the Senate Mixon and the Alaska delagation in Congress, urging that the Fresident and Congress give consideration to and take action on this request of the State of Alaska for the forgiveness of the debt to the Federal Employment Security Agency which was incurred by Alaska due to the impact of federal defense and other activities when it was a ward of the federal government, was introduced, read the first time and referred to the Federal Relations Committee.

Senator Coghill moved and asked that the matter of his Minority Report on COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 86 (Mage 910 of the Journal) be taken up at this time. Senator Gooper objected. Senator Weise seconded.

Senator Moody moved and asked unanimous consent that the House Finance Committee report on COMMITTEE SUBSITUTE FOR HOUSE MILL NO. 86 (page 910 of the Journal), Senator Cognill's Minority Report and documents from former Education Commissioner Dafoe and a Board of Education member be spread on the Journal. There being no objection, it was so ordered.

The Chair stated that these reports and documents would be spread as a supplement to the day's Journal.

BILL NO. 91 be referred to a Special Committee for further study.

Senator Hopson seconded. Senator Bronson asked unanimous consent.

There being no objection, it was so ordered, and the Chair appointed Senators Stewart, Hopson, Moody, Gilbert as a Special Committee to study COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 91. The President stated he would serve as the fifth member of the committee.

Senator Weise moved and asked unanimous consent that the reconsideration of his vote on COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 98 be taken up at this time. There being no objection at was so ordered.

Senator Weise moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 98 be returned to second reading and be referred to the Judiciary Committee for specific amendments. There being no objection, it was so ordered

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The President read Rule 69 concerning action to be taken on vetoes.

Senator Stewart rose to a point of information to ask whether the action could be deferred.

The President referred the matter to the Rules Committee for determination.

The Senate stood at ease until the Rules Committee could report.

AFTER RECESS

The Senate reconvened at 3 p.m.

Senator Bronson moved and asked unanimous consent that SENATE JOINT MEMORIAL NO. 27 be referred directly to the Rules Committee for placement on the calendar. There being no objection, it was so ordered.

Thereupon the Senate reverted to

MESSAGES FROM THE HOUSE

Message from the House, dated April 10, stating the Speaker and Chief Clerk had signed the enrolled copies of SENATE BILL NO. 127 and SENATE JOINT MEMORIAL NO. 23 and returning same, was read.

SENATE BILL NO. 127 and SENATE JOINT MEMORIAL NO. 23 were ordered sent to the Governor.

Message from the House, dated April 10, stating the House had passed SENATE BILL NO. 122 and SENATE BILL NO. 125, was read.

SENATE BILLS NOS. 122 and 125 were referred to the Engrossment and Enrollment Committee for enrollment.

Message from the House, dated April 10, stating the House had concurred in the Senate amendments to HOUSE BILL NO. 82 and transmitting the enrolled copy of same for the signatures of the President and Secretary, was read.

The Fresident announced he had signed the enrolled copy of HOUSE BILL NO.82 and ordered the same returned to the House

Message from the House, dated April 10, stating the House had adopted the report of the Free Conference Committee on HOUSE BILL NO. 95 and transmitting the engrossed and enrolled copies of FIRST FREE CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 95 for the signatures of the President and Secretary, was read.

The President announced he had signed the engrossed and

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enrolled copies of FIRST PREE CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 95 and ordered the same returned to the House.

Message from the House, dated April 10, transmitting the enrolled copies of HOUSE BILLS NOS, 213, 178, 212, and 231 for the signatures of the President and Secretary, was read.

The President announced he had signed the enrolled copies of HOUSE BILLS NOS. 213, 178, 212 and 231 and ordered the same returned to the House.

Message from the House, dated April 10, stating the House had passed HOUSE BILL NO. 226, was read.

FIRST READING AND REFERENCE OF HOUSE BILLS

HOUSE BILL NO. 226, by the Finance Committee, entitled:

"An Act relating to the costs of prosecution of violations of the revenue laws of the State of Alaska; repealing Secs. 2 and 3 of Ch. 36, SLA 1955; and providing for an effective date."

was read the first time and referred to the Judiciary Committee.

ESSAGES FROM THE HOUSE

Message from the House, dated April 10, stating the House had passed SENATE BILL NO. 70 with the following amendments, was read.

Page 1, line 8. Strike "2" and substitute "2, except for a portion of 4-2-1, ACLA 1949, dealing with selzure of gambling implements"

16, line 5. Strike "2" and substitute "2, except the clause beginning with the word 'all' in line 29 of section 4-2-1, ACLA 1949, and ending with the semicolon on line 31 thereof"

Senator Moody moved and asked unanimous consent that SENATE SILL NO. 70 be referred to the Judiciary Committee for a special report. There being no objection, it was so ordered.

Message from the House, dated April 10, stating the House did not recede from its amendments to SENATE RILL NO. 117 and that the Speaker had appointed Reps. Fisher, Hellenthal and Taylor as members of a Free Conference Committee on the bill and requesting that the Senate appoint a like Committee, was read.

The President announced that without objection he would appoint Senators Cooper, Moody and McNabb as a Free Conference Committee to meet with the like Committee from the House on SENATE BILL NO. 117. There being no objection, it was so ordered,

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.1,

Senator Cooper, Chairman of the Rules Committee reported that both the State Constitution and the Joint Rules directed the House and Senate to meet immediately upon receiving a veto message from the Governor, and it therefore was necessary that a message be sent to the House requesting a Joint Assembly that a message be sent to the House requesting a Joint Assembly that a message be sent to the House requesting a Joint Assembly that a message be sent to the House requesting a Joint Assembly that the House requesting the Ho

The Secretary was instructed to send the message to the House requesting a Joint Assembly.

Senator Moody asked unanimous consent to withdraw his notice of reconsideration on HOUSE BILL NO. 224. There being no objection, it was so ordered and HOUSE BILL NO. 224 was returned to the House.

Senator Bronson moved and asked unanimous consent for one minute recess. There being no objection, it was so order

After recess the Senate continued with consideration of the calendar.

CONTITUE SUBSTITUTE FOR SENATE BILL NO. 54 was consideration.

Senator McNabb moved for the adoption of the Commerce and Labor Committee report containing the amendments listed on pages 919-921. Senator Cooper seconded. Senator McNabb are unanimous consent. Senator Moody objected.

The question being "Shall the Commerce and Labor Count report containing the amendments be adopted?", the roll was called with the following result:

Yeas: 6 -- Bronson, Cooper, McNabb, McNees, Ryan, Mr. President.

Nays: 10 -- Bradshaw, Gilbert, Logan, McNealy, Metcali.
Moody, Nolan, Smith, Stewart, Weise.

Absent:4 -- Coghill, Hopson, Owen, Peratrovich.

And so the amendments were not adopted.

There being no further amendments, Senator Moody more asked unanimous consent that COMMITTEE SUBSTITUTE FOR SENTE BILL NO. 54, as amended, be advanced to third reading and upon final passage. There being no objection, it was so ordered.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 54, as an was read the third time.

The question being, "Shall COMMITTEE SUBSTITUTE FOR SELATE FILL NO. 54, as amended pass the Senate?", the power called with the following result:

Yeas: 10 -- Bronson, Cooper, Gilbert, McNabb, McM

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Moody, Peratrovich, Ryan, Stewart, Mr. President 7 -- Bradshaw, Logan, McNealy, Metcalf, Nolan, Smith,

beant: 3 -- Coghill, Hopson, Owen.

pass. SUBSTITUTE FOR SENATE BILL NO. 54, as amended

SUBSTITUTE FOR SENATE BILL NO. 54.

or Cooper moved and asked unanimous consent that unaderation be taken up at this time. There being no it was so ordered.

uestion being, "Shall COMMITTEE SUBSTITUTE FOR SENATE be as amended, pass the Senate?", the roll was called collowing result:

12 -- Eronson, Cooper, Gilbert, Hopson, McNabb, McNealy, McNees, Moody, Peratrovich, Ryan, Stakert, Mr. President,

6 -- Bradshaw, Logan, Metcalf, Nolan, Smith, Weise.

canta 2 -- Coghill, Owen.

Menate. SUBSTITUTE FOR SENATE BILL NO. 54, as amended

result:

16 -- Bradshaw, Eronson, Cooper, Gilbert, Hopson, Logan, McNabb, McNealy, McNees, Metcalf, Moody, Peratrovich, Ryan, Smith, Stewart, Mr. President.

2 -- Nolan, Weise.

Date: 2 -- Coghill, Owen.

a stactive date clause was adopted.

the Committee on Engrossment and Enrollment for

BIL NO. 112 was read the second time.

concent that SENATE BILL NO. 112 be advanced to third

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reading and placed upon final passage. There being no objection, it was so ordered.

SENATE BILL NO. 112 was read the third time.

The question being, "Shall SENATE BILL NO. 112 pass the Senate?", the roll was called with the following result:

Yeas: 18 -- Bradshaw, Bronson, Cooper, Gilbert, Hopson, Logan, McNabb, McNealy, McNees, Metcalf, Moody, Nolan, Peratrovich, Ryan, Smith, Stewart, Weise, Mr. Fresident,

Nays:

Absent: 2 -- Coghill, Owen.

And so SENATE BILL NO. 112 passed the Senate.

SENATE BILL NO. 112 was referred to the Committee on Engrossment and Enrollment for engrossment and the committee was instructed to correct the title.

SECOND READING OF HOUSE BILLS

HOUSE BILL NO. 135 was read the second time.

Senators Weise and Nolan asked unanimous consent to have their recommendation on the Commerce and Labor report changed to "do pass". There being no objection, it was so ordered.

Without objection the Senate reverted to

MESSAGES FROM THE HOUSE

Message from the House stating the House was prepared to meet in Joint Assmrbly at 4 p.m. to consider the vetoes by the Acting Governor of SHAFE BILL NO. 89, COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 12 and COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 26 was read.

Would be sent to the House stating the Senate would meet at 4 p.m. There being no objection, the Secretary was instructed to so inform the House.

There being no amendments, Senator Cooper moved and asked unanimous consent that HOUSE BILL NO. 135 be advanced to third reading and placed upon final passage. There being no objection, it was so ordered.

HOUSE BILL NO. 135 was read the third time

The question being, "Shall HOUSE BILL NO. 135 pass the Senate?", the roll was called with the following result:

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Yeas: 17 -- Eradshaw, Bronson, Cooper, Gilbert, Hopson, McNealy, McNees, Metcalf, Moddy, Nolan, Feratrovich, Ryan, Smith, Stewart, Weise, Mr. President.

Nays: 0

Absent: 3 -- Coghill, Logan, Owen.

and so HOUSE BILL NO. 135 passed the Senate.

Senator Cooper moved and asked unanimous consent that the roll call on the passage of the bill stand as the roll call on the effective date clause. There being no objection, it was so ordered.

The President announced he had signed HOUSE BILL NO. 13: and ordered it returned to the House.

Senator Ryan and Smith asked to be excused. There being no objection, it was so ordered.

HOUSE BILL NO. 189 was read the second time.

There being no amendments, Senator Cooper moved and asked unanimous consent that HOUSE BILL NO. 189 be advanced to third reading and placed upon final passage. There being no objection, it was so ordered.

HOUSE BILL NO. 189 was read the third time.

The question being, "Shall HOUSE BILL NO. 189 pass the Senste?", the roll was called with the following result:

Yeas: 15 -- Bradshaw, Eronson, Cooper, Gilbert, Hopson, Logan, McNabb, McNees, Metcalf, Moody, Nolan, Peratrovich, Stewart, Weise, Mr. President,

Nays: 1 -- McNealy

Absent: 4 -- Coghill; Owen, Ryan, Smith.

And so HOUSE BILL NO. 189 passed the Senate.

The President announced he had signed HOUSE BILL NO, 18 and ordered it returned to the House.

HOUSE BILL NO. 194 was read the second time.

There being no amendments, Senator Gilbert moved and asked unanimous consent that HOUSE BILL NO. 194 be advanced to third reading and placed upon final passage. There being no objection, it was so ordered.

HOUSE BILL NO. 194 was read the third time.

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The question being, "Shall HOUSE HILL NO. 194 pass the SEnate?", the roll was called with the following result:

Yeas: 16 -- Bradshaw, Bronson, Cooper, Gilbert, Hopson,
Logan, McNabb, McNealy, McNees, Metcalf, Moody,
Nolan, Peratrovich, Stewart, Weise, Mr. President,

Nays: 0

Absent: 4 -- Coghill, Owen, Ryan, Smith.

And so HOUSE RILL NO. 194 passed the Senate.

Senator Moody moved and asked unanimous consent that the roll call on the passage of the bill stand as the roll call on the effective date clause. There being no objection, it was so ordered.

The President announced he had signed HOUSE BILL NO. 194 and ordered the same returned to the House.

HOUSE BILL NO. 207 was read the second time.

There being no amendments, Senator McNealy moved and asked unanimous consent that HOUSE BILL NO. 207 be advanced to third reading and placed upon final passage. There being no objection, it was so ordered.

HOUSE BILL NO. 207 was read the third time.

The question being, "Shall HOUSE BILL NO. 207 pass the Senate?", the roll was called with the following result:

Yeas: 16 -- Bradshaw, Bronson, Cooper, Gilbert, Hopson, Logan, McNabb, McNealy, McNees, Metcalf, Moody, Nolan, Peratrovich, Stewart, Weise, Mr. President,

Nays: 0

Absent: 4 -- Coghill, Owen, Ryan, Smith

And so HOUSE BILL NO. 207 passed the Senate.

The President announced he had signed HOUSE BILL NO. 207 and ordered the same returned to the House.

HOUSE BILL NO. 208 was read the second time.

Senator Bronson moved for the adoption of the following amendments:

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Page 1, line 6: Strike all language on and after line 6 and insert the following:

3

Act entitled: "An Act to appropriate the sum of \$1,600,000. for the use of the University of Alaska in construction, providing for the availability of funds by the State or through bonding; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Sec. 1. There is hereby appropriated to the University of Maska the sum of \$1,600,000.00 or so much thereof as may be found mecessary to use, out of any monies in the general fund not other-wise appropriated.

Sec. 2 The appropriation herein provided shall be used for construction purposes at the University of Alaska.

Sec. 3. The appropriation herein provided shall be made availto the University of Alaska according to the following schedule:

{a}
\$60,000.00 on or before July 1, 1959, and

{b}
\$770,000.00 on or before Junuary 1, 1961.

Sec. 4. Should the Legislature of the State of Alaska authorize the issuance and sale of State bonds to cover the construction costs to the University of Alaska, then this Act shall be of no force or effect and any monies expended hereunder shall be refunded to the general fund out of the proceeds of such bond sale.

Sec. 5. This Act shall take effect immediately upon its passage and approval or upon its becoming law without such approval.

Benator Gilbert seconded.

Senator McNealy moved for the adoption of the following

At end of line (a), Sec. 3 of amendment, after word "and" insert the words "if in the oning...; and at the discretion of the Governor there are sufficient funds in the State Treasury there shall be appropriated:"

Senator Bronson seconded. Senator McNealy asked unanimous consent to-withdraw his amendment to the amendment. There being no objection, it was so ordered.

Senator McNabb moved and asked unanimous consent that the small recess for the Joint Session and that HOUSE HILL NO. Taken up tomorrow as the first order of business.

Senator Cooper moved and asked unanimous consent that the mate recess to meet with the House. There being no objection, it was so ordered and the Senate recessed at 3:59 p.m.

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JOINT ASSEMBLY IN THE HOUSE

The Joint Assembly was called to order by President Beltz

Roll call showed all members present except Senator Smith and Representatives Fischer, Giersdorf, Kendall, Meekins, vorene and Reed.

The President stated that the purpose of the Joint Assembly was to Act on three veto messages of the Acting Governor.

Senator Stewart moved and asind unantwous consent that since the veto messages had been read in each House and had been ordered spread on the Junual that the reading be dispensed been ordered spread on the Junual that the reading be dispensed with at this time. There being no objection, it was so ordered.

SENATE BILL NO. 89 was read.

The question being, "Shall SEMATE BILL NO. 89 pass the Joint Assembly notwithstanding the Acting Governor's veto?", the roll was called with the following result:

SELATE:

Yeas: 0

Nays: 19 -- Bradshaw, Eronson, Coghill, Cooper, Gilbert, Hopson, Lozan, McNabb, McNealy, McNees, Metcalf, Mcody, Nolan, Oven, Peratrovich, Ryan, Stewart, Weise, Mr. President.

Absent: 1 - Smith

ESDOH

Yeas: 5 -- Blodgett, Deveau, Fagerstrom, Hillstrand, Hope.

Tays: 29 -- Cashel, Chapecos, Curtis, Erwin, Fisher, Franz, Freenan, Gray, Greuel, Haas, Hammond, Hansen, Harris, Hellenthal, Hoffman, Hurley, Johnson, Jones, Halmarides, Longworth, McCombe, Musunglaye, Fearson, Fetersen, Rader, Roady, Sheldon, Sweeny, Mr. Speaker.

Absent: 6 -- Fischer, Giersdorf, Kendall, Meekins, Norene, Reck

Totals: Yeas, 5; Nays, 48; Absent, 7.

And so SENATE BILL NO. 89 did not pass and the Acting Governor's veto was sustained.

HITTEE SUBSTITUTE FOR SEMATE BILL NO. 26 was read. tor Stewart moved that the action on the veto COMMITTEE FITTUTE FOR SEMATE BILL MO. 26 be continued until a time sain. Senator Coghill seconded.

Mr. Greuel rose to a point of information to state that

April 10, 1959 Seventy-Fifth Day

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Senator Stewart's motion should name the time certain.

Senator Stewart asked unanimous consent that his motion be amended to make the time certain μ p.m. tomorrow afternoon. There being no objection, the motion was amended.

The President stated that if Senator Stewart's motion carried would refer the bill to the Judiciary Committees of the House and Senate for study.

Senator Cognill asked unardmous consent for the adoption of Senator Stellart's motion. There being no objection, ection on COMMITTEE SUSSMITUTE FOR SENATE BILL NO. 26 was continued until 4 p.m. Saturday, April 11 and the bill was referred to the Senate and House Judiciary Committees.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 12 was read.

Mr. Greuel moved that action on the veto of COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 12 be continued until 4 p.m. Gren afternoon. Senator Bronson seconded. Senator motion carried.

Mr. Grouel moved that the Joint Judiciary Committees also consider the question posed by SECOND COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 11 when they consider COMMITTEE SUBSTITUTE FOR MD. 26. Mr. Fisher seconded. Senator Bronson asked unarimous consent. There being no objection, it was so ordered.

Wr. Fisher moved and asked unanimous consent that the functory Committees also take under advisement at the same time the question posed by HOUSE BILL NO. 125. There being no objection, it was so ordered.

There being no further business the Joint Assembly adjourned 4:20 p.m.

AFTER RECESS

The Senate reconvened at 4:28 p.m.

The Senate continued with consideration of HOUSE BILL NO

Senator Bronson asked unanimous consent to amend his amendment by striking the words "or before" in subsections (a), (b) and (c) of Section 3. There being no objection, the amendment was ordered adopted,

Senator Stewart moved for the adoption of the following smendment to Senator Bronson's amendment:

After "costs" in second line of Sec. 4 insert "of such gymnasium"

April 10, 1959 Seventy-Fifth Day

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Senator Bronson seconded. Senator McNabb asked unanimous commune being no objection, the amendment was adopted.

Senator Bronson asked unanimous consent for the adoption of his amendment. Senator Owen objected.

The question being, "Shall Senator Bronson's amendment eadopted?", the roll was called with the following result:

Yeas: 14 -- Bradshaw, Bronson, Coghill, Cooper, Bilbert, Hopson, Logan, McNabb, McNealy, Metcalf, Nolan, Peratrovich, Weise, Mr. President.

Nays: 5 -- Moody, Owen, Ryan, Smith, Stewart.

Absent: 1 -- McNees.

And so the amendment was adopted.

There being no further amendments, Senator Gilbert moved and asked unanimous consent that HOUSE BILL NO. 208 be considered engrossed, advanced to third reading and placed upon final passage. There being no objection, it was so ordered.

HOUSE BILL NO. 208 was read the third time.

The question being, "Shall HOUSE BILL NO. 208, as arended in the Senate, pass the Senate?", the roll was called with the following result:

Yeas: 16 -- Bradshaw, Bronson, Coghill, Cooper, Gilbert Hopson, Logan, McNabb, McNealy, Metcalf, Moody, Nolan, Peratrovich, Ryan, Weise, Mr. President.

Nays: 3 -- Owen, Smith, Stewart.

Absent: 1 -- McNees

And so HOUSE BILL NO. 208, as amended in the Senate, passed the Senate.

Senator Bronson moved and asked unanimous consent that the roll call on the passage of the bill stand as the roll call on the effective date clause. There being no objection, it was so ordered.

HOUSE BILL NO. 208, as amended in the Senate, was referred to the Committee on Engrossment and Enrollment frengrossment.

HOUSE CONCURRENT RESOLUTION NO. 19 was read the second

There being no amendments, HOUSE CONCURRENT RESOLUTION IN

April 10, 1959 Seventy-Fifth Day

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on final passage. On voice vote HOUSE CONCURRENT

19 and ordered it returned to the House.

of the Senate of Senator McNabb and with the unanimous

BEFORTS OF STANDING COMMITTEES

continuous on Commerce and Labor, to whom was referred commendation that the same back to the Senate commendation that the same do pass. The report was nater McNabb, Chairman, and concurred in by paon, Nolan and Weise.

placement on the calendar.

objection, the Senate reverted to

MESSAGES FROM THE GOVERNOR

Trom the Governor, dated April 10, stating he had been BILL NO. 10 and transmitted the same to the office section of State for permanent filing, was read.

33 was read:

April 10, 1959

I the Senate
I the Senate
Legislature
New, Alaska

Mr. President:

I have reviewed SENATE BILL NO. 53, an act that the Alaska Motor Vehicle Act in certain remins bill purports to amend Section 1 and 10 of Chapter 124, SLA 1951 "as amended by turns 1 and 2 of Chapter 59, SLA 1953." A search statutes revealed that the above mentioned second Chapter 59, SLA 1953 were amended by Chapter 1977. This bill, therefore, attempts to amend which of a law which is no longer in existence. I that to point out that Section 3(1) of Chapter 1951 was not amended by Chapter 59, SLA 1953, therefore, this act is defective in these par-

for placement on the calendar. HOUSE BILL NO. 241 was referred to the Rules Committee

The Engrossment and Enrollment Committee, to whom was referred COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 54, report to the Senate that the same was correctly engrossed. The report was signed by Senator Bradshaw, Chairman, and concurred in by Senator Metcalf.

The President announced he had signed COMMITTEE SUNTENT FOR SENATE BILL NO. 54 and ordered the same sent to the House

MO. 70 with the House amendments for a special committee returned the same to the Sanate with the recommendation the the Senate do not concur in the House amendments and ask for a Free Conference Committee. The report was signed by Senatory, Chairman, and concurred in by Senators Stewart, Women Moody, Chairman, and concurred in by Senators Stewart, Women and Cooper. The Judiciary Committee to whom was referred SENATE HIL

Senator Moody moved that the Senate concur in the House amendments to SENATE BILL NO. 80. Senator McNealy seconds On voice vote the motion failed and the Senate did not common the Secretary was instructed to send a message to the House asking the House to recede from its amendments.

seconded. Senator Moody withdrew his objection. There have no further objection, the motion carried and the Senate notes action in concurring in the House amendments to SENAT the Senate rescind its action in concurring in the House amendments to SENATE BILL NO. 79. Senator Moody objected at seconded. Senator Bronson moved and asked unanimous consent that

The hour having armived for the Joint Assembly meeting the House on the Acting Governor's veto message on COMPLITIES SUBSTITUTE FOR SENATE BILL NO. 12 and COMPLITIES SUBSTITUTE FOR SENATE BILL NO. 26 the Senate recessed.

THE HOUSE

of the Senate at 4:05 The Joint Assembly was called to order to the Freshord J.M.

tive McCombe. The roll call sected all members present outcot Fenres

The following report of the Joint Judiciary Committees submitted by Semitor Stewart:

Seventy-Sixth Day

opinion in connection with COMMITTE SUBSTITUTE FOR-NIL NO. 12 (dog central by incomparated political sub-ons) and COMMITTE SUBSTITUTE FOR SENATE BILL NO. 26 (In-Joint Judiciary Committees have met with regard to the

eal the reto should not be sustained because Section 5 of the Constitution fees not say "estating law" cannot end Section 1 of smotole TV even refers specifically

billy should be considered in the light of the follower

The forest attaches);

The forest attaches to the forest attaches at the section of the forest attaches attache

intended duration of one last

the agency concerned (F. . .) by planting topid which to an incorporated professional subdivision)

or conselection like a transfer and the conselection and

The Constitution intended a party of openint on under testing is as unwended in the internal before the investion of the cornels pich.

orad items on Lettener or peoregum you har bur ucrostant insem the sur statement and the people of the statement and

IN CACOND COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 11, and to, should also be considered in the light of the

this report:

Judiciary Committee

House Judiciary Committee

S John S. Hellenthal

Hellenthel

Moody

Lealing

Stewart

ral Cooper

/s/ J. Ray Roady J. Ray Roady

We do not concur in this report:

/s/ James E. Fisher James E. Fisher

Bruce Kendali 's/ Bruce Kendall

-966-

The question being, "Shall COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 26 pass the Joint Assembly notwithstanding the Acting Governor's veto?", the roll was called with the following result:

SENATE:

Yeas: 20 -- Bradshaw, Bronson, Coghill, Cooper, Gilbert, Hopson, Logan, NcNabb, McNealy, McNeas, McNeody, Nolan, Owen, Peratrovich, Ryan, Satta Moody, Weise, Mr. President.

30 Blodgett, Cashel, Chapados, Curtis, Deventing Pagerstrom, Fischer, Franz, Freeman Ermin, Fagerstrom, Fischer, Franz, Freeman Giersdorf, Haas, Hansen, Harris, Hellenthad Giersdorf, Hope, Johnson, Jones, Kalamarides Hoffman, Hope, Johnson, Jones, Kalamarides Hoffman, Hope, Johnson, Jones, Kalamarides Rendall, Meeldins, Noveney, Mr. Speaker, Reed, Roady, Sheldon, Sweeney, Mr. Speaker, Reed, Roady, Sheldon, Sweeney, Mr. Speaker.

Ó 1 Pisher, Gray, Greuel, Hamlond, Hillstra Hurley, Longworth, Musunginya, Petersen Hillstrand,

Absent: 1 -- McCombe

Yeas: 50; Nays: 9, Absent 1.

Joint Assembly noth thetanding the Acting Governor's veto-And so COMMITTEE SUBSTITUTE FOR SEMATE BILL NO. 26 passed the

The question being, "Shall committee SUBSTITUTE FOR ENTER NO. 12 pess the Joint Assemble notwith standing the Acid BILL NO. 12 pess the Joint Assemble noth the following medovernor's veto?", the roll was called with the following

SENATE:

Yeas: 19 --Bradshaw, Bronson, Goghill, Cooper, dilbar Ropson, Logen, NcNebb, NcNealy, McNees, Hoody, Nolan, Owen, Paretrovich, Ryan, Sur Stewart, Weise, Nr. president

Nays: l 1 Metcalf

Yeas: 100 Blodgett, Cashel, Chapados, Curtis, Devent Ermin, Pagerstrom, Fischer, Franz, Giered Bass, Hansen, Harris, Hellenthal, Hoffman, Hope, Johnson, Jones, Kalamarides, Kendal Recians, Norene, Pearson, Ander, Reed, and Sheldon, Sweeney, Mr. Speaker. Preeman, Gray, Greuel, Hammond, Intongworth, Nusunginya, Petersen,

April 11, 1959 Seventy-Sixth Day

Nays:

10

1

Fisher, Hurley,

1 -- McCombe

Yeas, 48; Nays, 11; Absent, 1.

many notwithstanding the Acting Governor's veto.

being no further business, the Joint Assembly

AFTER JOINT ASSEMBLY

munt to joint assembly, the Senate reconvened at 4:30

HIL NO. 79 was considered again.

pecondea. m. 79 be tabled. Bronson moved and asked unanimous consent that IV. 79 be tabled. Senator Stewart objected. Senator Stewart objected. Senator

motion was the proper question before the body at for Molan rose to a point of order to ask if Senator

or Stewart rose to a point of order to say he believed question before the body was, "Shall the Senate the House amendments to SENATE BILL NO. 79?"

whir stated that Senator Stewart's point of order sken and the question before the body was, "Shall concur in the House amendments to SENATE BILL NO.79?"

more Bromson, withdrew his motion to table SEWATE BILL

the House amendments to SENATE BILL NO. 79 failed

There being no objection, It was so order to recede from its amendments to SEN.

There being no objection, It was so order to inform the House, loody moved and asked unanimous consent that the from its amendments to SENATE objection, It was so ordered,

me ar McMabb was granted personal privilege of the

MESSAGES FROM THE HOUSE

from the House, dated April 11, stating the specied from its amendments to COMMITTEE SUBSTITUTE SUBSTITUTE APRIL NO. 41, was read.

SUBSTITUTE FOR SENATE BILL NO. Committee for enrollment. 41 was referred

wested the Senate to rescind its action in indefinitely HOUSE BILL NO. 200, considering the Governor's veto

Governor Egan was given a standing ovation.

Governor Egan spoke briefly to the Joint Assembly expressing his gratitude at being back in Alaska after Mabsence for surgery and thanked the members of the legitude Alaskans generally and particularly the school children had offered prayers and good wishes for his recovery.

At the conclusion of his remarks the Assembly gave Governor Egan a standing ovation,

Mr. Kendall was recognized and introduced Mrs. Two was present in the gallery with their son, Dennis. Egan was given a standing ovation.

Thereupon the Joint Assembly was called to order purpose of considering the veto message of Acting Governon HOUSE BILL NO. 149.

The roll was calied and showed all members present an Senator Logan.

The President asked the Secretary to read the Tele

The question being, "Shall HOUSE BILL NO. 149 per Senate notwithstanding the Acting Governor's veto?", the roll was called with the following result:

SENATE:

Yeas: 0

Nays: 19 -- Bradshaw, Bronson, Coghill, Coppor, Eopson, McNabb, McNealy, McNees, Mo Nolan, Owen, Feratrovich, Ryan, Smith Weise, Mr. President.

Absent: 1 -- Logan

HOUSE:

Yeas: il -- Erwin, Fischer, Greuel, Harmond, Markette, Kalamarides, Kendall, Longworth, Markette, Markette

ays: 29 --- Blodgett, Cashel, Chapados, Outer, Fagerstrom, Fisher, Franz, Frenz, Franz, Franz, Hang, Hag, Hellenthal, Hillstran, Hope, Hurley, Johnson, Jones, Johnson, Meekins, Norene, Nusunginya, Pearson, Reed, Sheldon, Sweeney, Mr. Speaker,

Totais: Yeas: 11; Nays, 48; Absent, 1.

And so HOUSE BILL NO. 149 did not pass and the weto was

April 13, 1959 Seventy-Eighth Day

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the no further business, the Joint Assembly adjourned

AFTER JOINT ASSEMBLY

to Joint Assembly, the Senate reconvened at 4:33 p.m.

ESUOM THE MOUSE SEDVISEM

The House, dated April 13, stating the House NICESE SUBSTITUTE FOR HOUSE BILL NO. 182,

MADUNG AND REDERENCE OF HOUSE BILLS

182, by the Finance Commulttee, entitled:

to appropriate the sum of \$2,576,613 from the administrative expenses of missioner. Highway and Public Works Department of sealers of the drivers Identify division of society appropriating the sum of \$24,366,377 to General Fund for the administrative expenses that of flasha, appropriating the sum of \$24,366,377 to General Fund for construction, soft the General Fund for construction, and conting the sum of \$2,151,476 from the General Fund for construction, and contingent lass; appropriating the sum of the form the sum of second from the second from

now time and referred to the Finance Committee

MONTH GOVERNOR

which Acting Governor, dated April 13, stating the following bills, which were passed not-ware, to the Office of the Secretary of State wiling: COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 26, was

ing the Acting Governor, dated April 13, stating indicatomitted to the Office of the Secretary of wheth filing: SENATE JOINT MEMORIAL NO. 21, MESOLUTION NO. 12 and SENATE JOINT RESOLUTION

the Acting Governor, dated April 13, stating he detansmitted to the Office of the Secretary of State ing: COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 10, 10, 10, was read.

ty-statich Day

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UNIFORM RULES

ALASKA STATE LEGISLATURE

Adopted

First Legislature -- First Session 1959

PRINTING OF BILLS

RULE 67. All original bills introduced in the Senate or the House shall be typed end duplicated on paper with consecutive numbered lines, and that portion of the bill beginning "For an Act entitled" shall begin on line numbered 6, and the title shall be double spaced. Each line of the part of the bill including the title shall be printed opposite the numbers consecutively, and the bill shall be engrossed in the same way.

AMENIMENTS TO EXISTING LAWS

RULE 68. All bills introduced either in the House or the Senate which are intended to amend existing statutes, shall have the words which are amendatory to such existing statutes underlined or underscored; where a bill is introduced by way of amendment to strike out any part of an existing statute, the matter to be stricken shall be in capitals and enclosed in brackets, any such matter as can not be conveniently underscored shall be marked "New Matter" by printed words on the margin, so that when the printed bill is presented for perusal of members such new or amendatory matter shall be easily discernible.

RULE 69. When the bill is finally enrolled it shall be without any extraneous matter inserted as required in the foregoing paragraph.

PROCEDURE ON VETOED BILLS

- ** RULE 70. A bill vetoed by the Governor shall first be returned to its house of origin. That house shall then have the vetoed message read immediately and order it to be spread upon the journal. The house receiving the vetoed bill and message shall promptly inform the other house of the action which has transpired and both houses shall thereupon meet immediately in joint session and reconsider passage of the vetoed bill or item.
- ** RULE 71. 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. Other vetoed bills become law by affirmative vote of two-thirds of the membership of the Legislature. In considering a vetoed bill or item the merits of the bill or item may be debated before the vote is taken, but no amendments to the bill are in order, nor can the vote on any vetoed bill or item be reconsidered. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses.

EFFECTIVE DATE

- ** RULE 72. Laws passed by the Legislature become effective ninety days after enactment. The Legislature may, by concurrence of two-thirds of the membership of each house, provide for another effective date.
- ** RULE 73. If a bill is to become effective on a date other than the 90 days after passage and approval, such effective date shall be stated in a separate provision in the bill and must receive the affirmative vote of two-thirds of the membership of each house at the time the bill is considered.

JOINT ADDRESS TO GOVERNOR

RULE 74. When the Senate and House shall deem it proper or xpedient to make a joint address to the Governor, it shall be prented to him in his office by the President of the Senate in the resence of the Speaker of the House and a special committee of three members appointed for the purpose from each house.

JOINT ASSEMBLIES

RULE 75. Whenever either house deems it necessary to hold a joint assembly, except as provided above for a joint session to reconsider executive vetoes, a concurrent resolution shall be introduced setting forth the purpose of such joint assembly and fixing the time for same. The President of the Senate in the presence of the Speaker of the House, shall preside over all joint assemblies. Joint assemblies shall be governed by these uniform rules.

SUSPENSION OF UNIFORM RULES

RULE 76. Either house may suspend all or parts of uniform rule of procedure number 2 (daily order of business) by a vote of two-thirds of the membership of the house.

RULE 77. All other uniform rules may be suspended by concurrent resolution approved by two-thirds of the membership of each house; and if either house shall violate a uniform rule a question of order may be raised in the other house. If it be decided that the uniform rules have been violated, the bill involved in such violation shall be returned to the house in which it originated without further action.

ADOPTION OF UNIFORM RULES

RULE 78. The Uniform Rules of the Senate and House of Representatives shall be adopted in joint assembly by a majority vote of the membership of each house.

AMENIMENT OF UNIFORM RULES

RULE 79. The Uniform Rules of the Senate and House of Representatives may be amended by concurrent resolution approved by two-thirds of the membership of each house.

** RULE 80. Neither house may recess or adjourn, except from day to day, for more than three days unless the other concurs.

RULE 81. A recess or adjournment of a session may be accomplished only through the affirmative approval of a concurrent resolution by a majority of the members of each house.

A motion to adjourn or recess a session shall be in order when it is the intention of the Legislature to adjourn or recess to a date certain. A motion to adjourn sine die shall be in order only at the end of the second regular session or a special session of a legislature.

MANUAL

OF

LEGISLATIVE DRAFTING



For the use of Legislative Staff

Prepared by

Legislative Affairs Agency

2023

(g) Gender-neutral language

Do not use pronouns to denote masculine or feminine gender. (See AS 01.05.031(c)) Use "chair" or "chairperson" in place of "chairman." Note that use of "he or she" and "his or her" are as prohibited as use of "he" and "his" by themselves. The requirement is to draft without any pronouns that denote gender unless referring to a specific individual (cf. AS 44.12.065).

(h) "May," "shall," "must"

Use the word "shall" to impose a duty upon someone. The Alaska Supreme Court has stated that the use of the word "shall" denotes a mandatory intent. Fowler v. Anchorage, 583 P.2d 817 (Alaska 1978).

Use the word "must" when describing requirements related to objects such as forms or criteria. (Use "must" sparingly, however, because most sentences using it can probably be written more clearly to impose a duty on a person, in which case "shall" would be the proper word.) Use the word "may" to grant a privilege or discretionary power. Rutter v. State, Alaska Board of Fisheries, 963 P.2d 1007, 1008 (Alaska 1998). Use the words "may not" to impose a prohibition upon someone. For a further discussion, see Martineau, Drafting Legislation and Rules in Plain English (1991), pp. 81 - 82. For example:

The commissioner <u>shall</u> issue a license . . ., <u>i.e.</u>, it is the commissioner's duty to do so.

The information on the form $\underline{\text{must}}$ include . . ., $\underline{\text{i.e.}}$, the form is required to have something in particular on it.

The commissioner <u>may</u> inspect records . . ., <u>i.e.</u>, the commissioner may if it is necessary or proper, but the commissioner is not obligated to do so.

The commissioner $\underline{may not}$ issue a license . . ., $\underline{i.e.}$, under the defined circumstances, it is beyond the power of the commissioner to issue the license.

A person <u>may not</u> operate a . . . without a license . . ., <u>i.e.</u>, under the circumstances, a person is not permitted to do the specified act without a license.

Do not use "must not" or "shall not." Also, do not use the "No . . . may" construction; use "may not." For instance, avoid "No fish trap may be . . .," and use "A fish trap may not be . . . "

When drafting a constitutional provision, however, follow the style of the provision you are amending.

(i) Numerals

Numbers from one through nine are written in words only: