

SENATE CONCURRENT RESOLUTION NO. 13

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Introduced: 4/8/24

Referred: Community and Regional Affairs

A RESOLUTION

1 **Relating to the procedure that the Thirty-Third Alaska State Legislature will use to**
2 **reconsider bills and items vetoed by the governor.**

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

4 **WHEREAS**, on January 11, 1956, the Alaska Constitutional Convention Delegates
5 voted 39-12 to adopt an amendment proposed by Delegate Katherine Nordale that inserted
6 into the section that became art. II, sec. 16, Constitution of the State of Alaska, the word
7 "immediately" following "shall," thereby directing that the legislature "shall meet
8 immediately in joint session and reconsider passage of the vetoed bill or item"; and

9 **WHEREAS** the delegates stated that the purpose of inserting the word "immediately"
10 in the section that became art. II, sec. 16, Constitution of the State of Alaska, was to direct the
11 legislature to meet in joint session and provide that the house of origin cannot "sit on the bill
12 and allow the veto to kill the bill"; and

13 **WHEREAS**, during the First Regular Session of the First Alaska State Legislature in
14 1959, Senator Joseph Earl Cooper, chair of the Senate Rules Committee, reported that "both
15 the State Constitution and the Joint Rules directed the House and Senate to meet immediately
16 upon receiving a veto message from the Governor"; and

1 **WHEREAS**, in response to the adoption of House Joint Resolution No. 11 by the
2 Alaska State Legislature in 1975, the voters of the state voted in 1976 to approve an
3 amendment to art. II, sec. 16, Constitution of the State of Alaska, further clarifying that
4 "[b]ills vetoed after adjournment of the first regular session of the legislature shall be
5 reconsidered by the legislature sitting as one body no later than the fifth day of the next
6 regular or special session," and "[b]ills vetoed after adjournment of the second regular session
7 shall be reconsidered by the legislature sitting as one body no later than the fifth day of a
8 special session of that legislature, if one is called"; and

9 **WHEREAS** Alaska State Legislature Uniform Rule 45 recognizes that the language
10 "shall meet immediately in joint session" under art. II, sec. 16, Constitution of the State of
11 Alaska, requires that the bodies act "promptly," and also recognizes the five-day requirement
12 approved by the voters in 1976; and

13 **WHEREAS**, in January 2024, during the Second Regular Session of the Thirty-Third
14 Alaska State Legislature, members of the legislature reviewed the language in art. II, sec. 16,
15 Constitution of the State of Alaska, that states "the legislature shall meet immediately in joint
16 session and reconsider passage of the vetoed bill or item"; and

17 **WHEREAS**, without formally deciding whether the language "shall meet
18 immediately in joint session" in art. II, sec. 16, Constitution of the State of Alaska, is
19 discretionary or mandatory, the legislature met in joint session on January 18, 2024, the third
20 legislative day of the Second Regular Session of the Thirty-Third Alaska State Legislature,
21 and reconsidered items from House Bill No. 39, enacted as ch. 1, FSSLA 2023, that were
22 vetoed by the governor during the interim, and, after receiving a veto message on Friday,
23 March 15, 2024, with regard to Senate Bill No. 140, the legislature met in joint session on
24 Monday, March 18, 2024, to reconsider passage of that measure; and

25 **WHEREAS** members of the public and the legislature should have predictability and
26 certainty about the process the legislature will follow for reconsideration of vetoed bills and
27 items; and

28 **WHEREAS** the Thirty-Third Alaska State Legislature finds that the precedent of the
29 First Alaska State Legislature and the interpretation of art. II, sec. 16, Constitution of the State
30 of Alaska, and the Joint Rules by Senator Joseph Earl Cooper, Senate Rules Committee chair
31 in the First Alaska State Legislature, are persuasive; and

1 **WHEREAS** the Alaska State Legislature finds that the voters, by approving House
2 Joint Resolution No. 11 in 1976, expected and directed the Alaska State Legislature to act
3 within the first five days of the next regular or special session to reconsider bills or items
4 vetoed by the governor after adjournment;

5 **BE IT RESOLVED** that the Alaska State Legislature interprets the phrase "the
6 legislature shall meet immediately" in art. II, sec. 16, Constitution of the State of Alaska, as
7 meaning that an immediate joint session of the legislature is mandatory; and be it

8 **FURTHER RESOLVED** that the Alaska State Legislature finds that Uniform Rule
9 45 requires that the legislature meet "promptly" in joint session; and be it

10 **FURTHER RESOLVED** that the Thirty-Third Alaska State Legislature, in
11 accordance with Uniform Rule 45 and art. II, sec. 16, Constitution of the State of Alaska, will
12 "meet immediately in joint session" to "promptly" reconsider bills and items vetoed by the
13 governor; and be it

14 **FURTHER RESOLVED** that the Thirty-Third Alaska State Legislature will meet in
15 joint session to reconsider vetoed bills and items as follows:

16 (1) If the legislature receives a veto message during session, upon receiving
17 the veto message, the legislature shall meet immediately in joint session to reconsider the
18 vetoed bill or item;

19 (2) If the legislature receives a veto message after adjournment of the first
20 regular session and no special session is called, the legislature shall meet in joint session to
21 reconsider the vetoed bill or item not later than the fifth day of the next regular session;

22 (3) If the legislature receives a veto message after adjournment of the first or
23 second regular session and a special session is called, the legislature shall meet in joint
24 session to reconsider the vetoed bill or item not later than the fifth day of the special session;

25 (4) If the legislature receives a veto message after adjournment of the second
26 regular session and no special session is called, the legislature will not meet in joint session to
27 reconsider the vetoed bill or item.