ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE
April 7, 2025
2:00 p.m.

MEMBERS PRESENT

Senator Matt Claman, Chair
Senator Jesse Kiehl, Vice Chair
Senator Gary Stevens
Senator Löki Tobin
Senator Robert Myers

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE CONCURRENT RESOLUTION NO. 1
Relating to the procedure that the Thirty-Fourth Alaska State Legislature will use to reconsider bills and items vetoed by the governor.

- MOVED CSSCR 1(JUD) OUT OF COMMITTEE

SENATE BILL NO. 78
"An Act relating to disclosure of information regarding employee compensation by employers, employees, and applicants for employment."

- <Bill Hearing Rescheduled to 04/11/25>

PREVIOUS COMMITTEE ACTION

BILL: SCR 1
SHORT TITLE: ART. II, SEC. 16, CONST: VETO RECON
SPONSOR(s): SENATOR(s) CLAMAN

01/24/25	(S)	READ THE FIRST TIME - REFERRALS
01/24/25	(S)	STA, JUD
03/04/25	(S)	STA AT 3:30 PM BELTZ 105 (TSBldg)
03/04/25	(S)	Heard & Held
03/04/25	(S)	MINUTE(STA)
04/01/25	(S)	STA AT 3:30 PM SENATE FINANCE 532
04/01/25	(S)	Moved SCR 1 Out of Committee

04/01/25	(S)	MINUTE(STA)
04/02/25	(S)	STA RPT 2NR 1DP 1AM
04/02/25	(S)	NR: KAWASAKI, WIELECHOWSKI
04/02/25	(S)	DP: GRAY-JACKSON
04/02/25	(S)	AM: YUNDT
04/02/25	(S)	JUD WAIVED PUBLIC HEARING NOTICE,RULE 23
04/04/25	(S)	JUD AT 1:30 PM BUTROVICH 205
04/04/25	(S)	Heard & Held
04/04/25	(S)	MINUTE(JUD)

WITNESS REGISTER

MEGAN WALLACE, Chief Counsel
Legislative Legal Services
Legislative Affairs Agency
Juneau, Alaska
POSITION STATEMENT: Answered questions on SCR 1.

ACTION NARRATIVE

2:00:22 PM
CHAIR CLAMAN called the Senate Judiciary Standing Committee meeting to order at 2:00 p.m. Present at the call to order were Senators Myers, Stevens, Kiehl, Tobin, and Chair Claman.

SCR 1-ART. II, SEC. 16, CONST: VETO RECON

2:00:56 PM
CHAIR CLAMAN announced the consideration of SENATE CONCURRENT RESOLUTION NO. 1 Relating to the procedure that the Thirty-Fourth Alaska State Legislature will use to reconsider bills and items vetoed by the governor.

CHAIR CLAMAN said this is the second hearing of SCR 1 in the Senate Judiciary Standing Committee.

2:01:32 PM
MEGAN WALLACE, Chief Counsel, Legislative Legal Services, Legislative Affairs Agency, Juneau, Alaska, answered questions during the discussion of SCR 1.

2:01:45 PM
SENATOR STEVENS asked whether the adoption of SCR 1 would make the process more difficult for the legislature than the system currently used. He asked whether it would require the legislature to meet more often. He said he understood that she had given this some thought and asked for her comments.

MS. WALLACE replied that she reviewed SCR 1 and the legal opinion that [outside legal counsel, Ms. Orlansky] presented to the committee on April 4, 2025. She opined that the resolution has the potential to provide the legislature less flexibility in considering the governor's vetoes. She explained that the longstanding practice has been that if the governor vetoes a bill or an item in an appropriation bill, the legislature decides whether to convene in joint session to reconsider that veto. She noted that this has been a discretionary process over the last few decades. SCR 1 commits the legislature to meeting to consider every veto, regardless of the legislature's will to attempt an override, which differs from historical practice. She said nothing in the current rules or process prevents the legislature from reconsidering every veto, but the resolution would provide less flexibility in making that decision.

2:04:06 PM
SENATOR STEVENS expressed appreciation for the comments and said it causes concern, given how difficult it is to bring the legislature together. He asked whether SCR 1 would require the legislature to meet on every issue and whether it could result in multiple meetings during an interim.

MS. WALLACE replied that the resolution is an agreement of the 34th Legislature. If a bill or an item in an appropriation bill is vetoed during the regular session of the 34th Legislature, it will meet immediately in joint session to consider that veto. She said that if a bill or item is vetoed after adjournment, the legislature will consider those vetoes within the first five days of the next regular session or during a special session if one is called.

2:05:42 PM
SENATOR STEVENS asked whether there is anything wrong with the current process and leaving it the way it is.

MS. WALLACE replied that the question is difficult to answer. She said that from a legal perspective, there are differing viewpoints on the issue. She noted that litigation was filed in 2024 shortly after the legislature convened, raising the question of whether the legislature is required to meet in joint session or whether it is discretionary. She stated that the issue became moot because the legislature chose to meet in joint session, but a lawsuit, Landfield v. Tilton, was filed against the Speaker of the House. She explained that the case never reached the merits of the case on procedural grounds. She opined

that doing anything other than the legislature's longstanding practice—meeting at its discretion to determine whether to consider overriding the governor's vetoes—is that someone could file a lawsuit similar to the one initiated in 2024.

2:07:52 PM
SENATOR MYERS sought confirmation that SCR 1 does not require the legislature to call an immediate special session to reconsider a veto if it is already adjourned. Instead, the resolution would require the legislature to act on the veto quickly the next time it was in session. He asked if that interpretation was accurate.

MS. WALLACE replied yes, that is how she reads SCR 1.

2:08:36 PM
SENATOR MYERS asked for further clarity regarding the potential risks if a lawsuit were filed. He noted that the Supreme Court has indicated limits on how far it will go in directing the legislature's actions, but pointed out this matter involves constitutional requirements. He asked what risks might arise if a suit were filed and advanced to trial.

MS. WALLACE explained that the case touches on the veto override provision, which has constitutional, procedural, and rules-based components. She said differing opinions were presented to this committee. She stated that when outside counsel filed the dispositive motion in the Landfield case, the arguments in the lawsuit were that:

- The court would likely defer to the legislature's constitutional authority to adopt its own rules and procedure.
- The court should not intervene in how the legislature gets together to consider veto overrides.
- Article II, sec. 16 of the Alaska State Constitution (ASC), places parameters on the timeframe for reconsidering vetoes.
- This language is not mandatory in requiring the legislature to meet after every veto.
- If the legislature chooses to meet, it must do so within the constitutionally prescribed timeframe.

2:11:10 PM

MS. WALLACE noted that for vetoes occurring while the legislature is in session, the term "immediately" may leave room for interpretation, but for vetoes issued after adjournment, the five-day timeframe is straightforward and arguably means that if the legislature does not act within those five days, it loses the opportunity to do so.

MS. WALLACE said that if the court rejects those arguments, the likely alternative is that the court would hold in a manner consistent with SCR 1. She explained that such a ruling would find the legislature's current practice inconsistent with the Constitution and require the legislature to convene in joint session for every bill vetoed rather than exercise discretion. She stated that the disagreement among attorneys is which of these outcomes is more likely.

2:12:52 PM
CHAIR CLAMAN interjected, stating that she was presenting the argument made by the Speaker's attorneys that "shall" does not necessarily mean "shall." He said the plaintiff's position, by contrast, was that "shall" means "shall" and that the legislature must meet with no discretion about whether to convene a joint session. He asked whether the essence of the dispute between the plaintiff and the defense was that the plaintiff asserted "shall means shall," whereas the Speaker's attorneys argued that "shall" does not strictly require convening a joint session.

MS. WALLACE sought clarification about the juxtaposition he was describing. She expressed her understanding that the argument is consistent with some of the legal advice that has come from Legislative Legal Services.

2:14:03 PM
CHAIR CLAMAN clarified that he is specifically starting with the plaintiff's position, not the legislature's position. He asked what the plaintiff's argument was.

MS. WALLACE said she had misunderstood the question. She replied that the plaintiff's position was that the "shall immediately" language in ASC art. II, sec. 16 is mandatory rather than discretionary. She said the plaintiff argued that the Constitution requires the legislature to convene in a joint session to consider the governor's veto.

2:14:46 PM

CHAIR CLAMAN sought confirmation that the legislature's position is that even though the Constitution says "shall," in this argument the word "shall" does not really, quite mean "shall."

MS. WALLACE answered in the affirmative, clarifying that in terms of the arguments presented, the matter never advanced to briefing on the plaintiff's substantive claims due to service-of-process issues. She said the parties ultimately dismissed the case on a pending motion to dismiss. She referenced the preview offered in outside counsel's briefing, which she believed indicated that the word "shall" in ASC art. II, sec. 16 was tied to timing. She said this meant that if the legislature chose to act, the Constitution dictated when it had to act, not whether it must act.

2:16:03 PM
SENATOR KIEHL said he was having trouble understanding how the Constitution uses "shall" and "may" when it comes to the potential enactment of a disputed piece of legislation. He referred to ASC art. II, sec. 15, which states, "The governor may veto bills passed by the legislature. He may, by veto, strike or reduce items in appropriation bills. He shall return any vetoed bill, with a statement of his objections, to the house of origin." He said that language appears to draw a clear distinction between what is discretionary and what is mandatory. He asked her to explain whether "shall" binds the governor in that quote. He said the reason for his question is that in the "Action Upon Veto" section of ASC art. II, sec. 16, the first words are "Upon receipt of a veto message." He asked, if "shall" does not mean "shall," whether a governor could avoid the possibility of being overridden by simply not returning a vetoed item to the legislature on the theory that returning it is discretionary.

MS. WALLACE replied no, she did not believe that was the case. She said that while she articulated one of the potential arguments—and one that was presented to the court even though the issue was never reached substantively—she acknowledged that there is an opposing argument. She said there is an argument that, based on the language in the first sentence of ASC art. II, sec. 16, the legislature would be required to meet for every item or bill that is vetoed.

2:18:14 PM
SENATOR KIEHL expressed appreciation for the response and said he did not intend to imply that she dismissed the argument. He said he was trying to identify the legal or constitutional

principle that makes "shall" discretionary for the legislature but makes "shall" mandatory for the governor in the adjacent section. He asked her to help him understand that distinction.

MS. WALLACE replied that the analysis requires reading the first sentence of ASC art. II, sec. 16 in the context of the entire section, not in isolation. She stated that when the language is considered—including the differences between messages received during session and messages received after adjournment—and when that is coupled with the limited constitutional convention dialogue on the subject, that conclusion is reached.

2:19:27 PM
SENATOR KIEHL said that when he reads ASC art. II, sec. 16 in its entirety, it appears to say that any time a special session is not absolutely required, the same legislature must reconsider passage of the vetoed bill or item. He stated that when the whole provision is read together, there is only one circumstance in which the Constitution does not use the word "shall," and that relates directly to special sessions. He emphasized that the Constitution does not mandate convening a special session for this purpose. However, in every situation where a special session is not required, the Constitution uses "shall."

SENATOR KIEHL contended that, at the risk of grossly oversimplifying, the Alaska Supreme Court's jurisprudence has generally been to avoid interpretations that "get cute with the words." He said that, given that pattern, he was struggling with an interpretation under which "shall" means "shall" for the governor but "shall" means "may" for the legislature.

2:20:47 PM
CHAIR CLAMAN referred to Mr. Gardner's memo and Ms. Orlansky's memo, which contain discussion of and reference to minutes relating to ASC art. II, sec. 16. He asked the chief counsel whether she could identify any minutes relating to the Constitution that support the notion that "shall" does not mean "shall" for purposes of ASC art. II, sec. 16.

MS. WALLACE replied that, in her opinion, there are no constitutional convention minutes suggesting that the word "shall" in ASC art. II, sec. 16 should be interpreted as anything other than mandatory. She said that some of the minutes referenced in the other legal opinion include discussion indicating that, once the legislature is in joint session, a matter comes before the body only if it is taken up by the President of the Senate, who presides over the joint session.

She said that discussion reflects the idea that a vetoed matter would come before the legislature only if the President brings it forward. She posited that if the topics taken up during a joint session are discretionary, then a question arises as to why the legislature could not also exercise discretion over whether a joint session is necessary in the first place. She posed a hypothetical question asking why the legislature would be required to convene a joint session solely to sustain the governor's veto if there is no will to override a veto.

2:23:35 PM
CHAIR CLAMAN declined to answer and returned to his original question. He said it appears that when the chief counsel reviewed the minutes relating to the Constitution, the overall tenor of the discussion supports the view that "shall meet" means the legislature is required to meet in joint session. He said the question of what happens during that meeting is separate from the question of whether the legislature must meet. He asked whether he had characterized that correctly.

MS. WALLACE replied yes, stating that she believed that was a fair assessment of the minutes.

2:24:20 PM
CHAIR CLAMAN said that, in reviewing the Gardner and Orlansky memos, he saw a difference in how each addresses what must occur once the legislature meets in joint session. He said the Orlansky memo appears to view a joint session as requiring a vote, in some form, on every vetoed item. He said that, in contrast, the Gardner memo appears to take the view that the Constitution requires the legislature to convene in joint session, but that the legislature retains discretion over what occurs once convened. He asked whether she agrees that Orlansky and Gardner take different perspectives on what is required of the legislature once convened in joint session.

MS. WALLACE replied that she did not feel qualified to comment on the perspectives expressed in memos authored by other attorneys.

2:25:32 PM
CHAIR CLAMAN said that, setting the two memos aside, he wanted her perspective. He asked her to assume that "shall" means "shall," and the legislature is convened in joint session with 10 vetoes. He said, based on that assumption, what is her perspective on whether ASC art. II, sec. 16:

- requires the legislature to vote on all 10 of the vetoed items; or

- gives the legislature the discretion to vote on two of the vetoes, then move to adjourn out from under the remaining vetoes, thereby effectively indicating that it does not have the votes to override those items.

MS. WALLACE replied that her perspective is that ASC art. II, sec. 12 gives the legislature the authority to adopt its own uniform rules, and that the courts are generally reluctant to intervene in the legislature's internal procedures. She said that if a joint session were convened and a motion to adjourn were made and adopted before a vote was taken, it is unlikely the court would intervene and require the legislature to reconvene and continue in joint session. She said that, in her view, once the legislature is in joint session, the legislature has the purview to decide what matters it votes on.

2:27:26 PM
CHAIR CLAMAN reframed his question, offering another hypothetical scenario. He stated that the legislature is in possession of 10 vetoed items. It convenes a joint session, gavels in, immediately makes an adjournment motion, and with a majority vote, it adjourns the joint session without voting any vetoed item. He asked whether she believed the legislature met the constitutional requirement to meet in joint session even though it voted on nothing other than the motion to adjourn.

MS. WALLACE replied that, in her opinion, yes. She said that assuming the Constitution requires the legislature to meet in joint session, then in that hypothetical scenario, she believes the legislature met the requirement. She stated that even under a conservative reading of the provision, the legislature would have fulfilled its constitutional obligation in that scenario.

2:28:28 PM
CHAIR CLAMAN offered another hypothetical scenario. He hypothesized that the legislature received a veto during the interim and, within the first five days of convening the second session in 2026, the legislature meets in joint session. He stated that the first action taken is a motion to adjourn, and with no objection, the motion carries, the joint session adjourns, and nothing was voted on. He said a party files a lawsuit claiming the legislature failed to satisfy its constitutional duty, because even though it met in joint session, the body did not vote on anything. He asked whether she

believed the legislature would have a strong defense that the legislature satisfied the constitutional requirement simply by meeting in joint session.

MS. WALLACE answered in the affirmative.

CHAIR CLAMAN said he would give her the opportunity to close the loop on her testimony.

MS. WALLACE said she wished to offer another comment regarding the constitutional convention minutes, which the committee discussed in this debate. She said another potential interpretation is that concerns about delaying a veto override influenced the inclusion of timeframes. She explained that without a time limit, either body could hold the vetoed bill, wait, or never act, keeping the bill "in play," which would make it easier to "run out the clock." She noted that under those circumstances, a vetoed bill could be held from the floor in an attempt to prevent a veto override, and that holding the bill in play long enough could leave too little time for members to introduce and advance a revised bill before adjournment.

MS. WALLACE stated that this concern is mitigated under the procedure historically used. She explained that if no joint session is called within the first five days of session, that functions as a signal to members that the veto has implicitly been sustained. She said that in that circumstance, if there is a will to introduce a revised measure, there remains time to do so before the end of session.

2:31:30 PM
SENATOR MYERS said he heard a statement that raised concern. He said that when discussing lawsuits and what the Supreme Court may or may not rule, he became concerned about the direction the chief counsel was going with her comments. It sounded like an implication that the Supreme Court, in a sense, cannot tell the legislature what to do. In other words, the legislature can kind of follow its own rules and procedures, even if they are not necessarily written down. He said it sounded like a version of "we can do what we want, and it doesn't matter, unless somebody sues us." As opposed to, the legislature should do its level-headed best to follow the Constitution. He sought clarification about the direction the chief counsel was headed with her comments.

MS. WALLACE replied that she did not believe that was what she intended to convey. She said the Court has consistently held

that, unless a constitutional issue is raised, it will not, based on separation of powers, issue opinions on the procedures the legislature uses to conduct its business. She said the Court has applied that principle in a variety of circumstances. She explained that the issue before the committee involves a procedural component alongside the legislature's constitutional authority to override the governor's vetoes. She affirmed a constitutional provision is directly at play; therefore, she was not suggesting that the legislature would not take up the matter. However, there are significant procedural considerations regarding what discretion the legislature does and does not have. She stated that, in light of those considerations, there is a chance the Court would give deference to the procedure the legislature has adopted.

2:34:22 PM
SENATOR MYERS revisited the discussion on the word "shall," stating if "shall" means "shall" in the context of the phrase "shall meet immediately" should it not also have the same meaning when applied to "reconsider passage" in ASC art. II, sec. 16. He reasoned that if "shall" applies to meeting, then it ought to apply equally to reconsideration, meaning the legislature would be required to take a vote on the vetoed bill. He said that historically votes were taken on the vetoes themselves, not simply on a motion to adjourn. He said that otherwise, the concern raised by Delegate Taylor reemerges, in that a body—or potentially a presiding officer—could sit on a vetoed bill and prevent a vote from occurring. He noted that, in the debates over inserting the word "immediately," the explicit purpose was to prevent a body or a person from withholding a bill to prevent a vote from being taken. He said that, in his view, if "shall" is mandatory with respect to meeting, it should also be mandatory with respect to reconsidering passage, which would require a vote to be taken.

2:36:07 PM
MS. WALLACE replied that she agreed that, if the issue were presented as a lawsuit, the court could interpret the word "shall" to mean that the legislature must convene in joint session and must reconsider every bill or vetoed item. She said, however, that what is unclear is how a court would reach such a decision without intervening in the procedures by which the legislature conducts its business. She said that if the legislature convenes a joint session and immediately votes to adjourn, which requires a majority of those present, it is uncertain what would come next. She asked whether that would require the legislature to reconvene the same day, the next day,

or to continue meeting until the legislature considers every item eligible for an override. She stated that the court would have to answer these questions due to the procedural complexities involved. She opined that a court would defer to the legislature's procedure and likely not hold that it must consider every item.

2:38:33 PM
SENATOR KIEHL agreed that is a more difficult question. He stated that the primary thrust of SCR 1 is that it says the legislature "shall meet." He raised the point that the chief counsel was unsure which principles a court might use, noting that outside counsel invited to opine on the issue said that it is well accepted in law that a more specific rule controls over a general one. He stated that the chief counsel referenced ASC art. II, sec. 12, which provides that "the houses of each legislature shall adopt uniform rules of procedure." He said this section requires the legislature to set its own rules, but it also requires the legislature to keep a journal of its proceedings. He stated that if the legislature adopted uniform rules that said, "never mind with the journal," he believed a court, if faced with a challenge, would point to the specific constitutional requirement. He asked whether he was misunderstanding the principle that specific provisions govern over general structures.

MS. WALLACE replied that he was not misunderstanding the principle. She stated that she was trying to articulate the other side of the argument. She said she was not attempting to advance any argument that "shall" does not mean "shall;" that is not the argument that could potentially be advanced. She explained that the argument that could be raised is that the word "shall" modifies the time period, meaning "shall immediately" or "shall no later than the fifth day of the next legislature." She stated that this language establishes the deadline for acting in joint session and the consequence of not acting. If the legislature does not meet that deadline, the option to reconsider passage of the vetoed bill or item is no longer available. She said she was not suggesting that "shall" does not mean "shall," rather, it could be argued that the language, if litigated, affects the time within which the legislature must meet.

2:41:13 PM
SENATOR KIEHL pointed out that there is an "and" in the first sentence of ASC art. II, sec. 16, citing "shall meet immediately in joint session and reconsider." He asked whether the

conjunction means that the requirement applies to both actions. He stated that it does not appear to establish two separate conditions; rather, the "and" links them together.

MS. WALLACE replied that he is correct that the conjunction suggests that meaning. She asked whether a court would stop there or whether it would look at the whole section together, even if the court was not considering a veto that occurred after adjournment. She noted that the same conjunction does not appear in the provision governing reconsideration of a veto after adjournment. She cited the language stating that a bill vetoed after adjournment of the first regular session "shall be reconsidered by the legislature sitting as one body no later than the fifth day." She said that raises the question of whether the mandatory language is "shall be reconsidered" or whether the mandatory language relates to "shall no later than the fifth day." She stated that arguments on both interpretations would likely be presented in litigation of this nature.

2:43:04 PM
SENATOR MYERS stated that he was surprised to hear that the point of "shall" is to interact with the word "immediately," partly because it does not make grammatical sense to him. But, mostly because, based on the constitutional convention minutes, "shall meet" was already in the text, and "immediately" was later inserted as a modifier. He further observed that the rest of the section was amended later, in 1976, to add the five-day window. He expressed his belief that, for these reasons, it made sense to interpret "shall" as indicating an action rather than a timeframe. He asked her to respond to that point.

MS. WALLACE replied that she did not necessarily disagree with anything he had just said regarding the insertion of the term "immediately." She reiterated possible interpretations. One interpretation is that the term establishes a deadline and creates a restriction on the legislature for failing to meet immediately or within the five-day timeframe.

MS. WALLACE said another interpretation is that the legislature is plainly just required to meet immediately in joint session and reconsider vetoes. She said it is hard to reconcile this interpretation. She explained that she does not know of, at least did not recollect, any legal opinion indicating that once the legislature convenes in joint session, it must reconsider everything. She stated that this juxtaposition makes it challenging to reconcile these two ideas.

2:45:55 PM
SENATOR STEVENS stated that the possibility of change worried him because it could cause more difficulties than intended. He said he is concerned about the institution. He said based on the chief counsel's comments, the change could tie the legislature's hands in ways it might later regret and make matters more difficult. He noted that the current approach has worked for at least 50 years or longer. He said that when the attorney mentioned "less flexibility," it raised concern. He asked what was meant by "less flexibility," how it would affect the legislature, and requested that she expand on those points.

MS. WALLACE provided context for her statement that the legislature might have less flexibility. She explained that she was referring to the historical practice in which the legislature decided for itself whether to meet to consider the governor's vetoes. She said this discretion allowed the legislature to consider what else was before it, the will of the legislature, scheduling issues, and other priorities. She stated that the matter before the committee was a policy decision for the legislature regarding how it intended to proceed when it received a veto message from the governor. She explained that less flexibility meant that if the legislature adopted the position outlined in SCR 1, it would, regardless of other business or the will of the legislature, convene to take up the governor's vetoes.

2:48:27 PM
CHAIR CLAMAN thanked the chief counsel for joining the committee and acknowledged that she had received a number of challenging questions. He remarked that she may have expected a standard committee hearing but instead found herself in something resembling a moral argument before a court. He expressed appreciation for her responses.

CHAIR CLAMAN offered remarks on the discussion. He observed that part of the challenge with SCR 1 is the language of the Constitution and historical procedural precedent, which the legislature has followed. He said that the Legislative Legal Services Division has, for the better part of 50 years, given advice that appears to ignore the Constitution's plain language. He stated that, to some extent, chief counsel is trying to defend a historically followed practice. It is only in recent years that individuals have begun to question whether the Constitution says something different.

CHAIR CLAMAN said there may be good reasons for Legislative Legal Services to want to provide background and support for a long-standing practice. However, there are times when courts—both the Alaska Supreme Court and the United States Supreme Court—are asked to determine whether a precedent should continue to be followed, even after closer examination reveals it may no longer make sense. He reiterated that his remarks were an observation and not a question.

2:50:03 PM
CHAIR CLAMAN solicited a motion for amendments.

2:50:12 PM
SENATOR MYERS moved to adopt Amendment 1, work order 34-LS0177\A.1.

34-LS0177\A.1
Wallace
4/7/25

A M E N D M E N T 1

OFFERED IN THE SENATE BY SENATOR MYERS
TO: SCR 1

Page 2, lines 19 - 22:
Delete "the legislature met in joint session on January 18, 2024, the third legislative day of the Second Regular Session of the Thirty-Third Alaska State Legislature, and reconsidered items from House Bill No. 39, enacted as ch. 1, FSSLA 2023, that were vetoed by the governor during the interim, and,"

2:50:12 PM
CHAIR CLAMAN objected for purposes of discussion.

2:50:20 PM
SENATOR MYERS said the point of Amendment 1 was to lay out a cleaner precedent for the legislature to follow. He explained that Amendment 1 deleted reference to the January 18, 2024 joint session because it created a murky precedent. He said that not all of the governor's line item vetoes were reconsidered during that joint session, and it adjourned with those items left on the table. He said the reference was removed to eliminate

ambiguity in establishing precedent for reconsideration of the governor's vetoes.

CHAIR CLAMAN removed his objection. He found no further objection and Amendment 1 was adopted.

2:52:05 PM
SENATOR MYERS moved to adopt Amendment 2, work order 34-LS0177\A.2.

34-LS0177\A.2
Wallace
4/7/25

A M E N D M E N T 2

OFFERED IN THE SENATE BY SENATOR MYERS
TO: SCR 1

Page 3, following line 13:
Insert new material to read:
"**FURTHER RESOLVED** that the Thirty-Fourth Alaska State Legislature interprets the phrase "the legislature shall … reconsider passage of the vetoed bill or item" in art. II, sec. 16, Constitution of the State of Alaska, as meaning that a vote must be taken on all vetoed bills and items and all vetoed bills and items will be voted on either individually or as part of a group; and be it"

2:52:06 PM
CHAIR CLAMAN objected for purposes of discussion.

2:52:12 PM
SENATOR MYERS explained that Amendment 2 inserted an extra resolve clause that addressed the discussion with the chief counsel about the requirement to vote. He said he drafted the amendment to allow flexibility, noting that the legislature would not need to vote on each item individually so long as every item was covered by a vote. He stated that items could be voted on either individually or as a group. He acknowledged a concern that a governor could theoretically weaponize the process by issuing numerous small vetoes, and he said grouped voting could address that issue.

SENATOR MYERS expressed his belief that the legislature had used grouped votes in the past. He cited 2019, when some vetoes were voted on as a unit, and the beginning of the 2020 session, when two items were again taken up together after a motion to divide the question failed. He stated that he believed the Constitution's requirement to "shall reconsider" means a vote must be taken that covers each bill or item in some form. He said that was the purpose of Amendment 2.

2:54:45 PM
CHAIR CLAMAN maintained his objection and asked for a roll call vote.

A roll call vote was taken. Senator Myers voted in favor of Amendment 2 and Senators Kiehl, Stevens, and Claman voted against it. Senator Tobin was absent. The vote was 1:3.

CHAIR CLAMAN announced that Amendment 2 failed on a vote of 1 yea and 3 nays.

2:55:20 PM
At ease.

2:55:29 PM
CHAIR CLAMAN reconvened the meeting and said it is his intention to look to the will of the committee on SCR 1.

2:55:45 PM
SENATOR MYERS spoke to the concern about the legislature's hands being tied. He said he understood the point and believes that the Constitution gives the legislature latitude in electing its officers, selecting its rules, and other matters mentioned in ASC art. II, sec. 12. He stated that it seems to him that the purpose of a constitution is, to some extent, to tie the hands of a legislative body. He said that is why constitutions are written, so legislators cannot simply come to Juneau and do whatever they want. He referenced current national discussions about the extent to which a government's actions are constrained by a constitution. He stated that while he generally believes in efficiency, he does not believe efficiency is necessarily the best guide when interpreting constitutional provisions. He said he appreciated the chair bringing forward SCR 1 and planned to support it.

2:56:53 PM
CHAIR CLAMAN solicited the will of the committee.

2:56:58 PM
SENATOR KIEHL moved SCR 1, work order 34-LS0177\A, as amended, be reported from committee with individual recommendations and attached zero fiscal note(s).

2:57:18 PM
CHAIR CLAMAN found no objection and CSSCR 1(JUD) was reported from the Senate Judiciary Standing Committee.

2:57:52 PM
There being no further business to come before the committee, Chair Claman adjourned the Senate Judiciary Standing Committee meeting at 2:57 p.m.