

1 IN THE SENATE

BY THE RULES COMMITTEE  
BY REQUEST OF THE LEGISLATIVE COUNCIL

2 SENATE BILL NO. 70

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE- FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act prescribing the powers, organization  
7 operation and procedures of the legislative  
8 branch; repealing Chapters 1,2,3,5 and 6 of  
9 Title 4, ACLA 1949, as amended; and provid-  
10 ing for an effective date."

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

12 PART I POWERS, ORGANIZATION AND OPERATION

13 Section 1. LEGISLATIVE POWERS. The legislative power of  
14 the state is vested in the Legislature of the State of Alaska and  
15 extends to all rightful subjects of legislation not inconsistent  
16 with or otherwise reserved by the Constitution of the State of  
17 Alaska and the Constitution and laws of the United States.

18 Sec. 2. COMPOSITION. The Legislature shall be composed of  
19 two houses: a senate consisting of twenty members and a house of  
20 representatives consisting of forty members.

21 Sec. 3. QUALIFICATIONS OF MEMBERS. A member of the legis-  
22 lature shall be a qualified voter who has been a resident of Alaska  
23 for at least three years and of the district from which elected  
24 for at least one year, immediately preceding his filing for office.  
25 A senator shall be at least twenty-five years of age and a repres-  
26 entative at least twenty-one years of age at the time he is to  
27 take his oath of office.

28 Sec. 4. DUAL OFFICE. No member of the legislature may hold  
29 any other office or position of profit under the United States or

1 the state. During the term for which elected and for one year  
2 thereafter, no legislator may be nominated, elected or appointed  
3 to any other office or position of profit which has been created,  
4 or the salary or emoluments of which have been increased, while  
5 he was a member. This section shall not prevent any person from  
6 seeking or holding the office of governor, secretary of state, or  
7 member of Congress. This section shall not apply to employment  
8 by or election to a constitutional convention. This section shall  
9 be construed in conformity with the provisions of Article 15,  
10 Section 15, Alaska State Constitution, as they apply to the mem-  
11 bers of the First State Legislature. Members are authorized to  
12 serve on or at the behest of interim committees of the legislature.

13 Sec. 5. DISQUALIFICATIONS. No person shall be qualified for  
14 membership in the legislature who is disqualified to hold public  
15 office under the provisions of Article XII, Section 4, of the  
16 state constitution, and as it may be implemented by law. All  
17 members of the legislature, before entering upon the duties of  
18 their office, shall take or subscribe to by oath or affirmation,  
19 the oath of office prescribed in Article XII, Section 5, of the  
20 state constitution, and such further oaths or affirmations as may  
21 be further prescribed by law for members of the legislature or  
22 other officers of the state.

23 Sec. 6. ELECTION. All members of the Legislature shall be  
24 elected from the districts and in conformity with the procedures  
25 established by the state constitution and the laws of the state  
26 made in pursuance thereof. Each house shall be the judge of the  
27 election and qualifications of its members and may expel a member  
28 with the concurrence of two-thirds of its members.

29 Sec. 7. TERMS. The terms of members of the legislature

1 shall begin on the fourth Monday in January following election. The  
2 term of representatives shall be two years, and the term of sena-  
3 tors, four years. One-half of the senators shall be elected every  
4 two years.

5 Sec. 8. IMMUNITIES. Legislators may not be held to answer be-  
6 fore any other tribunal for any statement made in the exercise of  
7 their legislative duties while the legislature is in session. Mem-  
8 bers attending, going to, or returning from legislative sessions  
9 are not subject to civil process and are privileged from arrest ex-  
10 cept for felony or breach of the peace.

11 Sec. 9. REGULAR SESSIONS. The legislature shall convene at the  
12 capital each year on the fourth Monday in January at 10:00 a.m. Pac-  
13 ific Standard Time. Each legislator shall have a duration of two  
14 years and shall consist of a "First Regular Session" which shall  
15 meet in the odd-numbered years and a "Second Regular Session" which  
16 shall meet in the even-numbered years and any special session or  
17 sessions which the governor or legislature may find necessary to  
18 call.

19 Sec. 10. SPECIAL SESSIONS. The legislature may be called into  
20 special session by two methods provided for herein but no special  
21 session may exceed thirty calendar days in length.

22 (1) The Governor may call the Legislature into special session  
23 by issuing a proclamation at least fifteen days in advance of the  
24 convening date stated in the proclamation. At special sessions cal-  
25 led by the Governor, legislation shall be limited to the subjects  
26 designated by the Governor in his proclamation or to the subjects  
27 presented by him.

28 (2) The Legislature may call itself into special session if  
29 two-thirds of the membership responds in the affirmative to a poll

1 conducted by the presiding officers of the respective houses. When  
2 two-thirds of the membership to which the legislature is entitled  
3 responds in the affirmative, the president of the senate and the  
4 speaker of the house shall jointly announce the result of the poll  
5 and a date for the convening of the special session. If one of the  
6 presiding officers is deceased, resigned or otherwise incapacitated,  
7 the presiding officer of the other house is authorized to conduct  
8 the poll of the members of both houses.

9       Sec. 11. JOINT SESSIONS. The houses of the legislature shall  
10 convene in joint session when required or authorized by provisions  
11 of the Constitution and the rules of the legislature.

12       Sec. 12. RULES. At the beginning of the first regular session  
13 of each legislature, both houses shall adopt uniform rules of pro-  
14 cedure for enacting bills into law and adopting resolutions. The  
15 rules in effect at the last regular session of the immediately pre-  
16 ceding legislature may be adopted as the temporary rules of the leg-  
17 islature until permanent rules are adopted.

18       Sec. 13. JOURNAL. Each house shall keep and publish a daily  
19 journal of its proceedings which shall reflect the essential elem-  
20 ents of the business transacted therein and the messages and com-  
21 munications received from the governor and the other house.

22       Sec. 14. QUORUM. A majority of the membership of each house  
23 constitutes a quorum to do business, but a smaller number may ad-  
24 journ from day to day and may compel the attendance of absent mem-  
25 bers in such manner, and under such penalties, as may be provided by  
26 law or the rules of the legislature.

27       Sec. 15. ADJOURNMENT. Neither house may recess or adjourn for  
28 longer than three days; unless the other concurs. If the two houses  
29 cannot agree on the time for adjournment and either house certifies

1 the disagreement to the governor, he may adjourn the legislature  
2 by issuing an executive order and transmitting official copies of  
3 same to the president or secretary of the senate and the speaker  
4 or chief clerk of the house of representatives.

5 Sec. 16. OFFICERS. (1) The senate shall elect from its mem-  
6 bership a presiding officer who shall be called the "President of  
7 the Senate" and the house of representatives shall elect from its  
8 membership a presiding officer who shall be called the "Speaker of  
9 the House of Representatives." The presiding officers of each  
10 house shall have such powers, duties and perogatives as shall be  
11 assigned them under the rules of the legislature and by law.

12 (2) Each house shall elect for the duration of a legislature  
13 a chief administrative officer who shall not be a member of the  
14 legislature but who shall be qualified for the position and hired  
15 therefor on the basis of known administrative and stenographic  
16 ability. The chief administrative officer of the senate shall  
17 be called the "Secretary", and the chief administrator of the  
18 house shall be called the "Chief Clerk." The secretary and  
19 chief clerk shall perform such duties as are assigned to them by  
20 the legislature. They shall be on duty at the capital at least  
21 three working days prior to the opening of every session and are  
22 authorized to hire one clerical assistant who shall be employed  
23 subject to final approval by the house to which they are attached.

24 (3) The legislature shall appoint a "Legislative Fiscal  
25 Officer" who shall be qualified by bookkeeping and administrative  
26 experience to take care of the fiscal and supply needs of the  
27 legislature and its agencies during and between sessions. The  
28 fiscal officer shall serve at the joint direction of the chairmen  
29 of the engrossment and enrollment committees of the house and

1 senate and continue in office until his successor is appointed.  
2 When the legislature is not in session, the fiscal officer shall  
3 serve on a half-time basis and be under the direction and super-  
4 vision of the legislative council.

5 (4) Provision for the election or appointment of other officers  
6 for either or both houses may be made in the rules.

7 Sec. 17. LEGISLATIVE EMPLOYEES. The rules of the legislature  
8 shall provide for the hiring and assignment of employees for both  
9 houses. Employees of the senate shall be under the direct super-  
10 vision of the secretary of the senate and employees of the house  
11 shall be under the immediate supervision of the chief clerk of the  
12 house. Persons employed in the central duplicating, mail-distrib-  
13 ution or clerical services pool of the legislature shall be under  
14 the general supervision of the engrossment and enrollment commit-  
15 tees of the two houses acting jointly through the legislative  
16 fiscal officer.

17 All non-member officers and employees of the legislature shall  
18 serve at the convenience of the legislature subject to the rules  
19 governing their employment. All employees, excepting the chief  
20 administrative officer of each house and the legislative fiscal  
21 officer, shall serve only for the duration of a legislative ses-  
22 sion or such portion thereof as shall be determined by the legis-  
23 lature. Compensation and conditions of employment for legislative  
24 employees shall be as established by law, by resolution or by rule.

25 Sec. 18. ORGANIZATION: FIRST SESSION. On the day set for the  
26 assembling of the first regular session of a legislature, the  
27 Secretary of State, or if he is unable to serve, the Chief Justice  
28 of the Supreme Court shall call each house to order and direct the  
29 calling of roll of the house or senate districts, as appropriate,

1 and the names of the new members who have been certified as being  
2 elected therefrom. The Secretary of State or the Chief Justice  
3 as the case may be shall then direct the administration of the  
4 oath of office to the new members. He shall then call for the  
5 nomination of a temporary president or speaker, as appropriate.  
6 Upon the election of the temporary presiding officers, the Secre-  
7 tary of State shall relinquish the chair, and each house shall  
8 proceed to its further organization.

9       Sec. 19. SAME: SECOND SESSION. On the day set for the  
10 assembling of the second regular session or any special session  
11 of the legislature, the presiding officer elected at the next  
12 prior first regular session shall administer the oath to any new  
13 members and proceed with the business of the house in accordance  
14 with the rules of the legislature. If the presiding officer be  
15 absent, the secretary of the senate in the absence of the presi-  
16 dent of the senate, and the chief clerk of the house in the absence  
17 of the speaker of the house, shall call the house to order and pre-  
18 side until a new or temporary presiding officer shall have been  
19 chosen. In the absence of the secretary of the senate or chief  
20 clerk of the house, the senior member present shall assume the  
21 chair until the house elects or otherwise selects a temporary or  
22 permanent presiding officer.

23       Sec. 20. COMMITTEES. Each house shall have standing commit-  
24 tees to facilitate the transaction of business in accordance with  
25 the provisions of the rules of the legislature. Provisions may  
26 also be made in the rules for the appointment of special committees,  
27 as needed, by the presiding officer of each house. The legislature  
28 shall provide for the utilization of joint committees to facilitate  
29 and expedite business.

1           Sec. 21. LEGISLATIVE SPACE. The space occupied jointly or  
2 by each house for the transaction of legislative business shall be  
3 subject to the joint use and control of the presiding officers of  
4 each house as governed by the rules or prescribed by law. Control  
5 of and use of legislative space, exclusive of such committee rooms  
6 as are temporarily occupied during sessions, shall be the respon-  
7 sibility of the presiding officers acting jointly through the  
8 legislative council between sessions.

9           The chambers and offices of the legislature and the furnish-  
10 ings therein shall remain intact between legislative sessions sub-  
11 ject to such restricted occupancy and use as the legislative coun-  
12 cil may authorize its executive director to arrange for in coordin-  
13 ation with a designee of the governor.

14           The presiding officer of each house shall make provision for  
15 the location of a special area in the public gallery for the ex-  
16 clusive use of representatives of recognized news media who have  
17 presented their credentials to the presiding officer of each house.  
18 This provision shall be enforced by the sergeant-at-arms at the  
19 direction of the presiding officer.

20           Sec. 22. ACCESS TO LEGISLATIVE SPACE. Access to legislative  
21 chambers, offices, halls and committee rooms shall be governed by  
22 the rules of the legislature; provided, that during any regular  
23 or special session of the legislature, no person not a member or  
24 an authorized employee of the legislature may enter upon the floor  
25 of either house while that house is sitting or in recess or merely  
26 adjourned for the day, without the express invitation of or per-  
27 mission of the chair to so enter for a special purpose or for the  
28 day.

29           Sec. 23. LEGISLATIVE SUPPLIES. All legislative supplies and

1 materials shall be ordered, purchased, distributed, stored and  
2 inventoried by the legislative fiscal officer at the direction of  
3 and subject to the approval of the engrossment and enrollment  
4 committees of each house. When the legislature is not in session,  
5 the legislative council, serving as a joint interim committee of  
6 the Legislature, shall direct the fiscal officer in matters per-  
7 taining to the procurement and control of legislative supplies  
8 and materials.

9       Sec. 24. LEGISLATIVE EQUIPMENT. All legislative equipment,  
10 including the furniture used in the legislative chambers, offices,  
11 and committee rooms, shall be subject to the same provisions re-  
12 garding procurement, use and control as legislative supplies un-  
13 less otherwise provided for in this Act.

14       Sec. 25. DUPLICATING LEGISLATIVE DOCUMENTS AND AIDS. The  
15 duplicating and assembly of all bills, memorials, resolutions and  
16 other materials intended primarily for the use of the legislature  
17 and its agencies shall be accomplished as a centralized operation  
18 for the expeditious handling of legislative business. When the  
19 legislature is in session the duplicating service shall operate  
20 at the joint direction of the engrossment and enrollment committees  
21 of each house. Duplicating service accomplished between sessions  
22 or in the preparation for or closing out of sessions shall be at  
23 the direction of the legislative council. The legislative dupli-  
24 cating equipment shall be used primarily to provide for the dup-  
25 licating needs of the legislature and its agencies but may, upon  
26 request of the governor and subject to the legislative priority,  
27 be used to implement the mimeograph and other duplicating equip-  
28 ment now being used by agencies of the state government.

29       Sec. 26. DISTRIBUTION OF DOCUMENTS. Documents and other

1 materials produced during legislative sessions shall be distribut-  
2 ed to the public and the agencies of government through a central-  
3 ized distribution service which shall be operated in accordance  
4 with the rules of the legislature. Agencies of the state and  
5 federal government shall be entitled to receive such documents as  
6 pertain to their functions in the amount required. To help defray  
7 the expense of duplication and distribution, legislative agents  
8 and representatives requesting one or up to and including three  
9 complete sets of legislative documents, excluding the advance  
10 sheets of session laws, shall be charged a flat fee of \$10.00 per  
11 session, payable to the legislative fiscal officer by check made  
12 out to the state treasury. Complete sets of documents beyond  
13 three to the same person shall be charged for at the rate of  
14 \$10.00 for each set per session. The fiscal officer is respons-  
15 ible for certifying and directing authorized distribution and  
16 mailing for the legislature.

17       Sec. 27. PRINTING AND DISTRIBUTION OF SESSION LAWS AND  
18 RESOLUTIONS. The following provisions shall govern the printing  
19 and distribution of session laws and resolutions in advance sheet  
20 and bound form:

21               (1) No later than forty-five days prior to the sched-  
22 uled convening of any regular session of the legislature, the  
23 director of finance shall call for bids on the printing and bind-  
24 ing of the session laws of the forthcoming session according to  
25 specifications prepared by the attorney general and approved by  
26 the legislative council. The bid shall include the cost of print-  
27 ing advance sheets.

28               (2) Enrolled Bills. Whenever any bill or resolution  
29 shall have been duly passed and approved or become effective

1 without such approval, three true copies of same shall be filed  
2 on receipt with the director of finance. Upon receipt of said  
3 bill or resolution, he shall number it in the order in which it  
4 became law, commencing with each session of the legislature. Such  
5 number shall be in Arabic numerals and shall be the chapter number  
6 of the act when published.

7 (3) Advance Sheets. When the director of finance assigns  
8 a chapter number to any law, he shall then direct the printer to  
9 print the necessary number of copies of the act or resolution,  
10 said copies to be filed at his office within 48 hours after deliv-  
11 ery to the printer. The style and size of type, line and number  
12 of lines to the page shall be the same as shall be used in the  
13 permanent volume of the session laws of such session.

14 (4) Distribution of Advance Sheets. The director of  
15 finance shall make the official distribution of the advance sheets  
16 on the basis of one to each legislator, members of the Alaska con-  
17 gressional delegation, and state department, agency or court;  
18 four each to the governor, attorney general, chief clerk of the  
19 house, secretary of senate, and legislative council; and such other  
20 distribution to state agencies as the director finds necessary to  
21 their operation. The director is authorized to assess a flat fee  
22 of \$15.00 for each complete set of advance sheets requested by  
23 other than state agencies in order to help defray the cost of  
24 printing and handling.

25 (5) Bound Session Laws. When all acts of any session  
26 have been published in advance sheet or temporary form, the  
27 director of finance shall, with the concurrence of the attorney  
28 general and the executive director of the legislative council, em-  
29 ploy a competent person to index such acts or laws. Within ninety

1 days after the close of the legislative session he shall have  
2 them published and properly bound according to the bid and spec-  
3 ifications for printing of same, including such headings, indices,  
4 title page, rosters, memorials and resolutions, and other mater-  
5 ials deemed proper.

6 (6) Distribution of Bound Session Laws. The director  
7 of finance shall make the following distribution of the bound vol-  
8 umes of session laws: one each to every legislator, member of the  
9 Alaska congressional delegation, state department or agency and  
10 each state and federal court library in Alaska; five to the office  
11 of the governor, secretary of state and the attorney general;  
12 fifty-two to the legislative council for exchange with other states  
13 and jurisdictions; and such other official distribution as in the  
14 opinion of the director is required, or as may otherwise be pre-  
15 scribed by law. The director is authorized to charge a uniform  
16 price based upon production costs to any individual or organization  
17 wishing to purchase a volume.

18 (7) Unauthorized Printing and Publication for Sale. It  
19 shall be unlawful for any person to print and publish for sale the  
20 statutes of any session in book form within two years after the  
21 adjournment of such session, other than those ordered printed by  
22 the director of finance of Alaska; provided, the printing and  
23 publication restrictions provided by this section shall not apply  
24 to any authorized general compilation or to any revision of spec-  
25 ial law or laws of the state on a special subject.

26 Sec. 28. APPROPRIATIONS FOR EXPENSES. Monies for the oper-  
27 ation of the legislative process shall be appropriated by the  
28 passage and approval of the necessary bill or bills for that pur-  
29 pose during any regular or special session. The legislature is

1 authorized to establish an intermin contingent expense fund to  
2 cover the necessary expenses of the legislature in closing out or  
3 preparing for any session and such other special interim expend-  
4 itures as may be authorized by the president of the senate or the  
5 speaker of the house of representatives through the Legislative  
6 Audit Committee or the Legislative Council; provided, that such  
7 special interim contingent expense fund shall not exceed ten  
8 thousand dollars (\$10,000.00).

9 All expenditures from appropriations or special funds for  
10 legislative operating expenses shall be certified to by the legis-  
11 lative fiscal officer.

## 12 PART II PROCEDURE

13 Sec. 29. PROCEDURE: GENERAL. The procedure for handling  
14 bills from the time of their pre-filing or introduction until they  
15 become law shall be as established in the following sections sub-  
16 ject to such implementing rules as may be adopted by the legisla-  
17 ture not inconsistent with the constitution or the laws made in  
18 pursuance thereof. Resolutions and memorials shall be handled in  
19 accordance with the provisions of the uniform rules of the legis-  
20 lature.

21 Sec. 30. SUBJECT OF BILLS. The subject of each bill shall  
22 be expressed in its title and every bill shall be confined to one  
23 subject unless it is an appropriation bill or one codifying, re-  
24 vising or rearranging existing laws. The limitation as to one  
25 subject shall be liberally construed so as to permit the subject  
26 to include all matters which reasonably be considered germane  
27 thereto in accomplishing the legal objective of the bill.

28 Sec. 31. APPROPRIATION BILLS: SUBJECT. Bills for appropria-  
29 tions shall be confined to appropriations and shall include the

1 amount or amounts involved, the purpose, method, manner and other  
2 related conditions of payment.

3       Sec. 32. ENACTING CLAUSE. The enacting clause for each bill  
4 shall be: "Be it enacted by the Legislature of the State of  
5 Alaska."

6       Sec. 33. PRE-FILING OF BILLS. Any member of the legislature  
7 whose term extends into a forthcoming session or legislature, or  
8 any member-elect, is authorized to file a bill or a proposal for a  
9 bill with the legislative council at anytime within sixty days  
10 prior to the convening of any regular session. The legislative  
11 council is authorized to place a pre-filed bill in proper form,  
12 assign it a number for introduction in the appropriate house, and  
13 deliver same to the chief clerk of that house on the day which the  
14 next session convenes. Pre-filed bills shall be considered as in-  
15 troduced on the day of their delivery to each house.

16       Sec. 34. INTRODUCTION OF BILLS. Any member of the legisla-  
17 ture or any committee chairman or his representative on behalf of  
18 a committee of the legislature, may introduce a bill. A bill shall  
19 be prepared for introduction in the manner and form specified in  
20 the uniform rules and the style manual of the legislature.

21       Sec. 35. NUMBERING OF BILLS. All bills, excepting those pre-  
22 filed and numbered as provided herein above, shall be numbered by  
23 the chief clerk of the house in which introduced in the order of  
24 their introduction and thereafter shall be designated by the num-  
25 ber given them.

26       Sec. 36. READINGS. No bill may become law unless it has  
27 passed three readings in each house on three separate days, ex-  
28 cept that any bill may be advanced from second to third reading on  
29 the same day by concurrence of three-fourths of the house consider-

1 ing it.

2           Sec. 37. VOTE ON PASSAGE. No bill may become law without  
3 the affirmative vote of a majority of the membership of each house.  
4 The yeas and nays on final passage shall be recorded in the journal.

5           Sec. 38. ACTION UPON VETO. When the governor shall veto a  
6 bill, or, by veto, strike or reduce an item or items in an approp-  
7 riation bill the legislature shall proceed to act in accordance  
8 with Article II, Section 16, of the state constitution and as it  
9 may be implemented by the rules of the legislature.

10           Sec. 39. EFFECTIVE DATE OF LAWS. All laws passed by the  
11 legislature become effective ninety days after enactment. The leg-  
12 islature may, by concurrence of two-thirds of the membership of  
13 each house, provide for another effective date.

14           Sec. 40. BILLS CARRY OVER. Any bill introduced but not re-  
15 ceiving final action in the first regular session of a legislature  
16 shall carry over in the same reading or status into the second  
17 regular session of the same legislature.

18           Sec. 41. CONSTITUTIONAL AMENDMENTS. The legislature may  
19 propose amendments to the state constitution through the adoption  
20 of a joint resolution by an affirmative vote of two-thirds of the  
21 membership of each house. Resolutions proposing constitutional  
22 amendments shall be treated as bills.

23           Sec. 42. EFFECTIVE DATE. This Act shall take effect immed-  
24 ately upon its passage and approval or upon its becoming law  
25 without such approval.

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