

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.  
2 The term of representatives shall be two years, and the term of  
3 senators, four years. One-half of the senators shall be elected  
4 every two years.

5 Sec. 8. IMMUNITIES. Legislators may not be held to answer  
6 before any other tribunal for any statement made in the exercise  
7 of their legislative duties while the legislature is in session.  
8 Members attending, going to, or returning from legislative  
9 sessions are not subject to civil process and are privileged from  
10 arrest except for felony or breach of the peace. The immunities  
11 herein provided shall extend also to legislators attending, going  
12 to, or returning from meetings of interim standing or special  
13 committees of the legislature of which they are members. For the  
14 purposes of going to and returning from sessions and meetings as  
15 herein specified, the immunities provided shall extend to  
16 legislators for a period of five days immediately preceding and  
17 following, respectively, their attendance at such sessions and  
18 meetings.

19 Sec. 9. REGULAR SESSIONS. The legislature shall convene at  
20 the capital each year on the fourth Monday in January at 10:00  
21 a.m. Pacific Standard Time. Each legislature shall have a duration  
22 of two years and shall consist of a "First Regular Session" which  
23 shall meet in the odd-numbered years and a "Second Regular Session"  
24 which shall meet in the even-numbered years and any special  
25 session or sessions which the governor or legislature may find  
26 necessary to call.

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

1           (1) The Governor may call the Legislature into special  
2 session by issuing a proclamation at least fifteen days in advance  
3 of the convening date stated in the proclamation. At special  
4 sessions called by the Governor, legislation shall be limited to  
5 the subjects designated by the Governor in his proclamation or to  
6 the subjects presented by him.

7           (2) The Legislature may call itself into special session if  
8 two-thirds of the membership responds in the affirmative to a poll  
9 conducted by the presiding officers of the respective houses.  
10 The presiding officers may initiate a poll by their joint agreement,  
11 and they must do so upon the request of twenty-five per cent of  
12 the membership of each house, expressed in writing and signed by  
13 such members. When two-thirds of the membership to which the legis-  
14 lature is entitled responds in the affirmative, the president of  
15 the senate and the speaker of the house shall jointly announce the  
16 result of the poll and a date for the convening of the special  
17 session. If one of the presiding officers is deceased, resigned  
18 or otherwise incapacitated, the presiding officer of the other  
19 house is authorized to conduct the poll of the members of both  
20 houses.

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

24           Sec. 12. RULES. At the beginning of the first regular  
25 session of each legislature, both houses shall adopt uniform rules  
26 of procedure for enacting bills into law and adopting resolutions.  
27 The rules in effect at the last regular session of the immediately  
28 preceding legislature may be adopted as the temporary rules of the  
29 legislature until permanent rules are adopted.

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

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

10          Sec. 15. ADJOURNMENT. Neither house may recess or adjourn  
11 for longer than three days; unless the other concurs. If the two  
12 houses cannot agree on the time for adjournment and either house  
13 certifies the disagreement to the governor, he may adjourn the  
14 legislature by issuing an executive order and transmitting  
15 official copies of same to the president or secretary of the  
16 senate and the speaker or chief clerk of the house of representa-  
17 tives.

18          Sec. 16. OFFICERS. (1) The senate shall elect from its  
19 membership a presiding officer who shall be called the "President  
20 of the Senate" and the house of representatives shall elect from  
21 its membership a presiding officer who shall be called the  
22 "Speaker of the House of Representatives." The presiding officers  
23 of each house shall have such powers, duties and prerogatives as  
24 shall be assigned them under the rules of the legislature and by  
25 law.

26          (2) Each house shall elect for the duration of a legisla-  
27 ture a chief administrative officer who shall not be a member of  
28 the legislature but who shall be qualified for the position and  
29 hired therefor on the basis of known administrative and steno-

1 graphic ability. The chief administrative officer of the senate  
2 shall be called the "Secretary", and the chief administrator of  
3 the house shall be called the "Chief Clerk". The secretary and  
4 chief clerk shall perform such duties as are assigned to them by  
5 the legislature. They shall be on duty at the capital at least  
6 three working days prior to the opening of every session and are  
7 authorized to hire one clerical assistant who shall be employed  
8 subject to final approval by the house to which they are attached.

9 (3) The legislature shall appoint a "Legislative Fiscal  
10 Officer" who shall be qualified by bookkeeping and administrative  
11 experience to take care of the fiscal and supply needs of the  
12 legislature and its agencies during and between sessions. The  
13 fiscal officer shall serve at the joint direction of the chairmen  
14 of the engrossment and enrollment committees of the house and  
15 senate and continue in office until his successor is appointed.  
16 When the legislature is not in session, the fiscal officer may  
17 serve on a part-time basis and be under the direction and super-  
18 vision of the legislative council.

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

21 Sec. 17. LEGISLATIVE EMPLOYEES. The rules of the legislature  
22 shall provide for the hiring and assignment of employees for both  
23 houses. Employees of the senate shall be under the direct super-  
24 vision of the secretary of the senate and employees of the house  
25 shall be under the immediate supervision of the chief clerk of the  
26 house. Persons employed in the central duplicating, mail-distrib-  
27 ution or clerical services pool of the legislature shall be under  
28 the general supervision of the engrossment and enrollment commit-  
29 ees of the two houses acting jointly through the legislative

1 fiscal officer.

2 All non-member officers and employees of the legislature  
3 shall serve at the convenience of the legislature subject to the  
4 rules governing their employment. All employees, excepting the  
5 chief administrative officer of each house and the legislative  
6 fiscal officer, shall serve only for the duration of a legislative  
7 session or such portion thereof as shall be determined by the  
8 legislature. Compensation and conditions of employment for legis-  
9 lative employees shall be as established by law, by resolution or  
10 by rule.

11 Sec. 18. ORGANIZATION: FIRST SESSION. On the day set for  
12 the assembling of the first regular session of a legislature, the  
13 Secretary of State, or if he is unable to serve, the Chief Justice  
14 of the Supreme Court shall call each house to order and direct the  
15 calling of roll of the house or senate districts, as appropriate,  
16 and the names of the new members who have been certified as being  
17 elected therefrom. The Secretary of State or the Chief Justice  
18 as the case may be shall then direct the administration of the  
19 oath of office to the new members. He shall then call for the  
20 nomination of a temporary president or speaker, as appropriate.  
21 Upon the election of the temporary presiding officers, the Secre-  
22 tary of State shall relinquish the chair, and each house shall  
23 proceed to its further organization.

24 Sec. 19. SAME: SECOND SESSION. On the day set for the  
25 assembling of the second regular session or any special session  
26 of the legislature, the presiding officer elected at the next  
27 prior first regular session shall administer the oath to any new  
28 members and proceed with the business of the house in accordance  
29 with the rules of the legislature. If the presiding officer be

1 absent, the secretary of the senate in the absence of the presi-  
2 dent of the senate, and the chief clerk of the house in the absence  
3 of the speaker of the house, shall call the house to order and pre-  
4 side until a new or temporary presiding officer shall have been  
5 chosen. In the absence of the secretary of the senate or chief  
6 clerk of the house, the senior member present shall assume the  
7 chair until the house elects or otherwise selects a temporary or  
8 permanent presiding officer.

9 Sec. 20. COMMITTEES. Each house shall have standing commit-  
10 tees to facilitate the transaction of business in accordance with  
11 the provisions of the rules of the legislature. Provisions may  
12 also be made in the rules for the appointment of special committees,  
13 as needed, by the presiding officer of each house. The legislature  
14 shall provide for the utilization of joint committees to facilitate  
15 and expedite business.

16 Sec. 21. LEGISLATIVE SPACE. The space occupied jointly or  
17 by each house for the transaction of legislative business shall be  
18 subject to the joint use and control of the presiding officers of  
19 each house as governed by the rules or prescribed by law. Control  
20 of and use of legislative space, exclusive of such committee rooms  
21 as are temporarily occupied during sessions, shall be the respon-  
22 sibility of the presiding officers acting jointly through the  
23 legislative council between sessions.

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

29 The presiding officer of each house shall make provision for

1 the location of a special area in the public gallery for the ex-  
2 clusive use of representatives of recognized news media who have  
3 presented their credentials to the presiding officer of each house.  
4 This provision shall be enforced by the sergeant-at-arms at the  
5 direction of the presiding officer.

6       Sec. 22. ACCESS TO LEGISLATIVE SPACE. Access to legislative  
7 chambers, offices, halls and committee rooms shall be governed by  
8 the rules of the legislature; provided, that during any regular  
9 or special session of the legislature, no person not a member or  
10 an authorized employee of the legislature may enter upon the floor  
11 of either house while that house is sitting or in recess or merely  
12 adjourned for the day, without the express invitation of or per-  
13 mission of the chair to so enter for a special purpose or for the  
14 day.

15       Sec. 23. LEGISLATIVE SUPPLIES. All legislative supplies and  
16 materials shall be ordered, purchased, distributed, stored and  
17 inventoried by the legislative fiscal officer at the direction of  
18 and subject to the approval of the engrossment and enrollment  
19 committees of each house. When the legislature is not in session,  
20 the legislative council, serving as a joint interim committee of  
21 the Legislature, shall direct the fiscal officer in matters per-  
22 taining to the procurement and control of legislative supplies  
23 and materials.

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

29       Sec. 25. DUPLICATING LEGISLATIVE DOCUMENTS AND AIDS. The  
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1 duplicating and assembly of all bills, memorials, resolutions and  
2 other materials intended primarily for the use of the legislature  
3 and its agencies shall be accomplished as a centralized operation  
4 for the expeditious handling of legislative business. When the  
5 legislature is in session the duplicating service shall operate  
6 at the joint direction of the engrossment and enrollment committee  
7 of each house. Duplicating service accomplished between sessions  
8 or in the preparation for or closing out of sessions shall be at  
9 the direction of the legislative council. The legislative dupli-  
10 cating equipment shall be used primarily to provide for the dup-  
11 licating needs of the legislature and its agencies but may, upon  
12 request of the governor and subject to the legislative priority,  
13 be used to implement the mimeograph and other duplicating equip-  
14 ment now being used by agencies of the state government.

15 Sec. 26. DISTRIBUTION OF DOCUMENTS. Documents and other  
16 materials produced during legislative sessions shall be distribut-  
17 ed to the public and the agencies of government through a central-  
18 ized distribution service which shall be operated in accordance  
19 with the rules of the legislature. Agencies of the state and  
20 federal government shall be entitled to receive without charge  
21 such documents as pertain to their functions in the amount required.  
22 The legislature may by joint resolution from time to time fix a  
23 reasonable charge, not to exceed the approximate cost thereof, for  
24 copies of legislative documents distributed to the public at large  
25 The fiscal officer is responsible for certifying and directing  
26 authorized distribution and mailing for the legislature.

27 Sec. 27. PRINTING AND DISTRIBUTION OF SESSION LAWS AND  
28 RESOLUTIONS. The following provisions shall govern the printing  
29 and distribution of session laws and resolutions in advance sheet

1 and bound form:

2 (1) No later than forty-five days prior to the sched-  
3 uled convening of any regular session of the legislature, the  
4 director of finance shall call for bids on the printing and bind-  
5 ing of the session laws of the forthcoming session according to  
6 specifications prepared by the attorney general and approved by  
7 the legislative council. The bid shall include the cost of print-  
8 ing advance sheets.

9 (2) Enrolled Bills. Whenever any bill or resolution  
10 shall have been duly passed and approved or become effective  
11 without such approval, three true copies of same shall be filed  
12 on receipt with the director of finance. Upon receipt of said  
13 bill or resolution, he shall number it in the order in which it  
14 became law, commencing with each session of the legislature. Such  
15 number shall be in Arabic numerals and shall be the chapter number  
16 of the act when published.

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

24 (4) Distribution of Advance Sheets. The director of  
25 finance shall make the official distribution of the advance sheets  
26 on the basis of one to each legislator, members of the Alaska con-  
27 gressional delegation, and state department, agency or court;  
28 four each to the governor, attorney general, chief clerk of the  
29 house, secretary of senate, and legislative council; and such other

1 distribution to state agencies as the director finds necessary to  
2 their operation. The director is authorized to assess a flat fee  
3 of \$15.00 for each complete set of advance sheets requested by  
4 other than state agencies in order to help defray the cost of  
5 printing and handling.

6 (5) Bound Session Laws. When all acts of any session  
7 have been published in advance sheet or temporary form, the  
8 director of finance shall, with the concurrence of the attorney  
9 general and the executive director of the legislative council, em-  
10 ploy a competent person to index such acts or laws. Within ninety  
11 days after the close of the legislative session he shall have  
12 them published and properly bound according to the bid and spec-  
13 ifications for printing of same, including such headings, indices,  
14 title page, rosters, memorials and resolutions, and other mater-  
15 ials deemed proper.

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

28 (7) Unauthorized Printing and Publication for Sale. It  
29 shall be unlawful for any person to print and publish for sale the  
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1 lature.

2       Sec. 30. SUBJECT OF BILLS. The subject of each bill shall  
3 be expressed in its title and every bill shall be confined to one  
4 subject unless it is an appropriation bill or one codifying, re-  
5 vising or rearranging existing laws. The limitation as to one  
6 subject shall be liberally construed so as to permit the subject  
7 to include all matters which reasonably can be considered germane  
8 thereto in accomplishing the legal objective of the bill.

9       Sec. 31. APPROPRIATION BILLS: SUBJECT. Bills for appropria-  
10 tions shall be confined to appropriations and shall include the  
11 amount or amounts involved, the purpose, method, manner and other  
12 related conditions of payment.

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

16       Sec. 33. PRE-FILING OF BILLS. Any member of the legislature  
17 whose term extends into a forthcoming session or legislature, or  
18 any member-elect, is authorized to file a bill or a proposal for a  
19 bill with the legislative council at anytime within sixty days  
20 prior to the convening of any regular session. The legislative  
21 council is authorized to place a pre-filed bill in proper form,  
22 assign it a number for introduction in the appropriate house, and  
23 deliver same to the chief clerk of that house on the day which the  
24 next session convenes. Pre-filed bills shall be considered as in-  
25 troduced on the day of their delivery to each house.

26       Sec. 34. INTRODUCTION OF BILLS. Any member of the legisla-  
27 ture or any committee chairman or his representative on behalf of  
28 a committee of the legislature, may introduce a bill. A bill  
29 shall be prepared for introduction in the manner and form specified

1 in the uniform rules and the style manual of the legislature.

2       Sec. 35. NUMBERING OF BILLS. All bills, excepting those  
3 pre-filed and numbered as provided herein above, shall be number-  
4 ed by the chief clerk of the house in which introduced in the  
5 order of their introduction and thereafter shall be designated by  
6 the number given them.

7       Sec. 36. READINGS. No bill may become law unless it has  
8 passed three readings in each house on three separate days, ex-  
9 cept that any bill may be advanced from second to third reading  
10 on the same day by concurrence of three-fourths of the house  
11 considering it.

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

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

21       Sec. 39. EFFECTIVE DATE OF LAWS. All laws passed by the  
22 legislature become effective ninety days after enactment. The  
23 legislature may, by concurrence of two-thirds of the membership of  
24 each house, provide for another effective date.

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

29       Sec. 41. CONSTITUTIONAL AMENDMENTS. The legislature may

1 propose amendments to the state constitution through the adoption  
2 of a joint resolution by an affirmative vote of two-thirds of the  
3 membership of each house. Resolutions proposing constitutional  
4 amendments shall be treated as bills.

5 Sec. 42. REPEAL. Chapters 1, 2, 3, 5 and 6 of Title 4,  
6 ACLIA 1949, as amended, are hereby repealed.

7 Sec. 43. EFFECTIVE DATE. This Act shall take effect immed-  
8 iately upon its passage and approval or upon its becoming law  
9 without such approval.

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