

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, except for a
9 portion of 4-2-1, ACLA 1949, dealing with
10 seizure of gambling implements, 3, 5 and 6
11 of Title 4, ACLA 1949, as amended; and pro-
12 viding for an effective date."

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

14 PART I POWERS, ORGANIZATION AND OPERATION

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

20 Sec. 2. COMPOSITION. The legislature shall be composed of
21 two houses: a senate consisting of twenty members and a house of
22 representatives consisting of forty members.

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

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

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

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

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1 with the concurrence of two-thirds of its members.

2 Sec. 7. TERMS. The terms of members of the legislature shall
3 begin on the fourth Monday in January following election. The term
4 of representatives shall be two years, and the term of senators,
5 four years. One-half of the senators shall be elected every two
6 years.

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

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

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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

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 committees
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

1 statutes of any session in book form within two years after the
2 adjournment of such session, other than those ordered printed by
3 the director of finance of Alaska; provided, the printing and
4 publication restrictions provided by this section shall not apply
5 to any authorized general compilation or to any revision of spec-
6 ial law or laws of the state on a special subject.

7 Sec. 28. APPROPRIATIONS FOR EXPENSES. Monies for the oper-
8 ation of the legislative process shall be appropriated by the
9 passage and approval of the necessary bill or bills for that pur-
10 pose during any regular or special session. The legislature is
11 authorized to establish an interim contingent expense fund to
12 cover the necessary expenses of the legislature in closing out or
13 preparing for any session and such other special interim expend-
14 itures as may be authorized by the president of the senate or the
15 speaker of the house of representatives through the Legislative
16 Audit Committee or the Legislative Council; provided, that such
17 special interim contingent expense fund shall not exceed ten
18 thousand dollars (\$10,000.00).

19 All expenditures from appropriations or special funds for
20 legislative operating expenses shall be certified to by the legis-
21 lative fiscal officer.

22 PART II PROCEDURE

23 Sec. 29. PROCEDURE: GENERAL. The procedure for handling
24 bills from the time of their pre-filing or introduction until they
25 become law shall be as established in the following sections sub-
26 ject to such implementing rules as may be adopted by the legisla-
27 ture not inconsistent with the constitution or the laws made in
28 pursuance thereof. Resolutions and memorials shall be handled in
29 accordance with the provisions of the uniform rules of the legis-

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, except the clause beginning
6 with the word "all" in line 29 of Section 4-2-1, ACLA 1949, and
7 ending with the semi-colon on line 31 thereof 3, 5 and 6 of Title
8 4, ACLA 1949, as amended, are hereby repealed.

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

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