

Introduced: 6/15/72
Referred: Made Special Order
of Business

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 HOUSE CONCURRENT RESOLUTION NO. 69

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 Requesting a Legislative Council
6 study of legislative procedure.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS under the Alaska Constitution, art II, sec. 12, "the houses
9 of each legislature shall adopt uniform rules of procedure" and in the
10 parliamentary tradition common to the legislative bodies in the United
11 States, each legislative body is the judge of its own procedure; and

12 WHEREAS during the course of the Seventh Legislature, Second Session,
13 the Senate and House of Representatives have been faced with serious ques-
14 tions of legislative procedure as it pertains to the vote, in a measure's
15 house of origin, required for concurrence in amendments made in the other
16 house and to the adoption of conference committee reports; and

17 WHEREAS two contrasting interpretations of the relevant provisions of
18 the Alaska Constitution, the Uniform Rules of the Alaska Legislature,
19 Mason's Manual of Legislative Procedure, and significant court decisions
20 in this area were provided the legislature in a memorandum from the Execu-
21 tive Director of the Legislative Affairs Agency to the Chairman of the
22 House Rules Committee, June 8, 1972, and a comment on that memorandum
23 by Representative Mike Rose in a letter to the Speaker of the House, June
24 10, 1972; and

25 WHEREAS it is in the best interest of the legislature to maintain
26 sound legislative procedure consistent with the provisions of the Alaska
27 Constitution and to avoid potential litigation that might arise out of failure
28 to enact legislation in accordance with the state constitution;

29 BE IT RESOLVED by the Legislature of the State of Alaska that the

1 Legislative Council is requested to conduct a study of legislative procedure
2 used in adopting conference committee reports and concurring in amendments
3 offered by the house other than the house of a measure's origin, focusing
4 on the following issues:

5 (1) What constitutes "final passage" of a bill?

6 (2) What vote is required to adopt a conference committee report
7 or concur in amendments: a majority of the membership of each house, or
8 a majority of the members of each house present and voting?

9 (3) Must the vote on a conference committee report or concur-
10 rence in amendment be by a roll call vote of the "yeas" and "nays"
11 recorded in the journal in each house, or may the vote be by voice?; and
12 be it

13 FURTHER RESOLVED that the Legislative Council is referred to the
14 Elliott memorandum and Rose letter mentioned above, with the request
15 that these documents be incorporated into, and be examined during the
16 course of, the study; and be it

17 FURTHER RESOLVED that the Legislative Council is requested to report
18 its findings and recommendations to the legislature not later than the
19 10th legislative day of the Eighth Legislature, First Session.
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