

Original sponsors: Bradley and Malone

Offered: 6/9/78
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 7

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 Proposing amendments to the Constitution
6 of the State of Alaska relating to the
7 legislature.

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

9 * Section 1. Article II, secs. 1, 2, 3, 8, 12, 14, 16, 18 and 20, Consti-
10 tution of the State of Alaska are amended to read:

11 SECTION 1. LEGISLATIVE POWER; MEMBERSHIP. The legislative power
12 of the State is vested in a legislature [CONSISTING OF A SENATE WITH A
13 MEMBERSHIP OF TWENTY AND A HOUSE OF REPRESENTATIVES] with a membership
14 of sixty-one senators [FORTY].

15 SECTION 2. MEMBERS' QUALIFICATIONS. A member of the legislature
16 shall be a qualified voter who has been a resident of Alaska for at
17 least three years and of the district from which elected for at least
18 one year, immediately preceding his filing for office. A senator shall
19 be at least [TWENTY-FIVE YEARS OF AGE AND A REPRESENTATIVE AT LEAST]
20 twenty-one years of age.

21 SECTION 3. ELECTION AND TERMS. Senators [LEGISLATORS] shall be
22 elected at general elections. Their terms begin on the third [FOURTH]
23 Monday of the January following election unless otherwise provided by
24 law. The [TERM OF REPRESENTATIVES SHALL BE TWO YEARS, AND THE] term of
25 senators shall be [,] four years. Thirty-one [ONE-HALF] of the senators
26 shall be elected in the presidential election year and thirty in the
27 gubernatorial election year [EVERY TWO YEARS].

28 SECTION 8. REGULAR SESSIONS. The legislature shall convene each
29 year on the fourth Monday in January, but the month and day may be

1 changed by law. Regular sessions are limited to one hundred and twenty
2 consecutive calendar days, but a regular session may be extended in
3 ten-day increments by vote of a majority of the senators.

4 SECTION 12. RULES. The [HOUSES OF EACH] legislature shall adopt
5 [UNIFORM] rules of procedure. The legislature [EACH HOUSE] may choose
6 its officers and employees. The legislature [EACH] is the judge of the
7 election and qualifications of its members and may expel a member with
8 the concurrence of two-thirds of its members. The legislature [EACH]
9 shall keep a journal of its proceedings. A majority of the membership
10 of the legislature [EACH HOUSE] constitutes a quorum to do business, but
11 a smaller number may adjourn from day to day and may compel attendance
12 of absent members. The legislature shall regulate lobbying.

13 SECTION 14. PASSAGE OF BILLS. (a) The legislature shall estab-
14 lish the procedure for enactment of bills into law. No bill may become
15 law unless it has passed three readings [IN EACH HOUSE] on three
16 separate days, except that any bill may be advanced from second to third
17 reading on the same day by concurrence of three-fourths of the
18 membership [HOUSE CONSIDERING IT]. No bill may become law without an
19 affirmative vote of a majority of the membership of the legislature
20 [EACH HOUSE]. The yeas and nays on final passage shall be entered in
21 the journal.

22 (b) No vote on final passage of a bill may be taken until five
23 legislative days after its introduction and until at least one legis-
24 lative day after the date publicly announced for it to appear on the
25 daily calendar. However, in the case of an urgency bill necessary for
26 the immediate preservation of the public peace, health, or safety,
27 three-fourths of the membership may dispense with this requirement. A
28 statement of facts constituting the necessity shall be set out in one
29 section of the bill, and the section and the bill shall be passed

1 separately, each by the concurrence of two-thirds of the membership. An
2 urgency bill may not create or abolish any office, change the salary,
3 term, or duties of an office, grant a franchise or special privilege,
4 create a vested right or interest, or levy a tax.

5 SECTION 15. VETO. The governor may veto bills passed by the
6 legislature. He may, by veto, strike or reduce items in appropriation
7 bills. He shall return any vetoed bill, with a statement of his objec-
8 tions, to the legislature [HOUSE OF ORIGIN].

9 SECTION 16. ACTION UPON VETO. Upon receipt of a veto message
10 during a regular session of the legislature, the legislature shall meet
11 immediately [IN JOINT SESSION] and reconsider passage of the vetoed bill
12 or item. Bills to raise revenue and appropriation bills or items,
13 although vetoed, become law by affirmative vote of three-fourths of the
14 membership of the legislature. Other vetoed bills become law by affir-
15 mative vote of two-thirds of the membership of the legislature. Bills
16 vetoed after adjournment of the first regular session of the legislature
17 shall be reconsidered by the legislature [SITTING AS ONE BODY] no later
18 than the fifth day of the next regular or special session of that legis-
19 lature. Bills vetoed after adjournment of the second regular session
20 shall be reconsidered by the legislature [SITTING AS ONE BODY] no later
21 than the fifth day of a special session of that legislature, if one is
22 called. The vote on reconsideration of a vetoed bill shall be entered
23 in [ON] the journal [JOURNALS] of the legislature [BOTH HOUSES].

24 SECTION 18. EFFECTIVE DATE. Laws passed by the legislature become
25 effective ninety days after enactment. The legislature may, by con-
26 currence of two-thirds of the membership [OF EACH HOUSE], provide for
27 another effective date.

28 SECTION 20. IMPEACHMENT. All civil officers of the State are
29 subject to impeachment by the legislature. Impeachment [SHALL ORIGINATE

1 IN THE SENATE AND] must be approved by a majority [TWO-THIRDS] vote of
2 its members. The resolution [MOTION] for impeachment shall list fully
3 the basis for the proceeding. Trial on impeachment shall be conducted
4 by the legislature [HOUSE OF REPRESENTATIVES]. A supreme court justice
5 designated by the court shall preside at the trial. Concurrence of
6 three-fourths [TWO-THIRDS] of the members of the legislature [HOUSE] is
7 required for a judgment of impeachment. The judgment may not extend
8 beyond removal from office, but shall not prevent proceedings in the
9 courts on the same or related charges.

10 * Sec. 2. Article VI, Constitution of the State of Alaska, is repealed
11 and re-adopted to read:

12 ARTICLE VI. LEGISLATIVE DISTRICTING.

13 SECTION 1. LEGISLATIVE DISTRICTS. (a) Members of the legislature
14 shall be elected by the qualified voters in the legislative districts
15 established in the manner provided in this article.

16 (b) Legislative districts shall consist of compact, contiguous
17 territory. Each senator shall represent, as nearly as possible, an
18 equal number of persons. The number of persons represented by each
19 senator is determined by dividing the total membership of the legisla-
20 ture into the total population of the State. The basis for legislative
21 redistricting shall be the total population of the State as reported in
22 the most recent decennial federal census. If the redistricting is
23 pursuant to a court order, the total population of the State as deter-
24 mined by the most recent decennial federal census, or, if the census is
25 five years old or older, then other reliable population data, including
26 but not limited to population estimates based on public school enroll-
27 ments, public utility connections, registered voters or certified
28 employment payrolls, shall be used as the basis for the legislative
29 redistricting.

1 (c) To the extent the requirements of equality in terms of popu-
2 lation permit, each legislative district shall contain, as nearly as
3 practicable, a relatively integrated socio-economic area. In the forma-
4 tion of legislative districts, consideration shall be given to local
5 government boundaries. Whenever possible, drainage basins and other
6 identifiable geographic features shall be used in describing legislative
7 district boundaries.

8 SECTION 2. REDISTRICTING. (a) The governor shall redistrict the
9 legislature in the manner prescribed by this article immediately fol-
10 lowing the official reporting of the decennial federal census, or
11 immediately following a court order to redistrict.

12 (b) The term of office of a member of the legislature is not
13 affected by a change in the boundaries of the district from which he was
14 elected.

15 SECTION 3. REDISTRICTING ADVISORY BOARD. (a) The governor shall
16 appoint a redistricting board to act in an advisory capacity to him. It
17 shall consist of five members, none of whom may be public employees or
18 officials. At least one member each shall be appointed from the South-
19 eastern, Southcentral, Central, and Western or Northwestern regions of
20 the State. Appointments shall be made without regard to political
21 affiliation; however, the board membership shall include at least one
22 member of each political party which nominated a candidate for governor
23 who received at least ten per cent of the total vote cast at the pre-
24 ceding general election for governor.

25 (b) Board members shall be compensated.

26 (c) The board shall elect one of its members chairman and may
27 employ a temporary staff. Concurrence of three members is required for
28 a ruling or determination, but a lesser number may conduct hearings or
29 otherwise act for the board.

1 SECTION 4. REDISTRICTING PLAN; PROCLAMATION. Within ninety days
2 following the official reporting of the decennial federal census, the
3 board shall submit to the governor a plan for redistricting as provided
4 in this article and shall make the plan public. Within ninety days
5 after receipt of the plan, the governor shall issue a proclamation of
6 redistricting. An accompanying statement shall explain any change from
7 the plan submitted to him by the board. The redistricting shall be
8 effective for the election of members of the legislature until after the
9 official reporting of the next decennial census.

10 SECTION 5. ENFORCEMENT; JUDICIAL REVIEW, CORRECTION. A qualified
11 voter may apply to the supreme court to compel the governor to perform
12 his redistricting duties, to review the redistricting plan, or to
13 correct an error in redistricting. Application to compel the governor
14 to perform his redistricting duties must be filed within thirty days of
15 the expiration of either of the two ninety-day periods specified in
16 Section 4 of this article. Application to review the redistricting plan
17 or to compel its correction must be filed within thirty days following
18 the proclamation. Original jurisdiction in these matters is vested in
19 the supreme court, and the cause may be reviewed by the supreme court
20 upon the law and the facts.

21 * Sec. 3. Article II, sec. 10, and art. XIV, Constitution of the State of
22 Alaska, are repealed.

23 * Sec. 4. The amendments proposed by this resolution shall be placed
24 before the voters of the state at the next general election in conformity
25 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election
26 laws of the state.

27 * Sec. 5. If the amendments proposed by this resolution are ratified by a
28 majority of qualified voters voting on the resolution, the following pro-
29 visions shall be followed in the transition from a bicameral to a unicameral

1 legislature:

2 (1) the holdover members of the senate and those members of the
3 senate and house of representatives elected to the Eleventh Alaska Legisla-
4 ture shall sit as a bicameral legislature during the first session, but shall
5 sit as a unicameral legislature consisting of 60 members during the second
6 session;

7 (2) at the first session of the Eleventh Alaska Legislature, the
8 legislature shall make the necessary preparation for sitting as a unicameral
9 legislature during the second session;

10 (3) no later than July 1, 1979, the governor shall redistrict the
11 legislature in accordance with art. VI, Constitution of the State of Alaska,
12 as amended by this resolution, to provide for a unicameral legislature con-
13 sisting of 61 members; the total population of the state as determined by the
14 most recent decennial federal census, or, if the census is five years old or
15 older, then other reliable population data, including but not limited to
16 population estimates based on public school enrollments, public utility
17 connections, registered voters or certified employment payrolls, shall be
18 used as the basis for the legislative redistricting;

19 (4) at the 1980 general election, 31 members of the legislature
20 shall be elected to four-year terms, and 20 members shall be elected to
21 two-year terms, set by the governor in the redistricting plan provided for by
22 (3) of this section; the ten members of the senate elected to four-year terms
23 in 1978 shall hold over as members of the Twelfth Alaska Legislature until
24 the expiration of their terms in 1982.

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