

CS FOR HOUSE JOINT RESOLUTION NO. 80 (JUDICIARY)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/6/92

Referred: Finance

Sponsor(s): REPRESENTATIVES NAVARRE, Koponen

A RESOLUTION

**1 Proposing amendments to the Constitution of the State of Alaska establishing a unicameral
2 legislature; and providing for an effective date to the amendment.**

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

4 * Section 1. Article II, sec. 1, Constitution of the State of Alaska, is amended to read:

**5 SECTION 1. LEGISLATIVE POWER; MEMBERSHIP. The legislative power of the
6 State is vested in a legislature [CONSISTING OF A SENATE WITH A MEMBERSHIP OF
7 TWENTY AND A HOUSE OF REPRESENTATIVES] with a membership of fifty [FORTY].**

8 * Sec. 2. Article II, sec. 2, Constitution of the State of Alaska, is amended to read:

**9 SECTION 2. MEMBERS' QUALIFICATIONS. A member of the legislature shall be
10 a qualified voter who has been a resident of Alaska for at least three years and of the district
11 from which elected for at least one year, immediately preceding [HIS] filing for office. A
12 legislator [SENATOR] shall be at least [TWENTY-FIVE YEARS OF AGE AND A
13 REPRESENTATIVE AT LEAST] twenty-one years of age.**

14 * Sec. 3. Article II, sec. 3, Constitution of the State of Alaska, is amended to read:

**15 SECTION 3. ELECTION AND TERMS. Legislators shall be elected at general
16 elections. Their terms begin on the fourth Monday of the January following election unless**

1 otherwise provided by law. The term of a legislator [REPRESENTATIVES] shall be [TWO
2 YEARS, AND THE TERM OF SENATORS,] four years. One-half of the legislators
3 [SENATORS] shall be elected every two years.

4 * **Sec. 4.** Article II, sec. 7, Constitution of the State of Alaska, is amended to read:

5 SECTION 7. SALARY AND EXPENSES. Legislators shall receive annual salaries.
6 They may receive a per diem allowance for expenses while in session and are entitled to travel
7 expenses going to and from sessions. The presiding officer [PRESIDING OFFICERS] may
8 receive additional compensation.

9 * **Sec. 5.** Article II, sec. 8, Constitution of the State of Alaska, is amended to read:

10 SECTION 8. REGULAR SESSIONS. The legislature shall convene in regular session
11 each year on the fourth Monday in January, but the month and day may be changed by law. The
12 legislature shall adjourn from regular session no later than one hundred twenty consecutive
13 calendar days from the date it convenes except that a regular session may be extended once for
14 up to ten consecutive calendar days. An extension of the regular session requires the affirmative
15 vote of at least two-thirds of the membership [OF EACH HOUSE] of the legislature. The
16 legislature shall adopt as part of the uniform rules of procedure deadlines for scheduling session
17 work not inconsistent with provisions controlling the length of the session.

18 * **Sec. 6.** Article II, sec. 12, Constitution of the State of Alaska, is amended to read:

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

26 * **Sec. 7.** Article II, sec. 14, Constitution of the State of Alaska, is amended to read:

27 SECTION 14. PASSAGE OF BILLS. The legislature shall establish the procedure for
28 enactment of bills into law. No bill may become law unless it has passed three readings [IN
29 EACH HOUSE] on three separate days, except that any bill may be advanced from second to
30 third reading on the same day by concurrence of three-fourths of the membership [HOUSE
31 CONSIDERING IT]. No bill may become law without an affirmative vote of a majority of the
32 membership [OF EACH HOUSE]. The yeas and nays on final passage shall be entered in the

1 journal.

2 * Sec. 8. Article II, sec. 15, Constitution of the State of Alaska, is amended to read:

3 SECTION 15. VETO. The governor may veto bills passed by the legislature. The
4 governor [HE] may, by veto, strike or reduce items in appropriation bills. The governor [HE]
5 shall return any vetoed bill, with a statement of [HIS] objections, to the legislature [HOUSE OF
6 ORIGIN].

7 * Sec. 9. Article II, sec. 16, Constitution of the State of Alaska, is amended to read:

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

20 * Sec. 10. Article II, sec. 18, Constitution of the State of Alaska, is amended to read:

21 SECTION 18. EFFECTIVE DATE. Laws passed by the legislature become effective
22 ninety days after enactment. The legislature may, by concurrence of two-thirds of its [THE]
23 membership [OF EACH HOUSE], provide for another effective date.

24 * Sec. 11. Article II, sec. 20, Constitution of the State of Alaska, is amended to read:

25 SECTION 20. IMPEACHMENT. All civil officers of the State are subject to
26 impeachment by the legislature. Impeachment [SHALL ORIGINATE IN THE SENATE AND]
27 must be approved by a two-thirds vote of its members. The resolution [MOTION] for
28 impeachment shall list fully the basis for the proceeding. Trial on impeachment shall be
29 conducted by the legislature [HOUSE OF REPRESENTATIVES]. A supreme court justice
30 designated by the court shall preside at the trial. Concurrence of two-thirds of the members of
31 the legislature [HOUSE] is required for a judgment of impeachment. The judgment may not
32 extend beyond removal from office, but shall not prevent proceedings in the courts on the same

1 or related charges.

2 * **Sec. 12.** Article III, sec. 17, Constitution of the State of Alaska, is amended to read:

3 SECTION 17. CONVENING LEGISLATURE. Whenever the governor considers it in
4 the public interest, the governor [HE] may convene the legislature [, EITHER HOUSE, OR THE
5 TWO HOUSES] in [JOINT] session.

6 * **Sec. 13.** Article III, sec. 19, Constitution of the State of Alaska, is amended to read:

7 SECTION 19. MILITARY AUTHORITY. The governor is commander-in-chief of the
8 armed forces of the State. The governor [HE] may call out these forces to execute the laws,
9 suppress or prevent insurrection or lawless violence, or repel invasion. The governor, as provided
10 by law, shall appoint all general and flag officers of the armed forces of the State, subject to
11 confirmation by a majority of the members of the legislature [IN JOINT SESSION]. The
12 governor [HE] shall appoint and commission all other officers.

13 * **Sec. 14.** Article III, sec. 20, Constitution of the State of Alaska, is amended to read:

14 SECTION 20. MARTIAL LAW. The governor may proclaim martial law when the
15 public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall
16 not continue for longer than twenty days without the approval of a majority of the members of
17 the legislature [IN JOINT SESSION].

18 * **Sec. 15.** Article III, sec. 23, Constitution of the State of Alaska, is amended to read:

19 SECTION 23. REORGANIZATION. The governor may make changes in the
20 organization of the executive branch or in the assignment of functions among its units which the
21 governor [HE] considers necessary for efficient administration. Where these changes require the
22 force of law, they shall be set forth in executive orders. The legislature shall have sixty days of
23 a regular session, or a full session if of shorter duration, to disapprove these executive orders.
24 Unless disapproved by resolution concurred in by a majority of the members [IN JOINT
25 SESSION], these orders become effective at a date thereafter to be designated by the governor.

26 * **Sec. 16.** Article III, sec. 25, Constitution of the State of Alaska, is amended to read:

27 SECTION 25. DEPARTMENT HEADS. The head of each principal department shall
28 be a single executive unless otherwise provided by law. The head of each principal
29 department [HE] shall be appointed by the governor, subject to confirmation by a majority of
30 the members of the legislature [IN JOINT SESSION], and shall serve at the pleasure of the
31 governor, except as otherwise provided in this article with respect to the lieutenant governor
32 [SECRETARY OF STATE]. The heads of all principal departments shall be citizens of the

1 United States.

2 * Sec. 17. Article III, sec. 26, Constitution of the State of Alaska, is amended to read:

3 SECTION 26. BOARDS AND COMMISSIONS. When a board or commission is at the
4 head of a principal department or a regulatory or quasi-judicial agency, its members shall be
5 appointed by the governor, subject to confirmation by a majority of the members of the
6 legislature [IN JOINT SESSION], and may be removed as provided by law. They shall be
7 citizens of the United States. The board or commission may appoint a principal executive officer
8 when authorized by law, but the appointment shall be subject to the approval of the governor.

9 * Sec. 18. Article IV, sec. 10, Constitution of the State of Alaska, is amended to read:

10 SECTION 10. COMMISSION ON JUDICIAL CONDUCT. The Commission on Judicial
11 Conduct shall consist of nine members, as follows: three persons who are justices or judges of
12 state courts, elected by the justices and judges of state courts; three members who have practiced
13 law in this state for ten years, appointed by the governor from nominations made by the
14 governing body of the organized bar and subject to confirmation by a majority of the members
15 of the legislature [IN JOINT SESSION]; and three persons who are not judges, retired judges,
16 or members of the state bar, appointed by the governor and subject to confirmation by a majority
17 of the members of the legislature [IN JOINT SESSION]. In addition to being subject to
18 impeachment under Section 12 of this article, a justice or judge may be disqualified from acting
19 as such and may be suspended, removed from office, retired, or censured by the supreme court
20 upon the recommendation of the commission. The powers and duties of the commission and the
21 bases for judicial disqualification shall be established by law.

22 * Sec. 19. Article IV, sec. 15, Constitution of the State of Alaska, is amended to read:

23 SECTION 15. RULE-MAKING POWER. The supreme court shall make and
24 promulgate rules governing the administration of all courts. It shall make and promulgate rules
25 governing practice and procedure in civil and criminal cases in all courts. These rules may be
26 changed by the legislature by two-thirds vote of the members [ELECTED TO EACH HOUSE].

27 * Sec. 20. Article VI, sec. 1, Constitution of the State of Alaska, is amended to read:

28 SECTION 1. ELECTION DISTRICTS. Members of the legislature [HOUSE OF
29 REPRESENTATIVES] shall be elected by the qualified voters of the respective election districts.
30 The boundaries of the election districts shall be set by the governor after each decennial
31 census of the United States [UNTIL REAPPORTIONMENT, ELECTION DISTRICTS AND
32 THE NUMBER OF REPRESENTATIVES TO BE ELECTED FROM EACH DISTRICT SHALL

1 United States.

2 * Sec. 17. Article III, sec. 26, Constitution of the State of Alaska, is amended to read:

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4 head of a principal department or a regulatory or quasi-judicial agency, its members shall be
5 appointed by the governor, subject to confirmation by a majority of the members of the
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7 citizens of the United States. The board or commission may appoint a principal executive officer
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13 law in this state for ten years, appointed by the governor from nominations made by the
14 governing body of the organized bar and subject to confirmation by a majority of the members
15 of the legislature [IN JOINT SESSION]; and three persons who are not judges, retired judges,
16 or members of the state bar, appointed by the governor and subject to confirmation by a majority
17 of the members of the legislature [IN JOINT SESSION]. In addition to being subject to
18 impeachment under Section 12 of this article, a justice or judge may be disqualified from acting
19 as such and may be suspended, removed from office, retired, or censured by the supreme court
20 upon the recommendation of the commission. The powers and duties of the commission and the
21 bases for judicial disqualification shall be established by law.

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24 promulgate rules governing the administration of all courts. It shall make and promulgate rules
25 governing practice and procedure in civil and criminal cases in all courts. These rules may be
26 changed by the legislature by two-thirds vote of the members [ELECTED TO EACH HOUSE].

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29 REPRESENTATIVES] shall be elected by the qualified voters of the respective election districts.
30 The boundaries of the election districts shall be set by the governor after each decennial
31 census of the United States [UNTIL REAPPORTIONMENT, ELECTION DISTRICTS AND
32 THE NUMBER OF REPRESENTATIVES TO BE ELECTED FROM EACH DISTRICT SHALL

1 BE AS SET FORTH IN SECTION 1 OF ARTICLE XIV].

2 * **Sec. 21.** Article VI, sec. 3, Constitution of the State of Alaska, is amended to read:

3 SECTION 3. REAPPORTIONMENT OF LEGISLATURE [HOUSE]. The governor
4 shall reapportion the legislature [HOUSE OF REPRESENTATIVES] immediately following the
5 official reporting of each decennial census of the United States. Reapportionment shall be based
6 upon civilian population within each election district as reported by the census.

7 * **Sec. 22.** Article VI, sec. 4, Constitution of the State of Alaska, is amended to read:

8 SECTION 4. METHOD. Reapportionment shall be by the method of equal proportions,
9 except that each election district having the major fraction of the quotient obtained by dividing
10 total civilian population by fifty [FORTY] shall have one legislator [REPRESENTATIVE].

11 * **Sec. 23.** Article VI, sec. 6, Constitution of the State of Alaska, is amended to read:

12 SECTION 6. REDISTRICTING. The governor may further redistrict by changing the
13 size and area of election districts, subject to the limitations of this article. Each new district so
14 created shall be formed of contiguous and compact territory containing as nearly as practicable
15 a relatively integrated socio-economic area. Each shall contain a population at least equal to the
16 quotient obtained by dividing the total civilian population by fifty [FORTY]. Consideration may
17 be given to local government boundaries. Drainage and other geographic features shall be used
18 in describing boundaries wherever possible.

19 * **Sec. 24.** Article VI, sec. 8, Constitution of the State of Alaska is amended to read:

20 SECTION 8. REAPPORTIONMENT BOARD. The governor shall appoint a
21 reapportionment board to act in an advisory capacity [TO HIM]. It shall consist of five
22 members, none of whom may be public employees or officials. At least one member each shall
23 be appointed from the Southeastern, Southcentral, Central, and Northwestern areas of the state
24 [SENATE DISTRICTS]. Appointments shall be made without regard to political affiliation.
25 Board members shall be compensated.

26 * **Sec. 25.** Article VII, sec. 3, Constitution of the State of Alaska, is amended to read:

27 SECTION 3. BOARD OF REGENTS OF UNIVERSITY. The University of Alaska shall
28 be governed by a board of regents. The regents shall be appointed by the governor, subject to
29 confirmation by a majority of the members of the legislature [IN JOINT SESSION]. The board
30 shall, in accordance with law, formulate policy and appoint the president of the university. The
31 president [HE] shall be the executive officer of the board.

32 * **Sec. 26.** Article IX, sec. 17(c), Constitution of the State of Alaska, is amended to read:

1 (c) An appropriation from the budget reserve fund may be made for any public purpose
2 upon affirmative vote of three-fourths of the members [OF EACH HOUSE] of the legislature.

3 * Sec. 27. Article X, sec. 12, Constitution of the State of Alaska, is amended to read:

4 SECTION 12. BOUNDARIES. A local boundary commission or board shall be
5 established by law in the executive branch of the state government. The commission or board
6 may consider any proposed local government boundary change. It may present proposed changes
7 to the legislature during the first ten days of any regular session. The change shall become
8 effective forty-five days after presentation or at the end of the session, whichever is earlier,
9 unless disapproved by a resolution concurred in by a majority of the members of the legislature
10 [EACH HOUSE]. The commission or board, subject to law, may establish procedures whereby
11 boundaries may be adjusted by local action.

12 * Sec. 28. Article XIII, sec. 1, Constitution of the State of Alaska, is amended to read:

13 SECTION 1. AMENDMENTS. Amendments to this constitution may be proposed by
14 a two-thirds vote [OF EACH HOUSE] of the membership of the legislature. The lieutenant
15 governor shall prepare a ballot title and proposition summarizing each proposed amendment, and
16 shall place them on the ballot for the next general election. If a majority of the votes cast on the
17 proposition favor the amendment, it shall be adopted. Unless otherwise provided in the
18 amendment, it becomes effective thirty days after the certification of the election returns by the
19 lieutenant governor.

20 * Sec. 29. Article XV, Constitution of the State of Alaska, is amended by adding a new section to
21 read:

22 SECTION 29. TRANSITION TO UNICAMERAL LEGISLATURE. (a) The following
23 provisions shall be followed in the transition from a bicameral to a unicameral legislature
24 provided for under the 1992 amendments:

25 (1) the holdover members of the senate and those members of the senate and
26 house of representatives elected to the Eighteenth Alaska State Legislature shall sit as a bicameral
27 legislature during the first session, but shall sit as a unicameral legislature consisting of sixty
28 members during the second session;

29 (2) at the first session of the Eighteenth Alaska State Legislature, the legislature
30 shall make the necessary preparation for sitting as a unicameral legislature during the second
31 session;

32 (3) no later than March 15, 1994, the governor shall redistrict the legislature in

1 accordance with Article VI, Constitution of the State of Alaska, to provide for a unicameral
2 legislature consisting of fifty members based upon the total population of the State as determined
3 by the most recent decennial federal census;

4 (4) at the 1994 general election, twenty five members of the legislature shall be
5 elected to four-year terms, and twenty-five members shall be elected to two-year terms, set by
6 the governor in the redistricting plan under (3) of this section;

7 (5) a member of the senate elected to a four-year term in 1992 may not serve as
8 a member of the Nineteenth Alaska State Legislature unless the member is elected at the 1994
9 general election to serve in the unicameral legislature.

10 (b) Notwithstanding Article XIII, sec. 1, if the voters approve more than one amendment
11 to the same section of the constitution in 1992, the revisor of statutes shall adopt language that
12 reconciles the amendments so as to preserve the substance of each to the greatest extent possible.

13 The language adopted by the revisor under this subsection shall constitute the amended language
14 of that section.

15 * Sec. 30. Article II, sec. 10, article VI, secs. 2, 5, and 7, and article XIV, Constitution of the State
16 of Alaska, are repealed.

17 * Sec. 31. Section 29 of this resolution takes effect January 1, 1993.

18 * Sec. 32. Sections 1 - 28 and sec. 30 of this resolution take effect January 1, 1994.

19 * Sec. 33. The amendments proposed by this resolution shall be placed before the voters of the state
20 at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and
21 the election laws of the state.