

HOUSE JOINT RESOLUTION NO. 53

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GREEN, Navarre, Brown, Bunde, Mulder, Hudson, Sitton

Introduced: 2/4/94

Referred: State Affairs, Judiciary, Finance

A RESOLUTION

1 Proposing amendments to the Constitution of the State of Alaska relating to the
2 length of a regular session and establishing a unicameral legislature; and
3 providing for an effective date for each amendment.

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

6 SECTION 1. LEGISLATIVE POWER; MEMBERSHIP. The legislative power
7 of the State is vested in a legislature consisting of a senate [WITH A MEMBERSHIP
8 OF TWENTY AND A HOUSE OF REPRESENTATIVES] with a membership of
9 forty-nine [FORTY].

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

11 SECTION 2. MEMBERS' QUALIFICATIONS. A senator [MEMBER OF
12 THE LEGISLATURE] shall be a qualified voter who has been a resident of Alaska
13 for at least three years and of the district from which elected for at least one year,
14 immediately preceding [HIS] filing for office. A senator shall be at least
15 [TWENTY-FIVE YEARS OF AGE AND A REPRESENTATIVE AT LEAST]
16 twenty-one years of age.

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

2 SECTION 3. ELECTION AND TERMS. Senators [LEGISLATORS] shall
3 be elected at general elections. Their terms begin on the fourth Monday of the January
4 following election unless otherwise provided by law. The term of a senator
5 [REPRESENTATIVES] shall be [TWO YEARS, AND THE TERM OF SENATORS,]
6 four years. Twenty-four or twenty-five [ONE-HALF] of the senators shall be elected
7 every two years. The number of senators elected shall alternate each election.

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

9 SECTION 7. SALARY AND EXPENSES. Senators [LEGISLATORS] shall
10 receive annual salaries. They may receive a per diem allowance for expenses while in
11 session and are entitled to travel expenses going to and from sessions. The presiding
12 officer [PRESIDING OFFICERS] may receive additional compensation.

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

14 SECTION 8. REGULAR SESSIONS. The senate [LEGISLATURE] shall
15 convene in regular session each year on the fourth Monday in January, but the month
16 and day may be changed by law. The senate [LEGISLATURE] shall adjourn from
17 regular session no later than ninety [ONE HUNDRED TWENTY] consecutive
18 calendar days from the date it convenes except that a regular session may be extended
19 once for up to ten consecutive calendar days. An extension of the regular session
20 requires the affirmative vote of at least two-thirds of the membership [OF EACH
21 HOUSE] of the senate [LEGISLATURE]. The senate [LEGISLATURE] shall adopt
22 as part of the [UNIFORM] rules of procedure deadlines for scheduling session work
23 not inconsistent with provisions controlling the length of the session.

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

25 SECTION 12. RULES. The senate [HOUSES OF EACH LEGISLATURE]
26 shall adopt [UNIFORM] rules of procedure. The senate [EACH HOUSE] may choose
27 its officers and employees. The senate [EACH] is the judge of the election and
28 qualifications of its members and may expel a member with the concurrence of at
29 least two-thirds of its members. The senate [EACH] shall keep a journal of its
30 proceedings. A majority of the membership [OF EACH HOUSE] constitutes a quorum
31 to do business, but a smaller number may adjourn from day to day and may compel
32 attendance of absent members. The senate [LEGISLATURE] shall regulate lobbying.

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

2 SECTION 14. PASSAGE OF BILLS. The senate [LEGISLATURE] shall
3 establish the procedure for enactment of bills into law. No bill may become law
4 unless it has passed three readings [IN EACH HOUSE] on three separate days, except
5 that any bill may be advanced from second to third reading on the same day by
6 concurrence of at least three-fourths of the membership [HOUSE CONSIDERING
7 IT]. No bill may become law without an affirmative vote of at least a majority of the
8 membership [OF EACH HOUSE]. The yeas and nays on final passage shall be
9 entered in the journal.

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

11 SECTION 15. VETO. The governor may veto bills passed by the senate
12 [LEGISLATURE]. The governor [HE] may, by veto, strike or reduce items in
13 appropriation bills. The governor [HE] shall return any vetoed bill, with a statement
14 of [HIS] objections, to the senate [HOUSE OF ORIGIN].

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

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

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

31 SECTION 18. EFFECTIVE DATE. Laws passed by the senate
32 [LEGISLATURE] become effective ninety days after enactment. The senate

1 [LEGISLATURE] may, by concurrence of at least two-thirds of its [THE] membership
2 [OF EACH HOUSE], provide for another effective date.

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

4 SECTION 20. IMPEACHMENT. All civil officers of the State are subject to
5 impeachment by the senate [LEGISLATURE]. Impeachment [SHALL ORIGINATE
6 IN THE SENATE AND] must be approved by at least a two-thirds vote of its
7 members. The resolution [MOTION] for impeachment shall list fully the basis for the
8 proceeding. Trial on impeachment shall be conducted by the senate [HOUSE OF
9 REPRESENTATIVES]. A supreme court justice designated by the court shall preside
10 at the trial. Concurrence of at least two-thirds of the members of the senate
11 [HOUSE] is required for a judgment of impeachment. The judgment may not extend
12 beyond removal from office, but shall not prevent proceedings in the courts on the
13 same or related charges.

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

15 SECTION 17. CONVENING SENATE [LEGISLATURE]. Whenever the
16 governor considers it in the public interest, the governor [HE] may convene the
17 senate [LEGISLATURE, EITHER HOUSE, OR THE TWO HOUSES] in [JOINT]
18 session.

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

20 SECTION 19. MILITARY AUTHORITY. The governor is
21 commander-in-chief of the armed forces of the State. The governor [HE] may call
22 out these forces to execute the laws, suppress or prevent insurrection or lawless
23 violence, or repel invasion. The governor, as provided by law, shall appoint all
24 general and flag officers of the armed forces of the State, subject to confirmation by
25 at least a majority of the members of the senate [LEGISLATURE IN JOINT
26 SESSION]. The governor [HE] shall appoint and commission all other officers.

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

28 SECTION 20. MARTIAL LAW. The governor may proclaim martial law
29 when the public safety requires it in case of rebellion or actual or imminent invasion.
30 Martial law shall not continue for longer than twenty days without the approval of at
31 least a majority of the members of the senate [LEGISLATURE IN JOINT SESSION].

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

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

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

10 SECTION 25. DEPARTMENT HEADS. The head of each principal
11 department shall be a single executive unless otherwise provided by law. The head
12 of each principal department [HE] shall be appointed by the governor, subject to
13 confirmation by at least a majority of the members of the senate [LEGISLATURE IN
14 JOINT SESSION], and shall serve at the pleasure of the governor, except as otherwise
15 provided in this article with respect to the lieutenant governor [SECRETARY OF
16 STATE]. The heads of all principal departments shall be citizens of the United States.

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

18 SECTION 26. BOARDS AND COMMISSIONS. When a board or
19 commission is at the head of a principal department or a regulatory or quasi-judicial
20 agency, its members shall be appointed by the governor, subject to confirmation by at
21 least a majority of the members of the senate [LEGISLATURE IN JOINT SESSION],
22 and may be removed as provided by law. They shall be citizens of the United States.
23 The board or commission may appoint a principal executive officer when authorized
24 by law, but the appointment shall be subject to the approval of the governor.

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

26 SECTION 10. COMMISSION ON JUDICIAL CONDUCT. The Commission
27 on Judicial Conduct shall consist of nine members, as follows: three persons who are
28 justices or judges of state courts, elected by the justices and judges of state courts;
29 three members who have practiced law in this state for ten years, appointed by the
30 governor from nominations made by the governing body of the organized bar and
31 subject to confirmation by at least a majority of the members of the senate
32 [LEGISLATURE IN JOINT SESSION]; and three persons who are not judges, retired

1 judges, or members of the state bar, appointed by the governor and subject to
2 confirmation by at least a majority of the members of the senate [LEGISLATURE IN
3 JOINT SESSION]. In addition to being subject to impeachment under Section 12 of
4 this article, a justice or judge may be disqualified from acting as such and may be
5 suspended, removed from office, retired, or censured by the supreme court upon the
6 recommendation of the commission. The powers and duties of the commission and
7 the bases for judicial disqualification shall be established by law.

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

9 SECTION 15. RULE-MAKING POWER. The supreme court shall make and
10 promulgate rules governing the administration of all courts. It shall make and
11 promulgate rules governing practice and procedure in civil and criminal cases in all
12 courts. These rules may be changed by the senate [LEGISLATURE] by at least
13 two-thirds vote of the members [ELECTED TO EACH HOUSE].

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

15 SECTION 1. ELECTION DISTRICTS. Members of the senate [HOUSE OF
16 REPRESENTATIVES] shall be elected by the qualified voters of the respective
17 election districts. The boundaries of the election districts shall be set by the
18 governor after each decennial census of the United States [UNTIL
19 REAPPORTIONMENT, ELECTION DISTRICTS AND THE NUMBER OF
20 REPRESENTATIVES TO BE ELECTED FROM EACH DISTRICT SHALL BE AS
21 SET FORTH IN SECTION 1 OF ARTICLE XIV].

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

23 SECTION 3. REAPPORTIONMENT OF SENATE [HOUSE]. The governor
24 shall reapportion the senate [HOUSE OF REPRESENTATIVES] immediately
25 following the official reporting of each decennial census of the United States.
26 Reapportionment shall be based upon civilian population within each election district
27 as reported by the census.

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

29 SECTION 4. METHOD. Reapportionment shall be by the method of equal
30 proportions, except that each election district having the major fraction of the quotient
31 obtained by dividing total civilian population by forty-nine [FORTY] shall have one
32 senator [REPRESENTATIVE].

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

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

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

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

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

18 SECTION 3. BOARD OF REGENTS OF UNIVERSITY. The University of
19 Alaska shall be governed by a board of regents. The regents shall be appointed by the
20 governor, subject to confirmation by at least a majority of the members of the senate
21 [LEGISLATURE IN JOINT SESSION]. The board shall, in accordance with law,
22 formulate policy and appoint the president of the university. The president [HE] shall
23 be the executive officer of the board.

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

25 (c) An appropriation from the budget reserve fund may be made for any public
26 purpose upon affirmative vote of at least three-fourths of the members [OF EACH
27 HOUSE] of the senate [LEGISLATURE].

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

29 SECTION 12. BOUNDARIES. A local boundary commission or board shall
30 be established by law in the executive branch of the state government. The
31 commission or board may consider any proposed local government boundary change.
32 It may present proposed changes to the senate [LEGISLATURE] during the first ten

1 days of any regular session. The change shall become effective forty-five days after
2 presentation or at the end of the session, whichever is earlier, unless disapproved by
3 a resolution concurred in by at least a majority of the members of the senate [EACH
4 HOUSE]. The commission or board, subject to law, may establish procedures whereby
5 boundaries may be adjusted by local action.

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

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

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

17 SECTION 29. TRANSITION TO UNICAMERAL LEGISLATURE. The
18 following provisions shall be followed in the transition from a bicameral to a
19 unicameral legislature provided for under the 1994 amendments:

20 (1) the holdover members of the senate and those members of the
21 senate and house of representatives elected to the Nineteenth Alaska State Legislature
22 shall sit as a bicameral legislature during the first session, but shall sit as a unicameral
23 legislature consisting of sixty members during the second session;

24 (2) at the first session of the Nineteenth Alaska State Legislature, the
25 legislature shall make the necessary preparation for sitting as a unicameral legislature
26 during the second session;

27 (3) no later than March 15, 1996, the governor shall redistrict the
28 legislature in accordance with Article VI, Constitution of the State of Alaska, to
29 provide for a unicameral legislature consisting of forty-nine members based upon the
30 total population of the State as determined by the most recent decennial federal census;

31 (4) at the 1996 general election, twenty-four members of the legislature
32 shall be elected to four-year terms, and twenty-five members shall be elected to two-

1 year terms, set by the governor in the redistricting plan under (3) of this section;

2 (5) a member of the senate elected to a four-year term in 1994 may not
3 serve as a member of the Twentieth Alaska State Legislature unless the member is
4 elected at the 1996 general election to serve in the unicameral legislature.

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

7 * Sec. 31. Section 29 of this resolution takes effect January 1, 1995.

8 * Sec. 32. Sections 1 - 28 and sec. 30 of this resolution take effect January 1, 1996.

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