

UNIFORM

RULES:

PROPOSED

CHANGES

SUMMARY OF RECOMMENDATIONS

1. Two consecutive conference committees should be appointed, deliberate in good faith, and be unable to reach a compromise before granting powers of free conference to a third committee.
2. A simple "bill content" rule is needed to define "germane" and prevent bill "piggybacking" from occurring. The rule should read: "No bill shall be passed by either house containing more than one subject, which should be clearly expressed in the title."
3. The public should be informed of the standing committee meetings and their agendas at least five days prior to the meeting.
4. The House and Senate Finance Committees should meet jointly for the purpose of holding public hearings or considering any proposed or pending legislation.
5. Precise procedures for standing committees are vital. Fiscal impact statements and legislative intent should be included with all bills. The committee report should include one of three recommendations from each member. - "Do pass", "do pass as amended", or "do not pass".
6. No interim committees should be provided except those authorized by the state constitution, or either or both houses jointly may by resolution or statute, provide for the appointment of interim committees.
7. The legislative session should be limited to 120 days. Any extension beyond that time should require a 2/3 vote of both houses and include a "limited call" provision. The extension should be for a specific number of days.
8. There should be a limitation on the number of consecutive terms for legislators. Our recommendation: Two 4-year terms for Senators, and four 2-year terms for representatives. Possible to alternate houses every 8 yrs.
9. A Code of Ethics should be added to the Uniform Rules. A disciplinary mechanism should be established to deal with alleged violations.
10. A simple precise procedure is needed in awarding legislative professional service contracts.

If you have any questions concerning these recommendations, or if you wish to know the names of your legislators, please call Jan Bomhoff, 243-1099, or Jan Faiks, 344-0454.

Please help us. Your opinion really does count. - Thank you.

RECEIVED
FEB 17 1981

FREE

Federation's Role in our Enterprise Economy

February 10, 1981

The Honorable Pat Rodey
Pouch V
Juneau, Alaska 99811

RECEIVED

Dear Pat:

FEB 18 1981

Thank you for sharing your ideas and time with the four members of the GFWC Anchorage Anchorage FREE Committee. We enjoyed lunch very much and it was especially nice to be able to use your office as "home base".

We are totally dedicated to legislative reform; after talking with sixteen senators during our first trip to Juneau, we were encouraged that some changes in the legislative process will be made.

We neglected to talk with you about our specific recommendations; we are very interested in your comments on each point. Would you sponsor or co-sponsor some of the recommendations for us? We are available to testify at committee hearings on the general concept of legislative reform or on the specific bills which have already been filed.

We look forward to working with you. We will return to Juneau in March and hope to talk with you again.

Sincerely,

Legislative Study Committee

Jan Faiks
Jan Faiks, Chairman

Jan Bomhoff
Jan Bomhoff, Vice-Chairman

Barbara Pargeter
Barbara Pargeter, Member

Lee Chmelik
Lee Chmelik, Member

P.O. Box 4-2955

99509

• Anchorage, Alaska •

A committee of the Anchorage Woman's Club

Women's nation digest

By TERRY CARR
Daily News reporter

1/12/81

Legislators should be limited in the number of terms they can serve, the conference committee procedure need reform and a code of ethics should be adopted by the legislature according to a General Federation of Women's Clubs study.

The study, conducted by the federation's Anchorage FREE Committee, suggests that legislative sessions be limited to 120 days, with a two-thirds vote of both the House and Senate needed for extension. The group also contends that the legislature should adopt specific professional service contracting procedures.

The committee's recommendations, released on the eve of the legislative session beginning today, are aimed at correcting some of the shortcomings of the legislature.

"While monitoring the activities of the Alaska State Legislature, it has

Fire kills 29

KEANSBURG, N.J. — Searchers found five more bodies Sunday in the rubble of the Beachview Rest Home fire, bringing the confirmed death toll to 29. Authorities planned to resume their search today for another elderly resident still missing.

Gunman shot

LOS ANGELES — A gunman killed by a Special Weapons and Tactics Squad sharpshooter as he walked from a motel with several hostages was the first such death in 6½ years of dangerous confrontations by the elite SWAT team, police said.

The last fatal encounter was the unit's fiery gun battle with the Symbionese Liberation Army in May 1975.

The shooting Saturday ended a 13½-hour-long standoff between police and two armed men and left Anthony



Handshake with a Klans

Soroptimist International of Anchorage, Alaska

NORTHWESTERN REGION

Soroptimist International of the Americas, Inc.

P O BOX 561
ANCHORAGE ALASKA 99510

WHEREAS Soroptimist International of Anchorage strongly supports
open government particularly in the legislature,

THEREFORE

Soroptimist International of Anchorage supports and urges
adoption by the legislature of the Ten (10) point legislative
reform recommendations outlined in the General Federation of
Women's Clubs Anchorage FREE Committee Report, Part I, dated
January 5, 1981. The reform recommendations are attached.

Adopted by the Soroptimist International of Anchorage on the
8th day of April, 1981.

Dorothy K. Carter
President, Soroptimist International
of Anchorage

SUMMARY OF RECOMMENDATIONS

The following points summarize the conclusions of this study:

- I. Two consecutive conference committees should be appointed, deliberate in good faith, and be unable to reach a compromise before granting powers of free conference to a third committee. Free conference powers would be granted for those specific areas of disagreement only. Non-germane amendments and sections would be prohibited. All conference or free conference bills should be printed and placed on legislators desks twenty-four hours prior to voting. All budget related conference committee meetings should be open to the public. (pp. 6-9)
- II. A simple "bill content" rule is needed to define "germane" and prevent bill "piggybacking" from occurring. The rule should read, "No bill shall be passed by either house containing more than one subject, which should be clearly expressed in the title." (pp. 10, 11)
- III. The public should be informed of the standing committee meetings and their agendas at least five days prior to the meeting. (pp. 12, 13)
- IV. The House and Senate Finance Committees should meet jointly for the purpose of holding public hearings or considering any proposed or pending legislation. (pp. 14, 15)
- V. The procedures of the standing committees are vital to the quality of legislation. Precise procedures involving a majority of the committee working in the open would serve to maintain and improve the integrity of the committee system. Fiscal impact statements and legislative intent should be included with all bills. The committee report should include one of three recommendations from each member - "do pass", "do pass as amended", or "do not pass". (pp. 16-18)
- VI. No interim committees should be provided except those authorized by the state constitution, or either or both houses jointly may by resolution or statute, provide for the appointment of interim committees. (pp. 19, 20)

- VII. The legislative session should be limited to 120 days. Any extension beyond 120 days should require a 2/3 vote of both houses and include a "limited call" provision. The extension itself should be for a specific number of days. (pp. 21, 22)
- VIII. In order to encourage the concept of a citizen legislature, there should be a limitation on the number of consecutive terms a Representative and Senator may serve. The recommendations are two 4-year terms for a Senator and four 2-year terms for a Representative. An individual could prolong his years of service by alternating legislative houses every eight years. (pp. 23, 24)
- IX. A Code of Ethics should be added to the uniform rules. General aspects should include a definition of ethical conduct, conflict of interest provisions, responsibilities of legislative staff in relation to campaigning and privileged information, and a section dealing with compensation for services rendered. A disciplinary mechanism should be established to deal with alleged violations. (pp. 25-27)
- X. A simple, precise procedure is needed in the awarding of legislative professional service contracts. Requesting committees and legislators should follow specific procedures in requesting professional services. The Legislative Affairs Agency or other existing agency should have the authority to advertise, select and monitor all contracts. (pp. 28-30)

FREE

Federation's Role in our Enterprise Economy

March 14, 1981

MAR 19 1981

Senator Pat Rodey
Pouch V
Juneau, Alaska 99811

RECEIVED

Dear Senator Rodey:

The FREE Committee is encouraged that the Senate has formed an Ad-Hoc Committee to study and suggest changes in legislative procedures. We thank you for the opportunity to appear at the committee's first meeting to present our suggestions. Forming this committee is an important first step toward eliminating the abuses which have occurred in the legislature. We are anxious to learn the specific assignments chosen by the committee members, and would appreciate this information as soon as it is available.

Members of the FREE Committee will attend the League of Women Voters Seminar on rule changes in late April. The additional input provided by this conference will be vital and will also serve to keep the issue before the legislature.

Our primary concern at this time relates to the possibility that no substantial rule changes will be made this session. Since no changes have occurred since 1977 and the public is urging that alternatives be found, we feel the credibility of the legislature will suffer if this does not happen.

We will see you again when we return to Juneau in April. In the meantime, call us if we can be of help.

Very truly yours,

Legislative Study Committee

Jan Faiks
Jan Faiks, Chairman

Jan Bomhoff
Jan Bomhoff, Vice Chairman

P.O. Box 4-2955
~~1539 West Ninth Avenue~~ • Anchorage, Alaska 99501 • ~~272-5015~~

A committee of the Anchorage Woman's Club

**THE
CONSTITUTION OF THE STATE OF ALASKA
ARTICLE I
DECLARATION OF RIGHTS**

SECTION 1. This constitution is dedicated to principles that all persons have a natural right to life, liberty, the pursuit of happiness, the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the state.

SECTION 2. All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the whole people.

SECTION 3. No person is to be denied the enjoyment of any civil or political right because of race, color, creed, or national origin. The legislature shall implement this section.

SECTION 4. No law shall be made respecting the establishment of religion, or prohibiting the exercise thereof.

SECTION 5. Every person may freely speak, write, and publish on all subjects, being liable for the abuse of that right.

SECTION 6. The right of the people peaceably to assemble, and to petition the government, shall never be abridged.

SECTION 7. No person shall be deprived of life, liberty, or property, without due process of law. The right of all persons to fair and equal treatment in the course of the legislative process and executive investigations shall not be infringed.

SECTION 8. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the time of war or public danger, when the right may be waived by the accused. In all other cases the prosecution shall be by information. A grand jury shall consist of at least twelve persons, a majority of whom concurring may return an indictment. The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall not be suspended.

SECTION 9. No person shall be put in jeopardy of life or limb for the same offense. No person shall be compelled in any criminal proceeding to be a witness against himself.

SECTION 10. Treason against the state consists only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SECTION 11. In all criminal prosecutions, the accused shall have the right to a speedy and public trial, by an impartial jury of twelve persons, who the legislature may provide for a jury of not more than twelve nor less than six persons, not of record. The accused is entitled to be informed of the nature and cause of the accusation; to be released on bail, except for offenses when the proof is evident or the presumption great; to be confronted

with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

SECTION 12. Excessive bail shall not be required, nor excessive fines imposed nor cruel and unusual punishments inflicted. Penal administration shall be based on the principle of reformation and upon the need for protecting the public.

SECTION 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or actual or imminent invasion, the public safety requires it.

SECTION 14. The right of the people to be secure in their persons, houses and other property, papers, and effects, against unreasonable searches and seizures, shall not be violated. No warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

SECTION 15. No bill of attainder or ex post facto law shall be passed. No law impairing the obligation of contracts, and no law making any irrevocable grant of special privileges or immunities shall be passed. No conviction shall work corruption of blood or forfeiture of estate.

SECTION 16. In civil cases where the amount in controversy exceeds two hundred fifty dollars, the right of trial by a jury of twelve is preserved to the same extent as it existed at common law. The legislature may make provision for a verdict by not less than three-fourths of the jury and, in courts not of record, may provide for a jury of not less than six or more than twelve.

SECTION 17. There shall be no imprisonment for debt. This section does not prohibit civil arrest of absconding debtors.

SECTION 18. Private property shall not be taken or damaged for public use without just compensation.

SECTION 19. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

SECTION 20. No member of the armed forces shall in time of peace be quartered in any house without the consent of the owner or occupant, or in time of war except as prescribed by law. The military shall be in strict subordination to the civil power.

SECTION 21. The enumeration of rights in this constitution shall not impair or deny others retained by the people.

ARTICLE II

THE LEGISLATURE

SECTION 1. The legislative power of the State is vested in the legislature consisting of a senate with a membership of twenty and a house of representatives with a membership of forty.

SECTION 2. A member of the legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of the

district from which elected for at least one year, immediately preceding his filing for office. A senator shall be at least twenty-five years of age and a representative at least twenty-one years of age.

SECTION 3. Legislators shall be elected at general elections. Their terms begin on the fourth Monday of the January following election unless otherwise provided by law. The term of representatives shall be two years, and the term of senators, four years. One-half of the senators shall be elected every two years. (*Exercising its authority under this section the legislature has provided that legislative terms begin on the second Monday in January; See AS 24.05.080.*)

SECTION 4. A vacancy in the legislature shall be filled for the unexpired term as provided by law. If no provision is made, the governor shall fill the vacancy by appointment.

SECTION 5. No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected, or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, lieutenant governor, or member of Congress. This section shall not apply to employment by or election to a constitutional convention. (The above Constitutional Amendment was approved by the voters of the State August 25, 1970. The words secretary of state were changed to lieutenant governor.)

SECTION 6. Legislators may not be held to answer before any other tribunal for any statement made in the exercise of their legislative duties while the legislature is in session. Members attending, going to, or returning from legislative sessions are not subject to civil process and are privileged from arrest except for felony or breach of the peace.

SECTION 7. Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.

SECTION 8. The legislature shall convene each year on the fourth Monday in January, but the month and day may be changed by law. (*Exercising its authority under this section, the legislature has provided that it shall convene on the second Monday in January; See AS 24.05.090.*)

SECTION 9. Special sessions may be called by the governor or by vote of two-thirds of the legislators. The vote may be conducted by the legislative council or as prescribed by law. At special sessions called by the governor, legislation shall be limited to subjects designated in his proclamation calling the session or to subjects presented by him. Special sessions are limited to thirty days.

SECTION 10. Neither house may adjourn or recess for longer than three days unless the other concurs. If the two houses cannot agree on the time of adjournment and either house certifies the disagreement to the governor, he may adjourn the legislature.

SECTION 11. There shall be a legislative council, and the legislature may establish other interim committees. The council and other

interim committees may meet between legislative sessions. They may perform duties and employ personnel as provided by the legislature. Their members may receive an allowance for expenses while performing their duties.

SECTION 12. The houses of each legislature shall adopt uniform rules of procedure. Each house may choose its officers and employees. Each is the judge of the election and qualifications of its members and may expel a member with the concurrence of two-thirds of its members. Each shall keep a journal of its proceedings. A majority of the membership of each house constitutes a quorum to do business, but a smaller number may adjourn from day to day and may compel attendance of absent members. The legislature shall regulate lobbying.

SECTION 13. Every bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising, or rearranging existing laws. Bills for appropriations shall be confined to appropriations. The subject of each bill shall be expressed in the title. The enacting clause shall be: "Be it enacted by the Legislature of the State of Alaska."

SECTION 14. The legislature shall establish the procedure for enactment of bills into law. No bill may become law unless it has passed three readings in each house on three separate days, except that any bill may be advanced from second to third reading on the same day by concurrence of three-fourths of the house considering it. No bill may become law without an affirmative vote of a majority of the membership of each house. The yeas and nays on final passage shall be entered in the journal.

SECTION 15. The governor may veto bills passed by the legislature. He may, by veto, strike or reduce items in appropriations bills. He shall return any vetoed bill, with a statement of his objections, to the house of origin.

SECTION 16. Upon receipt of a veto message, the legislature shall meet immediately in joint session and reconsider passage of the vetoed bill or item. Bills to raise revenue and appropriation bills or items, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature. Other vetoed bills become law by affirmative vote of two-thirds of the membership of the legislature. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses.

SECTION 17. A bill becomes law if, while the legislature is in session, the governor neither signs nor vetoes it within fifteen days, Sundays excepted, after its delivery to him. If the legislature is not in session and the governor neither signs nor vetoes a bill within twenty days, Sundays excepted, after its delivery to him, the bill becomes law.

SECTION 18. Laws passed by the legislature become effective ninety days after enactment. The legislature may, by concurrence of two-thirds of the membership of each house, provide for another effective date.

SECTION 19. The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination. Local acts necessitating appropriations by a political subdivision may not become effective unless approved by a majority of the qualified voters voting thereon in the subdivision affected.

SECTION 20. All civil officers of the State

chief justice, may hold any other office or position of profit under the United States or the State. The judicial council shall act by concurrence of four or more members and according to rules which it adopts.

SECTION 9. The judicial council shall conduct studies for improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years. The judicial council shall perform other duties assigned by law.

SECTION 10. The commission or judicial qualifications shall consist of nine members, as follows: one justice of the supreme court, elected by the justices of the supreme court; three judges of the superior court, elected by the judges of the superior court; one judge of the district court, elected by the judges of the district court; two members who have practiced law in this state for ten years, appointed by the governing body of the organized bar, and two persons who are not judges, retired judges, or members of the state bar, appointed by the governor and subject to confirmation by a majority of the members of the legislature in joint session. In addition to being subject to impeachment under Section 12 of this article, a justice or judge may be disqualified from acting as such and may be suspended, removed from office, retired, or censured by the supreme court upon the recommendation of the commission. The powers and duties of the commission and the bases for judicial disqualification shall be established by law. *(The above Constitutional Amendment was approved by the voters of the State August 27, 1968. Section 10, Article IV, pertaining to Incapacity of Judges was repealed.)*

SECTION 11. Justices and judges shall be retired at the age of seventy except as provided in this article. The basis and amount of retirement pay shall be prescribed by law. Retired judges shall render no further service on the bench except for special assignments as provided by court rule.

SECTION 12. Impeachment of any justice or judge for malfeasance or misfeasance in the performance of his official duties shall be according to procedure prescribed for civil officers.

SECTION 13. Justices, judges, and members of the judicial council and the commission on judicial qualifications shall receive compensation as prescribed by law. Compensation of justices and judges shall not be diminished during their terms of office, unless by general law applying to all salaried officers of the State. *(The above Constitutional Amendment was approved by the voters of the State August 27, 1968. The words "and the commission on judicial qualifications" were incorporated in this Section.)*

SECTION 14. Supreme court justices and superior court judges while holding office may not practice law, hold office in a political party, or hold any other office or position of profit under the United States, the State, or its political subdivisions. Any supreme court justice or superior court judge filing for another elective public office forfeits his judicial position.

SECTION 15. The supreme court shall make and promulgate rules governing the administration of all courts. It shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts. These rules may be changed by the legislature by two-thirds vote of the members elected to each house.

SECTION 16. The chief justice of the supreme court shall be the administrative head of all courts. He may assign judges from one court or division thereof to another for temporary service. The chief justice shall, with the approval of the supreme court, appoint an administrative director to serve at the pleasure of the supreme court and to supervise the administrative operations of the judicial system. *(The above Constitutional Amendment was approved by the voters of the State August 25, 1970. The amendment substituted "the pleasure of the supreme court" for "his pleasure" in the last sentence.)*

ARTICLE V

SUFFRAGE AND ELECTIONS

***SECTION 1.** Every citizen of the United States who is at least eighteen years of age, who meets registration requirements which may be prescribed by law, and who is qualified to vote under this article, may vote in any state or local election. A voter shall have been, immediately preceding the election, for one year a resident of Alaska and for thirty days a resident of the election district in which he seeks to vote, except that for purposes of voting for President and Vice President of the United States other residency requirements may be prescribed by law. Additional voting qualifications may be prescribed by law for bond issue elections of political subdivisions. *(The above Constitutional Amendment was approved by the voters of the State August 25, 1970. It changed the voting age from nineteen years to eighteen years and deleted the sentence: "A voter shall be able to read or speak the English language as prescribed by law, unless prevented by physical disability.")*

SECTION 2. ~~No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored.~~ No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

SECTION 3. Methods of voting, including absentee voting, shall be prescribed by law. Secrecy of voting shall be preserved. The procedure for determining election contests, with right of appeal to the courts, shall be prescribed by law.

SECTION 4. The legislature may provide a system of permanent registration of voters, and may establish voting precincts within election districts.

SECTION 5. General elections shall be held on the second Tuesday in October of every even-numbered year, but the month and day may be changed by law. *(Exercising its authority under this section, the legislature has provided that the date of general election is the Tuesday after the first Monday in November in every even-numbered year; See AS 15.15.020.)*

ARTICLE VI

LEGISLATIVE APPORTIONMENT

SECTION 1. Members of the house of representatives shall be elected by the qualified voters of the respective election districts. Until reapportionment, election districts and the number of representatives to be elected from each district shall be as set forth in Section 1 of Article XIV.

SECTION 2. Members of the senate shall be

*See amendment at end of constitution



**National
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of State
Legislatures**

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President
Richard S. Hodes
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Earl S. Mackey

MEMORANDUM

TO: Ethics, Elections and Reapportionment Committee
FROM: Andrea Wollock *afw*
DATE: July 17, 1981
RE: Legislative Ethics Project

As promised, enclosed are:

- 1) the Florida legislative ethics case study;
- 2) a list of additional states and their ethics provisions from which to select additional case study states; and
- 3) the list of questions used for the Florida interviews.

Mark Herron of Florida has developed a longer background paper. I will have copies available at the Annual Meeting in Atlanta, July 27-31, 1981. If you will not be at the Annual Meeting and would like a copy of his paper, please contact me.

I hope to see you in Atlanta.

AW/js

*12/27/81
Anch Daily News*

Emphasis on ethics after Hohman case

"This whole thing puts a bad image on the legislature as a group," said Sen. Bill Ray, D-Juneau.

"This is a serious charge that he has been convicted of and it reflects badly on the entire body," said Sen. Arliss Sturgulewski, R-Anchorage.

Right they are. The two veteran Alaska legislators were discussing the Christmas Eve conviction of Sen. George Hohman and its implications for the Alaska Legislature.

They correctly spotlight a heightened public concern for ethics in government in the wake of Sen. Hohman's trial — a concern that should be answered by forthright action to establish an ethics code and a means for enforcing it. Alaskans deserve no less from their elected representatives as they observe the spectacle of oil revenue billions passing swiftly through the state treasury.

Sen. Hohman's guilt or innocence has little to do with the issue. His conviction quite properly will be appealed, and Alaskans must trust in proper judicial proceedings to assure justice in the case. He surely deserves fair treatment by his colleagues and the public while the appeal proceeds.

What the heavily-publicized trial does, however, is to emphasize an issue that has smoldered since the Hohman allegations first surfaced. The Alaska Legislature has no clear guidelines for censuring its members for abuse of the public trust. A district may recall its legislator under a lengthy and difficult recall procedure, and the legislative body involved apparently may censor or expel a member on its own initiative.

But as Senate President Jalmar Kerttula said Thursday, the legislature has never before experienced such a situation — and knows "neither the avenues available to us nor the mechanics involved."

It is high time they did. The legislature needs firm ethical guidelines under the rule of law. Those guidelines must reflect a higher standard of behavior than criminal statutes, because legislators obviously must uphold a higher standard of behavior under the public trust. The public, moreover, needs confidence that such guidelines are operational as the legislature's decisions take on greater import under the press of state revenues and intensified lobbying.

The public should demand it, our legislators should accomplish it and legislative conduct should reflect it.

FLORIDA ETHICS CASE STUDY

INTRODUCTION

In Columbus, Ohio on May 1 and 2, 1981, the NCSL Ethics, Elections and Reapportionment Committee decided to proceed with an ethics project, to include case studies from various states. The case studies are, by committee direction, to include conflict of interest and financial disclosure provisions in an attempt to evaluate the effectiveness of state ethics laws.

The committee assigned NCSL staff the task of completing the first case study, a pilot from which the committee can learn how best to conduct the remainder of the studies. Florida was chosen as the subject for the pilot study.

The choice of Florida was appropriate for a number of reasons. First, ethics legislation was first enacted in Florida in 1967, thus presenting sufficient experience to facilitate a review and analysis. Second, Florida's ethics laws have been amended over the years in response to changing demands and expectations.

NCSL staff traveled to Florida and interviewed eight individuals, including legislators, legislative staff, lobbyists and one former legislator (now a lobbyist), some of whom support the ethics law and some of whom oppose it. The persons interviewed were:

Larry Gonzalez, Executive Director, Florida Commission on Ethics

Former Senator Ken Plante, now a lobbyist with his own firm, Ken Plante,
Doug Bruce and Associates

Representative Dick Batchelor

Senator Jack Gordon

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Representative Dick Batchelor

Senator Jack Gordon

Peter Butzin, Executive Director, Florida Common Cause

Jon Shebel, Associated Industries of Florida

Sally Monroe, Senate Minority Counsel

Sylvia Alberdi, Staff Director, Senate Judiciary (Civil) Committee

Special thanks to Mark Herron, Staff Director of the Florida House Select Committee on Reapportionment and a member of NCSL's Ethics, Elections and Reapportionment Committee, who provided NCSL with thorough background information, some of which is included in this study. Mark's complete background paper will be made available to any committee member requesting it.

LEGISLATIVE HISTORY

An ethics law was originally passed in Florida in 1967, when the legislature enacted a statute prohibiting officials from engaging in activities which created conflicts of interest. The law was seen more as a policy statement than an act with any enforcement authority. A Code of Conduct was provided to suggest standards of conduct for public officials. The act required financial disclosure only when an official owned ten percent or more of business entities transacting business with the state. However, despite the act's broad, fairly loose requirements, early in the 1970's a number of statewide officials were accused of wrongdoing and resigned rather than risk impeachment. A state commissioner of education, supreme court justice, insurance commissioner and U.S. Senator were all implicated in separate scandals, all financially oriented and all in violation of the existing reporting or conflict of interest laws.

In 1974, in the wake of Watergate, the Florida legislature enacted a stricter ethics law in an attempt to create greater public confidence in

elected officials. The new law established the Florida Commission on Ethics and required public officials to file statements of financial interest. The law strengthened the previously adopted Code of Conduct to prohibit a public official from owning more than ten percent interest in any business entity doing business with a state agency. In addition, the public official cannot accept any employment that might create a conflict of interest. Those persons included in the requirements of the 1974 law, which was strengthened by further amendments in 1975, were: local officers, state officers, specified employees and candidates for state and local office. Specific dollar amounts were not required on the financial disclosure forms filed by the officials. The disclosure statement comprised five categories of information:

- (1) All sources of income exceeding five percent of gross income received by the officer or for his use or benefit;
- (2) All sources of income to a business entity exceeding ten percent of its gross income, if the official had a material interest in the entity, and received an amount from the business entity which was both more than ten percent of his gross income and more than \$1,500.00. (This is the secondary source provision.)
- (3) The location and description of all Florida real estate excluding residences and vacation homes, in which the official has a more than five percent interest, and a general description of any intangible personal property which is more than ten percent of the official's total assets.
- (4) The source of any gifts in excess of \$400.00 except gifts from family members or gifts received by bequest or devise;
- (5) Every debt greater than the official's net worth.

Source: "Constitutional Limitations on Florida's Financial Disclosure Laws," 31 University of Florida Law Review 877 (1979)

To achieve still a stronger disclosure law, Governor Reuben Askew in 1976 led the drive to place an initiative amending the Florida Constitution on the

November election ballot. The stated purpose of the initiative, later dubbed the "Sunshine Amendment," was to ensure that public officials and state employees do not enrich themselves at public expense. Some supporters of the Sunshine Amendment maintain that the Governor spearheaded the initiative drive because he was frustrated in his attempts to have the legislature pass a stronger financial disclosure law. Opponents, however, counter with the theory that the Governor championed the ethics initiative because he was miffed with the legislature for refusing to confirm a gubernatorial appointment. Whatever the reason, Askew's petition drive was highly successful, and the measure passed by a four-to-one margin, giving Florida one of the strictest financial disclosure provisions in the nation and marking the only time the Florida Constitution has been amended through initiative.

The Sunshine Amendment is narrower in coverage than the 1974 ethics law, specifying coverage only of constitutional officers and statewide elected officials. The amendment does provide, however, for additional offices to be included as determined by statute. The disclosure provisions of the amendment are more stringent than the 1974 law.

Four basic differences between the 1974 statute and the Sunshine Amendment are cited in the 1979 University of Florida Law Review article. They are:

- (1) the \$1,000 minimum threshold of the amendment as compared to the five percent of gross income or proprietary interest of the statute, (2) the amendment's requirement that the amount of the income or asset to be disclosed as compared to the statute which does not require dollar amounts, (3) the amendment's requirement of a net worth statement which is not required by the statute, and (4) the amendment's allowing the filing of a federal income tax return as an alternative to the source disclosure requirement, whereas the statute provides no such alternative.

Neither the statute nor the constitutional amendment requires disclosure by spouses of state officials.

Five state senators filed suit in 1977, challenging the financial disclosure provision on the contention that their right to privacy had been violated. The U.S. District Court of the Northern District of Florida ruled against the senators, who then appealed their case to the Fifth Circuit Court of Appeals (Plante, v. Gonzalez), arguing that the financial disclosure requirement not only violated their federally protected right to privacy but did not bear a rational relationship to any legitimate state interest. The Appeals Court, while agreeing that the senators' privacy interests are protected by the U.S. Constitution, nevertheless upheld the state financial disclosure law. The senators ultimately appealed to the U.S. Supreme Court, which refused to hear the case.

ADMINISTRATION AND ENFORCEMENT

Florida's experience with administering and enforcing the ethics law and Sunshine Amendment has been handicapped by unclear powers of the Commission on Ethics, by some perceived loopholes in the legislation, and by a mix of opinions on whether the commission or the legislature should be in the forefront of ethics enforcement.

The Florida Commission on Ethics has investigatory powers where a specific complaint is filed. The commission can recommend action, but has no prosecuting authority. The final determination as to conflicts of interest rests with the legislature, according to one strong supporter of the present law.

An independent ethics commission is seen by both supporters and opponents of the present system as a means of assisting the legislature in improving its image. Some of the opponents, however, contend that the commission should be a closely-monitored quasi-judicial tribunal, not a "witch-hunting" body separate from the other three branches of government. The argument here is that the Commission on Ethics has attained too much independence. On the other side of the issue, some commission supporters want to eliminate the requirement that the commission receive its appropriation from the legislature to obtain greater independence for the commission.

The Sunshine Amendment has never been fully implemented, providing specific powers to the commission. Shortly after the amendment was passed, the legislature passed implementing legislation, but Governor Askew vetoed it as not strong enough. The legislature has not enacted any similar bill since that time. Some opponents believe that the commission has no authority to develop disclosure forms without specific statutory authority. As a result of the absence of implementing legislation, the courts continually have been asked to resolve the issues of responsibility and powers of the commission. The Plante case, according to one commission supporter, conceded to the commission the authority to investigate but not the ability to reach any conclusion.

Nearly all of those interviewed for the case study agreed that legislators should in fact be concerned with reinstilling confidence in the legislative institution by showing the public that disciplinary action will be taken by the legislature against its own members. Even those who had supported the Sunshine Amendment and the concept of an independent commission felt that the legislature should have the opportunity to judge its members, especially since

Florida has such a strong tradition of viewing a public office as a public trust.

They cite the case of state Senator Ralph R. Poston, Sr., who was accused of using his position to obtain business for a firm in which he had an interest. A complaint was filed against him with the Commission on Ethics, which conducted an investigation and sent its findings to the President of the Senate. The Senate Judiciary (Civil) Committee held hearings and recommended censure to the full Senate. The Senate concurred with the committee decision. In the following election, Senator Poston was defeated in his bid for re-election. This has been the only violation of the ethics law or the Sunshine Amendment involving disciplinary action since the amendment was passed.

It also proves, supporters of legislative involvement maintain, that the voters should serve as the final judge of what behavior is permissible for a public official.

Some loopholes and weaknesses in the ethics law (a combination of the 1974 ethics law and the Sunshine Amendment) have yet to be resolved. For instance, one section of the law denies pension rights to a public official found guilty of an ethics offense. This provision may be unconstitutional. Business associates and spouses need not file disclosure statements, so a public official could transfer all assets to his or her spouse. Because of the overlap in some provisions of the two disclosure provisions, some public officials must file two financial disclosure forms, one to satisfy the 1974 ethics law and one to comply with the 1976 Sunshine Amendment.

A further weakness exists in the gift standard, which some people feel is unnecessarily vague. The provision does not define the worth of intangible

gifts, and the commission has no ability to prosecute alleged attempts to influence a public official through gifts. The gifts merely have to be reported by the officeholder.

Interviewees on both sides of the issue do agree that the formal powers of the ethics commission should be strengthened, though they do not agree on the method for giving the independent body more substantive powers. Some maintain that the commission should have both investigating and prosecuting authority, affording the commission greater independence than presently exists. Others feel that adding auditing powers to the commission's responsibilities will serve a useful purpose.

PRESS AND PUBLIC AWARENESS

One result of enactment of ethics laws in Florida is increased public and press interest in the issue. The public and the press, with the increased awareness fostered through the Sunshine Amendment, can more easily hold their elected officials accountable for their behavior. Some of those interviewed felt that public officials and employees are now more careful in their behavior because the public is more aware of any impropriety. Florida's ethics provisions are seen as preemptive rather than regulatory, and, as one supporter noted, can therefore prevent conflicts because the public officials can use the law as a guidebook.

A few interviewees came down hard on members of the press, who, they say, have acted irresponsibly. Especially at first, they maintain, the press listed the richest and poorest legislators, describing some of their personal property in detail. Some legislators were afraid such publicity would encourage burglars and child kidnappings, but fortunately, none of that has occurred.

THE IMPACT ON OFFICEHOLDERS

The success of the Sunshine Amendment is difficult to assess because the symbolic effects of increased awareness are not easily measured. Most persons interviewed agreed that public officials are now more concerned with the appearance of a possible conflict because they know the public will be informed of it. Some interviewees believe that holding public office means giving up some degree of private rights to personal privacy, but others maintain that some public officials may obscure personal financial disclosure data in order to protect their privacy, knowing there is little likelihood of being caught.

Surprisingly, near unanimity prevailed on the issue of disclosure of personal effects, and whether full disclosure of assets, including dollar amounts, is necessary to have an effective disclosure law. Most of those interviewed felt that net worth should be an adequate means of making public officials accountable to the public.

Major disagreement exists, though, as to whether strict ethics laws discourage capable candidates from seeking public office. Former Senator Ken Plante is often cited as an example of a highly competent legislator who gave up his seat rather than disclose total assets from his family's business. Plante, however, maintains that he would have retired anyway and that financial disclosure was by no means the entire reason for his leaving the legislature. When he decided not to run again, Plante contacted 25 people in his district, all of whom he considered capable of being good legislators. He hoped to convince one of them to seek his legislative seat. Most of the 25 declined to run, citing the hesitancy to devote as much time as is necessary

and the additional reluctance of filing financial disclosure. Plante feels that poorly written ethics laws may in fact keep good candidates from running for office.

Two additional state senators were cited by one interviewee as having left the legislature because of the strict ethics provisions.

CONCLUSIONS

Most complaints about Florida's ethics provisions arise from the financial disclosure requirements. Opponents of the present system do not necessarily advocate the elimination of disclosure but seek less detail in the items to be disclosed. Most persons interviewed agreed on the following:

- Changes are needed to specifically delineate the powers of the commission, even though these alterations are more difficult to enact because the Sunshine Amendment is in the constitution.
- Public awareness has been heightened by the passage of the Sunshine Amendment.
- Enforcement procedures have not been well-defined.
- Disclosure provisions are too detailed.
- A dual system of enforcement, including both legislative ethics committees and an independent ethics commission, is needed.

NCSL

Ethics, Elections and Reapportionment Committee

ETHICS CASE STUDY

QUESTIONS

For the purposes of this case study, we are primarily interested in the provisions of your ethics law pertaining to conflict of interest and financial disclosure.

1. Should legislatures be concerned with regulating the behavior of their members?
2. What events (if any) led to the passage of your ethics law?
3. What was the goal of the ethics law?
4. Has the law accomplished its goals? If not, why not? If so, in what way? (It is possible that certain specific provisions of the law have succeeded in meeting their stated goals. If you feel this is so, please explain which provisions you feel have succeeded.)
5. Do you think legislatures can effectively regulate their own conduct through legislative ethics committees? If not, are independent ethics commissions the appropriate means of administering the ethics law?
6. Would you favor stronger ethics laws than presently exist in Florida? If so, what provisions would you advocate strengthening?
7. Would you favor more flexible ethics laws? If so, in what way?
8. Do you feel strict ethics laws discourage capable people from seeking public office?

POSSIBLE STATES FOR ETHICS CASE STUDIES

ALABAMA

Committee Contact: Representative Shelby Ward

CONNECTICUT

Committee Contacts: Representative Joe Walkovich;
Senator Amelia Mustone

KANSAS

Committee Contact: Representative Norman Justice

MARYLAND

Committee Contacts: Delegate Donald B. Robertson;
Delegate Helen Koss

MINNESOTA

Committee Contact: Janet Lund

NEVADA

Committee Contact: Senator Jean Ford

NEW JERSEY

Committee Contact: Sam Alito

NORTH DAKOTA

Committee Contact: Senator Raymon Holmberg

OHIO

Committee Contacts: Bob Shapiro;
Edith Woodward

(over)

POSSIBLE STATES FOR ETHICS CASE STUDIES

OKLAHOMA

Committee Contact: Lee Slater

VIRGINIA

Committee Contact: Joan Smith

CONFLICT OF INTEREST (ETHICS) AND
PERSONAL FINANCIAL DISCLOSURE

FILERS

	Statewide Elected Officials	Legislators	Legislative Employees	Candidates for Election to State Office	Nominees for Appointment to State Office	Officers of State Agencies or Departments	State Employees	Judges	County Officials and/or Employees	Municipal Officials and/or Employees	Part-Time Members of Boards and Commissions (State)	Part-Time Members of Boards and Commissions (Local)	U.S. Senators or Congressmen	Other
ALABAMA	X	X	X	X	X	X	X	X	X	X	X	X		
CONNECTICUT	X	X				X								X
KANSAS	X	X	X	X	X	X	X		X	X	X			
MARYLAND	X	X	X	X		X	X	X			X			
MINNESOTA	X	X	X	X	X	X	X				X			
NEVADA	X	X		X	X				X	X				
NEW JERSEY						X	X							X
NORTH DAKOTA	X	X		X	X	X		X	X	X	X	X	X	X
OHIO	X	X	X	X		X	X	X	X	X	X		X	
OKLAHOMA	*													
VIRGINIA	X	X		X		X		X	X	X	X			

* No Response

(over)

CONFLICT OF INTEREST (ETHICS) AND
PERSONAL FINANCIAL DISCLOSURE

		RESTRICTIONS ON:											
		Use of Public Position to Obtain Personal Benefits	Giving Benefits to Influence Public Officials and/or Public Employees	Use of Confidential Information	Public Officials Entering into Public Leases or Contracts	Post-Governmental Employment	Receipt of Gifts by Public Officials	Public Officials Representing Clients Before Public Bodies	Receipt of Fees and Honorariums by Public Officials	Nepotism	Competitive Bidding	Public Officials' Outside Employment or Business Activities	Other
ALABAMA		X	X	X	X	X	X	X		X	X	X	
CONNECTICUT		X	X	X	X		X	X	X	X		X	
KANSAS		X	X	X	X	X	X	X	X				
MARYLAND		X	X	X		X	X	X	X	X	X	X	X
MINNESOTA													
NEV./DA		X	X	X			X	X		X	X	X	
NEW JERSEY		X	X	X		X	X	X	X		X	X	X
NORTH DAKOTA		X	X	X	X	X	X	X	X	X	X	X	
OHIO		X	X	X	X	X	X	X	X			X	
OKLAHOMA	*												
VIRGINIA							X				X		

* No Response

CONFLICT OF INTEREST (ETHICS) AND
PERSONAL FINANCIAL DISCLOSURE

		FINANCIAL DISCLOSURE REQUIRED													
		Income Tax Returns (State or Federal)	Sources of Income	Sources of Income of Business if Partner or Shareholder	Investments	Real Estate Interests	Offices and/or Directorships	Creditor Indebtedness	Leases or Other Contracts with Public Agencies	Gifts	Compensated Representation Before Public Agencies	Fees or Honorariums	Reimbursement of Travel Expenses by Private Sources	Professional or Occupational Licenses Held	Deposits in Financial Institutions
ALABAMA			X	X	X	X	X	X	X		X		X		X
CONNECTICUT			X	X	X	X						X			
KANSAS			X	X	X	X	X			X	X	X			
MARYLAND					X	X	X	X	X			X	X		
MINNESOTA			X	X	X	X						X			
NEVADA			X			X		X							
NEW JERSEY			X			X	X	X	X	X	X	X		X	X
NORTH DAKOTA			X	X	X	X	X	X	X		X		X		
OHIO			X			X	X	X		X	X	X			
OKLAHOMA	*														
VIRGINIA						X	X				X				

* No Response

(over)

CONFLICT OF INTEREST (ETHICS) AND
PERSONAL FINANCIAL DISCLOSURE

		FINANCIAL DISCLOSURE REQUIRED (contd.)																		
		Cash Surrender Value of Insurance																		
ALABAMA			X		X				X			X		X		X				
CONNECTICUT						X				X			X		X					X
KANSAS			X			X				X				X		X				X
MARYLAND			X		X	X		X		X		X		X		X		X		X
MINNESOTA						X				X		X						X		X
NEVADA																				X
NEW JERSEY		X	X	X			X							X		X		X		
NORTH DAKOTA			X	X	X	X		X		X		X		X		X				
OHIO												X								
OKLAHOMA	*																			
VIRGINIA																X				

* No Response

CONFLICT OF INTEREST (ETHICS) AND
PERSONAL FINANCIAL DISCLOSURE

	REVIEW OF FILINGS				Approximate Number of Filings Annually	Available to the Public	Agency Publishes Summary of Data Disclosed					
	All Reports	Randomly Selected Reports	Reports About Which Complaints Are Filed	Other								
ALABAMA		D	D		21,000	X						
CONNECTICUT					340	X						
KANSAS	D				4,300	X						
MARYLAND	D			F	13,000	X						
MINNESOTA			D		1,150	X						
NEVADA												
NEW JERSEY	D				700	X						
NORTH DAKOTA												
OHIO	D	D	D	D	7,000	X						
OKLAHOMA	*											
VIRGINIA												

* No Response
D = Desk Audits
F = Field Audits

Source: The Blue Book, Council on Governmental Ethics Laws

1 IN THE SENATE

BY DANKWORTH AND RAY

2 SENATE CONCURRENT RESOLUTION NO.20
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - FIRST SESSION

Proposed by

5 Proposing amendments to the uniform
6 rules to limit amendment of bill
7 title.

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

9 * Section 1. Rule 23(c) of the Uniform Rules of the Alaska State Legisla-
10 ture is amended to read:

11 (c) If a committee has more than one bill on the same subject or
12 if it finds it necessary to revise a bill substantially, it may report
13 out a substitute bill and recommend that the substitute be accepted for
14 second reading in the place of the original bill. A committee substi-
15 tute that contains a change in the bill title or an amendment to a bill
16 reported by a committee that requires a change in the bill title (other
17 than a clerical or technical change) requires an affirmative vote of
18 two-thirds of the house. A committee of the second house may not report
19 out a committee substitute for a bill or an amendment to a bill that
20 requires a change in the title of the bill (other than a clerical or
21 technical change) as adopted in the house of origin. Substitute bills
22 are duplicated and distributed when they are reported out by the commit-
23 tee. Committee substitute bills carry a notation of the source or
24 sponsor of the original bill in the manner prescribed by the drafting
25 manual unless the sponsor objects to his or their name so appearing.

26 * Sec. 2. Rule 34 of the Uniform Rules of the Alaska State Legislature
27 is amended to read:

28 RULE 34. AMENDMENT. No motion or proposition on a subject shall
29 be admitted under color of amendment if the subject matter is different

1 from that under consideration. A motion or proposition for an amend-
2 ment that requires a change in the title of a bill (other than a
3 clerical or technical change) requires an affirmative vote of two-
4 thirds of the house. A motion or proposition on a subject that re-
5 quires a change in the title of the bill as enacted in the house of
6 origin other than a clerical or technical change is not in order in
7 the second house. No amendment may be considered by the house unless
8 submitted in writing and read aloud by the clerk or secretary. Amend-
9 ments offered by a committee shall be included in its written report
10 and attached to the original bill. A bill in second reading is subject
11 to amendment and is treated section by section. No amendment may be
12 made to a bill in its third reading but the bill may be returned to
13 second reading by a majority of the membership of the house for the
14 purpose of specific amendment. Except as provided in this rule, a [A]
15 title may be amended or a change of sponsor made in third reading or
16 after passage by majority vote, but same must be accomplished before
17 the measure acted upon has been enrolled. When amendments to the body
18 of a bill affect the numbering of sections, or passage or failure of
19 the effective date clause affects the title, the clerk or secretary may
20 accomplish the necessary changes without formal motion, and such changes
21 shall be noted in the journal. Resolutions may be amended in the same
22 manner as a bill.

23 * Sec. 3. Rule 40 of the Uniform Rules of the Alaska State Legislature
24 is amended by adding a new subsection to read:

25 (b) An amendment to a bill introduced in the other house is not
26 in order if the amendment requires a change of the bill title other
27 than a clerical or technical change. The title of a bill may not be
28 changed other than by a clerical or technical change except by an
29 affirmative vote of two-thirds of the house of origin.

1 * Sec. 4. Rule 41 of the Uniform Rules of the Alaska State Legislature
2 is amended by adding a new subsection to read:

3 (c) The report of a Committee on Conference with powers of free
4 conference or a Committee on Free Conference that requires a change in
5 the title of a bill other than clerical or technical changes requires
6 an affirmative vote of two-thirds of the house of origin.

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Original sponsor: Rules Committee

Offered: 4/27/81
Referred: Rules

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 2d CS FOR HOUSE BILL NO. 154 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to financial disclosure; and provid-
7 ing for an effective date."

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

9 * Section 1. AS 39.50.030(a) is amended to read:

10 (a) Each statement shall be an accurate representation of the
11 financial affairs of the public official or candidate and shall contain
12 the [SAME] information [FOR EACH MEMBER OF HIS FAMILY, AS] specified in
13 (b) of this section [,] to the extent that it is ascertainable by the
14 public official or candidate. An asset or liability under \$500, house-
15 hold goods, and personal effects need not be identified.

16 * Sec. 2. AS 39.50.030(b) is amended by adding new paragraphs to read:

17 (9) the name of a person known by the public official or
18 candidate to have been a lobbyist during the preceding calendar year
19 who entered into a contract to purchase goods or services

20 (A) in excess of \$100 from a

21 (i) sole proprietorship owned by the public offi-
22 cial or candidate;

23 (ii) partnership in which the public official or
24 candidate is a general partner;

25 (B) in excess of \$1,000 from a person who is a general
26 partner of a firm of which the public official or candidate is a
27 general partner; or

28 (C) in excess of \$100 from a corporation over 50 percent
29 of the stock of which is owned by the public official or candidate;

1 (10) the name of a person from whom the public official or
2 candidate received during the preceding calendar year

3 (A) a gift of cash in excess of \$100;

4 (B) a single gift other than cash having a reasonable
5 value in excess of \$100;

6 (C) gifts other than cash having an aggregate reason-
7 able value in excess of \$250;

8 (11) the name of a person known by the public official or
9 candidate to have been a lobbyist, or a contractor or vendor who does
10 business with the state, or an employee of the state during the preced-
11 ing calendar year who is

12 (A) a general partner, officer, or director of a cor-
13 poration in which the public official or candidate is a general
14 partner, officer, director, or employee, with a description of the
15 legislative or administrative matters which were the object of the
16 activity of the lobbyist, the contractor or vendor who does
17 business with the state, or employee of the state; or

18 (B) a spouse, child, mother or father, brother or
19 sister of the public official or candidate.

20 * Sec. 3. AS 39.50.030 is amended by adding new subsections to read:

21 (d) A campaign contribution reported by a public official or
22 candidate under AS 15.13 does not need to be reported under this sec-
23 tion.

24 (e) A gift from a spouse, child, mother or father, brother or
25 sister, grandparent, or grandchild does not need to be reported under
26 this section.

27 * Sec. 4. Information that is required to be reported under the amend-
28 ments to AS 39.50.030 enacted in this Act need not be reported in a state-
29 ment due under AS 39.50 on or before December 31, 1982.

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* Sec. 5. This Act takes effect January 1, 1982.

House votes 1

By The Associated Press

The House voted 22-15 in favor of a bill on Tuesday which would expand the amount of information on financial disclosure statements they must file.

However, another bill in a reform package backed by House Democrats, which would alter legislative contracting procedures was stalled on the House floor by a series of proposed amendments.

Beginning next January, the disclosure bill (CSHB154 Rules) would require public officials

and candidates to file Commissionings. The name of \$100 worth of goods owned by an official from a partner or to be reported.

Rep. Dick Rane of reconsideration may come up for

The measure also gifts, from non-fa

Programs and projects are piling up at the Capitol doorstep at a rate six times as fast as the rate oil money piles up in state coffers. This session alone, spending proposals totalling more than \$36 billion have stacked up -- with more to come

Formerly, Alaska was on the poor-state's diet. There was only so much money to go around, so only the programs that were really needed got funding, and the state budget stayed lean and within reason.

Now, the budget has ballooned like a fat man on a cream-pie binge. State salaries, subsidies and give-aways have turned the Legislature into a one-stop shopping center for everything from

Expanded reform bill passes House

By JON MATTHEWS
Daily News reporter

JUNEAU — A bill expanding the financial disclosure requirements of elected officials passed the state House Tuesday. But another part of a Democratic reform package bogged down under minority criticism that the measure would change very little.

Backed by the House majority Democrats, the disclosure bill passed on a vote of 22-15 with little debate.

The measure (HB154) would require public officials and can-

didates to disclose the name of lobbyists who spend more than \$100 at a business owned by the officials. Disclosure also would be required if a lobbyist bought more than \$1,000 in goods or services from an official's business partner.

All gifts to officials worth more than \$100 also would have to be reported under the measure, unless the gifts are from family members.

Fairbanks Libertarian Dick Randolph, however, left the door open for a possible second vote on the bill today.

Another measure that Democrats argue would clean up legislative contract procedures bogged down under a pile of proposed amendments from Republicans and Libertarians. A vote on the bill was put off until today.

Rep. Hugh Malone, D-Kenai and chairman of the Legislative Council, said the bill would open up and improve the legislature's contracting methods, which have come under sharp criticism in past years.

The bill (HB156) would require, in some instances, a

written request for proposals for legislative contracts over \$5,000, and also requested from firms for contracts over \$10,000.

But minority House members argued the measure allows too many exceptions to those proposed rules.

Rep. Rick Halfon, Anchorage, argued that one major change proposed by minority members, which would require a written request for proposals before us is at all signifi-

6

Bradley
4-28-81

ETHICS

Original sponsor: Rules Committee

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 153 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing standards of conduct for public
7 officials; relating to the responsibilities of the
8 Alaska Public Offices Commission; and providing for an
9 effective date."

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

11 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that it is
12 essential in the conduct of public business that state officials and state
13 employees hold the respect and confidence of the people. State officials
14 and state employees need to avoid conduct which violates the trust that the
15 people have placed in them or which creates a justifiable impression among
16 the public that the public trust is being violated. To ensure and preserve
17 public confidence, persons serving in government should have the benefit of
18 specific standards to guide their conduct. In order to strengthen the faith
19 and confidence that the governmental process reflects the will of the people
20 and that each state official considers and makes decisions affecting the
21 public according to the best interests of the public, AS 39.49 is enacted in
22 sec. 2 of this Act.

23 * Sec. 2. AS 39 is amended by adding a new chapter to read:

24 CHAPTER 49. STANDARDS OF CONDUCT.

25 Sec. 39.49.010. GIFTS. A public official may not solicit or
26 receive, directly or indirectly, a gift, whether in the form of money,
27 service, or benefit, under circumstances which he knows are intended to
28 influence the performance of official action or as a reward for official
29 action.

4-28-81

1 Sec. 39.49.020. ABUSE OF OFFICE. (a) A public official may not
2 use or attempt to use his position to

3 (1) seek employment or contract for services for himself or
4 a member of his household;

5 (2) solicit or accept compensation for the performance of
6 official duties or responsibilities for himself or others except as
7 provided by law;

8 (3) use state or municipal time, equipment, or facilities
9 for private or business purposes for himself or others;

10 (4) use state or municipal time, equipment, or facilities
11 for political or campaign purposes;

12 (5) solicit, sell, or engage in a financial transaction with
13 a subordinate or a person or business which the public official inspects
14 or supervises;

15 (6) use information which is classified confidential by law
16 for personal gain or in a manner not connected with the performance of
17 official action.

18 (b) The provisions of (a)(3) or (4) of this section do not apply
19 to an elected public official.

20 Sec. 39.49.030. CONFLICT OF INTEREST. (a) A public official may
21 not take official action which he knows or has reason to know would
22 affect

23 (1) a business or property in which the public official has
24 a financial interest; or

25 (2) a business or property for which the public official
26 acts as legal counsel, advisor, consultant, or representative.

27 (b) A public official who is unable to disqualify himself in an
28 action described in (a) of this section or whose participation is
29 necessary in order to constitute a quorum for official action does not

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1 violate (a) of this section if he has complied with AS 39.50.020.

2 (c) A public official may not acquire a financial interest in a
3 business which he believes or has reason to believe may be directly
4 involved in official action he may take.

5 (d) Except as provided in this section, a public official of the
6 state may not assist a person or business before a state agency for
7 contingent compensation in a transaction involving the state. A public
8 official who is a member of the legislature or employed in the legis-
9 lative branch of the state government may not assist a person or busi-
10 ness before a state agency for compensation. A public official who is
11 a member of the governing body of a municipality or an employee of a
12 municipality may not assist a person or business before the municipal
13 governing body or an agency of the municipality for compensation.

14 (e) A public official of the state may not assist a person or
15 business for compensation to secure passage or defeat of a bill or
16 appropriation or to obtain a contract, claim, transaction, or proposal
17 in which he has participated or will participate as a public official
18 of the state. A public official of the state may not assist a person
19 or business for compensation on the bill, contract, claim, transaction,
20 or proposal before the legislature or state agency.

21 (f) A public official of the state may not assist a person or
22 business before a state agency for compensation on a bill, contract,
23 claim, transaction, or proposal involving official action by the state
24 agency over which the public official of the state has authority.

25 (g) A public official does not have a financial interest in
26 official action under this section if no benefit or detriment accrues
27 to him beyond that which accrues uniformly to the members of the pro-
28 fession, occupation, or group affected by the official action.

29 (h) A former public official may not

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1 (1) assist a person or business for compensation on matters
2 in which he participated as a public official;

3 (2) use information which is classified as confidential by
4 law for personal gain;

5 (3) within 12 months after termination of employment assist
6 a person or business for compensation on matters involving official
7 action by the state agency or a municipality of the state with which he
8 was employed.

9 Sec. 39.49.040. ACTION ON CONFLICT. (a) A public official who
10 in the discharge of official duties or responsibilities is required to
11 take official action prohibited by this chapter

12 (1) shall prepare a statement describing the matter requir-
13 ing official action and the nature of the conflict of interest with
14 respect to the official action; and

15 (2) shall deliver copies of the statement to the commission
16 and to his immediate superior or to the governor.

17 (b) On receipt of a statement prepared under (a) of this section,
18 a public official's superior or the governor shall assign the matter to
19 a public official who does not have a conflict of interest.

20 (c) The governor and a public official who has no superior complies
21 with this section if the statement described in (a)(1) of this section
22 is delivered to the commission. A public official who is a member of
23 the governing body of a municipality shall also state the conflict to
24 the governing body.

25 (d) The executive director of the commission shall review any
26 statement filed under (a) of this section. If an opinion is prepared
27 under AS 15.13.032(a)(1), the executive director of the commission
28 shall provide the public official with the opinion.

29 Sec. 39.49.050. CONTRACTS VOIDABLE. (a) In addition to any

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1 other penalty provided by law, a contract entered into by the state or
2 a municipality of the state in violation of this chapter is voidable by
3 the state or a municipality of the state.

4 (b) In an action to void a contract entered into by the state or
5 a municipality of the state in violation of this chapter, the interests
6 of innocent parties who may be damaged by the action shall be con-
7 sidered and the action to void the transaction must be brought within
8 60 days of a determination of a violation of this chapter.

9 Sec. 39.49.060. VIOLATION. The attorney general or the municipal
10 attorney may recover the compensation received by a person as a result
11 of a violation of this chapter by a public official or former public
12 official. An action under this section shall be brought within two
13 years of the violation.

14 Sec. 39.49.070. DISCIPLINARY ACTION FOR VIOLATION. The appoint-
15 ing authority may discipline, reprimand, put on probation, demote,
16 suspend, or discharge an appointed public official found to have
17 violated a provision of this chapter.

18 Sec. 39.49.900. DEFINITIONS. In this chapter,

19 (1) "business" means a corporation, partnership, or sole
20 proprietorship carrying on a business whether or not operated for
21 profit;

22 (2) "commission" means the Alaska Public Offices Commission
23 established under AS 15.13.020;

24 (3) "compensation" means money, a thing of value, or economic
25 benefit conferred on or received by a person in return for services
26 rendered or to be rendered by himself for another;

27 (4) "controlling interest" means an interest in business
28 which is sufficient in fact to control whether the interest is greater
29 or less than 50 percent;

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1 (5) "employment" means services performed for compensation;

2 (6) "financial interest" means an interest held by an indi-
3 vidual or a member of his household which is

4 (A) an ownership interest in a business;

5 (B) a creditor interest in an insolvent business;

6 (C) employment;

7 (D) prospective employment for which negotiations have
8 begun;

9 (E) an ownership interest in real or personal property;

10 (F) a loan or other debtor interest;

11 (G) a directorship or officership in a business;

12 (7) "member of his household" means

13 (A) a person who is the spouse, child, ward, or parent
14 of a public official; or

15 (B) the child, ward, or parent of the spouse of a
16 public official, and who shares the common residence of a public
17 official; or

18 (C) a person who is the child, ward, or parent of a
19 public official or of the spouse of a public official, and over
20 whose financial affairs and holdings the public official has legal
21 or actual control, whether or not they share a common residence;

22 (8) "municipality" includes

23 (A) a city or borough of any class;

24 (B) a municipality unified under AS 29.68.240 - 29.68.-
25 440;

26 (C) a school district or a regional educational attend-
27 ance area;

28 (9) "official action" means a decision, recommendation,
29 approval, disapproval, or other action, including inaction, which

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1 involves discretion;

2 (10) "public official" means a member or employee of the
3 legislature, the governor and lieutenant governor, appointed officers
4 and employees of a state agency, elected and appointed officers and
5 employees of a municipality of the state, and a person under a personal
6 services contract to a state agency or to a municipality of the state;

7 (11) "state agency" means a department, board, board of
8 regents, commission, council, committee, institution, office, corpora-
9 tion, authority or organization in the executive or legislative branch
10 of the state government, and includes the University of Alaska and
11 public corporations having a separate and independent legal existence;

12 (12) "state or municipal time" means the regular work hours
13 established by or under law, regulation, ordinance, or collective
14 bargaining agreement for public officials.

15 * Sec. 3. AS 15.13.020 is repealed and reenacted to read:

16 Sec. 15.13.020. ALASKA PUBLIC OFFICES COMMISSION. (a) The
17 Alaska Public Offices Commission is established in the Department of
18 Administration. The commission consists of five members.

19 (b) The governor shall appoint two members of the commission from
20 each of the two political parties whose candidates for governor received
21 the highest and the second highest number of votes at the most recent
22 preceding general election at which a governor was selected. The fifth
23 member of the commission shall be appointed without regard to party
24 affiliation.

25 (c) Terms of office of the members of the commission date from
26 February 1 of the year of their appointment. The term of office of a
27 member of the commission is five years and until a successor is ap-
28 pointed and qualifies. A commission member may not serve more than one
29 term.

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1 (d) A member of the commission and its executive director may not

2 (1) have been a member of the previous legislature or have
3 been a declared candidate for a federal, state, or municipal elective
4 position within the two years before nomination;

5 (2) be an officer of a political party, political committee
6 or group;

7 (3) permit their names to be used or make a contribution in
8 support of or in opposition to a candidate for governor, lieutenant
9 governor, a member of the legislature, for municipal office or for a
10 proposition or question that appears on a ballot in the state including
11 the ballot of a municipality;

12 (4) participate in an election campaign or participate in or
13 contribute to a political party; or

14 (5) lobby or employ a lobbyist.

15 (e) Members of the commission receive compensation of \$50 a day
16 while attending commission meetings and are entitled to travel expenses
17 and per diem authorized by law for members of boards and commissions
18 under AS 39.20.180.

19 (f) The commission members shall elect a presiding officer.
20 Three members of the commission constitute a quorum. A vacancy does
21 not impair the powers of the remaining members of the commission to
22 exercise the powers of the commission.

23 (g) A vacancy on the commission shall be filled by the governor
24 within 30 days of the occurrence of the vacancy. The member appointed
25 shall serve for the remaining term of his predecessor.

26 * Sec. 4. AS 15.13 is amended by adding a new section to read:

27 Sec. 15.13.022. OFFICES OF THE COMMISSION. (a) The commission
28 shall establish an office in each senate district in the state. Each
29 office shall keep on file for public inspection copies of the reports

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1 filed with the commission under this chapter by candidates for state-
2 wide office and by candidates for legislative office in that district.
3 The offices shall maintain the forms and pertinent material necessary
4 for candidates to comply with this chapter.

5 (b) Reports required by this chapter shall be filed by candidates,
6 groups, and individuals directly with the commission's central office.
7 The commission shall insure that copies of reports by statewide and
8 legislative candidates in each senate district are forwarded promptly
9 to the appropriate regional office.

10 (c) If a municipality contains more than one election district,
11 only one commission office shall be established in the municipality.

12 (d) The commission shall insure that copies of reports filed by
13 candidates for municipal office are made available for public inspec-
14 tion in the municipality.

15 * Sec. 5. AS 15.13.030 is repealed and reenacted to read:

16 Sec. 15.13.030. DUTIES OF THE COMMISSION. (a) The commission
17 shall

18 (1) develop and provide all forms for the reports and state-
19 ments required to be made under this chapter, AS 24.45, AS 39.49 and
20 AS 39.50;

21 (2) prepare and publish a manual setting out uniform methods
22 of bookkeeping and reporting for use by persons required to make reports
23 and statements under this chapter, AS 24.45, AS 39.49, and AS 39.50 and
24 otherwise assist candidates, groups, and individuals in complying with
25 the requirements of this chapter, AS 24.45, AS 39.49, and AS 39.50;

26 (3) receive and hold open for public inspection reports and
27 statements required to be made under this chapter, AS 24.45, AS 39.49,
28 and AS 39.50 and, upon request, furnish copies at cost to interested
29 persons;

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1 (4) compile and maintain a current list of all filed reports
2 and statements;

3 (5) prepare a summary of reports filed with the commission
4 and make copies of a summary available to interested persons at cost;

5 (6) notify, by registered or certified mail, all persons who
6 are delinquent in filing reports and statements required to be made
7 under this chapter, AS 24.45, AS 39.49, or AS 39.50;

8 (7) examine, investigate and compare reports, statements and
9 actions required by this chapter, AS 24.45, AS 39.49, and AS 39.50 and
10 report to the attorney general the names of persons or groups which the
11 commission has substantial reason to believe have violated this chapter,
12 AS 24.45, AS 39.49, or AS 39.50;

13 (8) prepare and publish an annual report to the legislature
14 concerning the activities of the commission, the effectiveness of this
15 chapter, AS 24.45, AS 39.49, and AS 39.50, their enforcement by the
16 attorney general, and recommendations and proposals for change;

17 (9) adopt regulations necessary to implement and clarify this
18 chapter, AS 24.45, AS 39.49, and AS 39.50, subject to the provisions of
19 the Administrative Procedure Act (AS 44.62).

20 (b) The commission may delegate to the executive director powers
21 and duties given it by AS 15.13.032; it may not delegate to the execu-
22 tive director the power to issue a determination under AS 15.13.034(e)
23 or 15.13.036.

24 (c) The commission, a commissioner, the executive director, or an
25 employee authorized by the commission may administer oaths, certify to
26 all official acts, and issue subpoenas, subpoenas duces tecum, and
27 other process to compel the attendance of witnesses and the production
28 of testimony, records, papers, accounts and documents in an inquiry,
29 investigation, hearing or proceeding before the commission. The com-

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1 mission, a commissioner, or the executive director may petition a court
2 of this state to enforce its subpoenas, subpoenas duces tecum and other
3 process.

4 * Sec. 6. AS 15.13 is amended by adding new sections to read:

5 Sec. 15.13.032. POWERS OF COMMISSION. (a) The commission shall
6 administer this chapter, AS 24.45, AS 39.49, and AS 39.50 and may

7 (1) issue an advisory opinion under AS 15.13.034(b) on the
8 request of a public official or former public official as to whether
9 stated facts and circumstances may constitute a violation of this
10 AS 39.49; if an advisory opinion is not issued within 30 days after the
11 request is filed with the commission, the public official or the former
12 public official may consider that the facts and circumstances stated in
13 the request do not constitute a violation of AS 39.49; the advisory
14 opinion issued or considered issued is binding in a subsequent charge
15 concerning the public official or former public official who sought the
16 advisory opinion and acted in reliance on it unless material facts were
17 omitted or misstated in the request;

18 (2) in its discretion issue an advisory opinion upon the
19 request of any person if the commission determines that the request
20 states a matter of general applicability or first impression under
21 AS 39.49; the advisory opinion shall be based on facts and circumstances
22 stated in the request and may not be used as a substitute for a com-
23 plaint charging a violation of AS 39.49 under (4) of this subsection;

24 (3) issue a determination under AS 15.13.036;

25 (4) accept or initiate charges concerning a violation of a
26 law administered by the commission, initiate investigations, and hold
27 hearings;

28 (5) subpoena witnesses, administer oaths, and take testimony
29 relating to matters before the commission and require the production

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1 for examination of books or papers relating to a matter under investi-
2 gation by the commission;

3 (6) publish summaries of advisory opinions issued under
4 AS 15.13.034(b) and determinations issued under AS 15.13.036 with dele-
5 tions in the summary to prevent disclosure of the identity of a person
6 involved in an advisory opinion or determination;

7 (7) distribute its publications without cost to the public
8 and initiate programs to educate the public and public officials regard-
9 ing the laws enforced by the commission.

10 (b) The commission may authorize its executive director to issue
11 an opinion under (a)(1) or (a)(2) of this section.

12 (c) A charge may be accepted by the commission and a charge may
13 be initiated by the commission on a violation of AS 39.49 no later than
14 one year after termination of employment by a public official. This
15 subsection does not prevent a proceeding against a person who by fraud
16 prevents discovery of a violation of AS 39.49.

17 Sec. 15.13.034. COMPLAINT PROCEDURES. (a) A charge concerning a
18 violation of a law administered by the commission must be in writing
19 and signed by the complainant under oath. A charge initiated by the
20 commission must be signed by three members of the commission. The
21 executive director shall notify each person against whom a charge is
22 filed and afford the person an opportunity to explain the conduct
23 stated to be a violation. The executive director shall investigate
24 charges involving a violation of AS 39.49 on a confidential basis.

25 (b) The executive director may render an opinion to the public
26 official charged with a violation under (a) of this section. If the
27 opinion indicates a probable violation, the person charged with a
28 violation may request a determination from the commission or comply
29 with the opinion. If the person charged fails to comply with the

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1 opinion or if the executive director determines by competent and sub-
2 stantial evidence that a violation of this chapter has occurred, a copy
3 of a complaint shall be served on the person. The person has 20 days
4 after service to reply to the complaint.

5 (c) Upon service of a complaint under (b) of this section, the
6 commission shall set a time and place for a hearing with notice to the
7 complainant and the person charged with a violation.

8 (d) Each party may have an opportunity to (1) be heard, (2)
9 subpoena witnesses and require the production of books or papers relat-
10 ing to the proceedings, (3) be represented by counsel, and (4) have the
11 right of cross-examination. The hearings shall be held under AS 44.62.
12 A witness shall testify under oath. The commission is not bound by the
13 strict rules of evidence but the commission's determination must be
14 based on competent and substantial evidence. Testimony and evidence
15 taken at the hearing shall be recorded.

16 (e) A determination of the commission regarding a violation shall
17 be approved by three members of the commission. A determination is
18 public information

19 Sec. 15.13.036. DETERMINATIONS. (a) When the commission, after
20 hearings under AS 15.13.034(c), determines that there is sufficient
21 cause to believe that a public official removable only by impeachment
22 has committed a wilful and not inadvertent violation of a provision of
23 AS 39.49, it shall issue a determination and refer the determination to
24 the senate for proceedings under art. II, sec. 20 of the state consti-
25 tution. The determination shall contain a statement of the facts
26 constituting the violation.

27 (b) When the commission determines after hearings under AS 15.-
28 13.034(c) that there is sufficient cause to believe that a public
29 official other than a public official removable only by impeachment has

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1 committed a wilful and not inadvertent violation of a provision of
2 AS 39.49, it shall refer

3 (1) to the governor a determination concerning a public
4 official in the executive branch;

5 (2) to the proper presiding officer of the legislature or to
6 both presiding officers of the legislature a determination concerning a
7 public official in the legislative branch; or

8 (3) to the chairman of the Board of Regents a determination
9 concerning a public official in the University of Alaska.

10 (c) Any action of the governor, legislature, or chairman of the
11 Board of Regents in response to a determination of the commission is
12 public information.

13 Sec. 15.13.038. CIVIL PENALTIES. (a) The commission may assess
14 a civil penalty in an amount not to exceed twice the benefit determined
15 by the commission to have been obtained by a violation of this chapter,
16 AS 24.45, AS 39.49, or AS 39.50, or \$2,000, whichever is less, against
17 a public official.

18 (b) If the commission determines that a public official received
19 no economic benefit from a violation of this chapter, AS 24.45,
20 AS 39.49, or AS 39.50, it may assess a civil penalty not to exceed
21 \$2,000.

22 * Sec. 7. AS 15.13.122 is repealed and reenacted to read:

23 Sec. 15.13.122. LEGAL COUNSEL. (a) The attorney general is
24 legal counsel for the commission and shall advise the commission in
25 legal matters arising in the discharge of its duties and represent the
26 commission in actions to which it is a party.

27 (b) If, in the opinion of the commission, the public interest
28 warrants, the commission may request the chief justice of the supreme
29 court to appoint special counsel to represent the commission in a

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1 proceeding involving a law administered by the commission and to pursue
2 appropriate remedies including criminal prosecution.

3 (c) When the public interest warrants, the commission may employ
4 temporary legal counsel in matters in which the commission is involved.

5 * Sec. 8. AS 15.13.130 is amended by adding a new paragraph to read:

6 (8) "commission" means the Alaska Public Offices Commission.

7 * Sec. 9. AS 39.25.120(12) is amended to read:

8 (12) the executive director [AND STAFF] of the Alaska Public
9 Offices Commission;

10 * Sec. 10. AS 15.13.045 and AS 39.50.090(a) - (e) are repealed.

11 * Sec. 11. (a) AS 39.49 enacted in sec. 2 of this Act applies to the
12 conduct of a public official of the state after the effective date of this
13 Act. AS 39.49 applies to public officials of a municipality of the state on
14 and after July 1, 1982, unless the municipality adopts standards of conduct
15 for its public officials, submits the standards to the Alaska Public Offices
16 Commission, and the Alaska Public Offices Commission determines before
17 July 1, 1982, that the municipal standards of conduct are substantially
18 similar to the standards of conduct adopted in AS 39.49.

19 (b) The legislature does not intend that each municipality adopt a
20 code establishing standards of conduct as comprehensive as the standards of
21 conduct established in AS 39.49 enacted in sec. 2 of this Act. In deter-
22 mining whether a municipal code establishing a standard of conduct is sub-
23 stantially similar to the standards of conduct established in AS 39.49, the
24 Alaska Public Offices Commission shall consider the standards of conduct
25 established in the municipal code with reference to the size of the municipal
26 government and recent budgets of the municipality, procedures adopted by the
27 municipality for the regulation of fiscal procedures, and other matters
28 submitted to the commission by the municipality.

29 * Sec. 12. This Act takes effect July 1, 1981.

Alaska State Senate
JUNEAU, ALASKA 99811

DURING SESSION
POUCH V
JUNEAU, ALASKA 99811

M E M O R A N D U M

DATE: March 19, 1981
TO: Members, Senate Special Committee on Legislative Reform
FROM: Senator Rodey, Chairman *PRR*
RE: Legislative Reform

This is to formalize the arrangements agreed upon at our last committee meeting a week ago. At that time consensus was reached that the different areas of reform - and relevant bills and resolutions - should be divided up among the members of the special committee. The assignments are as follow:

Senator Kelly - length of session: SJR 6/HJR 12 *next session*
appropriations: SJR 20
legislative employees' salaries

Senator Fischer - ethics/APOC/financial disclosure:
SB 167/SB 175/HB 107/ HB 153/HB 154

Senator Ray - terms of legislators: SJR 9/ SJR 24
conference committees: SCR 1/HCR 3
bill content/germaneness

Senators Rodey & Bennett -
uniform rules changes: SCR 8
legislative procedures: HB 155
legislative contracts: HB 156
joint finance committee
public notice of committee meetings
establishment of interim committees
other miscellaneous: HJR 7/HJR 8/HB 109/HB 168

The idea is for members to review the proposals, collect the back-up and make recommendations to the full committee. I expect the committee to have completed its task by the end of April. In addition to informal meetings which may be called between now and then, the committee will be holding public hearings in Fairbanks on Saturday, April 11, and in Anchorage on Saturday, April 18. The League of Women Voters will also be conducting a conference on legislative reform on Saturday, April 25.

If there are any questions, please contact me. Thank you.

PATRICK RODEY
ANCHORAGE

601 W. 5TH AVE. SUITE 820
ANCHORAGE, ALASKA 99501

Alaska State Senate
JUNEAU, ALASKA 99811

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If there are any questions, please contact me. Than' you.

HOW HANDLE?

EFFECTIVE DATE?

STATEMENT OF PROBLEM?

LEAGUE OF 6 VOTERS - Conf: April 25th

ANCH. FREE COMMITTEE

POSSIBLE LEGISLATIVE REFORMS

- ① LIMIT ON # OF TERMS LEGISLATORS CAN SERVE NO!
- ② REFORM OF FREE CONFERENCE COMMITTEE PROCEDURES YES!
- ③ CODE OF ETHICS FOR STATE EMPLOYEES & STATE OFFICIALS
"COMMISSION ON GOVERNMENT ETHICS" NO!
- ④ LIMIT ON LENGTH OF LEGISLATIVE SESSIONS NO!
- ⑤ REFORM OF CONTRACTING PROCEDURES YES!
- ⑥ RESTRICT "PIGGYBACKING" YES!
- ⑦ COMMITTEE NOTICE YES!
- ⑧ PROHIBITION OF INTERIM COMMITTEES UNLESS AUTHORIZED YES!
- ⑨ MORE DETAILED FINANCIAL DISCLOSURE NO!
- ⑩ REFORM OF LEGISLATIVE COUNCIL - spending - staffing NO!
- ⑪ JOINT BUDGET/FINANCE COMMITTEE NO!

BILLS ALREADY INTRODUCED

- * HCR 3 : PROPOSING AN AMENDMENT TO THE UNIFORM RULES RELATING TO CONFERENCE COMMITTEES & FREE CONFERENCE COMMITTEES
- * HB 153 : AN ACT RELATING TO ETHICS IN GOVERNMENT & ESTABLISHING THE LEGISLATIVE COMMISSION ON GOVERNMENTAL ETHICS
- * HB 154 : AN ACT RELATING TO FINANCIAL DISCLOSURES
- * HB 155 : AN ACT RELATING TO LEGISLATIVE PROCEDURES
- * HB 156 : AN ACT RELATING TO LEGISLATIVE CONTRACTS
- * SB 90 : FREEDOM OF INFORMATION
- * SB 175 : AN ACT ~~RE~~^{ADOPTING} A CODE OF ETHICS FOR STATE OFFICIALS & STATE EMPLOYEES; ESTABLISHING A STATE ETHICS COMMISSION; REPEALING AS 39.50

LEGISLATIVE REFORM

① list subject areas

- FCC / appropriations / Joint Budget
- * contracting procedures
- germaneness / bill content
- * ethics
- financial disclosure / APOC
- * F. of Information
- * reg. open for initiation
- * spreading the power
- * length of leg. terms
- * review of the Agency
- * " " " session
- committee procedures
- * public notice
- interim committees / special committees

② location of activities

- constitution
- * uniform rules
- * statutes

③ timing

- D W V conference on April 25th
- * this session or next?

PATRICK RODEY
ANCHORAGE

601 W. 5TH AVE. SUITE 820
ANCHORAGE, ALASKA 99501

DURING SESSION

POUCH V
JUNEAU, ALASKA 99811

Alaska State Senate

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M E M O R A N D U M

DATE: March 11, 1981
TO: Members, Senate Special Committee on Legislative Reform
FROM: Senator Rodey, Chairman
RE: Legislative Reform

As follow-up to our Monday night meeting, I propose the following plan of action:

- 1) Divide the work among the members - this will be done at our next special committee meeting.
- 2) Some proposals, such as SJR 20 relating to appropriations, can be handled through the legislative process as joint committee meetings with the special committee and the committee of referral.
- 3) Proposals which do not have a Senate committee referral will be addressed by the special committee.

I am anticipating, as a final work product, passage of some of the reform legislation by both bodies this session; establishment by policy of Senate leadership this session some of the ideas/proposals which may not be formally adopted until next session; and further study of some of the more complicated or controversial proposals during the interim.

Enclosed is a listing of the issues and bills relating to legislative reform, and copies of all the bills introduced to date.

I will be talking with you about the time and date for our next meeting.

cc: All Senators
House Majority Leader
House Minority Leader

PENDING LEGISLATION RELATING TO LEGISLATIVE REFORM

- SJR 6 Proposing an amendment to the Constitution of the State of Alaska relating to sessions of the legislature.
- SJR 9 Proposing an amendment to the Constitution of the State of Alaska relating to the terms of legislators.
- SJR 20 Proposing an amendment to the Constitution of the State of Alaska relating to appropriations.
- SJR 24 Proposing an amendment to the Constitution of the State of Alaska relating to the terms and election of legislators.
- SCR 1 Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to conference committees and free conference committees.
- SCR 8 Proposing amendments to the uniform rules.
- SB 167 An Act relating to the Alaska Public Offices Commission; and providing for an effective date.
- SB 175 An Act adopting a code of ethics for state officials and state employees; establishing a State Ethics Commission; repealing AS 39.50; and providing for an effective date.
- HJR 7 Proposing an amendment to the Constitution of the State of Alaska relating to the qualifications of members of the legislature.
- HJR 8 Proposing amendments to the Constitution of the State of Alaska providing for the submission of constitutional amendments by initiative.
- HJR 12 Proposing amendments to the Constitution of the State of Alaska relating to legislative sessions.
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- HB 107 An Act requiring public officers and employees who engage in lobbying to comply with the Regulation of Lobbying Act (AS24.45); and providing for an effective date.
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- HB 153 An Act relating to ethics in government and establishing the Legislative Commission on Governmental Ethics; and providing for an effective date.

- HB 154 An Act relating to financial disclosure; and providing for an effective date.
- HB 155 An Act relating to legislative procedures; and providing for an effective date.
- HB 156 An Act relating to legislative contracts.
- HB 168 An Act relating to payment of legislative per diem; and providing for an effective date.

TOPICS NOT YET ADDRESSED IN LEGISLATION

- * Bill content/germaneness
- * Joint Finance Committee
- * Public notice of committee meetings
- * Establishment of interim committees
- * Legislative staffing

SUMMARY

- * Length of session SJR 6/HJR 12
- * Terms of legislators SJR 9/SJR 24
- * Appropriations SJR 20
- * Conference Committees SCR 1/HCR 3
- * Uniform Rules changes SCR 8
- * Ethics/APOC/financial disclosure:
SB 167/SB 175/HB 107/HB 153/HB 154
- * Legislative procedures HB 155
- * Legislative contracts HB 156
- * Other miscellaneous HJR 7/HJR 8/HB 109/HB 168

PATRICK RODEY
ANCHORAGE

601 W. 5TH AVE. SUITE 820
ANCHORAGE, ALASKA 99501

DURING SESSION

POUCH V
JUNEAU, ALASKA 99811

Alaska State Senate

JUNEAU, ALASKA 99811

M E M O R A N D U M

DATE: March 11, 1981
TO: Members, Senate Special Committee on Legislative Reform
FROM: Senator Rodey, Chairman
RE: Legislative Reform

As follow-up to our Monday night meeting, I propose the following plan of action:

- 1) Divide the work among the members - this will be done at our next special committee meeting.
- 2) Some proposals, such as SJR 20 relating to appropriations, can be handled through the legislative process as joint committee meetings with the special committee and the committee of referral.
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I am anticipating, as a final work product, passage of some of the reform legislation by both bodies this session; establishment by policy of Senate leadership this session some of the ideas/proposals which may not be formally adopted until next session; and further study of some of the more complicated or controversial proposals during the interim.

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ALASKA STATE LEGISLATURE

PROPOSED AMENDMENTS

TO THE

-- UNIFORM RULES --

(As Adopted by the House & Senate Rules Committees
Meeting Jointly.)

MAY 29, 1981

THE CHANGES PROPOSED IN THE FOLLOWING RULES HAVE BEEN AGREED
TO AND ARE RECOMMENDED BY THE RULES COMMITTEES OF THE HOUSE
AND SENATE.

OK ✓

RULE 1. ORGANIZATION OF FIRST SESSION.

(a) At the time for convening of the first regular session of a legislature the lieutenant governor calls each house to order separately and calls the roll of members whose election has been certified. The lieutenant governor [HE] then administers the oath of office to the new members and, pending the election of temporary presiding officers, preserves order and decorum in the house.

(b) When the house by a majority vote of the full membership of the house [VOTE] selects a temporary presiding officer, the temporary presiding officer [HE] assumes the chair and the lieutenant governor withdraws. The temporary presiding officer [CHAIR] then calls for nominations for a permanent presiding officer and the nominee receiving a majority vote of [THE VOTES OF] the full membership of the house becomes the permanent presiding officer [ASSUMES THE CHAIR] for the two-year duration of the legislature. If a permanent presiding officer is not elected by the seventh legislative day, on the eighth legislative day the temporary presiding officer shall call for nominations for a permanent presiding officer from the floor. A roll call vote shall be taken on the persons nominated. Election of a permanent presiding officer requires a majority vote of the full membership of the house.

(a) To remove from the rule a reference to a sexually explicit pronoun.

(b) To remove from the rule references to sexually explicit nouns and pronouns, and to establish procedures for and clarify the vote procedures and requirements applicable to election of temporary and permanent presiding officers.

← SIGNIFICANT CHANGE

(c) Pending the organization of the house a secretary assigned by the Legislative Council assists the lieutenant governor and the temporary and permanent presiding officers in the performance of their duties.

(d) The Uniform Rules of the Legislature of the previous regular session or any authorized revision of those rules are used as the temporary rules until the Rules Committee reports on and the legislature in joint session adopts permanent uniform rules.

(e) The presiding officer shall announce, not later than the day following [HIS] election, the appointment of a Committee on Committees consisting of five members including the presiding officer [HIMSELF AS CHAIRMAN AND FOUR OTHER MEMBERS]. The presiding officer chairs the committee on committees. The committee is responsible for nominating the [CHAIRMEN AND] members of the standing committees as set out [FORTH] in Rule 20 and the member who is to chair each standing committee to serve for the two-year duration of the legislature. The membership of each committee shall total to an uneven number and the minority is entitled to at least one seat on each standing committee. The report of the Committee on Committees is subject to approval by a majority vote of the full membership of the house.

(e) To remove from the rule references to sexually explicit pronouns, and to conform language used to standard legislative drafting practice.

OK ✓

RULE 2. ORGANIZATION OF SECOND SESSION.

The presiding officer of each [THE] house during the first regular session presides during the second regular session or any special session and administers the oath to any new members.

To clarify the rule.

OK ↙

RULE 3. LEGISLATIVE SESSION STAFF.

(a) Each house elects an internal administrative [ADMINISTRATION] officer (a Chief Clerk in the House and a Secretary in the Senate) to serve for the two-year duration of the legislature. The officer is nominated by the Rules Committee and elected by a majority vote of the full membership [MEMBERS] of the house. The Chief Clerk and Secretary are responsible for the selection and supervision of the staff of their offices and are subject to the direction of the presiding officer and Rules Committee according to law and legislative rule.

(b) The Rules Committee of each house is responsible for the selection and direction of the session staff assigned to each chamber (sergeant-at-arms and their assistants, pages and messengers) and is the source of approval for hiring session assistants for standing, [AND] special, and joint committees and caucuses and secretarial help to be assigned to individual members. The Rules Committees of the house and senate shall decide jointly and within the amount budgeted for session staff the compensation and conditions of employment of those working under their individual supervision. The director of administrative services of the Legislative Affairs Agency shall assist and make recommendations to the Rules Committees regarding staff compensation and related matters.

(c) The sergeant-at-arms shall attend all sessions of the house unless absent for the purpose of discharging the duties of the office. The sergeant-at-arms shall maintain

(a) To correct a reference and to clarify the vote requirement for election of the chief clerk and secretary.

(b) To bring session employees of joint committees under employment provisions generally applicable to session employees.

(c) To provide a description of the duties of the sergeant-at-arms.

OK ✓

RULE 4. DUTIES OF THE PRESIDING OFFICER.

The presiding officer of each house has the duties set forth in section 575, MASON'S MANUAL OF LEGISLATIVE PROCEDURE, 1979 edition, when not inconsistent with these Uniform Rules. In the absence of the regular presiding officer, the majority leader of the house serving ex officio as presiding officer pro tempore shall preside; except that the regular presiding officer may temporarily relinquish the chair to any member.

To specify use of the most recent edition of Mason's Manual applies to implement the Uniform Rules.

OK ✓

RULE 5. ADMINISTRATIVE SERVICES. The Legislative Council is responsible for providing administrative services necessary to the operation of the legislature through the Legislative Affairs Agency. The director of the division of administrative services has general supervision of the central fiscal, procurement, duplicating, distribution and mailing services. Official documents and items are duplicated only when submitted with a work order signed by a presiding officer, the person who chairs a committee [CHAIRMAN], or the chief clerk or senate secretary, or their authorized representatives. No requests for the duplication of personal or unauthorized items or items not accompanied by a work order signed by an authorized person may be accepted. The fiscal officer is responsible for the preparation of payroll, personnel and purchase documents and the immediate supervision of the distribution and mailing services.

To remove from the rule a reference to a sexually explicit pronoun.

OK ✓

RULE 6. EXPENDITURES. The annual budget for all legislative expenses is prepared by the Legislative Council and submitted to the Finance Committees. No legislator or employee may spend or obligate legislative money without the documents required by regulation from the legislative fiscal and certifying officers. No member may spend or obligate state funds for or on behalf of any committee unless authorized by the chairman of the committee with approval of the presiding officer of the house within the limits of available funds.

OK ✓

RULE 7. COMMUNICATIONS. Communica-
tions received by a house from the other
house or the governor are read by the clerk
or secretary and spread upon or paraphrased
in the journal. All other official com-
munications to a house are referred directly
by the clerk or secretary to the presiding
officer for [HIS] referral by the presiding
officer to a committee or to file. The
presiding officer may direct that the receipt
of a communication and the subject to which
it relates be noted in the journal.

To remove from the rule a reference to a
sexually explicit pronoun.

OK ✓

RULE 8. PRIVILEGE OF THE FLOOR. (a)

A member may request of the presiding officer [CHAIR] and receive with the consent of two-thirds of the members present the personal or special privilege of the floor. The request for the privilege and the substance of the [HIS] remarks of the member are not recorded in the journal.

(b) [(a)] Personal privilege is granted for making remarks affecting the rights, reputation and conduct of members in their respective capacities [CAPACITY].

(c) [(b)] Special privilege of the floor is used for: remarks on matters other than questions of personal privilege and the subject of special privilege to which a member rises must be stated before consent to proceed is given.

To revise the material into subsections in accordance with standard legislative drafting practice, and to remove from the proposed subsection (a) a reference to a sexually explicit pronoun.

OK ✓

RULE 9. JOURNAL. The journal of each house reports only the essential items of daily business: roll call votes, major motions, communications from the governor and the other house, brief or summary committee reports, and amendments. Detailed committee reports, exhibits, and miscellaneous communications ordered spread upon the journal by the presiding officer of the house shall be published in a supplement to the daily journal. The daily journal is to be prepared by the chief clerk or secretary in conformity with the legislative drafting manual and distributed to each member of the legislature on the following legislative day. Matter may be expunged from the journal with the approval of a majority of the full membership of the house if the motion to expunge is adopted prior to the end of the legislative day on which the journal report is approved.

To restate the vote required to expunge material from the journal.

OK ✓

RULE 10. DRAFTING MANUAL. The legislative drafting manual prepared by the enrolling secretary of the legislature and the revisor of statutes and adopted by the legislative Council is to be followed by all officers and employees of the legislature in the preparation, processing, and disposition of all legislative documents and records.

To conform the text of the rule to the actual practice now followed by the Agency; the provisions of the manual which outline bill drafting procedures and techniques are annually reviewed and revised as necessary by the revisor; those portions of the manual which describe the format for presenting bills and resolutions is the responsibility of the legal editor, who functions as the enrolling secretary in the final preparation of bills for submission to the governor.

OK ✓

RULE 11. ADMISSION TO FLOOR. (a) Except as provided in (b) - (d) of this rule, a [NO] person who is not a member of the house is not permitted on the floor of the house chamber while the house is sitting or in brief recess unless that person [HE] is a member of the other house or an officer or an employee authorized to be present by this rule or by the presiding officer.

(b) Each of the following may be admitted to a chamber:

(1) the chief clerk or secretary and members of the staff of that officer;

(2) the sergeant-at-arms and members of the staff of the sergeant-at-arms;

(3) a chaplain;

(4) pages and messengers.

(c) The house, by a majority vote of the members present, or the presiding officer of the house may admit a person to the chamber while the house is in session or in brief recess.

(d) Members of the press may be admitted to a chamber. However, members of the press, when admitted, may use only facilities provided at the rear of the chamber for press purposes, and may use only the perimeter aisles of the chamber for photographic purposes.

(a) To restate the rule in standard legislative drafting language, and to remove from the rule a reference to a sexually explicit pronoun.

(b) To describe the persons who may, by rule, be admitted to the chamber.

(c) To describe additional situations when a person may be admitted to a chamber while the house is in session or brief recess.

(d) To provide for admission of members of the press to the chamber, and establish reasonable limits on their presence.

(e) The presiding officer may extend the privilege of the floor to former legislators and distinguished visitors for the day but not for the purpose of discussion and debate. Only [NO ONE BUT] a member of the legislature may advocate or oppose passage of a bill or resolution in the chamber of the house while the house is in session.

(e) To clarify language used in the existing rule.

OK ✓

RULE 12. USE OF CHAMBERS AND OFFICES.
Legislative [THE] chambers [AND OFFICES
ASSIGNED TO THE LEGISLATURE] are to be used
only for the official business of the legis-
lature during legislative sessions. During
the session access to the chambers and their
galleries [AND LEGISLATIVE OFFICES] is under
the control of the presiding officer of the
house to which the space is assigned, and
the assignment of legislative offices and
use of committee rooms shall be provided for
by and be under the control of the Rules
Committee.

To revise the present rule to reflect the
current practice of having a house bear
responsibility for use of the chamber, of
having the Rules Committee assign offices to
members and be responsible for use of
committee rooms, and to remove the right of
access to legislative offices from the presid-
ing officer of the house.

OK ✓

RULE 13. HOUR FOR CONVENING. Each house shall convene daily, except Sunday, at 10:00 a.m., unless otherwise ordered by a majority vote of the members present.

OK ✓

RULE 14. QUORUM AND ROLL CALL. (a) A majority of the full membership of the [EACH] house constitutes a quorum to do business (subject to the special voting requirements of the Constitution, Art. II, Secs. 14, 16 and 18), but a smaller number may adjourn from day to day and may compel the attendance of absent members (Constitution, Art. II, Sec. 12).

(b) A roll call of members shall be taken as the first order of business on each legislative day. The electric voting machine may [SHALL] be used for the daily roll call and any quorum call and shall [MAY] be used for the election of officers and other business of the house if [A MAJORITY OF THE FULL MEMBERSHIP OF] the house so orders by a majority vote of the full membership of the house. If the voting machine is not operating or not operating properly, the daily roll call or quorum determination shall [MAY] be made by the calling of the roll.

(a) To clarify the quorum requirement.

(b) To revise provisions relating to use of the electronic voting machine in the conduct of the business of the house.

OK ✓

RULE 15. ABSENCE OF MEMBERS. A [NO] member may not be absent [HIMSELF] from sittings of the house unless the member [HE] has the leave of the house to be absent or is ill and unable to attend. A [ANY] member who is consistently absent from meetings of a standing committee to which [HE IS] assigned may be removed from that committee by the Committee on Committees upon a showing that the member's [HIS] absence is unwarranted.

To conform the language of the rule to standard legislative drafting language, and to delete from the rule references to sexually explicit pronouns.

OK ✓

RULE 16. CALL OF THE HOUSE. (a) A call of the house is used to compel attendance of absent members who have not been previously excused from a call by a majority vote of the full membership of the house. The journal shall reflect the names of all members excused from attendance and such members shall be excused from all roll calls during such absence. A call of the house may be ordered by one member. When no quorum is present, the presiding officer of the house may compel the attendance of individual absent members.

(b) If a quorum is present when a call has been ordered, the house may continue to conduct business other than the measure under consideration at the time the call was ordered. However, any member may also order a call of the house as to any other measure placed before the house for consideration after the original call has been ordered.

(c) A call is satisfied by arrival of the absent members not previously excused from the call.

(d) A call is terminated

(1) [BY ARRIVAL OF THE ABSENT MEMBERS NOT PREVIOUSLY EXCUSED FROM A CALL, AND] when the issue upon which the call has been placed has been voted upon or otherwise resolved; [,]

(2) by withdrawal of the call by the member placing the call; [,] or

(3) by a majority vote of the members present to adjourn.

(a) To clarify the vote required with respect to securing an absence which is excused from a call of the house.

(c) To indicate when a call of the house is "satisfied".

(d) To clarify when a call of the house is "terminated" and to clarify the vote required with respect to adjournment of the house while a call of the house has been ordered.

(e) The presiding officer of the house may direct the sergeant-at-arms to obtain assistance from the Department of Public Safety to secure the attendance of any missing member.

(e) To authorize the presiding officer to obtain assistance from the Department of Public Safety to secure attendance of members absent when a call of the house has been ordered.

OK ✓

RULE 17. DAILY ORDER OF BUSINESS.

Unless changed by a [VOTE OF] two-thirds vote of the full membership of the house the daily order of business of each house is as follows:

(1) [(a)] Roll call

(2) [(b)] Invocation or meditation
[PRAYER BY CHAPLAIN]

(3) [(c)] Certification by the chief clerk or secretary to the house as to the correctness of the journal of the previous day, journal approved or order changed

(4) [(d)] Introduction of guests

(5) [(e)] Messages from the
governor

(6) [(f)] Messages from the other
house

(7) [(g)] Communications

(8) [(h)] Reports of standing
committees

(9) [(i)] Reports of special
committees

(10) [(j)] Introduction of resolutions

(11) [(k)] Introduction, first
reading and reference of bills

To recognize that the prayer may not be given by a chaplain, to clarify the vote required to change the daily order of business of a house, and to reverse the order of the announcement of committee meetings and special orders not set for a particular hour.

(12) [(1)] Consideration of daily
calendar

(A) [(1)] Second reading of
bills of house

(B) [(2)] Second reading of
bills of other house

(C) [(3)] Third reading of
bills of house

(D) [(4)] Third reading of
bills of other house

(E) [(5)] all other matters
up for final action in the house

(13) [(m)] Unfinished business

(14) Announcement of committee
meetings

(15) [(n)] Special orders (not set
for a particular hour)

[(o) ANNOUNCEMENT OF COMMIT-
TEE MEETINGS]

(16) [(p)] Adjournment

OK ✓

RULE 18. DAILY CALENDAR. [(a)] The Rules Committee of each house is responsible for the preparation of the daily calendar [FOR DISTRIBUTION TO EACH MEMBER ON THE DAY PRECEDING THE NEXT LEGISLATIVE DAY]. Pending the printing of the calendar the contents of the calendar shall [MAY] be announced or posted on the day preceding the next legislative day. Changes to a calendar or approval of a supplementary calendar may be authorized by a two-thirds vote of the members [MEMBERSHIP] present. No business shall be transacted nor any measure considered that is not on the calendar. A bill may not be withdrawn from the Rules Committee but [A MAJORITY OF THE FULL MEMBERSHIP OF] the house may order a bill in the possession of the Rules Committee to be placed on the calendar for the next legislative day by a majority vote of the full membership of the house.

[(b)] THE RULES COMMITTEE CHAIRMAN OF EACH HOUSE MAY, FROM TIME TO TIME, DESIGNATE RESOLUTION CONSENT CALENDAR DAYS. ANY COMMITTEE CHAIRMAN MAY REQUEST INCLUSION ON THE CALENDAR RESOLUTIONS WHICH HAVE BEEN REPORTED OUT OF HIS COMMITTEE WITH A UNANIMOUS DO PASS RECOMMENDATION. WHEN THE RESOLUTION CONSENT CALENDAR IS CONSIDERED AS A SPECIAL ORDER OF BUSINESS, ANY LEGISLATOR MAY OBJECT TO THE INCLUSION OF A RESOLUTION OR MAY PROPOSE AMENDMENTS TO A RESOLUTION. IF EITHER EVENT OCCURS, THE PARTICULAR RESOLUTION CONCERNED SHALL BE REMOVED FROM THE CONSENT CALENDAR AND PROCESSED IN THE REGULAR LEGISLATIVE MANNER. ONLY ONE RECORDED VOTE SHALL BE TAKEN AND THE ONE VOTE SHALL STAND

(a) To amend, to bring into current practice, procedures with respect to preparation, posting and distribution of a daily calendar, and to clarify the vote required to change a calendar, adopt a supplemental calendar, and order a bill in the possession of the Rules Committee to the floor for consideration.

(b) Deleted. The material is presented in the format of Citation consent calendars, in accordance with current practice.

AS THE VOTE ON FINAL PASSAGE AS TO ALL THE
RESOLUTIONS ON THE RESOLUTIONS CONSENT
CALENDAR. ALL JOINT RESOLUTIONS SHALL
APPEAR ON A SEPARATE CONSENT CALENDAR.
SIMPLE AND CONCURRENT RESOLUTIONS MAY APPEAR
ON THE SAME CONSENT CALENDAR.]

OK ✓

RULE 19. SPECIAL ORDER OF BUSINESS.

Any subject not otherwise specifically provided for in the rules may, by a vote of two-thirds of the members present, be made a special order of business, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the house.

OK ✓

RULE 20. STANDING COMMITTEES. (a)
Each house has the following standing committees with the jurisdiction indicated:

Finance (all appropriation, revenue, capital improvement, and bonding measures, the executive budget, and the programs and activities of the Department of Revenue)

Health, Education and Social Services (the programs and activities of the Department of Health and Social Services, the Department of Education, and the University of Alaska)

Judiciary (the programs and activities of the Alaska Court System and the Department of Law, and the legal and substantive review of bills referred to it for that purpose)

Labor and Commerce (the programs and activities of the Department of Labor relating to labor-management relations, industrial safety, unemployment compensation, and workers' [WORKMEN'S] compensation and the programs and activities of the Department of Commerce and Economic Development)

Community and Regional Affairs (the programs and activities of the Department of Community and Regional Affairs and other matters relating to political subdivisions)

Resources (the programs and activities of the Departments of Fish and Game, Natural Resources, and Environmental Conservation)

To make a correction in the reference to workers' compensation programs, and to clarify the jurisdiction of a committee.

Rules (interpretation of the Uniform Rules, calendar, the internal administration of the house and matters pertaining to the management of the legislature as a whole)

State Affairs (programs and activities of the Office of the Governor and the Departments of Administration, Military Affairs and Public Safety, and programs and activities of the Department of Transportation and Public Facilities relating to public facilities.)

Transportation (programs and activities of the Department of Transportation and Public Facilities relating to transportation and other legislative matters relating to transportation).

(b) The committee chairmen are authorized to form such subcommittees as they determine to be necessary.

Significant change

RULE 21. SPECIAL AND JOINT COMMITTEES.

(a) A special committee is a committee of one house. A special committee may be established only by the adoption of a simple resolution. The presiding officer of each house appoints the members of a [ALL] special committee [COMMITTEES] and designates a member to chair the special committee [THEIR CHAIRMEN] unless otherwise ordered by the house. The persons who chair [CHAIRMEN OF] like committees of each house may arrange for the committees to meet jointly to receive testimony and deal with other matters which may be expedited by joint committee action.

(b) A joint committee is a committee of both houses. A joint committee may be established only by the adoption of a concurrent resolution. The presiding officer of each house appoints one-half of the members of a joint committee. The persons who co-chair a joint committee shall be chosen in the manner provided by the presiding officers.

(c) A resolution establishing a special or joint committee shall specify the date or conditions of termination of the committee. A standing committee may meet between sessions. A special or joint committee may meet during the session or between sessions, or both, as authorized by the resolution which establishes the committee. A standing, special, or joint committee which acts between legislative sessions may consider any legislative matter which is consistent with the jurisdiction of the committee. A stand-

(a) To clarify the manner by which a special committee is established and its members appointed.

(b) To clarify the manner by which a joint committee is established and its members appointed.

(c) To authorize committees to meet during and between sessions, and to prescribe limitations on the operation of committees.

ing, special, or joint committee which acts
between legislative sessions constitutes a
subcommittee of the Legislative Council for
administrative purposes. A special or joint
committee may expend money only in accordance
with an appropriation made for the work of
the committee.

OK ✓

RULE 22. OPEN AND EXECUTIVE SESSIONS.

(a) All meetings of a legislative body are open to all legislators, whether or not they are members of the particular legislative body that is meeting, and to the general public except as provided in (b) of this rule.

(b) A legislative body may call an executive session at which members of the general public may be excluded for the following reasons:

(1) discussion of matters, the immediate knowledge of which would adversely affect the finances of a government unit;

(2) discussion of subjects that tend to prejudice the reputation and character of a person;

(3) discussion of a matter that may, by law, be required to be confidential.

(c) When a legislative body desires to call an executive session in accordance with (b) of this rule, the body shall first convene as a public meeting and the question of holding an executive session shall be determined by a majority vote of the members present.

(d) The provisions of this rule may [SMALL] not be interpreted as permitting the exclusion of a legislator from an executive session, whether or not the legislator [HE] is a member of the body that is meeting. A

(c) To clarify the vote required in proposing an executive session of a legislative body.

(d) To conform the language to standard legislative drafting language, and to delete a reference to a sexually explicit pronoun.

legislator not a member of the body holding an executive session shall, however, be subject to the same rules of confidentiality and decorum as pertain to regular members of the body.

[(e) MINUTES SHALL BE KEPT OF EACH MEETING OF A STANDING OR SPECIAL COMMITTEE. MEETINGS MAY BE ELECTRONICALLY RECORDED AT THE OPTION OF THE COMMITTEE. COMMITTEE MINUTES AND OTHER MATERIALS OF RESEARCH VALUE SHALL BE DELIVERED TO THE LEGISLATURE'S REFERENCE LIBRARY AT THE END OF EACH SESSION FOR APPROPRIATE DISPOSITION.

(f) TO THE MAXIMUM EXTENT FEASIBLE, THE TIME, PLACE AND SUBJECT MATTER OF MEETINGS OF STANDING OR SPECIAL COMMITTEES SHALL BE ANNOUNCED BY THE COMMITTEE CHAIRMAN IN ADVANCE. THE ANNOUNCEMENT SHOULD BE, IF POSSIBLE, MADE ON THE FLOOR OF THE HOUSE OR SENATE DURING SESSIONS. POSTING OF NOTICES AND OTHER FORMS OF ANNOUNCEMENT ARE ENCOURAGED. THE PRESIDING OFFICER OF EACH HOUSE SHALL ENFORCE COMPLIANCE WITH THIS SUBSECTION.]

(e) Deleted; the material is covered in the next rule.

(f) Deleted; the material is covered in the next rule.

OK ✓

Significant changes

RULE 23. COMMITTEE MEETINGS. (a) Written notice of the time, place and subject matter of all meetings of standing, special, and joint committees during a week shall be provided by the person who chairs the committee to the chief clerk or secretary by 4:00 p.m. on the preceding Thursday. The person who chairs the committee to which a bill or resolution is first referred shall provide to the chief clerk or secretary written notice of the time and place of the first public hearing on the bill or resolution at least five days before the hearing. However, this requirement may be waived by motion of the person who chairs the committee to which a bill or resolution is first referred if concurred in by majority vote of the full membership of the house. The chief clerk or secretary shall publish and distribute copies of the weekly schedule of committee meetings and of the five-day notice of hearing.

(b) The person who chairs a standing, special, or joint committee shall provide the chief clerk or secretary written notice of the change in the time, place or subject matter of a meeting. At the next daily legislative session, notice of the schedule change shall be announced by the chief clerk or secretary and published as a notice in the journal of the house.

(c) A scheduled meeting of a standing, special, or joint committee may be cancelled at any time. If possible, notice of the cancellation shall be given in the same manner as provided for notice of change in (b) of this rule.

(a) To describe the manner by which notice of committee meetings is normally given, and the manner by which an exception of the notice provision may be granted.

(b) To describe the manner by which notice of a change in a committee's meeting time or place, or of a change in the subject matter of the committee meeting, may be made.

(c) To describe the manner of giving notice of cancellation of a meeting.

(d) The provisions of (a) and (b) of this rule do not apply to a standing, special, or joint committee meeting scheduled after the date a conference committee has been chosen to consider amendments to or differences between versions of the general appropriation act. However, a person who chairs a standing, special, or joint committee shall post written notice of the time, place and subject matter of a meeting at least 24 hours before the meeting.

(e) The provisions of (a) - (d) of this rule do not apply to meetings of

(1) the Rules Committee when it meets for the purpose of preparing the daily calendar;

(2) the Committee on Committees referred to in Rule 1(e); or

(3) standing, special or joint committees when the committee meets during the interim between sessions.

(f) Each standing, special, and joint committee

(1) shall record its meetings electronically and prepare a log of the record-keeping adequate to locate specific testimony;

(2) shall prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the House and the Senate; the minutes shall include;

(d) To provide different requirements for giving notice of a meeting near the end of a legislative session.

(e) To authorize general exceptions to the notice requirements of the rule.

(f) To describe the record-keeping requirements applicable to all committee meetings.

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment;

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of each session or each legislature to the legislative reference library for appropriate disposition;

(4) may make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

~~OLE~~

See Senate amendment
(preparing backing / bill stripping)

RULE 24 [23]. COMMITTEE REFERRAL AND ACTION. (a) A committee acts on all bills referred to it and reports its actions and recommendations to the house as soon as practicable. Committee reports must be in writing and the report must be signed by a majority of the members of the committee. The report will note the recommendation of each member signing the report.

(b) When a bill is reported back by a committee without at least one "Do Pass", unless the bill has a subsequent referral or referrals of record, the presiding officer shall put the question "Shall the bill be referred to the Rules Committee for placement on the calendar for second reading notwithstanding the report of the committee(s)?" If the bill has a subsequent referral or referrals of record, the question shall not be put until the last committee has reported and unless all reports are without at least one "Do Pass". The question is debatable and if a majority of the membership of the house votes in the negative, the bill is lost.

(c) If a committee has more than one bill on the same subject or if it finds it necessary to revise a bill substantially, it may report out a substitute bill and recommend that the substitute be accepted for second reading in the place of the original bill. Substitute bills are duplicated and distributed when they are reported out by the committee. Committee substitute bills carry a notation of the source or sponsor of

the original bill in the manner prescribed by the drafting manual unless the sponsor objects to his or their name so appearing.

(d) All bills involving appropriations, revenues or bonding must be referred to the Finance Committee before they can be advanced to second reading.

OK ✓

RULE 25 [24]. COMMITTEE OF THE WHOLE.
When the house forms itself into a Committee of the Whole the presiding officer vacates the chair and calls upon a member to preside [AS CHAIRMAN]. The Uniform Rules are observed in the Committee of the Whole but no member shall be recognized a second time until every member wishing to speak has spoken. When a bill is considered in the Committee of the Whole it shall be read and debated by sections and amendments adopted shall be noted on paper separate from the bill. When the committee rises and reports, the amendments proposed by the committee and other amendments may be adopted.

To delete a reference to a sexually explicit noun.

OK ✓

RULE 26 [25]. DECORUM IN DEBATE.

Decorum in debate is governed by the provisions of Sections 120 through 127, MASON'S MANUAL OF LEGISLATIVE PROCEDURE, when not inconsistent with these Uniform Rules.

OK ✓

RULE 27 [26]. MOTIONS. (a) When an oral motion is made, it shall be restated by the presiding officer. Motions shall be reduced to writing if the presiding officer or a member requests it. A written motion shall be handed to the presiding officer [CHAIR] and read aloud by the clerk or secretary before debate.

(b) After a bill or resolution has been introduced or a motion for the adoption of an amendment has been made, and is read by the clerk or secretary or stated by the presiding officer, it is deemed to be in possession of the house. It may be withdrawn at any time by the member introducing or reporting it if consent is given by a majority vote of the full membership of the house.

(c) When a question is under debate no motion may be made except for the following privileged motions which have precedence in the order listed:

- (1) to adjourn
- (2) for a call of the house
- (3) to recess
- (4) to lay on the table
- (5) for the previous question
- (6) to limit or to extend the limits of debate
- (7) to postpone to a day certain

(a) To be consistent in the use of terms within the subsection.

(b) To clarify the vote required when a member proposes to withdraw a bill from consideration of the house.

(8) to commit or recommit

(9) to amend

(10) to postpone indefinitely

(11) to advance from second to
third reading on the same day.

OK



RULE 28 [27]. FORM OF QUESTION. The presiding officer [CHAIR] shall put the question to the body by stating; "As many as are in favor of (state the motion) say 'yes' ['AYE']", and after the affirmative vote is expressed, "As many as are opposed say 'no'". If the presiding officer [CHAIR] is in doubt about the result of the voice vote and [HE] calls for a roll call vote [DIVISION OF THE HOUSE], the house shall vote [DIVIDE].

To remove from the rule a reference to a sexually explicit pronoun; to remove archaic language; and to clarify the procedures on voting.

OK ✓

RULE 29 [28]. INDEFINITE POSTPONEMENT.

A measure may be indefinitely postponed by a majority vote of the full membership of [ALL MEMBERS TO WHICH] the house [IS ENTITLED]. The results of the roll call shall be entered in the journal. When a motion to postpone has been defeated it shall not be allowed again on the same day or at the same stage of the bill or proposition. When a bill or proposition has been postponed indefinitely it may not be acted upon again during the life of a legislature except on a motion of reconsideration.

To clarify the vote required by which to indefinitely postpone consideration of a measure.

2 ✓

RULE 30 [29]. RECONSIDERATION. (a) A member who voted on either side of a motion, other than a motion to amend a bill or a resolution, may give notice of reconsideration to be taken up on the next legislative day, [;] unless [TWO-THIRDS OF THE MEMBERSHIP OF] the house, by a vote of two-thirds of the full membership, orders the reconsideration taken up on the same day the notice of reconsideration is given.

(b) When a notice of reconsideration is given, the notice is recorded in the journal, and the clerk or secretary may not report the measure to the other house until the reconsideration is disposed of or the time for reconsideration has expired. The time for reconsideration expires at adjournment on the next legislative day unless [A MAJORITY OF] the members [PRESENT] agree to extend the period for an additional legislative day or to another time certain by a majority vote of the members present. If the action to be reconsidered is adoption of a bill or resolution, the time for reconsideration expires at adjournment if the adjournment is for a period in excess of three days. When a notice of reconsideration has been given, any member may move on the next legislative day for reconsideration of the question.

(c) No notice of reconsideration may be given at a joint session or on the last date on which action could be taken on the subject under consideration.

(a) To clarify the quorum requirement.

(b) To revise provisions relating to use of the electronic voting machine in the conduct of the business of the house.

(d) Reconsideration shall be once automatically extended one legislative day if the house meets but there is no calendar of bills and resolutions prepared for that day due to the management policies of that house.

(e) Calling up reconsideration on the next legislative day automatically places the question to be reconsidered again before the body in third reading if the question is the adoption of a measure for which three readings are required, and opens the question for debate. It is subject to all procedural motions. When a motion is made that the reconsideration be taken up on the same day the notice of consideration is given, the motion that reconsideration be taken up on the same day be voted upon separately from the question to be reconsidered. Calling up reconsideration has precedence over every motion except a motion to adjourn. Calling up reconsideration cancels the previous vote on the question to be reconsidered as completely as though it had never been taken. There may be but one reconsideration, even though the action of the house after reconsideration is opposite from the action of the house before reconsideration.

(e) To clarify the subject of material which may be reconsidered.

02 ✓

RULE 31 [30]. RESCINDING ACTION. (a)

The motion to rescind has the effect of making ineffective the action previously taken. The motion is not in order when the question can be reached giving notice of intent to reconsider or if notice of reconsideration has already been given. The motion to rescind is not in order unless the bill or measure is in the possession of the house, but the second house may be requested to return the bill or measure for that purpose at any time before final action on the bill or measure by the second house. Adoption of the motion to rescind cancels the previous vote on the question as completely as though it had never been taken.

(b) The power to rescind is lost when an authorized act is carried out or the legislature has ratified a contract.

(c) Any member may move to rescind whether the member [HE] voted on the prevailing side or not, and all subsidiary motions can be applied to it as to any other main motion. The motion to rescind may not be renewed during the session and is not subject to reconsideration. The motion to rescind requires the same vote as that required to pass the measure originally.

(c) To remove from the subsection a reference to a sexually explicit pronoun.

OK ✓

RULE 32 [31]. PREVIOUS QUESTION. (a) The previous question [MAY BE ORDERED BY TWO-THIRDS OF THE MEMBERS PRESENT] upon all recognized motions or amendments which are debatable may be ordered by a two-thirds vote of the members present. If ordered, the previous question [. II] has the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment then pending or which has been ordered. The question is not debatable and cannot be amended.

(b) If the motion is defeated the consideration goes on as if the motion had not been made. If the motion is sustained the presiding officer at once and without debate puts the motion or amendment as ordered. If an adjournment is had after the previous question is ordered, the subject comes up in its regular order on the next legislative day and the previous question still operates.

- (a) To clarify the vote required when a previous question is ordered, and to clarify what occurs when the previous question is ordered.

OK ✓

RULE 33 [32]. DIVISION OF A QUESTION.

A division of a question cannot be demanded as a right by any member. It must be made pursuant to a motion stating precisely the division asked for. This motion may be amended. The presiding officer may decide, subject to an appeal to the house, that the division proposed cannot be made. If appealed to the house, the house decides if it can be divided.

OK ✓

RULE 34 [33]. VOTING PROCEDURE. (a) General. The vote on final passage of all bills and joint resolutions is taken by the calling of the roll and the recording of the yeas [AYES] and nays [NOES] in the journal. A roll call vote on any measure may be demanded by any member [ONE-FIFTH OF THE MEMBERSHIP] of the house. In case of an equal vote [DIVISION] on any roll call the motion is lost. Except for the name of the presiding officer, who always votes last, the [THE] roll call of members of the house [, EXCEPT FOR THE NAME OF THE PRESIDING OFFICER, WHO ALWAYS VOTES LAST,] shall be rotated daily [,] when the voting machine is not used.

(b) Abstention. Every member present in the house shall vote unless the house for special reasons permits a member to abstain. All motions excusing a member from voting shall be made before the house divides or before the call for the yeas [AYES] and nays [NOES] is commenced. A member requesting to be excused from voting may make a brief oral statement of the reasons for the [HIS] request and the question of granting permission to abstain shall be taken without further debate. A [NO] member may not explain a [HIS] vote, [NOR] may not [HE] discuss the question while the yeas [AYES] and nays [NOES] are being called, and may not [NOR] change a [HIS] vote after the roll call result has been announced. Upon division and count of the house of any question a [NO] member who is not within the chamber may not be [IS] counted. A [NO] member may

(a) To standardize the language as to the vote which shall be recorded, to permit any member to demand a roll call vote, and to revise the rule with respect to the language used to require the taking of roll call votes in rotation.

(b) To conform language to a change made in (a), to remove from the rule references to sexually explicit pronouns, and to conform language used to standard legislative drafting language.

not [SHALL] be permitted to abstain except upon the unanimous consent of the membership.

(c) Use of the electric voting machine.

(1) The electric voting machine shall be used whenever a roll call vote is required or ordered. If the machine is not operating or not operating properly the vote shall be taken by calling the roll as provided for in (a) of this rule.

(2) The electric voting machine is under the control of the presiding officer and shall be operated [AT HIS DIRECTION] by the chief clerk or secretary or [HIS] designated deputy of the clerk or secretary at the direction of the presiding officer.

(3) When a yea(yes) or nay(no) vote is to be taken the presiding officer shall state the question and instruct the members to proceed to vote. When time has been allowed the members to vote, the presiding officer shall ask: "Has any member failed to vote?" and after a short pause the presiding officer shall direct the clerk in charge of the voting machine to close the roll. After the roll has been closed, the presiding officer shall ask: "Does any member desire to change his or her vote?" If any member does desire to change the

(c)(2) To remove from the subsection references to sexually explicit pronouns.

(c)(3) To conform the language of the request for change in the votes of members at the time the question is called to actual practice, and to make other changes to delete or amend references to sexually explicit pronouns.

[HIS] vote, the member [HE] shall rise in [HIS] place and address the chair, and upon being recognized by the chair, shall state a desire [THAT HE DESIRES] to change his or her vote. The presiding officer shall then direct the clerk to open the roll and direct the member recognized to change his or her vote. A [NO OTHER] member may not vote when the rolls are so opened unless the member [HE] is recognized and permitted to vote or to change a [HIS] vote. Members who have not previously voted may vote when the rolls are so opened, upon being recognized and permitted to vote. After all members who desire to vote or to change their vote have had an opportunity to do so, the presiding officer shall close the roll, after which a [NO] member may not [SHALL] be permitted to change a [HIS] vote. The presiding officer shall then direct the clerk to record the vote. The clerk shall then transmit the result to the presiding officer, who [AND HE] shall announce the vote. The result shall [THEN] be recorded in the daily journal.

(4) Copies of voting records.

The clerk or secretary shall retain one copy of the voting record on each question in the file of the house and provide one copy for the press room file and the files of the Legislative Affairs Agency.

(5) Voting stations. A member may vote only when at the member's [HIS] desk. When a member other than the regular presiding officer is presiding, the presiding officer, if present, and the other mem-

(c)(5) To delete references to sexually explicit pronouns.

ber [HE] may direct the chief clerk or secretary [SERGEANT-AT-ARMS] to indicate their votes [HIS VOTE AT HIS VOTING STATION].

(6) Misuse of voting station. A [NO] member may not vote for another member. A [; NOR MAY ANY] person may not cast a vote for a member [.] except as otherwise provided in these rules. A member who votes for another member may be punished in a manner the house determines. A person voting for a member when not authorized by this rule is barred from the floor of the house and may be further punished as the house considers proper.

(c)(6) To conform the language of the paragraph to standard legislative drafting language.

see Senate amendments

(pursuing / bill strip)

RULE 35 (34). AMENDMENT. No motion or proposition on a subject shall be admitted under color of amendment if the subject matter is different from that under consideration. No amendment may be considered by the house unless submitted in writing and read aloud by the clerk or secretary. Amendments offered by a committee shall be included in its written report and attached to the original bill. A bill in second reading is subject to amendment and is treated section by section. No amendment may be made to a bill in its third reading but the bill may be returned to second reading by a majority of the membership of the house for the purpose of specific amendment. A title may be amended or a change of sponsor made in third reading or after passage by majority vote, but same must be accomplished before the measure acted upon has been enrolled. When amendments to the body of a bill affect the numbering of sections, or passage or failure of the effective date clause affects the title, the clerk or secretary may accomplish the necessary changes without formal motion, and such changes shall be noted in the journal. Resolutions may be amended in the same manner as a bill.

OK ✓

RULE 36 [35]. PREFILING OF BILLS. (a) Bills or proposals for bills may be prefiled with the executive director of the Legislative Affairs Agency at any time before January 1. All requests are confidential and are limited to bills and those joint resolutions proposing amendments to the state or federal constitutions. Bills given final approval by the sponsor will be assigned a number and duplicated during the week prior to the convening date of the session and made available to the press and public. A member may request no more than 10 bills for prefiling. Drafts of prefiled bills not receiving sponsor approval prior to the convening day of the session will not be introduced as prefiled bills, but, at the direction of the sponsor, will be prepared in final form by the agency staff, subject to the demands of assigned interim and pre-session work.

(b) Prefiled bills are submitted to each house for formal introduction and first reading at the commencement of the first regular session on the day when the house is organized to the point where it has committees to receive bills, or on the first day of the second regular session. Prefiled bills are read and referred to committee in advance of other bills.

OK ✓

RULE 37 [36]. INTRODUCTION OF BILLS.

(a) Any member, group of members, standing, [OR] special, or joint committee may introduce a bill, subject to the provisions of these Uniform Rules. A bill must be introduced, in proper form as approved by the enrolling secretary of the legislature, with the original and two carbon copies delivered to the chief clerk or secretary. The bill is then assigned a number which it retains through subsequent changes and substitutions. The bill is considered formally introduced when the clerk or secretary reads the heading and title aloud in open session (first reading). Bills may be introduced through the Rules Committees by the governor and the permanent interim committees pursuant to provisions of law.

(b) The original copy of a bill or resolution, or any substitute therefor, remains at all times in the custody of the chief clerk or secretary. When the original copy has been photographed for duplication each page of the bill is marked or stamped "original copy". The first carbon of the original bill is jacketed and marked "committee copy" and is delivered on receipt to the chairman of the committee of first reference. The "committee copy" is the official copy used to accompany committee reports within a house. If the committee copy is lost or is not otherwise available a certified photocopy of the original copy may be used. The original of the enrolled copy is used for certification by each house for transmittal to the governor.

(a) To allow joint committees to introduce bills, assure that all bills, when introduced, are offered in a form which conforms to the rules and requirements of the drafting manual.

OK ✓

RULE 38 [37]. HISTORY OF BILLS. A separate history of the bills of each house shall be maintained [BY THE BILL HISTORIAN ASSIGNED TO PERFORM THE DUTY] for both houses by the Legislative Affairs Agency. The agency [HISTORIAN] shall, in cooperation with the the legislators who chair [CHAIRMEN OF] the Rules Committees and the chief clerk and senate secretary, maintain a current record on all bills and resolutions and publish a weekly report on the status of the bills of each house.

To remove from the rule a reference to an allegedly sexually explicit term, and to conform bill history procedures to current procedures for recording the history of activity on bills.

OK ✓

RULE 39 [38]. ACTION ON BILLS. (a) Number of readings. A [NO] bill may not become law unless it has passed three separate readings in each house on three separate days, except that any bill may be advanced from second to third reading on the same day by a [CONCURRENCE OF] three-fourths vote of the full membership of the house considering it. (Constitution, Art. II, Sec. 14)

(b) First Reading. The first reading consists of a reading aloud by the clerk or secretary of the following information: the house of origin, the bill number, the sponsor, and the title of the bill, e.g., "In the House, House Bill No. ..., by and, A bill for an Act entitled, 'An Act relating to a code of ethics for state employees.'" The bill is then referred by the presiding officer to one or more committees [A COMMITTEE]. The house may by a majority vote of the full membership of the house refer the bill to any other standing or special committee.

(c) Second Reading. When a bill appears on the calendar for second reading it is read in the same manner as in the first reading unless [A MAJORITY OF] the members present order by a majority vote of the full membership of the house that it be read in full. When the second reading of the bill and the accompanying committee report is completed the bill is then before the house for amendment. If a proposed amendment is tabled it does not carry with it or prejudice the bill. When all amendments have been made the presiding officer

(a) To conform the language of the rule to standard legislative drafting language, and to clarify the vote required to advance a bill from second to third reading on the same legislative day.

(b) To clarify that a bill may be referred to one or more committees, to clarify the vote required to transmit a bill which is before the house in first reading to a committee other than a committee to which referral was made by the presiding officer, and to establish the minimum vote by which the members may require a bill to be referred to additional committees.

(c) To clarify the vote required to have a bill in second reading read in full, and to clarify the vote required to order a bill engrossed preparatory to advancement to third reading.

directs the clerk or secretary to have the bill engrossed with all amendments approved by the house and to certify its proper engrossment on the following legislative day. When the clerk or secretary reports the bill back properly engrossed it is then delivered to the Rules Committee for placement on the calendar for third reading and final consideration. Three-fourths of the full membership of the house may order that the bill be considered engrossed upon the completion of the second reading for the purpose of advancing it from second to third reading on the same day.

(d) Third Reading. On its third reading the bill is read by heading and title only. The question on third reading of a bill is upon its final passage and no amendments may be considered. No bill may become law without an affirmative majority of the membership of each house. The yeas and noes on final passage, noting the name and vote of each member, shall be entered in the journal. The bill is then engrossed or enrolled, as appropriate, at the direction of the clerk or secretary.

(e) If a bill or portion of a bill contains matter changing a supreme court rule governing practice and procedure in civil or criminal cases, the bill must contain a section expressly citing the rule and noting what change is being proposed. The section containing the change in a court rule must be approved by an affirmative vote of two-thirds of the full membership of each [MEMBERSHIP TO WHICH THE] house [IS ENTITLED]. If the section effecting a change

(e) To clarify the vote required to approve material containing a change in court rule.

in the court rule fails to receive the required two-thirds vote, the section is void and without effect and is deleted from the bill. The fact that a bill contains a section which changes a court rule shall also be noted in the title of the bill.

(f) If a bill or portion of a bill contains material which has an effective date other than the date which is 90 days after the bill becomes law, the bill must contain a section or sections setting out the proposed effective date or dates. The section or sections relating to the effective dates must be approved by an affirmative vote of two-thirds of the full membership of each house. If a section setting out an effective date fails to receive the required two-thirds vote in either house, the section is void and without effect and is deleted from the bill. The fact that a bill contains a section which sets out an effective date shall also be noted in the title of the bill.

(g) [(f)] A bill may be recommitted any time before passage.

- (f) To add a provision describing the manner of approval of a bill having an "effective date clause."

← *Spells out this procedure*

OK ✓

RULE 40 [39]. COURSE OF BILLS. When a bill has passed the house in which it originated and has been certified as properly engrossed by the clerk or secretary and photographed for duplication (if changes have been made), it shall be signed by the presiding officer and the clerk or secretary. The clerk or secretary shall transmit the original and committee copies of the bill on receipt to the other house. When the second house receives the message accompanying the engrossed bill and reporting its passage, the bill shall be read by the clerk or secretary for the first time and then referred by the presiding officer to one or more committees [A COMMITTEE] for subsequent action by that house.

To clarify that a bill may be referred to one or more committees.

see Senate amendment

(orig/track/bill strips)

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RULE 41 (40). AMENDMENTS IN OTHER HOUSE. When a bill, resolution, or citation passed in one house is amended in the other house, the bill, resolution, or citation with certified amendments is returned to the house of origin requesting concurrence. The vote on concurrence in amendments is taken by the calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a majority vote of the full membership in each house. If concurrence is had the clerk or secretary notes the concurrence in the journal, informs the other house of the concurrence, and proceeds to have the bill or resolution enrolled for certification and transmittal to the governor.

To conform the rule to constitutional requirement, [On May 4, 1979 the supreme court in *Plumley v. Hale* (594 P.2d 497) held that the term "final passage" used in Article II, Section 14 of the Alaska Constitution refers to that vote which is the final one in a particular house with reference to a particular bill and therefore the requirements of passage by a majority vote of the membership of the house and recording of the yeas and nays on the vote apply to any vote which may be final. In a footnote it expressly pointed out that vote on concurrence to or receding from amendments can be a final vote. Present practice is to follow this procedure, but it is not expressly required in the rule.], and to describe the manner of handling amendments to resolutions and citations.

*see Senate amendment
Free Conference on Appropriate Items*

RULE 42 (41). CONFERENCE COMMITTEE.

(a) If one house refuses to concur in the amendments of the other it so notifies the amending house and requests that it recede from its amendments. The vote on receding from amendments is taken by the calling of the roll and the recording of the yeas and nays in the journal. A house recedes from its amendments only by a majority vote of the full membership of the house. If the house refuses to recede, the presiding officer of each house appoints three members to sit as a Conference Committee (ON CONFERENCE). The committee meets when mutually agreeable to its members. If the committee reaches (AND WHEN) agreement on previously adopted amendments to a bill adopted by either house (IS REACHED), the committee then submits an identical report to each house. The report is not subject to amendment in either house. If the report is adopted by each house (BOTH HOUSES) the bill is enrolled, signed, and transmitted to the governor. If the members of the Conference Committee cannot agree on amendments, or if one or both houses refuses to adopt the committee report, the Conference Committee submits an identical written report to each house listing the specific points of disagreement for which the committee requests powers of free conference. The presiding officer of each house may then give limited powers of free conference only on the specific points listed. (IT IS IN ORDER AT ANY TIME TO GRANT POWERS OF FREE CONFERENCE TO THE COMMITTEE ON CONFERENCE.) If the members of a Conference (THE) Committee with limited powers of free conference (ON CONFERENCE)

- (a) To clarify the vote required when a house recedes from an amendment; to conform the rule to the constitutional requirement [On May 4, 1979 our supreme court in Plumley v. Hale (594 P.2d 497) held that the term "final passage" used in Article II, Section 14 of the Alaska Constitution refers to that vote which is the final one in a particular house with reference to a particular bill and therefore the requirements of passage by a majority vote of the membership of the house and recording of the yeas and nays on the vote apply to any vote which may be final. In a footnote it expressly pointed out that vote on concurrence to or receding from amendments can be a final vote. Present practice is to follow this procedure, but it is not expressly required in the rule.]; to preclude use of free conference committees to resolve differences in versions of a bill passed by each house until a committee on conference with limited powers of free conference has had an opportunity to resolve differences between the bills; and to limit a conference committee member from being appointed to a free conference committee.

Significant

cannot agree on amendments, or one or both houses refuses to adopt the committee [ITS] report, it is then in order to appoint a Free Conference Committee [ON FREE CONFERENCE]. A member who served on a Conference Committee or a Conference Committee with limited powers of free conference may not be appointed to a subsequent Conference Committee or Free Conference Committee concerning the same measure. The vote on adoption of a conference committee report is taken by the calling of the roll and the recording of the yeas [AYES] and nays in the journal. Adoption requires a majority vote of the full membership of each [THE] house.

significant

(b) A [THE] Free Conference Committee [ON FREE CONFERENCE] is appointed in the same manner as a Conference Committee [ON CONFERENCE] and may suggest in its report any new amendments clearly genuine to the question. When a majority of the membership of [ON] the committee from each house agrees [AGREE] on amendments [TO BE PROPOSED], the amendments are attached to the bill and reported back to each house in an identical report. The report is not subject to amendment in either house. If the report is adopted in each house [BOTH HOUSES] the bill is then ordered enrolled by its house of origin. If the members of a Free Conference Committee fail [ON FREE CONFERENCE FAILS] to agree on amendments or one or both houses refuses to adopt the free conference [ITS] report [IS NOT ADOPTED], a second Free Conference Committee [ON FREE CONFERENCE] may be appointed, but no member of the first committee may be reap-

(b) To limit the adoption of amendments in a free conference committee report to amendments which are "clearly" genuine; to permit adoption of a free conference committee report only if 24 hours has elapsed after the report has been printed and distributed to members; and to clarify the vote required to adopt a free conference committee report.

pointed. A free conference report may not be voted on by the house until at least 24 hours after the report is duplicated and delivered to the chief clerk or secretary of the house for distribution to each member. The chief clerk or secretary shall certify the time of delivery of the report for recording in the journal. The vote on adoption of a free conference committee report is taken by the calling of the roll and the recording of the yeas (AYES) and nays in the journal. Adoption requires a majority vote of the full membership of each [THE] house.

← *significant change*

OK ✓

RULE 43 (42). ENROLLMENT. (a) When a bill has passed both houses the presiding officer of the house of origin directs that it be enrolled. The clerk or secretary transmits the engrossed bill to the enrolling secretary of the legislature, who, with the revisor of statutes, checks the bill [STAFF OF THE LEGISLATIVE AFFAIRS AGENCY, HAS THE BILL CHECKED FOR FORM AND LEGAL CONTENT] before placement in final form according to the legislative drafting manual. The enrolling secretary is authorized to correct form and manifest errors which are clerical, typographical, or errors in spelling or errors by way of additions or omissions. The enrolling secretary is required to report errors by way of addition or omission and deficiencies when the bill is returned to the house of origin. When an error or deficiency has been [TYPOGRAPHICAL ERRORS AND CLERICAL ERRORS. WHEN A CLERICAL CORRECTION HAS BEEN MADE AND] reported, the clerk or secretary shall advise the presiding officers of both houses before the bill is signed and transmitted to the governor.

(b) Bills consisting of several pages need not be formally enrolled if the presiding officer [IN HIS DISCRETION] announces that, for reasons of economy and time, formal enrollment is being waived. If enrollment is waived, and the presiding officer of the other house consents, the first page and signatory pages of the bill will be enrolled and then affixed to the engrossed bill along with any certified amendments and when signed by the officers of both houses will be transmitted to the

(a) To recognize current bill review practices, and to define procedures by which errors in a bill which are found as part of the enrolling process may be corrected, and changes which affect the legal content of a bill may be formally reported to the members of the legislature and to the public.

(b) To remove from the rule a reference to a sexually explicit pronoun.

governor with a letter noting that enrollment was waived. Engrossment of such bills may also be waived in the same manner.

OK ✓

RULE 44 [43]. TIME LIMIT ON INTRODUCTION. No bill or resolution other than one sponsored by a standing committee may be introduced after the thirty-fifth day of the second regular session of the legislature.

OK ✓

RULE 45 [44]. VETOED BILLS. The governor may veto a bill or by veto strike or reduce an item in an appropriation bill. The governor [HE] shall return the vetoed bill or the bill in which an appropriation item was stricken or reduced with a statement of [HIS] objections to the house of origin. The receipt of the bill and veto statement are noted in the journal, and the other house is promptly requested to meet in joint session to reconsider passage of the vetoed bill or item. The vote on reconsideration of a vetoed bill or item is entered in the journal of both houses. Bills to raise revenue and appropriation bills or items, although vetoed, become law upon reconsideration by the affirmative vote of three-fourths of the full membership of the legislature sitting in joint session as one body. Other vetoed bills become law upon reconsideration by the affirmative vote of two-thirds of the full membership of the legislature sitting in joint session as one body [.] (Secs. 15 and 16, Art. II, State Constitution). Bills vetoed after adjournment of any regular session shall be returned with a statement of the governor's [HIS] objections to the Legislative Affairs Agency and may be reconsidered by the full membership of the legislature sitting as one body not later than the fifth day after the next regular session or any intervening special session convenes during that legislature.

To remove from the rule references to sexually explicit pronouns.

OK ✓

RULE 46 [45]. CONFIRMATION OF APPOINTMENTS. Appointments by the governor are made pursuant to AS 39.05.080. Such appointments are subject to confirmation by a majority vote of the full membership of the legislature [SITTING] in joint session [AS ONE BODY]. (Secs. 25 and 26, Art. III, State Constitution)

To clarify the vote required to confirm appointees.

OK ✓

RULE 47 [46]. BILLS AND RESOLUTIONS CARRY OVER. Bills and resolutions introduced in the first regular session of a legislature which are not passed or not withdrawn, defeated, vetoed, or indefinitely postponed, carry over into the second regular session of the same legislature in the same reading or status they were in at the time of adjournment. [JOINT RESOLUTIONS PROPOSING OR RATIFYING AMENDMENTS TO THE U.S. CONSTITUTION OR PROPOSING AMENDMENTS TO THE STATE CONSTITUTION CARRY OVER IN THE SAME MANNER AS BILLS. ALL OTHER FORMS OF RESOLUTIONS EXPIRE WITH THE ADJOURNMENT OF THE FIRST REGULAR SESSION.]

To allow all resolutions introduced during the first session to be carried over into a second session.

OK ✓

RULE 48 [47]. DISCHARGE OF BILLS FROM COMMITTEE. (a) If the majority of the full membership of a standing, [OR] special, or joint committee desire that any legislation pending before the committee be considered, they may present the request, in writing, to the presiding officer. The presiding officer shall sign the request and this action shall be noted in the journal. The committee chairman affected shall schedule the specified legislation for consideration within three days after transmittal of the request by the presiding officer to the committee chairman.

(b) If the chairman does not adhere to the provisions of (a) of this rule [SECTION], the particular legislation to be scheduled shall automatically be referred to the next committee of reference on the fourth day following the transmittal of the request to the chairman.

(c) Bills in the Rules Committee of each house shall be placed on the daily calendar in second reading within three days after receipt of a request signed by a [THE] majority of the full membership of the committee and the presiding officer [,] following the procedure provided in (a) of this rule to place [SECTION, THAT] a particular item of legislation [BE PLACED] on the calendar.

(d) Nothing in this rule [SECTION] prevents an oral motion to discharge a bill from committee by any member of the body at any time.

(a) To clarify the vote required to discharge a bill from a committee, and to apply the discharged rule to joint committees.

(b) To correct a reference.

(c) To correct a reference, and to clarify the requirements under which a bill in the possession of the Rules Committee shall be placed on the calendar.

(d) To correct a reference.

OK ✓

RULE 45 [48]. RESOLUTIONS. (a) The only type of instrument other than a bill or citation authorized under these Uniform Rules is a resolution. [UNLESS SPECIFICALLY PROVIDED FOR IN THE RULES A RESOLUTION REQUIRES A MAJORITY VOICE FOR APPROVAL]. The types and uses of resolutions are as follows:

(1) [(a)] A simple resolution is a formalized motion passed by one house only and bearing the heading "House Resolution" or "Senate Resolution". It may be used to express the will, wish, view, opinion, sympathy, or request of the house adopting it. The simple resolution shall be used to establish a special committee. It does not require committee referral, three readings, or a roll call vote. Approval of a simple resolution requires a majority vote of the full membership of the house.

(2) [(b)] A special resolution headed "House Special Resolution" or "Senate Special Resolution" is used only for the purpose of expelling a member under provisions of Sec. 12, Art. II, of the State Constitution. The special resolution requires a referral to the Rules Committee, three readings, and a [CONCURRENCE OF] two-thirds vote of the full membership of the house for approval.

(3) [(c)] A concurrent resolution is similar to the simple resolution but reflects the will, wish, view or decision of both houses speaking concurrently. It is used particularly to handle the internal business of the legislature, e.g., adjournment of the legislature, suspension and amendment of the Uniform Rules, requesting action of executive agencies and interim

(a) To delete general voting requirements applicable to all regulations.

(a)(1) To require use of a simple resolution to establish a special committee, and to indicate the vote required to adopt a simple resolution.

(a)(2) To indicate the vote required to adopt a special resolution.

(a)(3) To require use of a concurrent resolution to establish a joint committee, and to indicate the vote required to adopt a concurrent resolution.

← significant

committees, [;] and fixing the time and place for joint assemblies. This resolution is also used for establishing joint committees [ANNULING REGULATIONS PROMULGATED UNDER THE ADMINISTRATIVE PROCEDURE ACT]. This resolution does not require committee referral, three readings, or anything other than approval of a [THE] majority vote of the full membership of each [THE] house unless otherwise required by the rules.

(4) [(d)] A special concurrent resolution is employed to consider [WHEN THE LEGISLATURE IS CONSIDERING] disapproval of an executive order of the governor laid before the legislature under provisions of Sec. 23, Art. III, of the State Constitution. This resolution must be considered by a joint committee and may be adopted by a majority vote of the full membership of the legislature in joint session without recourse to three readings.

(5) [(e)] A joint resolution is the most formal type of resolution and is adopted by both houses and then signed by the governor as a ministerial formality. The joint resolution is treated in all respects as a bill but it is not subject to veto. It is usually reserved for addressees outside the state. This resolution is used mainly to express the view or wish of the legislature to the President, the Congress or agencies of the United States Government or the governments of other states. It is required for proposing or ratifying amendments to the U. S. Constitution, proposing

(a)(4) To indicate the vote required to adopt a special concurrent resolution.

(a)(5) To indicate the vote required to adopt a joint resolution.

amendments to the State Constitution under provisions of Sec. 1, Art. XIII, of the State Constitution, and for disapproval of local government boundary changes recommended by the Local Boundary Commission under provisions of Sec. 12, Art. X, of the State Constitution. Approval of a joint resolution requires a majority vote of the full membership of each house.

(b) All resolutions passed by one or both Houses are sent to the governor as a matter of information and for permanent filing with the lieutenant governor. The lieutenant governor sends enrolled copies of joint resolutions to the federal and other state officers, agencies and jurisdictions. The transmittal of copies of all other resolutions to designated addressees is the responsibility of the Legislative Affairs Agency.

OK ✓

RULE 50 [49]. LEGISLATIVE CITATIONS.

(a) The appropriate instrument for expressing commendation, condolences, appreciation or congratulations to an individual or a group, or to recognize a particular event or occasion, is a "Legislative Citation" approved by both houses. The contents of the citation expressing the sentiment of the legislature will be typed on a special presentation form suitable for framing and bear the signature of the presiding officers.

(b) A member or members may introduce a citation by submitting it to the Rules Committee on a form prescribed in the legislative drafting manual. Unless handled as provided in (c) of this section, the [THE] name of the person, group or occasion being noted along with the names of the sponsors will be listed under special business on the daily calendar of the subsequent day and be voted upon by the house. Approval will be noted in the journal. When action in the second house is completed the citation will be enrolled in final form, signed by the presiding officers, and sent to the appropriate person.

(c) The person who chairs the Rules Committee of each house may, from time to time, designate Citation Consent Calendar days. When the Citation Consent Calendar is considered as a special order of business, a legislator may object to the inclusion of a citation or may propose amendments to a citation. If either event occurs, the particular citation concerned shall be removed from the consent calendar and pro-

(b) To provide an exception to the general procedure for handling citations to recognize use of citation consent calendars.

(c) To authorize the use of citation consent calendars and describe the handling of citations when calendars are used.

cessed in accordance with (b) of this rule.
Only one recorded vote need be taken and the
one vote shall stand as the vote on final
passage as to all the citations on the Cita-
tion Consent Calendar.

OK ✓

RULE 51 [50]. JOINT SESSIONS. A joint session may be called by agreement of the presiding officers of both houses or by either house by motion adopted by a majority vote of the full membership of the house. If a joint session is called by a house the house calling the session shall propose a time for the session. The other house may agree to meet in joint session at the time proposed or set another time within the three-day period following the time proposed. The president of the senate in the presence of the speaker of the house presides over joint sessions and the joint sessions are governed by the Uniform Rules. When a roll call vote is required to deal with any subject being considered in joint session the members of the house of representatives may use the electric voting machine for the roll call if the members of the house of representatives, by a majority vote of the [MEMBERS OF THE] full membership of the house of representatives, agree [AGREES] to the use of the electric voting machine in place of the oral roll call.

To clarify the vote required when members of a house seek a joint session, and to clarify language relating to use of the voting machine for a roll call vote for members of the house of representatives during a joint session.

OK ✓

RULE 52 [51]. ADJOURNMENT. Neither house may adjourn or recess for longer than three days unless the other concurs. (Sec. 10, Art. II, State Constitution) Adoption of a concurrent resolution by a majority of the full membership of each house constitutes concurrence. A motion to adjourn or recess a session is in order when it is the intention of the legislature to recess or adjourn to a day certain. A motion to adjourn sine die is in order only at the end of a second regular session or a special session.

OK ✓

RULE 53 [52]. ADOPTION AND AMENDMENT OF RULES. The Uniform Rules of each legislature shall be adopted in joint session by a majority vote of the full membership of each house. Thereafter the Uniform Rules may be amended only by the adoption of a concurrent resolution by a two-thirds vote of the full membership of each house. When the rules are affected by constitutional and statutory changes, the Legislative Council will effect the necessary formal revision in the next printing of the rules and inform the Rules Committee of the changes made.

To clarify the vote required for adoption or approval of amendments to the Uniform Rules of the Legislature.

OK ✓

RULE 51 [53]. SUSPENSION OF RULES.

Unless otherwise provided for in the case of a particular rule, the Uniform Rules may be suspended by a concurrent resolution approved by a two-thirds vote of the full membership of each house. If either house violates a uniform rule a question of order may be raised in the other house. If it is decided by the other house that the Uniform Rules have been violated, the bill involved in that violation shall be returned to its house of origin without further action.

To clarify the vote required to suspend the operation of the Uniform Rules of the Legislature.

OK ✓

RULE 55 [54]. INTERPRETATION AND IMPLEMENTATION OF RULES. (a) The rules of parliamentary practice comprised in MASON'S MANUAL OF LEGISLATIVE PROCEDURE, 1979 edition, implement and govern the Uniform Rules of the Legislature in all cases not covered by these Uniform Rules.

(b) Whenever used in these rules, the phrase "by a majority vote of the full membership of the house" means a minimum vote required for approval or adoption of a measure is 21 votes in the House of Representatives, 11 votes in the Senate.

- (a) To specify the edition of Mason's which will be used as to assist in interpretation of these rules.

- (b) To define a phrase used in these rules to establish the minimum vote required to take certain action.

Original sponsor: Rules Committee

Offered: 4/27/81
Referred: Rules

1 IN THE HOUSE

BY THE RULES COMMITTEE

2

CS FOR HOUSE BILL NO. 156 (Rules) am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to legislative contracts."

7

BE IT ENACTED B. THE LEGISLATURE OF THE STATE OF ALASKA:

8

* Section 1. AS 24 is amended by adding a new chapter to read:

9

CHAPTER 23. LEGISLATIVE CONTRACT PROCEDURE.

10

Sec. 24.23.010. APPLICATION. This chapter applies to contracts

11

for services to be provided to a legislative agency or committee unless

12

(1) the total amount of a contract or contracts awarded to a

13

person in a 12-month period does not exceed \$5,000;

14

(2) the contract is a written employment contract for serv-

15

ices to be performed under direct supervision regardless of the exist-

16

ence of an employer-employee relationship and a written justification

17

signed by the person responsible for awarding the contract is filed

18

with the Legislative Affairs Agency;

19

(3) the contract is for construction, repair, or maintenance

20

of a structure and does not exceed \$5,000;

21

(4) the contract is awarded based on competitive bids ob-

22

tained under the competitive bid procedure provided in AS 37.05.230; or

23

(5) the service is to be provided by an agency or department

24

of the state government or by a municipality.

25

Sec. 24.23.020. REQUESTS FOR PROPOSALS. (a) A formal written

26

request for proposals soliciting an offer to perform the services

27

required under a contract must be extended to a sufficient number of

28

providers of the required services to assure that public interest in

29

competition is adequately served. Proposals from at least six firms

1 shall be solicited for contracts in excess of \$100,000 if the expertise
2 required is widely available. Proposals from at least three firms
3 shall be solicited for contracts of less than \$100,000 if the expertise
4 required is widely available. Formal advertising in a medium which
5 will reasonably bring the proposal to the attention of persons able to
6 provide the required service may be substituted for direct solicitation
7 or used jointly with direct solicitation of proposals.

8 (b) A request for proposals need not be extended if

9 (1) there is a single source of the expertise or knowledge
10 required or if one person or firm can clearly perform the required
11 tasks more satisfactorily because of the person's or firm's prior work;
12 however, this exemption from a request for proposals applies only when
13 a legislative committee by vote of the majority of the members of the
14 committee has approved the exemption and a written justification signed
15 by the person responsible for awarding the contract which details the
16 reasons for the exemption is filed with the Legislative Affairs Agency
17 as a public record. Any proposed contract to be awarded under this
18 exemption must also be approved by the committee before it is valid; or

19 (2) the contract is for services provided to the office of
20 the ombudsman for an investigation under AS 24.55.100.

21 (c) A proposal should be designed to demonstrate to legislative
22 committees and staff who will review the proposal that the proposed
23 research project represents a sound approach to the investigation of an
24 important public policy question. A proposal should be self-contained
25 and written with care and thoroughness.

26 (d) Unless the contract is for services exempt under AS 24.23.010
27 or (b) of this section, a contract for

28 (1) the Legislative Affairs Agency shall be approved by the
29 Legislative Council;

1 (2) the legislative finance division or the legislative
2 audit division shall be approved by the Legislative Budget and Audit
3 Committee.

4 Sec. 24.23.030. AWARD OF CONTRACT. (a) If a contract is made by
5 a legislative committee, execution of the contract on behalf of the
6 committee must be authorized by a majority vote of the full membership
7 of the committee. The contract must be executed by the provider of the
8 service and the project director, be approved by the executive director
9 of the Legislative Affairs Agency, the director of the legislative
10 finance division or the legislative audit division, and be approved as
11 to form by the legislative legal counsel.

12 (b) A contract awarded under this section shall contain the
13 amount of the contract stated on its first page.

14 Sec. 24.23.035. EVALUATION. (a) If a contract is awarded by a
15 legislative committee, the committee or the project director must
16 provide a written evaluation of the services provided under the con-
17 tract before final payment may be made. The evaluation is open for
18 public inspection.

19 Sec. 24.23.040. FILING. A copy of each contract must be filed
20 with the Legislative Affairs Agency, the ombudsman, the legislative
21 finance division, or the legislative audit division, and is open for
22 public inspection. The request for proposals and each proposal sub-
23 mitted must be attached to the filed copy unless the contract is one in
24 which requests for proposals are not required.

25 * Sec. 2. AS 24.55 is amended by adding a new section to read:

26 Sec. 24.55.315. CONTRACT PROCEDURES. The ombudsman shall adopt
27 by regulations procedures consistent with AS 24.23 to be followed by
28 the office of the ombudsman in contracting for services.

House a

By The Associated Press

Although some lawmakers labeled the legislation meaningless, the House on Wednesday voted unanimously in favor of a bill setting up legislative contracting procedures.

Under the bill (CSHB156 R1s), a formal written request for proposals would be required for any contract of more than \$5,000, and for contracts of more than \$100,000 lawmakers would have to solicit proposals from at least six firms.

Rep. Hu said the m public sc legislativ dures. He Legislative of directo which has contracts a

But Rep. Fairbanks, really shor reform w about." Re Chugiak, sa not signific

need more money? Which can get along with what they get? Which can be cut?

These questions, obviously, are not simple to answer. Often, they involve philosophical issues as much as dollars. A prime example is the dilemma of funding for some local youth-oriented programs such as the Big Brothers-Big Sisters. The nationwide program, which matches single-parent youths with adults, has proven itself a local success. Many more times than not, the good influence a Big Brother or Sister has on a youth is priceless.

It is priceless until the assembly is faced with the question of funding it instead of any number of other equally good youth programs. After all, many would argue, why should the city-borough favor any one program over another?

Yet that is precisely what representatives of

not ship

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HEY

Original sponsor: Rules Committee

Offered: 4/27/81
Referred: Rules

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 156 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to legislative contracts."

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

8 * Section 1. AS 24 is amended by adding a new chapter to read:

9 CHAPTER 23. LEGISLATIVE CONTRACT PROCEDURE.

10 Sec. 24.23.010. APPLICATION. This chapter applies to contracts
11 for services to be provided to a legislative agency or committee unless

12 (1) the total amount of a contract or contracts awarded to a
13 person in a 12 month period does not exceed \$5,000;

14 (2) the contract is an employment contract for services to
15 be performed under direct supervision regardless of the existence of an
16 employer-employee relationship;

17 (3) the contract is for construction, repair, or maintenance
18 of a structure; or ~~that does not exceed in excess~~
of \$5,000

19 (4) the contract is awarded based on competitive bids ob-
20 tained under the competitive bid procedure provided in AS 37.05.230;

21 (5) the service is to be provided by an agency or department
22 of the state government or by a municipality.

23 Sec. 24.23.020. REQUESTS FOR PROPOSALS. (a) A formal written
24 request for proposals soliciting an offer to perform the services
25 required under a contract must be extended to a sufficient number of
26 providers of the required services to assure that public interest in
27 competition is adequately served. Proposals from at least six firms
28 shall be solicited for contracts in excess of \$100,000 if the expertise
29 required is widely available. Proposals from at least three firms

1 shall be solicited for contracts of less than \$100,000 if the expertise
2 required is widely available. Formal advertising in a medium which
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4 provide the required service may be substituted for direct solicitation
5 or used jointly with direct solicitation of proposals.

6 (b) A request for proposals need not be extended if

7 (1) there is a single source of the expertise or knowledge
8 required or if one person or firm can clearly perform the required
9 tasks more satisfactorily because of the person's or firm's prior work;
10 however, this exemption from a request for proposals applies only when
11 a legislative committee by vote of the majority of the members of the
12 committee has approved the exemption and a written justification signed
13 by the person responsible for awarding the contract which details the
14 reasons for the exemption is filed with the Legislative Affairs Agency
15 as a public record;

16 ~~(2) the services required are professional services which~~
17 ~~may, by law or regulation, be performed only by a person licensed to~~
18 ~~perform the service;~~

19 (3) the contract is for services provided to the office of
20 the ombudsman for an investigation under AS 24.55.100.

21 (c) A proposal should be designed to demonstrate to legislative
22 committees and staff who will review the proposal that the proposed
23 research project represents a sound approach to the investigation of an
24 important public policy question. A proposal should be self-contained
25 and written with care and thoroughness.

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27 or (b) of this section, a contract for

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29 Legislative Council;

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9 of the Legislative Affairs Agency, the director of the legislative
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11 to form by the legislative legal counsel.

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13 amount of the contract stated on its first page.

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18 mitted must be attached to the filed copy unless the contract is one in
19 which requests for proposals are not required.

20 * Sec. 2. AS 24.55 is amended by adding a new section to read:

21 Sec. 24.55.315. CONTRACT PROCEDURES. The ombudsman shall adopt
22 by regulations procedures consistent with AS 24.23 to be followed by
23 the office of the ombudsman in contracting for services.
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29

Original sponsor: Rules Committee

Offered: 3/23/81
Referred: Rules

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 156 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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16 employer-employee relationship;

17 (3) the contract is for construction, repair, or maintenance
18 of a structure; or

19 (4) the contract is awarded based on competitive bids ob-
20 tained under the competitive bid procedure provided in AS 37.05.230.

21 (b) A legislative agency or committee may not negotiate a con-
22 tract or contracts with a person that exceed \$5,000 in a 12-month
23 period.

24 Sec. 24.23.020. REQUESTS FOR PROPOSALS. (a) A formal written
25 request for proposals soliciting an offer to perform the services
26 required under a contract must be extended to a sufficient number of
27 providers of the required services to assure that public interest in
28 competition is adequately served. Proposals from at least six firms
29 shall be solicited for contracts in excess of \$100,000 if the expertise

1 required is widely available. Proposals from at least three firms
2 shall be solicited for contracts of less than \$100,000 if the expertise
3 required is widely available. Formal advertising in a medium which
4 will reasonably bring the proposal to the attention of persons able to
5 provide the required service may be substituted for direct solicitation
6 or used jointly with direct solicitation of proposals.

7 (b) A request for proposals need not be extended if

8 (1) the contract amount does not exceed \$5,000;

9 (2) there is a single source of the expertise or knowledge
10 required or if one person or firm can clearly perform the required
11 tasks more satisfactorily because of the person's or firm's prior work;
12 however, this exemption from a request for proposals applies only when
13 a legislative committee by vote of the majority of the members of the
14 committee has approved the exemption and a written justification signed
15 by the person responsible for awarding the contract which details the
16 reasons for the exemption is filed with the Legislative Affairs Agency
17 as a public record;

18 (3) the services required may, by law or regulation, be
19 performed only by a person licensed to perform the service;

20 (4) the contract is for services provided to the office of
21 the ombudsman for an investigation under AS 24.55.100.

22 (c) A proposal should be designed to demonstrate to legislative
23 committees and staff who will review the proposal that the proposed
24 research project represents a sound approach to the investigation of an
25 important public policy question. A proposal should be self-contained
26 and written with care and thoroughness.

27 (d) Unless the contract is for services exempt under AS 24.23.010
28 or (b) of this section, a contract for

29 (1) the Legislative Affairs Agency shall be approved by the

1 Legislative Council;

2 (2) the legislative finance division or the legislative
3 audit division shall be approved by the Legislative Budget and Audit
4 Committee.

5 Sec. 24.23.030. AWARD OF CONTRACT. (a) If a contract is made by
6 a legislative committee, execution of the contract on behalf of the
7 committee must be authorized by a majority vote of the full membership
8 of the committee. The contract must be executed by the provider of the
9 service and the project director, be approved by the executive director
10 of the Legislative Affairs Agency, the director of the legislative
11 finance division or the legislative audit division, and be approved as
12 to form by the legislative legal counsel.

13 (b) A contract awarded under this section shall contain the
14 amount of the contract stated on its first page.

15 Sec. 24.23.040. FILING. A copy of each contract must be filed
16 with the Legislative Affairs Agency, the ombudsman, the legislative
17 finance division, or the legislative audit division, and is open for
18 public inspection. The request for proposals and each proposal sub-
19 mitted must be attached to the filed copy unless the contract is one in
20 which requests for proposals are not required.

21 * Sec. 2. AS 24.55 is amended by adding a new section to read:

22 Sec. 24.55.315. CONTRACT PROCEDURES. The ombudsman shall adopt
23 by regulations procedures consistent with AS 24.23 to be followed by
24 the office of the ombudsman in contracting for services.
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Introduced: 2/13/81
Referred: State Affairs

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 HOUSE BILL NO. 156

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to legislative contracts."

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

8 * Section 1. AS 24 is amended by adding a new chapter to read:

9 CHAPTER 23. LEGISLATIVE CONTRACT PROCEDURE.

10 Sec. 24.23.010. APPLICATION. This chapter applies to contracts
11 for services to be provided to a legislative agency or committee unless

12 (1) the contract amount does not exceed \$10,000;

13 (2) the contract is an employment contract for services to
14 be performed under direct supervision regardless of the existence of an
15 employer-employee relationship;

16 (3) the contract is for construction, repair, or maintenance
17 of a structure; or

18 (4) the contract is awarded based on competitive bids ob-
19 tained under the competitive bid procedure provided in AS 37.05.230.

20 Sec. 24.23.020. REQUESTS FOR PROPOSALS. (a) A formal written
21 request for proposals soliciting an offer to perform the services
22 required under a contract must be extended to a sufficient number of
23 providers of the required services to assure that public interest in
24 competition is adequately served. Proposals from at least six firms
25 shall be solicited for contracts in excess of \$100,000 if the expertise
26 required is widely available. Proposals from at least three firms
27 shall be solicited for contracts of less than \$100,000 if the expertise
28 required is widely available. Formal advertising in a medium which
29 will reasonably bring the proposal to the attention of persons able to

1 provide the required service may be substituted for direct solicitation
2 or used jointly with direct solicitation of proposals.

3 (b) A request for proposals need not be extended if

4 (1) the contract amount does not exceed \$10,000;

5 (2) there is a single source of the expertise or knowledge
6 required or if one person or firm can clearly perform the required
7 tasks more satisfactorily because of the person's or firm's prior work;
8 however, this exemption from a request for proposals applies only when
9 the Legislative Council by vote of the majority of the members of the
10 council has approved the exemption and a written justification signed
11 by the person responsible for awarding the contract which details the
12 reasons for the exemption is filed with the Legislative Affairs Agency
13 as a public record;

14 (3) the services required may, by law or regulation, be
15 performed only by a person licensed to perform the service.

16 (c) A proposal should be designed to demonstrate to legislative
17 committees and staff who will review the proposal that the proposed
18 research project represents a sound approach to the investigation of an
19 important public policy question. A proposal should be self-contained
20 and written with care and thoroughness.

21 Sec. 24.23.030. AWARD OF CONTRACT. If a contract is made by a
22 legislative committee, execution of the contract on behalf of the
23 committee must be authorized by a majority vote of the full membership
24 of the committee. The contract must be executed by the provider of the
25 service and the project director, be approved by the executive director
26 of the Legislative Affairs Agency, the director of the legislative
27 finance division or the legislative audit division, and be approved as
28 to form by the legislative legal counsel.

29 Sec. 24.23.040. FILING. A copy of each contract must be filed

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or the legislative audit division, and is open for public inspection.
The request for proposals and each proposal submitted must be attached
to the filed copy unless the contract is one in which requests for
proposals is not required.

Consulting pacts will be public

2/21/81
The Associated Press

JUNEAU — The Legislative Council agreed Friday to make public all draft consultant contracts as soon as the Legislative Affairs Agency puts the proposals into writing.

The "interim policy" on contracts was suggested by council Chairman Rep. Hugh Malone, D-Kenai, and adopted unanimously by the joint House-Senate council.

The action came the day after the council narrowly defeated a proposed policy that would not have required public disclosure of contracts until they were signed by all parties.

Malone argued that such a policy essentially would thwart public review of contracts until they were executed.

Before a contract can be executed it must be signed by four people: the person, usually a legislator, who is to serve as "project director;" the consultant; the director of the Legislative Affairs Agency; and the legislature's lawyer.

During the past two years, many contracts were executed as soon as the four signatures were on the documents, and without the contracts going before the Legislative Council.

However, Malone said he intends to halt that practice. He said he wants the entire council to review a contract before it is executed. Malone said he also

thinks contracts for large sums should go through the entire legislative process.

In other action, the council agreed that more than \$500,000 in money appropriated, but not spent by interim committees

should be returned to the House and Senate leadership accounts.

Much of the money is left-over as a result of the council's decision to reject a number of proposed consultant contracts.

is Shown on the. . . . ks Police Blotter

Vehicle Fire

A 1971 Volkswagon owned and operated by Michael Hotelling, 1222 Moose Walk, caught fire at about 1/8 Mile Cartwright Road. The Chena-Goldstream Volunteer Fire Department responded and extinguished the fire but the vehicle was a complete loss. No injuries.

Assault Charges

quately addressed in the department's policy guidelines. Were they consistently followed, he said, "the magnitude of administrative discretion, and therefore possible abuse, would be vastly lessened.

Flavin added: "While some agencies consciously follow accepted procedures, others at-

Theft

Person or persons unknown stole two sleeping bags and a CB radio from a locked vehicle belonging to Cathy McMurdo, 3965 Geist Road.

Criminal Mischief

An unknown amount of damage was done to a 1975 Datsun 210 belonging to Catherine

Kraus, 2 Mile South. . . . The policy guidelines contained in the State Administrative Manual governing the handling of non-competitive contracts for professional services "lack the force of law in practice and have been reduced to 'idealistic tools' by agencies which pay lip service to their existence while rejecting their substance and

g Guidelines

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spirit."

In his report, the ombudsman lists several recommendations aimed at correcting pervasive abuse of contracting procedures by state agencies. These include the enactment of legislation which would require the Department of Administration to revise its contracting guidelines and, after public notice and hearings, adopt them as regulations having the force of law.

Following the release of a legislative audit report two years ago which was critical of the Department of Administration's contracting procedures, former Atty. Gen. Av Gross said in a memorandum to the Commissioner of Administration that "the important thing is that public notice be made, an opportunity to comment be given, and a regulation promulgated."



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Re: Proposed Uniform Rules Changes
Markup Session

The following list of Rules have been requested for discussion. Representative Phillips submitted the attached proposed Rules changes. The list following list includes the supplement Rules changes submitted by the Rules Chair and circulated last Thursday, May 7th.

Rule: 1.	<u>Organization of First Session.</u>	Phillips Rules
3.	<u>Legislative Session Staff.</u>	Hayes
8.	<u>Privilege of the Floor.</u>	Hayes
10.	<u>Drafting Manual.</u>	Rules
12.	<u>Use of Chambers & Offices.</u>	Hayes
16.	<u>Call of the House.</u>	Hayes
17.	<u>Daily Order of Business.</u>	Hayes Rules
18.	<u>Daily Calendar.</u>	Phillips
20.	<u>Standing Committees.</u>	Hayes Phillips
21.	<u>Interim Committees.</u>	Phillips
23.	<u>Committee Meetings.</u>	Hayes Rules
24.	<u>Committee Referral & Action.</u>	Hayes Phillips
30.	<u>Reconsideration.</u>	Hayes Phillips
34.	<u>Voting Procedure.</u>	Hayes
35.	<u>Amendment.</u>	Hayes Phillips
37.	<u>Introduction of Bills.</u>	Phillips
38.	<u>History of Bills.</u>	Phillips Rules
39.	<u>Action on Bills.</u>	Hayes
41.	<u>Amendments on other House.</u>	Phillips
42.	<u>Conference Committee</u>	Hayes Phillips Rules
43.	<u>Enrollment.</u>	Hayes Rules
49.	<u>Resolutions.</u>	Hayes

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

RULE 1. ORGANIZATION OF FIRST SESSION. (a) At the time established by AS 24.050.082 [FOR CONVENING OF THE FIRST REGULAR SESSION OF A LEGISLATURE] the lieutenant governor calls each house to order separately and calls the roll of members whose election has been certified. The lieutenant governor [HE] then administers the oath of office to the new members and, pending the election of temporary presiding officers, preserves order and decorum in the house.

(b) When the house by a majority vote of the full membership of the house [VOTE] selects a temporary presiding officer, the temporary presiding officer [HE] assumes the chair and the lieutenant governor withdraws. The chair then calls for nominations for a permanent presiding officer and the nominee receiving a majority vote of the [VOTES OF] the full membership of the house assumes the chair for the two-year duration of the legislature. If a presiding officer is not elected by the fourth legislative day, the members shall meet and elect a presiding officer by secret ballot by a plurality of the votes cast.

(c) Pending the organization of the house a secretary assigned by the Legislative Council assists the lieutenant governor and the temporary and permanent presiding officers in the performance of their duties.

(d) The Uniform Rules of the Legislature of the previous regular session or any authorized revision of those rules are used as the temporary rules until the Rules Committee reports on and the legislature in joint session adopts permanent uniform rules.

(e) The presiding officer shall announce, not later than the day following [HIS] election, the appointment of a Committee on Committees consisting of the presiding officer [HIMSELF] as chairman and four other members. The committee is responsible for nominating the chairman and members of the standing committees as set out [FORTH] in Rule 20 to serve for the two-year duration of the legislature. The membership of each committee shall total to an uneven number. Each standing committee shall be composed of members of the majority and minority in the ratio which reflects the majority and minority membership in the house. [AND THE MINORITY IS ENTITLED TO AT LEAST ONE SEAT ON EACH STANDING COMMITTEE.] The report of the Committee on Committees is subject to approval by a majority vote of the full membership of the house.

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

RULE 18. DAILY CALENDAR. [(a)] The Rules Committee of each house is responsible for the preparation of the daily calendar for distribtuion to each member at least 24 hours [ON THE DAY] preceding the legislative session to which the calendar applies [NEXT LEGISLATIVE DAY. PENDING THE PRINTING OF THE CALENDAR THE CONTENTS OF THE CALENDAR MAY BE ANNOUNCED OR POSTED). Changes to the calendar or approval of a supplementary calendar may be authorized by a two-thirds vote of the members [MEMBERSHIP] present. No business shall be transacted nor any measure considered that is not on the calendar. A bill may not be withdrawn from the Rules Committee but [A MAJORITY OF THE FULL MEMBERSHIP OF] the house may order a bill in the possession of the Rules Committee to be placed on the calendar for the next legislative day by a majority vote of the full membership of the house.

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

RULE 20. STANDING COMMITTEES. (a) Each house has the following standing committees with the jurisdiction indicated:

Finance (all appropriation, revenue, capital improvement, and bonding measures, the executive budget, and the programs and activities of the Department of Revenue)

Health, Education and Social Services (the programs and activities of the Department of Health and Social Services, the Department of Education, and the University of Alaska)

Judiciary (the programs and activities of the Alaska Court System and the Department of Law, and the legal and substantive review of bills referred to it for that purpose)

Labor and Commerce (the programs and activities of the Department of Labor and other matters relating to labor-management relations, industrial safety, unemployment compensation, and workers' [WORKMEN'S] compensation and the programs and activities of the Department of Commerce and Economic Development)

Community and Regional Affairs (the programs and activities of the Department of Community and Regional Affairs and other matters relating to political subdivisions)

Resources (the programs and activities of the Departments of Fish and Game, Natural Resources, and Environmental Conservation)

Rules (interpretation of the Uniform Rules, calendar, the internal administration of the house and matters pertaining to the management of the legislature as a whole)

State Affairs (programs and activities of the Office of the Governor and the Departments of Administration, Military Affairs and Public Safety, and programs and activities of the Department of Transportation and Public Facilities relating to public facilities)

Transportation (programs and activities of the Department of Transportation and Public Facilities relating to transportation).

(b) The committee chairmen are authorized to form such subcommittees as they determine to be necessary.

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

Repeal and reenact Rule 21 to read as follows:

RULE 21. INTERIM COMMITTEES. (a) An interim committee may not be established unless it is a joint interim committee. A joint interim committee is proposed by the Legislative Council and approved by a concurrent resolution adopted by a vote of two-thirds of the membership of each house of the legislature. When a joint interim committee is established, one-half of the members of the committee shall be appointed from each house by the presiding officer of that house. At least one member from each house shall be a member of a minority party of that house. The members appointed to a joint interim committee shall elect a chairman. Before an interim committee may spend money, its budget must be proposed by the Legislative Council and approved by a concurrent resolution adopted by a vote of two-thirds of the membership of each house of the legislature. A joint interim committee exists for the duration of the legislature during which established.

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

Repeal and reenact Rule 21 to read as follows:

RULE 21. INTERIM COMMITTEES. An interim committee may not be established unless it is a joint interim committee. A joint interim committee is proposed by the Legislative Council and approved by a concurrent resolution adopted by a vote of two-thirds of the membership of each house of the legislature. When a joint interim committee is established, one-half of the members of the committee shall be appointed from each house by the presiding officer of that house. Each interim committee shall be composed of members of the majority and minority of each house in the ratio which reflects the majority and minority membership of that house. The members appointed to a joint interim committee shall elect a chairman. Before an interim committee may spend money, its budget must be proposed by the Legislative Council and approved by a concurrent resolution adopted by a vote of two-thirds of the membership of each house of the legislature. A joint interim committee exists for the duration of the legislature during which established.

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

RULE 24 [23]. COMMITTEE REFERRAL AND ACTION. (a) A committee acts on all bills referred to it and reports its actions and recommendations to the house within 30 legislative days of referral [AS SOON AS PRACTICABLE]. Committee reports must be in writing [AND THE REPORT MUST BE SIGNED BY A MAJORITY OF THE MEMBERS OF THE COMMITTEE]. The report will note the recommendation of each member signing the report.

(b) When a bill is reported back by a committee without at least one "Do Pass", unless the bill has a subsequent referral or referrals of record, the presiding officer shall put the question "Shall the bill be referred to the Rules Committee for placement on the calendar for second reading notwithstanding the report of the committee(s)?" If the bill has a subsequent referral or referrals of record, the question shall not be put until the last committee has reported and unless all reports are without at least one "Do Pass". The question is debatable and if a majority of the full membership of the house votes in the negative, the bill is lost.

(c) If a committee has more than one bill on the same subject or if it finds it necessary to revise a bill substantially, it may report out a substitute bill and recommend that the substitute be accepted for second reading in the place of the original bill. When a committee in the house of origin of a bill reports a committee substitute for a bill or an amendment to a bill that requires a change in the title of the bill, the bill may not be advanced to third reading until the prime sponsor of the bill agrees to the change in the title of the bill. The concurrence of the prime sponsor shall be noted in the journal. A committee of the second house may not report out a committee substitute for a bill or an amendment to a bill that requires a change in the title of the bill as adopted in the house of origin. Substitute bills are duplicated and distributed when they are reported out by the committee. Committee substitute bills carry a notation of the source or sponsor of the original bill in the manner prescribed by the drafting manual unless the sponsor objects to the name so appearing.

(d) All bills involving appropriations, revenues or bonding must be referred to the Finance Committee before they can be advanced to second reading.

(e) When a member of a committee notifies the committee chairman that the member intends to recommend "Do Pass" on a bill, the bill shall be reported back to the house and shall be immediately advanced to the next committee of referral. When the bill is referred to the Rules Committee, that committee shall place the bill on the calendar in second reading within 30 legislative days.

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

RULE 24 [23]. COMMITTEE REFERRAL AND ACTION. (a) A committee acts on all bills referred to it and reports its actions and recommendations to the house within 30 legislative days of referral [AS SOON AS PRACTICABLE]. Committee reports must be in writing [AND THE REPORT MUST BE SIGNED BY A MAJORITY OF THE MEMBERS OF THE COMMITTEE]. The report will note the recommendation of each member signing the report.

(b) When a bill is reported back by a committee without at least one "Do Pass", unless the bill has a subsequent referral or referrals of record, the presiding officer shall put the question "Shall the bill be referred to the Rules Committee for placement on the calendar for second reading notwithstanding the report of the committee(s)?" If the bill has a subsequent referral or referrals of record, the question shall not be put until the last committee has reported and unless all reports are without at least one "Do Pass". The question is debatable and if a majority of the full membership of the house votes in the negative, the bill is lost.

(c) If a committee has more than one bill on the same subject or if it finds it necessary to revise a bill substantially, it may report out a substitute bill and recommend that the substitute be accepted for second reading in the place of the original bill. A committee substitute that contains a change in the bill title or an amendment to a bill reported by a committee that requires a change in the bill title (other than a clerical or technical change) requires an affirmative vote of two-thirds of the house. A committee of the second house may not report out a committee substitute for a bill or an amendment to a bill that requires a change in the title of the bill (other than a clerical or technical change) as adopted in the house of origin. Substitute bills are duplicated and distributed when they are reported out by the committee. Committee substitute bills carry a notation of the source or sponsor of the original bill in the manner prescribed by the drafting manual unless the sponsor objects to the [HIS OR THEIR] name so appearing.

(d) All bills involving appropriations, revenues or bonding must be referred to the Finance Committee before they can be advanced to second reading.

(e) When a member of a committee notifies the committee chairman that the member intends to recommend "Do Pass" on a bill, the bill shall be reported back to the house and shall be immediately

advanced to the next committee of referral. When the bill is referred to the Rules Committee, that committee shall place the bill on the calendar in second reading within 30 legislative days.

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

Amend Rule 30 [29]. RECONSIDERATION, section (e) as follows:

(e) Calling up reconsideration on the next legislative day automatically places the question to be reconsidered again before the body in third reading if the question is adoption of a measure for which three readings are required and opens the question for debate. It is subject to all procedural motions. When a motion is made that the reconsideration be taken up on the same day the notice of consideration is given, the motion that reconsideration be taken up on the same day be voted upon separately from the question to be reconsidered. Calling up reconsideration has precedence over every motion except a motion to adjourn. Calling up reconsideration cancels the previous vote on the question to be reconsidered as completely as though it had never been taken. There may be but one reconsideration, even though the action of the house after reconsideration is opposite from the action of the house before reconsideration.

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

RULE 35. [34]. AMENDMENT. No motion or proposition on a subject shall be admitted under color of amendment if the subject matter is different from that under consideration. The subject of an amendment shall be germane to the subject of the original bill and within the title of the original bill. A motion or proposition for an amendment that requires a change in the title of a bill (other than a clerical or technical change) requires an affirmative vote of two-thirds of the house. A motion or proposition on a subject that requires a change in the title of the bill as enacted in the house of origin other than a clerical or technical change is not in order in the second house. No amendment may be considered by the house unless submitted in writing and read aloud by the clerk or secretary. Amendments offered by a committee shall be included in its written report and attached to the original bill. A bill in second reading is subject to amendment and is treated section by section. No amendment may be made to a bill in its third reading but the bill may be returned to second reading by a majority vote of the full membership of the house for the purpose of specific amendment. The specific amendment is not subject to amendment. Upon completion of action on the specific amendment, the bill automatically advances to third reading. Except as provided in this rule, a [A] title may be amended or a change of sponsor made in third reading or after passage by a majority vote of the members present, but same must be accomplished before the measure acted upon has been engrossed [ENROLLED]. When amendments to the body of a bill affect the numbering of sections, or passage or failure of the effective date clause affects the title, the clerk or secretary may accomplish the necessary changes without formal motion, and such changes shall be noted in the journal. Resolutions may be amended in the same manner as a bill.

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

RULE 37 [36]. INTRODUCTION OF BILLS. (a) Any member, group of members, standing or special committee may introduce a bill, subject to the provisions of these Uniform Rules. A bill must be introduced in proper form with the original and three [TWO] carbon copies delivered to the chief clerk or secretary. The bill is then assigned a number which it retains through subsequent changes and substitutions. The bill is considered formally introduced when the clerk or secretary reads the heading and title aloud in open session (first reading). Bills may be introduced through the Rules Committees by the governor and the permanent interim committees pursuant to provisions of law.

(b) The original copy of a bill or resolution, or any substitute therefor, remains at all times in the custody of the chief clerk or secretary. When the original copy has been photographed for duplication the first [EACH] page of the bill is marked or stamped "original copy". The first carbon of the original bill is jacketed and marked "committee copy" and is delivered on receipt to the chairman of the committee of first reference. The "committee copy" is the official copy used to accompany committee reports within a house. If the committee copy is lost or is not otherwise available a certified photocopy of the original copy may be used. The original of the enrolled copy is used for certification by each house for transmittal to the governor.

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

RULE 38 [37]. HISTORY OF BILLS. A separate history of the bills of each house shall be maintained [BY THE BILL HISTORIAN ASSIGNED TO PERFORM THE DUTY] for both houses by the Legislative Affairs Agency. Agency [HISTORIAN] shall, in cooperation with the chairmen of the Rules Committees and the chief clerk and senate secretary, maintain a current record on all bills and resolutions and publish a weekly report on the status of the bills of each house.

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

RULE 41 [40]. AMENDMENTS IN OTHER HOUSE. (a) When a bill passed in one house is amended in the other house, the bill with certified amendments is returned to the house of origin requesting concurrence. The vote on concurrence in amendments is taken by calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a majority vote of the full membership in each house. If concurrence is had the clerk or secretary notes the concurrence in the journal, informs the other house of the concurrence, and proceeds to have the bill enrolled for certification and transmittal to the governor.

(b) An amendment to a bill introduced in the other house is not in order if the amendment requires a change of the bill title. The title of a bill may not be changed except in the house of origin with the concurrence of the prime sponsor or by report of a standing committee in the house of origin.

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

RULE 41 [40]. AMENDMENTS IN OTHER HOUSE. (a) When a bill passed in one house is amended in the other house, the bill with certified amendments is returned to the house of origin requesting concurrence. The vote on concurrence in amendments is taken by calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a majority vote of the full membership in each house. If concurrence is had the clerk or secretary notes the concurrence in the journal, informs the other house of the concurrence, and proceeds to have the bill enrolled for certification and transmittal to the governor.

(b) An amendment to a bill introduced in the other house is not in order if the amendment requires a change of the bill title other than a clerical or technical change. The title of a bill may not be changed other than by a clerical or technical change except by an affirmative vote of two-thirds of the house of origin.

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

RULE 42 [41]. CONFERENCE COMMITTEE. (a) If one house refuses to concur in the amendments of the other it so notifies the amending house and requests that it recede from its amendments. The vote on receding from amendments is taken by calling the roll and the recording of the yeas and nays in the journal. A house recedes from its amendments only by a majority vote of the full membership of the house. If the house refuses to recede, the presiding officer of each house appoints three members to sit as a Committee on Conference. The committee meets when mutually agreeable to its members and when agreement on previously adopted amendments to a bill adopted by either house is reached, the committee submits an identical report to each house. If the report is adopted by both houses the bill is enrolled, signed, and transmitted to the governor. If the members of the Committee on Conference cannot agree on amendments or one or both houses refuses to adopt its report, a second Committee on Conference shall be appointed but a member of the first committee may not be reappointed. [IT IS IN ORDER AT ANY TIME TO GRANT POWERS OF FREE CONFERENCE TO THE COMMITTEE ON CONFERENCE.] If the members of the second Committee on Conference cannot agree on amendments or one or both houses refuses to adopt its report, it is then in order to appoint a Committee on Free Conference. A member who served on either Committee on Conference may not be appointed to the Committee on Free Conference. The vote on adoption of a conference committee report is taken by calling of the roll and the recording of the yeas [AYES] and nays in the journal. Adoption requires a majority vote of the full membership of the house.

(2)

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

RULE 42 [41]. CONFERENCE COMMITTEE. (a) If one house refuses to concur in the amendments of the other it so notifies the amending house and requests that it recede from its amendments. The vote on receding from amendments is taken by calling the roll and the recording of the yeas and nays in the journal. A house recedes from its amendments only by a majority vote of the full membership of the house. If the house refuses to recede, the presiding officer of each house appoints three members to sit as a Committee on Conference. The committee meets when mutually agreeable to its members and when agreement on previously adopted amendments to a bill adopted by either house is reached, the committee submits an identical report to each house. If the report is adopted by both houses the bill is enrolled, signed, and transmitted to the governor. If the members of the Committee on Conference cannot agree on amendments or if one or both houses refuses to adopt the report, the Committee on Conference shall submit a written report to each house listing the specific points of disagreement for which the committee requests powers of free conference. The presiding officer of each house may give limited powers of free conference only on the specific points listed. [IT IS IN ORDER AT ANY TIME TO GRANT POWERS OF FREE CONFERENCE TO THE COMMITTEE ON CONFERENCE.] If the members of the Committee on Conference with limited powers of free conference cannot agree on amendments or one or both houses refuses to adopt its report, it is then in order to appoint a Committee on Free Conference. A member who served on a Committee on Conference or on a Committee on Conference with limited powers of free conference may not be appointed to a subsequent Committee on Conference or Committee on Free Conference concerning the same measure. The vote on adoption of a conference committee report is taken by the calling of the roll and the recording of the yeas [AYES] and nays in the journal. Adoption requires a majority vote of the full membership of the house.

(b) The Committee on Free Conference is appointed in the same manner as a Committee on Conference and may suggest in its report any amendments clearly germane to the question. When a majority of the membership on the committee from each house agree on amendments [TO BE PROPOSED], the amendments are attached to the bill and reported back to each house in an identical report. The report is not subject to amendment in either house. The report is referred to the last committee in each house to which the bill was referred for consideration for its information; the committee shall report the bill

with its recommendations for or against passage of the report.
If the report is adopted in both houses the bill is then ordered enrolled by its house of origin. If the Committee on Free Conference fails to agree or its report is not adopted, a second Committee on Free Conference may be appointed but no member of the first committee may be reappointed. A free conference committee report may not be voted on by the house until at least 24 hours after the report is printed and distributed to each member at the member's desk. The vote on adoption of a free conference committee report is taken by calling of the roll and recording of the yeas [AYES] and nays in the journal. Adoption requires a majority vote of the full membership of the house.

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

RULE 42 [41]

Add new section to read:

The report of a Committee on Conference with powers of free conference or a Committee on Free Conference that requires a change in the title of a bill other than clerical or technical change requires an affirmative vote of two-thirds of the house of origin.

①

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

RULE 42 [41].

In section (a), after "If the report is adopted by both houses the bill is enrolled, signed, and transmitted to the governor." add:

Except as provided in (c) of this rule, it [IT] is in order at any time to grant powers of free conference to the Committee on Conference. Except as provided in (c) of this rule, if [IF] the members of the Committee on Conference cannot agree on amendments or one or both houses . . ."

Add section (c) as follows:

(c) A house of the legislature may not grant to a conference committee on an appropriation bill the power

- (1) to make a new appropriation or allocation; or
- (2) to report an appropriation or an allocation which exceeds the appropriation or allocation in either bill referred to the committee.

AMENDMENT

Before the HOUSE RULES COMMITTEE

Offered by PHILLIPS

Rule 42 [41].

Add section (c) as follows:

(c) A committee on Free Conference or a Committee on Conference with powers of free conference may not report out a bill which would require a change in the bill title or an amendment which would require a change of bill title except with the concurrence of the prime sponsor of the bill. The concurrence of the prime sponsor shall be noted in the journal.

12-1608
Chenoweth

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to attendance of legislators, estab-
7 lishing procedures under which the commissioner of
8 public safety may assist in securing the attendance of
9 a legislator, and establishing a sanction against a
10 legislator who does not attend a legislative session
11 under a call of the house; and providing for an
12 effective date."

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

14 * Section 1. AS. 24.05 is amended by adding a new section to read:

15 Sec. 24.05.145. COMPELLING ATTENDANCE. (a) If a member of a
16 house of the legislature orders a call of the house to compel the
17 attendance of an absent member or members and all members do not
18 promptly attend the session in response to the call, the presiding
19 officer of the house may direct the commissioner of public safety to
20 assist in securing the attendance of a missing member or members.

21 (b) To secure the assistance of the commissioner of public
22 safety, the presiding officer of the house in which a call of the house
23 has been ordered shall

24 (1) announce to the house that he is directing the commis-
25 sioner of public safety to assist the sergeant-at-arms of the house to
26 locate and secure the attendance of a missing member or members of the
27 house; and

28 (2) in writing, direct the commissioner of public safety to
29 assist the sergeant-at-arms of the house to locate and secure the

1 attendance of a missing member or members of the house, designating by
2 name the missing member or members.

3 (c) If directed by a presiding officer to provide assistance
4 under (b) of this section, the commissioner of public safety may desig-
5 nate one or more persons to search for, locate, and secure the atten-
6 dance of a missing member or members at the session of the house.

7 (d) The commissioner of public safety or a person designated by
8 him under (c) of this section shall act to secure the return of a
9 missing member to a session of the house. When the commissioner of
10 public safety or a person designated by him acts under this subsection,
11 the commissioner or the person may use reasonable force to secure the
12 return of the missing member. For purposes of this section, reasonable
13 force includes any force except force used with the intent to cause
14 serious physical injury to the missing member or force which the
15 commissioner or the designated person knows creates a substantial risk
16 of causing serious physical injury to the missing member.

17 (e) If, after directing the commissioner of public safety to
18 provide assistance under (b) of this section, all unexcused members of
19 the house respond to the call of the house, or the call of the house is
20 removed, or the house adjourns, the presiding officer shall promptly
21 notify the commissioner of public safety.

22 (f) The provisions of this section apply to a search to locate
23 and secure the attendance of a missing member or members of a house if
24 the house has not organized and has not appointed a sergeant-at-arms.
25 If the house has not organized or has not appointed a sergeant-at-arms,
26 the presiding officer may designate the commissioner of public safety
27 as the acting sergeant-at-arms in accordance with procedures set out in
28 (b) of this section.

29 * Sec. 2. AS 24.15.010(a) is amended to read:

1 (a) Except as provided in (e) of this section, each [EACH] member
2 of the legislature is entitled to receive per diem at the same rate
3 allowed for a state employee under AS 39.20.110 and 39.20.160, in-
4 cluding regional variations in the rate where applicable.

5 * Sec. 3. AS 24.15.010 is amended by adding a new subsection to read:

6 (e) A legislator is not entitled to receive per diem for a day
7 during which the attendance of the legislator is sought with the
8 assistance of the commissioner of public safety or a person appointed
9 by him in accordance with AS 24.05.145(b).

10 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.
11 070(c).

UNIFORM RULES
ALASKA
STATE LEGISLATURE

1981

Adopted May 30, 1981
by the
TWELFTH LEGISLATURE - FIRST SESSION

EFFECTIVE JUNE 30 1982

Legislative Affairs Agency

FOREWORD

The Constitution of the State of Alaska (sec. 12, art. II) provides: "The houses of each legislature shall adopt uniform rules of procedure." It is noteworthy that the drafters of the constitution did not say "each house" shall adopt, but rather emphasized that the "houses" should adopt uniform rules. It was the intention of the writers that Alaska should avoid the circumstances of many state legislatures where one finds house rules, senate rules, and joint rules. The uniform system is intended to permit the members and the public to follow or conduct the legislative process without a confusion of rules. The rules are adopted by both houses sitting in joint session as one body. The law on the subject of rules reads:

Sec. 24.05.120. RULES. At the beginning of the first regular session of each legislature, both houses shall adopt uniform rules of procedure for enacting bills into law and adopting resolutions. The rules in effect at the last regular session of the immediately preceding legislature serve as the temporary rules of the legislature until the adoption of permanent rules.

The rules are meant as an aid to legislators and both houses in the conduct of their business in the formal processing of legislative documents and the exercise of other powers and duties assigned the legislature by constitutional and statute law.

Copies of the Uniform Rules are distributed at the direction of the Legislative Council by the Legislative Affairs Agency.

M. R. Charney
Executive Director
Legislative Affairs Agency

UNIFORM RULES

ALASKA STATE LEGISLATURE

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VOTING REQUIREMENTS OF THE UNIFORM RULES
AND THE ALASKA CONSTITUTION

<u>Rule No.</u>	<u>Question</u>	<u>Vote Requirement</u>	<u>Minimum No. Votes Needed</u>	
			<u>HOUSE</u>	<u>SENATE</u>
1(b)	Selection of temporary presiding officer	majority/full house	21	11
1(b)	Selection of permanent presiding officer	majority/full house	21	11
1(e)	Committee on Committees' report subject to approval by	majority/full house	21	11
3(a)	Election of chief clerk of house and senate secretary	majority/full house	21	11
8(a)	Granting personal/special privilege of the floor	2/3 of those present	--	--
9	Expungement of matter from journal	majority/full house	21	11
11(c)	Admission to chamber during session or brief recess of person not otherwise allowed in chamber	presiding officer or majority/present	--	--
13	Change in hour of convening	majority/present	--	--
14(b)	Ordering use of electric voting machine for election of officers/other business	majority/full house	21	11
16(a)	Excuse from call of the house	majority/full house	21	11
16(a)	Placing call of the house	any member	1	1

<u>Rule No.</u>	<u>Question</u>	<u>Vote Requirement</u>	<u>Minimum No. Votes Needed</u>	
			<u>HOUSE</u>	<u>SENATE</u>
16(d)	Termination of call of the house by a vote to adjourn	majority/present	--	--
17	Change daily order of business	2/3 of full house	27	14
18	Changes to a daily calendar or approval of supplementary calendar	2/3 of those present	--	--
18	Order bill in rules committee to be placed on calendar for next day	majority/full house	21	11
19	Make a subject a special order of business, if not otherwise specifically provided for in uniform rules	2/3 of those present	--	--
22(c)	Calling an executive session	majority/present	--	--
23(a)	Waiver of five-day notice of first public hearing on bill or resolution	majority/full house	21	11
24(b)	Referring to the rules committee (for calendaring) a bill reported out of all committees of referral without at least one "Do Pass" recommendation NOTE: bill dies if a majority of the full house votes "NO"	majority/present majority/full house	-- 21	-- 11
27(a)	Oral motion required to be reduced to writing upon request of	any member	1	1
27(b)	Withdrawal of bill, resolution or motion for amendment by member introducing it or reporting it requires consent of	majority/full house	21	11
29	Indefinite postponement of a measure	majority/full house	21	11
30(a)	Reconsideration on same day notice given	2/3 of full house	27	14

<u>Rule No.</u>	<u>Question</u>	<u>Vote Requirement</u>	<u>Minimum No. Votes Needed</u>	
			<u>HOUSE</u>	<u>SENATE</u>
30(b)	Extension of time for reconsideration	majority/present	--	--
31(c)	Motion to rescind	same vote as req'd to pass original measure	--	--
32(a)	Ordering the previous question	2/3 of those present	--	--
33	Appeal of presiding officer's decision that division of a question cannot be made	majority/present	--	--
34(a)	Requiring roll call vote on a measure	any member	1	1
34(b)	Permission for member to abstain from voting	unanimous consent	--	--
35	Return a bill from third reading to second reading	majority/full house	21	11
35	Amendment to a title (where allowed); see Rules 24(c), 35, 41(b) and 42(e) (effective date: 6/30/82)	majority/present	--	--
39(a) (Art. 11, sec. 14)	Advance from second reading to third reading on same day NOTE: advancement automatic after action on specific amendment, Rule 35 (effective date: 6/30/82)	3/4 of full house automatic	30 --	15 --
39(b)	Committee referrals in addition to those made by presiding officer	majority/full house	21	11
39(c)	Require bill in second reading to be read in full by chief clerk or secretary	majority/full house	21	11
39(d) (Art. 11, sec. 14)	Final passage of a bill	majority/full house	21	11

<u>Rule No.</u>	<u>Question</u>	<u>Vote Requirement</u>	<u>Minimum No. Votes Needed</u>	
			<u>HOUSE</u>	<u>SENATE</u>
39(e) (Art. IV, sec. 15)	Change in a Supreme Court Rule	2/3 of full house	27	14
39(f) (Art. 11, sec. 18)	Adopt effective date other than 90 days	2/3 of full house	27	14
41	Concurrence in amendments of other house	majority/full house	21	11
42(a)	Receding from amendments	majority/full house	21	11
42(a)	Adoption of conference committee report	majority/full house	21	11
42(b)	Adoption of free conference commit- tee report	majority/full house	21	11
45 (Art. 11, sec. 16)	Override of veto of appropriation bills or items and bills to raise revenue	3/4 of legislature in joint session	total of 45 votes	
45 (Art. 11, sec. 16)	Override of veto of other bills	2/3 of legislature in joint session	total of 40 votes	
46 (Art. 11, secs. 25 & 26)	Confirmation of governor's appoint- ments	majority of legislature in joint session	total of 31 votes	
49(a)(1)	Simple resolution	majority/full house (house of origin)	21	11
49(a)(2) (Art. 11, sec. 12)	Special resolution (expulsion of member)	2/3 of full house (house of origin)	27	14

<u>Rule No.</u>	<u>Question</u>	<u>Vote Requirement</u>	<u>Minimum No. Votes Needed</u>	
			<u>HOUSE</u>	<u>SENATE</u>
49(a)(3)	Concurrent resolution	majority/full house	21	11
49(a)(4) (Art. 111, sec. 13)	Special concurrent resolution (disapproval of executive order)	majority of legislature in joint session	total of 31 votes	
49(a)(5) (Art. XIII, sec. 1)	Joint resolution proposing amendment to Alaska constitution	2/3 of full house	27	14
49(a)(5)	Joint resolution other than proposed amendment to Alaska constitution	majority/full house	21	11
51	Motion to call a joint session	both presiding officers or majority/full house (one house only)	21	11
51	Use of electric voting machine by members of the House of Representa- tives during joint session	majority/House of Representatives	21	--
52 (Art. 11, sec. 10)	Adjournment or recess longer than three days	concurrent resolution adopted by majority/ full house	21	11
52 (Art 11, sec. 12)	Adjournment from day to day	majority/present	--	--
53	Adoption of Uniform Rules by each legislature	majority/full house	21	11
53	Further amendments during same legis- ture	concurrent resolution adopted by 2/3 of full house	27	14

<u>Rule No.</u>	<u>Question</u>	<u>Vote Requirement</u>	<u>Minimum No. Votes Needed</u>	
			HOUSE	SENATE
54	Suspension of Uniform Rules, unless otherwise specifically provided in a particular rule	concurrent resolution adopted by 2/3 of full house	27	14

NOTE: Except in the case of adjournment, the phrases "majority of those present" and "two-thirds of those present" assume that a quorum is present.

ORGANIZATION OF FIRST SESSION

RULE 1. ORGANIZATION OF FIRST SESSION. (a) At the time for convening of the first regular session of a legislature the lieutenant governor calls each house to order separately and calls the roll of members whose election has been certified. The lieutenant governor then administers the oath of office to the new members and, pending the election of temporary presiding officers, preserves order and decorum in the house.

(b) When the house by a majority vote of the full membership of the house selects a temporary presiding officer, the temporary presiding officer assumes the chair and the lieutenant governor withdraws. The temporary presiding officer then calls for nominations for a permanent presiding officer and the nominee receiving a majority vote of the full membership of the house becomes the permanent presiding officer for the two-year duration of the legislature. If a permanent presiding officer is not elected by the seventh legislative day, on the eighth legislative day the temporary presiding officer shall call for nominations for a permanent presiding officer from the floor. A roll call vote shall be taken on the persons nominated. Election of a permanent presiding officer requires a majority vote of the full membership of the house.

(c) Pending the organization of the house a secretary assigned by the Legislative Council assists the lieutenant governor and the temporary and permanent presiding officers in the performance of their duties.

(d) The Uniform Rules of the Legislature of the previous regular session or any authorized revision of those rules are used as the temporary rules until the Rules Committee reports on and the legislature in joint session adopts permanent uniform rules.

(e) The presiding officer shall announce, not later than the day following election, the appointment of a Committee on Committees consisting of five members including the presiding officer. The presiding officer chairs the Committee on Committees. The committee is responsible for nominating the members of the standing committees as set out in Rule 20 and the member who is to chair each standing committee to serve for the two-year duration of the legislature. The membership of each committee shall total to an uneven number and the minority is entitled to at least one seat on each standing committee. The report of the Committee on Committees is subject to approval by a majority vote of the full membership of the house.

ORGANIZATION OF SECOND SESSION

RULE 2. ORGANIZATION OF SECOND SESSION. The presiding officer of each house during the first regular session presides during the second regular session or any special session and administers the oath to any new members.

LEGISLATIVE SESSION STAFF

RULE 3. LEGISLATIVE SESSION STAFF. (a) Each house elects an internal administrative officer (a chief clerk in the house and a secretary in the senate) to serve for the two-year duration of the legislature. The officer is nominated by the Rules Committee and elected by a majority vote of the full membership of the house. The chief clerk and secretary are responsible for the selection and supervision of the staff of their offices and are subject to the direction of the presiding officer and Rules Committee according to law and legislative rule.

(b) The Rules Committee of each house is responsible for the selection and direction of the session staff assigned to each chamber (sergeant-at-arms and their assistants, pages and messengers) and is the source of approval for hiring session assistants for standing, special, and joint committees and caucuses and secretarial help to be assigned to individual members. The Rules Committees of the house and senate shall decide jointly and within the amount budgeted for session staff the compensation and conditions of employment of those working under their individual supervision. The director of administrative services of the Legislative Affairs Agency shall assist and make recommendations to the Rules Committees regarding staff compensation and related matters.

(c) The sergeant-at-arms shall attend all sessions of the house unless absent for the purpose of discharging the duties of the office. The sergeant-at-arms shall maintain order on the floor of the chamber and in the galleries and adjoining hallway, and assure that any person not permitted by law or legislative rule to be present in the chamber is removed from the chamber. The sergeant-at-arms shall assure that a member does not leave the chamber during a call of the house, and shall act to secure the attendance in the chamber of members missing during a call of the house.

DUTIES OF THE PRESIDING OFFICER

RULE 4. DUTIES OF THE PRESIDING OFFICER. The presiding officer of each house has the duties set forth in section 575, MASON'S MANUAL OF LEGISLATIVE PROCEDURE, 1979 edition, when not inconsistent with these Uniform Rules. In the absence of the regular presiding officer, the majority leader of the house serving ex officio as presiding officer pro tempore shall preside; except that the regular presiding officer may temporarily relinquish the chair to any member.

ADMINISTRATIVE SERVICES

RULE 5. ADMINISTRATIVE SERVICES. The Legislative Council is responsible for providing administrative services necessary to the operation of the legislature through the Legislative Affairs Agency. The director of the division of administrative services has general supervision of the central fiscal, procurement, duplicating, distribution and mailing services. Official documents and items are duplicated only when submitted with a work order signed by a presiding officer, the person who chairs a committee, or the chief clerk or senate secretary, or their authorized representatives. No requests for the duplication of personal or unauthorized items or items not accompanied by a work order signed by an authorized person may be accepted. The fiscal officer is responsible for the preparation of payroll, personnel and purchase documents and the immediate supervision of the distribution and mailing services.

EXPENDITURES

RULE 6. EXPENDITURES. The annual budget for all legislative expenses is prepared by the Legislative Council and submitted to the Finance Committees. No legislator or employee may spend or obligate legislative money without the documents required by regulation from the legislative fiscal and certifying officers. No member may spend or obligate state funds for or on behalf of any committee unless authorized by the chair of the committee with approval of the presiding officer of the house within the limits of available funds.

COMMUNICATIONS

RULE 7. COMMUNICATIONS. Communications received by a house from the other house or the governor are read by the clerk or secretary and spread upon or paraphrased in the journal. All other official communications to a house are referred directly by the clerk or secretary to the presiding officer for referral by the presiding officer to a committee or to file. The presiding officer may direct that the receipt of a communication and the subject to which it relates be noted in the journal.

PRIVILEGE OF THE FLOOR

RULE 8. PRIVILEGE OF THE FLOOR. (a) A member may request of the presiding officer and receive with the consent of two-thirds of the members present the personal or special privilege of the floor. The request for the privilege and the substance of the remarks of the member are not recorded in the journal.

(b) Personal privilege is granted for making remarks affecting the rights, reputation and conduct of members in their respective capacities.

(c) Special privilege of the floor is used for remarks on matters other than questions of personal privilege and the subject of special privilege to which a member rises must be stated before consent to proceed is given.

JOURNAL

RULE 9. JOURNAL. The journal of each house reports only the essential items of daily business: roll call votes, major motions, communications from the governor and the other house, brief or summary committee reports, and amendments. Detailed committee reports, exhibits, and miscellaneous communications ordered spread upon the journal by the presiding officer of the house shall be published in a supplement to the daily journal. The daily journal is to be prepared by the chief clerk or secretary in conformity with the legislative drafting manual and distributed to each member of the legislature on the following legislative day. Matter may be expunged from the journal with the approval of a majority of the full membership of the house if the motion to expunge is adopted prior to the end of the legislative day on which the journal report is approved.

DRAFTING MANUAL

RULE 10. DRAFTING MANUAL. The legislative drafting manual prepared by the enrolling secretary of the legislature and the revisor of statutes and adopted by the Legislative Council is to be followed by all officers and employees of the legislature in the preparation, processing, and disposition of all legislative documents and records.

ADMISSION TO FLOOR

RULE 11. ADMISSION TO FLOOR. (a) Except as provided in (b) - (d) of this rule, a person who is not a member of the house is not permitted on the floor of the house chamber while the house is sitting or in brief recess unless that person is a member of the other house or an officer or an employee authorized to be present by this rule or by the presiding officer.

(b) Each of the following may be admitted to a chamber:

- (1) the chief clerk or secretary and members of the staff of that officer;
- (2) the sergeant-at-arms and members of the staff of the sergeant-at-arms;
- (3) a chaplain;
- (4) pages and messengers.

(c) The house, by a majority vote of the members present, or the presiding officer of the house may admit a person to the chamber while the house is in session or in brief recess.

(d) Members of the press may be admitted to a chamber. However, members of the press, when admitted, may use only facilities provided at the rear of the chamber for press purposes, and may use only the perimeter aisles of the chamber for photographic purposes.

(e) The presiding officer may extend the privilege of the floor to former legislators and distinguished visitors for the day but not for the purpose of discussion and debate. Only a member of the legislature may advocate or oppose passage of a bill or resolution in the chamber of the house while the house is in session.

USE OF CHAMBERS AND OFFICES

RULE 12. USE OF CHAMBERS AND OFFICES. Legislative chambers are to be used only for the official business of the legislature during legislative sessions. During the session access to the chambers and their galleries is under the control of the presiding officer of the house to which the space is assigned, and the assignment of legislative offices and use of committee rooms shall be provided for by and be under the control of the Rules Committee.

HOUR FOR CONVENING

RULE 13. HOUR FOR CONVENING. Each house shall convene daily, except Sunday, at 10:00 a.m., unless otherwise ordered by a majority vote of the members present.

QUORUM AND ROLL CALL

RULE 14. QUORUM AND ROLL CALL. (a) A majority of the full membership of the house constitutes a quorum to do business (subject to the special voting requirements of the Constitution, Art. II, Secs. 14, 16 and 18), but a smaller number may adjourn from day to day and may compel the attendance of absent members (Constitution, Art. II, Sec. 12).

(b) A roll call of members shall be taken as the first order of business on each legislative day. The electric voting machine may be used for the daily roll call and any quorum call and shall be used for the election of officers and other business of the house if the house so orders by a majority vote of the full membership of the house. If the voting machine is not operating or not operating properly, the daily roll call or quorum determination shall be made by the calling of the roll.

ABSENCE OF MEMBERS

RULE 15. ABSENCE OF MEMBERS. A member may not be absent from sittings of the house unless the member has the leave of the house to be absent or is ill and unable to attend. A member who is consistently absent from meetings of a standing committee to which assigned may be removed from that committee by the Committee on Committees upon a showing that the member's absence is unwarranted.

CALL OF THE HOUSE

RULE 16. CALL OF THE HOUSE. (a) A call of the house is used to compel attendance of absent members who have not been previously excused from a call by a majority vote of the full membership of the house. The journal shall reflect the names of all members excused from attendance and such members shall be excused from all roll calls during such absence. A call of the house may be ordered by one member. When no quorum is present, the presiding officer of the house may compel the attendance of individual absent members.

(b) If a quorum is present when a call has been ordered, the house may continue to conduct business other than the measure under consideration at the time the call was ordered. However, any member may also order a call of the house as to any other measure placed before the house for consideration after the original call has been ordered.

(c) A call is satisfied by arrival of the absent members not previously excused from the call.

(d) A call is terminated

(1) when the issue upon which the call has been placed has been voted upon or otherwise resolved;

(2) by withdrawal of the call by the member placing the call; or

(3) by a majority vote of the members present to adjourn.

(e) The presiding officer of the house may direct the sergeant-at-arms to obtain assistance from the Department of Public Safety to secure the attendance of any missing member.

DAILY ORDER OF BUSINESS

RULE 17. DAILY ORDER OF BUSINESS. Unless changed by a two-thirds vote of the full membership of the house the daily order of business of each house is as follows:

(1) Roll call

(2) Invocation or meditation

(3) Certification by the chief clerk or secretary to the house as to the correctness of the journal of the previous day, journal approved or ordered changed

(4) Introduction of guests

(5) Messages from the governor

(6) Messages from the other house

- (7) Communications
- (8) Reports of standing committees
- (9) Reports of special committees
- (10) Introduction of resolutions
- (11) Introduction, first reading and refer-
ence of bills
- (12) Consideration of daily calendar
 - (A) Second reading of bills of house
 - (B) Second reading of bills of other
house
 - (C) Third reading of bills of house
 - (D) Third reading of bills of other
house
 - (E) all other matters up for final
action in the house
- (13) Unfinished business
- (14) Announcement of committee meetings
- (15) Special orders (not set for a particular
hour)
- (16) Adjournment

DAILY CALENDAR

RULE 18. DAILY CALENDAR. The Rules Committee of each house is responsible for the preparation of the daily calendar. Pending the printing of the calendar the contents of the calendar shall be announced or posted on the day preceding the next legislative day. Changes to a calendar or approval of a supplementary calendar may be authorized by a two-thirds vote of the members present. No business shall be transacted nor any measure considered that is not on the calendar. A bill may not be withdrawn from the Rules Committee but the house may order a bill in the possession of the Rules Committee to be placed on the calendar for the next legislative day by a majority vote of the full membership of the house.

SPECIAL ORDER OF BUSINESS

RULE 19. SPECIAL ORDER OF BUSINESS. Any subject not otherwise specifically provided for in the rules may, by a vote of two-thirds of the members present, be made a special order of business, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the house.

STANDING COMMITTEES

RULE 20. STANDING COMMITTEES. (a) Each house has the following standing committees with the jurisdiction indicated:

Finance (all appropriation, revenue, capital improvement, and bonding measures, the executive budget, and the programs and activities of the Department of Revenue)

Health, Education and Social Services (the programs and activities of the Department of Health and Social Services, the Department of Education, and the University of Alaska)

Judiciary (the programs and activities of the Alaska Court System and the Department of Law, and the legal and substantive review of bills referred to it for that purpose)

Labor and Commerce (the programs and activities of the Department of Labor relating to labor-management relations, industrial safety, unemployment compensation, and workers' compensation and the programs and activities of the Department of Commerce and Economic Development)

Community and Regional Affairs (the programs and activities of the Department of Community and Regional Affairs and other matters relating to political subdivisions)

Resources (the programs and activities of the Departments of Fish and Game, Natural Resources, and Environmental Conservation)

Rules (interpretation of the Uniform Rules, calendar, the internal administration of the house and matters pertaining to the management of the legislature as a whole)

State Affairs (programs and activities of the Office of the Governor and the Departments of Administration, Military Affairs and Public Safety, and programs and activities of the Department of Transportation and Public Facilities relating to public facilities)

Transportation (programs and activities of the Department of Transportation and Public Facilities relating to transportation and other legislative matters relating to transportation).

(b) The committee chairmen are authorized to form such subcommittees as they determine to be necessary.

SPECIAL AND JOINT COMMITTEES

RULE 21. SPECIAL AND JOINT COMMITTEES. (a) A special committee is a committee of one house. A special committee may be established only by the adoption of a simple resolution. The presiding officer of each house appoints the members of a special committee and designates a member to chair the special committee unless otherwise ordered by the house. The persons who chair like committees of each house may arrange for the committees to meet jointly to receive

testimony and deal with other matters which may be expedited by joint committee action.

(b) A joint committee is a committee of both houses. A joint committee may be established only by the adoption of a concurrent resolution. The presiding officer of each house appoints one-half of the members of a joint committee. The persons who co-chair a joint committee shall be chosen in the manner provided by the presiding officers.

(c) A resolution establishing a special or joint committee shall specify the date or conditions of termination of the committee. A standing committee may meet between sessions. A special or joint committee may meet during the session or between sessions, or both, as authorized by the resolution which establishes the committee. A standing, special, or joint committee which acts between legislative sessions may consider any legislative matter which is consistent with the jurisdiction of the committee. A standing, special, or joint committee which acts between legislative sessions constitutes a subcommittee of the Legislative Council for administrative purposes. A special or joint committee may expend money only in accordance with an appropriation made for the work of the committee.

(d) A committee may not be established unless authorized by law or by the Uniform Rules.

OPEN AND EXECUTIVE SESSIONS

RULE 22. OPEN AND EXECUTIVE SESSIONS. (a) All meetings of a legislative body are open to all legislators, whether or not they are members of the particular legislative body that is meeting, and to the general public except as provided in (b) of this rule.

(b) A legislative body may call an executive session at which members of the general public may be excluded for the following reasons:

(1) discussion of matters, the immediate knowledge of which would adversely affect the finances of a government unit;

(2) discussion of subjects that tend to prejudice the reputation and character of a person;

(3) discussion of a matter that may, by law, be required to be confidential.

(c) When a legislative body desires to call an executive session in accordance with (b) of this rule, the body shall first convene as a public meeting and the question of holding an executive session shall be determined by a majority vote of the members present.

(d) The provisions of this rule may not be interpreted as permitting the exclusion of a legislator from an executive session, whether or not the legislator is a member of the body that is meeting. A legislator not a member of the body holding an executive session shall, however, be subject to the same rules of confidentiality and decorum as pertain to regular members of the body.

COMMITTEE MEETINGS

RULE 23. COMMITTEE MEETINGS. (a) Written notice of the time, place and subject matter of all meetings of standing, special, and joint committees during a week shall be provided by the person who chairs the committee to the chief clerk or secretary by 4:00 p.m. on the preceding Thursday. The person who chairs the committee to which a bill or resolution is first referred shall provide to the chief clerk or secretary written notice of the time and place of the first public hearing on the bill or resolution at least five days before the hearing. However, this requirement may be waived by motion of the person who chairs the committee to which a bill or resolution is first referred if concurred in by majority vote of the full membership of the house. The chief clerk or secretary shall publish and distribute copies of the weekly schedule of committee meetings and of the five-day notice of hearing.

(b) The person who chairs a standing, special, or joint committee shall provide the chief clerk or secretary written notice of the change in the time, place or subject matter of a meeting. At the next daily legislative session, notice of the schedule change shall be announced by the chief clerk or secretary and published as a notice in the journal of the house.

(c) A scheduled meeting of a standing, special, or joint committee may be cancelled at any time. If possible, notice of the cancellation shall be given in the same manner as provided for notice of change in (b) of this rule.

(d) The provisions of (a) and (b) of this rule do not apply to a standing, special, or joint committee meeting scheduled after the date a conference committee has been chosen to consider amendments to or differences between versions of the general appropriation act. However, a person who chairs a standing, special, or joint committee shall post written notice of the time, place and subject matter of a meeting at least 24 hours before the meeting.

(e) The provisions of (a) - (d) of this rule do not apply to meetings of

(1) the Rules Committee when it meets for the purpose of preparing the daily calendar;

(2) the Committee on Committees referred to in Rule 1(e); or

(3) standing, special, or joint committees when the committee meets during the interim between sessions.

(f) Each standing, special, and joint committee

(1) shall record its meetings electronically and prepare a log of the recording adequate to locate specific testimony;

(2) shall prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the house and the senate; the minutes shall include

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment;

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of each session or each legislature to the legislative reference library for appropriate disposition;

(4) may make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

COMMITTEE REFERRAL AND ACTION

RULE 24. COMMITTEE REFERRAL AND ACTION. (a) A committee acts on all bills referred to it and reports its actions and recommendations to the house as soon as practicable. Committee reports must be in writing and the report must be signed by a majority of the members of the committee. The report will note the recommendation of each member signing the report.

(b) When a bill is reported back by a committee without at least one "Do Pass", unless the bill has a subsequent referral or referrals of record, the presiding officer shall put the question "Shall the bill be referred to the Rules Committee for placement on the calendar for second reading notwithstanding the report of the committee(s)?" If the bill has a subsequent referral or referrals of record, the question shall not be put until the last committee has reported and unless all reports are without at least one "Do Pass". The question is debatable and if a majority of the membership of the house votes in the negative, the bill is lost.

(c) If a committee has more than one bill on the same subject or if it finds it necessary to revise a bill substantially, it may report out a substitute bill and recommend that the substitute be accepted for second reading in the place of the original bill. A committee of the second house may not report a committee substitute for a bill or an amendment to a bill that requires a change in the title of the bill, other than a clerical or technical change, as the title was enacted in the house of origin. Substitute bills are duplicated and distributed when they are reported out by the committee. Committee substitute bills carry a notation

of the source or sponsor of the original bill in the manner prescribed by the drafting manual unless the sponsor objects to the name so appearing.

(d) All bills involving appropriations, revenues or bonding must be referred to the Finance Committee before they can be advanced to second reading.

COMMITTEE OF THE WHOLE

RULE 25. COMMITTEE OF THE WHOLE. When the house forms itself into a Committee of the Whole the presiding officer vacates the chair and calls upon a member to preside. The Uniform Rules are observed in the Committee of the Whole but no member shall be recognized a second time until every member wishing to speak has spoken. When a bill is considered in the Committee of the Whole it shall be read and debated by sections and amendments adopted shall be noted on paper separate from the bill. When the committee rises and reports, the amendments proposed by the committee and other amendments may be adopted.

DECORUM IN DEBATE

RULE 26. DECORUM IN DEBATE. Decorum in debate is governed by the provisions of Sections 120 through 127, MASON'S MANUAL OF LEGISLATIVE PROCEDURE, 1979 edition, when not inconsistent with these Uniform Rules.

MOTIONS

RULE 27. MOTIONS. (a) When an oral motion is made, it shall be restated by the presiding officer. Motions shall be reduced to writing if the presiding officer or a member requests it. A written motion shall be handed to the presiding officer and read aloud by the clerk or secretary before debate.

(b) After a bill or resolution has been introduced or a motion for the adoption of an amendment has been made, and is read by the clerk or secretary or stated by the presiding officer, it is deemed to be in possession of the house. It may be withdrawn at any time by the member introducing or reporting it if consent is given by a majority vote of the full membership of the house.

(c) When a question is under debate no motion may be made except for the following privileged motions which have precedence in the order listed:

- (1) to adjourn
- (2) for a call of the house
- (3) to recess
- (4) to lay on the table

- (5) for the previous question
- (6) to limit or to extend the limits of debate
- (7) to postpone to a day certain
- (8) to commit or recommit
- (9) to amend
- (10) to postpone indefinitely
- (11) to advance from second to third reading on the same day.

FORM OF QUESTION

RULE 28. FORM OF QUESTION. The presiding officer shall put the question to the body by stating: "As many as are in favor of (state the motion) say 'yes'", and after the affirmative vote is expressed, "As many as are opposed say 'no'". If the presiding officer is in doubt about the result of the voice vote and calls for a roll call vote, the house shall vote.

INDEFINITE POSTPONEMENT

RULE 29. INDEFINITE POSTPONEMENT. A measure may be indefinitely postponed by a majority vote of the full membership of the house. The results of the roll call shall be entered in the journal. When a motion to postpone has been defeated it shall not be allowed again on the same day or at the same stage of the bill or proposition. When a bill or proposition has been postponed indefinitely it may not be acted upon again during the life of a legislature except on a motion of reconsideration.

RECONSIDERATION

RULE 30. RECONSIDERATION. (a) A member who voted on either side of a motion, other than a motion to amend a bill or a resolution, may give notice of reconsideration to be taken up on the next legislative day, unless the house, by a vote of two-thirds of the full membership, orders the reconsideration taken up on the same day the notice of reconsideration is given.

(b) When a notice of reconsideration is given, the notice is recorded in the journal, and the clerk or secretary may not report the measure to the other house until the reconsideration is disposed of or the time for reconsideration has expired. The time for reconsideration expires at adjournment on the next legislative day unless the members agree to extend the period for an additional legislative day or to another time certain by a majority vote of the members present. If the action to be reconsidered is adoption of a bill or resolution, the time for reconsideration expires at adjournment if the adjournment is for a period in excess of

three days. When a notice of reconsideration has been given, any member may move on the next legislative day for reconsideration of the question.

(c) No notice of reconsideration may be given at a joint session or on the last date on which action could be taken on the subject under consideration.

(d) Reconsideration shall be once automatically extended one legislative day if the house meets but there is no calendar of bills and resolutions prepared for that day due to the management policies of that house.

(e) Calling up reconsideration on the next legislative day automatically places the question to be reconsidered again before the body in third reading if the question is the adoption of a measure for which three readings are required, and opens the question for debate. It is subject to all procedural motions. When a motion is made that the reconsideration be taken up on the same day the notice of consideration is given, the motion that reconsideration be taken up on the same day shall be voted upon separately from the question to be reconsidered. Calling up reconsideration has precedence over every motion except a motion to adjourn. Calling up reconsideration cancels the previous vote on the question to be reconsidered as completely as though it had never been taken. There may be but one reconsideration, even though the action of the house after reconsideration is opposite from the action of the house before reconsideration.

RESCINDING ACTION

RULE 31. RESCINDING ACTION. (a) The motion to rescind has the effect of making ineffective the action previously taken. The motion is not in order when the question can be reached by giving notice of intent to reconsider or if notice of reconsideration has already been given. The motion to rescind is not in order unless the bill or measure is in the possession of the house, but the second house may be requested to return the bill or measure for that purpose at any time before final action on the bill or measure by the second house. Adoption of the motion to rescind cancels the previous vote on the question as completely as though it had never been taken.

(b) The power to rescind is lost when an authorized act is carried out or the legislature has ratified a contract.

(c) Any member may move to rescind whether the member voted on the prevailing side or not, and all subsidiary motions can be applied to it as to any other main motion. The motion to rescind may not be renewed during the session and is not subject to reconsideration. The motion to rescind requires the same vote as that required to pass the measure originally.

PREVIOUS QUESTION

RULE 32. PREVIOUS QUESTION. (a) The previous question upon all recognized motions or amendments which are debatable may be ordered by a two-thirds vote of the members present. If ordered, the previous question has the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment then pending or which has been ordered. The question is not debatable and cannot be amended.

(b) If the motion is defeated the consideration goes on as if the motion had not been made. If the motion is sustained the presiding officer at once and without debate puts the motion or amendment as ordered. If an adjournment is had after the previous question is ordered, the subject comes up in its regular order on the next legislative day and the previous question still operates.

DIVISION OF A QUESTION

RULE 33. DIVISION OF A QUESTION. A division of a question cannot be demanded as a right by any member. It must be made pursuant to a motion stating precisely the division asked for. This motion may be amended. The presiding officer may decide, subject to an appeal to the house, that the division proposed cannot be made. If appealed to the house, the house decides if it can be divided.

VOTING PROCEDURE

RULE 34. VOTING PROCEDURE. (a) General. The vote on final passage of all bills and joint resolutions is taken by the calling of the roll and the recording of the yeas and nays in the journal. A roll call vote on any measure may be demanded by any member of the house. In case of an equal vote on any roll call the motion is lost. Except for the name of the presiding officer, who always votes last, the roll call of members of the house shall be rotated daily when the voting machine is not used.

(b) Abstention. Every member present in the house shall vote unless the house for special reasons permits a member to abstain. All motions excusing a member from voting shall be made before the house divides or before the call for the yeas and nays is commenced. A member requesting to be excused from voting may make a brief oral statement of the reasons for the request and the question of granting permission to abstain shall be taken without further debate. A member may not explain a vote, may not discuss the question while the yeas and nays are being called, and may not change a vote after the roll call result has been announced. Upon division and count of the house of any question a member who is not within the chamber may not be counted. A member may not be permitted to abstain except upon the unanimous consent of the membership.

(c) Use of the electric voting machine.

(1) The electric voting machine shall be used whenever a roll call vote is required or ordered. If the machine is not operating or not operating properly the vote shall be taken by calling the roll as provided for in (a) of this rule.

(2) The electric voting machine is under the control of the presiding officer and shall be operated by the chief clerk or secretary or designated deputy of the clerk or secretary at the direction of the presiding officer.

(3) When a yea(yes) or nay(no) vote is to be taken the presiding officer shall state the question and instruct the members to proceed to vote. When time has been allowed the members to vote, the presiding officer shall ask: "Has any member failed to vote?" and after a short pause the presiding officer shall direct the clerk in charge of the voting machine to close the roll. After the roll has been closed, the presiding officer shall ask: "Does any member desire to change his or her vote?" If any member does desire to change the vote, the member shall rise in place and address the chair, and upon being recognized by the chair, shall state a desire to change his or her vote. The presiding officer shall then direct the clerk to open the roll and direct the member recognized to change his or her vote. A member may not vote when the rolls are so opened unless the member is recognized and permitted to vote or to change a vote. Members who have not previously voted may vote when the rolls are so opened, upon being recognized and permitted to vote. After all members who desire to vote or to change their vote have had an opportunity to do so, the presiding officer shall close the roll, after which a member may not be permitted to change a vote. The presiding officer shall then direct the clerk to record the vote. The clerk shall then transmit the result to the presiding officer, who shall announce the vote. The result shall be recorded in the daily journal.

(4) Copies of voting records. The clerk or secretary shall retain one copy of the voting record on each question in the file of the house and provide one copy for the press room file and the files of the Legislative Affairs Agency.

(5) Voting stations. A member may vote only when at the member's desk. When a member other than the regular presiding officer is presiding, the presiding officer, if present, and the other member may direct the chief clerk or secretary to indicate their votes.

(6) Misuse of voting station. A member may not vote for another member. A person may not cast a vote for a member except as otherwise provided in these rules. A member who votes for another member may be punished in a manner the house determines. A person voting for a member when not authorized by this rule is barred from the floor of the house and may be further punished as the house considers proper.

AMENDMENT

RULE 35. AMENDMENT. A motion or proposition on a

subject may not be admitted under color of amendment if the subject matter is different from that under consideration. A motion or proposition on a subject that requires a change in the title of the bill as enacted in the house of origin, other than a clerical or technical change, is not in order in the second house. An amendment may not be considered by the house unless submitted in writing and read aloud by the clerk or secretary. Amendments offered by a committee shall be included in its written report and attached to the original bill. A bill in second reading is subject to amendment and is treated section by section. An amendment may not be made to a bill in its third reading, but the bill may be returned to second reading by a majority vote of the full membership of the house for the purpose of specific amendment. When action on a specific amendment in second reading is completed, the bill automatically advances to third reading. Except as provided in this rule, a title may be amended or a change of sponsor made in third reading or after passage by a majority vote of the members present, but the title amendment or sponsor change must be accomplished before the measure acted upon has been enrolled. When amendments to the body of a bill affect the numbering of sections, or passage or failure of the effective date clause affects the title, the clerk or secretary may accomplish the necessary changes without formal motion, and the changes shall be noted in the journal. Resolutions may be amended in the same manner as a bill.

PREFILING OF BILLS

RULE 36. PREFILING OF BILLS. (a) Bills or proposals for bills may be prefiled with the executive director of the Legislative Affairs Agency at any time before January 1. All requests are confidential and are limited to bills and those joint resolutions proposing amendments to the state or federal constitutions. Bills given final approval by the sponsor will be assigned a number and duplicated during the week prior to the convening date of the session and made available to the press and public. A member may request no more than 10 bills for prefiling. Drafts of prefiled bills not receiving sponsor approval prior to the convening day of the session will not be introduced as prefiled bills, but, at the direction of the sponsor, will be prepared in final form by the agency staff, subject to the demands of assigned interim and pre-session work.

(b) Prefiled bills are submitted to each house for formal introduction and first reading at the commencement of the first regular session on the day when the house is organized to the point where it has committees to receive bills, or on the first day of the second regular session. Prefiled bills are read and referred to committee in advance of other bills.

INTRODUCTION OF BILL

RULE 37. INTRODUCTION OF BILLS. (a) Any member, group of members, standing, special, or joint committee may introduce a bill, subject to the provisions of these Uniform Rules. A bill must be introduced, in proper form as ap-

proved by the enrolling secretary of the legislature, with the original and two carbon copies delivered to the chief clerk or secretary. The bill is then assigned a number which it retains through subsequent changes and substitutions. The bill is considered formally introduced when the clerk or secretary reads the heading and title aloud in open session (first reading). Bills may be introduced through the Rules Committees by the governor and the permanent interim committees pursuant to provisions of law.

(b) The original copy of a bill or resolution, or any substitute therefor, remains at all times in the custody of the chief clerk or secretary. When the original copy has been photographed for duplication each page of the bill is marked or stamped "original copy". The first carbon of the original bill is jacketed and marked "committee copy" and is delivered on receipt to the chairman of the committee of first reference. The "committee copy" is the official copy used to accompany committee reports within a house. If the committee copy is lost or is not otherwise available a certified photocopy of the original copy may be used. The original of the enrolled copy is used for certification by each house for transmittal to the governor.

HISTORY OF BILLS

RULE 38. HISTORY OF BILLS. A separate history of the bills of each house shall be maintained for both houses by the Legislative Affairs Agency. The agency shall, in cooperation with the legislators who chair the Rules Committees and the chief clerk and senate secretary, maintain a current record on all bills and resolutions and publish a weekly report on the status of the bills of each house.

ACTION ON BILLS

RULE 39. ACTION ON BILLS. (a) Number of readings. A bill may not become law unless it has passed three separate readings in each house on three separate days, except that any bill may be advanced from second to third reading on the same day by a three-fourths vote of the full membership of the house considering it. (Constitution, Art. II, Sec. 14)

(b) First Reading. The first reading consists of a reading aloud by the clerk or secretary of the following information: the house of origin, the bill number, the sponsor, and the title of the bill, e.g., "In the House, House Bill No. by and A bill for an Act entitled, 'An Act relating to a code of ethics for state employees.'" The bill is then referred by the presiding officer to one or more committees. The house may by a majority vote of the full membership of the house refer the bill to any other standing or special committee.

(c) Second Reading. When a bill appears on the calendar for second reading it is read in the same manner as in the first reading unless the members present order by a majority vote of the full membership of the house that it be read in full. When the second reading of the bill and the accompanying committee report is completed the bill is then

before the house for amendment. If a proposed amendment is tabled it does not carry with it or prejudice the bill. When all amendments have been made the presiding officer directs the clerk or secretary to have the bill engrossed with all amendments approved by the house and to certify its proper engrossment on the following legislative day. When the clerk or secretary reports the bill back properly engrossed it is then delivered to the Rules Committee for placement on the calendar for third reading and final consideration. A house may, by a three-fourths vote of the full membership of the house, order that the bill be considered engrossed upon the completion of the second reading for the purpose of advancing it from second to third reading on the same day.

(d) Third Reading. On its third reading the bill is read by heading and title only. The question on third reading of a bill is upon its final passage and no amendments may be considered. No bill may become law without an affirmative vote of the majority of the membership of each house. The yeas and nays on final passage, noting the name and vote of each member, shall be entered in the journal. The bill is then engrossed or enrolled, as appropriate, at the direction of the clerk or secretary.

(e) If a bill or portion of a bill contains matter changing a supreme court rule governing practice and procedure in civil or criminal cases, the bill must contain a section expressly citing the rule and noting what change is being proposed. The section containing the change in a court rule must be approved by an affirmative vote of two-thirds of the full membership of each house. If the section effecting a change in the court rule fails to receive the required two-thirds vote, the section is void and without effect and is deleted from the bill. The fact that a bill contains a section which changes a court rule shall also be noted in the title of the bill.

(f) If a bill or portion of a bill contains material which has an effective date other than the date which is 90 days after the bill becomes law, the bill must contain a section or sections setting out the proposed effective date or dates. The section or sections relating to the effective dates must be approved by an affirmative vote of two-thirds of the full membership of each house. If a section setting out an effective date fails to receive the required two-thirds vote in either house, the section is void and without effect and is deleted from the bill. The fact that a bill contains a section which sets out an effective date shall also be noted in the title of the bill.

(g) A bill may be recommitted any time before passage.

COURSE OF BILLS

RULE 40. COURSE OF BILLS. When a bill has passed the house in which it originated and has been certified as properly engrossed by the clerk or secretary and photographed for duplication (if changes have been made), it shall be signed by the presiding officer and the clerk or secretary. The clerk or secretary shall transmit the original and committee copies of the bill on receipt of the other

house. When the second house receives the message accompanying the engrossed bill and reporting its passage, the bill shall be read by the clerk or secretary for the first time and then referred by the presiding officer to one or more committees for subsequent action by that house.

AMENDMENTS IN OTHER HOUSE

RULE 41. AMENDMENTS IN OTHER HOUSE. (a) When a bill, resolution, or citation passed in one house is amended in the other house, the bill, resolution, or citation with certified amendments is returned to the house of origin requesting concurrence. The vote on concurrence in amendments is taken by the calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a majority vote of the full membership in each house. If concurrence is had the clerk or secretary notes the concurrence in the journal, informs the other house of the concurrence, and proceeds to have the bill or resolution enrolled for certification and transmittal to the governor.

(b) An amendment to a bill introduced in the other house is not in order if the amendment requires a change of the bill title other than a clerical or technical change.

CONFERENCE AND FREE CONFERENCE COMMITTEES

RULE 42. CONFERENCE AND FREE CONFERENCE COMMITTEES. (a) If one house refuses to concur in the amendments of the other it so notifies the amending house and requests that it recede from its amendments. The vote on receding from amendments is taken by the calling of the roll and the recording of the yeas and nays in the journal. A house recedes from its amendments only by a majority vote of the full membership of the house. If the house refuses to recede, the presiding officer of each house appoints three members to sit as a Conference Committee. The committee meets when mutually agreeable to its members. If the committee reaches agreement on previously adopted amendments to a bill adopted by either house, the committee then submits an identical report to each house. The report is not subject to amendment in either house. If the report is adopted by each house the bill is enrolled, signed, and transmitted to the governor. If the members of the Conference Committee cannot agree on amendments, or if one or both houses refuses to adopt the committee report, the Conference Committee submits an identical written report to each house listing the specific points of disagreement for which the committee requests powers of free conference. The presiding officer of each house may then give limited powers of free conference only on the specific points listed. If the members of a Conference Committee with limited powers of free conference cannot agree on amendments, or one or both houses refuses to adopt the committee report, it is then in order to appoint a Free Conference Committee. A member who served on a Conference Committee or a Conference Committee with limited powers of free conference may not be appointed to a subsequent Conference Committee or Free Conference Committee concerning the same measure. The vote on adoption of a conference committee report is taken by the calling of the

roll and the recording of the yeas and nays in the journal. Adoption requires a majority vote of the full membership of each house.

(b) A Free Conference Committee is appointed in the same manner as a Conference Committee and may suggest in its report any new amendments clearly germane to the question. When a majority of the membership of the committee from each house agrees on amendments, the amendments are attached to the bill and reported back to each house in an identical report. The report is not subject to amendment in either house. If the report is adopted in each house the bill is then ordered enrolled by its house of origin. If the members of a Free Conference Committee fail to agree on amendments or one or both houses refuses to adopt the free conference report, a second Free Conference Committee may be appointed, but no member of the first committee may be reappointed. A free conference report may not be voted on by the house until at least 24 hours after the report is duplicated and delivered to the chief clerk or secretary of the house for distribution to each member. The chief clerk or secretary shall certify the time of delivery of the report for recording in the journal. The vote on adoption of a free conference committee report is taken by the calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a majority vote of the full membership of each house.

(c) A Conference Committee with limited powers of free conference or a Free Conference Committee may not include in its report on an appropriation bill an item which was not included in a version of that appropriation bill adopted in third reading by a house and the amount appropriated by an item may not exceed the higher amount appropriated by that item in a version of the bill adopted in third reading by a house. An item in an appropriation bill includes a line item, an allocation, and an appropriation.

(d) Notwithstanding the provisions of (c) of this rule, a Free Conference Committee may consider and include in its report on an appropriation bill appropriations as requested by attached fiscal notes on new legislation and resolutions that have been passed by both houses.

(e) A Conference Committee, a Conference Committee with limited powers of free conference, or a Free Conference Committee may not adopt a report that requires a change in the title of a bill other than a clerical or technical change.

ENROLLMENT

RULE 43. ENROLLMENT. (a) When a bill has passed both houses the presiding officer of the house of origin directs that it be enrolled. The clerk or secretary transmits the engrossed bill to the enrolling secretary of the legislature, who, with the revisor of statutes, checks the bill before placement in final form according to the legislative drafting manual. The enrolling secretary is authorized to correct form and manifest errors which are clerical, typographical, or errors in spelling or errors by way of additions or omissions. The enrolling secretary is required to

report errors by way of addition or omission and deficiencies when the bill is returned to the house of origin. When an error or deficiency has been reported, the clerk or secretary shall advise the presiding officers of both houses before the bill is signed and transmitted to the governor.

(b) Bills consisting of several pages need not be formally enrolled if the presiding officer announces that, for reasons of economy and time, formal enrollment is being waived. If enrollment is waived, and the presiding officer of the other house consents, the first page and signatory pages of the bill will be enrolled and then affixed to the engrossed bill along with any certified amendments and when signed by the officers of both houses will be transmitted to the governor with a letter noting that enrollment was waived. Engrossment of such bills may also be waived in the same manner.

TIME LIMIT ON INTRODUCTION

RULE 44. TIME LIMIT ON INTRODUCTION. No bill or resolution other than one sponsored by a standing committee may be introduced after the thirty-fifth day of the second regular session of the legislature.

VETOED BILLS

RULE 45. VETOED BILLS. The governor may veto a bill or by veto strike or reduce an item in an appropriation bill. The governor shall return the vetoed bill or the bill in which an appropriation item was stricken or reduced with a statement of objections to the house of origin. The receipt of the bill and veto statement are noted in the journal, and the other house is promptly requested to meet in joint session to reconsider passage of the vetoed bill or item. The vote on reconsideration of a vetoed bill or item is entered in the journal of both houses. Bills to raise revenue and appropriation bills or items, although vetoed, become law upon reconsideration by the affirmative vote of three-fourths of the full membership of the legislature sitting in joint session as one body. Other vetoed bills become law upon reconsideration by the affirmative vote of two-thirds of the full membership of the legislature sitting in joint session as one body (Secs. 15 and 16, Art. 11, State Constitution). Bills vetoed after adjournment of any regular session shall be returned with a statement of the governor's objections to the Legislative Affairs Agency and may be reconsidered by the full membership of the legislature sitting as one body not later than the fifth day after the next regular session or any intervening special session convenes during that legislature.

CONFIRMATION OF APPOINTMENTS

RULE 46. CONFIRMATION OF APPOINTMENTS. Appointments by the governor are made pursuant to AS 39.05.080. Such appointments are subject to confirmation by a majority vote of the full membership of the legislature in joint session. (Secs. 25 and 26, Art. III, State Constitution)

BILLS AND RESOLUTIONS CARRY OVER

RULE 47. BILLS AND RESOLUTIONS CARRY OVER. Bills and resolutions introduced in the first regular session of a legislature which are not passed or not withdrawn, defeated, vetoed, or indefinitely postponed, carry over into the second regular session of the same legislature in the same reading or status they were in at the time of adjournment.

DISCHARGE OF BILLS FROM COMMITTEE

RULE 48. DISCHARGE OF BILLS FROM COMMITTEE. (a) If the majority of the full membership of a standing, special, or joint committee desire that any legislation pending before the committee be considered, they may present the request, in writing, to the presiding officer. The presiding officer shall sign the request and this action shall be noted in the journal. The committee chair affected shall schedule the specified legislation for consideration within three days after transmittal of the request by the presiding officer to the committee chair.

(b) If the chair does not adhere to the provisions of (a) of this rule, the particular legislation to be scheduled shall automatically be referred to the next committee of reference on the fourth day following the transmittal of the request to the chair.

(c) Bills in the Rules Committee of each house shall be placed on the daily calendar in second reading within three days after receipt of a request signed by a majority of the full membership of the committee and the presiding officer following the procedure provided in (a) of this rule to place a particular item of legislation on the calendar.

(d) Nothing in this rule prevents an oral motion to discharge a bill from committee by any member of the body at any time.

RESOLUTIONS

RULE 49. RESOLUTIONS. (a) The only type of instrument other than a bill or citation authorized under these Uniform Rules is a resolution. The types and uses of resolutions are as follows:

(1) A simple resolution is a formalized motion passed by one house only and bearing the heading "House Resolution" or "Senate Resolution". It may be used to express the will, wish, view, opinion, sympathy, or request of the house adopting it. The simple resolution shall be used to establish a special committee. It does not require committee referral, three readings, or a roll call vote. Approval of a simple resolution requires a majority vote of the full membership of the house.

(2) A special resolution headed "House Special Resolution" or "Senate Special Resolution" is used only for the purpose of expelling a member under provisions of Sec. 12, Art. 11, of the State Constitution. The special resolution requires a referral to the Rules Committee, three readings, and a two-thirds vote of the full membership of the house for approval.

(3) A concurrent resolution is similar to the simple resolution but reflects the will, wish, view or decision of both houses speaking concurrently. It is used particularly to handle the internal business of the legislature, e.g., adjournment of the legislature, suspension and amendment of the Uniform Rules, requesting action of executive agencies and interim committees, and fixing the time and place for joint assemblies. This resolution is also used for establishing joint committees. This resolution does not require committee referral, three readings, or anything other than approval of a majority vote of the full membership of each house unless otherwise required by the rules.

(4) A special concurrent resolution is employed to consider disapproval of an executive order of the governor laid before the legislature under provisions of Sec. 23, Art. III, of the State Constitution. This resolution must be considered by a joint committee and may be adopted by a majority vote of the full membership of the legislature in joint session without recourse to three readings.

(5) A joint resolution is the most formal type of resolution and is adopted by both houses and then signed by the governor as a ministerial formality. The joint resolution is treated in all respects as a bill but it is not subject to veto. It is usually reserved for addressees outside the state. This resolution is used mainly to express the view or wish of the legislature to the President, the Congress or agencies of the United States Government or the governments of other states. It is required for proposing or ratifying amendments to the U. S. Constitution, proposing amendments to the State Constitution under provisions of Sec. 1, Art. XIII, of the State Constitution, and for disapproval of local government boundary changes recommended by the Local Boundary Commission under provisions of Sec. 12, Art. X, of the State Constitution. Approval of a joint resolution requires a majority vote of the full membership of each house.

(b) All resolutions passed by one or both houses are sent to the governor as a matter of information and for permanent filing with the lieutenant governor. The lieutenant governor sends enrolled copies of joint resolutions to the federal and other state officers, agencies and jurisdictions. The transmittal of copies of all other resolutions to designated addressees is the responsibility of the Legislative Affairs Agency.

LEGISLATIVE CITATIONS

RULE 50. LEGISLATIVE CITATIONS. (a) The appropriate instrument for expressing commendation, condolences, ap-

preciation or congratulations to an individual or a group, or to recognize a particular event or occasion, is a "legislative Citation" approved by both houses. The contents of the citation expressing the sentiment of the legislature will be typed on a special presentation form suitable for framing and bear the signature of the presiding officers.

(b) A member or members may introduce a citation by submitting it to the Rules Committee on a form prescribed in the legislative drafting manual. Unless handled as provided in (c) of this section, the name of the person, group or occasion being noted along with the names of the sponsors will be listed under special business on the daily calendar of the subsequent day and be voted upon by the house. Approval will be noted in the journal. When action in the second house is completed the citation will be enrolled in final form, signed by the presiding officers, and sent to the appropriate person.

(c) The person who chairs the Rules Committee of each house may, from time to time, designate Citation Consent Calendar days. When the Citation Consent Calendar is considered as a special order of business, a legislator may object to the inclusion of a citation or may propose amendments to a citation. If either event occurs, the particular citation concerned shall be removed from the consent calendar and processed in accordance with (b) of this rule. Only one recorded vote need be taken and the one vote shall stand as the vote on final passage as to all the citations on the Citation Consent Calendar.

JOINT SESSIONS

RULE 51. JOINT SESSIONS. A joint session may be called by agreement of the presiding officers of both houses or by either house by motion adopted by a majority vote of the full membership of the house. If a joint session is called by a house, the house calling the session shall propose a time for the session. The other house may agree to meet in joint session at the time proposed or set another time within the three-day period following the time proposed. The president of the senate in the presence of the speaker of the house presides over joint sessions and the joint sessions are governed by the Uniform Rules. When a roll call vote is required to deal with any subject being considered in joint session the members of the house of representatives may use the electric voting machine for the roll call if the members of the house of representatives, by a majority vote of the full membership of the house of representatives, agree to the use of the electric voting machine in place of the oral roll call.

ADJOURNMENT

RULE 52. ADJOURNMENT. Neither house may adjourn or recess for longer than three days unless the other concurs. (Sec. 10, Art. 11, State Constitution) Adoption of a concurrent resolution by a majority vote of the full membership of each house constitutes concurrence. A motion to adjourn or recess a session is in order when it is the intention of

the legislature to recess or adjourn to a day certain. A motion to adjourn sine die is in order only at the end of a second regular session or a special session.

ADOPTION AND AMENDMENT OF RULES

RULE 53. ADOPTION AND AMENDMENT OF RULES. The Uniform Rules of each legislature shall be adopted in joint session by a majority vote of the full membership of each house. Thereafter the Uniform Rules may be amended only by the adoption of a concurrent resolution by a two-thirds vote of the full membership of each house. When the rules are affected by constitutional and statutory changes, the Legislative Council will effect the necessary formal revision in the next printing of the rules and inform the Rules Committee of the changes made.

SUSPENSION OF RULES

RULE 54. SUSPENSION OF RULES. Unless otherwise provided for in the case of a particular rule, the Uniform Rules may be suspended by a concurrent resolution approved by a two-thirds vote of the full membership of each house. If either house violates a uniform rule a question of order may be raised in the other house. If it is decided by the other house that the Uniform Rules have been violated, the bill involved in that violation shall be returned to its house of origin without further action.

INTERPRETATION AND IMPLEMENTATION OF RULES

RULE 55. INTERPRETATION AND IMPLEMENTATION OF RULES.

(a) The rules of parliamentary practice comprised in MASON'S MANUAL OF LEGISLATIVE PROCEDURE, 1979 edition, implement and govern the Uniform Rules of the Legislature in all cases not covered by these Uniform Rules.

(b) Whenever used in these rules, the phrase "by a majority vote of the full membership of the house" means a minimum vote required for approval or adoption of a measure is 21 votes in the house of representatives, 11 votes in the senate.

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A losing battle

THERE WERE some authentic heroes in Juneau last Saturday when the battle was fought over reforming Alaska's legislative process.

They didn't win on the major issues. But they made a sincere effort that almost surely will pay off in the future — at the polls, perhaps, if voters remember such things; in succeeding legislatures, surely, when reform inevitably must come because the people of Alaska are fed up with the way many legislators are conducting public business.

The major fight was twofold.

It came first on a proposal to impose certain restrictions on the conference committees, which are now unbridled and uninhibited in the dangerous, costly and malevolent actions they can take. It came next on a proposal to prohibit what is called "bill-stripping" and "piggy-backing" — taking a bill that has been introduced under a specific title and, with calculated deceit, changing the meat of the legislation or adding the substance of another measure that could not win approval on its own.

REPUBLICAN Sen. Tim Kelly and Democratic Sen. Pat Rodey of Anchorage — along with Republican Rep. Randy Phillips of Eagle River — led the fight for changes in the joint House-Senate rules.

They had some surprising help from three Democrats whose advocacy of reform deserves commendation. Principal support, say those who watched the action on the floor, came from Sen. Bill Ray of Juneau and Reps. Russ Meekins Jr. of Anchorage and Terry Gardiner of Ketchikan.

Their support was particularly important in the effort to eliminate the garden in which the weeds of legislative abuse

grow most abundantly. Both Mr. Ray and Mr. Meekins have served as chairmen of the House Finance Committee. They know first-hand the evils of the unlimited power of the free conference committees in dealing with budgetary matters. Mr. Gardiner is a former speaker of the House, who has seen good legislative work undermined and destroyed by flagrant excesses of greed and horsetrading.

IN THE BATTLE last Saturday, a firm majority of the Senate voted in favor of the two reform measures. The support of Sen. Ray was particularly noteworthy. As a member of the Senate's old guard he might be regarded as one of the least likely to endorse reform. But the legislative process cannot and must not, he said, permit the abuses that are now occurring.

The effort died, however, because the Democratic House leadership wanted to protect its ability to wheel and deal. House Speaker Jim Duncan and Reps. Mike Miller of Juneau, Brian Rogers of Fairbanks and Hugh Malone of Kenai reportedly were those who led the fight against reform.

It is said that Democratic House members who were inclined to vote for reform were threatened with deletion of appropriations for their areas if they went along with the effort to change the rules. Mr. Meekins and Mr. Gardiner are said to have been among them, but they refused to bend in the face of fierce arm-twisting by Mr. Duncan and others.

But reform is not dead, regardless of the outcome of last Saturday's vote. It's a tidal wave that will overpower the legislators who continue to resist — sooner, perhaps, than these recalcitrants believe.



Impact

AMERICANS FOR EFFECTIVE LAW ENFORCEMENT, INC.

State Courts and Exclusionary Rule Politics

LEGISLATIVE REFORM OF THE EXCLUSIONARY RULE: THE GOOD FAITH EXCEPTION

To most police officers, the *good news* of the decade are the two "good faith" cases decided by the U.S. Supreme Court in July of 1984.¹ They held that evidence is admissible in criminal cases, even if seized in violation of the Fourth Amendment, if the officers acted in apparent good faith. The *bad news* is that the appellate courts in your state might not follow those cases. That is because, in most jurisdictions, state courts are **NOT** bound by the U.S. Supreme Court's 1984 decisions which recognized a **good faith exception** to the exclusionary rule in warrant suppression cases.

Although state courts must apply Constitutional minimum standards, as interpreted by the U.S. Supreme Court, they are not obliged to admit incriminating evidence in similar cases decided under identical provisions of the state constitution. This doctrine is called "independent state grounds." Consider, for example, the case of Donald Opperman.

Donald Opperman's illegally parked vehicle was given a ticket and a tow warning by a Vermillion, South Dakota, police officer. When the car was later towed to the city impound lot, a watch was noticed on the dashboard. Searching for any other valuables in jeopardy, an officer found a narcotic drug in the unlocked glove box. Opperman was convicted and sentenced to jail; the U.S. Supreme Court upheld the police inventory search.² On remand, the South Dakota Supreme Court reversed Opperman's conviction as it purportedly

violated the state's constitutional provision relating to illegal searches.³

Another case where "independent state grounds" resulted in a reversed conviction involved Neil Chrisman. Chrisman's roommate was arrested for illegal possession of intoxicants and went to his room, in the custody of an officer, to get his identification. Entering the room, the officer observed narcotics. Chrisman, who was in the room at the time, was charged with unlawful possession. The pretrial motion to suppress was rejected and the intermediate court of appeals affirmed Chrisman's conviction. Although the U.S. Supreme Court upheld Chrisman's conviction by a 6-to-3 vote,⁴ the Washington State Supreme Court later suppressed the evidence because the search violated the state constitution.⁵

State Court Finality

In a growing number of cases, the U.S. Supreme Court will never have an opportunity to rule on whether police actions conformed to the Fourth Amendment. An illustration is a 1984 case from an eastern state.

The defendant was convicted of attempted murder. His 55-year sentence was set aside because police officers failed to obtain a search warrant before testing evidence brought to them by the victim's son.

Such a warrant is unnecessary under the Fourth Amendment. Police officers do not need a warrant to test suspicious substances brought them, or called to their attention by third

parties in possession of such substances. The U.S. Supreme Court reiterated that rule in a 7-to-2 decision on April 2, 1984.⁶

Nevertheless, 25 days after the U.S. Supreme Court's opinion, the state's supreme court reversed the conviction. A rehearing was denied. The state supreme court had no doubt about the defendant's guilt.⁷ Their decision was based on a "purist" view of defendants' rights.

In reversing, the state supreme court relied on independent state grounds; the court said:

Even were we to hold that defendant's Fourth Amendment rights had not been violated by the State Police's chemical testing, our own constitutional prohibition against unreasonable searches and seizures mandates that the evidence obtained through the state's toxicological examination of the contents of the black bag be suppressed. Article I, Sec. 6, of the [State] Constitution is an alternative, independent foundation upon which we rest our holding that the toxicological testing was an illegal search.⁸

Because the state supreme court's decision rested on state grounds; the U.S. Supreme Court declined to review the case.

As of May, 1985, appellate courts in 30 states had rendered opinions that enlarge the rights of defendants beyond those which have been recognized by the U.S. Supreme Court in decided cases. The "good faith exception" will not reverse those

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"Which rulebook do I use, My Lord?"

(Continued from page 1)

state court rulings, but will limit their application in states that follow the Federal exception.

The Bar Association Response

Shortly after the good faith cases were decided, criminal defense lawyers met to outline a strategy to prevent their adoption by state courts. The Criminal Justice Council of the American Bar Association voted 16-to-1 to disaffirm the good faith cases. Two avenues of attack were mentioned. The first involves a statutory change in a state's evidence code which specifically prevents a good faith exception. The second involves a "friend of the court" brief, asking state appellate courts to come to the same result in a judicial decision.

Support of the "Good Faith" Concept

There are three ways the good faith exception can become the law of a particular state. First, the state legislature can pass a statute on point. Arizona and Colorado have already adopted such laws.⁹ Americans for Effective Law Enforcement has drafted a **Model State Statute** for this purpose (see inset).

The *AELE Model Statute* includes warrantless searches, as well as those pursuant to search warrants, so the *AELE Model Statute* goes a step further. It is possible the U.S. Supreme Court will not extend the good faith exception to warrantless

searches. Additionally, it should be noted that state appellate courts are not bound by an act of the legislature and can find such a law to be unconstitutional.

Second, when the appropriate case reaches the appellate court of a particular state, a "friend of the court" brief can be filed by those groups who are supportive of the good faith exception. To facilitate this effort, AELE has produced a **Model Amicus Curiae Brief** to be filed in state appellate courts. This brief has been joined by the International Association of Chiefs of Police, Inc. (IACP) in suburban Washington, D.C., and the Legal Foundation of America, Inc. (LFA) in Houston, Texas. Copies of the brief may be obtained by writing AELE. The Model Brief, which is on AELE word processing machines, can be adapted to any pending case and can be joined by interested state law enforcement associations.

A third approach is more comprehensive and ultimate—a state **Constitutional Amendment**. In 1982, Florida voters, by a 2-to-1 majority, adopted Art. I Sec. 12 which requires Florida courts to construe Fourth Amendment rights "in conformity with the 4th Amendment to the United States Constitution, as interpreted by the United States Supreme Court." Similarly, California voters approved Proposition 8 with its "Truth in Evidence" provision, also adopted in 1982. To the horror of the criminal defense bar, the California Supreme Court has upheld the constitutionality of Proposition 8.¹⁰

A state constitutional amendment is the surest approach, because it is very difficult for a state court to hold that its constitution is "unconstitutional." Second, the amendment (if broadly worded) will apply to all search and seizure decisions of the U.S. Supreme Court, and not just those relating to the good faith exception. Third, there is widespread citizen support for such an amendment, and if it gets on the ballot a majority of voters will favor it.

In upholding Proposition 8, the majority said "we are obliged to set aside our personal philosophies and to give effect to the expression of popular will..."¹¹ The Court abrogated the "California Exclusionary Rule"

and replaced it with the Federal Exclusionary Rule, as interpreted by the U.S. Supreme Court. Various ballot arguments advised the California electorate, preceding the enactment of Proposition 8. One of these, noted the Court, read as follows:

For too long our courts have demonstrated more concern with the rights of criminals than with the rights of innocent victims. Higher courts of this state have created additional rights for the criminally accused and placed more restrictions on law enforcement officers. This proposition will overcome some of the adverse decisions by our higher courts.¹²

Which Rulebook?

Are "independent" state grounds really independent? Doesn't every state use the Federal Constitution as a guidebook?

It might be thought that state constitutions use different wording or contain more restrictive clauses. Rarely is this true, and often the state version of the Fourth Amendment is the same as the federal version, word-for-word and comma-for-comma.

There are now two rulebooks for every crimeplay. The two books don't have to differ in wording. The U.S. Supreme Court will interpret what the federal rulebook says, and the state supreme court will interpret what the state rulebook says. Pay no mind if the words are the same, it is the cover of the book that counts!

Deterrence of Misconduct

AELE suggests that the Bill of Rights was enacted to protect people against intentional misconduct or a reckless disregard of individual rights and liberties. We believe the framers of the Constitution and the voters of today do not want to "punish" police officers for their good faith errors, or to free the guilty in a bizarre police training session!

A police officer will not be deterred from an act that he, in good faith, reasonably believes to be lawful. A conscientious officer will always act if he believes he is complying with the Fourth Amendment. If his good faith belief is reasonable, the officer will not understand why probative evidence is excluded, and the public will share in

that misunderstanding.

Police officers, probably to a greater degree than other citizens, believe in punitive measures to discourage lawless behavior. They do not and will never understand punitive measures taken against them when a court finds their actions "unlawful" by a 5-to-4 or even a 2-to-1 majority. They are perplexed when the prosecutor informs them they have probable cause, a magistrate reads and approves their warrant, a trial court convicts the accused, and an appellate court overrules them on the probable cause issue, rejecting the evidence seized pursuant to that warrant.

Summary

An unyielding exclusionary rule was an over-reaction to the problem of police abuse, which existed over twenty years ago. In a series of cases, the U.S. Supreme Court has made a number of adjustments to the rule, without impairing its purpose—to discourage and punish police lawlessness. *Leon* and *Sheppard* were a part of the maturation process, which will progress as the U.S. Supreme Court continues to fine tune the criminal justice system.

The exclusionary rule, in its purest form, unfairly treats a minor transgression and deliberate malfeasance in the same way, and with the same penalty—rejection of the evidence. The "good faith exception," however, separates the acts of a trained, conscientious police officer from the acts of those officers who intentionally or recklessly disregard the rights of crime suspects.

The criminal justice system must never be an end to itself. Courts do not exist to merely satisfy the narrow interests of the litigants. The law must serve the People. Without popular support, the judicial system loses credibility, authority is undermined, and the system would collapse. The People do not want to punish the police or themselves as victims of crime because of a good faith error—and too often, a non-unanimous finding of error. It would be a serious and uncorrectable mistake to freeze the maturation process. The exclusionary rule, like all other rules, needs adjustment to rectify its imbalances and

imperfections.

To reject the "good faith exception" is to claim the exclusionary rule works to perfection, without mistake or hardship. Few will agree with that view.

1. *United States v. Leon*, 104 U.S. 3405 (1984). *Massachusetts v. Sheppard*, 104 S. Ct. 3424 (1984).
2. *South Dakota v. Opperman*, 428 U.S. 364, 96 S. Ct. 3092, 40 L. Ed. 2d 1000 (1976).
3. *State v. Opperman*, 247 N.W. 2d 673 (S.D. 1976).
4. *Washington v. Chrisman*, 455 U.S. 1, 102 S. Ct. 812, 70 L. Ed. 2d 777 (1982).

5. *State v. Chrisman*, 676 P. 2d 419 (1984).
6. *United States v. Jacobsen*, 104 S. Ct. 1552 (1984).
7. *State v. von Bulow*, 475 A. 2d 995 at 1021 (R.I. 1984).
8. 475 A. 2d at 1019.
9. See Ariz. Rev. Stat. Title 13, Ch. 38, Art. 8, Sec. 13-3925 and Colo. Rev. Stat. Sec. 16-3-308.
10. *People v. Lance W.*, 37 Cal. 3d 873, 694 P. 2d 744, 210 Cal. Rptr. 631 (1985). Proposition 8 is actually Section 28 of an Amendment to Article I of the California Constitution; the "Truth in Evidence" provision is Subsection (d).
11. 694 P. 2d at 747, headnote 1.
12. 694 P. 2d at 754, footnote 9.

AEE MODEL STATE STATUTE*

Exclusionary Rule Limitations: Admissibility of evidence obtained as a result of an unlawful search or seizure.

- A. If a party in a proceeding, whether civil or criminal, seeks to exclude evidence from the trier of fact because of the conduct of a peace officer in obtaining the evidence, the proponent of the evidence may urge that the peace officer's conduct was taken in a reasonable, good faith belief that the conduct was proper and that the evidence discovered should not be kept from the trier of fact if otherwise admissible.
- B. No court shall suppress evidence which is otherwise admissible in a civil or criminal proceeding if the evidence was seized in good faith or as a result of a technical violation.
- C. "Evidence" means contraband, instrumentalities or fruits of a crime, or any other evidence which tends to prove a fact in issue.
- D. "Good faith" means whenever a peace officer obtains evidence:
 1. Pursuant to a search warrant obtained from a neutral and detached magistrate, which warrant is free from obvious defects other than non-deliberate errors in preparation and the officer reasonably believed the warrant to be valid; or
 2. Pursuant to a warrantless search, when:
 - a. The officer reasonably believed he possessed probable cause to make the search, and
 - b. The officer, possessed at least a reasonable suspicion that the person or premises searched, possessed or contained items of an evidentiary nature, and
 - c. The officer reasonably believed there were circumstances excusing the procurement of a search warrant; or
 3. Pursuant to a search resulting from an arrest, when:
 - a. The officer reasonably believed he possessed probable cause to make the arrest, and
 - b. The officer reasonably believed there were circumstances excusing the procurement of an arrest warrant, or
 - c. The officer procured or executed an invalid arrest warrant he reasonably believed to be valid; or
 4. Pursuant to a statute, local ordinance, judicial precedent or court rule which is later declared unconstitutional or otherwise invalidated; and
 5. The officer has completed a law enforcement academy or other approved prerequisite curriculum and any mandatory subsequent training or instruction in Constitutional law and criminal procedure, where required by the [State Peace Officers' Standards and Training Commission].
- E. This section shall not adversely affect the rights of any plaintiff to seek special damages against a peace officer or a governmental entity, provided that the trier of fact in such civil action determines that the officer or entity conducted an unlawful search or seizure.
- F. [Appropriate savings and severability clause].

*Adopted by Americans for Effective Law Enforcement, Inc. July 14, 1982.

AMERICANS FOR EFFECTIVE LAW ENFORCEMENT, INC.

HISTORY

Americans for Effective Law Enforcement, Inc. (AELE) was founded in 1966 as a non-profit corporation for the purpose of establishing an "organized voice" for the law-abiding citizens regarding this country's crime problem, and to lend support to professional law enforcement. Its founders were Fred E. Inbau, John Henry Wigmore Professor of Law Emeritus, Northwestern University; the late O.W. Wilson, then Superintendent of the Chicago Police Department; the late Harold A. Smith, a former President of the Chicago Bar Association; James R. Thompson, then on the Faculty of Northwestern School of Law and now Governor of Illinois; Alan S. Ganz and Daniel B. Hales, both Chicago attor-

neys; and Richard B. Ogilvie, then Chairman of the Cook County Board, and later Governor of Illinois.

AMICUS CURIAE PROGRAM

AELE became functional in early 1967 after having received a tax-exempt ruling from the IRS. The first project undertaken was the filing of a "friend of the court" (amicus curiae) brief in the United States Supreme Court in support of the constitutionality of the essential police practice of stopping a person reasonably suspected of having committed a crime or about to commit one, and then, for the police officer's protection, to frisk the person being stopped to insure the officer against being shot or otherwise physically harmed. That first case, *Terry v. Ohio*, decided in 1968, resulted in

judicial approval of "stop and frisk."

Since the *Terry v. Ohio* case, and up until late 1984, AELE has filed 98 "friend of the court" briefs in the United States Supreme Court and in other federal and state appellate courts. Of 96 completed cases, only 23 or 25.6 percent were decided unfavorably to the AELE supported law enforcement position.

PUBLIC INFORMATION

Augmenting our major projects and activities, our officers and staff have participated in TV and radio programs and have delivered lectures to educational and other groups in an effort toward letting the influential public know the practicalities confronting the police in their public protection efforts.

IMPACT is published periodically by Americans for Effective Law Enforcement, Inc. IMPACT is an informal newsletter for those concerned with citizen participation in the criminal justice system and is a service provided to AELE members and law enforcement agencies.

AELE is a national, not-for-profit, legal research and educational organization of law-abiding citizens. AELE provides responsible and professional support and assistance to the law enforcement community through its "friend of the court" briefs, publications, workshops and research programs.

The 1985 officers are: George P. Agnost, Attorney-at-Law (Chairman); Daniel B. Hales, Attorney-at-Law (President); and Wayne W. Schmidt, Executive Director. Telephone (312) 372-0404.

Contributions to AELE are tax-deductible to individuals on federal income tax returns. AELE is not a "private" foundation, and financial data is available on request. AELE does not solicit or accept grants or direct financial assistance from the government or tax-supported entities.



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