

HB

140



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

March 1, 1989

M E M O R A N D U M

TO: House Judiciary Committee

FR: House State Affairs Committee

RE: Proposed Amendments to HB 140

The intent of the House State Affairs committee in introducing HB 140 is to provide candidates protection from political lawsuits charging them with violation of the Open Meetings Act.

We are referring to malicious, not frivolous, lawsuits. Suits brought with the sole intention of creating harm and slandering a candidate's character, particularly during the campaign season.

Our intent is to provide a reasonable balance between the public's right to know and an individual's right to be protected from malicious acts.

Unfortunately, Alaska's Open Meetings Act presents the opportunity for individuals or political organizations to pervert good public policy into political gamesmanship.

Imagine a scenario whereby a candidate in a hotly contested race is suddenly faced with a barrage of lawsuits days before an election. The painful facts are that lawsuits charging legislators with violating the Open Meetings Act is front page headline news. A story explaining that the courts found the suit to be without merit gets buried on the back page, after the election, when the harm has already been done.

Both candidates and the public need to have some protection from this kind of action. HB 140 seeks to provide that protection.

The exact language of HB 140 is less important than making sure that: 1) legislators are protected from malicious acts and 2) the public is protected against false accusations which deprive them of the ability to choose their representatives with the full facts before them.

However, the committee feels there may be other ways to provide this protection and asks that the House Judiciary committee carefully consider alternatives to prevent Alaska's Open Meetings Act from being potentially used as a political tool.

You should note that HB 140 passed the House State Affairs committee with 5 do pass - those members absent support the Bill as written.



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P. O. Box 7, State Capitol
Juneau, Alaska 99811-3100
Mail Stop, 2000
(907) 65-3991

March 28, 1989

MEMORANDUM

TO: Representative Dave Donley

ATTN: Veronica Slajer

FROM: Maria Gladziszewski *M. Gladziszewski*
Legislative Analyst

RE: Defending Public Officials Charged with Violating Open Meeting Laws
Research Request 89.325

You asked us to find out what other states do to defend public officials charged with violating open meeting laws. In each of five states, I spoke with the assistant attorney general that handles open meetings issues. In general, absent some gross violation, the public agency that employs the official charged with violating the open meeting law pays for the defense of the official. Arizona is the only state contacted that did not pay for the defense of officials charged with violating open meetings law. Detailed comments follow.

Arizona The open meeting law in Arizona states that a public body may not use state funds to defend an official charged with violating the law. The Office of the Attorney General enforces the open meeting law in Arizona and so would be in charge of prosecuting the official, not defending the official. The attorney general's office takes complaints regarding possible violations of the open meetings law and tells those charged with violating the law that they have 30 days from the violation to conduct in public the business allegedly conducted in private. The attorney general with whom I spoke knew of no open meetings cases that have gone to court in Arizona.

Colorado No provision in Colorado's open meetings law addresses the issue of payment for defense or payment to plaintiffs in court cases. The Colorado attorney general's office has not yet faced a case of having to defend an official charged with violation of their open meetings law; the attorney general's office would decide on each case, considering whether the official's actions were willful and wanton. In general, however, the Office of the Attorney General is responsible for defending public officials. The assistant attorney general with whom I spoke did not know of a case where the attorney general's office refused representation to an official charged with violating a law.

Representative Donley
March 28, 1989
Page 2

Oregon The attorney general with whom I spoke could not recall defending an official charged with an open meetings law violation. No specific provisions on payment for defense are in Oregon's open meetings statutes; the Office of the Attorney General would likely defend the official. In Oregon, however, defendants are personally liable to the governing body for attorney fees awarded to successful plaintiffs (i.e., if the court awards attorney fees to a plaintiff then the official must personally pay the fees).

Texas The Office of the Attorney General would be required to defend a state official charged with violating the open meetings law. A local governing body (school district, city council, etc.) would be responsible for defending its officials charged with violations. If the court awarded attorney fees to a plaintiff, the public agency would pay the fees absent flagrant disregard of duties by the official. The attorney general with whom I spoke said, however, that virtually no prosecution of the open meetings act has occurred in Texas (the one case of an alleged violation in recent years was settled with a promise not to violate the law again).

Washington The open meetings law in this state requires that if the public official charged with violating law is convicted, the state agency pays for the attorney fees and costs of the plaintiff. The open meetings law in Washington also requires that the individual convicted of violating the law pay a \$100 personal penalty if the court considered the violation intentional.

I hope this information is useful. Please call this office if you have further questions.

March 30, 1989

M E M O R A N D U M

TO: Representative Dave Donley

FROM: Diana Rhoades

RE: Defending public officials charged with violating open meeting laws

Georgia There is no open meetings law in Georgia that applies to the General Assembly. The Office of the Attorney General is responsible for defending all state agencies except the General Assembly because a court ruling determined open meetings did not apply to them. All legislation that has been initiated to require the Assembly to have open meetings has failed. If this legislation were to pass, the assistant attorney general with whom I spoke said that the Office of Legislative Counsel would defend the Assembly.

Idaho No provision in Idaho's open meetings law addresses the issue of payment for defense or payment to plaintiffs in court cases. The Idaho attorney general's office has not yet faced a case of having to defend a state official charged with violation of their open meetings law. They operate with the theory that you can correct closed meetings by later having the meeting in open.

Alabama There is no open meetings law for the Alabama State Legislature. The Office of the Attorney General in Alabama enforces the open meetings law as it applies to boards, bodies, and commissions, and so would be in charge of prosecuting those officials, not defending. Legislators can conduct closed meetings in Alabama and those meetings have never been questioned.

California The Legislative Council of the California State Legislature is responsible for defending members of the legislature. However, the assistant attorney general with whom I spoke said there has never been a case against a public official up until a few weeks ago. They are currently investigating an executive session that was held without notice.

Massachusetts Massachusetts has three open meetings laws; one each for local, county, and state public bodies. These laws are enforced by a committee made up of three registered voters, the Attorney General, and the District Attorney. The public agency that employs the official charged with violating the open meetings law pays for the defense of the official. However, the

Massachusetts legislature is exempt from the open meetings law.

New York No provision in New York's open meetings law addresses the issue of payment for defense or payment to plaintiffs in court cases. The Office of the Attorney General in New York referred my questions to New York's Committee on Open Government. The executive director with whom I spoke knew of no open meetings cases that have gone to court in New York. Furthermore, there would have to be a quorum of the committee or the Assembly to constitute a violation, in which case the entire committee or entire Assembly would be held responsible and the Assembly would cover the costs. If, in fact, an individual official were sued they would cover their own court costs.

Florida There is no open meetings law for the Florida State Legislature.

February 22, 1989

Representative Ron Larson
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Larson:

HB 140 as it stands seems to try to price the common man out of interest in government to the benefit of the judicial system by giving the judicial system free rein in possibly playing maliciously or frivolously itself in assessing court costs, attorneys fees, etc., to a plaintiff.

Really, HB 140 should be thrown out and substitute that the AG defend legislators at no cost to the legislator and the maximum fine should be \$200 paid by the legislator.

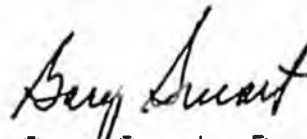
Sec. 24.40.050 - If the Legislative Council is capable of determining reasonable attorney fees, then the bill should state what the maximum reasonable attorney fees should be that the Council will bear or pay.

Sec. 24.40.060 - In the first line the word "court" should be changed to jury. Again, maximums for court costs, attorneys fees and other costs should be established in the bill.

Sec. 24.40.070 - Legislators should inform potential defense attorneys what the maximum attorney fees that the Council will pay for, then get an attorney that can do the job for the price of a public defender or the A.G.

If it appears that attorneys fees and cost would approximate the maximum fine, then sound business would have the charged legislator plead nolo contendere and the Legislative Council pay his fine in lieu of attorney fees.

If a jury decides that a suit was either malicious or frivolous then that attorney should not charge the plaintiff and the attorney should pay court costs and other attorney fees.



Gary Smart, President
Alaska Tea Party, Mat-Su Branch
Box 2141, Palmer, AK 99645
745-2055

Sent to:
Governor Cowper
Senators Kerttula & Szymanski
Reps. Menard and Larson

Please copy for and pass to appropriate legislators if helpful.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act relating to violations of the open meetings section of the Constitution...
 Sponsor: House State Affairs
 Requestor: House Judiciary

Affect Agency Legislative Affairs Agency
 BRU: Legislative Council
 Components Legal Services

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY91	FY92	FY93	FY94	FY95	FY96
Personal Services	0	0	0	0	0	0
Travel	0	0	0	0	0	0
Contractual	61.0	61.0	61.0	61.0	61.0	61.0
Supplies	0	0	0	0	0	0
Equipment	0	0	0	0	0	0
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	61.0	61.0	61.0	61.0	61.0	61.0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	61.0	61.0	61.0	61.0	61.0	61.0
Federal Fund						
Other						
TOTAL	61.0	61.0	61.0	61.0	61.0	61.0

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

It is difficult to estimate how many cases will be litigated against members of the Legislature each year. The contractual amount requested is for hiring a private attorney for a member of the Legislature. This amount does not assume there are any costs for appeal. It is based on the amount expended in defending the Legislative Affairs Agency in the Behrends lawsuit - \$61

Prepared By Pamela A. Stoops, Director
 Division: Administrative Services

Pamela Stoops

Phone: 465-3850
 Date: 1/17/90

Approved By: Warren Endicott, Executive Director
 Agency: Legislative Affairs Agency

Warren Endicott

Date: 1/17/90

DISTRIBUTION (BY PREPARER)
 LEGISLATIVE FINANCE
 LEGISLATIVE SPONSOR

REQUESTOR
 OFFICE OF MANAGEMENT & BUDGET
 AGENCY (IES)

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 3, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: _____

The STATE AFFAIRS Committee recommends that:

HOUSE BILL NO. 140

[OPEN MEETING VIOLATIONS]

"An Act relating to violations of the open meetings section of the Constitution of the State of Alaska; and amending Alaska Rule of Civil Procedure 82 and Alaska Rule of Appellate Procedure 508; and providing for an effective date.

[] be replaced with _____ [] the same title
[] a new title

[] have attached amendment(s)

- do pass
 do not pass
 no recommendation
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact
[] zero fiscal note
 zero with analysis

APPROVES PREVIOUS:

- [] fiscal note(s) published:

[] zero fiscal notes(s) published:

SIGNING DO PASS:

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

David D. Duley

Wayne Hunter

Carl Spohn

James Sawicki

D. D. Duley

D. D. Duley

Chairman's signature

Item 2

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to violations of the open meetings section of the Constitution...
Sponsor: House State Affairs
Requestor: House State Affairs

Affected Agency: Legislative Affairs Agency
BRU: Legislative Council
Components: Legal Services

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services	0	0	0	0	0	0
Travel	0	0	0	0	0	0
Contractual	0	61.0	61.0	61.0	61.0	61.0
Supplies	0	0	0	0	0	0
Equipment	0	0	0	0	0	0
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0	61.0	61.0	61.0	61.0	61.0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0	61.0	61.0	61.0	61.0	61.0
Federal Fund						
Other						
TOTAL	0	61.0	61.0	61.0	61.0	61.0

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

It is difficult to estimate how many cases will be litigated against members of the legislature each year. The contractual amount requested is for hiring a private attorney for a member of the legislature. It is based on the amount expended in defending the the Legislative Affairs Agency in the Behrends lawsuit - \$61.0.

Prepared By: Pamela Stoops, Director *Pamela Stoops* Phone: 465-3850
Division: Administrative Services Date: 2/9/89

Approved By: Warren Endicott, Executive Director *Warren Endicott*
Agency: Legislative Affairs Agency Date: 2/9/89

DISTRIBUTION (BY PREPARER)
LEGISLATIVE FINANCE
LEGISLATIVE SPONSOR

REQUESTOR
OFFICE OF MANAGEMENT & BUDGET
AGENCY (IES)

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Open Meeting Violations
Sponsor: House State Affairs
Requestor: _____
Agency Affected: Leg. Affairs Agency
BRU: Leg. Council
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The House State Affairs Committee adopted a zero fiscal note dated Feb. 15, 1989. The committee felt the fiscal note dated Feb. 9, 1989, showing operating costs of \$61,000, was unrealistic.

Prepared by: House State Affairs Phone: 465-4963
Division: _____ Date: Feb 15, 1989
Approved by Commissioner: Rep. H.P. "Ped" Loucher Date: Feb 15, 1989
Agency: _____

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

A M E N D M E N T

OFFERED IN THE HOUSE

BY BROWN

TO: HB 140

Page 1, lines 8 - 9:

Delete "and amending Alaska Rule of Civil Procedure 82 and Alaska Rule of Appellate Procedure 508;"

Page 1, lines 19 - 25:

Delete all material.

Page 1, line 26:

Delete "Sec. 24.40.070"

Insert "Sec. 24.40.060"

Page 2, line 7:

Delete "Sec. 24.40.080"

Insert "Sec. 24.40.070"

Page 2, line 11:

Delete "Sec. 24.40.090"

Insert "Sec. 24.40.080"

Page 2, lines 16 - 19:

Delete all material.

Renumber following bill section accordingly.

A M E N D M E N T

OFFERED IN THE HOUSE

BY BROWN

TO: HB 140

Page 1, line 6:

Delete "relating to violations of"

Insert "implementing"

Page 2, after line 15:

Insert a new bill section to read:

** Sec. 2. AS 44.62.310(d) is amended to read:

(d) This section does not apply to

(1) judicial or quasi-judicial bodies when holding a meeting solely to make a decision in an adjudicatory proceeding;

(2) juries;

(3) parole or pardon boards;

(4) meetings of a hospital medical staff; [OR]

(5) meetings of the governing body or any committee of a hospital when holding a meeting solely to act upon matters of professional qualifications, privileges or discipline; or

(6) subcommittees of the legislature."

Renumber following bill sections accordingly.

Prepared by Rep Kay Brown
March 14, 1989

PROPOSED AMENDMENTS TO HJR 1, HB 140, and UNIFORM RULE 23

INTRODUCTION: THE NEED FOR AN AMENDMENT TO THE CONSTITUTION

- **Openness is fundamental to good government.**
- **In the League of Women Voters lawsuit over the closed budget discussions in caucus meetings during the 1986 session; the crucial issue concerned the right of the press and public to know and understand the deliberations of their elected representatives. Defense lawyers for the legislature did not contest the charges that the legislature held secret budget meetings or that these meetings violated the legislature's Uniform Rule 22.**
- **The SUPERIOR COURT found an implied right of access to proceedings of the legislature under the Constitution, and appeared to hold that discussion and binding decisions on substantive legislation cannot be made in a private caucus.**
- **The SUPREME COURT ruled that it had no jurisdiction in the open meetings dispute and accordingly could not force the legislature to comply with the Open Meetings Act.**
- **One legislator characterized the Supreme Court ruling as giving legislators a "blank check" in view of the Court's finding that the legislature's conduct was above the law that requires other state and local officials to conduct public business openly.**
- **The only way to remedy this deficiency is a constitutional amendment that would mandate legislative adherence to the Open Meetings Act and**

provide for **judicial enforcement** in the instance of a violation. It provides the legal framework to protect the public's right to openness in the legislative process.

ISSUES THAT HAVE ARISEN DURING CONSIDERATION OF HJR 1:

1. Subcommittees

- Does "**committee**" imply subcommittee as well? (Under the current statute, subcommittee meetings must be open and noticed.) Is a **quorum** just two people, in the case of a three-person subcommittee?
- There is a need for flexibility by subcommittees appointed to work on legislation. The need for quick resolution of concerns on bills in order to speed action by the full committee requires the flexibility to meet and talk informally, at times, without the notice requirement.
- Budget subcommittees seem to be the area of most concern. The budget process must be open; decisions made in Juneau are of vital interest to all Alaskans as the state comes to terms with declining revenues.
- The appropriate place to address subcommittees is in the Uniform Rules. The current Rule 23 applies to notice requirements of standing, special and joint committees.

Proposed amendment to the Open Meetings statute would exempt all legislative subcommittees except budget subcommittees, and would not affect the existing law regarding subcommittees of all other public bodies.

Proposed amendment to Uniform Rules would require budget subcommittees to meet openly, give notice.

2. Legislative immunity

- A legislator, if sued, might be required to leave Juneau during a legislative session to appear in court.
- Proposed amendment would strengthen the existing immunity in Article 2, Section 6 of the Constitution and make it clear that the open meetings provision does not invalidate legislative immunity during a session.

3. Frivolous or malicious lawsuits

- Only one lawsuit has been brought over closed legislative meetings since statehood, and it wasn't frivolous (League of Women Voters: closed budget meetings in 1986).
- This section is unnecessary and will discourage the public from bringing legitimate complaints.
- Proposed amendment deletes this provision.

Prepared by Rep. Kay Brown
March 14, 1989

PROPOSED AMENDMENTS TO HJR 1, HB 140 AND UNIFORM RULE 23

AMENDMENTS TO HJR 1:

- **silent on subcommittees of a committee of the legislature;**
(Page 1, Lines 24-25: delete all material)
- **would defer judicial proceedings against a legislator for an open meetings violation until ten days after that session adjourns.**
(Page 1, after line 25: insert a new subsection (d))

AMENDMENTS TO HB 140:

- **would delete the section relating to frivolous or malicious complaints, and the assessment of attorney fees and costs and a civil fine of \$1000 on the plaintiff;**
(Page 1, lines 19-25: delete all material)
- **would amend the Open Meetings Statute, AS 44.62.310, to exempt subcommittees of the legislature except budget subcommittees from the open meetings requirement;**
(Page 2, after line 15: insert a new bill section; Sec. 2.(d)(6))
- **would change bill title to reflect first amendment above, and renumber the bill sections.**

AMENDMENT TO UNIFORM RULE 23:

- draft legislation that would create a new Rule 23A that does not affect the existing Rule 23a regarding standing, special and joint committees.

this new rule would require budget subcommittees of the finance committees of the legislature to post written notice and give 24-hour notice of scheduled meetings to the chief clerk or secretary; and would require budget subcommittees to provide written notice to the chief clerk or secretary of a delay, cancellation, or change in a scheduled meeting.

provides for an immediate effective date.

(Section 1 amends Uniform Rules by adding a new rule, Rule 23A BUDGET SUBCOMMITTEES; Section 2 adds effective date)

A M E N D M E N T

OFFERED IN THE HOUSE

BY BROWN

TO: CSHJR 1(State Affairs)

Page 1, lines 24 - 25:

Delete all material.

Reletter the following subsection accordingly.

A M E N D M E N T

OFFERED IN THE HOUSE

BY BROWN

TO: CSHJR 1(State Affairs)

Page 1, after line 25:

Insert a new subsection to read:

"(d) A judicial proceeding brought during a session of the legislature against a member of the legislature for a violation of this section shall be deferred until ten days after the adjournment of that session of the legislature."

Reletter the following subsection accordingly.

A M E N D M E N T

OFFERED IN THE HOUSE

BY BROWN

TO: HB 140

Page 1, lines 8 - 9:

Delete "and amending Alaska Rule of Civil Procedure 82 and Alaska Rule of Appellate Procedure 508;"

Page 1, lines 19 - 25:

Delete all material.

Page 1, line 26:

Delete "Sec. 24.40.070"

Insert "Sec. 24.40.060"

Page 2, line 7:

Delete "Sec. 24.40.080"

Insert "Sec. 24.40.070"

Page 2, line 11:

Delete "Sec. 24.40.090"

Insert "Sec. 24.40.080"

Page 2, lines 16 - 19:

Delete all material.

Renumber following bill section accordingly.

A M E N D M E N T

OFFERED IN THE HOUSE

BY BROWN

TO: HB 140

Page 1, line 6:

Delete "relating to violations of"

Insert "implementing"

Page 2, after line 15:

Insert a new bill section to read:

"* Sec. 2. AS 44.62.310(d) is amended to read:

(d) This section does not apply to

(1) judicial or quasi-judicial bodies when holding a meeting solely to make a decision in an adjudicatory proceeding;

(2) juries;

(3) parole or pardon boards;

(4) meetings of a hospital medical staff; [OR]

(5) meetings of the governing body or any committee of a hospital when holding a meeting solely to act upon matters of professional qualifications, privileges or discipline; or

(6) subcommittees of the legislature except for the budget subcommittees of the finance committees."

Renumber following bill sections accordingly.

6-1008A

Cook

3/9/89

1 IN THE HOUSE

BY BROWN

2 HOUSE CONCURRENT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Uniform
6 Rules of the Alaska State Legislature
7 relating to budget subcommittees; and
8 providing for an effective date.

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

10 * Section 1. The Uniform Rules of the Alaska State Legislature are
11 amended by adding a new rule to read:

12 RULE 23A. BUDGET SUBCOMMITTEES. Written notice of the time,
13 place, and subject matter of a meeting of a subcommittee of a finance
14 committee charged with working on the state budget shall be posted and
15 provided by the person who chairs the subcommittee to the chief clerk
16 or secretary at least 24 hours before the meeting. A scheduled meet-
17 ing of a budget subcommittee of a finance committee may be delayed or
18 cancelled, or a change in the place or subject matter may be made at
19 any time. Written notice of a delay, cancellation, or change shall be
20 posted and provided to the chief clerk or secretary. If possible,
21 notice of a meeting, delay, cancellation, or change shall be announced
22 by the chief clerk or secretary and published as a notice in the
23 journal of the house.

24 * Sec. 2. The amendment proposed by this resolution takes effect imme-
25 diately.

26
27
28
29