

HB

471

LEGAL SERVICES

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MEMORANDUM

May 7, 1998

SUBJECT: SCS CSHB 471(RLS) (Work Order 20-LS1686P)

TO: Senator Tim Kelly
Chair, Senate Rules Committee
Attn: Tim Benintendi

FROM:  Theresa Bannister
Legislative Counsel

This memo accompanies the bill described above.

1. Single subject requirement. The contents of the bill appear to be related to the subject of "corporations." However, there is no real logical connection between the sections of the bill. Sec. 1 of the bill involves reinstatement of Native corporations while sec. 2 relates to a program that involves the Alaska Housing Finance Corporation. Under the court's decisions to date, the bill probably would survive a challenge based on the single subject requirement (art. II, sec. 13, Constitution of the State of Alaska). However, the court has evidenced some division on how to treat this issue. Since the single subject is rather tenuous logically in this bill, please be aware that it does raise a single subject question.
2. Germaneness. Please be aware that the change that you have added to HB 471 may be the subject of an objection based on germaneness. Under Uniform Rule 35, a motion or proposition may not be admitted as an amendment if the subject matter is different from that under consideration. The previous subject of the bill addressed reinstatement of Native corporations. To this has been added a provision relating to a program that involves the Alaska Housing Finance Corporation. Although the two subjects are related to corporations, they certainly are not logically related to each other. Germaneness is a parliamentary matter to be determined by the body.
3. Three-reading requirement. The original bill (HB 471) dealt with the boards of commissioners of Native regional housing authorities. The second version and the one that passed out of the House (CSHB 471(CRA)) added a provision dealing with the reinstatement of Native corporations. The third version and the version that you are dealing with (SCS CSHB 471(CRA)) removed the initial subject of HB 471. The proposed CS is adding an unrelated provision involving the Alaska Housing Finance Corporation. It is possible that the changes of subject that this bill has had might cause the bill to be considered not to have received the necessary three readings in each house. The three-readings requirement is a constitutional requirement that cannot be waived.

Senator Tim Kelly

May 7, 1998

Page 2

4. Change of title in second house. Finally, as you are already aware, the change of title would be considered out of order in the second house under the Uniform Rules. SCR 29 would enable suspension of the applicable uniform rules so that the title of the bill can be changed. You do not need a new version of SCR 29 to do this for the CS that you have requested.

If I may be of further assistance, please advise.

TLB:jdr

98-288.jdr

Enclosure

0-LS1686VP
Bannister
5/7/98

*not
considered
by committee*

SENATE CS FOR CS FOR HOUSE BILL NO. 471(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the reinstatement of Native corporations; amending the
2 definition of 'small community' for purposes of housing programs involving the
3 Alaska Housing Finance Corporation; and providing for an effective date."

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

5 * Section 1. AS 10.06.960(k) is amended to read:

6 (k) Notwithstanding (i) of this section and AS 10.06.633(e), a corporation that
7 is organized as a Native village corporation under the act, that has been involuntarily
8 dissolved by the commissioner under AS 10.06.633, and that has failed to apply for
9 reinstatement during the period established under AS 10.06.633(e) may be reinstated
10 under AS 10.06.633(e) on or before December 31, 1998 [WITHIN ONE YEAR
11 AFTER AUGUST 7, 1996]. The reinstated corporation and its shareholders have all
12 of the rights, privileges, liabilities, and obligations that would have applied to them if
13 the corporation had not been dissolved, and all corporate and shareholder actions taken
14 during the period of dissolution are considered to be as valid as if dissolution had not

1 occurred. If a corporation elects to reinstate under this subsection and if the
2 corporation's previously used corporate name is no longer available for use by the
3 corporation, then, notwithstanding AS 10.06.502 - 10.06.510, an amendment to the
4 articles of incorporation changing the previously used corporate name may be
5 adopted by action of the corporation's board of directors alone.

6 * Sec. 2. AS 18.56.600(2) is amended to read:

7 (2) "small community" means a community with a population of 6,500
8 [5,500] or less that is not connected by road or rail to Anchorage or Fairbanks, or with
9 a population of 1,600 [1,400] or less that is connected by road or rail to Anchorage or
10 Fairbanks; in this paragraph, "connected by road" does not include a connection by the
11 Alaska marine highway system.

12 * Sec. 3. Section 1 of this Act takes effect immediately under AS 01.10.070(c).