

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 8072

4040 SJUD UNIFORM RULES: PROPOSED CHANGES 8072

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

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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;

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

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

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ence of an employer-employee relationship and a written justification

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signed by the person responsible for awarding the contract is filed

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with the Legislative Affairs Agency;

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

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

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

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

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

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of the state government or by a municipality.

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

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request for proposals soliciting an offer to perform the services

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

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providers of the required services to assure that public interest in

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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 legislative p 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

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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  
3 will reasonably bring the proposal to the attention of persons able to  
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.

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. 24.23.040. FILING. A copy of each contract must be filed  
15 with the Legislative Affairs Agency, the ombudsman, the legislative  
16 finance division, or the legislative audit division, and is open for  
17 public inspection. The request for proposals and each proposal sub-  
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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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

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

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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

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  
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3 required is widely available. Formal advertising in a medium which  
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5 provide the required service may be substituted for direct solicitation  
6 or used jointly with direct solicitation of proposals.

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12 however, this exemption from a request for proposals applies only when  
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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  
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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  
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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

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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  
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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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with the Legislative Affairs Agency, the legislative finance division,  
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 Hotaling, 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

Krane, 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 &amp; 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 &amp; 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.

HCR12

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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).

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UNIFORM RULES  
ALASKA  
STATE LEGISLATURE

1981

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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

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			<u>HOUSE</u>	<u>SENATE</u>
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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
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9	Expungement of matter from journal	majority/full house	21	11
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13	Change in hour of convening	majority/present	--	--
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<u>Rule No.</u>	<u>Question</u>	<u>Vote Requirement</u>	<u>Minimum No. Votes Needed</u>	
			<u>HOUSE</u>	<u>SENATE</u>
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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

Rule No.	Question	Vote Requirement	Minimum No. Votes Needed	
			HOUSE	SENATE
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 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 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.<sup>1</sup> 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.<sup>2</sup> On remand, the South Dakota Supreme Court reversed Opperman's conviction as it purportedly

violated the state's constitutional provision relating to illegal searches.<sup>3</sup>

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,<sup>4</sup> the Washington State Supreme Court later suppressed the evidence because the search violated the state constitution.<sup>5</sup>

#### 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.<sup>6</sup>

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.<sup>7</sup> 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.<sup>8</sup>*

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

*continued on page 2, column 1*



"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.<sup>9</sup> 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.<sup>10</sup>

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..."<sup>11</sup> 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.<sup>12</sup>*

### 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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