

To James L. ...
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PROPOSED CHANGES TO THE UNIFORM RULES OF THE LEGISLATURE

Recommended jointly by the Committees on Rules
of the House and Senate

RULE 2. The presiding officer of the house during the first regular session presides during [AT THE CONVENING OF] the second regular session or any special session and administers the oath to any new members. 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, without absenting himself from the body, the regular presiding officer may temporarily relinquish the chair to any member for a portion or the balance of the daily calendar.

RULE 4. The presiding officer of each house has the duties set forth in Section 575, MASON'S MANUAL OF LEGISLATIVE PROCEDURE, when not inconsistent with these uniform rules. (See Appendix A)

[Entirely rewritten]

RULE 5. The Chief Clerk works at the direction of the Speaker of the House. The Secretary works at the direction of the President of the Senate. The sergeants at arms work at the direction of the Rules Committee of the house to which assigned. The Clerk and Secretary supervise their clerical staffs. They prepare and certify the daily journal; certify, authenticate, transmit all legislative documents and records; keep in safe custody all documents, records and papers in possession of the house; and undertake assignments ordered by the presiding officer of the house. The sergeants at arms are responsible for the supervision of the messengers and doormen assigned to the house.

[Entirely rewritten]

RULE 6. Temporary employees assigned to or by each house, other than the Chief Clerk and Senate Secretary, are employed

only for the duration of each session and for those pre-session and post-session periods authorized by AS 24.20.060(7). Temporary employees are subject to assignment and reassignment by their supervisor as the work of the house or the Legislature may require. They are subject to dismissal without notice if the Rules Committee finds them to have been intoxicated on the job, persistently absent without excuse, improperly performing duties, attempting to influence legislation, or otherwise for cause. Compensation for temporary employees is paid at the rate provided for each position by statute and during sessions is paid for each calendar day of the session. Temporary employees hired to be retained for pre-session or post-session work under the supervision of the Legislative Council are paid on an hourly rate for each hour worked as determined by dividing the statutory daily rate for the position by seven.

[Entirely rewritten]

RULE 18. 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 of the 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. 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. A call is terminated by

arrival of the absent members not previously excused from a call, or by a majority vote of the members present on a motion made by the member ordering the call to dispense with further proceedings under the call, which shall have the effect of withdrawing the call, or by a majority vote to adjourn.

RULE 19. Item "j" (Communications) has been relocated to follow after "e" (Messages from the other house) rather than follow "i" (Unfinished business).

RULE 22. a. Each house has the following standing committees with the jurisdiction indicated:

COMMERCE (the programs and activities of the Department of Commerce in the regulation of business).

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

HEALTH, WELFARE, AND EDUCATION (the programs and activities of the Department of Health and Welfare, 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 MANAGEMENT (the programs and activities of the Department of Labor relating to labor-management relations, industrial safety, unemployment compensation, and workmen's compensation).

LOCAL GOVERNMENT (the programs and activities of the Local Affairs Agency and other matters relating to political subdivisions).

house committee constitutes the quorum necessary to transact business; however, all other provisions of this rule with reference to regular committees shall pertain.

RULE 25. 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. [THE REPORT WILL NOTE THE RECOMMENDATION OF MEMBERS NOT SIGNING THE MAJORITY REPORT.]

[Entirely rewritten]

RULE 31. d. The motion for reconsideration made on the next legislative day shall automatically place the question to be reconsidered again before the body in third reading and open such question for debate. However, when a motion is made that the reconsideration be taken up on the same day the notice of reconsideration is given, the question to be reconsidered shall be placed separately from the motion that the reconsideration be taken up on the same day. The motion for reconsideration has precedence over every other motion except a motion to adjourn. The motion for 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.

RULE 36. No motion or proposition on a subject shall be admitted under color of amendment if the subject matter is different from that under consideration. No amendment may be considered by the house unless submitted in writing and read

aloud by the clerk or secretary. Amendments offered by a committee shall be included in its written report and attached to the original bill. A bill in second reading is subject to amendment and is treated section by section. No amendment may be made to a bill in its third reading but the bill may be returned to second reading by a majority of the membership of the house for the purpose of specific amendment, after which the question is: "Shall the bill be advanced to third reading?".

A title may be amended in third reading or after passage by majority vote, but same must be accomplished before the measure acted upon has been enrolled. When amendments to the body of a bill affect the numbering of sections, or passage or failure of the effective date clause affects the title, the clerk or secretary may accomplish the necessary changes without formal motion, and such changes shall be noted in the journal. Resolutions may be amended in the same manner as a bill. [A BILL MAY BE RE-COMMITTED AT ANY TIME BEFORE PASSAGE. WHEN AMENDMENTS TO THE BODY OF THE BILL AFFECT ITS TITLE OR THE NUMBERING OF SECTIONS, THE CLERK OR SECRETARY MAY EFFECT THE NECESSARY CHANGES WITHOUT FORMAL MOTION. RESOLUTIONS MAY BE AMENDED IN THE SAME MANNER AS A BILL.]

[Entirely rewritten]

RULE 37. a. Bills or proposals for bills may be prefilled with the executive director of the Legislative Council during the period between December 1 and January 15. 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. A member may request no more than 10 bills for prefilling. Drafts of pre-filled bills not receiving sponsor approval by January 20 will not

be introduced as prefiled bills but, at the direction of the sponsor, will be prepared in final form by the council 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.

[New subparagraph "f" for RULE 40]

f. A bill may be recommitted any time before passage.

[Entirely rewritten]

RULE 45. 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. No bill or resolution other than one sponsored by a standing committee may be received in the other house after the forty-fifth day of any regular session.

RULE 47. The Governor may veto a bill or by veto strike or reduce an item in an appropriation bill. He shall return the vetoed bill or the bill in which an appropriation item was stricken or reduced with a statement of his objections to the house of origin. The receipt of the bill and veto statement are noted in the journal, and the other house is promptly requested to meet in joint session to reconsider passage of the vetoed bill or item. The vote on reconsideration of a vetoed bill or item is entered in the journal of both houses. Bills to raise revenue and appropriation bills or items, although vetoed, become law upon reconsideration by the affirmative vote

of three-fourths of the full membership of the Legislature sitting in joint session as one body. Other vetoed bills become law upon reconsideration by the affirmative vote of two-thirds of the full membership of the Legislature sitting in joint session as one body. (Secs. 15 and 16, Art. II, State Constitution) Bills vetoed after adjournment of any regular session shall be 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.

[A new rule to be inserted after RULE 47, with all subsequent rules renumbered accordingly.]

CONFIRMATION OF APPOINTMENTS

RULE 48. Appointments by the Governor are made pursuant to AS 39.05.080. Such appointments are subject to confirmation by a majority of the full membership of the Legislature sitting in joint session as one body. (Secs. 25 and 26, Art. III, State Constitution)

[Former RULE 50]

RULE 51. When a house deems it necessary to ask the other house to join it in a joint session other than for the purposes of considering an executive veto or executive appointments, a message is sent to the other house setting forth the reason and proposed time of the joint session and asking its concurrence. 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.

[Former RULE 52]

RULE 53. The Uniform Rules of each Legislature shall be adopted in joint session by a majority vote of the membership of each

house. Thereafter the Uniform Rules may be amended only by the adoption of a concurrent resolution by two-thirds of the membership of each house. [THE UNIFORM RULES OF THE LEGISLATURE SHALL BE ADOPTED IN JOINT SESSION BY A MAJORITY VOTE OF THE MEMBERSHIP AND MAY BE AMENDED BY THE ADOPTION OF A CONCURRENT RESOLUTION BY TWO-THIRDS OF THE 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 Committees of the changes made.

APPENDIX A

Sec. 575. DUTIES OF PRESIDING OFFICER

1. The duties of the presiding officer of each house are, in general, as follows:

- (a) To open the session at the time at which the body is to meet by taking the chair and calling the members to order.
- (b) To announce the business before the body in the order in which it is to be acted upon.
- (c) To recognize the members entitled to the floor.
- (d) To state and put to vote all questions which are regularly moved or which necessarily arise in the course of the proceedings, and to announce the result of the vote.
- (e) To preserve order and decorum.
- (f) To restrain the members when engaged in debate within the rules of order.
- (g) To decide all points of order, subject to appeal, unless when in doubt he prefers to submit the question to the decision of the body.
- (h) To inform the body when necessary, or when any question is raised, on any point of order or practice pertinent to the pending business.
- (i) To sign or authenticate all acts, proceedings or orders of the body.
- (j) To receive all messages and communications and to announce them to the body.
- (k) Generally to guide and direct the proceedings of the body, subject to the control and will of the body.
- (l) To enforce all laws and regulations applicable to the body.
- (m) To have general charge and supervision of the legislative chamber, galleries, committee rooms, and adjoining and connecting hallways and passages.

2. It is in order for the presiding officer to suggest the proper form of propositions or motions and the proper course of procedure or order of business.

3. Where a presiding officer is required to sign a bill or ordinance to authenticate its passage, the act of signing is simply ministerial and not an exercise of legislative discretion therefore mandamus will lie to compel its performance. To hold otherwise would give the presiding officer, in effect, a veto upon the acts of the legislative body. But the courts should not

require him to sign a legislative proposal which he had ruled had not passed, because, in this instance, he was exercising discretion. Where he is required to certify as to the number of votes and that a quorum was present he can rely on his own observation or consult the records.

4. When there has been no provision for a clerk or secretary to keep the minutes of the proceedings the presiding officer may appoint someone to act as clerk or secretary. The fact that the person who presides at a meeting also acts as its clerk does not invalidate the proceedings.