

REPORT OF THE JOINT COMMITTEE ON RULES

The Joint Committee on Rules met on January 25 to review and recommend changes and action on suggested rules for the use of electric voting machines referred to the Rules Committees of the Senate and House of Representatives by the Legislative Council. The Joint Rules Committee recommends that the following additions or changes be made to Rules 16, 35, and 51 of the Uniform Rules of the Alaska State Legislature as revised in 1965, the additions or changes being indicated by the underlining of the new material:

QUORUM AND ROLL CALL

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

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

VOTING PROCEDURE

RULE 35. (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 ayes and noes in the journal. A roll call vote on any measure may be demanded by one-fifth of the membership of the house. In case of an equal division on any roll call the motion is lost. The roll call of members of the house, except for the name of the presiding officer, who always votes last, shall be rotated daily, when the voting machine is not used.

(b) Abstention. Every member present in the house shall vote unless the house for special reasons permits a member to abstain. All motions excusing a member from voting shall be

made before the house divides or before the call for the ayes and noes is commenced. A member requesting to be excused from voting may make a brief oral statement of the reasons for his request and the question of granting permission to abstain shall be taken without further debate. No member may explain his vote nor may he discuss the question while the ayes and noes are being called nor change his vote after the roll call result has been announced. Upon division and count of the house on any question no member not within the chamber is counted.

(c) Pairing of votes. Any two members of a house may pair their votes on the final passage of a bill or joint resolution that may be determined by majority vote. Pairing is permitted only when one of the members executing the pair is absent from the house when a vote is being taken on the specific subject on which the pair is executed. A pairing agreement must be in writing, and must be dated and signed by the participants. The agreement must specify the bill or joint resolution concerning which the pair is executed, the duration of the pairing agreement, and must show which signer is for the bill, measure, or proposition, and which one is against it. To be effective, the agreement must be delivered to the clerk or secretary before the roll call is called for by the chair. The pair is recorded in the journal immediately after the report on the roll call. In determining the vote necessary to pass legislation when a majority of those present is required the "paired" members shall be treated as absent.

(d) Use of the electric voting machine.

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

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

(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 vote?" If any member does desire to change his vote, he shall rise in his place and address the chair, and upon being recognized by the chair, shall state that he desires to change

his vote. The presiding officer shall then direct the clerk to open the roll and direct the member recognized to change his vote. No other member may vote when the rolls are so opened unless he is recognized and permitted to vote or to change his vote. Members who have not previously voted may vote when the rolls are so opened, upon being recognized and permitted to vote. After all members who desire to vote or to change their vote have had an opportunity to do so, the presiding officer shall close the roll, after which no member shall be permitted to change his vote. The presiding officer shall then direct the clerk to record the vote. The clerk shall then transmit the result to the presiding officer and he shall announce the vote. The result shall then be recorded in the daily journal.

(4) Copies of voting records. The clerk or secretary shall retain one copy of the voting record on each question in the file of the house and provide one copy for the press room file and the files of the legislative council agency.

(5) Voting stations. A member may vote only when at his desk. When a member other than the regular presiding officer is presiding, he may direct the sergeant at arms to indicate his vote at his voting station.

(6) Misuse of voting station. No member may vote for another member; nor may any person 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.

JOINT SESSIONS

RULE 51. When a house deems it necessary to ask the other house to join it in a joint session other than for the purpose 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. 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 a majority of the members of the full membership of the House of Representatives agrees to the use of the electric voting machine in place of the oral roll call.

HOUSE RULES COMMITTEE

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Warren A. Taylor, Chairman

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Date: January 26, 1966

UNIFORM RULES
ALASKA
STATE LEGISLATURE

ADOPTED
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1965 - 1966

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Organization of First Session

RULE 1. (a) At the time for convening of the first regular session of a legislature the Secretary of State calls each house to order separately and calls the roll of members whose election has been certified. 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 of the full membership vote selects a temporary presiding officer he assumes the chair and the Secretary of State withdraws. The chair then calls for nominations for a permanent presiding officer and the nominee receiving a majority of the votes of the full membership assumes the chair for the two-year duration of the legislature.

(c) Pending the organization of the house a secretary assigned by the Legislative Council assists the Secretary of State 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 at an early moment the appointment of a Committee on Committees consisting of himself as chairman and four other members representing the four major senate districts. The committee is responsible for nominating the chairman and members of the standing committees as set forth in Rule 22 to serve for the two-year duration of the legislature. The membership of each committee shall total to an uneven number and the minority party 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. The presiding officer of the house during the first regular session presides during the second regular session or any special session and administers the oath to any new members. 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.

Selection of Temporary Employees

RULE 3. The temporary employees of each house are selected in the following manner:

(1) The Rules Committee reviews the report of the Legislative Council on applications for temporary positions in its house and nominates from the list of qualified applicants a Chief Clerk or Senate Secretary, as appropriate;

(2) Each house elects by majority vote the Chief Clerk or Senate Secretary to serve for the two-year duration of the legislature but subject to the pleasure of the house;

(3) The Rules Committee selects the clerical staff, sergeant at arms, messengers and doorman of the house;

(4) The Rules Committee selects the chaplains or a sequence of chaplains;

(5) The Legislative Council as the administrative service agency of the Legislature is responsible in coordination with the chairman of the Rules Committees for the selection and supervision of the temporary employees assigned to the centralized duplicating, distributing and mailing services.

Duties of the Presiding Officer

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)

Supervision of Employees

RULE 5. The Chief Clerk works at the

direction of the Speaker of the House. The Senate 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.

Temporary Employees

RULE 6. Temporary employees assigned to or by each house, other than the clerk and 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.

Administrative Services

RULE 7. The Legislative Council is responsible for providing administrative services necessary to the operation of the Legislature. An administrative assistant 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, committee chairman, or the clerk or secretary, or their authorized representatives. No requests for the duplication of personal or unauthor-

ized 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 8. 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 certifying officer. No member may spend or obligate state funds for or on behalf of any committee unless authorized by the chairman of the committee with the approval of the presiding officer of the house within the limits of available funds.

Communications

RULE 9. 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 his referral 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 10. (a) A member may request of the chair and receive with the consent of two-thirds of the members present the personal or special privilege of the floor. The request for the privilege and the substance of his remarks are not recorded in the journal.

(b) Personal privilege is granted for making remarks affecting the rights, reputation and conduct of members in their representative capacity.

(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 11. 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 or the house shall be published in a supplement to the daily journal. The daily journal is to be prepared by the 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 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 12. The legislative drafting manual prepared 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 13. No person not a member of the house is permitted on the floor of the house chamber while the house is sitting or in brief recess unless he is a member of the other house or an officer or an employee authorized to be present by the presiding officer. 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. No one but a member of the Legislature may advocate or oppose passage of a bill or resolution in the chamber of the house while the house is in session.

Use of Chambers and Offices

RULE 14. The chambers and offices assigned to the Legislature 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 and legislative offices is under the control of the presiding officer of the house to which the space is assigned and committee rooms shall be provided for by and be under the control of the Rules Committee.

Hour for Convening

RULE 15. Each house shall convene daily, except Sunday, at 10:00 a.m., unless otherwise ordered by a majority vote of the members present.

Quorum

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

Absence of Members

RULE 17. No member may absent himself from sittings of the house unless he has the leave of the house to be absent or is ill and unable to attend. Any member consistently absent from meetings of a standing committee to which he is assigned may be removed from that committee by the Committee on Committees upon a showing that his absence is unwarranted.

Call of the House

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.

Daily Order of Business

RULE 19. Unless changed by a vote of two-thirds of the membership of the

house the daily order of business of each house is as follows:

- (a) Roll call
- (b) Prayer by chaplain
- (c) Certification by the clerk or secretary to the house as to the correctness of the journal of the previous day. Journal approved or ordered changed.
- (d) Messages from the Governor
- (e) Messages from the other house
- (f) Communications
- (g) Reports of standing committees
- (h) Reports of special committees
- (i) Special orders (not set for a particular hour)
- (j) Unfinished business
- (k) Introduction of resolutions
- (l) Introduction, first reading and reference of bills
- (m) Consideration of daily calendar
 - (1) Second reading of bills of house
 - (2) Second reading of bills of other house
 - (3) Third reading of bills of house
 - (4) Third reading of bills of other house
 - (5) All other matters up for final action in the house
- (n) Announcement of committee meetings
- (o) Adjournment

Daily Calendar

RULE 20. The Rules Committee of each house is responsible for the preparation of the daily calendar for distribution to each member on the day preceding the next legislative day. Pending the printing of the calendar the contents of the calendar may be announced or posted. Changes to a calendar or approval of a supplementary calendar may be authorized by two-thirds of the 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 placed on the calendar for the next legislative day.

Special Order of Business

RULE 21. Any subject 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 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).

Resources (the programs and activities of the Department of Fish and Game and the Department of Natural Resources).

Rules (interpretation of the Uniform Rules, calendar, and the internal administration of the house).

State Affairs (programs and activities of the Office of the Governor and the Departments of Administration, Economic Development and Planning, Highways, Military Affairs, Public Safety, and Public Works).

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

RULE 23. The presiding officer of each house appoints all special committees and designates their chairmen unless otherwise ordered by the house. The chairmen of like committees of each house may arrange for the committees to meet jointly to receive testimony and deal with other matters which may be expedited by joint committee action.

RULE 24. The majority of members of any committee constitutes the quorum necessary to transact business, but a lesser number may carry on routine committee business after the initial convening if a majority of the committee consents in advance. The committee chairman or vice chairman shall preside at all meetings unless the chairman designates another member to act in the absence of the chairman or vice chairman at a particular meeting. In joint committee, a majority of the members of each 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.

(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 ques-

tion is debatable and if a majority of the membership of the house votes in the negative, the bill is lost.

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

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

Committee of the Whole

RULE 26. When the house forms itself into a Committee of the Whole the presiding officer vacates the chair and calls upon a member to preside as chairman. The Uniform Rules are observed in the Committee of the Whole but no member shall be recognized a second time until every member wishing to speak has spoken. When a bill is considered in the Committee of the Whole it shall be read and debated by sections and amendments adopted shall be noted on paper separate from the bill. When the committee rises and reports, the amendments proposed by the committee and other amendments may be adopted.

Decorum in Debate

RULE 27. Decorum in debate is governed by the provisions of Sections 120 through 127, **Mason's Manual of Legislative Procedure**, when not inconsistent with these uniform rules.

Motions

RULE 28. (a) When an oral motion is made and seconded, 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 chair and read aloud by the clerk or secretary before debate.

(b) After a bill or resolution has been

introduced or a motion for the adoption of an amendment has been made, and is read by the clerk or secretary or stated by the presiding officer, it is deemed to be in possession of the house. It may be withdrawn at any time by the member introducing or reporting it if consent is given by a majority 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 postpone indefinitely
- (10) To amend
- (11) To advance from second to third reading on the same day

Form of Question

RULE 29. The chair shall put the question to the body by stating: "As many as are in favor of (state the motion) say 'Aye,'" and after the affirmative vote is expressed, "As many as are opposed say 'No'." If the chair is in doubt and he calls for a division of the house, the house shall divide.

Indefinite Postponement

RULE 30. A measure may be indefinitely postponed by a majority vote of all members to which the house is entitled. The results of the roll call shall be entered in the journal. When a motion to postpone has been defeated it shall not be allowed again on the same day or at the same stage of the bill or proposition. When a bill or proposition has been postponed indefinitely it may not be acted upon again during the life of a legislature except on a motion of reconsideration.

Reconsideration

RULE 31. (a) A member who voted on the prevailing side of a motion, bill or resolution may give notice of his intention to move for a reconsideration on the next legislative day; however, two-thirds of the membership of the house may order the reconsideration taken up on the same day that the notice of reconsideration is given.

(b) When a notice of intent to reconsider 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 moving reconsideration has expired. The time for moving the reconsideration expires at adjournment of the session or on the next legislative day unless a majority of the members present agree to extend the period for an additional legislative day.

(c) When a notice of reconsideration has been given, any member may move on the next legislative day for reconsideration of the question.

(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.

Rescinding Action

RULE 32. (a) The motion to rescind is ordinarily applied to actions which have been taken and are already in effect. It has the effect of making ineffective the action previously taken. The motion to rescind is used to reverse a previous action after the time for reconsideration has passed. The motion is not in order

when the question can be reached by a motion to reconsider or if the question has already been reconsidered. 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.

(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 he voted on the prevailing side or not and all subsidiary motions can be applied to it as to any other main motion. The motion to rescind may not be renewed during the session and is not subject to reconsideration. The motion to rescind requires the same vote as that required to pass the measure originally.

Previous Question

RULE 33. (a) The previous question may be ordered by two-thirds of the members present upon all recognized motions or amendments which are debatable. It 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 34. 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 35. (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 ayes and noes in the journal. A roll call vote on any measure may be demanded by one-fifth of the membership of the house. In case of an equal division on any roll call the motion is lost. The roll call of members of the house, except for the name of the presiding officer, who always votes last, shall be rotated daily.

(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 ayes and noes is commenced. A member requesting to be excused from voting may make a brief oral statement of the reasons for his request and the question of granting permission to abstain shall be taken without further debate. No member may explain his vote nor may he discuss the question while the ayes and noes are being called nor change his vote after the roll call result has been announced. Upon division and count of the house on any question no member not within the chamber is counted.

(c) **Pairing of votes.** Any two members of a house may pair their votes on the final passage of a bill or joint resolution that may be determined by majority vote. Pairing is permitted only when one of the members executing the pair is absent from the house when a vote is being taken on the specific subject on which the pair is executed. A pairing agreement must be in writing, and must be dated and signed by the participants. The agreement must specify the bill or joint resolution concerning which the pair is executed, the duration of the pairing agreement, and must show which signer is for the bill, measure, or proposition, and which one is against it. To be effective, the agreement must be delivered to the clerk or secretary before the roll call is called for by the chair. The pair is recorded in the journal immediately after the report on the roll call. In determining the vote necessary to pass legislation when a majority of those present is required the "paired" members shall be treated as absent.

Amendment

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.

Prefiling of Bills

RULE 37. (a) Bills or proposals for bills may be prefiled 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 prefiling. Drafts of prefiled 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.

Introduction of Bills

RULE 38. (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 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 Legislative Council 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 39. 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 Council. The historian shall, in cooperation with the chairmen of the Rules Committees and the clerk and 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 40. (a) **Number of readings.** No bill may 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 concurrence of three-fourths 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 Messrs. — 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 a committee. The house may by a majority vote refer the bill to any other standing or special committee.

(c) **Second reading.** When a bill appears on the calendar for second reading it is read in the same manner as in the first reading unless a majority of the members present order 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. Three-fourths of the house may order that the bill be considered engrossed upon the completion of the second reading for the purpose of advancing it from second to third reading on the same day.

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

(e) **Changing a court rule.** 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 membership to which the house is entitled. 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.

(f) **Recommittal.** A bill may be re-committed any time before passage.

Course of Bills

RULE 41. 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 a committee for subsequent action by that house.

Amendments in Other House

RULE 42. 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. 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.

Conference Committee

RULE 43. (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. 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. 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 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.

(b) Committee on Free Conference is appointed in the same manner as a Committee on Conference and may suggest in its report any new amendments 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. 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.

Enrollment

RULE 44. (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 staff of the Legislative Council, has the bill checked for form and legal content before placement in final form according to the legislative drafting manual. The enrolling secretary is authorized to correct form and typographical errors and is required to correct and report correction of errors in substance when the bill is returned to the clerk or secretary of the house of origin. When a substantive correction has been made and reported, the clerk or secretary shall advise the presiding officers of both houses before the bill is signed and transmitted to the Governor.

(b) Bills consisting of several pages need not be formally enrolled if the presiding officer in his discretion announces that for reasons of economy and time, formal enrollment is being waived. If enrollment is waived, and the presiding officer

of the other house consents, the first page and signatory page 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 Bills

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.

Effective Date of Bills

RULE 46. Laws passed by the legislature become effective ninety days after enactment. The legislature may, by concurrence of two-thirds of the membership of each house, provide for another effective date. (Constitution, Art. II, Sec. 18) If a bill is to become effective on a date other than 90 days after enactment, the effective date must be stated in a separate section of the bill and the section must receive the affirmative vote of two-thirds of the full membership of each house.

Vetoed Bills

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. (Constitution, Art. II, Secs. 15 and 16) 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.

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. (Constitution, Art. III, Secs. 25 and 26)

Bills Carry Over

RULE 49. Bills introduced in the first regular session of a legislature which are not passed or not withdrawn, defeated, vetoed, or indefinitely postponed, carry over into the second regular session of the same legislature in the same reading or status they were in at the time of adjournment. Joint resolutions proposing or ratifying amendments to the U.S. Constitution or proposing amendments to the state constitution carry over in the same manner as bills. All other forms of resolutions expire with the adjournment of the first regular session.

Resolutions

RULE 50. (a) The only type of instrument other than a bill authorized under these uniform rules is a resolution. Unless specifically provided for in the rules a resolution requires a majority vote for approval. 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. It does not require committee referral, three readings, or a roll call vote.

(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. II, of the State Constitution. The special resolution requires a referral to the Rules Committee, three readings, and concurrence of two-thirds of the membership of the house for ap-

proval.

(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 annulling regulations promulgated under the Administrative Procedure Act. This resolution does not require committee referral, three readings, or anything other than approval of the majority of the house unless otherwise required by the rules.

(4) A **special concurrent resolution** is employed when the Legislature is considering disapproval of an executive order of the Governor laid before the Legislature under provisions of Sec. 23, Art. III, of the State Constitution. This resolution must be considered by a joint committee and may be adopted by a majority of the 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.

(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 Secretary of State. The Secretary of State 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 clerk or secretary of the house of origin.

Joint Sessions

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.

Adjournment

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

Adoption and Amendment of Rules

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. 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. Unless otherwise provided for in the case of a particular rule, the uniform rules may be suspended by a concurrent resolution approved by two-thirds of the 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.

Implementation of Rules

RULE 55. The rules of parliamentary practice comprised in **Mason's Manual of Legislative Procedure** implement and govern the Uniform Rules of the Legislature in all cases not covered by these Uniform Rules.

APPENDIX A

(Extract from MASON'S MANUAL OF LEGISLATIVE PROCEDURE)

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.

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Peratrovich

REPORT OF THE JOINT COMMITTEE ON RULES

The Joint Committee on Rules met on January 25 to review and
recommend changes and action on suggested voting machines referred to the
IN THE SENATE **BY THE RULES COMMITTEE**

of the Senate and the Legislative Council. The Joint Committee recommends that the fol-
SENATE CONCURRENT RESOLUTION NO.

lowing additional amendments be adopted by the Legislature as re-
IN THE LEGISLATURE OF THE STATE OF ALASKA

vised in 1965. The amendments are indicated by the
FOURTH LEGISLATURE - SECOND SESSION
underlining of the text.

Adopting amendments to the
Uniform Rules of the Fourth
State Legislature.

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

THAT pursuant to the provisions of Uniform Rule 54 of the
Uniform Rules of the Fourth State Legislature the amendments to
Uniform Rules 16, 35, and 51 proposed by the Joint Committee on
Rules in its report dated and published on January 26, 1966, are
adopted by the Legislature as amendments to the Uniform Rules of
the Fourth State Legislature.

VOTING PROCEDURE

RULE 35. (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 one-fifth of
the membership of the house. In case of an equal division on
any roll call the motion is lost. The roll call of members of
the house, except for the name of the presiding officer, who
always votes last, shall be rotated daily, when the voting
machine is not used.

(b) Absenteeism. 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

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IN THE SENATE

BY THE RULES COMMITTEE

SENATE CONCURRENT RESOLUTION NO. 4

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTH LEGISLATURE - SECOND SESSION

Adopting amendments to the
Uniform Rules of the Fourth
State Legislature.

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

THAT pursuant to the provisions of Uniform Rule 54 of the Uniform Rules of the Fourth State Legislature the amendments to Uniform Rules 16, 35, and 51 proposed by the Joint Committee on Rules in its report dated and published on January 26, 1966, are adopted by the Legislature as amendments to the Uniform Rules of the Fourth State Legislature.

1966 SESSION LAWS