

FOLDER NO.

420.2

Constitutional Convention
Committee Proposal ~~5~~ Enrolled
Style and Drafting
January 24, 1956

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its redraft of the Article on The Legislature for consideration by the Convention.

Respectfully submitted,

George Sundborg, Chairman
R. Rolland Armstrong
Edward V. Davis
Victor Fischer
Mildred R. Hermann
James J. Hurley
Maurice T. Johnson
George H. McLaughlin
Katherine D. Nordale

copy

January 23, 1956

REPORT OF COMMITTEE ON STYLE AND DRAFTING

Constitutional Convention
Committee Proposal/5

CONSTITUTIONAL CONVENTION OF ALASKA

RESOLVED, that the following be agreed upon as
part of the Alaska State Constitution.

ARTICLE II

THE LEGISLATURE

Legislative	1	Section 1. The legislative power of the State is
Power; Mem-	2	vested in a legislature consisting of a senate with a
bership	3	membership of twenty and a house of representatives with
	4	a membership of forty.
Members:	5	Section 2. A member of the legislature shall be a
Qualifica-	6	qualified voter who has been a resident of Alaska for at
tions	7	least three years and of the district from which elected
	8	for at least one year, immediately preceding his filing
	9	for office. A senator shall be at least twenty-five
	10	years of age and a representative at least twenty-one
	11	years of age.
Election	12	Section 3. Legislators are elected at general elec-
and Terms	13	tions. Their terms begin on the fourth Monday of the
	14	January following election unless otherwise provided by
	15	law. The term of representatives is two years. The
	16	term of senators is four years. One-half of the senators
	17	shall be elected every two years.
Vacancies	18	Section 4. A vacancy in the legislature is filled

of state or member of a constitutional convention or the employment of any person by a constitutional convention, or election to the Congress.

Disqualifi-
cations

1 for the unexpired term as provided by law. If no pro-
2 vision is made, the governor fills the vacancy by appoint-
3 ment.

no legislator shall hold any other office or position of property in the United States or the District of Columbia.

4 Section 5. During the term for which elected and
5 for one year thereafter, no legislator may be nominated,
6 elected or appointed to any other office or position of
7 profit which has been created, or the salary or emolu-
8 ments of which have been increased, while he was a member.

See attached p. 5.

9 ~~This section does not apply to employment by or election or succession of any person as governor, secretary or a constitutional convention.~~

Immunities

11 Section 6. Legislators may not be held to answer
12 before any other tribunal for any statement made [or ac-
13 tion taken] in the exercise of their legislative duties. []
14 Members attending, going to or returning from legislative
15 sessions are not subject to civil process and are pri-
16 viledged from arrest except for felony or breach of the
17 peace.

while the legislature is in session.

Salary and

18 Section 7. Legislators shall receive annual salaries.

Expenses

19 They may receive a per diem allowance for expenses while
20 in session and are entitled to travel expenses going to
21 and from sessions. Presiding officers may receive addi-
22 tional compensation.

Regular

23 Section 8. The legislature shall convene each year

Sessions

24 on the fourth Monday in January, but the month and day
25 may be changed by law.

Special
Sessions

1 Section 9. Special sessions may be called by the
2 governor or by vote of two-thirds of the legislators.
3 The vote may be conducted by the legislative council or
4 as prescribed by law. At special sessions called by the
5 governor legislation is limited to subjects designated in
6 his proclamation calling the session or to subjects pre-
7 sented by him. Special sessions are limited to thirty
8 days.

Adjournment

9 Section 10. Neither house may adjourn or recess for
10 longer than three days unless the other concurs. If the
11 two houses cannot agree on the time of adjournment and
12 either house certifies the disagreement to the governor,
13 he may adjourn the legislature.

Interim
Committees

14 Section 11. There shall be a legislative council.
15 The legislature may establish other interim committees.
16 The council and other interim committees may meet between
17 legislative sessions. They may perform duties and employ
18 personnel as provided by the legislature. Their members
19 may receive an allowance for expenses while performing
20 their duties.

Rules

21 Section 12. The houses of each legislature shall
22 adopt uniform rules of procedure. Each house may choose
23 its officers and employees. Each is the judge of the
24 election and qualifications of its members. Each shall
25 keep a journal of its proceedings. A majority

1 of the membership of each house constitutes a quorum to
2 do business, but a smaller number may adjourn from day
3 to day and may compel attendance of absent members. The
4 legislature ^{shall} may regulate lobbying.

Form of
Bills

5 Section 13. Every bill shall be confined to one sub-
6 ject unless it is an appropriation bill or one codifying,
7 revising or rearranging existing laws. Bills for appro-
8 priations shall be confined to appropriations. The sub-
9 ject of each bill shall be expressed in the title. The
10 enacting clause shall be: "Be it enacted by the legisla-
11 ture of the State of Alaska."

Passage of
Bills

12 Section 14. The legislature shall establish the pro-
13 cedure for enactment of bills into law. No bill may be
14 come law unless it has passed three readings in each
15 house on separate days, except that any bill may be ad-
16 vanced from second to third reading on the same day by
17 concurrence of three-fourths of the house considering it.
18 No bill may become law without an affirmative vote of a
19 majority of the membership of each house. The yeas and
20 nays on final passage shall be entered in the journal.

Veto

21 Section 15. The governor may veto bills passed by
22 the legislature. He may by veto strike or reduce items
23 in appropriation bills. He shall return any vetoed bill,
24 with a statement of his objections, to the house of origin.

Action Upon 1 Section 16. Upon receipt of a veto message, the
Veto 2 legislature shall meet immediately in joint session and re-
3 consider passage of the vetoed bill or item. Appropria-
4 tion bills or items ^{and bills to raise revenue} [and bills dealing with taxation or
5 affecting expenditures] although vetoed, become law by
6 affirmative vote of three-fourths of the membership of the
7 legislature. Other vetoed bills become law by affirmative
8 vote of two-thirds of the membership of the legislature.
9 The vote on reconsideration of a vetoed bill shall be en-
10 tered on the journals of both houses.

Bills Not 11 Section 17. A bill becomes law if, while the legis-
Signed 12 lature is in session, the governor neither signs nor vetoes
13 it within fifteen days, Sundays excepted, after its de-
14 livery to him. If the legislature is not in session and
15 the governor neither signs nor vetoes a bill within twenty
16 days, Sundays excepted, after its delivery to him, the
17 bill becomes law.

Effective 18 Section 18. Laws passed by the legislature, [except
Date 19 general appropriation acts, do not] become effective [until]
20 ninety days after ^{enactment.} [adjournment of the session at which en-
21 acted.] The legislature may, by concurrence of two-thirds
22 of the membership of each house, provide for an ^{another} [earlier]
23 effective date. [in case of emergency. The emergency must
24 be expressed in the act.]

Local or 1 Section 19. The legislature shall pass no local or
Special 2 special act if a general act can be made applicable.
Acts 3 Whether a general act can be made applicable shall be sub-
4 ject to judicial determination. Local acts necessitating
5 appropriations by a political subdivision may not become
6 effective unless approved by a majority of the qualified
7 voters voting thereon in the subdivision affected.

Impeachment 8 Section 20. All civil officers of the State are sub-
9 ject to impeachment by the legislature. Impeachment origi-
10 nates in the senate and must be approved by a two-thirds
11 vote of its members. The motion for impeachment shall list
12 fully the basis for the proceeding. Trial on impeachment
13 is conducted by the house of representatives. A supreme
14 court justice designated by the court presides at the
15 trial. Concurrence of two-thirds of the members of the
16 house is required for a judgment of impeachment. The
17 judgment may not extend beyond removal from office, but
18 shall not prevent proceedings in the courts on the same or
19 related charges.

Suits 20 Section 21. The legislature shall establish procedures
Against 21 for suits against the State.
the State

Amendment No. 1

Constitutional Convention

By Committee

Date Jun. 25, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 5

MR. PRESIDENT:

Style + Drafting version

I move that (Committee) Proposal No. 5 be amended

as follows:

Page 2, Section 5, Line 4, Begin the section with the following
by inserting ahead of "Buring-- the following--

No legislator shall hold any other office or position of
profit under the ~~United~~ States or the state--

*adopted
y/c*

Amendment No. 2

Constitutional Convention

By Committee

Date Jan. 25, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 5

MR. PRESIDENT:

I move that (Committee) Proposal No. 5 be amended
as follows:

Section 5, page 2, beginning on line 9- strike line
9 and 10 and insert the following.

" This section does not prohibit the election of
any person as governor, secretary of state or
member of a constitutional convention or the
employment of any person by a constitutional
convention, ^{or} ~~ELECTION~~ ^{to} ~~CONGRESS~~.

*appointments or
succession*

*adopted
u/c*

Amendment No. 3

Constitutional Convention

By Committee

Date Jan. 25, 19

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 5

MR. PRESIDENT:

I move that (Committee) Proposal No. 5 be amended
as follows:

Page 2, Section 6, Line 12— after the word "made --strike the words
or action taken. On line 13, strike the period after "duties" and
add, " while the legislature is in session."

*accepted
u/c*

Amendment No. 4

Constitutional Convention

By Committee

Date Jan. 25, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 5

MR. PRESIDENT:

I move that (Committee) Proposal No. 5 be amended
as follows:

Section 12, page 4, line 4- change "may" to "shall".

*adopted
voice vote*

Amendment No. 5

Constitutional Convention

By Committee

Date Jun. 25/1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 5

MR. PRESIDENT:

I move that (Committee) Proposal No. 5 be amended
as follows:

Page 5, Section 16, beginning on line 4, strike the words "-- and bills
dealing with taxation or affecting expenditures--". Insert in lieu,
the following words-- "^{and} ~~or~~ bills to raise revenue.- "

*adopted
u/c*

Amendment No. 7

Constitutional Convention

By Riley

Date Jan. 25, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. _____

MR. PRESIDENT:

I move that (Committee) Proposal No. _____ be amended

as follows: PS

Lines 18 + 19 strike "except you
appear acts, do not"

Line 19 strike "until"

Line 20 substitute "enactment"
for "adjournment" place
period after "enactment"

strike balance of sentence

*adopted
voice vote*

Amendment No. 9

Constitutional Convention,

By Ralph Rivers

Date _____

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 5

MR. PRESIDENT:

I move that (Committee) Proposal No. 5 be amended
as follows:

Lines 22 & 23
 Sec. 18.1 as amended by Riley
 Amendment,
 Line 22 - change "earlier" to "another".
 Line 23. Put period after word "date"
 & strike balance of section.

*adopted
voice vote*

Amendment No. _____

Constitutional Convention
Committee on Ordinances
By and Transitional Measures

Date January 25, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 5 (Article II)

MR. PRESIDENT:

I move that (Committee) Proposal No. 5 (II) be amended
as follows:

Section 5, page 2, beginning on line 9, strike lines 9 and 10 and insert the following: "This section does not prohibit the election of any person as governor, secretary of state or member of a constitutional convention or the employment of any person by a constitutional convention or election to the Congress."

Section 5, page 2, ~~beginning on line 9~~, add to above amendment: after "election" on line 1: "appointment or succession".

Page 2, Section 6, line 12, after the word "made" strike the words "or action taken". On line 13, strike the period after "duties" and add "while the legislature is in session".

Section 12, page 4, line 4, change "may" to "shall".

Page 5, Section 16, beginning on line 4, strike the words "and bills dealing with taxation or affecting expenditures" and insert in lieu thereof the following: "and bills to raise revenue".

Page 5, lines 18 and 19, strike "except general appropriation acts, do not"; line 19, strike "until"; line 20, substitute "enactment" for "adjournment"; place period after "enactment" and strike the balance of the sentence.

Section 18, lines 22 and 23, change "earlier" to "another"; line 23, put period after word "date" and strike balance of the section.

Amendment No. _____

Constitutional Convention
Committee on
By Style and Drafting

Date January 26, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 5 (Article II)

MR. PRESIDENT:

I move that (Committee) Proposal No. 5 (II) be amended

as follows:

Section 5. No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, secretary of state or member of Congress. This section shall not apply to employment by or election to a constitutional convention."

"Bills to raise revenue and appropriation bills or items, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature."

REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Constitutional Convention
Style and Drafting/Article II
January 26, 1956

ALASKA CONSTITUTIONAL CONVENTION

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its redraft of amendments to the Article on the Legislature which was recommitted to us last night.

Section 5. This section was amended on the floor to read as follows:

Section 5. No legislator shall hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section does not prohibit the election, appointment or succession of any person as governor, secretary of state, or member of a constitutional convention, or the employment of anyone by a constitutional convention, or election to the Congress.

We recommend that the section be as follows:

Section 5. No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, secretary of state or member of Congress. This section shall not apply to employment by or election to a constitutional convention.

Accepted
1/26/56

Section 6. We recommend that the language, as amended on the floor, be retained.

Section 12. We recommend that the language, as amended on the floor, be retained.

Section 16. The second sentence in this section was amended on the floor to read as follows:

Appropriation bills or items and bills to raise revenue, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature.

We recommend that the sentence be as follows:

Bills to raise revenue and appropriation bills or items, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature.

Section 18. We recommend that the language, as amended on the floor, be retained.

Respectfully submitted,

George Sundborg, Chairman
R. Rolland Armstrong
Edward V. Davis
Victor Fischer
Mildred R. Hermann
James J. Hurley
Maurice T. Johnson
George M. McLaughlin
Katherine D. Nordale

Constitutional Convention
Committee Proposal/2/Enrolled
Style and Drafting
January 24, 1956

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Hon. William A. Egan, President
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Dear President Egan:

Your Committee on Style and Drafting herewith presents its redraft of the Article on The Legislature for consideration by the Convention.

Respectfully submitted,

George Sundborg, Chairman
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January 23, 1956

REPORT OF COMMITTEE ON STYLE AND DRAFTING

Constitutional Convention
Committee Proposal/5

CONSTITUTIONAL CONVENTION OF ALASKA

RESOLVED, that the following be agreed upon as
part of the Alaska State Constitution.

ARTICLE II

THE LEGISLATURE

Legislative 1 Section 1. The legislative power of the State is
Power; Mem- 2 vested in a legislature consisting of a senate with a
bership 3 membership of twenty and a house of representatives with
4 a membership of forty.

Members: 5 Section 2. A member of the legislature shall be a
Qualifica- 6 qualified voter who has been a resident of Alaska for at
tions 7 least three years and of the district from which elected
8 for at least one year, immediately preceding his filing
9 for office. A senator shall be at least twenty-five
10 years of age and a representative at least twenty-one
11 years of age.

Election 12 Section 3. Legislators are elected at general elec-
and Terms 13 tions. Their terms begin on the fourth Monday of the
14 January following election unless otherwise provided by
15 law. The term of representatives is two years. The
16 term of senators is four years. One-half of the senators
17 shall be elected every two years.

Vacancies 18 Section 4. A vacancy in the legislature is filled

1 for the unexpired term as provided by law. If no pro-
2 vision is made, the governor fills the vacancy by appoint-
3 ment.

Disqualifi- 4 Section 5. During the term for which elected and
cations 5 for one year thereafter, no legislator may be nominated,
6 elected or appointed to any other office or position of
7 profit which has been created, or the salary or emolu-
8 ments of which have been increased, while he was a member.
9 This section does not apply to employment by or election
10 to a constitutional convention.

Immunities 11 Section 6. Legislators may not be held to answer
12 before any other tribunal for any statement made or ac-
13 tion taken in the exercise of their legislative duties.
14 Members attending, going to or returning from legislative
15 sessions are not subject to civil process and are pri-
16 vileged from arrest except for felony or breach of the
17 peace.

Salary and 18 Section 7. Legislators shall receive annual salaries.
Expenses 19 They may receive a per diem allowance for expenses while
20 in session and are entitled to travel expenses going to
21 and from sessions. Presiding officers may receive addi-
22 tional compensation.

Regular 23 Section 8. The legislature shall convene each year
Sessions 24 on the fourth Monday in January, but the month and day
25 may be changed by law.

Special Sessions 1 Section 9. Special sessions may be called by the
2 governor or by vote of two-thirds of the legislators.
3 The vote may be conducted by the legislative council or
4 as prescribed by law. At special sessions called by the
5 governor legislation is limited to subjects designated in
6 his proclamation calling the session or to subjects pre-
7 sented by him. Special sessions are limited to thirty
8 days.

Adjournment 9 Section 10. Neither house may adjourn or recess for
10 longer than three days unless the other concurs. If the
11 two houses cannot agree on the time of adjournment and
12 either house certifies the disagreement to the governor,
13 he may adjourn the legislature.

Interim Committees 14 Section 11. There shall be a legislative council.
15 The legislature may establish other interim committees.
16 The council and other interim committees may meet between
17 legislative sessions. They may perform duties and employ
18 personnel as provided by the legislature. Their members
19 may receive an allowance for expenses while performing
20 their duties.

Rules 21 Section 12. The houses of each legislature shall
22 adopt uniform rules of procedure. Each house may choose
23 its officers and employees. Each is the judge of the
24 election and qualifications of its members. Each shall
25 keep a journal of its proceedings. A majority

1 of the membership of each house constitutes a quorum to
2 do business, but a smaller number may adjourn from day
3 to day and may compel attendance of absent members. The
4 legislature may regulate lobbying.

Form of
Bills

5 Section 13. Every bill shall be confined to one sub-
6 ject unless it is an appropriation bill or one codifying,
7 revising or rearranging existing laws. Bills for appro-
8 priations shall be confined to appropriations. The sub-
9 ject of each bill shall be expressed in the title. The
10 enacting clause shall be: "Be it enacted by the legisla-
11 ture of the State of Alaska."

Passage of
Bills

12 Section 14. The legislature shall establish the pro-
13 cedure for enactment of bills into law. No bill may be-
14 come law unless it has passed three readings in each
15 house on separate days, except that any bill may be ad-
16 vanced from second to third reading on the same day by
17 concurrence of three-fourths of the house considering it.
18 No bill may become law without an affirmative vote of a
19 majority of the membership of each house. The yeas and
20 nays on final passage shall be entered in the journal.

Veto

21 Section 15. The governor may veto bills passed by
22 the legislature. He may by veto strike or reduce items
23 in appropriation bills. He shall return any vetoed bill,
24 with a statement of his objections, to the house of origin.

Action Upon 1 Section 16. Upon receipt of a veto message, the
Veto 2 legislature shall meet immediately in joint session and re-
 3 consider passage of the vetoed bill or item. Appropria-
 4 tion bills or items and bills dealing with taxation or
 5 affecting expenditures, although vetoed, become law by
 6 affirmative vote of three-fourths of the membership of the
 7 legislature. Other vetoed bills become law by affirmative
 8 vote of two-thirds of the membership of the legislature.
 9 The vote on reconsideration of a vetoed bill shall be en-
 10 tered on the journals of both houses.

Bills Not 11 Section 17. A bill becomes law if, while the legis-
Signed 12 lature is in session, the governor neither signs nor vetoes
 13 it within fifteen days, Sundays excepted, after its de-
 14 livery to him. If the legislature is not in session and
 15 the governor neither signs nor vetoes a bill within twenty
 16 days, Sundays excepted, after its delivery to him, the
 17 bill becomes law.

Effective 18 Section 18. Laws passed by the legislature, except
Date 19 general appropriation acts, do not become effective until
 20 ninety days after adjournment of the session at which en-
 21 acted. The legislature may, by concurrence of two-thirds
 22 of the membership of each house, provide for an earlier
 23 effective date in case of emergency. The emergency must
 24 be expressed in the act.

Local or
Special
Acts

1 Section 19. The legislature shall pass no local or
2 special act if a general act can be made applicable.
3 Whether a general act can be made applicable shall be sub-
4 ject to judicial determination. Local acts necessitating
5 appropriations by a political subdivision may not become
6 effective unless approved by a majority of the qualified
7 voters voting thereon in the subdivision affected.

Impeachment

8 Section 20. All civil officers of the State are sub-
9 ject to impeachment by the legislature. Impeachment origi-
10 nates in the senate and must be approved by a two-thirds
11 vote of its members. The motion for impeachment shall list
12 fully the basis for the proceeding. Trial on impeachment
13 is conducted by the house of representatives. A supreme
14 court justice designated by the court presides at the
15 trial. Concurrence of two-thirds of the members of the
16 house is required for a judgment of impeachment. The
17 judgment may not extend beyond removal from office, but
18 shall not prevent proceedings in the courts on the same or
19 related charges.

Suits
Against
the State

20 Section 21. The legislature shall establish procedures
21 for suits against the State.