
LEGISLATIVE PROCESS IN ALASKA

LEGISLATIVE PROCESS IN ALASKA

THE LEGISLATURE

The Alaska State Legislature consists of 60 members in two houses, the Senate and the House of Representatives. There are 20 Senators and 40 Representatives. The presiding officer of the Senate is the President, and the presiding officer of the House of Representatives is the Speaker of the House.

A Legislature consists of two regular sessions, a first Regular Session convening in odd-numbered years and a second Regular Session convening in the following, even-numbered year, and any special sessions held during that two-year period.

The Constitution of the State of Alaska requires that the Legislature adjourn 120 days after the day the Legislature convenes (the constitutional 121-day session limit) unless extended for up to 10 days by a two-thirds vote of each house. By law (AS 24.05.150), the Legislature must adjourn within 90 days of convening (the statutory 90-day session limit). Regular sessions begin in January.

CLERICAL OFFICERS:

House Chief Clerk and Senate Secretary

The Chief Clerk of the House of Representatives and the Secretary of the Senate, along with their technical staffs, maintain official records of action in each body, prepare the daily journals, and facilitate the transmittal of work to and from the committees, between the two houses, and to the Governor. They are responsible for the flow of journal information and data entry for the history of each piece of legislation. This information is transmitted to the Legislative Affairs Agency for inclusion in the computerized systems available to the public. This information can be found on the Legislature's website at akleg.gov.

UNIFORM RULES

The Constitution of the State of Alaska provides: "The houses of each legislature shall adopt uniform rules of procedure." The uniform rules are intended to permit the members to conduct and the public to follow the legislative process without confusion. The rules were adopted by both houses sitting in joint session as one body in 1981. The rules have been and can be amended by the passage of a concurrent resolution.

The rules are designed as an aid to legislators and both houses in the conduct of their business in the formal processing of legislative documents and the exercise of other powers and duties assigned the Legislature by the constitution and by statute.

When the legislature meets for its daily session, it follows the order of business set out in Uniform Rule 17.

UNIFORM RULE 17. DAILY ORDER OF BUSINESS

Unless changed by a two-thirds vote of the full membership of the house the daily order of business of each house is as follows:

1. Roll call
2. Invocation or meditation
3. Pledge of Allegiance
4. Certification by the chief clerk or secretary to the house as to the correctness of the journal of the previous day, journal approved or ordered changed
5. Introduction of guests
6. Messages from the Governor
7. Messages from the other house
8. Communications
9. Reports of standing committees
10. Reports of special committees
11. Introduction of resolutions
12. Introduction, first reading and reference of bills
13. Consideration of daily calendar
 - a. Second reading of bills of house
 - b. Second reading of bills of other house
 - c. Third reading of bills of house
 - d. Third reading of bills of other house
 - e. All other matters up for final action in the house
14. Unfinished business
15. Announcement of committee meetings
16. Special Orders (not set for a particular hour)
17. Adjournment

BILL PROCESS

THE IDEA

The idea for a bill, or proposed legislation, may come from a legislator, a legislative committee, a group of legislators, a state or local agency, a business, professional or fraternal group, an individual citizen, a lobbyist, the Governor, etc. The idea must be communicated to a legislator, legislative committee, or the Governor for further action, as all bills must be introduced by a legislator, a legislative committee, or the Governor through the Rules Committee.

BILL DRAFTING

A legislator or a legislative committee transmits a proposal for a bill to the Legislative Affairs Agency, Legal Services, who completes a work order. The Director of Legal Services assigns the request to a staff member for action. The legal staff concentrates on legal research, drafting, and review to assist the legislators and the committees in their efforts to propose new law, amend or repeal existing law, annul regulations, etc. This is a technical service carried out by the professional and administrative staff of the Legislative Affairs Agency under provisions of law (AS 24.08), the Uniform Rules of the Alaska State Legislature, and the Legislative Drafting Manual.

Legislation proposed by the Governor is prepared by staff of the Department of Law under provisions of law and the Legislative Drafting Manual.

BILL INTRODUCTION

Once a bill has been prepared by Legal Services, the prime sponsor (either an individual legislator or a committee chair) receives the bill with the necessary copies. A member introduces the bill by giving it to the Chief Clerk of the House of Representatives or the Secretary of the Senate on the afternoon before it is to be introduced. Bills by the Governor are introduced by the Rules Committees and bear the sponsor notation: Rules Committee by request of the Governor. The House Chief Clerk or the Senate Secretary will assign the bill its number.

FIRST READING: Referral to Committee(s)

During the Daily Order of Business, a bill is introduced and read the first time with the number, sponsor(s), and the title of the bill. This is referred to as the First Reading. The bill is not read in its entirety.

The presiding officer will refer the bill to a committee or committees. The jurisdiction of the various standing committees is set out in Rule 20 of the Uniform Rules.

Uniform Rule 20. STANDING COMMITTEES

(a) Each house has the following standing committees with the jurisdiction indicated:

EDUCATION (the programs and activities of the department of Education and Early Development and the University of Alaska)

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

HEALTH AND SOCIAL SERVICES (the programs and activities of the Department of Health and Social Services)

JUDICIARY (the programs and activities of the Alaska Court System and the Department of Law, and the legal and substantive review of bills referred to it for that purpose)

LABOR AND COMMERCE (the programs and activities of the Department of Labor and Workforce Development relating to labor-management relations, industrial safety, unemployment compensation, and workers' compensation and the programs and activities of the Department of Commerce, Community and Economic

Development that do not primarily relate to local government or to government services or functions in the unorganized borough)

COMMUNITY AND REGIONAL AFFAIRS (the programs and activities of the Department of Commerce, Community and Economic Development that primarily relate to local government and government services or functions in the unorganized borough, and other matters relating to political subdivisions)

RESOURCES (the programs and activities of the Departments of Fish and Game, Natural Resources, and Environmental Conservation)

RULES (interpretation of the Uniform Rules, calendar, the internal administration of the house and matters pertaining to the management of the legislature as a whole)

STATE AFFAIRS (programs and activities of the Office of the Governor and the Departments of Administration, Military and Veterans' Affairs, Corrections, and Public Safety, and programs and activities of the Department of Transportation and Public Facilities relating to public facilities)

TRANSPORTATION (programs and activities of the Department of Transportation and Public Facilities relating to transportation and other legislative matters relating to transportation).

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

One copy of the bill is delivered to the first committee of referral and the original copy of the bill is kept on file by the Senate Secretary or the House Chief Clerk until passed by the house of origin.

COMMITTEE CONSIDERATION

The committee to which the bill is referred may consider the bill with public hearings at the Capitol or elsewhere. It is during this time the public may be invited to give public testimony on the bill.

During the committee process a committee may add or delete its own ideas for the bill including combining bills that deal with the same subject. The committee reports the bill out of committee as introduced, with attached amendments or with changes incorporated into a committee substitute.

Bills are passed from committee with individual recommendations or with a roll call vote. A roll call vote that does not produce a majority voting for passage is defeated. Otherwise, the bill moves out of committee.

If a committee reports a bill out of committee with changes the Legislative Affairs Agency, Legal Services prepares a committee substitute or amendments. Committee substitutes do not replace the original bill but are considered as proposed amendments to the legislation until a committee substitute is adopted in the second reading of the bill on the floor. The committee then returns the bill with its report to the House Chief Clerk or Senate Secretary.

The report is read under "Reports of Standing Committees" as part of the "Daily Order of Business." The bill is then transmitted to the next committee of referral by the House Chief Clerk or Senate Secretary. If the bill does not have another committee referral, it is delivered to the Rules Committee, which may schedule the bill on the Daily Calendar for Second Reading. The Rules Committee may also hold hearings on the bill and may propose amendments or a committee substitute of its own.

SECOND READING: Receipt of Committee Reports, Consideration of Amendments

Once the bill has been scheduled for floor action by the Rules Committee, the bill appears on the calendar in Second Reading. The bill is again read by number, sponsor(s), and title along with the standing committee reports. A motion is made on the floor to adopt a committee substitute, if any, in Second Reading. If there is an objection to adoption of a committee substitute, a roll call vote must be taken and recorded in the journal. Any amendments to the bill are

offered and voted on in Second Reading. Drafted amendments should be requested through Legislative Affairs Agency, Legal Services, by the sponsor of the amendments.

Approved amendments are engrossed (integrated) in the bill by the Office of the House Chief Clerk or Senate Secretary. Often a bill which has been read a second time will be considered engrossed and advanced to Third Reading for final passage on the same day. This special advancement motion requires the affirmative vote of three-fourths of the full membership (30 in the House, 15 in the Senate).

If the bill was not advanced to Third Reading on the same day it was read in Second Reading, it automatically appears on the Calendar in Third Reading on the next day the Legislature convenes.

THIRD READING: Final Passage

After the bill is read the third time and is in Third Reading, a motion may be made to return the bill to Second Reading for a specific amendment. This motion requires an affirmative vote of a majority of the full body (21 in the House, 11 in the Senate). Only action on that specific amendment may be taken at that time. Following the vote on the specific amendment, the bill is again in Third Reading.

The bill is passed if it receives an affirmative vote of a majority of the full body (21 in the House, 11 in the Senate). If the bill has an effective date clause, a separate - two-thirds vote of the full membership is required to pass (27 in the House, 14 in the Senate). An immediate effective date causes a bill to take effect the day following the Governor's signature or day of enactment without the Governor's signature. A bill may also have a specific effective date, such as July 1, 20xx or January 1, 20xx. See AS 01.10.070 regarding effective dates.

RECONSIDERATION

As provided in Rule 30 of the Uniform Rules, a member may give notice of reconsideration of his/her vote on a bill. Reconsideration may be taken up on the next legislative day unless the body, by a two-thirds vote (27 in the House, 14 in the Senate), orders the reconsideration to be taken up on the same day.

Calling up reconsideration on the next legislative day automatically places the question to be reconsidered before the body in Third Reading. Calling up reconsideration cancels the previous vote on the question to be reconsidered as completely as though the vote had never been taken.

The time for reconsideration expires at adjournment on the next legislative day unless an extension of time is granted to the next legislative day or to a date certain by a majority vote of the members present.

RECONSIDERATION IN THE OTHER HOUSE

After final passage in one house, the bill is then engrossed and sent to the other house, where it again goes through the same introduction, committee referral, and three readings as in the house of origin.

IN CASE OF DISAGREEMENT: Conference Committees

If the second house amends the bill and passes the amended version, the bill is returned in its amended form to the house of origin. Upon receipt of the amended bill, a motion is required to concur (agree) or not concur in the amendments. If the house of origin concurs with the amendments from the other body, the bill is sent to the Legislative Affairs Agency, Legal Services, for enrollment. If the house of origin does not concur the bill is sent back to the other body for them to rescind from their amendments. If the other body refuses to rescind, it so advises the presiding officer of the house of origin. It is then in order for the presiding officer of each house to appoint three members to a conference committee to resolve the differences and bring in a report offering a solution.

A conference committee addresses only those points of contention in the previously adopted versions of the bill adopted by either house. If the two houses cannot agree on amendments, or one or both houses refuse to adopt the committee report, it is then in order for the conference committee to request limited powers of free conference.

COMMITTEES WITH LIMITED POWERS OF FREE CONFERENCE

The presiding officer of each house may grant limited powers of free conference related only to those specific points of disagreement contained in the conference committee report.

If the members of a Conference Committee with limited powers of free conference cannot agree on amendments, or one or both houses refuse to adopt the committee report, it is then in order to appoint a Free Conference Committee. A member who serves on a Conference Committee with limited powers of free conference may not be appointed to a subsequent Conference Committee or Free Conference Committee concerning the same bill.

The vote on adoption of the conference committee report in each house is recorded in the journals and requires a majority vote of the full membership of each body (21 in the House, 11 in the Senate). A conference committee report cannot be amended.

ENROLLMENT AND SIGNATURE

When a bill has been passed by both houses, the bill is sent to the Legislative Affairs Agency, Legal Services, where it is rechecked by the enrolling secretary and the Revisor of Statutes. The Legal Editor for Legal Services is the enrolling secretary for the Legislature. Any needed corrections are made, and a cover page and authentication page are added. If corrections are made by the enrolling secretary and the Revisor of Statutes, the House Chief Clerk and Senate Secretary are notified, and they must notify the Speaker of the House and President of the Senate. The bill in final form is then returned to the house of origin, where it is signed by the presiding officer and House Chief Clerk or Senate Secretary and then sent to the second house for like signatures and formally transmitted to the Governor for review and action.

ROLE OF THE GOVERNOR

The Governor has 15 days, Sundays excluded, to act on a bill if the Legislature is in session. If the Legislature has adjourned, the Governor has 20 days, excluding Sundays. During either period, the Governor may have the bill examined by the Department of Law and affected agencies before acting on it.

By constitutional mandate, the Governor must sign the bill, veto the bill, or let it become law without signature. If the Governor vetoes a bill or reduces or vetoes an appropriation item (line-item veto), the Governor must return it to the house of origin with a statement of the Governor's reasons for vetoing the bill and do so within the constitutional time limits. When the Governor allows a bill to become law without signature, the Governor returns the bill and so advises the Legislature.

If the Legislature is in session, both houses may agree on a time to meet in joint session to override or sustain the veto. The houses sit in joint session as a unicameral body. It requires two-thirds (three-fourths if an appropriation bill or a bill to raise revenue) of the membership of the combined houses to override the veto and have the bill become law. If the Legislature has adjourned, the vetoed bill must be taken up within five days after the convening of the Legislature in its second regular session or any special session.

If the Governor vetoes a bill after the adjournment of a second regular session of a Legislature, the veto will not be addressed unless a special session is called before the next Legislature convenes.

MOVING FROM A BILL, TO AN ACT, TO LAW

When the Governor signs the bill, allows it to become law without signature, or the Governor's veto is overridden, the bill is enacted and becomes an Act and is given a chapter number and is now a session law. The session law is returned to the Legislative Affairs Agency, where notations, date of signing and actual effective date of the Act are affixed. The former bill is now designated as Chapter ____, Session Laws of Alaska 20__ (Current year) and is printed in slip law form.

When the session work is completed, the Session Laws of Alaska are compiled, indexed, and distributed to legislators and Legislative Information Offices. The Alaska State Library makes other distributions and prepares complete indexed sets available for public purchase. The session laws are reviewed by the Revisor of Statutes for placement in the Alaska Statutes with appropriate annotations and notes and sent on to the publisher of the Alaska Statutes, along with the revisor's instructions and notes, for printing. At the end of each session, the Legislative Affairs Agency, Legal Services, publishes the Summary of Alaska Legislation, which contains synopsis of all bills enacted or vetoed, tables of statute sections amended or repealed, and other statistical data on the session.

Approximately three months after all session-related materials are sent to the publisher, the Alaska Statutes, which are the permanent law and temporary and special acts, are ready for use. A new replacement set of the Alaska Statutes is published in even-numbered years and a supplement is published in odd-numbered years. In the meantime, the session laws as published in slip law form, along with any technical modification noted by the Revisor, are in general use.

AND THEN...

Under the Constitution of the State of Alaska an Act takes effect 90 days after it is enacted. The Act is enacted when it is signed by the Governor, or it becomes law without the Governor's signature. The Legislature by a two-thirds vote of the full membership can provide for a different or specific effective date in the Act. When an Act becomes effective it is subject to enforcement, observance, and administrative action, as appropriate. The Act, now law, may be subject to implementation by an agency through the adoption of administrative regulations, which spell out the details of how the law is to be applied. (See AS 44.62).