

# **LEGISLATIVE PROCESS IN ALASKA**

## **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, and so on. 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, several legislators, 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. A work order is filled out and 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, determine program costs, 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), Uniform Rules of the Alaska State Legislature, and the Legislative Drafting Manual.

The legislative program, or proposed legislation, of the Governor is prepared by the staff of the Department of Law under provisions of law and the Drafting Manual.

## **THE LEGISLATURE**

The Alaska State Legislature consists of sixty members. There are twenty Senators and forty Representatives. The head of the Senate is the President of the Senate and the head 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 Second Regular Session convening in the following, even-numbered year and any

special sessions held during that biennium. The Legislature meets for not more than 121 days in regular session, unless extended. Regular sessions are January to May.

### **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, 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 is transmitted to the Legislative Affairs Agency for inclusion in the computerized data on legislative action and bill status information essential to the Legislature and to the general public. This information can be found on the Legislature's website at [www.legis.state.ak.us](http://www.legis.state.ak.us).

### **UNIFORM RULES**

The Constitution of the State of Alaska provides: 'The houses of each legislature shall adopt uniform rules of procedure.' The uniform system is intended to permit the members to conduct and the public to follow the legislative process without a confusion of the rules. 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 or joint 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 constitutional and statute law.

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 INTRODUCTION**

Once a bill has been prepared by Legal Services, the prime sponsor (either an individual legislator or a committee chairman) 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 Chief Clerk or the Secretary will assign the bill a number.

## **FIRST READING: Referral to Committee(s)**

During the Daily Order of Business, the 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:

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

**Health, Education and Social Services** (the programs and activities of the Department of Health and Social Services, the Department of Education and Early Development, and the University of Alaska)

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

**Labor and Commerce** (the programs and activities of the Department of Labor and Workforce Development relating to labor-management relations, industrial safety, unemployment compensation, and workers' compensation and the programs and activities of the Department of 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 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 chairmen are 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 Secretary or the Chief Clerk until passed by the house of origin.

## **COMMITTEE CONSIDERATION**

The committee to which the bill is referred may consider the bill in regular meetings or combine meetings with public hearings at the Capitol and elsewhere.

The committee may combine bills that deal with the same subject or add or delete its own ideas. The committee reports the bill out of committee as introduced or with changes incorporated into a committee substitute or attached amendments. Legislative Affairs Agency, Legal Services prepares the committee substitute or amendments. Committee substitutes do not replace the original bill but are considered as proposed legislation, unless adopted in the second reading. The Committee then returns the bill with its report to the Chief Clerk or Secretary.

The report is read under Standing Committee Reports as part of the Daily Order of Business. The bill is then transmitted to the next committee of referral by the Chief Clerk or 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 in the bill by the Office of the Chief Clerk or 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 approval by a three-fourths vote of the 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 the affirmative vote of the 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 members of the body. If the bill has an effective date clause, a separate two-thirds vote of the membership is required (27 in the House, 14 in the Senate). Without an effective date clause, the bill becomes law ninety days after it has been signed by the Governor or permitted to become law without his/her signature. An immediate effective date causes a bill to become law 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, 2002.

## **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 again 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.

## **CONSIDERATION 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 adopts 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 to concur in the amendments. If the amendments are concurred in, the bill is sent to the Legislative Affairs Agency, Legal Services for enrollment. Enrollment is the final preparation of the bill for transmittal to the Governor.

If the house of origin fails to agree to the amendments made by the other house, a message is sent to the other body asking it to recede

from those amendments. If, by vote, the other body recedes from its amendments, the bill then goes back to the house of origin for enrollment. If the other body refuses to recede, 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.

### **Conference Committee**

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

### **Conference Committee 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.

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 can not 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 legal editor and the revisors. Any needed corrections are made, and a cover page and authentication page are added. If corrections are made by the revisor, the Chief Clerk and Secretary are so 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 Chief Clerk or Secretary and then sent to the second house for like signatures. It is then returned to the house of origin and formally transmitted to the Governor for review and action.



## **ROLE OF THE GOVERNOR**

The Governor has fifteen days, Sundays excluded, to act on a bill if the Legislature is in session. If the Legislature has adjourned, the Governor has twenty 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 his/her signature. If the Governor vetoes a bill or reduces or vetoes an appropriation item (line item veto), the Governor must return it with a statement of his/her reasons for vetoing it and do so within the constitutional time limits.

When the Governor allows a bill to become law without his/her signature, he/she advises the legislature by special message as required by the Alaska Constitution.

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 and it requires two-thirds (three-fourths if an appropriation bill) 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.

## **FROM A BILL TO AN ACT TO LAW**

When the Governor signs the bill or allows it to become law without signature, the bill becomes an Act and is given a chapter number. The session law is returned to the Legislative Affairs Agency where the notations on the date of signing and actual effective date of the Act are affixed. The former bill is now designated 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 Agency's revisor of statutes and sent on to the publisher of the Alaska Statutes, along with the revisor's notes, for annotating and printing. At the end of each session, the Legislative Affairs Agency, Legal Services publishes The Summary of Alaska Legislation which contains synopses of all bills passed 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 title pamphlets of the Alaska Statutes, which are the permanent law and temporary and special acts, are ready for use. 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 . . .**

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 and Administrative Regulation Review Committee and the Legislative Council)