

HOUSE JOINT RESOLUTION NO. 44

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE KAWASAKI

Introduced: 2/17/10

Referred: State Affairs, Judiciary, Finance

A RESOLUTION

1 **Proposing amendments to the Constitution of the State of Alaska establishing and**
2 **relating to a unicameral legislature; and providing for an effective date for the**
3 **amendments.**

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

5 * **Section 1.** Article II, sec. 1, Constitution of the State of Alaska, is amended to read:

6 **Section 1. Legislative Power; Membership.** The legislative power of the
7 State is vested in a legislature consisting of a senate [WITH A MEMBERSHIP OF
8 TWENTY AND A HOUSE OF REPRESENTATIVES] with a membership of sixty
9 [FORTY].

10 * **Sec. 2.** Article II, sec. 2, Constitution of the State of Alaska, is amended to read:

11 **Section 2. Members: Qualifications.** A senator [MEMBER OF THE
12 LEGISLATURE] shall be a qualified voter who has been a resident of Alaska for at
13 least three years and of the district from which elected for at least one year,
14 immediately preceding [HIS] filing for office. A senator shall be at least [TWENTY-
15 FIVE YEARS OF AGE AND A REPRESENTATIVE AT LEAST] twenty-one years

1 of age.

2 * **Sec. 3.** Article II, sec. 3, Constitution of the State of Alaska, is amended to read:

3 **Section 3. Election and Terms.** Senators [LEGISLATORS] shall be elected
4 at general elections. Their terms begin on the fourth Monday of the January following
5 election unless otherwise provided by law. The term of a senator
6 [REPRESENTATIVES] shall be [TWO YEARS, AND THE TERM OF
7 SENATORS,] four years. One-half of the senators shall be elected every two years.
8 **The number of senators elected shall alternate each election.**

9 * **Sec. 4.** Article II, sec. 7, Constitution of the State of Alaska, is amended to read:

10 **Section 7. Salary and Expenses.** Senators [LEGISLATORS] shall receive
11 annual salaries. They may receive a per diem allowance for expenses while in session
12 and are entitled to travel expenses going to and from sessions. **The presiding officer**
13 [PRESIDING OFFICERS] may receive additional compensation.

14 * **Sec. 5.** Article II, sec. 8, Constitution of the State of Alaska, is amended to read:

15 **Section 8. Regular Sessions.** The senate [LEGISLATURE] shall convene in
16 regular session each year on the fourth Monday in January, but the month and day
17 may be changed by law. The senate [LEGISLATURE] shall adjourn from regular
18 session no later than one hundred twenty consecutive calendar days from the date it
19 convenes except that a regular session may be extended once for up to ten consecutive
20 calendar days. An extension of the regular session requires the affirmative vote of at
21 least two-thirds of the membership [OF EACH HOUSE] of the senate
22 [LEGISLATURE]. The senate [LEGISLATURE] shall adopt as part of the
23 [UNIFORM] rules of procedure deadlines for scheduling session work not
24 inconsistent with provisions controlling the length of the session.

25 * **Sec. 6.** Article II, sec. 12, Constitution of the State of Alaska, is amended to read:

26 **Section 12. Rules.** The senate [HOUSES OF EACH LEGISLATURE] shall
27 adopt [UNIFORM] rules of procedure. **The senate** [EACH HOUSE] may choose its
28 officers and employees. **The senate** [EACH] is the judge of the election and
29 qualifications of its members and may expel a member with the concurrence of **at**
30 **least** two-thirds of its members. **The senate** [EACH] shall keep a journal of its
31 proceedings. A majority of the membership [OF EACH HOUSE] constitutes a quorum

1 to do business, but a smaller number may adjourn from day to day and may compel
2 attendance of absent members. The senate [LEGISLATURE] shall regulate lobbying.

3 * **Sec. 7.** Article II, sec. 14, Constitution of the State of Alaska, is amended to read:

4 **Section 14. Passage of Bills.** The senate [LEGISLATURE] shall establish the
5 procedure for enactment of bills into law. No bill may become law unless it has passed
6 three readings [IN EACH HOUSE] on three separate days, except that any bill may be
7 advanced from second to third reading on the same day by concurrence of at least
8 three-fourths of the membership [HOUSE CONSIDERING IT]. No bill may become
9 law without an affirmative vote of at least a majority of the membership [OF EACH
10 HOUSE]. The yeas and nays on final passage shall be entered in the journal.

11 * **Sec. 8.** Article II, sec. 15, Constitution of the State of Alaska, is amended to read:

12 **Section 15. Veto.** The governor may veto bills passed by the senate
13 [LEGISLATURE]. The governor [HE] may, by veto, strike or reduce items in
14 appropriation bills. The governor [HE] shall return any vetoed bill, with a statement
15 of [HIS] objections, to the senate [HOUSE OF ORIGIN].

16 * **Sec. 9.** Article II, sec. 16, Constitution of the State of Alaska, is amended to read:

17 **Section 16. Action Upon Veto.** Upon receipt of a veto message during a
18 regular session [OF THE LEGISLATURE], the senate [LEGISLATURE] shall meet
19 immediately [IN JOINT SESSION] and reconsider passage of the vetoed bill or item.
20 Bills to raise revenue and appropriation bills or items, although vetoed, become law by
21 affirmative vote of at least three-fourths of the membership of the senate
22 [LEGISLATURE]. Other vetoed bills become law by affirmative vote of at least two-
23 thirds of the membership of the senate [LEGISLATURE]. Bills vetoed after
24 adjournment of the first regular session of the legislature shall be reconsidered by the
25 senate [LEGISLATURE SITTING AS ONE BODY] no later than the fifth day of the
26 next regular or special session of that legislature. Bills vetoed after adjournment of the
27 second regular session shall be reconsidered by the senate [LEGISLATURE
28 SITTING AS ONE BODY] no later than the fifth day of a special session of that
29 legislature, if one is called. The vote on reconsideration of a vetoed bill shall be
30 entered in [ON] the journal [JOURNALS] of the senate [BOTH HOUSES].

31 * **Sec. 10.** Article II, sec. 18, Constitution of the State of Alaska, is amended to read:

1 **Section 18. Effective Date.** Laws passed by the senate [LEGISLATURE]
 2 become effective ninety days after enactment. The senate [LEGISLATURE] may, by
 3 concurrence of at least two-thirds of its [THE] membership [OF EACH HOUSE],
 4 provide for another effective date.

5 * **Sec. 11.** Article II, sec. 20, Constitution of the State of Alaska, is amended to read:

6 **Section 20. Impeachment.** All civil officers of the State are subject to
 7 impeachment by the senate [LEGISLATURE]. Impeachment [SHALL ORIGINATE
 8 IN THE SENATE AND] must be approved by at least a two-thirds vote of its
 9 members. The resolution [MOTION] for impeachment shall list fully the basis for the
 10 proceeding. Trial on impeachment shall be conducted by the senate [HOUSE OF
 11 REPRESENTATIVES]. A supreme court justice designated by the court shall preside
 12 at the trial. Concurrence of at least two-thirds of the members of the senate [HOUSE]
 13 is required for a judgment of impeachment. The judgment may not extend beyond
 14 removal from office, but shall not prevent proceedings in the courts on the same or
 15 related charges.

16 * **Sec. 12.** Article III, sec. 17, Constitution of the State of Alaska, is amended to read:

17 **Section 17. Convening Senate** [LEGISLATURE]. Whenever the governor
 18 considers it in the public interest, the governor [HE] may convene the senate
 19 [LEGISLATURE, EITHER HOUSE, OR THE TWO HOUSES] in [JOINT] session.

20 * **Sec. 13.** Article III, sec. 19, Constitution of the State of Alaska, is amended to read:

21 **Section 19. Military Authority.** The governor is commander-in-chief of the
 22 armed forces of the State. The governor [HE] may call out these forces to execute the
 23 laws, suppress or prevent insurrection or lawless violence, or repel invasion. The
 24 governor, as provided by law, shall appoint all general and flag officers of the armed
 25 forces of the State, subject to confirmation by at least a majority of the members of
 26 the senate [LEGISLATURE IN JOINT SESSION]. The governor [HE] shall appoint
 27 and commission all other officers.

28 * **Sec. 14.** Article III, sec. 20, Constitution of the State of Alaska, is amended to read:

29 **Section 20. Martial Law.** The governor may proclaim martial law when the
 30 public safety requires it in case of rebellion or actual or imminent invasion. Martial
 31 law shall not continue for longer than twenty days without the approval of at least a

1 majority of the members of the senate [LEGISLATURE IN JOINT SESSION].

2 * **Sec. 15.** Article III, sec. 23, Constitution of the State of Alaska, is amended to read:

3 **Section 23. Reorganization.** The governor may make changes in the
4 organization of the executive branch or in the assignment of functions among its units
5 which the governor [HE] considers necessary for efficient administration. Where
6 these changes require the force of law, they shall be set forth in executive orders. The
7 senate [LEGISLATURE] shall have sixty days of a regular session, or a full session if
8 of shorter duration, to disapprove these executive orders. Unless disapproved by
9 resolution concurred in by a majority of the members [IN JOINT SESSION], these
10 orders become effective at a date thereafter to be designated by the governor.

11 * **Sec. 16.** Article III, sec. 25, Constitution of the State of Alaska, is amended to read:

12 **Section 25. Department Heads.** The head of each principal department shall
13 be a single executive unless otherwise provided by law. The head of each principal
14 department [HE] shall be appointed by the governor, subject to confirmation by at
15 least a majority of the members of the senate [LEGISLATURE IN JOINT SESSION],
16 and shall serve at the pleasure of the governor, except as otherwise provided in this
17 article with respect to the lieutenant governor [SECRETARY OF STATE]. The
18 heads of all principal departments shall be citizens of the United States.

19 * **Sec. 17.** Article III, sec. 26, Constitution of the State of Alaska, is amended to read:

20 **Section 26. Boards and Commissions.** When a board or commission is at the
21 head of a principal department or a regulatory or quasi-judicial agency, its members
22 shall be appointed by the governor, subject to confirmation by at least a majority of
23 the members of the senate [LEGISLATURE IN JOINT SESSION], and may be
24 removed as provided by law. They shall be citizens of the United States. The board or
25 commission may appoint a principal executive officer when authorized by law, but the
26 appointment shall be subject to the approval of the governor.

27 * **Sec. 18.** Article IV, sec. 8, Constitution of the State of Alaska, is amended to read:

28 **Section 8. Judicial Council.** The judicial council shall consist of seven
29 members. Three attorney members shall be appointed for six-year terms by the
30 governing body of the organized state bar. Three non-attorney members shall be
31 appointed for six-year terms by the governor subject to confirmation by at least a

1 majority of the members of the senate [LEGISLATURE IN JOINT SESSION].
 2 Vacancies shall be filled for the unexpired term in like manner. Appointments shall be
 3 made with due consideration to area representation and without regard to political
 4 affiliation. The chief justice of the supreme court shall be ex-officio the seventh
 5 member and chairman of the judicial council. No member of the judicial council,
 6 except the chief justice, may hold any other office or position of profit under the
 7 United States or the State. The judicial council shall act by concurrence of four or
 8 more members and according to rules which it adopts.

9 * **Sec. 19.** Article IV, sec. 10, Constitution of the State of Alaska, is amended to read:

10 **Section 10. Commission on Judicial Conduct.** The Commission on Judicial
 11 Conduct shall consist of nine members, as follows: three persons who are justices or
 12 judges of state courts, elected by the justices and judges of state courts; three members
 13 who have practiced law in this state for ten years, appointed by the governor from
 14 nominations made by the governing body of the organized bar and subject to
 15 confirmation by at least a majority of the members of the senate [LEGISLATURE IN
 16 JOINT SESSION]; and three persons who are not judges, retired judges, or members
 17 of the state bar, appointed by the governor and subject to confirmation by at least a
 18 majority of the members of the senate [LEGISLATURE IN JOINT SESSION]. In
 19 addition to being subject to impeachment under Section 12 of this article, a justice or
 20 judge may be disqualified from acting as such and may be suspended, removed from
 21 office, retired, or censured by the supreme court upon the recommendation of the
 22 commission. The powers and duties of the commission and the bases for judicial
 23 disqualification shall be established by law.

24 * **Sec. 20.** Article IV, sec. 15, Constitution of the State of Alaska, is amended to read:

25 **Section 15. Rule-Making Power.** The supreme court shall make and
 26 promulgate rules governing the administration of all courts. It shall make and
 27 promulgate rules governing practice and procedure in civil and criminal cases in all
 28 courts. These rules may be changed by the senate [LEGISLATURE] by at least two-
 29 thirds vote of the members [ELECTED TO EACH HOUSE].

30 * **Sec. 21.** Article VI, sec. 3, Constitution of the State of Alaska, is amended to read:

31 **Section 3. Redistricting [REAPPORTIONMENT] of [HOUSE AND]**

1 **Senate.** The Redistricting Board shall **redistrict** [REAPPORTION] the [HOUSE OF
2 REPRESENTATIVES AND THE] senate immediately following the official reporting
3 of each decennial census of the United States. **Redistricting** [REAPPORTIONMENT]
4 shall be based upon the population within each [HOUSE AND] senate district as
5 reported by the official decennial census of the United States.

6 * **Sec. 22.** Article VI, sec. 4, Constitution of the State of Alaska, is amended to read:

7 **Section 4. Method of Redistricting.** The Redistricting Board shall establish
8 **sixty senate** [FORTY HOUSE] districts, with each [HOUSE] district to elect one
9 member of the **senate** [HOUSE OF REPRESENTATIVES. THE BOARD SHALL
10 ESTABLISH TWENTY SENATE DISTRICTS, EACH COMPOSED OF TWO
11 HOUSE DISTRICTS, WITH EACH SENATE DISTRICT TO ELECT ONE
12 SENATOR].

13 * **Sec. 23.** Article VI, sec. 6, Constitution of the State of Alaska, is amended to read:

14 **Section 6. District Boundaries.** The Redistricting Board shall establish the
15 size and area of **senate** [HOUSE] districts, subject to the limitations of this article.
16 Each [HOUSE] district shall be formed of contiguous and compact territory containing
17 as nearly as practicable a relatively integrated socio-economic area. Each shall contain
18 a population as near as practicable to the quotient obtained by dividing the population
19 of the state by **sixty** [FORTY. EACH SENATE DISTRICT SHALL BE COMPOSED
20 AS NEAR AS PRACTICABLE OF TWO CONTIGUOUS HOUSE DISTRICTS].
21 Consideration may be given to local government boundaries. Drainage and other
22 geographic features shall be used in describing boundaries wherever possible.

23 * **Sec. 24.** Article VI, sec. 8(b), Constitution of the State of Alaska, is amended to read:

24 (b) Members of the Redistricting Board shall be appointed in the year in
25 which an official decennial census of the United States is taken and by September 1 of
26 that year. The governor **and the presiding officer of the senate** shall **each** appoint
27 two members of the board. The [PRESIDING OFFICER OF THE SENATE, THE
28 PRESIDING OFFICER OF THE HOUSE OF REPRESENTATIVES, AND THE]
29 chief justice of the supreme court shall [EACH] appoint one member of the board. The
30 appointments to the board shall be made in the order listed in this subsection. At least
31 one board member shall be a resident of each judicial district that existed on

1 January 1, 1999. Board members serve until a final plan for redistricting and
 2 proclamation of redistricting has been adopted and all challenges to it brought under
 3 Section 11 of this article have been resolved after final remand or affirmation.

4 * **Sec. 25.** Article VI, sec. 8(c), Constitution of the State of Alaska, is amended to read:

5 (c) A person who was a member of the Redistricting Board at any time during
 6 the process leading to final adoption of a redistricting plan under Section 10 of this
 7 article may not be a candidate for the senate [LEGISLATURE] in the general election
 8 following the adoption of the final redistricting plan.

9 * **Sec. 26.** Article VI, sec. 10(a), Constitution of the State of Alaska, is amended to read:

10 (a) Within thirty days after the official reporting of the decennial census of the
 11 United States or thirty days after being duly appointed, whichever occurs last, the
 12 board shall adopt one or more proposed redistricting plans. The board shall hold
 13 public hearings on the proposed plan, or, if no single proposed plan is agreed on, on all
 14 plans proposed by the board. No later than ninety days after the board has been
 15 appointed and the official reporting of the decennial census of the United States, the
 16 board shall adopt a final redistricting plan and issue a proclamation of redistricting.
 17 The final plan shall set out boundaries of [HOUSE AND] senate districts and shall be
 18 effective for the election of members of the senate [LEGISLATURE] until after the
 19 official reporting of the next decennial census of the United States.

20 * **Sec. 27.** Article VII, sec. 3, Constitution of the State of Alaska, is amended to read:

21 **Section 3. Board of Regents.** The University of Alaska shall be governed by a
 22 board of regents. The regents shall be appointed by the governor, subject to
 23 confirmation by at least a majority of the members of the senate [LEGISLATURE IN
 24 JOINT SESSION]. The board shall, in accordance with law, formulate policy and
 25 appoint the president of the university. The president [HE] shall be the executive
 26 officer of the board.

27 * **Sec. 28.** Article IX, sec. 17(c), Constitution of the State of Alaska, is amended to read:

28 (c) An appropriation from the budget reserve fund may be made for any public
 29 purpose upon affirmative vote of at least three-fourths of the members [OF EACH
 30 HOUSE] of the senate [LEGISLATURE].

31 * **Sec. 29.** Article X, sec. 12, Constitution of the State of Alaska, is amended to read:

1 **Section 12. Boundaries.** A local boundary commission or board shall be
 2 established by law in the executive branch of the state government. The commission
 3 or board may consider any proposed local government boundary change. It may
 4 present proposed changes to the senate [LEGISLATURE] during the first ten days of
 5 any regular session. The change shall become effective forty-five days after
 6 presentation or at the end of the session, whichever is earlier, unless disapproved by a
 7 resolution concurred in by at least a majority of the members of the senate [EACH
 8 HOUSE]. The commission or board, subject to law, may establish procedures whereby
 9 boundaries may be adjusted by local action.

10 * **Sec. 30.** Article XI, sec. 3, Constitution of the State of Alaska, is amended to read:

11 **Section 3. Petition.** After certification of the application, a petition containing
 12 a summary of the subject matter shall be prepared by the lieutenant governor for
 13 circulation by the sponsors. If signed by qualified voters who are equal in number to at
 14 least ten percent of those who voted in the preceding general election, who are resident
 15 in at least three-fourths of the senate [HOUSE] districts of the State, and who, in each
 16 of those senate [HOUSE] districts, are equal in number to at least seven percent of
 17 those who voted in the preceding general election in the senate [HOUSE] district, it
 18 may be filed with the lieutenant governor.

19 * **Sec. 31.** Article XII, sec. 11, Constitution of the State of Alaska, is amended to read:

20 **Section 11. Law-Making Power.** As used in this constitution, the terms "by
 21 law," [AND] "by the legislature," and "by the senate," or variations of these terms,
 22 are used interchangeably when related to law-making powers. Unless clearly
 23 inapplicable, the law-making powers assigned to the legislature may be exercised by
 24 the people through the initiative, subject to the limitations of Article XI.

25 * **Sec. 32.** Article XII, sec. 14, Constitution of the State of Alaska, is amended to read:

26 **Section 14. Approval of Federal Amendment to Statehood Act Affecting**
 27 **an Interest of the State under that Act.** A federal statute or proposed federal statute
 28 that affects an interest of this State under the Act admitting Alaska to the Union is
 29 ineffective as against the State interest unless approved by at least a two-thirds vote of
 30 [EACH HOUSE OF] the senate [LEGISLATURE] or approved by the people of the
 31 State. The senate [LEGISLATURE] may, by a resolution passed by at least a

1 majority vote [OF EACH HOUSE], place the question of approval of the federal
 2 statute on the ballot for the next general election unless in the resolution placing the
 3 question of approval, the senate [LEGISLATURE] requires the question to be placed
 4 before the voters at a special election. The approval of the federal statute by the people
 5 of the State is not effective unless the federal statute described in the resolution is
 6 ratified by a majority of the qualified voters of the State who vote on the question.
 7 Unless a summary of the question is provided in the resolution passed by the senate
 8 [LEGISLATURE], the lieutenant governor shall prepare an impartial summary of the
 9 question. The lieutenant governor shall present the question to the voters so that a
 10 "yes" vote on the question is a vote to approve the federal statute.

11 * **Sec. 33.** Article XIII, sec. 1, Constitution of the State of Alaska, is amended to read:

12 **Section 1. Amendments.** Amendments to this constitution may be proposed
 13 by at least a two-thirds vote [OF EACH HOUSE] of the membership of the senate
 14 [LEGISLATURE]. The lieutenant governor shall prepare a ballot title and proposition
 15 summarizing each proposed amendment, and shall place them on the ballot for the
 16 next general election. If a majority of the votes cast on the proposition favor the
 17 amendment, it shall be adopted. Unless otherwise provided in the amendment, it
 18 becomes effective thirty days after the certification of the election returns by the
 19 lieutenant governor.

20 * **Sec. 34.** Article XV, Constitution of the State of Alaska, is amended by adding a new
 21 section to read:

22 **Section 30. Transition to Unicameral Legislature.** The following provisions
 23 shall be followed in the transition from a bicameral to a unicameral legislature
 24 provided for under the 2010 amendments:

25 (1) the holdover members of the senate and those members of the
 26 senate and house of representatives elected to the Twenty-Seventh Alaska State
 27 Legislature shall sit as a bicameral legislature during the first regular session, but shall
 28 sit as a unicameral legislature consisting of sixty members during the second regular
 29 session;

30 (2) at the first session of the Twenty-Seventh Alaska State Legislature,
 31 the legislature shall make the necessary preparation for sitting as a unicameral

1 legislature during the second regular session, including consideration of organization,
2 revision of rules of procedure, and amendments to statutes;

3 (3) no later than February 10, 2012, a Redistricting Board shall be
4 appointed in substantial compliance with Section 8(b) of Article VI, as amended in
5 sec. 24 of this resolution, and no later than March 15, 2012, the Redistricting Board
6 shall redistrict the legislature in accordance with Article VI to provide for a
7 unicameral legislature consisting of sixty members based upon the total population of
8 the State as determined by the most recent decennial federal census;

9 (4) at the 2012 general election, thirty members of the legislature shall
10 be elected to four-year terms, and thirty members shall be elected to two-year terms,
11 set by the Redistricting Board in the redistricting plan under (3) of this section;

12 (5) a member of the senate elected to a four-year term in 2010 may not
13 serve as a member of the Twenty-Eighth Alaska State Legislature unless the member
14 is elected at the 2012 general election to serve in the unicameral legislature.

15 * **Sec. 35.** Article II, sec. 10, and art. VI, sec. 1, Constitution of the State of Alaska, are
16 repealed.

17 * **Sec. 36.** Section 34 of this resolution takes effect January 1, 2011.

18 * **Sec. 37.** Sections 1 - 33 and 35 of this resolution take effect on the day the Second
19 Regular Session of the Twenty-Seventh Alaska State Legislature first convenes.

20 * **Sec. 38.** The amendments proposed by this resolution shall be placed before the voters of
21 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
22 State of Alaska, and the election laws of the state.