

**MANUAL**  
**OF**  
**LEGISLATIVE DRAFTING**



**For the use of Legislative Staff**

Prepared by

**Legislative Affairs Agency**

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## P R E F A C E

This Manual of Legislative Drafting is published principally for the use of the staff members in the Legislative Affairs Agency, the offices of the House Chief Clerk and Secretary of the Senate, and the Department of Law who are involved in all phases of the drafting, processing, and disposition of legislative documents. Adherence to it is required by AS 24.08.060(a) and the Uniform Rules. This manual is intended to provide for the uniform and expeditious processing of all legislative documents.

Parts I and II of the manual are intended mainly for the use of legal drafters, and Parts III - V are intended mainly for the use of the editorial and administrative staff members, although drafters might also be aided by knowledge of the contents of Parts III - V.

This manual is kept current to reflect changes in the law or legislative rules that affect the legislative process.

Executive Director  
Legislative Affairs Agency

*This Manual of Legislative Drafting is subject to approval of the Alaska Legislative Council.*

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**PART I**  
**GENERAL INFORMATION**



## **CHAPTER 1. AUTHORITY OF DRAFTING MANUAL**

Under AS 24.08.060(a) and Rule 10, Uniform Rules of the Alaska State Legislature, this manual must be followed when preparing, processing, and disposing of legislative documents:

Bills and resolutions shall be prepared and introduced in the manner and form prescribed in the uniform rules and the legislative style manual.  
(AS 24.08.060(a))

The legislative drafting manual prepared by the enrolling secretary of the legislature and the revisor of statutes 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. (Rule 10)

Therefore, persons drafting bills, resolutions, or amendments must follow this manual as required by law and rule to ensure that their documents will be accepted for introduction in the House or Senate, and other legislative documents must be prepared and processed as provided in this manual.

## **CHAPTER 2. THE DIVISION OF LEGAL AND RESEARCH SERVICES**

The division of legal and research services is part of the Legislative Affairs Agency (LAA). The division of legal and research services provides drafting, editing, legal, research, and reference library services to the legislature.

### **NEUTRALITY AND CONFIDENTIALITY**

In the performance of its duties, the division of legal and research services assists all members of the legislature in a neutral capacity. As required by AS 24.20.050, "members of the professional staff shall maintain the integrity of the (legislative) council's functions and services . . . by refraining from joining or supporting any partisan or political organization, faction, or activity that would tend to undermine the essential nonpartisan nature of their functions and services." In addition to this nonpartisanship in the public arena, the staff is neutral with regard to the policies involved in legislative work requests. A work request is processed without regard to the political leanings of its requester.

As with neutrality, confidentiality in relation to work requests is required by statute. (See AS 24.20.100) The division staff treats all work requests as confidential unless the legislator requesting the work directs or permits disclosure to others.

### **REQUESTS FOR BILLS AND RESOLUTIONS**

The division prepares a bill or resolution after a written, electronic, or oral request from a legislator, a legislator-elect, a legislative committee, or a person authorized by one of them. Requests should be as detailed as possible to avoid confusion or delay. It is usually more helpful to accurately describe the goal and purpose of the proposed legislation than to merely provide specific language without a clear statement of the desired result. Along with the substantive details of the request, the requester should tell the staff member whether a draft or final version is to be delivered; whether there are any special circumstances concerning timing; with whom, if anyone, the drafter may consult; and any other relevant information that may affect the drafting of the request.

When making the request for a bill, the requestor should consider the things a drafter needs to know to draft a bill found in this chapter under the heading of Considerations for Drafting of Bills. If the requestor can supply the answers to these questions, that would aid the drafter in promptly completing the bill draft.

The staff member receiving a request records it on a prepared form that is completed by noting the name of the person making the request, the name of the legislator for whom the request is made, the date, and the subject matter of the request. The legislator receives a copy of this form indicating the bill drafter's name and the file number of the request. Errors in the information in the form should be promptly reported to the division.

Legislators and legislators-elect may request a bill or resolution for prefiling during the period before each regular session as specified in AS 24.08.050 and Rule 36, Uniform Rules of the Alaska Legislature. A legislator may request a draft bill or resolution at any time. After the cut-off date for personal measures during a second session, only a standing committee may request a final version of a bill or resolution for introduction. (Rule 44, Uniform Rules of the Alaska Legislature)

### **REQUESTS FOR NEW VERSIONS OF MEASURES**

After a draft bill or resolution has been prepared and delivered to the requester, the requester may ask for a new version of the measure with changes. Requests for changes should always clearly identify the document that is to be modified. All legislative documents prepared by the division or the Department of Law have an identifying number on the upper right margin. This number must always be used by persons requesting changes to that document. The date, which appears on draft documents, is also helpful.

In all other respects, the request is similar to the original work order request. It is important that the request be as detailed and complete as possible. When a "marked up" copy of the document accompanies the request and that copy includes new material taken from other documents, the source should be identified if that document was prepared by the division or the Department of Law. That allows the electronically stored text to be incorporated in the new version without having to retype material previously prepared. Generally, it is more efficient and time-effective for the requested changes to be noted on a marked-up copy of the draft.

### **LEGAL OPINIONS**

A legislator may also request the division of legal and research services to prepare an opinion related to a specific legal aspect of a bill or resolution, a statute already in effect, or a matter of legislative procedure. The division will also advise a requester about possible legal problems related to a work order even without being specifically asked to do so.

A legal opinion expresses a well-considered opinion that may or may not be agreed with by a court faced with the same issue at a later date.

### **EDITING OF ALASKA STATUTES AND SESSION LAWS**

The division, through the revisor of statutes, also edits the Alaska Statutes and prepares the session laws for publishing. (See AS 01.05.031) Each title of the statutes is updated on a regular basis, and notes referring to sources of legislative history or related statutes are added to aid in interpreting laws. The importance of these notes has been indicated by court decision. (George Williams College v. Village of Williams Bay, 7 N.W.2d 891 (Wis. 1943), cited with approval in Stiegele v. State, 685 P.2d 1255, 1260 (Alaska App. 1984).)

A legislator or any other interested person should contact the revisor about errors in the statutes, notes, or the published tables or with questions about the coding or arrangement of statutes.

### **CONSIDERATIONS FOR DRAFTING OF BILLS**

Before drafting a bill, the drafter must first determine what the sponsor wants to accomplish. It is the drafter's job to craft the appropriate statutory language to achieve the sponsor's result. To achieve the sponsor's result, the drafter should be able to answer the following questions:

1. What is the sponsor trying to do or what is the issue or problem that the sponsor is trying to address, fix, or resolve?
2. What are some examples of the problem or issue?
3. What is to be changed?
4. What is the result the sponsor wants to achieve?

Further, the drafter should ask:

1. Does the sponsor want a broad or tight title?
2. If the bill creates a new program or activity, which department is to administer the program or activity?
3. Are there other states that have done this or are there pertinent model or uniform acts?
4. If the bill creates a crime, what mental state and penalty are intended?
5. Does the sponsor intend for there to be a fee, tax, surcharge, or other funding mechanism for the program or activity?
6. Does the sponsor need or want a special effective date?

When the instructions for a bill are incomplete, the drafter should seek additional guidance from the sponsor. Often, the sponsor is unable to provide the necessary guidance, and the drafter should discuss possible options with the sponsor prior to drafting the bill or explain to the sponsor the choices the drafter has made in drafting the bill. The drafter should generally avoid trying to make the policy choices for the bill -- the drafter should address questions of policy to the sponsor. The drafter should identify the legal, constitutional, and practical issues affecting the request and provide a memorandum identifying these issues when the bill is delivered or otherwise discuss the issues with the sponsor. The drafter may find it useful to refer to the Drafting and Research Checklist found in Appendix XXXIII.

**PART II**  
**DRAFTING RULES FOR BILLS**  
**AND OTHER MEASURES**





## CHAPTER 1. PARTS OF A BILL

### OFFICIAL HEADING; SPONSORS

The first part of every bill is the official heading, which includes the designation of the house in which the bill is to be introduced, a listing of the sponsor(s), a designation of the legislature and the session of that legislature, and the bill number. Each of these items, except that of sponsorship, is essentially a routine, clerical task.

Sponsorship of bills is governed by statute and the Uniform Rules. AS 24.08.060(a) provides:

(a) A member of the legislature or a committee chairman, with the concurrence of a majority of the active members of the committee and on behalf of the committee, may introduce a bill or resolution. Bills and resolutions shall be prepared and introduced in the manner and form prescribed in the uniform rules and the legislative style manual.

The statutory provision has been implemented by the adoption of Rule 37(a), which provides in part:

Any member, group of members, standing, special, or joint committee may introduce a bill, subject to the provisions of these Uniform Rules.

Upon the consent of the prime sponsor, members of the house in which a measure is introduced may be included as co-sponsors of that measure. When a measure that was introduced by a member or group of members is in the possession of the second house and the prime sponsor of the measure consents, members of the second house may be added as cross-sponsors of the measure. (Addendum, Manual of Legislative Drafting, approved by Legislative Council December 8, 1989)

Rule 37(a) also provides:

Bills may be introduced through the Rules Committees by the governor and the permanent interim committees pursuant to provisions of law.

This part of the rule has been implemented by AS 24.08.060(b), which provides, in part:

(b) Bills introduced by the legislative council shall be delivered with a letter of explanation to the rules committee of either house and bear the inscription "Rules Committee by Request of the Legislative Council"; bills introduced by the Legislative Budget and Audit Committee shall be delivered with a letter of explanation to the rules committee of either house and bear the inscription "Rules Committee by Request of the Legislative Budget and Audit Committee"; bills presented by the governor shall be delivered with a letter to the rules committee of either house and bear the inscription "Rules Committee by Request of the Governor";

...

In addition to the provisions of Rule 37(a) and AS 24.08.060(b), it has been the custom of the legislature to allow a sponsor to show "BY REQUEST" following the sponsor's name. However, the requester is not identified on the face of the bill unless it is an entity or official described in the statutes or another formally established legislative entity.

## **TITLE AND SINGLE SUBJECT**

After the official heading, the next part of a bill is its title. The title looks like a simple label. It is not, however, an inconsequential part of the draft. There are many requirements it must meet. If they are not met, the entire bill may be invalid. A drafter, therefore, must be familiar with the following requirements arising from the state constitution and the Uniform Rules.

### **(a) Expression requirement**

Article II, sec. 13, Constitution of the State of Alaska, requires that "the subject of each bill shall be expressed in the title." The purpose of the requirement is "to prevent surreptitious introduction of legislation not indicated by the title." (State v. First Nat'l Bank of Anchorage, 660 P.2d 406, 415 n.19 (Alaska 1982)) In other words, the title should give reasonable notice of the subject of the bill.

A drafter must be very careful to provide this reasonable notice when drafting a title. The title must be broad enough to cover everything in the bill, but it must not be so broad as to lose its function of giving reasonable notice of the bill's contents. Conversely, a title that tries to describe each major element of a bill must not be so specific that it fails to cover the minor elements of the bill.

Three doctrines of interpretation used by courts are relevant to fashioning acceptable bill titles. The first of these, expressio unius est exclusio alterius (2A Sutherland, Statutory Construction, sec. 47:23, 7th ed. 2014), states in essence that if a detailed list is made by the legislature, it probably wants to include only the items on that list, and that, by specifying these certain things, it intends that others should be left out. The second doctrine, eiusdem generis (2A Sutherland, sec. 47:17, 7th ed. 2014), involves the concept that a general word following a list is probably intended to be restricted to other things of the kind listed. (For example, if the word "animals" in the phrase "horses, sheep, cows, pigs, and other animals" were called into question, it would by this doctrine be likely to be interpreted as "farm animals," not wolves, although the word "animals" is normally broad enough to include wolves.) The third doctrine, noscitur a sociis (2A Sutherland, sec. 47:16, 7th. ed. 2014), declares that a general word of broad meaning may be limited in scope by the context in which it is used.

The result of having a title affected by these three judicial doctrines may be that a highly descriptive title might be flawed by overlooking some provisions of a bill when a more general title might have described the subject sufficiently. The Alaska Supreme Court, for instance, has upheld a title "relating to land" even though it was challenged for being overly broad. (State v. First Nat'l Bank of Anchorage, 660 P.2d 406 (Alaska 1982)) A title that had tried to describe the major types of land affected by the bill not only would have taken more time to draft but, by application of the interpretive doctrines discussed above, such a title might have tempted the court to construe the bill

to be related only to the enumerated types of land and not to any types omitted from that list as being too minor.

Finally, the drafter needs to be aware of the relationship between the expression requirement, the single-subject rule, amendments to the bill, and the constitutional requirement that a bill must be read three times (art. II, sec. 14, Constitution of the State of Alaska). Even if substantial amendments to a bill are within the scope of the title of the bill and relate to an appropriate single subject, if the amendments change the subject of the bill, the three reading requirement may be triggered. For a discussion of the three reading requirement in this context, see Van Brunt v. State, 653 P.2d 343, 345 - 346 (Alaska App. 1982).

In addition to these constitutional considerations, the drafter should be aware of how the legislature's Uniform Rules can have a bearing on how a title is drafted. According to the rules,

. . . A committee of the second house may not report a committee substitute for a bill or an amendment to a bill that requires a change in the title of the bill, other than a clerical or technical change, as the title was enacted in the house of origin . . . (Rule 24)

A motion or proposition on a subject may not be admitted under color of amendment if the subject matter is different from that under consideration. . . (Rule 35)

The most common "technical" title changes are those that reflect the addition or deletion of court rule change notations or effective date notations. "Technical" title changes include those that are necessary to correct a title that was defective when the bill passed the first house; in such cases, the corrected title should be written as narrowly as possible so that the technical title change does not become an excuse for broad changes in the second house. For changes that are not clerical or technical, a concurrent resolution suspending the uniform rules will be required. (See Appendix XXV)

If a requester wants to attempt to limit the types of amendments that can be made to a bill, the requester might ask for a very narrowly descriptive title (and run the risk that even friendly amendments could flaw the bill by failing to include necessary title changes). Conversely, if a requester wants the bill to be able to serve as a vehicle for other related ideas during the legislative process, a more general title would be appropriate.

The general rule a drafter should follow is to avoid an extensive, wordy, and overly specific title absent compelling reasons. Verbosity in a title is as bad as verbosity in the body of the bill.

#### (b) Single-subject requirement

The state constitution also requires that "every bill shall be confined to one subject . . ." (art. II, sec. 13, Constitution of the State of Alaska). The purpose of this rule is to

. . . prevent the inclusion of incongruous and unrelated matter in the same bill in order to get support for it which the separate subjects might not separately command,

and to guard against inadvertence, stealth, and fraud in legislation. (Suber v. Alaska State Bond Committee, 414 P.2d 546 (Alaska 1966))

For additional discussion of the single-subject requirement, see "Body of the Bill," *infra*. For purposes of the title, it is important to realize that even though a one- or two-word label might describe a bill in a popular name sense, a terse title will not "save" a bill that encompasses more than one subject in a legal sense. For example, neither "tort reform" nor "civil actions" would save a bill that included insurance provisions unrelated to torts or civil actions even though many people might consider all the provisions to be related.

#### (c) Bills amending court rules

Article IV, sec. 15, of the state constitution allows the legislature to change rules of court governing practice and procedure, but requires a two-thirds vote in each house to effect the change. Rule 39(e), Uniform Rules of the Alaska State Legislature, provides that "[t]he fact that a bill contains a section which changes a court rule shall . . . be noted in the title of the bill." This will alert the legislature to the fact that a two-thirds vote of the membership of each house will be necessary.

For a further discussion of the court rules and legislation affecting them see Chapter 2 of this part of the manual. The important element noted here is simply that if a provision in a bill will have the effect of changing a court rule, that fact must be noted in the title of the bill.

#### (d) Constitutional budget reserve fund

Article IX, sec. 17(c), Constitution of the State of Alaska, requires a three-fourths majority vote in each house before money can be spent from the constitutional budget reserve fund if the conditions of art. IX, sec. 17(b), are not met. To alert the legislature to the need for a three-fourths vote, the title of such a bill should include "making an appropriation under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund."

#### (e) Bills with special effective dates

The legislature must also be alerted if a bill contains a special effective date. Absent a special effective date, an act becomes effective "90 days after becoming law, unless the legislature, by concurrence of two-thirds of the membership of each house, provides for another effective date." (Article II, sec. 18, Constitution of the State of Alaska; AS 01.10.070) If a requester wants a bill to have an effective date other than this 90-day one, Rule 39(f), Uniform Rules of the Alaska State Legislature, requires that the use of a special effective date be noted in the bill title. This will alert the legislature to the need for a special majority to pass the effective date clause. If a bill section amends, adds, or repeals an effective date of another bill or session law, that should also be reflected in the title, *e.g.*, "providing for an effective date by amending the effective date of ch. xx, SLA xxxx."

## ENACTING CLAUSE

Article II, sec. 13, of the state constitution provides that the enacting clause must be "BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:". Everything that follows the clause becomes law. If the clause is not in exactly the terms used in the constitution, the bill may be invalid even if all other procedures are complied with. There are no Alaska cases on the enacting clause. For a decision from a state with a similar constitutional provision, see Joiner v. State, 223 Ga. 367, 155 S.E.2d 8 (Ga. 1967).

## ORDER OF BILL SECTIONS

See Appendix XXXII for order of bill sections.

## SHORT TITLE, PURPOSE, AND FINDINGS

After the enacting clause, but before the substantive provisions of the bill, the requester may desire certain preliminary provisions. These provisions are explanatory in nature and are normally drafted as uncodified law. Uncodified law has the same force and effect as that which is codified in the Alaska Statutes but, because it may only be effective for a limited time or may be merely explanatory rather than substantive, it is not assigned an AS section number.

### (a) Short title

Bills are rarely given short titles in Alaska, but occasionally the practice is useful. The short title of a bill should not be confused with the short title of a part of the Alaska Statutes. The former is a brief description of the bill (e.g., "The Omnibus Crime Act of 1988" or "The Education Reform Act") and is not codified in the Alaska Statutes. The latter is a brief description of a coherent body of codified law (e.g., "The Administrative Procedure Act" or "The Uniform Commercial Code"), is given an AS number, and appears at the end of the appropriate article or chapter of the Alaska Statutes.

When a short title is drafted for a bill, it should be the first section of the bill in the following form:

\* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

SHORT TITLE. This Act may be known as . . .

The drafting of statutory short titles is discussed in this chapter under the heading "SHORT TITLE (CODIFIED)."

### (b) Statement of purpose or intent

The purpose or intent of a bill should be clear in the body of the bill or expressed in a letter of intent or other legislative history so that a general provision setting out the purpose or legislative intent of the bill should be unnecessary.

It is bad practice to attempt to make up for poor drafting by adding a purpose section to a bill. A carefully drawn statement of purpose may be helpful in setting standards for an administrative agency. However, a drafter should include those standards as part of the substantive law being amended rather than relying on a general statement of purpose. A statement of purpose might also help a court understand the legislature's intent in passing a bill when a court is called on to interpret that intent. But, again, the intent should be made clear in the body of the bill so that a general statement of purpose is unnecessary. As a result, separate statements of intent in the codified or uncodified statute are to be actively discouraged.

When a purpose section is necessary, it should be drafted as a temporary law provision that precedes the body of the bill. Only when a statement of purpose is absolutely necessary to explain or otherwise place in context codified provisions of the law should the section be drafted as codified law. Even then, it is generally preferable to enact the purpose provision as temporary law and rely on cross-references and other notes in the Alaska Statutes to inform interested persons of the purpose.

### (c) Legislative findings

Although legislative findings relevant to the need for a bill are presumably contained in the record of committee hearings and debate on the bill, there are some instances in which the findings are deemed necessary and should be set out in the bill and enacted as a part of the bill. This may be particularly true if the bill proposes to enact law that is likely to be challenged on constitutional grounds. The findings enacted as a part of that law may provide justification for upholding the validity of the law. The drafter should work closely with the requester to ensure that the legislative history of the bill, particularly the record of the committee hearings, provides a basis for the findings. In cases where the findings are not necessary for placement in the bill text, the drafter should work closely with the requestor to prepare intent text that can be specifically entered into the legislative history of the bill, particularly the record of the committee hearings.

Findings are often combined with statements of purpose, set out as a separate subsection within the first section of a bill. As mentioned in connection with statements of purpose, it is important that the findings not be used to make up for poor drafting or to close gaps in the substantive provisions of the bill.

## **BODY OF THE BILL - PERMANENT LAW**

The main part of a bill, setting out the new laws and amendments to existing laws, is called the "body" of the bill. This section discusses some requirements related to the body of the bill and gives examples of various drafting techniques that a drafter must use when putting together a draft.

### **(a) Single-subject requirement**

As discussed in connection with the title, every bill must be confined to one subject and that subject must be expressed in the bill's title. A drafter, therefore, must be careful to include in a bill only provisions related to the subject expressed in the title.

An Alaska Supreme Court case construing this constitutional requirement reiterated with favor the following general principle:

All that is necessary is that the act should embrace some one general subject; and by this is meant, merely, that all matters treated of should fall under some one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be part of, or germane to, one general subject. (State v. First Nat'l Bank of Anchorage, 660 P.2d 406 (Alaska 1982))

Under this principle, courts have upheld bills relating to "development of water resources" (Gellert v. State, 522 P.2d 1120 (Alaska 1974)), "taxation" (North Slope Borough v. Sohio Petroleum Corp., 585 P.2d 534, 545 (Alaska 1978)), "land" (State v. First Nat'l Bank of Anchorage, 660 P.2d 406 (Alaska 1982)), "intoxicating liquor" (Van Brunt v. State, 646 P.2d 872 (Alaska App. 1982)), and "criminal law" (Galbraith v. State, 693 P.2d 880 (Alaska App. 1985)).

As illustrated by these examples, a drafter has wide latitude to fashion a bill to cover what, at first glance, may appear to be several different topics. Nevertheless, the drafter should note that the court in State v. First Nat'l Bank of Anchorage approved the general bill at issue there only reluctantly and will probably not go so far as to "sanction . . . legislation embracing 'the whole body of law'" (Id., at 415). In Croft v. Parnell, 236 P.3d 369 (Alaska 2010), the court found that the inclusion of provisions relating to public financing of campaigns, oil taxes, and the permanent fund in a single piece of legislation (an initiative) violated the single-subject rule.

Although either the title or the body of the bill can be drafted first, a drafter should check the completed draft for compliance with the single-subject requirement and the expression requirement.

Appropriation bills and bills "codifying, revising, or rearranging existing laws . . ." are exempt from the single-subject rule. (Article II, sec. 13, Constitution of the State of Alaska)

Sections in a bill that repeal existing law are not exempt from the single-subject rule; that is, a repealing provision in a bill must be germane to the general subject of the bill (and covered by the title) just as any other section must be. (See, generally, 1A Sutherland, Statutory Construction (sec. 23:4 n.3, 7th ed. 2014))

Sometimes a legislator or committee will want to include material in a bill despite a likely single subject violation. In such a case, it is possible that the entire bill may fail because it will be impossible for the court to determine which part of the bill should be saved. In such a case, the best one can do, and it may not work, is to include a severability provision indicating the legislature's intent.

Example. Single subject severability.

\* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

SEVERABILITY. If this Act is held invalid under the requirement of art. II, sec. 13, Constitution of the State of Alaska, that every bill be confined to one subject, the provisions of secs. 1 and 2 of this Act shall be severed so that the provisions of sec. 3 of this Act are not affected.

(b) Provisions amending existing statutes

Most bills amend laws that are already codified in Alaska Statutes. After determining which statutes must be changed to achieve the requester's purpose, the drafter has a choice of three techniques for amending the statutes: regular amendment, repeal and reenactment of the affected section with the same coding, and repeal of the affected section and enactment of a new section with different coding. These are each discussed on the following pages.

(1) Regular amendment. A drafter can often accomplish the requester's purpose by simply deleting some words in a statute and substituting other words. This regular type of amendment consists of showing the entire section or subsection of the existing statute being amended, enclosing the deleted portions in brackets, capitalizing all the letters of the text deleted, and showing the new words underlined. If the new words and deleted words are next to each other the new words occur first (e.g., "The board shall consist of five [SEVEN] members.") Subsections that are not being amended should not be included in the bill; instead, use separate bill sections for each subsection being amended unless all subsections are being amended.

For purposes of clarity and organization, it is often better to add a new subsection to an existing section than to directly amend the existing provision. When a bill section only adds a new subsection or subsections, the new material is not underlined. When adding a new subsection to a section that does not have subsections, do not designate the existing section as "(a)." Upon enactment, the revisor of statutes will make the designation editorially. A new subsection is always added at the end of the section that is being amended. Upon enactment, the revisor of statutes will rearrange the subsections editorially if necessary.

The practice of showing less than a subsection when amending a statute is strongly discouraged. In other words, even if a paragraph or subparagraph could contain the entire amendment, the drafter should show the entire subsection surrounding the paragraph or subparagraph. This will provide a



better context for anyone trying to read or evaluate the amendment without requiring resort to a copy of Alaska Statutes. Given current word processing techniques, the use of an entire subsection will add very little to the effort required for drafting the bill, while it will probably help a person reading the bill immeasurably. For the same reason, an entire section should be shown if there are no subsections designated and the drafter is amending or adding an item in a numbered list.

There are some exceptions to this general rule of showing a whole subsection or section. One type of exception would be if there is a list of paragraphs that are actually sentences comprehensible in and of themselves, such as paragraphs that define terms. If a single existing definition is amended, only the paragraph containing that definition needs to be shown.

A second type of exception to the rule that whole subsections should be shown in a draft would be in the case of long lists like the list of exempt employees (AS 39.25.110), the conflict of interest list (AS 39.50.200(b)), the sunset statute for regulatory boards (AS 08.03.010(c)), or a lengthy list of agency duties (such as AS 44.19.145). If an item in a list like one of these lists is to be amended or added, only that item's paragraph needs to be shown in the draft. However, if this type of section is the only (or almost the only) section of a bill, the title of the bill should be drafted to specifically reflect the amendment or addition (e.g., "An Act adding employees of the XXX Board to the classification of exempt employees"). The title will then provide the context that use of the entire subsection would have provided.

Drafting rules in this area are not black and white. A drafter must simply use good judgment in balancing the need for context against other practical or political considerations.

Sections of a bill that amend existing statutes are arranged numerically according to the coding on the statute sections amended. In other words, an amendment to AS 05.05.075 would normally precede an amendment to AS 35.30.040. However, when a bill enacts a comprehensive new program, that new program may be set out before other sections making related amendments to other statutes. The AS codings are preceded by bill section numbers unrelated to the AS section numbers.

Consider the following examples:

Example 1. Showing order of sections, use of brackets and underlining, and display of an entire subsection when only a paragraph is amended.

\* **Section 1.** AS 37.07.080(f) is amended to read:

(f) The **office** [DIVISION] shall report quarterly to the governor and the legislature on the operations of each state agency, relating actual accomplishments to those planned and modifying, if necessary, the operations plan of any agency for the balance of the fiscal year.

\* **Sec. 2.** AS 44.19.142 is amended to read:

**Sec. 44.19.142. Director.** The **division of policy development and planning** [OFFICE OF MANAGEMENT AND BUDGET] is administered by a director who is appointed by, and serves at the pleasure of, the governor.

\* **Sec. 3.** AS 44.19.144(a) is amended to read:

(a) The director shall

(1) supervise and administer the activities of the **division** [OFFICE];

(2) advise the governor on matters of comprehensive state planning.

Example 2. Showing amendment of a statute by adding a new subsection. (Note that section 1 demonstrates a simple addition while sections 2 and 3 demonstrate the addition of a subsection to a section that is also being amended. Upon enactment of section 1, the revisor of statutes will automatically designate the previous language of AS 14.03.030 as "subsection (a)." A new subsection should always be added at the end of the section that is being amended; the revisor can rearrange and reletter the subsections during editing, if appropriate.)

\* **Section 1.** AS 14.03.030 is amended by adding a new subsection to read:

(b) (new language would be here, without underlining)

\* **Sec. 2.** AS 16.30.020 is amended to read:

**Sec. 16.30.020. Director [BOARD] may exempt animals.** The provisions of AS 16.30.010 and 16.30.012 do not apply to animals that the **director** [BOARD] exempts by regulation.

\* **Sec. 3.** AS 16.30.020 is amended by adding a new subsection to read:

(b) (new language would be here, without underlining)

(2) Repealing and reenacting the same section. If the amendments to be made in a section are so numerous or complicated that underlining and bracketing would confuse a reader, the technique of "repealing and reenacting" may be used. The section to be amended is repealed and rewritten without indicating which language is new and which is old. This technique should be used with restraint because it deprives the reader of the opportunity to see what changes are being made to the law; but sometimes it is the best way to present the amendment, especially if obsolete provisions need to be removed from the section being amended. See the examples below. Example 2 is the preferred method in this instance.

Example 1. Using regular amendment technique. (Not preferred in this case)

\* **Section 1.** AS 08.04.100 is amended to read:

**Sec. 08.04.100. License issued [CERTIFICATE GRANTED].**  
The **license for** [CERTIFICATE OF] "Certified Public Accountant" **may be issued** [SHALL BE GRANTED] by the **department** [BOARD] to **a** [ANY] person who meets the **criteria set out in AS 08.04.690** [REQUIREMENTS OF AS 08.04.110 - 08.04.130].

Example 2. Using the repealing and reenacting technique. (Preferred in this case)

\* **Section 1.** AS 08.04.100 is repealed and reenacted to read:

**Sec. 08.04.100. License issued.** The license for "Certified Public Accountant" may be issued by the department to a person who meets the criteria set out in AS 08.04.690.

A drafter should not use the repealing and reenacting technique with respect to a whole chapter that is being revised or replaced. (Do not say: "Section 1. AS 35.05 is repealed and reenacted to read:") A complete revision of a chapter should be done by adding whatever new sections are needed and by using the regular amendment technique on each section being amended or by repealing and reenacting each section being amended or by using both techniques, depending on how extensive the amendments are in a section. There are also circumstances under which it would be appropriate to repeal an existing chapter of Alaska Statutes and enact a new chapter with a new chapter number. A drafter who wants to rewrite and reorganize a whole chapter should contact the revisor of statutes for assistance in determining the proper technique to use as it will vary depending on the numbering and organization of the chapter and the title it is in.

(3) Repealing a section and adding a new section. If the amendments to a section are not only extensive but also expressive of concepts that should not be identified with the existing AS number, the existing section should be repealed and a new one enacted with a new AS number. For example, draft a new section of law to be codified as "AS 44.62.011" in the first portion of a bill and repeal "AS 44.62.010" in the later repealer section of the bill. Be sure that AS 44.62.011 is not a number that has already been used. Check the Table of Sections Amended, etc., in Binder 11 of the Alaska Statutes.

(c) Provisions creating new statutes

On occasion, the drafter will not find an existing statute to amend in order to achieve the requester's purpose. The drafter must then write a new section, sections, or chapter from scratch and give it coding that will place it close to related sections of existing statutes.

Section and chapter numbers in the Alaska Statutes are arranged so that new sections and chapters may be inserted without disrupting the numbering system. The drafter should consult with the revisor of statutes when determining coding of new sections and chapters. The revisor will have a comprehensive understanding of the current numbering system due to the continuous editorial work

performed. Furthermore, the revisor bears ultimate responsibility for the placement of sections and chapters in the statutes.

The general arrangement of sections in a bill adding a series of new provisions to the statutes is the following: (1) principal operative provisions, (2) special and subordinate provisions, (3) enforcement and penalty provisions, and (4) definitions. The drafter should consult (g) and (n) under the heading "PARTICULAR SUBJECT AREAS" in Chapter 2 of this part of the manual for important drafting rules related to definition sections and penalty provisions.

Following are examples of how to add new law to Alaska Statutes:

Example 1. New section is added.

\* **Section 1.** AS 26.15 is amended by adding a new section to read:

**Sec. 26.15.042. Catch line.** (Text follows with no underlining)

Example 2. New section is added at the beginning or end of an article. Note that it is necessary to indicate which article it is being added to.

\* **Sec. 2.** AS 16.05 is amended by adding a new section to article 3 to read:

**Sec. 16.05.434. Catch line.** (Text follows with no underlining)

Example 3. New sections, constituting a new article, are added.

\* **Section 1.** AS 26.15 is amended by adding new sections to read:

**Article 7. Article Heading.**

**Sec. 26.15.650. Catch line.** (Text follows with no underlining)

**Sec. 26.15.660. Catch line.** (Text follows with no underlining)

If a new article is to be added between existing articles, use "Article \_\_A." For example, a new article between articles 3 and 4 would be numbered as 3A.

Sometimes a new article is added to a chapter in which existing law contains references to "this chapter." In the past, the assumption was that the revisor would change these existing references to "this chapter" to the spanned reference describing the existing chapter. However, since the attorney general's office has questioned the propriety of this practice, the drafter is advised to use an instruction to the revisor indicating whether existing references to "this chapter" should be changed.

Example 4. New chapter is added.

\* **Section 1.** AS 26 is amended by adding a new chapter to read:

**Chapter 08. Chapter Heading.**

**Sec. 26.08.010. Catch line.** (Text follows with no underlining)

**Sec. 26.08.020. Catch line.** (Text follows with no underlining)

(d) Organization

(1) Organization of a statute. In Alaska, a statute may be all one section without any subdivisions, a section composed of paragraphs (commonly used for definitions sections), or a section composed of subsections, paragraphs, subparagraphs, and sub-subparagraphs, as follows:

(a) Subsection

(1) paragraph

(A) subparagraph

(i) sub-subparagraph;

(ii) sub-subparagraph;

(B) subparagraph;

(2) paragraph.

(b) Subsection.

(2) Organization of the bill. The general order of bill sections is listed in Appendix XXXII. Some bill requests will lead to complex bills composed of amended statutes and laws and new statutes and laws. The techniques discussed in (b) - (c) are applicable to this type of bill and each technique may be used in a single bill. The drafter should follow one of the organization schemes listed below depending on the substantive effect of the bill being drafted:

Scheme A. Extensive amendment of an existing program.

1. Amended AS sections interspersed with new AS sections, in numerical order according to AS numbering, followed by . . .
2. Temporary transitional provisions.

Scheme B. Proposal of a comprehensive new program.

1. New sections added as an article or chapter, regardless of the AS numbers assigned, followed by . . .
2. Amended AS sections interspersed with new AS sections added to conform with the new article or chapter, in numerical order according to AS numbering, followed by . . .

### 3. Temporary transitional provisions.

The second scheme can make it more difficult to locate sections amended if they are not in numerical order according to AS number, so this scheme is used infrequently.

#### (e) Delayed enactments, amendments, and repeals (including "sunset" of bills)

Occasionally, the legislature will want to have an enactment, amendment, or repeal delayed for a substantial period of time. Usually this is accomplished by giving different effective dates to different bill sections.

If a repeal is to be delayed, it can be drafted with the date in the repeal section itself, *e.g.*, "AS XX.XX.XXX is repealed July 1, 2020." In that case, the bill section containing the repeal takes effect on the effective date of the bill, but the repeal itself would not occur until 2020. If an enactment of new law is to be delayed, the drafter will need to include a special effective date section for the bill section enacting the new law. (Including the applicable date in the statutory text itself is possible, but not preferred because this method eventually leaves outdated material in the statutes. However, if it is likely that the legislature will fail to adopt a special effective date, including the dates in statutory text may be the only practical drafting method.)

If a statutory amendment is to be delayed, the following question may arise: Do intervening amendments to the same AS section survive once the delayed amendment takes effect? The general rule is that intervening amendments will survive unless incompatible with the delayed amendment. See U.S. Smelting, Refining & Mining Co. v. Lowe, 12 Alaska 423 (9th Cir. 1949) and the discussion in the same case at 11 Alaska 429 (D. Alaska 1947). If intervening amendments are to be allowed, it is best to draft the delayed amendment as an amendment rather than a repeal and reenactment. If intervening amendments are to be wiped out once the delayed amendment takes effect, it is best to draft the delayed amendment as a repeal and reenactment and include an intent section stating that intervening amendments are not to be carried forward once the repeal and reenactment takes effect.

In some cases, the reason for the delayed enactment, repeal, or amendment is to "sunset the bill," *i.e.*, to have the provisions being enacted in effect only for a limited period of time. If the new law is truly likely to be effective for less than three years and does not affect large numbers of people, it should be drafted as temporary law. If the "sunset date" is three or more years away or is likely to be extended or if the new provisions affect large numbers of people (*e.g.*, a criminal law), the new provisions should be codified. Please consult the revisor if you are uncertain about which method to use. If the new provisions are codified, do not "sunset" the new provisions by simply repealing the act. Instead, use a bill section that repeals each new codified provision on the sunset date. Amendments to existing law will have to be "undone" in separate bill sections that take effect on the sunset date.

If a provision is being amended several times in a bill, each with a different effective date, use the following format:

Example. Successive amendments of same provision.

\* **Section 1.** AS 01.01.010 is amended to read:

\* **Sec. 2.** AS 01.01.010, as amended by sec. 1 of this Act, is amended to read:

(f) Amendments of a law that has not taken effect

Occasionally, the drafter will be asked to amend a law that has not yet taken effect. In that case, amend the law as if it were already law, but identify the law being amended as in the following example and tie the effective date to the effective date of the law being amended:

\* **Section 1.** AS 37.13.300, added by sec. 9, ch. 66, SLA 1991, is amended to read:

(Set out the section as added by ch. 66, SLA 1991, with whatever additions and deletions have been requested.)

\* **Sec. 2.** This Act takes effect on the effective date of ch. 66, SLA 1991.

**SHORT TITLE (CODIFIED)**

A short title that is codified may be used to describe the new laws proposed for enactment. A short title that is codified should be used only with a bill that contains a cohesive body of proposed law dealing comprehensively with a particular subject. In the organization of a new article or chapter, the proposed AS section containing the short title should be the last section in the article or chapter.

Examples of short titles are:

the Administrative Procedure Act (see AS 44.62.950)

the Alaska Election Code (see AS 15.80.020)

the Uniform Commercial Code (see AS 45.01.111)

The year of the act (for example, the Bonsai Tree Act of 1983) should not be included.

**REPEALERS AND SPECIAL AND TEMPORARY SECTIONS**

After the main part of a bill containing additions or amendments to the general and permanent laws of Alaska Statutes, the drafter may need to include repeals and some provisions that are special in their purpose or temporary in their effect. The following pages discuss repealers and several of the more common special and temporary sections that might be in a bill. After the section number and before the actual provisions of the section, set out the following language: "The uncodified law of the State of Alaska is amended by adding a new section to read:" However, this introductory language should not be used for appropriation sections, effective dates, or repealers. To amend uncodified law, the introductory language would be, "The uncodified law of the State of Alaska enacted in sec. \_\_\_\_, ch. \_\_\_\_, SLA \_\_\_\_\_, is amended to read:" unless the uncodified law itself would

not have required the introductory language (e.g., was an appropriation, effective date, or repealer). In such cases, there would be no reference to "the uncodified law of the State of Alaska," and the section would read, "\* **Sec. 2.** Section \_\_\_\_, ch. \_\_\_\_, SLA \_\_\_\_\_, is amended to read:"

The temporary bill sections are discussed below in the order in which they would appear if a bill contained all of them.

(a) Provisions amending uncodified laws

Bonding acts, appropriation acts, and most laws of a local or special character are not general and permanent laws that are codified in Alaska Statutes. They do not have AS section numbers. Nevertheless, the technique for amending them is similar to the regular technique for amending existing statutes discussed on the previous pages.

The text of a session law (and of laws amending an uncodified law) may be found in the annual bound Session Laws of Alaska or in Temporary and Special Acts pamphlets published by the publisher of the statutes. Each volume of SLA and each pamphlet published by the publisher of the statutes is indexed.

It is important to check certain tables to determine whether the uncodified law has been amended, repealed, or codified. The Alaska Statutes contains a Table of Temporary and Special Acts Codified, Amended, Repealed, or Cited. An annual Table of Session Laws Amended, Added, Referenced, or Repealed is contained in the Summary of Legislation published annually by the Legislative Affairs Agency. A cumulative version of that table is available in limited numbers from the division of legal and research services and is particularly valuable in researching the status of appropriations. If the drafter determines that an uncodified law has been codified, the amendment is then drafted as for any other law that has been assigned an AS number.

A temporary or special act is referred to by citing its origin and any further amending acts, as shown in the example below. In all other respects, the amendment technique is the same as for codified law.

Example. Amending uncodified law.

\* **Section 1.** The uncodified law of the State of Alaska enacted in sec. 3, ch. 138, SLA 1966, as amended by sec. 3, ch. 117, SLA 1967, is amended to read:

Sec. 3. (Text, as previously amended, showing underlined new language and bracketed deleted language of current amendment only.)

(b) Provisions creating uncodified laws

Bills creating uncodified laws are generally bonding bills, appropriation acts, and most laws of a temporary or special character. They are not codified in Alaska Statutes. Therefore, they have only bill section numbers and no AS numbers. They should be organized logically as with bills creating



new codified laws, that is, with the principal operative provisions followed by special and subordinate provisions followed by enforcement provisions and definitions, if any. See Appendix XXXII for the order of bill sections.

Example. Creating uncodified law.

\* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

EMPLOYEES. Employees of the Alaska Renewable Resources Corporation become employees of the Alaska Resources Corporation on the effective date of this Act.

(c) Direct amendments of, repeals of, or additions to court rules

Drafting requirements for court rules are discussed in Chapter 2 of this part of the manual. Examples of direct amendments of, repeals of, and additions to court rules are as follows:

Example 1. Direct amendment of court rule.

\* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

DIRECT COURT RULE AMENDMENT. Rule 10(c), Alaska Delinquency Rules, is amended to read:

(c) **Temporary Detention Hearing.** Hearsay **that** [WHICH] is not otherwise admissible under the Evidence Rules **may be admitted under the standard stated in paragraph (b) of this rule** [IS NOT ADMISSIBLE TO PROVE PROBABLE CAUSE] at a temporary detention hearing. [HOWEVER, OTHERWISE INADMISSIBLE HEARSAY MAY BE ADMITTED UNDER THE STANDARD STATED IN PARAGRAPH (b) OF THIS RULE ON THE ISSUE OF WHETHER THE MINOR SHOULD BE REMOVED FROM THE HOME OR DETAINED.]

Example 2. Repeal of court rules.

\* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REPEAL OF COURT RULES. Rules 6 and 7, Alaska Delinquency Rules, are repealed.

Example 3. Addition to court rules.

\* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

DIRECT COURT RULE AMENDMENT. Rule 35, Alaska Rules of Criminal Procedure, is amended by adding a new subsection to read:

(g) **Relaxing the Time Period for Request.** A court may not relax by more than 10 days the time period in which a request to modify or reduce a sentence under (b) of this rule must be filed.

(d) Repealers of permanent law

A repealer section must be included in a bill when an existing law is to be supplanted by a new law. It is important that the bill drafter examine all the law that relates to the subject of the bill to see whether an existing law should be amended or repealed. If there is existing law relating to a subject, a new law on the same subject, whether or not it mentions the old law, could repeal the prior law by implication to the extent of any inconsistency. Busy bill drafters sometimes tend to allow "repeal by implication" to take the place of the often time-consuming preparation of an express repeal. The trouble saved by this approach is often repaid later at a high rate of interest by litigants who must go to court to solve the problems that the bill drafter should have dealt with.

For an application of implied repeal by the Alaska Supreme Court, see Peter v. State, 531 P.2d 1263, 1266 - 1268 (Alaska 1975). For further discussion of implied repeal, see also 1A Sutherland, Statutory Construction, secs. 23:9, 23:10, 23:11, 23:12, 23:13, and 23:14 (7th ed. 2014).

When repealing existing law, the bill drafter should be aware of AS 01.10.100(c), which provides that the repeal of an Act that repealed a law does not revive the repealed law unless the revival is expressly provided.

The drafter must also be careful not to use a spanned reference in a repealer. That is, do not say "AS 14.50.060 - 14.50.100 are repealed." If the bill with the repealer, or another bill, enacts sections within the range cited in the repealer, their status would be in doubt. The drafter, therefore, must set out each repealed section separately in the repealer. In addition to the legal reasons for avoiding spanned references, it is necessary to list each section separately so that the automated computer

system will "read" the sections repealed. For the same reason, when adjacent subsections, but less than the entire section, are repealed, it is necessary to list subsections separately rather than use a spanned reference to the subsections, and when an entire chapter is repealed, it is necessary to list each section separately.

Example 1. Repealers.

\* **Sec. 10.** AS 08.08.100, 08.08.110, 08.08.120(b), 08.08.120(c), and 08.08.125 are repealed.

Sometimes, a requester will want a new section of law to remain in effect for only a limited period of time, after which it would be repealed. If the new section of law is given an AS number, the correct way to draft its delayed repeal would be to include a repealer section that would repeal the AS section and make that repeal effective on a date in the future. It would not be correct to repeal the bill section that enacted the AS section.

The following is an example of repealer sections with different effective dates:

Example 2. Repealer sections, different effective dates.

- \* **Sec. 22.** AS 24.10.030 is repealed.
- \* **Sec. 23.** AS 24.10.040, 24.10.050, and 24.10.060 are repealed.
- \* **Sec. 24.** Section 22 of this Act takes effect July 1, 2019.

Instead of using the preceding form, which requires a special vote on the special effective date (bill section 24 of the example), you may use the following form to effect a repeal that is to occur after the bill takes effect:

Example 3. Repealer sections, different repeal dates, alternate form.

- \* **Sec. 11.** AS 24.10.030 is repealed July 1, 2019.
- \* **Sec. 12.** AS 24.10.040, 24.10.050, and 24.10.060 are repealed.

In Example 3, bill sections 11 and 12 would take effect 90 days after the bill becomes law, but the repeal in bill section 11 would not occur until 2019.

When repealing a provision of law, be sure to conduct a computer search of the statutes to locate any references to the repealed provision that need to be amended to reflect the repeal.

It is important that the drafter always check to ensure that the title of the bill includes the subject matter of any provisions proposed for repeal.

#### (e) Repealers of temporary law

Sometimes temporary law will need to be repealed. There are two things of which to be aware when repealing temporary law. First, all intervening amendments of the temporary law must be listed. Secondly, if the temporary law section being repealed is an effective date, the better practice is to note that fact in the title.

##### Example. Temporary law repealers.

\* **Section 1.** Sections 3 and 5, ch. 1, SSSLA 1992, are repealed.

\* **Sec. 2.** Section 12, ch. 1, SSSLA 1992, as amended by sec. 3, ch. 68, SLA 1995, sec. 3, ch. 130, SLA 1996, and sec. 1, ch. 109, SLA 1997, is repealed.

Because sec. 12, ch. 1, SSSLA 1992, was an effective date provision for secs. 3 and 5, ch. 1, SSSLA 1992, the title should include the phrase "and providing for an effective date by repealing the effective date of secs. 3 and 5, ch. 1, SSSLA 1992."

#### (f) Annuling regulations

In general, if the legislature wishes to affect the regulatory activity of an executive branch agency, it should amend the statute that controls that regulatory activity. See the discussion of administrative regulations in Chapter 2 of this part of the manual. However, in some situations, the legislature may also want to annul a regulation directly. In that case, the following form should be used:

##### Example. Annuling regulations.

\* **Sec. 3.** 11 AAC 67.192 is annulled.

#### (g) Court rule change for indirect amendments to court rules

Court rules are discussed in Chapter 2 of this part of the manual and an example of the form to use for indirect amendments of court rules is set out in Chapter 2.

#### (h) Applicability or transitional provisions

In some bills, it is important to designate the persons or things to which the proposed statute is to apply. When the bill could affect existing rights, the drafter may want to include an applicability section; even if the result is constitutionally required, an applicability section should make the result clearer to the legislators and persons affected by it. When a proposed criminal statute refers to prior convictions, an applicability section should be added to indicate whether prior convictions include those occurring before the effective date of the bill. When a bill changes the term of office of certain state officers, it is desirable to use an applicability section to indicate whether the new term of office is to apply to incumbents or only to those who follow them. A section containing transitional provisions is a special type of applicability section. It may be used to describe the procedures to be followed when shifting responsibility for a program from one agency to another, the effect of the

statutory changes made by the bill on existing rights and responsibilities, or set out interim powers and duties when a program is phased into (or out of) effect.

The following are examples of commonly used applicability and transitional provisions:

Example 1. When amending provisions relating to a board or commission.

\* **Sec. 19.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITIONAL PROVISIONS. The terms of the members of the board of governors of the Alaska Insurance Guaranty Association who are serving on the effective date of this Act are not affected by this Act. Their terms expire as provided before the enactment of this Act. (See ch. 39, SLA 2000)

Example 2. To clarify applicability.

\* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) Before January 1, 2004, secs. 1 - 7 of this Act do not apply to a partnership or limited liability partnership unless the partnership or limited liability partnership is formed

(1) on or after January 1, 2001, but this paragraph does not apply to a partnership or limited liability partnership that is continuing the business of a partnership or limited liability partnership dissolved under AS 32.05; or

(2) before January 1, 2001, and the partnership or limited liability partnership elects, under (c) of this section, to be governed by secs. 1 - 7 of this Act.

(b) On and after January 1, 2004, secs. 1 - 7 of this Act apply to all partnerships and limited liability partnerships.

(c) On or after January 1, 2001, and before January 1, 2004, partnerships and limited liability partnerships may voluntarily elect, in the manner provided in its partnership agreement or by law for amending the partnership agreement, to be governed by secs. 1 - 7 of this Act. The provisions of secs. 1 - 7 of this Act relating to the liability of those partnership's partners to third parties do not apply to limit the partners' liability to a third party who does business with the partnership within one

year preceding the partnership's election to be governed by secs. 1 - 7 of this Act unless the third party knows or has received a notification of the partnership's election to be governed by secs. 1 - 7 of this Act; the one-year period may not extend back to before January 1, 2001.

(d) If, under (a) of this section, secs. 1 - 7 of this Act do not apply to a partnership or limited partnership, AS 04.21.035 and 04.21.080, as those sections existed before being amended by this Act, AS 09.40.240, as the section existed before being amended by this Act, AS 10.35.040, as the section existed before being amended by this Act, AS 32.05, and AS 32.11.890, as the section existed before being amended by this Act, apply to the partnership or limited partnership.

(e) In this section, "limited liability partnership" and "partnership" have the meanings given in AS 32.06.995, enacted by sec. 6 of this Act. (See ch. 115, SLA 2000)

Example 3. When transferring powers between boards or divisions.

\* **Sec. 36.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION. Litigation, hearings, investigations, and other proceedings pending under a law amended or repealed by this Act, or in connection with functions transferred by this Act, continue in effect and may be continued and completed notwithstanding a transfer or amendment or repeal provided for in this Act. Certificates, orders, and regulations issued or adopted under authority of a law amended or repealed by this Act remain in effect for the term issued, or until revoked, vacated, or otherwise modified under the provisions of this Act. Contracts, rights, liabilities, and obligations created by or under a law amended or repealed by this Act, and in effect on the effective date of this Act, remain in effect notwithstanding this Act's taking effect. Records, equipment, appropriations, and other property of agencies of the state whose functions are transferred under this Act shall be transferred to implement the provisions of this Act.

\* **Sec. 37.** The uncodified law of the State of Alaska is amended by adding a new section to read:

EMPLOYEES. Employees of the Alaska Renewable Resources Corporation become employees of the Alaska Resources Corporation on the effective date of this Act.

(i) Saving clause

If a bill contains provisions that limit, modify, or destroy individual rights and privileges, it may be necessary to consider a saving clause to protect those who have acted in reliance upon the existing law. The means for providing this protection is the saving clause.

In order to eliminate the need for adding saving clauses to each and every bill, a general saving clause has been enacted as part of the Alaska Statutes.

AS 01.10.100(a) provides:

The repeal or amendment of a law does not release or extinguish any penalty, forfeiture, or liability incurred or right accruing or accrued under that law, unless the repealing or amending act so provides expressly. The law shall be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of the right, penalty, forfeiture, or liability.

The existence of this general saving clause makes it unnecessary for the bill drafter to include a saving clause unless a special circumstance leads the drafter to believe that the general saving clause is inadequate. If the purpose of the bill is to cut off all rights and remedies as of the effective date of the bill, the bill drafter must specifically exempt the bill from the application of the general saving clause in AS 01.10.100(a).

(j) Severability clause

A severability clause is a statement by the legislature that if a part of a law that is enacted is subsequently held to be unconstitutional, the unconstitutionality does not invalidate the rest of the law. There is a general severability clause in the Alaska Statutes. It reads as follows:

Any law heretofore or hereafter enacted by the Alaska legislature which lacks a severability clause shall be construed as though it contained the clause in the following language: "If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application to other persons or circumstances shall not be affected thereby." (AS 01.10.030)

In view of this section, the bill drafter should not use a severability clause in a bill unless it is necessary to specify more details than are provided in AS 01.10.030 (e.g., "held invalid by the United States Supreme Court . . ."). If the sponsor insists on a general severability clause, use the following:

SEVERABILITY. Under AS 01.10.030, if any provision of this Act, or the application of it to any person or circumstance, is held invalid, the remainder of this Act and the application to other persons or circumstances are not affected.

Given AS 01.10.030, the drafter will need to include a nonseverability clause in a bill if the legislature intends that the provisions of the bill stand or fall together. An example of a nonseverability clause is:

\* **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section to read:

PROVISIONS NOT SEVERABLE. Notwithstanding AS 01.10.030, the provisions of this Act are not severable.

For Alaska Supreme Court cases discussing and applying severability, see Lynden Transport, Inc. v. State, 532 P.2d 700 (Alaska 1975)), McAlpine v. University of Alaska, 762 P.2d 81 (Alaska 1988)), and Mallott v. Stand for Salmon, \_\_\_ P.3d \_\_\_ (Alaska 2018)).

(k) Repeal of uncodified sections of the bill

Occasionally, a temporary provision of the bill itself is to be repealed in the future. This is common in bills establishing temporary programs or committees. An example is:

\* **Sec. 10.** Sections 1 - 9 of this Act are repealed January 1, 2024.

(l) Instructions to the revisor

In certain situations, the drafter may use an uncodified section containing instructions to the revisor. For instance, a revisor's instruction can be used to indicate how two bills should be reconciled:

Example. Revisor's instruction concerning another bill.

\* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REVISOR'S INSTRUCTION. In the event SCS CSSSHB 387(JUD), passed by the Thirty-First Alaska State Legislature, becomes law, the amendment to AS 47.10.020(a) made in sec. 2 of this Act shall be treated as an amendment to AS 47.12.040; the amendment to AS 47.10.080(b) made in sec. 3 of this Act shall be treated as an amendment to AS 47.12.120; and AS 47.10.267, enacted by sec. 4 of



this Act, shall be renumbered by the revisor to place it in AS 47.12, with conforming changes made to AS 22.35.020, enacted by sec. 1 of this Act.

Occasionally, the drafter will want to use a revisor's instruction to avoid making the same "technical" change to a number of AS sections, e.g., changing the name of a department that is absorbing the functions of another department. Generally, this is not allowed because what appears to be a "technical" change often has substantive implications. For instance, if Department A is absorbing all of Department B's functions and a committee contains the commissioners of both Department A and Department B, simply substituting the name of Department A in the law establishing that committee will not work. In some cases, however, an instruction for a "global" substitution can be used, so long as the drafter actually looks at each section affected to make sure the change really is "technical." A drafter who wants to do this should talk to the revisor first. One case where a global replacement may be used, once the drafter examines each affected statute and determines that the replacement is appropriate, is in the substitution of a spanned reference for "this chapter" or "this title" when new material is being added that is not to be covered by existing references to "this chapter" or "this title."

Example. Revisor's instruction concerning global replacement.

\* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REVISOR'S INSTRUCTION. In the following statute sections, the revisor of statutes shall substitute the spanned reference "AS 47.08.010 - 47.08.140" for references to "this chapter": AS 47.08.040, 47.08.050, 47.08.120, 47.08.130, and 47.08.140.

Please talk to the revisor before putting a revisor's instruction in a bill.

(m) Retroactivity

There are several issues a drafter must consider if a bill or part of a bill is to be retroactive in effect.

The first issue is whether the retroactivity is the type to which any statutory or constitutional considerations apply. The definition of retroactivity approved by the Alaska Supreme Court with respect to whether statutory or constitutional considerations are important is the following: "A retroactive (retrospective) statute is one which gives to pre-enactment conduct a different legal effect from that which it would have had without the passage of the statute." Hochman, The Supreme Court and the Constitutionality of Retroactive Legislation, 73 Harv. L. Rev. 692 (1960), cited in Norton v. ABC Board, 695 P.2d 1090 (Alaska 1985). Therefore, if a statute does not relate to the legal effect of prior conduct, there are no statutory or constitutional restrictions related to retroactive application. In this regard, it is important to distinguish between procedural changes in laws and laws that affect substantive rights. The constitutional and statutory restrictions on retroactivity are

inapplicable to statutes that make only procedural changes in the law and do not affect substantive rights. (Matanuska Maid, Inc. v. State, 620 P.2d 182, 187 (Alaska 1980), cited with approval in Kjarstad v. State, 703 P.2d 1167 (Alaska 1985)). See State v. Doe, 297 P.3d 885 (Alaska 2013), for a discussion relating to the retroactive application of a court rule.

Assuming the drafter has determined that substantive rights are involved, retroactivity has constitutional implications. The Alaska state constitution prohibits ex post facto laws and laws that would impair contracts. (Article I, sec. 15, Constitution of the State of Alaska) See Hageland Aviation Services v. Harms, 210 P.3d 444 (Alaska 2009) (holding retroactive application of AS 23.10.060(d)(19) unconstitutional).

If there are no constitutional prohibitions against the contemplated retroactivity, the drafter must consider the statutory restrictions involved. The bill drafter should be aware of AS 01.10.090, which states the rule that "no statute is retrospective unless expressly declared therein." Notwithstanding this provision, the Alaska Supreme Court has issued several opinions quoting the general rule that a statute will not be applied retroactively unless a contrary legislative intent appears by express terms or necessary implication. (cf. Charlesworth v. State, 779 P.2d 792 (Alaska 1989)). Because these cases fail to discuss AS 01.10.090 and derive from a territorial decision that predates the statute, do not rely on retroactivity by implication when drafting a bill. Be sure to include a bill section that provides expressly for the retroactive application of the bill or part of the bill. It is good drafting practice to provide an immediate effective date for the retroactivity section and the bill sections that are to be retroactive, although an immediate effective date is not constitutionally required. See ARCO Alaska, Inc. v. State, 824 P.2d 708 (Alaska 1992) for a discussion of retroactivity and its relationship to effective dates.

Example. Retroactivity and related effective date sections.

\* **Sec. 39.** The uncodified law of the State of Alaska is amended by adding a new section to read:

RETROACTIVITY. Sections 1 - 15 of this Act are retroactive to January 1, 2018.

\* **Sec. 40.** Sections 1 - 15 and 39 of this Act take effect immediately under AS 01.10.070(c).

If, however, only portions of a bill section are to be made retroactive, use the following:

Example. Retroactivity of limited portions of a bill section.

\* **Sec. 39.** The uncodified law of the State of Alaska is amended by adding a new section to read:

RETROACTIVITY. AS 23.30.010, added by sec. 1 of this Act, is retroactive to January 1, 2018.

\* **Sec. 40.** AS 23.30.010, added by sec. 1 of this Act, and sec. 39 of this Act, take effect immediately under AS 01.10.070(c).

(n) Conditional effect section

If the bill or part of it is not to take effect unless a specific event occurs, the drafter may set out that condition in a separate section.

Example. Conditional effect section.

\* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONDITIONAL EFFECT. Sections 1 and 2 of this Act take effect only if a constitutional amendment requiring signatures for an initiative from seven percent of the qualified voters who voted in the district in the preceding general election in each of three-fourths of the house districts of the state is proposed by the legislature and approved by a majority of the voters voting on the question at the 2020 general election.

An effective date section making the bill or part of it effective on the date the specific event occurs may, in some situations, yield the same result, but a conditional effect section should be used if there is doubt about passage of a special effective date or if the bill or part of it is to take effect on some date other than the happening of the contingency, e.g., the day after the happening of the contingency, or 30 days after the certification of election results, formation of a board, adoption of a regulation, etc. As is the case with special effective dates, if the condition involves something other than passage of legislation in Alaska (e.g., formation of a board, passage of federal legislation, adoption of a regulation, the outcome of a lawsuit), the commissioner of the appropriate state department should be required to notify the revisor of statutes and the lieutenant governor when the event occurs.

Provisions making another bill section contingent or conditional should always precede the effective date sections. If, in an appropriation bill, a contingency is embedded in the appropriation, the existence of the contingency should be noted in a separate contingency section that is placed just before the effective date sections. For example,

Example. Contingency section referring to a contingency in a previous section.

\* **Sec. 40.** CONTINGENCY. The appropriation made in sec. 30 of this Act is contingent as set out in sec. 30 of this Act.

Making a provision contingent on the action of another person or entity may raise the issue of unconstitutional delegation of legislative power. The closer the relationship between the contingency and the provision, the more likely it is that the contingency will be valid. A contingency based on federal action will probably be valid so long as it is related to the provision. A contingency based on action of a nongovernmental person is more likely to be unconstitutional. See Northern Lights Motel, Inc. v. Sweaney, 561 P.2d 1176 (Alaska 1977), and Kingery v. Chapple, 504 P.2d 831 (Alaska 1972)). A contingency based on state executive branch action that is not required by law is also problematic. Therefore, a provision should not be conditional on adoption of regulations by a state entity unless the adoption of the regulations is required by law.

An example of a contingency based on court action is as follows:

Example. Conditional effect section--court decision.

\* **Sec. 47.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONDITIONAL EFFECT. Sections 5, 11, 15, and 45 of this Act take effect only if a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal or petition for certiorari holding AS 24.45.121(e), as enacted by sec. 7 of this Act, to be unconstitutional.

(o) Amendment or repeal of effective date of another Act

If an effective date section of another Act is to be repealed or amended--for example to extend a sunset date--that repeal or amendment should be treated like an effective date and should be reflected in the title. (See discussion of title requirements supra.) While Alaska's Supreme Court has not ruled that this is necessary, we have used this procedure in the interests of caution.

(p) Effective date section

Article II, sec. 18, Constitution of the State of Alaska, provides that laws passed by the legislature become effective 90 days after enactment. Another effective date may be provided, but, under the constitution, its passage requires a vote of two-thirds of the members of each house.

A date other than the constitutional date may be required to make the operation of an Act coincide with the beginning of the fiscal year, to allow a newly created government department or other entity sufficient time to begin operations, to make an Act effective immediately to meet a critical situation, or for other reasons.

Example 1. Immediate effective date.

This Act takes effect immediately under AS 01.10.070(c).

Example 2. Special effective date.

This Act takes effect July 1, 2019.

AS 01.10.070(c) and (d) set out the time that statutes with special effective dates become law and take effect.

Different parts of a bill may take effect at different times, but the effective date sections must specify which part is to take effect at what time. A portion of a bill may be made effective on the happening of another event such as the formation of a board or commission charged with administering the law.

Other sections may be written into a law that affect the timing of the bill. A tax, for example, may be made retroactive to the first of the current calendar year.

The effective date of a bill may also be tied to some other event, including legislative or executive action, such as the enactment of a companion bill. When the effective date of a bill (Bill 2) is conditional upon the enactment of a companion bill (Bill 1), the effective date section of the second bill should be worded in terms of the effective date of the first bill. An example is "This Act takes effect on the effective date of a version of . . . (here insert the number of Bill 1 if it is known at the time of drafting Bill 2, or, if it is not, insert the title of Bill 1)." If Bill 1 does not pass, it will not have an effective date and, therefore, Bill 2 will not become effective. If Bill 1 has more than one effective date, of course, the drafter must condition the effective date of Bill 2 on the effective date of a particular section of Bill 1 or else avoid the use of a conditional effective date altogether.

It is often preferable to describe the title or principal subject of Bill 1 rather than use the bill number. This ensures that if the substantive provisions of Bill 1 are incorporated into another bill, Bill 2 will still become law. For example:

\* **Sec. 10.** This Act takes effect on the effective date of an Act enacted by the Thirty-First Alaska State Legislature that establishes an Alaska Fox Farmers Commission.

Note that the example ties the enactment of the "triggering" bill to a specific legislature. Doing this ensures that Bill 2 either becomes effective in a timely manner or not at all.

When referring to the effective date of an Act that has more than one effective date, be sure to specify the effective date of a specific section of that Act. If the section is not specified, it will be impossible to determine which effective date was intended.

If the effective date is conditioned on the adoption of a regulation, formation of a board, passage of federal legislation, or something other than passage of legislation in Alaska, the commissioner of the appropriate state department should be required to notify the revisor of statutes and the lieutenant governor when the event occurs.

Example. Notice to revisor and lieutenant governor.

\* **Sec. 5.** If secs. 3 and 4 of this Act take effect under sec. 7 of this Act, they take effect on the later of (1) the date a court enters a final judgment that the amendment made to AS 43.50.090(a) by sec. 2 of this Act changing the rate of taxation on cigarettes violates the prohibition set out in art. IX, sec. 7, Constitution of the State of Alaska, against dedication of the proceeds of a state tax or license, and (2) the expiration of any time for appeal of that judgment, or upon entry of a final order on the appeal that AS 43.50.090(a), as amended by sec. 2 of this Act, violates art. IX, sec. 7, Constitution of the State of Alaska. The attorney general shall promptly notify the lieutenant governor and the revisor of statutes of a judgment described in this section.

A section specifying a special effective date should not itself be given an effective date.

In considering effective dates and conditional effective dates, the distinction between "passage," "enactment," and "effective date" of a bill should be kept in mind. The legislature passes bills, which do not become enacted until one of three things happens: (1) the governor signs the bill, (2) the governor allows the bill to become law without signature, or (3) the legislature overrides the governor's veto. When one of these events occurs, the bill becomes an Act or "becomes law" and, if it contains no effective date section, it takes effect 90 days later. (Article II, sec. 18, Constitution of the State of Alaska, and AS 01.10.070.)

The constitutional effective date is rarely if ever applicable to appropriation bills. If the money is needed immediately, 90 days is too long to wait, and, if it is not, the effective date should coincide with the fiscal year or some other significant date.

Appropriations for general programs should be made effective July 1 for one fiscal year. Bills supplementing appropriations for the current fiscal year and bond bills should be given immediate effective dates.

## CHAPTER 2. OTHER DRAFTING REQUIREMENTS

### PARTICULAR SUBJECT AREAS

This section discusses drafting techniques related to particular subject areas. The subject areas are arranged alphabetically for convenience.

#### (a) Administrative regulations

The proper form for a section granting authority for adopting administrative regulations is the following:

The commissioner shall (or may) adopt regulations to implement AS (section or sections).

Please note that the department does not "promulgate" rules; the commissioner, or a board or commission, as appropriate, "adopts" regulations. This terminology and other laws related to administrative regulations can be found in AS 44.62, the Administrative Procedure Act (APA). A drafter dealing with provisions related to regulations should be familiar with the APA and its legal requirements.

As to drafting technique, a drafter should not include a provision for adopting regulations for the sole reason that there might be a need for the agency to fill in "holes" in the new law. The only "holes" left in a bill should be those that are there deliberately because the technical nature of the program involved requires agency expertise to interpret and administer it with regulations. Policies and guidelines for the agency should be clearly established in the bill being drafted. Agency regulations should only be necessary to implement those policies.

For example, if a bill establishes a grant program to distribute money for pollution control projects, the drafter should include a definition of "pollution," "pollution control," and a list of criteria the agency administering the grant program must use when awarding money. The bill should specify who is eligible to apply and a priority system for the awards. These are policy decisions that should not be left to the agency unless absolutely necessary.

Policy guidelines not only keep policy decisions in the legislative arena, but they are also important because they set the parameters within which oversight bodies will review the regulations for their appropriateness. The Legislative Council (AS 24.20.065), the standing committees of the legislature (AS 24.05.182), the Legislative Affairs Agency (AS 24.20.105), and the courts will each analyze the regulations within the policy context provided by the statutory authorization for the regulations.

Another drafting technique related to administrative regulations involves references to them. A drafter should not incorporate specific references to the administrative code in the statutes. The provision in the code may be renumbered, repealed, or amended at any time leaving a defective reference in the statutes. It may occasionally be proper, however, to refer to an administrative code

provision in a transitional or temporary provision. The proper form in that case would be, for example, "8 AAC 70.010."

A reference to the administrative code should also not be relied on if the requester wants to annul a regulation. Such an annulment would leave the commissioner free to readopt the regulation under another number, albeit with the obvious effect of antagonizing those in charge of the agency's purse strings. If a requester wants to annul a regulation, the best approach is for the drafter to amend the statute or statutes under which the regulation is adopted in such a way that the provision is no longer authorized and a policy different than the one set out in the disfavored provision is established. In some cases, the drafter could achieve the desired aim by repeating or paraphrasing the regulation in question or by describing the regulation's effect and preceding the paraphrasing or description with a phrase such as: "The commissioner may not adopt a regulation that . . ."

Legislative annulment of a regulation may not be accomplished by concurrent resolution. See State v. A.L.I.V.E. Voluntary, 606 P.2d 769 (Alaska 1980), which held that former AS 44.62.320(a) was unconstitutional.

If the administering agency is to be given the power to adopt regulations before the effective date of the substantive law, the following section should be added:

Example. Early adoption of regulations.

\* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITIONAL PROVISIONS: REGULATIONS. The Department of Natural Resources may adopt regulations necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law implemented by the regulation.

This section should be given an immediate effective date.

(b) Advisory votes

A requester might ask for a section in a bill that would provide that the legislature receive the advice of the public on a particular question of policy. This would be called an advisory vote section. The bill should indicate the election at which the vote is to be held, e.g., next general election or next statewide election. An example of an advisory vote provision follows:



Example. Advisory vote section.

\* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to read:

ADVISORY VOTE. The lieutenant governor shall place before the qualified voters of the state at the next statewide election a question advisory to the legislature as to whether the legislature should maintain the age of majority at 21 years of age or enact laws that would lower the age of majority to 19 years of age for the purpose of regulation of the sale, consumption, possession, furnishing, barter, purchase, gift, and delivery of alcoholic beverages. The question shall appear on the ballot in the following form:

Q U E S T I O N

Shall the drinking age be at age 19 or age 21?

Leave at age 21 [ ] Lower to age 19 [ ]

Please note that the public can only provide advice. The legislature is free to ignore that advice. An advisory vote cannot adopt a law without legislative action, nor can the legislature make a law contingent on approval by the public without risking a court's decision that the law was invalidly enacted.

A discussion of initiatives and referenda, whereby the public has a more direct role in legislation, may be found under the headings "(l) Initiatives" and "(q) Referenda."

(c) Appropriations

Appropriation bills are controlled by a number of constitutional and statutory provisions.

One specific constitutional limitation is in art. II, sec. 13, of the state constitution. This section exempts appropriations from the requirement that bills be confined to a single subject but requires that appropriation bills be confined to appropriations. In other words, an appropriation bill may not contain substantive provisions.

These limitations have two basic effects on drafting. One effect is that when a requester wants to establish a new agency or program, there usually must be two bills drafted. One bill sets up the agency or program, the other bill appropriates money for the agency or program. The effective date of the appropriation bill would be tied to the effective date of the related substantive bill.

A second effect of the limitations of art. II, sec. 13, of the state constitution, is that a drafter must avoid including "riders" on appropriation bills. Money should be appropriated for a specific purpose

or program, but further limitations on the program itself must be in a separate bill unless they can be drafted as a lawful condition on the appropriation.

A good discussion of the "confinement" requirement may be found in Alaska State Legislature v. Hammond, No. 1JU-80-1163 Civil, Memorandum of Decision, at 38 - 58 (Superior Court, First Judicial District 1983). The superior court set out the following test in regard to the confinement requirement:

. . . because appropriation bills must be limited to appropriations, the qualifying language must be the minimum necessary to explain the Legislature's intent regarding how the money appropriated is to be spent. It must not administer the program of expenditures. It must not extend beyond the life of the appropriation. Finally, the language must be germane, that is appropriate, to an appropriations bill. (Footnotes omitted)

See also, Alaska Legislative Council v. Knowles, 21 P.3d 367(Alaska 2001).

Another specific constitutional limitation is in art. IX, sec. 6, of the state constitution. It provides that appropriations may only be made for a public purpose.

Article IX of the state constitution also contains general provisions pertaining to state finance and taxation. Among these are the proscription against the dedication of funds to any special purpose (sec. 7), and the provision that no money may be withdrawn from the treasury except in accordance with an appropriation made by law (sec. 13).

In addition to these constitutional provisions, a drafter of appropriation bills should also be familiar with several statutes. One of them is similar in effect to the constitutional confinement requirement and states:

Bills for appropriations shall be confined to appropriations and shall include the amount involved and the purpose, method, manner, and other related conditions of payment. (AS 24.08.030)

Each appropriation should identify the source of funds for the appropriation. This may be the general fund, federal receipts, or a specific fund. If the fund is not established by statute, identify its source, e.g., the Alaska debt service fund established by resolution of the State Bond Committee.

Two other statutes dictate the lapse date for appropriations. Unexpended balances of one-year appropriations automatically lapse at the end of the fiscal year for which they were appropriated (AS 37.25.010). Appropriations for capital projects are valid for the life of the project if substantial, ongoing work on the project has begun within five years after the effective date of the appropriation (AS 37.25.020).

As indicated by these lapse statutes, there is more than one type of appropriation bill. In fact, there are several types that a drafter needs to be familiar with as each involves various different drafting considerations.

(1) Supplemental appropriation. A supplemental appropriation bill supplements the current appropriation for a program or project that is already financed and operating in the current fiscal year. Note in the example in Appendix I that the word "supplemental" appears in the title of the bill, the relevant fiscal year is included in the appropriation language, and an immediate effective date is necessary. If a bill section making a supplemental appropriation has a specific effective date that is earlier than the date on which the bill is likely to become law, the supplemental appropriation section should be made retroactive to the special effective date.

(2) Special appropriation. A special appropriation bill appropriates money for a program or capital project not currently funded and not included in the general budget bill. Note in the examples in Appendix III and Appendix IV that the word "special" appears in the title of the bill and that lapse clauses are included. The lapse statutes would apply to the bills even if they were not mentioned, but mentioning them clarifies any possible ambiguity, especially with respect to an appropriation for a noncapital project that may or may not be a one-year appropriation.

(3) Transfers and reappropriations. A transfer or reappropriation bill takes money from an existing appropriation and either transfers it to another existing appropriation or reappropriates it for a new purpose. A transfer (Appendix V) involves amending an existing appropriation to reduce the amount and amending another existing appropriation to increase it by the same amount. A reappropriation (Appendix VI) is accomplished by reducing or deleting an existing appropriation and using the funds to make a new appropriation or by reappropriating the entire remaining balance.

When money is being appropriated for a third time, the proper form to use will depend on the form of the second appropriation. If the total amount of appropriation A is reappropriated by appropriation B, then appropriation C simply reappropriates B, without mentioning A. On the other hand, if appropriation B merely amended appropriation A, or if appropriation B reappropriated only a part of appropriation A, then (1) a further appropriation of A should refer to "appropriation A, as amended by appropriation B," but (2) an amendment or reappropriation of appropriation B should refer only to appropriation B.

When preparing transfer or reappropriation provisions, it is important that the drafter always consult the Cumulative Table of Session Laws Amended, Added, Referenced, or Repealed, prepared by the division of legal and research services, to determine the current legal status of the appropriation to be amended or repealed. When an appropriation has been amended, the drafter should check the status of both the original appropriation and the amendment. The fiscal status of an old appropriation is normally determined by the requester and should be available from either Legislative Finance or the Office of Management and Budget.

Appropriations made by general obligation bond acts that have been approved by the voters and under which bonds have been sold may not be amended unless the original bill provided for legislative reallocation of the proceeds. That type of provision is rarely found in a bond bill. If a request is received to amend a bond act or reappropriate the proceeds of general obligation bonds, the drafter must always check the entire act to determine whether it allows future legislative modifications.

If there is any danger of a reappropriation's taking effect after the original appropriation lapses, the reappropriation should be made retroactive to a date that will prevent the lapse.

(4) Grants to municipalities and other recipients. Appropriation bills for grants to municipalities or nonprofit organizations take on a slightly different form that can best be understood from looking at the examples in Appendix VII and Appendix VIII. As indicated by these examples, a drafter should use a specific reference to the statute under which the grant is to be administered. Grants to municipalities are governed by AS 37.05.315, grants to named recipients through a department are governed by AS 37.05.316, and grants to unincorporated communities are governed by AS 37.05.317. Information about whether a community is incorporated can be ascertained from the Department of Commerce, Community, and Economic Development or the Alaska Municipal League. Because publications can become out-of-date quickly in this area, old directories should not be relied on. There are many other grant programs for specified purposes. To the extent that it is consistent with the request, appropriations for grants for those purposes should be made to the department administering the grant program.

(5) Revolving fund (loan fund). Although not specified in the statutes, a "revolving fund" is commonly understood to be of indefinite duration, and, therefore, an appropriation to such a fund is for more than one year and is not subject to AS 37.25.010. Note in the example in Appendix IX that this type of appropriation is a special appropriation when it is not part of the general budget bill. Also note the nonlapse language.

(6) General appropriation bill (budget bill). This bill sets out the budget for the operating and capital expenses of the state for the next fiscal year. In recent years, the operating and capital budgets have been enacted in separate bills.

(7) Multiple funds; multiple recipients. With respect to each of the types of appropriations listed in (1) - (6) of this subsection, there may be sections in a bill that relate to more than one recipient or more than two sources of funding, or there might be a mixed appropriation bill making several types of appropriations. These appropriation bills require a slightly more condensed format than the simple bills described in (1) - (6) of this subsection. For clarity of expression, easier preparation, and for future ease in amending, the format in Appendix X should be used for complex appropriation bills.

If only one or two other funds are involved in an appropriation section, that information should be set out in the introductory paragraph rather than listed in a column. Thus, the paragraph would read, in part: "The sum of \$ \_\_\_\_\_ is appropriated from the general fund, and the sum of \$ \_\_\_\_\_ is appropriated from the highway working capital fund to the . . ."

(8) Mental health appropriations. By statute, the capital and operating expenditures for the mental health program are to be authorized in an appropriation bill separate from the general appropriation bill. See AS 37.07.020, AS 37.14.003, and 37.14.005.

(9) Constitutional budget reserve fund. Article IX, sec. 17, Constitution of the State of Alaska, allows appropriations in limited situations by a simple majority vote under subsection (b) and for any public purpose by a three-fourths vote under subsection (c). An appropriation that is

made under subsection (b) should be made in a separate bill, bill section, or bill subsection; if it is determined that the situation that allows an appropriation under subsection (b) did not exist, only that appropriation will be affected. An appropriation under subsection (c) should also be made in a separate bill, bill section, or bill subsection; if that bill section or subsection fails to get the three-fourths vote in each house, the bill section or subsection will drop out of the bill. An appropriation under subsection (c) should also be noted in the title. If a bill section amends or repeals a prior appropriation under sec. 17(c), that bill section should be treated as an appropriation under sec. 17(c).

(10) Reference to the balance of a fund. When an appropriation refers to the balance of a fund, and especially to the "balance less \$ \_\_\_\_\_," state the date on which the balance is to be determined. This will avoid ambiguity if the effective date fails or the legislature overrides a veto of the appropriation.

(11) Intent language. If intent language relating to an appropriation is to be included in an appropriation bill, the drafter must first confirm that the language does not contain a substantive provision and does not violate the confinement requirement. If the intent language applies to only one section of the bill, it may be included as a subsection within that section.

(12) Funding information. In addition, special and supplemental appropriation bills should include an informational breakdown of funding information in two categories: the amount from the general fund and the amount from all other funds. This funding information is not an "enacted" part of the bill and should appear at the top of page 1 of each appropriation bill where the amount can be calculated, as indicated in the following example:

Example: Funding information.

## SENATE BILL NO. 103

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

**BY SENATOR SMITH**

**Introduced: 2/11/19**

**Referred: Resources, Finance**

<b>Funding Information:</b>	<b>General Fund</b>	<b>\$25,000</b>
	<b>Other Funds</b>	<b>-0-</b>
	<b>Total</b>	<b>\$25,000</b>

See Chapter 1 of this part of the manual for additional discussion relating to possible effective dates of appropriation bills.

(d) Boards and commissions

If a requester wants to establish a new board or commission in the executive branch, the drafter must be aware that there is a constitutional limitation on the power of the legislature to confirm appointments to that new board or commission.

In Bradner v. Hammond, 553 P.2d 1 (Alaska 1976), the Alaska Supreme Court analyzed secs. 25 and 26 of the executive article of the state constitution (art. III) and held that the sections delineate the extent of the legislature's power to confirm executive appointments of the governor. Each bill drafter should be aware that, under this holding, only the following appointments are subject to legislative confirmation:

- (1) heads of principal executive departments;
- (2) members of a board or commission that is at the head of a principal department or a regulatory or quasi-judicial agency; and
- (3) members of the Board of Regents of the University of Alaska.

In addition to this constitutional limitation, the drafter must be aware of some special statutes related to boards and commissions. For instance, when establishing a new board or commission, the drafter must consider whether an addition should be made to the following lists:

- (1) public entities covered by the conflict of interest statutes (AS 39.50.200(b));
- (2) public entities whose procedures are governed by the Administrative Procedure Act (AS 44.62.330);
- (3) boards, commissions, and agencies specifically scheduled for "sunset review" (AS 08.03.010 and AS 44.66.010); or
- (4) applicability of centralized licensing statutes (AS 08.01.010).

Another statute for a drafter to consider is AS 39.05.055 where staggered terms are set for initial appointments to boards and commissions. If a variation is desired or the statute does not deal with the situation, that may be accomplished with a temporary law provision.

Similarly, the drafter should be aware of AS 39.05.053, which establishes March 1 as the ending date for terms unless another statute explicitly provides otherwise.

Statutes establishing a new entity like a board, authority, or corporation should clearly indicate whether the new entity is an instrumentality of the state. Many statutes apply to instrumentalities of the state that do not apply to autonomous entities. See Alaska Commercial Fishing and Agric. Bank v. O/S Alaska Coast, 715 P.2d 707 (Alaska 1986), for a discussion of pertinent drafting issues.

If a bill transfers duties of a board or commission, the drafter should probably use transitional provisions like those discussed in Chapter 1 of this part of the manual. Effective dates of some provisions may need to be tied to the effective date of regulations adopted by a new board or commission.

#### (e) Bond bills

(1) General obligation bond bills. Article IX, sec. 8, Constitution of the State of Alaska, provides in part that "No state debt shall be contracted unless authorized by law for capital improvements or unless authorized by law for housing loans for veterans, and ratified by a majority of the qualified voters of the State who vote on the question." State debt for capital improvements is contracted through the issuance of general obligation bonds that must first be enacted into law by the legislature and thereafter submitted to the voters.

A standard form of bill for general obligation bond authorizations has been developed by the Legislative Affairs Agency, the attorney general, and bond counsel and may be found in Appendix XV. For uniformity and to ensure the marketability of the bond issue, this standard form should be used in drafting a general obligation bond authorization.

Section 4 of the standard form bill provides for the appropriation of a sum from the general fund to pay for the cost of administering the bond sale (the general fund is repaid from the proceeds of the sale). The amount of the appropriation is 0.5 percent of the principal amount of the bonds to be issued (.005 X principal amount).

Section 7 of the standard form bill provides that the bonds shall be submitted to the voters at the next general election. This conforms to prevailing practice. However, the state constitution does not require that the bond question be ratified at a general rather than a primary or special election, and AS 37.15.015 refers to "general" or "special" elections for bond issue ratification. If the sponsor of the bill wishes the question submitted at a special election, the bill drafter should consider deviating from the standard form.

AS 24.08.037 requires certain inclusions in a general obligation bond bill and must be considered when adapting the standard form to a particular request. AS 24.08.037 provides:

A bill authorizing the issuance of general obligation bonds creating a state debt for capital improvements shall contain a statement of the scope of each project included in the proposed bond issue. The statement shall include a brief description of each capital improvement project, its location, and, in dollars, that portion of the total bond issue to be allocated to the project.

The statement of the scope of each project is included in the standard form bond authorization bill. See ch. 99, SLA 1980, for an example of a statement of projects under AS 24.08.037.

A general obligation bond bill is not an appropriation bill (Thomas v. Rosen, 569 P.2d 793, 797 (Alaska 1977)) and is not exempt from the constitutional provision that limits bills to one subject (art. II, sec. 13, Constitution of the State of Alaska). For a discussion of the one-subject rule as it

applies to general obligation bond bills, see Gellert v. State of Alaska, 522 P.2d 1120 (Alaska 1974) where the Alaska Supreme Court held that a bill providing for bonds for "flood control and small boat harbors" did not violate the one-subject rule. See also Short v. State, 600 P.2d 20 (Alaska 1979) where the court determined that a bill providing for bonds for public safety facilities and corrections facilities did not violate the one-subject rule.

Once bonds have been sold under authority of a bond bill, a later legislature may not amend the provisions of the bill that appropriate and allocate funds to specific projects without impairing the rights of the bondholders. Consequently, if the requester desires to provide for future flexibility with respect to the financing of projects from the bond proceeds, it is necessary to include a provision authorizing the executive branch or the legislature to reallocate the funds between projects.

General obligation bond bills are temporary law and are not codified in the Alaska Statutes. (For examples of bond bills enacted, see ch. 91, SLA 1980, and ch. 98, SLA 1980)

(2) Revenue bond bills. A revenue bond bill authorizes the sale of bonds to finance a project with the bonds to be repaid from the proceeds of the project. The state constitution does not require the submission of revenue bond measures to the voters (see art. IX, sec. 11); however, revenue bonds must be authorized by law.

Improvements at the Anchorage and Fairbanks International Airports have been financed through state revenue bonds, and the provisions relating to those facilities have been codified at AS 37.15.410 - 37.15.550. Those provisions should be amended as appropriate when a request for international airport revenue bonds is received. When the amount of international airport revenue bonds is increased by an amendment to the bond authorization provisions of AS 37.15.410, the amending bill should be accompanied by a bill appropriating the additional amount for airport purposes. (See, for example, ch. 69, SLA 1979)

Revenue bonds for other projects are authorized in bills proposing temporary law only. See, for example, the University of Alaska revenue bonds authorized in ch. 56, SLA 1961; ch. 43, SLA 1963; ch. 109, SLA 1965; and ch. 111, SLA 1969.

A standard form for revenue bond authorizations has not been developed. In drafting revenue bond authorizations, the bill drafter should note that the examples of temporary law listed above require some simplification if they are to be adapted to current drafting standards.

#### (f) Court rule changes

If a requester wants to change a court rule, a drafter must be aware of the following constitutional provision:

The supreme court shall make and promulgate rules governing the administration of all courts. It shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts. These rules may be changed by the legislature by two-thirds vote of the members elected to each house. (Article IV, sec. 15, Constitution of the State of Alaska)



Under this section, rules of court are made by the court, not by the legislature, although the legislature may change a court rule of practice and procedure by a two-thirds vote. Furthermore, in Leege v. Martin, 379 P.2d 447 (Alaska 1963), the court held that a bill changing a rule of court procedure must explicitly refer to the court rule to be changed. Rule 39(e) of the Uniform Rules of the Alaska State Legislature reflects this holding and requires:

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 fact that a bill contains a section which changes a court rule shall also be noted in the title of the bill.

The basic problem for a drafter is twofold. First, the drafter must determine if a provision of the draft would have the effect of amending a rule of court. Secondly, if a court rule is affected, the drafter must then determine whether the change is

- (1) a matter of substance (subject to legislative change with no special requirements);
- (2) a matter of practice and procedure (subject to legislative change with a two-thirds vote and special notation in the title and body of the bill); or
- (3) a matter of judicial administration (possibly not subject to legislative change).

Matters of substance include limitation of actions, burden of proof, presumption, creation of courts, and matters of jurisdiction. See Nao v. State, 953 P. 2d 522 (Alaska Ct. App. 1998) (trial of juvenile as adult). For a discussion of court rules adopted pursuant to the court's art. IV, sec. 1, interpretative power, see Coghill v. Coghill, 836 P.2d 921, 927 (Alaska 1992), and Citizens Coalition v. McAlpine, 810 P.2d 162 (Alaska 1991). If a court rule must be amended, even though the amendment involves a matter of substance (e.g., an amendment of Alaska Rule of Civil Procedure 90.3, relating to calculation of child support), the drafter may insert an uncodified law section indicating that, because it is substantive, the amendment takes effect even if it does not receive the two-thirds vote in each house. This clarifies the situation and lets the person engrossing the bill know that a direct court rule amendment should not be deleted from the bill or the bill title, even if it fails to receive the two-thirds vote.

Rules of practice and procedure are usually considered to include such matters as forms of action, how an action is commenced, the manner of notice, pleading and motion practice, joinder of causes, parties, pre-trial practice and discovery, the conduct of the trial, stay of proceedings, the procedures by which a judgment is enforced, post-trial proceedings such as motions for new trial, the time of appeal, venue, evidence, and procedures involved in special proceedings such as adoption and probate. An award of attorney fees under Alaska Rule of Civil Procedure 82 is a rule of practice and procedure, although the public interest litigant exception to that rule is a matter of substantive law. State v. Native Village of Nunapitchuk, 156 P.3d 389 (Alaska 2007). If the court rule itself explicitly allows the legislature to make exceptions to or interpretations of the court rule, a two-

thirds vote is not necessary. Valentine v. State, 155 P.3d 331 (Alaska Ct. App. 2007) (Evidence Rule 402).

Rules of administration of courts include the traditional areas of court internal administration protected by the doctrine of separation of powers and those rules enacted for the administration of a unified court system.

For interpretations of the authority of the legislature in this area, in addition to Leege v. Martin, see Channel Flying v. Bernhardt, 451 P.2d 570 (Alaska 1969); City of Valdez v. Valdez Development Company, 506 P.2d 1279 (Alaska 1973); Nolan v. Sea Airmotive, Inc., 627 P.2d 1035 (Alaska 1981); Main v. State, 668 P.2d 868 (Alaska App. 1983); and Alaska Pub. Interest Research Group v. State, 167 P.3d 27 (Alaska 2007). For a discussion of whether Criminal Rule 45 is a substantive or procedural matter, see State v. Williams, 681 P.2d 313 (Alaska 1984). For extensive discussion of the difference between procedural and substantive rules, see State v. Native Village of Nunapitchuk, 156 P.3d 389 (Alaska 2007). However, courts have not always consistently distinguished between procedure and substance for purposes of legislative authority to amend court rules. See Mund v. State, 325 P.3d 535 (Alaska App. 2014).

As a matter of drafting technique, it is generally better to implement Rule 39(e) by actually amending the rule in question rather than by enacting a law that has the indirect effect of amending the rule. Regardless of whether a court rule is changed directly or indirectly, a drafter must be very careful when drafting the section required by Rule 39(e). Not only must the correct court rule be cited accurately but also the correct sections of the bill that effect an indirect change. Errors of citation may unintentionally cause other substantive portions of the bill to fail if the changes in a court rule fail while the rest of the bill passes.

If one house adopts a court rule change that is part of a longer bill and the other house does not adopt the court rule change but adopts the remainder of the bill, the first house need not concur in the second house's action. The houses are considered to have adopted the same bill (the bill minus the sections that changed court rules) for the purposes of sending a version to the governor for signature. (See Galbraith v. State, 693 P.2d 880 (Alaska App. 1985))

If the legislature enacts a bill containing a law indirectly amending a court rule but fails the court rule change itself, the enacted law and the court rule both remain on the books, with the court rule prevailing in the event of any conflict. See Galbraith v. State, 693 P.2d 880 (Alaska App. 1985). Having the enacted law take effect even if the court rule change fails may be the desired solution when it is unclear whether the matter is one of substance or procedure. However, in most cases, a conflict between a court rule and statute is confusing at best and misleading at worst and should be avoided.

To avoid that result, unless instructed otherwise by the requester, the drafter should isolate the substantive provisions affecting the court rules so that they are clearly severable from the rest of the bill and make them effective only if the court rule change obtains the required two-thirds vote. Use the following form for the section(s) describing the effect on the court rules:

Example: Indirect court rule change sections.

\* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

INDIRECT COURT RULE AMENDMENT. The provisions of sec. 1 of this Act have the effect of changing Rule 65, Alaska Rules of Civil Procedure, by changing the procedure for injunctions in certain cases.

\* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONDITIONAL EFFECT. AS ---, enacted (amended) by sec. 1 of this Act, takes effect only if sec. 4 of this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

See also Chapter 1 of this part of the manual regarding title requirements for a bill that amends a court rule.

(g) Criminal laws

Unless the change is necessary, it is best to avoid changing section numbers, subsection letters, or paragraph numbers of existing laws that set out the elements of a crime because these numbers and letters are used in existing charging documents and criminal forms.

(h) Definitions

Many bills contain sections that define the terms used in the bill. A definition section in a bill may define only one or two or many words. A definition section can be useful in making a bill precise, but, if great care is not used in defining a word, the definition may cause confusion rather than eliminate it.

Substantive provisions of the law must not be hidden in definitions, and a word should not be given a strained and artificial definition that is out of keeping with customary usage or contrary to other law. A definition should be used to limit to one definite meaning a word that otherwise might be subject to several differing but equally valid interpretations.

If the word is clear and unmistakable without definition, it is superfluous and confusing to define it. A drafter must use good judgment in this regard, however. A word that is not defined in a statute will probably be given its common law meaning by a court construing the statute. See Hugo v. City of Fairbanks, 658 P.2d 155 (Alaska App. 1983), where "intent to deprive" was construed to mean "intent to permanently deprive" because of the common law meaning of "deprive." Particularly in penal statutes, a drafter must be careful to define key words if their common law meanings are not

intended. For a discussion of how a court approaches the interpretation of a statutory term, see Gibson v. State, 719 P.2d 687 (Alaska App. 1986).

A definition is often useful to eliminate undesirable repetition, as in the following examples:

"commissioner" means the commissioner of health and social services;

"school board" means the school board of a borough or city school district or a regional educational attendance area;

A definition may be all-inclusive, as in the foregoing examples, in which the word "means" equates the terms on either side. The word "includes" may be used in a definition, but only as an alternative to the word "means." It is used when the bill drafter intends to show that a meaning that might otherwise be in doubt is intended, in addition to the clear meaning of the word. An example is:

"oath" includes affirmation . . . .

See generally, Dickerson, The Fundamentals of Legal Drafting, 2d ed. (1986), sec. 7.1 - 7.6. For an interpretation of the use of "includes" in a statutory definition, see Brown v. Wood, 575 P.2d 760, 767 (Alaska 1978). This interpretation has been adopted by the legislature and is codified at AS 01.10.040(b), which provides:

(b) When the words "includes" or "including" are used in a law, they shall be construed as though followed by the phrase "but not limited to."

Consequently, it is not necessary to say "but not limited to" when using "includes" or "including." If you wish to limit the defined term, use the form set out in the above example defining "school board."

The first step a drafter must take when considering the use of a definition section in a bill or the addition of a definition to a section that already exists is to check to see if the term in question is already defined in the statutes. A definition of the term might already be in one of the following places:

- (1) AS 01.10.055, 01.10.060, or 01.10.065 (definitions for all Alaska Statutes);
- (2) the end of the title being amended (usually in the chapter headed "General Provisions");
- (3) the end of the chapter being amended (usually the last section); or
- (4) the end of the article or group of sections being amended.

If a definition applies to only one section of a fairly long bill, it is preferable to put the definition at the end of the section of the bill to which it applies. In all other cases, the placement of the definition section should be as described in (2) - (4) above. In rare cases involving widely adopted

uniform acts with nationwide implications, definitions have been placed at the beginning of chapters, e.g., the Uniform Commercial Code, the Uniform Probate Code, and the Uniform Interstate Family Support Act.

Within a newly enacted definition section, the terms defined must be alphabetized.

If a drafter wants to use a defined term that is located elsewhere in the statutes (but not in the title the drafter is amending), the proper form is "----- has the meaning given in AS ---.---.----." The drafter must realize, of course, that any future changes in the first definition will be incorporated in the second because of the cross-reference technique, so care must be taken to affirmatively decide that result would be desirable. If the two definitions should be independent, the drafter can simply define the new term with the same words used in the other location rather than use a cross-reference.

#### (i) Errors in Alaska Statutes or session laws

If a typographical error appears in the printed version of Alaska Statutes or in the data base for Alaska Statutes, it need not be corrected by formal amendment. A drafter who makes other amendments to a section with a typographical error should merely correct the typographical error in the draft and use the usual amendment procedure for the other amendments. The drafter should always notify the revisor of statutes about the error.

Please note that this procedure applies only to obvious typographical errors such as misspellings. If the "error" is one of substance, such as an obsolete statutory reference, or if the "error" still results in a sentence with meaning, then the error is not the obvious type that can be changed without amendment. If a drafter is amending a section with this type of error in it, the drafter should include a corrective amendment of the error. The revisor should still be notified, however, because the annual revisor's bill of technical changes might be an appropriate vehicle for correcting this type of error, whereas the drafter's bill might not pass and, hence, not correct the error.

#### (j) Fees

There are many statutes that set fees or allow agencies to collect fees for services and items such as surveys or licenses. A drafter asked to establish a new fee or amend existing provisions relating to fees should be aware of the following constitutional provision:

**Dedicated Funds.** The proceeds of any state tax or license shall not be dedicated to any special purpose, except as provided in Section 15 of this article [establishing the permanent fund] or when required by the federal government for state participation in federal programs. This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of ratification of this section by the people of Alaska. (Article IX, sec. 7, Constitution of the State of Alaska)

In light of this prohibition, the drafter must be careful not to provide for the proceeds of any fee to be retained by the agency collecting it. The proceeds may not be dedicated to be spent for a particular purpose unless the dedication existed before ratification of the state constitution or the dedication is required by the federal government. Nor can a state agency be precluded from requesting an

appropriation from a particular fund or revenue source. (Sonneman v. Hickel, 836 P.2d 936 (Alaska 1992)) The proceeds can be credited to a particular fund as long as they are not dedicated to a particular purpose. See "Funds," below.

For further discussion of this prohibition against dedicating funds, see State v. Alex, 646 P.2d 203 (Alaska 1982), Southeast Alaska Conservation Council v. State, 202 P.3d 1162 (Alaska 2009), 1982 Op. Atty. Gen., No. 13, State v. Ketchikan, 366 P.3d 86 (Alaska 2016) (local contribution to school funding not a dedicated fund), and Wielechowski v. State, 403 P.3d 1141 (Alaska 2017) (permanent fund dividend fund not a dedicated fund)). See also the discussion under "Program receipts" in (p) of this section.

#### (k) Funds, establishing and dedicating

If a bill request calls for establishing a fund made up of receipts from a certain activity, the bill drafter should keep the following points in mind.

With the exception of the Alaska permanent fund, most public money and revenue coming into the state is deposited in the general fund. The general fund is not specifically created by statute. Its existence is noted in AS 37.05.500, which provides that certain enumerated funds are to be treated for accounting purposes as accounts in the general fund. There are numerous other accounts or funds not listed in AS 37.05.500 that are also part of the general fund. (See AS 37.05.510 and 37.05.540.)

Because of the prohibition against dedicating funds (discussed under "Fees," above), a drafter creating a new fund should be careful not to draft a provision that purports to restrict the use of money in that fund or restricts a state agency from requesting an appropriation from that or another fund. A new "fund" is actually more like an "account." It is merely a way of organizing the income of the state for accounting purposes. Most new funds will really be part of the larger general fund, and a bill draft creating a new fund should reflect that fact with language such as: "The \_\_\_\_\_ fund is created in the general fund."

If the legislature wants to indicate in statute what it hopes a fund will be used for, the drafter may include a sentence stating that "The legislature may appropriate money in the fund for \_\_\_\_." It is also a good idea to include, either in the statute or a separate intent section, a statement that the fund is not a dedicated fund. See Sonneman v. Hickel, 836 P.2d 936 (Alaska 1992).

There are, of course, exceptions to this general rule. Dedicated funds are allowed when required for participation in federal programs, and dedicated funds that were in existence on April 24, 1956, were allowed to continue.

It is not well-settled what kinds of changes can be made in the grandfathered funds without destroying their special status as dedicated funds, so a drafter who is asked to make changes in this type of fund should alert the requester to the possible consequences.

### (l) Initiatives

Article XI, sec. 1, of the state constitution provides for enactment of laws by the people through initiatives. If the legislature enacts "substantially similar" legislation, a proposed initiative is not placed on the ballot.

A drafter must be careful not to confuse the concept of an initiative with the concept of an advisory vote. Initiatives must follow the process outlined in the constitution, and they result in the enactment of laws without any action by the legislature. An advisory vote is a question put to the people by the legislature, and it does not result in the enactment of any law absent further action by the legislature.

A drafter cannot add a section to a bill that calls for an initiative by the people nor can the bill's effective date be conditioned on approval by the people unless the bill involves the incurrence of state debt (art. IX, sec. 8, Constitution of the State of Alaska) or is a local act that would necessitate appropriations by a political subdivision (art. II, sec. 19, Constitution of the State of Alaska).

The legislature can amend an enacted initiative, but it may not repeal an initiative for a two-year period following its enactment. For cases involving amendments of an initiated law, see Warren v. Thomas, 568 P.2d 400 (Alaska 1977) and Warren v. Boucher, 543 P.2d 731 (Alaska 1975).

### (m) Local or special laws

Article II, sec. 19, of the state constitution provides that "the legislature shall pass no local or special act if a general act can be made applicable." This constitutional provision is designed to eliminate the favoritism and logrolling that result if a legislature has the unfettered power to enact local and special acts. (See 2 Sutherland, Statutory Construction, sec. 40:1 (7th ed. 2014))

Similarly, art. XI, sec. 7, of the state constitution provides that the initiative "shall not be used . . . to enact local or special legislation."

Each bill drafter should keep the limitations on local and special legislation in mind when faced with a request for a bill affecting a limited group or area.

In Alaska, a two-stage test is used to determine if an act is "local" or "special." "The first stage is a threshold inquiry as to whether the proposed legislation is of general, statewide applicability." Pebble Limited Partnership v. Parnell, 215 P.3d 1064, 1078 (Alaska 2009). If the court determines that the legislation is not "of statewide application," it will evaluate whether the legislation bears a fair and substantial relationship to legitimate purposes. Id. at 1078 - 1079 (quoting State v. Lewis, 559 P.2d 630, 643 and n. 44 (Alaska 1977), quoting Isakson v. Rickey, 550 P.2d 359, 361 - 363 (Alaska 1976)). For a discussion of local and special legislation in the context of the actions of a borough, see Price v. Kenai Peninsula Borough, 331 P.3d 356 (Alaska 2014).

### (n) Municipalities

If a bill relates to municipalities, the drafter must have a clear understanding of the types of local governments that exist in Alaska. There are cities of various classes, general law municipalities and home rule municipalities, and organized and unorganized boroughs. A drafter must be familiar with

the differences and relationships among these entities. Resource material from the Legislative Reference Library can be helpful in this regard.

The drafter must also be familiar with two statutory lists that might need to be amended when drafting laws related to municipalities. If a drafter adds a provision to the title on municipal government that is to apply to home rule as well as general law municipalities, the new provision must be listed in AS 29.10.200. If a drafter adds a new municipal service or municipal regulatory authority, there should be amendments to the lists in AS 29.35.200 or 29.35.210.

#### (o) Penalty provisions

The enforcement of the substantive requirements of a bill is achieved through enforcement (or penalty) provisions imposing sanctions against the violation of those substantive requirements. Enforcement provisions may include criminal or civil sanctions of various types. (See 1A Sutherland, *Statutory Construction*, secs. 20:17, 20:18, 20:19, and 20:20 (7th ed. 2014)). The bill drafter should give careful consideration to the selection of the appropriate sanction to be imposed.

Criminal penalty provisions are usually drafted to make a certain prohibited act a felony, a misdemeanor, or a violation. Defendants convicted of felonies or misdemeanors may be imprisoned and fined; defendants convicted of violations may be fined but may not be imprisoned. In addition, the court may order defendants to make restitution to the victim of an offense. The bill drafter should be familiar with the provisions of Alaska criminal law relating to felonies, misdemeanors, and violations.

Felonies, misdemeanors, and violations are classified by AS 11.81.250.

When a bill contains new provisions referring to "prior convictions," the drafter should include an applicability section indicating whether "prior convictions" includes those occurring before the effective date of the bill.

Civil penalty provisions may provide for administrative action or enforcement through a civil suit, or both. In addition to monetary penalties, injunctive relief may be authorized. For an example of a simple provision including injunctive relief and a monetary penalty enforceable in a civil action, see AS 08.18.131. For an example of a civil monetary penalty enforceable by an administrative body or a court, see AS 14.48.190. For an example of a more complex civil penalty provision, see AS 46.03.760.

When drafting a provision outside of AS 11 that is enforced with a criminal penalty, be sure to include a scienter requirement if there is not one already established that applies to the provision and a cross-reference to AS 11.81.900(a), if appropriate. The general scienter provisions of AS 11.81.610 do not apply to offenses defined outside of AS 11.

When a section of the criminal law contains both a definitions subsection and a subsection classifying the offense, the classification subsection is the last and the definitions subsection precedes it.



(p) Program receipts

The prohibition against dedicated funds led to the development of "program receipts" accounting, under which the executive branch accounts for revenue from fees, charges, sales, and other sources (other than generally imposed taxes) by source, and the legislature states its intent to appropriate the revenue back to the program generating the revenue. AS 37.05.142 - 37.05.146 and AS 37.10.050(a) contain general provisions that cover most program receipts situations. It is important to keep in mind that under any form of program receipt accounting and appropriating, the legislature must retain its right to appropriate program receipts for any public purpose; otherwise an impermissible dedicated fund is created. Note also that AS 37.05.146 does not list exceptions to program receipts, but, rather, it lists those receipts that are not unrestricted general fund program receipts. These distinctions must be clearly understood by the drafter.

Because of the general coverage of the cited statutes, it is not necessary to draft language relating to the disposition of fees or other charges unless it is desired that the legislature appropriate the proceeds to another program or purpose. For an example of how to draft in those instances, see AS 14.20.020(e) (fees for teacher certificates intended to be used for administering the certificate program and for support of another activity; if fees were to be used only for the former, subsection (e) would not have been required).

(q) Referenda

Article XI, sec. 1, of the state constitution provides that "the people may . . . approve or reject acts of the legislature by the referendum."

A drafter must be careful to distinguish between the concept of a referendum and the concept of an advisory vote. A referendum involves action by the people without legislative involvement (except in the limited areas described below). An advisory vote involves a request by the legislature that the people advise them on a question of policy. While there is no Alaska case on point, it is safest to assume that legislative action may not be conditioned on the approval of the people except in the following instances:

- (1) incurring of state debts must be authorized by law and ratified by the voters (art. IX, sec. 8, Constitution of the State of Alaska);
- (2) constitutional amendments must be proposed to the people by a two-thirds vote in each house and ratified by the people (art. XIII, sec. 1, Constitution of the State of Alaska);
- (3) local acts necessitating appropriations by a political subdivision may not become effective unless approved by a majority of the qualified voters voting on them in the subdivision affected (art. II, sec. 19, Constitution of the State of Alaska).

(r) Task forces and similar entities

(1) Created by resolution. The legislature, or one house of it, can create a special committee, task force, or other entity in the legislative branch by resolution. Typically, an entity created by resolution will have only legislators as members. On occasion, an entity created by resolution will provide for other membership, which will be strictly voluntary on the part of the nonlegislative members as there will be no law requiring their participation. The drafter should consider providing a termination date for the entity created by resolution, which will normally be the first day of the next legislature or some earlier date.

(2) Created by law. On occasion, the legislature will want to create a task force, blue ribbon commission, or similar entity that will exist beyond the legislature that creates it, for example, a task force created by one legislature that will continue to perform duties during the next legislature, or that includes members outside the legislature, for example, members of the public or the executive branch, or both. A task force should be established by law if the task force is to exist beyond the legislature that creates it or if it contains members other than legislators and someone outside the legislative branch is to be bound--e.g., executive branch members being bound to attend or members of the public being bound to honor a subpoena of the task force. When a task force or similar entity is established by law, the drafter should set out the composition, powers and duties, and termination date of the task force and should also indicate the branch of government in which the entity is established.

(s) Uniform acts

A uniform act can be a good source of material for a draft. Uniform acts usually relate to areas of law where uniformity from state to state serves an important purpose. If their provisions are judicially interpreted in one state, other states' courts will give those interpretations great weight. A drafter who uses a uniform act for a bill, therefore, should be careful to retain the language of the uniform act except where it is impossible to do so because of unique conditions in Alaska. Minor stylistic changes to conform to the style of Alaska legislation are permitted, but caution should be exercised.

Uniform acts should be distinguished from "model" acts and legislation from other states. A drafter who uses a model act or legislation from another state for a bill should use it only as a starting point, freely making changes to adapt it to the policies and conditions prevailing in Alaska.

#### (t) Uniform Rules

The Constitution of the State of Alaska (art. II, sec. 12) provides: "The houses of each legislature shall adopt uniform rules of procedure." It is noteworthy that the drafters of the constitution did not say "each house" shall adopt, but rather emphasized that the "houses" should adopt uniform rules. It was the intention of the writers that Alaska should avoid the circumstances of many state legislatures where one finds house rules, senate rules, and joint rules. The uniform system is intended to permit the members and the public to follow or conduct the legislative process without a confusion of rules. The rules are adopted by both houses sitting in joint session as one body. The law on the subject of rules reads:

**Rules.** At the beginning of the first regular session of each legislature, both houses shall adopt uniform rules of procedure for enacting bills into law and adopting resolutions. The rules in effect at the last regular session of the immediately preceding legislature serve as the temporary rules of the legislature until the adoption of permanent rules. (AS 24.05.120)

The rules are meant 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.

Copies of the uniform rules are distributed by the Legislative Affairs Agency at the direction of the Legislative Council.

The uniform rules may be amended or suspended by the adoption of a concurrent resolution by a two-thirds vote of the full membership of each house. (Rules 53 and 54, Uniform Rules, Alaska State Legislature) Appendix XXIV shows an example of a concurrent resolution to amend a rule. If a concurrent resolution is drafted for the purpose of suspending a uniform rule in relation to consideration of a bill, the body of the resolution should refer to the subject of the bill as well as the bill number for which the rule is being suspended. If a concurrent resolution is drafted for the purpose of suspending a uniform rule regarding changes to the title of a bill, the title and body of the resolution should refer to the title of the measure as it passed the first body or, if that title is very long, an accurate summary of the title as it passed the first body. The effective date clause, if any, need not be set out. On request, the new title may be set out as well. (See Appendix XXV)

#### **STYLE, GRAMMAR, AND WORD USAGE (alphabetically)**

No attempt is made in this manual to set out comprehensive rules of grammar or to list all of the words that ought or ought not to be used in drafting bills. Dickerson, The Fundamentals of Legal Drafting, 2d ed. (1986), devotes several chapters to these matters, and those chapters should be frequently consulted for the resolution of drafting problems. The 1965 edition is substantially similar and also may be used. This manual deals only with general principles of style and sets out a few common drafting errors.

Each bill drafter should be concerned primarily with a clear and exact presentation of the subject matter of the statute. Drafting style is obviously of great significance in expressing the substantive concepts. In drafting an effective piece of legislation, no mechanical procedure will suffice. The following principles, however, are ones from which a bill drafter should not depart without good reason.

(a) "And/or," "and," "or"

Do not use "and/or" because it is too ambiguous. After deciding whether "and" or "or" is appropriate in a listing of several items, include the "and" or "or" only between the last two items in the list, not between each of the items. See Dickerson, The Fundamentals of Legal Drafting, 2d ed. (1986), sec. 6.3, pp. 115 - 124. This view of how to use "and" and "or" is also supported by the Alaska Supreme Court in Employment Security Commission v. Wilson, 461 P.2d 425 (Alaska 1969). For an example of a poorly drafted statute where the use of "or" troubles the Alaska Supreme Court because of the peculiar construction of the paragraphs joined by the "or," see AS 12.55.025(g) and State v. Andrews, 723 P.2d 85 (Alaska 1986).

If "and" or "or" are not used in a listing, the courts will generally interpret the listing as including "and." Consequently, it is important to use "or" if the listing is one of alternative consequences or conditions rather than one of, for example, all of the powers of an agency.

For further discussion of "and" and "or," see Dickerson, The Fundamentals of Legal Drafting, 2d ed. (1986), sec. 6.2, pp. 104 - 114.

(b) Capitalization

- (1) In bills. Use capitals sparingly; as a general rule use the lower case. For example, DO NOT CAPITALIZE:

constitution; legislature; state; president; divisions or sections of departments; programs and systems; position titles such as governor, lieutenant governor, commissioner, chief justice, judge; substitutes for official titles such as board, commission, committee, supreme court, court of appeals, superior court, district court, magistrate, administrative director.

There are exceptions. For example, CAPITALIZE:

Act when used in the sense of a particular statute or when referring to a specific Act of the legislature; President, when referring to the President of the United States; the full official title of a department, board, commission, or committee, such as the Department of Administration or the Alaska Workers' Compensation Board; Legislature of the State of Alaska, Thirty-First Legislature, First Session, or Thirty-First Alaska State Legislature; Alaska Court System; Alaska Judicial Council; Constitution of the State of Alaska.

- (2) In resolutions. Capitals may be used more generously in resolutions than in bills. For example, CAPITALIZE:

President, Governor, Senate, House of Representatives, Supreme Court, Court of Appeals, Superior Court, District Court.

- (3) In joint resolutions amending the state constitution. The rules governing capitalization differ slightly when drafting constitutional amendments. For example, CAPITALIZE:

State, when referring to this State; Section, when referring to another section in the constitution; Article, when referring to another article in the constitution. (But "section" when referring to the same section, and "article" when referring to the same article.)

(c) Choice of words and phrases

Write concisely, but do not substitute brevity for accuracy. Do not use words or phrases that are longer or more complicated than necessary to express an idea. A statute must not be cluttered with words having no place in nonlegal works and whose sole function is to make the statute sound legal.

A list of these words is found in Dickerson, The Fundamentals of Legal Drafting, 2d ed. (1986), pp. 207 - 219. Use "a" or "the" instead of "such" or "any" or "every." Use "if" instead of "provided that." Avoid "which" by using "that." Use "state" instead of "Alaska." Be careful with even small words like "a" and "the." The difference between using one or the other was very significant in City of Nome v. Catholic Bishop of Northern Alaska, 707 P.2d 870, 883 (Alaska 1985).

Do not use the little legalese couplets such as "null and void" (when "void" alone would be adequate) and "rules and regulations" (when "regulations" alone would be adequate and would avoid the suggestion that two distinct sets of provisions are referred to). Again, see Dickerson, The Fundamentals of Legal Drafting, 2d ed. (1986), pp. 207 - 209.

When the same idea can be accurately expressed either positively or negatively, express it positively. For example:

AVOID

This section does not apply to persons under 60 years of age.

USE

This section applies only to persons who are at least 60 years of age.

Use finite verbs instead of their corresponding noun or adjective forms as in the following examples:

AVOID

give consideration to  
make application  
have knowledge of

USE

consider  
apply  
know

When drafting prohibitions:

AVOID

It is unlawful to  
No person may

USE

A person may not  
A person may not

(d) Citations to other laws

The proper citation forms for references to parts of Alaska Statutes are as follows:

To cite an entire title:	AS 08
To cite an entire chapter:	AS 08.36
To cite an entire article or a series of sections:	AS 08.36.100 - 08.36.290
To cite an entire section:	AS 08.36.160
To cite a subsection:	AS 08.36.160(a)
To cite paragraphs in a section without subsections:	AS 08.36.290(2) - (6)
To cite a paragraph in a section with subsections:	AS 08.36.234(a)(1)
To cite a portion of a section	
in another section:	AS 08.36.234(a)(1)(D)(ii)
in the same section:	(a)(1)(D)(ii) of this section
in the same subsection:	(1)(D)(ii) of this subsection
in the same paragraph:	(D)(ii) of this paragraph
in the same subparagraph:	(ii) of this subparagraph

If the citation to Alaska Statutes is in a section that is included in the citation, the following should be used: "this chapter," "this title," or "this section."

Do not use "this article" for a series of sections even if they do constitute an article. The only official designations in Alaska Statutes are titles, chapters, and sections (and smaller parts of sections). The designation of a series of sections as an article is a strictly editorial device used to group sections so that they may be given a heading denoting their content. If a drafter wants to refer to a series of sections, regardless of whether they constitute an article, the proper form is "AS XX.XX.010 - XX.XX.240." This citation is treated as a plural, *i.e.*, "AS XX.XX.010 - XX.XX.240 do not apply . . ."

When citing multiple titles, chapters, or sections, repeat the "AS" only when a change occurs in the title or chapter number, as in the following: AS 10.06.105, 10.06.220; AS 10.20.450; and AS 25.30.901.

When amending parts of a cross-reference, it is often necessary to delete the entire reference and add a new one, *e.g.*, "**AS 01.10.001(b)** [AS 01.10.001(b), (d), and (h)]."

The Alaska Constitution and session laws are cited as follows:

Constitution	art. III, sec. 1, Constitution of the State of Alaska
annual session laws	sec. 24, ch. 98, SLA 1974
first special session laws	sec. 4, ch. 1, FSSLA 1974
second special session laws	sec. 8, ch. 2, SSSLA 1974
third special session laws	sec. 1, ch. 1, TSSLA 2000
fourth special session laws	sec. 1, ch. 1, 4SSLA 2006

When "article" or "section" is the first word of a sentence, use the entire word, not its abbreviated form.

There are several possible citations for most federal law: the Public Law, the Statutes at Large, the United States Code and, in many cases, the popular name of the Act.

To avoid confusion and to ensure that the references will be helpful to the user, as well as legally adequate in the case of incorporation by reference, the preferred citation form will be to the United States Code with the appropriate popular name, if any, following in parentheses.

Examples: 11 U.S.C. 1301 - 1330 (Bankruptcy Reform Act of 1978)

42 U.S.C. 300m(b)(3)

Note that, in general, the term "et seq." is not used. It is better practice to use the correct spanned reference to the U.S.C. sections. However, "et seq." may be used where the reference is to a large body of federal law that is likely to have sections added to it and the intent is to refer to the entire program, not just specific sections. If a citation to a Public Law is necessary, be sure to use particular care that the section reference is to a section of the Public Law, not to a section of the Statutes at Large or U.S.C. that is being amended by Public Law.

(e) Consistency in use of terms

Do not use the same word or phrase to denote different things or different words or phrases to denote the same things. Be consistent. See Dickerson, The Fundamentals of Legal Drafting, 2d ed. (1986), sec. 2.3, pp. 15 - 18, where it is pointed out that "the competent draftsman . . . always expresses the same idea in the same way and always expresses different ideas differently." For instance, do not refer to both "minor" and "child" in a section. Always check existing law that relates to the bill you are drafting to ensure consistency between the current law and the new law you are drafting.

(f) Exceptions

Try to avoid provisos ("provided that") altogether. Usually, the material written as a proviso is merely additional information that can stand alone as a separate sentence, as in the following example:

AVOID

The applicant may submit the form to the department provided that it is accompanied by appropriate supporting materials.

USE

The applicant may submit the form to the department. It must be accompanied by appropriate supporting materials.

True exceptions should be few and very specific. They should be introduced with "except that," "but," or "however," or by starting a new sentence. If the exceptions could logically be grouped in a subsection or section apart from the general rule, it is useful to the reader for the drafter to introduce the general rule with language such as, "Except as provided in (c) of this section (or AS XX.XX.XXX) . . ."



(g) Gender-neutral language

Do not use pronouns to denote masculine or feminine gender. (See AS 01.05.031(c)) Use "chair" or "chairperson" in place of "chairman." Note that use of "he or she" and "his or her" are as prohibited as use of "he" and "his" by themselves. The requirement is to draft without any pronouns that denote gender unless referring to a specific individual (cf. AS 44.12.065).

(h) "May," "shall," "must"

Use the word "shall" to impose a duty upon someone. The Alaska Supreme Court has stated that the use of the word "shall" denotes a mandatory intent. Fowler v. Anchorage, 583 P.2d 817 (Alaska 1978).

Use the word "must" when describing requirements related to objects such as forms or criteria. (Use "must" sparingly, however, because most sentences using it can probably be written more clearly to impose a duty on a person, in which case "shall" would be the proper word.) Use the word "may" to grant a privilege or discretionary power. Rutter v. State, Alaska Board of Fisheries, 963 P.2d 1007 (Alaska 1998), p. 5. Use the words "may not" to impose a prohibition upon someone. For a further discussion, see Martineau, Drafting Legislation and Rules in Plain English (1991), pp. 81 - 82. For example:

The commissioner shall issue a license . . . , i.e., it is the commissioner's duty to do so.

The information on the form must include . . . , i.e., the form is required to have something in particular on it.

The commissioner may inspect records . . . , i.e., the commissioner may if it is necessary or proper, but the commissioner is not obligated to do so.

The commissioner may not issue a license . . . , i.e., under the defined circumstances, it is beyond the power of the commissioner to issue the license.

A person may not operate a . . . without a license . . . , i.e., under the circumstances, a person is not permitted to do the specified act without a license.

Do not use "must not" or "shall not." Also, do not use the "No . . . may" construction; use "may not." For instance, avoid "No fish trap may be . . .," and use "A fish trap may not be . . ."

When drafting a constitutional provision, however, follow the style of the provision you are amending.

(i) Numerals

Numbers from one through nine are written in words only:

one, two, three, four, etc. first, second, third, etc.

Numbers greater than nine are written in figures only:

10, 11, 12, 13, 14, etc.; 10th, 11th, 12th, 13th, etc.

When referring to money, use figures only:

\$.01, \$.10, \$5, \$15, \$3,000, \$4.50, \$15.35, \$3,180.45

When a phrase contains a number greater than nine as well as one from one through nine, use figures only:

". . . house districts 7 - 18 . . ."

When referring to the date by month and day only, use "July 1" (instead of July 1st, July one, or July first)

Use words for simple fractions: one-half; three-fourths; two-thirds

Use figures for complex fractions: 9/10; 28/100; 70/100

Use words when a number begins a sentence.

**EXCEPTIONS:** When drafting amendments or additions to the Constitution of the State of Alaska, numbers are written in words **ONLY** except for dates and Article and Section numbers.

(j) Passive voice

As a general rule, use the active rather than the passive voice. This is especially important where it would otherwise be unclear just who is to do what the statute seeks to have done. For example,

**AVOID**

The form shall be  
submitted to . . .

**USE**

The applicant shall  
submit the form to . . .

(k) Punctuation

Punctuate carefully, but do not depend upon punctuation to convey your meaning. The best way to convey meaning is with concise language arranged logically. Prose written carefully will not depend on punctuation for its meaning.

In general, avoid long sentences, especially those with several semicolons in them. Use the semicolon only to separate items in a series when one or more of the items itself is a series punctuated with commas.

Commas should be used sparingly but are appropriate in the following instances:

- (1) to separate the items in a series, as in: "the governor, the attorney general, and the commissioner . . .";
- (2) to set off dates, as in: "Beginning on July 1, 2019, the commissioner shall . . .";
- (3) to set off clauses that describe a subject already identified ("The commissioner, who shall be appointed in accordance with AS XX.XX.XXX, shall . . .") but not clauses that identify the subject ("The official who is appointed under AS XX.XX.XXX shall . . .").

The conventions governing the use of quotation marks with other forms of punctuation are as follows:

- (1) Except when drafting amendments, the comma and the period are always enclosed within quotation marks. (Example: The Alaska Court of Appeals found the section to be "puzzling," "confusing," and "troublesome," and recommended it be clarified "substantially.")
- (2) Except when drafting amendments, the colon and semicolon are never enclosed within quotation marks. (Example: Some may call it "ugly"; I call it "beautiful.")
- (3) When drafting amendments, enclose material that is part of the amendment within quotation marks even if a punctuation mark is involved. (Example: Page 2, line 3: After "everyone" insert "except the following:") Do not enclose punctuation that is not part of the amendment.

### (I) References

References in statutes to other statutes, laws, or regulations can often be used by a drafter to avoid repeating the entire text of the referenced item. As such, references are useful tools. When overused, however, references can obfuscate in much the same way as legalisms can, making a text unreadable to an average reader. At best, overuse of references can require a reader to spend a substantial amount of time turning to the referenced items to determine their effect on the law being read.

Some types of references are unnecessary. For instance, in a subsection (b) that sets out criteria for a plan required by subsection (a), there is no need to say: "The plan required by (a) of this section must include . . ." Just say: "The plan must include . . ."

Some types of references are unnecessarily specific. For instance, a reference to a definition in another title should be to the appropriate section, not paragraph. Because definition sections will be realphabetized and renumbered when new definitions are added, a reference to a specific paragraph would soon become obsolete or inaccurate.

Unless it is required by the requester or necessary for complete and accurate drafting, do not place citations to the federal regulations in a statutory section of a bill. Instead, send a note to the revisor setting out the CFR citations that are necessary for a complete understanding of the federal law. The revisor will add an appropriate note to the AS section if the bill is enacted. If regulations have been adopted under authority of a federal law that must be cited in a bill, it is appropriate to refer to them generally following the citation, as in: "(((citation))) and regulations adopted under that law."

For the citation forms for references to Alaska Statutes, the constitution, the Session Laws of Alaska, and federal laws, see the discussion earlier under the heading "Citations to other laws."

#### (m) Tense and other style rules

Whenever possible, use the present tense. For instance, do not use "A person shall be guilty of . . ."; use "A person is guilty of . . ." (See AS 01.10.050(a))

Whenever possible, use the singular number, particularly for the subject of a sentence. For instance, do not use "All corporations shall . . ."; use "A corporation shall . . ." (See AS 01.10.050(b))

Use the third person. For instance, do not use "This state and our neighboring territories . . ."; use "This state and its neighboring territories . . . "

## CHAPTER 3. DRAFTING OTHER LEGISLATIVE MEASURES

In addition to bills drafted for introduction, there are several other types of legislative measures. This section describes them and certain restrictions on their form or content.

### CITATIONS

The legislative citation is a more personalized version of a resolution and is the instrument used for expressing commendation, appreciation, or congratulations to an individual or group, or to recognize a particular event or occasion. The legislative citation includes the memorial that is specifically written to express condolences.

A draft of a legislative citation is submitted by the sponsor to the Legislative Affairs Agency, office of the executive director. The executive director's office is responsible for final preparation of the citation and submission of the instrument to the appropriate house for introduction.

### COMMITTEE SUBSTITUTES

#### (a) In general

After a bill is introduced, it is referred to a committee of the house where it was introduced. After studying the bill and hearing public testimony, the committee may decide to offer a substitute version of the bill. This is called a committee substitute. In many respects, it looks like a bill for introduction, but there are some differences. See Part IV, chapter 1, of this manual for clerical preparation of a committee substitute.

A committee substitute for a bill is a proposed amendment to the bill until it has actually been adopted in second reading. Consequently, if the bill is sent to three different committees before placement on the calendar, it is possible to have three different committee substitutes. In second reading, the membership may adopt any of the substitutes or the original bill, and any of them can be further amended after adoption in second reading.

#### (b) Restrictions

Other than the germaneness that any other type of amendment must also have, the primary restriction on the content of a committee substitute arises when a committee in the second house to consider the bill desires to offer a committee substitute. Under Rule 24, Uniform Rules of the Alaska State Legislature:

A committee of the second house may not report a committee substitute for a bill or an amendment to a bill that requires a change in the title of the bill, other than a clerical or technical change, as the title was enacted in the house of origin.

In other words, a drafter who is requested to prepare a committee substitute for a bill that has already passed one house must be careful to avoid including or excluding any subject matter that would necessitate a change in the title of the bill unless the requester has also requested a concurrent resolution suspending the rule for that bill. The title must be expressive of the subject matter of the bill, and the bill must be limited to one subject.

The constitutional requirement that bills be read three times does not extend to an amended bill, even though the amendments do not require that the bill be read again for the first or second time before third reading. However, when an amendment changes the subject of a bill, whether in the house of origin or the second house, the three readings requirement may apply to that amended bill. See Van Brunt v. State, 653 P.2d 343 (Alaska App. 1982). Consequently, even if the house requesting the amendment wants to overlook the question of germaneness, the drafter needs to caution the requester about Van Brunt.

## **CONFERENCE COMMITTEE SUBSTITUTES**

### **(a) In general**

If the second house to consider a bill passes a version that differs from the version sent to it by the first house, and each house refuses to recede from its position, three members from each house are appointed to a conference committee that will try to come to some agreement on the bill. The committee can recommend (1) adoption of either previously adopted version (in other words, that the second house recede from its amendments or that the first house concur in the amendments made by the second house); or (2) adoption of a version that contains amendments previously adopted by either house. In the latter case, the new version of the bill is called a conference committee substitute.

If the conference committee cannot come to agreement, or if its agreement is not approved by the legislature, the conference committee submits an itemized list of the points of disagreement on which it desires to have limited powers of free conference. The presiding officer of each house may grant these limited powers. The version of a bill reported back from this group is also called a conference committee substitute.

If there continues to be an impasse, a free conference committee may be appointed. The version it reports back is called a free conference committee substitute.

### **(b) Restrictions**

As indicated above, a conference committee report is limited to material adopted by one or both houses. Furthermore, a conference committee may not adopt a report that requires a change in the title of a bill other than a clerical or technical change. The drafter of a conference committee report, therefore, must have both versions of the bill available in order to ensure that this restriction is followed.

A conference committee with limited powers of free conference has slightly more latitude. It is still bound by the restriction against changing the title of the bill, but on the specific points of disagreement for which it has the powers of free conference, it may adopt amendments that are germane even if they have not been adopted by either house previously. The drafter of this type of conference committee report must have the document giving the limited powers available in order to ensure that this restriction is followed.

A free conference report can differ the most from the two bills being considered. It is still limited, however, to amendments germane to the items of disagreement, and it may not amend the title in other than a technical or clerical manner.

With regard to an appropriation bill, a conference committee may not include in its report an item that was not included in a version of that bill as it was passed by one house. In addition, the amount appropriated by an item may not exceed the higher amount appropriated by that item in a version of the bill passed by one house. These restrictions bind all conference committees, including those with powers of free conference, with the following exception: a free conference committee may include in its report on an appropriation bill appropriations as requested by attached fiscal notes on new legislation and resolutions that have been passed by both houses. (See Rule 42, Uniform Rules of the Alaska State Legislature)

## **FISCAL NOTES**

A fiscal note is a written estimate of the amount of appropriation increase or decrease that would result from enactment of a bill. Under AS 24.08.035, a fiscal note is prepared by the department or departments affected and must be attached to the bill before it is reported from the committee of first referral. It covers the ensuing fiscal year and at least two succeeding fiscal years. (See Appendix XXXI)

If a bill is presented by the governor for introduction, a fiscal note must be attached before introduction. (AS 24.08.035)

Before a bill that would have an effect on the retirement systems of the state is reported to the Rules Committee, there must be attached to the bill an analysis of the long-term and short-term costs to the state if the bill is adopted, as well as the effect of the bill on the actuarial soundness of the fund. This analysis is in addition to the fiscal note requirements of AS 24.08.035. (AS 24.08.036)

An amendment or a substitute bill proposed by a committee of referral that changes the fiscal effect of a bill must be explained in a revised fiscal note or statement attached to the bill. (AS 24.08.035)

## FLOOR AMENDMENTS

### (a) In general

After a bill has been returned from the last committee to consider it, it can still be amended by individual legislators on the floor of the House or Senate when the whole House or Senate debates the bill. Amendments made during this time are called floor amendments. This section discusses techniques for drafting floor amendments. The techniques are equally applicable to drafting amendments to be proposed by a legislator during a committee hearing.

### (b) Drafting techniques

When writing an amendment, the same degree of care must be exercised that is exercised in drafting a bill. The entire bill must be checked to ensure that the amendment is consistent with the remainder of the bill, including the title, and with the existing law. All necessary adjustments must be made.

Any changes in the original version and the amended version must be indicated by deletions and insertions or by restoring material. Amendments must be written in the same order, by page and line number, as they appear in the bill. When replacing material with new material, delete first and then insert new material. If the new material begins with a new paragraph, paragraph the new material.

#### Example: Deleting and inserting.

Page 1, line 15:

Delete "and"

Insert "or"

Page 2, lines 13 - 18:

Delete all material and insert:

"(b) The department . . . [text of proposed insertion] . . ."

Page 4, line 6, following "purchasing":

Insert "or leasing"

Page 7, line 2:

Delete "[FISH AND]"

Insert "fish and"



The objective when writing amendments is to make clear the change to be made in the printed bill. Often there is more than one way to write an amendment correctly. Try to use the clearest and most concise way but keep in mind that often there is no hard and fast rule that applies. Compare the following methods:

NOT INCORRECT

BETTER

Page 2, line 11, after "(3)":  
Delete the rest of the  
line and lines 12 and 13  
and insert:  
"The rules of each house"

Page 2, lines 11 - 13:  
Delete all material and insert:  
"(3) The rules of each  
house"

---

Page 4, line 7:  
Delete "greater"  
Insert "less"  
Delete "\$5"  
Insert "\$3"

---

Page 4, line 7:  
Delete "greater than \$5"  
Insert "less than \$3"

---

Page 6, line 11:  
Delete "revoked" and  
insert "suspended"

---

(Instead of amending each  
line:)

Page 6, lines 12 and 13:  
Delete all material.

Page 6, lines 11 - 18:  
Delete all material and insert:  
"\* **Sec. 18.** The uncodified law of  
the State of Alaska is amended by  
adding a new section to read:  
TRANSITION. Unless suspended  
. . . of issuance."

Page 6, line 14, following the comma:  
Delete the rest of the line.  
Insert "install building"

Page 6, line 16:  
Delete "the name and address  
of"

Page 6, line 18:  
Delete all material.

Always use clear and simple wording in amendments. The following chart illustrates preferred words and phrases.

AVOID	USE
Lines 3 through 7, inclusive	Lines 3 - 7
Following the number "(7)"	following "(7)"
Insert the following	Insert
Insert the word "county"	Insert "county"
Delete "AS 16.50" and	Delete "AS 16.50"
in lieu thereof insert	Insert "AS 16.55"
"AS 16.55"	

When new sections, subsections, or paragraphs are inserted or deleted in a bill by amendment, the remaining sections, subsections, or paragraphs in the bill need to be renumbered either by the amendment or by including an instruction to renumber.

Example 1. Renumbering by instruction.

Page 2, lines 12 - 13:

Delete all material.

Renumber the following bill sections accordingly.

Example 2. Renumbering by amendment.

Page 2, lines 12 - 13:

Delete all material.

Page 2, line 14:

Delete "(5)"

Insert "(4)"

Page 2, line 15:

Delete "(6)"

Insert "(5)"

If sections of a bill are added, deleted, or renumbered in any way, the internal references in the body of the bill, that is, the references within the bill to various bill sections of the same bill, must be adjusted, if necessary, to conform to the revised bill section numbering.

To conform the references, use one of the following alternatives:

- (1) The preferred method of amendment would be to make the adjustment by appropriate amendments written in proper page and line sequence. Appendix XXVI sets out examples of the forms of amendments, together with a heading giving the sponsor's name and the name of the bill being amended.
- (2) It is permissible to give a general instruction that internal bill section references be renumbered and then to list each place in the bill where there is an internal bill section reference. If used in conjunction with a floor amendment, the language to be used would appear at the end of the amendment. There should be a separate entry for each page number affected, but all lines on that page in which changes need to be made should be set out for that entry.

Example. Paragraph renumbering internal bill section references.

Renumber internal references to bill sections in accordance with this amendment.

Below are all internal bill section references in this bill:

Page 2, line 22

Page 6, lines 14 and 15

Page 12, lines 8 - 10

For amendments to the operating, capital, or reappropriations budget bills that are to be offered in the finance committee, the drafter may specify lapse provisions and effective date provisions by reference to section numbers rather than by amending existing page and line numbers. For example, if the amendment adds sec. 64, the drafter may use a general notation at the end of the amendment that sec. 64 is for a capital project and lapses under AS 37.25.020 or that sec. 64 takes effect July 1, 2019, or both. If the amendment is adopted, the drafter preparing the committee substitute simply adds a reference to the added section to the existing lapse or effective date provision.

(c) Restrictions

The chief restriction applying to amendments involves germaneness. According to Rule 35, Uniform Rules of the Alaska State Legislature:

A motion or proposition on a subject may not be admitted under color of amendment if the subject matter is different from that under consideration.

A drafter should advise a requester if an amendment does not appear to be germane to the subject matter of the bill being amended. The basic test for germaneness is set out in Mason's Manual of Legislative Procedure, which provides in sec. 402:

To determine whether an amendment is germane, the question to be answered is whether the amendment is relevant, appropriate, and in a natural and logical sequence to the subject matter of the original proposal.

A second restriction applying to amendments pertains specifically to amendments made to a bill in the second house after the bill has been passed out of the house of origin. According to Rule 35, Uniform Rules of the Alaska State Legislature:

A motion or proposition on a subject that requires a change in the title of the bill as enacted in the house of origin, other than a clerical or technical change, is not in order in the second house.

Therefore, while a drafter might prepare amendments to both the body of a bill and its title while it is being considered in the house of origin, the drafter can prepare amendments only to the body of the bill while it is in the second house, and those amendments must fall within the scope of the title of the bill.

## **LETTERS OF INTENT**

### **(a) In general**

When a committee or a house wants to indicate its intent with relation to a bill it has considered, it will sometimes prepare and adopt a letter of intent. A letter of intent is merely a written statement of the committee's or house's interpretation of the effect of the bill or why the bill is being recommended for enactment. It was formerly called a committee report. It accompanies the bill to its next procedural step, but it is not part of the bill itself. The next group to consider the bill may or may not adopt the letter of intent passed on to it from the previous group. If one house adopts a letter of intent for a bill that is different from the letter of intent adopted for that bill by the other house, this does not amount to a change that necessitates return of the bill to the first body as long as there were no substantive changes in the bill itself.

Letters of intent are generally prepared by legislative aides or committee staff, with assistance from the legal and research services division if requested by the aides or staff.

### **(b) Restrictions**

As indicated in the description above, a letter of intent is not part of the bill to which it is related. It can neither add to nor subtract from the law contained in the bill. Its purpose is to assist in interpreting the law, and it may be considered by a court to be part of the legislative history of a bill. The effect of a letter of intent is very much like that of a purpose section in a bill. The strength of the letter of intent lies in whatever persuasive value it may have to a court faced with interpreting the law.

## RESOLUTIONS

In addition to bills and citations, the legislature can pass measures called resolutions. This section discusses the different types of resolutions and drafting techniques related to them.

### (a) In general

Next to bills, resolutions are the most common legislative document drafted by the legal and research services division for use by the Alaska Legislature. The same procedure is used by the division in receiving and preparing resolution requests as for bill requests. The copy of the work request form returned to the legislator will indicate that the request was for a resolution, the subject, drafter's name, and file number.

As with bill requests, the request should be as detailed as possible, giving all relevant information available. It is particularly helpful to include backup material and the names of persons who may be contacted for further information.

### (b) Types of resolutions

The five types of resolutions authorized by Rule 49, Uniform Rules of the Alaska State Legislature, are:

Simple resolution -- used to express the will, wish, view, opinion, sympathy, or request of the house adopting it. (See Appendix XVI) A simple resolution is also used to establish a special committee of that house. (See Rule 21(a), Uniform Rules of the Alaska State Legislature)

Special resolution -- used only for the purpose of expelling a member under provisions of art. II, sec. 12, Constitution of the State of Alaska.

Concurrent resolution -- used to reflect the will, wish, view, or decision of both houses speaking concurrently. (See Appendix XVII) It is used to handle the internal business of the legislature, including requesting action of executive agencies and interim committees, and fixing the time and place of joint assemblies. A concurrent resolution is also used to establish a joint committee of both houses (see Rule 21(b), Uniform Rules of the Alaska State Legislature) and to propose suspension of or an amendment to the Uniform Rules. (See Rules 53 and 54, Uniform Rules of the Alaska State Legislature.) The Alaska Supreme Court has ruled that a concurrent resolution may not be used to annul an agency regulation. (State v. A.L.I.V.E. Voluntary, 606 P.2d 769 (Alaska 1980).) If a resolution directs the Legislative Council to do a study or otherwise assigns an activity to the Council or through the Council to the Legislative Affairs Agency, the following language should be used in the "resolve" clause:

**BE IT RESOLVED** by the Alaska State Legislature that under the provisions of AS 24.20.090 and Uniform Rule 49(a)(3), the Legislative Council is directed to . . .

Special concurrent resolution -- used when the legislature is considering disapproval of an executive order of the governor submitted to the legislature under provisions of art. III, sec. 23, Constitution of the State of Alaska. (See Appendix XVIII)

Joint resolution -- used to express the view or wish of the legislature to the President, the Congress, agencies of the United States Government, or governments of other states. (See Appendix XIX) It is also required for proposing or ratifying amendments to the U.S. Constitution (see Appendix XX), for proposing amendments to the state constitution (see Appendices XXI - XXIII), and for the disapproval of local boundary changes recommended by the Local Boundary Commission. Proposed amendments to the state constitution are shown in a joint resolution in the same way that amendments to the statutes are shown in a bill.

(c) Distribution of copies

Resolutions passed by one or both houses of the legislature are sent to the governor as a matter of information. They are also permanently filed with the lieutenant governor.

Joint resolutions are the only type of legislative resolution that is usually distributed to anyone other than the governor or lieutenant governor. Simple resolutions are also distributed to others when appropriate to the subject of the resolution. If it requests action by a specific federal agency, a copy of a joint resolution is sent to the head of that agency and to the Alaska Congressional delegation. (See the sample resolution in Appendix XIX) If it requests action by the President or the Congress, as on a matter of domestic or foreign policy for instance, the proper distribution could be expressed as follows:

**COPIES** of this resolution shall be sent to the Honorable Donald J. Trump, President of the United States; the Honorable Michael R. Pence, Vice President of the United States and President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable Mitch McConnell, Majority Leader of the U.S. Senate; the Honorable Kevin McCarthy, Minority Leader of the U.S. House of Representatives; the Honorable Charles E. Schumer, Minority Leader of the U.S. Senate; the Honorable B. R. Blank, Chair of (the appropriate Senate committee); the Honorable T. S. Space, Chair of (the appropriate House committee); and the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

## **SPONSOR SUBSTITUTES**

### **(a) In general**

If the original sponsor of a bill or resolution wishes to submit a substitute to stand in place of a measure the sponsor previously introduced, the substitute is called a sponsor substitute. When the sponsor submits a sponsor substitute, the original bill is replaced. The action has the effect of withdrawing the original bill. A sponsor substitute is limited to a bill sponsored by an individual member or members. A committee substitute is the appropriate vehicle for committee changes.

### **(b) Restrictions**

Although legislative procedures with respect to sponsor substitutes are not well-defined, it is fairly clear as a drafting matter that there are no explicit restrictions on the content of sponsor substitutes. Neither the Uniform Rules of the Alaska State Legislature nor Mason's Manual addresses questions relating to them. Obviously, a sponsor substitute would not be in order after the original bill has passed the first house as the original bill is no longer in the possession of that house. Conceivably, a sponsor substitute could be so substantially different from the original bill that only the number assigned upon introduction remains the same. There is some precedent, however, for requiring a sponsor substitute to be germane to the original bill. A drafter should prepare a sponsor substitute just as if it were a new drafting request, except that the bill number is retained. A sponsor substitute carries all of the co-sponsors named on the original bill or resolution unless a co-sponsor specifically requests to be removed.





**PART III**

**CLERICAL PREPARATION OF  
BILLS, RESOLUTIONS, AND CITATIONS**



## CHAPTER 1. BILLS

(See Appendices I - XV for sample bills)

### **Type and color**

Measures submitted for introduction to the Alaska legislature shall be typed using base font Times New Roman and, unless specified otherwise, 12 point, with black ink.

### **Paper and margins**

The paper used in preparing measures for introduction is called engrossing paper. This paper is 8-1/2 x 11 inches in size. The paper is printed with a double red line 1 inch in from the left edge of the paper and a single red line 7/8 inch from the right edge of the paper.

Margins are set at 1.2 inches on the left and 1 inch on the right.

The typing area of the bill is inside the double red line at the left and the single red line at the right. Following the bill heading, all measures are typed 1.5 line spaced with line numbers printed outside the double red line at the left margin.

### **Copies and attachments required**

An original and five copies are needed and are distributed as follows:

- (1) original and three copies are submitted for introduction;
- (2) one copy is for the drafter; and
- (3) one copy is for the permanent file.

Bills that are submitted for introduction at the request of the governor must have a fiscal note attached as required by AS 24.08.035.

### **Page numbering**

Pages are numbered in the center at the bottom of each page, two lines below the last line of typing. The number is preceded and followed by a hyphen: "-1-"

NOTE: The only exception to the above standard is that the capital projects appropriation bill, the operating budget appropriation bill, and the mental health appropriation bill may be introduced or a substitute version offered using a computer listing of the operating and capital projects budget sections. (The narrative sections of the bill are prepared in the standard manner.)

## **Footer**

In addition to page numbers, other information is provided in the area immediately above the bottom margin. On the same line as the page number, beginning at the left margin, is the House or Senate identification number. To the right of the page number, ending flush with the right margin, is the abbreviated bill designation. These two entries are in Times New Roman, 10.5 point, bold. Centered on the line below the page number is an explanatory legend in Courier New, 9 point, italic. See example below.

SB1234e

-1-

HCS SB 1234(JUD) am H

*New Text Underlined [DELETED TEXT BRACKETED]*

## **Jackets**

The original copy of a measure for introduction is bound in a manuscript jacket or back cover. There is no printing on the jacket. Blue covers are used for measures originating in the Senate; gold covers are used for measures originating in the House of Representatives.

## **Work order numbers**

Each measure is given a work order number. The work order number is printed on the measure in the upper right-hand corner. The number is the internal control number and remains with the measure during its travels through the legislative process. The work order number consists of the number of the legislature, a two-letter code, a four-digit number, and the version letter (e.g., "29-LS0001\A"). The two-letter code is "LS" for work orders originally prepared by the Legislative Affairs Agency, "GH" for Governor's bills prepared for introduction in the House, or "GS" for Governor's bills prepared for introduction in the Senate. The four-digit number is assigned sequentially by the Legislative Affairs Agency or the Attorney General's Office, as appropriate. The version letter is assigned randomly by the Legislative Affairs Agency and changes for each new version of a work order.

## **Bill heading**

The first three lines of the bill heading are typed in uppercase letters, double-spaced, centered, using Times New Roman, 12 point, with the first line in bold, as follows:

- Line 1. **SENATE BILL NO.**
- Line 2. IN THE LEGISLATURE OF THE STATE OF ALASKA
- Line 3. THIRTY-FIRST LEGISLATURE - FIRST SESSION

On the fourth line of the bill heading, the name of the prime sponsor introducing the current version of the bill is typed immediately after the word "BY," flush left, all uppercase letters, in Times New

Roman, 9.5 point, bold, followed by the name of each cosponsor (uppercase first letter only). The names are single-spaced as follows:

**BY SENATORS BLACK, Brown, Hill, Jones, Clay**

If a committee is the sponsor of the bill,

**BY THE SENATE (or HOUSE) FINANCE COMMITTEE**

The name of the sponsor is followed by the words "BY REQUEST" when the sponsor wants to indicate that he or she is introducing the bill at the behest of another person or group.

**BY REPRESENTATIVE THORNBURG BY REQUEST**

Bills may be introduced through the Rules Committee by the governor and the permanent interim committees:

**BY THE HOUSE (or SENATE) RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

### **Funding information**

If the measure is an appropriation bill, the funding information may be included four lines below the original sponsor line. Times New Roman, 9.5 point, bold, is used for funding information. Funding information is not included if the total amount of the appropriation cannot be ascertained from the face of the bill.

**BY THE HOUSE RULES COMMITTEE**

**Introduced:**

**Referred:**

<b>Funding Information:</b>	<b>General Fund</b>	<b>\$25,000</b>
	<b>Other Funds</b>	<b>-0-</b>
	<b>Total</b>	<b>\$25,000</b>

### **Original sponsors**

If the measure is a Committee Substitute, two lines below the last line used for the heading information, the word "Sponsor(s):" is typed in Times New Roman, 9.5 point, bold, followed by either "SENATORS" or "REPRESENTATIVES" and the name of the prime sponsor in capital letters. Additional sponsors are listed in the following order:

- (1) cosponsors from the house of origin, listed in the same order they have requested to be added to the measure;
- (2) cross-sponsors from the other house, listed in the same order they have requested to be added to the measure:

**Sponsor(s): REPRESENTATIVES BLACK, Brown, White, Smith, Jones, Hall, Quince**

SENATORS Samuel, Klinkhanner, Walker, O'Leary

### **Title**

Below the last line used for heading information, positioned at 4.6 inches, the following language is centered using Times New Roman, 12 point, bold:

**A BILL  
FOR AN ACT ENTITLED**

The title of the bill begins two lines below the last line of heading. It is typed in Times New Roman, 12 point, bold, beginning at the left margin. The title begins with a quotation mark and the words "An Act," clauses of the title are separated by semicolons, and the title ends with a period and quotation marks.

### **Line numbers**

Line numbers begin just outside the double red line at the left margin of the text. The first line of the title is the first numbered line.

### **Enacting clause**

This clause is typed in all uppercase letters using Times New Roman, 12 point, bold, beginning at the left margin two and one-half lines below the title. The following exact language is required by the state constitution:

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

### **Body of the bill**

Attention is called to the difference between a permanent law section and a temporary law section. A permanent law section amends the Alaska Statutes, whereas a temporary law section contains a provision that is not part of the Alaska Statutes, such as an effective date section, a findings section, or a repealer.

### **Section number, asterisk, and indentation**

Bill sections are numbered consecutively starting with "Section 1." In the second and subsequent sections, the word "Section" is abbreviated to "Sec."

As a visual aid to the reader, an asterisk is placed before each new bill section; the asterisk, the word "Section" or "Sec." and the section number are bold type. The asterisk should be placed three spaces from the left margin, with one space following the asterisk, for a total indentation of five spaces; the second and subsequent lines of a bill section begin at the left margin. When a section of the Alaska Statutes is set out, the first line of the section is indented one inch from the outside margin; the

second and subsequent lines are indented one-half inch from that margin. The following example illustrates section numbering and indentation:

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

\* **Section 1.** AS 18.88.010 is amended to read:

**Sec. 18.88.010. Summons**.....

\* **Sec. 2.** AS 18.88.250 is repealed and reenacted to read:

**Sec. 18.88.250. Custody**.....

\* **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).

**Section heading**

For sections that amend the Alaska Statutes, after the section number and before the actual provisions of the section, set out introductory language that describes the contents of the bill section (e.g., "AS 01.10.070 is amended to read:"). All Alaska Statute sections have headings (catch lines). The catch line is typed in bold letters, as in the example "**Custody**" above.

For temporary law sections, after the section number and before the actual provisions of the section, set out the following language: "The uncodified law of the State of Alaska is amended by adding a new section to read:" However, this introductory language should not be used for appropriation sections, effective dates, or repealers. To amend uncodified law, the introductory language would be, "The uncodified law of the State of Alaska enacted in sec. \_\_\_\_, ch. \_\_\_\_, SLA \_\_\_\_\_, is amended to read:" unless the uncodified law itself would not have required the introductory language (e.g., was an appropriation, effective date, or repealer). In such cases, there would be no reference to "the uncodified law of the State of Alaska," and the section would read, "\* **Sec. 2.** Section \_\_\_\_, ch. \_\_\_\_, SLA \_\_\_\_\_, is amended to read:"

**Section body**

The body of the section follows immediately after the heading. An Alaska Statute section often is composed of many subdivisions that must follow the pattern adopted by the Alaska Statutes.

The right margin does not vary. Each line is typed to the right margin line regardless of the indentations from the left margin.

**Amending existing sections**

If an existing section of the Alaska Statutes is being amended, words that are added to the existing law are typed in bold and underlined; words that are deleted are typed in full uppercase letters and enclosed in brackets: "[ ]". The underlined or new material precedes the omitted material. Citations being deleted, however, are not typed in full uppercase letters when to do so would change the citation. For example:

[AS 09.20.040(a)(2)(B)].

If a portion of a word is being changed (such as changing the capitalization, correcting the spelling, or changing a singular to plural), the entire word is replaced. First it is added correctly, bolded, and underlined, then the word, as it appears in the statutes, is typed in full uppercase letters and enclosed in brackets.

The following is an example of an amendment to an existing section of the Alaska Statutes:

\* **Section 1.** AS 06.35.060 is amended to read:

**Sec. 06.35.060. Membership fee.** There is an annual membership fee for **active** members that may not exceed **\$100** [THE SUM OF \$50.00], payable before February **1** [FIRST] of each year [: PROVIDED THAT THE MEMBERSHIP FEE FOR THE YEAR 1955 SHALL BE PAYABLE NOT LATER THAN AUGUST FIRST, 1955].

### **Adding new sections**

If new sections are added to the Alaska Statutes, the material is not underlined. If the added sections constitute a new chapter or article, the chapter or article title is centered and the first letter of each word is capitalized. The following is an example of a new section added to the Alaska Statutes:

\* **Sec. 3.** AS 06.35 is amended by adding a new section to read:

**Sec. 06.35.065. Membership fee.** (a) There is an active membership fee of \$100, to be paid before February 1 of each year.

(b) There is an inactive membership fee of \$50, to be paid before June 1 of each year.

### **Repealing and reenacting existing sections**

If an existing section of the Alaska Statutes is repealed and reenacted, it is not necessary to show the deleted and new words as in the case of an amendment shown above. This method is used when the changes to a particular section are so complicated that to show the additions and deletions would confuse rather than clarify. The following is an example of a section that is repealed and reenacted:

\* **Sec. 2.** AS 06.35.065 is repealed and reenacted to read:

**Sec. 06.35.065. Membership fee.** There is an annual membership fee for active members that may not exceed \$100, payable before February 1 of each year.



**Repealed sections**

Repealed sections of the Alaska Statutes should

- (1) be listed in numerical sequence;
- (2) be separated by commas when title and chapter do not change;
- (3) be separated by semicolons when title or chapter change;
- (4) repeat the "AS" in front of the number when title or chapter change.

The following example illustrates a series of repealed sections of the Alaska Statutes:

\* **Sec. 7.** AS 01.10.010(a), 01.10.010(b), 01.10.010(f); AS 06.05.100; AS 08.16.410, 08.16.420, 08.16.430(c); and AS 42.05.005 are repealed.

**Indentation for bills and resolutions**

Permanent law

(3 spaces before the asterisk) (1 space after the asterisk)

\* **Section 1.**

(left indent 0.5 inch) (first line indent 0.5 inch)

- Sec. 00.00.000. Catch line.** (a) .....(Section)
- (b) .....(Subsection)

(left indent 0.5 inch) (first line indent 1 inch)

- (1) .....(Paragraph)

(left indent 1 inch) (first line indent 1 inch)

- (A) .....(Subparagraph)

(left indent 1.5 inches) (first line indent 1 inch)

- (i) .....(Sub-subparagraph)

\* **Sec. 2.** ("Section" is always abbreviated after Section 1.)

Temporary law

Temporary law sections do not have AS numbers, and the text usually goes back to the left-hand margin.

(3 spaces before the asterisk) (1 space after the asterisk)

\* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

(first line indent 0.5 inch)

CATCH LINE. (a) .....

(first line indent 0.5 inch)

(b) .....

(first line indent 1 inch)

(1) .....

(left indent 0.5 inch)(first line indent 1 inch)

(A) .....

(left indent 1 inch)(first line indent 1 inch)

(i) .....

\* **Sec. 2.** ("Section" is always abbreviated after Section 1.)

**CHAPTER 2. RESOLUTIONS**

(See Appendices XVI - XXV for sample resolutions)

**Heading**

The format for resolutions is much the same as for bills. The same font styles and sizes are used in the same places. The same engrossing paper is used. The number and distribution of copies, page numbering, jackets, and method of handling sponsors are the same.

Line 1. The designation of the type and number of the resolution is centered. The resolution will be assigned its consecutive number when it is introduced, at which time the senate secretary or house chief clerk will insert the proper number. The space allowed for the number is not underlined. The various designations used for resolutions are:

**HOUSE (or SENATE) RESOLUTION NO.**  
**HOUSE (or SENATE) SPECIAL RESOLUTION NO.**  
**HOUSE (or SENATE) CONCURRENT RESOLUTION NO.**  
**HOUSE (or SENATE) SPECIAL CONCURRENT RESOLUTION NO.**  
**HOUSE (or SENATE) JOINT RESOLUTION NO.**

Line 2. IN THE LEGISLATURE OF THE STATE OF ALASKA

Line 3. THIRTY-FIRST LEGISLATURE - FIRST SESSION

Below the last line used for sponsors, positioned at 4.6 inches, the following language is centered, using Times New Roman, 12 point, bold:

## **A RESOLUTION**

### **Title**

The title of the resolution begins at the left margin two lines below "A RESOLUTION." The title begins with an uppercase letter and ends with a period. Titles of resolutions dealing with amendments to the Constitution of the State of Alaska and amendments to the Uniform Rules of the Alaska State Legislature occasionally include an effective date clause for the amendments. If that is the case, the effective date clause should read

; and providing for an effective date for that amendment.

This specific language makes it absolutely clear that the effective date clause applies to the constitutional amendment or uniform rule amendment rather than to the resolution itself.

### **Introductory resolve**

Beginning at the left margin, two and one-half lines below the title, is the introductory resolve. The introductory resolve language is typed in full uppercase letters, and varies with the type of resolution as follows:

Joint, Concurrent, and Special Concurrent Resolutions

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

Simple Resolutions and Special Resolutions

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES (or SENATE):**

**"WHEREAS" clauses**

On the next line after the introductory resolve is that part of the resolution similar to an introduction, intent, or purpose section of a bill. This consists of one or more "WHEREAS" clauses separated by a semicolon and the word "and." The first word of each clause is "WHEREAS" that is typed in bold uppercase letters and indented one-half inch from the left margin. Second and subsequent lines of a clause are carried to the original left margin. Each "WHEREAS" clause starts a new paragraph, and the final "WHEREAS" clause ends with a semicolon.

**Resolve** (on all resolutions)

The resolve clause is typed on the first numbered line after the last "WHEREAS" clause. The first words of the resolve are standard and are typed in bold uppercase letters with the first line indented one-half inch from the left margin. For example:

**BE IT RESOLVED** that the Alaska State Legislature respectfully requests  
the Governor to direct the Board of . . . . .

Frequently more than one resolve will be included in a resolution. In this case, the first resolve is ended with a semicolon and the words

. . . . . ; and be it

The additional resolve then begins a new paragraph on the next line:

**FURTHER RESOLVED** that the findings and report of the board be  
submitted to the . . . . .

The last resolve ends with a period.

**Distribution of resolutions**

Distribution of the resolution is noted in the paragraph immediately following the resolve clause or clauses:

**COPIES** of this resolution shall be sent to (insert a listing of persons to  
whom the resolution will be sent; for example: the Honorable Donald J. Trump,  
President of the United States; the Honorable B. R. Blank, Chair, House Committee  
on Interior and Insular Affairs . . . .)

A great many of the resolutions are directed to the Alaska delegation in Congress:

. . . ; and the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young, U. S. Representative, members of the Alaska delegation in Congress.

Use "Honorable" when referring to appointed or elected public officials; do not use "Honorable" when referring to career employees.

## CHAPTER 3. AMENDMENTS

(See Appendix XXVI for sample amendments)

An amendment to a bill or resolution may be offered by a legislator either in committee or at the time the measure is brought to the floor for consideration.

A measure may also be reported from committee with amendments attached.

### **Type and color**

Amendments prepared by the legal and research services division use the same font styles and sizes as a bill or resolution. (Times New Roman, 12 point, unless specified otherwise.)

### **Paper**

The paper used in preparing a floor amendment is plain white typing paper, 8-1/2 x 11 inches in size.

### **Headers and footers**

The work order number, the drafter's name, and the date the amendment was typed appear in the upper right-hand corner of the first page. The work order number appears in the upper right-hand corner of the second and subsequent pages.

The page number (preceded and followed by a hyphen: "-1-") is centered near the bottom of the page.

### **Amendment heading**

The word "**A M E N D M E N T**" is typed in uppercase bold letters, centered, and underlined on line one of page one.

"OFFERED IN" and the sponsor are typed in capital letters on line two as follows:

OFFERED IN THE SENATE (or HOUSE) BY SENATORS JONES AND BLACK

The designation of the bill or resolution to be amended is indented one-half inch and shown on line three as follows:

TO: HCS SB 1(STA)

### **Body of the amendment**

Margins are set at 1.2 inches on the left and 1 inch on the right. The same defaults and format used for bills and resolutions are used for amendments. Thus, if adopted, an amendment can be inserted into a measure with minimum modification.

## CHAPTER 4. LEGISLATIVE CITATIONS

(See Appendices XXVII - XXVIII for sample citations)

Legislative citations are drafted by legislative staff and sent to the citations secretary at the Legislative Affairs Agency by electronic mail. The citations secretary formats and prints a citation draft and returns it to the sponsor. When approved, the sponsor submits it to the house chief clerk or senate secretary.

### **Title**

The title of a citation is centered on the page below the state seal and is typed in bold, uppercase letters, double-spaced, with an asterisk beginning and ending each line. For example:

**\* HONORING \***

**\* JUNEAU-DOUGLAS DRILL TEAM \***

### **Text**

The text is single-spaced. The first line of each paragraph is indented one-half inch.

The date is the date of enrollment.

The name of the sponsor of the citation is written next to the date and above "Prime Sponsor."

### **Copies and attachments**

When a citation has been approved by the sponsor, the draft original is delivered to the house chief clerk or senate secretary. A jacket is attached to the citation, and a copy is forwarded to the other body for action.

The Legislative Affairs Agency finalizes the citation upon receipt of a memorandum from both bodies indicating approval and listing those members who wish to co-sponsor the citation.





**PART IV**

**PROCEDURE AFTER INTRODUCTION OF  
BILLS AND RESOLUTIONS**



## **CHAPTER 1. NOTATIONS ADDED; SUBSTITUTES; AMENDMENTS**

### **Bill or resolution number**

- (1) For a regular session:

Bills and resolutions introduced in a first session carry over into a second session (Rule 47, Uniform Rules of the Alaska State Legislature). First session bill and resolution numbers are retained through a second session, and the numbering of bills and resolutions for a second session begins with the first number after the last number used in a first session.

- (2) For a special session:

The first bill introduced during a first special session is numbered 1001, and subsequent bills introduced during that session are numbered 1002, 1003, etc. The first bill introduced during a second special session is numbered 2001, and the first bill introduced during a third special session is numbered 3001, etc. This is true regardless of whether the special session is held between the first and second regular sessions or after adjournment sine die.

### **Chapter number**

Chapter numbers for bills passed during a given session, including a special session, start over. A special session chapter is clearly marked as a special session chapter.

FSSLA CH. 1 (((First Special Session Laws of Alaska)))

SSSLA CH. 1 (((Second Special Session Laws of Alaska)))

TSSLA CH. 1 (((Third Special Session Laws of Alaska)))

4SSLA CH. 1 (((Fourth Special Session Laws of Alaska)))

### **Special designations**

A bill or resolution that is passed and subsequently enrolled for a special session should be clearly marked as a special session measure by centering the following language just below the year on the cover page of the enrolled measure:

**FIRST SPECIAL SESSION**

or (as appropriate)

**SECOND SPECIAL SESSION**

## **Bill or resolution abbreviated designation**

After a bill or resolution has been introduced and assigned a number, the assigned number and an abbreviated designation of the measure are typed on the same line as the page number. On odd-numbered pages the designation is typed close to the right margin. On even-numbered pages the designation is typed starting at the left margin. The designation for each committee substitute, except for conference committee and free conference committee substitutes, indicates in parentheses the name of the committee offering the substitute. The most common of these abbreviated designations are listed below with examples of the abbreviated committee names:

House Bill No. 1	HB 1
Senate Bill No. 1	SB 1
House Resolution No. 1	HR 1
Senate Resolution No. 1	SR 1
House Special Resolution No. 1	HSR 1
Senate Special Resolution No. 1	SSR 1
House Concurrent Resolution No. 1	HCR 1
Senate Concurrent Resolution No. 1	SCR 1
House Special Concurrent Resolution No. 1	HSCR 1
Senate Special Concurrent Resolution No. 1	SSCR 1
House Joint Resolution No. 1	HJR 1
Senate Joint Resolution No. 1	SJR 1
Committee Substitute for House Bill No. 1(RLS)	CSHB 1(RLS)
Committee Substitute for Senate Bill No. 1(L&C)	CSSB 1(L&C)
Sponsor Substitute for House Bill No. 1	SSHB 1
Sponsor Substitute for Senate Bill No. 1	SSSB 1
Committee Substitute for Sponsor Substitute for House Bill No. 1(FIN)	CSSSHB 1(FIN)
Committee Substitute for Sponsor Substitute for Senate Bill No. 1(FIN)	CSSSSB 1(FIN)
Senate Committee Substitute for House Bill No. 1(STA)	SCS HB 1(STA)
House Committee Substitute for Senate Bill No. 1(FIN)	HCS SB 1(FIN)
* Committee Substitute for House Bill No. 1(2d FIN)	CSHB 1(2d FIN)
** Second Committee Substitute for House Bill No. 1(JUD)	2d CSHB 1(JUD)
*** Second Committee Substitute for House Bill No. 1(2d FIN)	2d CSHB 1(2d FIN)
** Second Committee Substitute for Senate Bill No. 1(TRA)	2d CSSB 1(TRA)
*** Second Committee Substitute for Senate Bill No. 1(2d FIN)	2d CSSB 1(2d FIN)
Senate Committee Substitute for Committee Substitute for House Bill No. 1(RES)	SCS CSHB 1(RES)
House Committee Substitute for Committee	

Substitute for Senate Bill No. 1(HSS)	HCS CSSB 1(HSS)
House Committee Substitute for 2d Committee Substitute for Senate Bill No. 1(FIN)	HCS 2d CSSB 1(FIN)
Senate Committee Substitute for Committee Substitute for Sponsor Substitute for House Bill No. 1(CRA)	SCS CSSSHB 1(CRA)
House Committee Substitute for Committee Substitute for Sponsor Substitute for Senate Bill No. 1(FIN)	HCS CSSSSB 1(FIN)
**** Conference Committee Substitute for House Bill No. 1	CCS HB 1
**** Conference Committee Substitute for Senate Bill No. 1	CCS SB 1
**** Free Conference Committee Substitute for House Bill No. 1	FCCS HB 1
**** Free Conference Committee Substitute for Senate Bill No. 1	FCCS SB 1
Conference Committee Substitute for Sponsor Substitute for House Bill No. 1	CCS SSHB 1
Conference Committee Substitute for Sponsor Substitute for Senate Bill No. 1	CCS SSSB 1
Free Conference Committee Substitute for Sponsor Substitute for House Bill No. 1	FCCS SSHB 1
Free Conference Committee Substitute for Sponsor Substitute for Senate Bill No. 1	FCCS SSSB 1

\* A measure becomes a "(2d FIN)" if the committee of referral has previously reported out a Committee Substitute.

\*\* A measure becomes a "2d CS" if a previous Committee Substitute has been **adopted** by the body and the measure is re-referred to any committee.

\*\*\* A measure becomes a "2d CS" and a "(2d FIN)" if the committee of referral has previously reported out a Committee Substitute, a previous Committee Substitute has been **adopted** by the body, and the measure is re-referred to the same committee.

\*\*\*\* A Conference Committee Substitute or a Free Conference Committee Substitute does not retain any previous committee substitute designations.

**Date introduced and committee assignment**

In addition to numbering a bill or resolution, a notation recording the date of introduction and the committee to which the measure has been referred is typed two lines below the initial sponsor line starting at the left margin (see appendices for illustration). If the measure is a committee substitute, the word "offered" is used instead of "introduced." If a bill is amended on the floor, the words

"Amended (insert date)" are typed above the "Offered" or "Introduced" line (more detailed information and examples are given on this under the heading "Committee Substitutes").

The date of introduction, committee assignments, and amended information are entered on a history file. The committee copy of the measure is placed in a folder with a history file and sent to the first committee of referral.

NOTE: Rule 37(b), Uniform Rules, contains detailed information on the handling of legislative documents after introduction.

### **Committee abbreviations**

Committee abbreviations are limited to three letters. The following is a list of standing committees and their designated abbreviations:

CRA	Community and Regional Affairs Committee
EDC	Education Committee
FIN	Finance Committee
HSS	Health and Social Services Committee
JUD	Judiciary Committee
L&C	Labor and Commerce Committee
RES	Resources Committee
RLS	Rules Committee
STA	State Affairs Committee
TRA	Transportation Committee

Special and joint committees are assigned designated three-letter abbreviations by the house chief clerk or senate secretary, as appropriate, when they are created. Some examples of special committee and joint committee three-letter name abbreviations are:

ENE	Special Committee on Energy
FSH	Special Committee on Fisheries
ETH	Select Committee on Legislative Ethics

### **Committee substitutes**

If a committee substitute is offered to stand in place of a measure already introduced, line 1 of the bill heading will indicate the new bill designation, and the name of the committee sponsoring the substitute will appear on line 4 of the heading. The names of the original sponsors are inserted in the heading one line below the date offered, the referrals, and the funding information, if any. Sponsor names are single-spaced and listed in the same order as on the original bill.

The following examples show the first several lines of HOUSE BILL NO. 1 as different action is taken.

Note that the house of origin is never changed. If a committee substitute is offered in the other house, this information is included on line 1 as well as on the sponsor line. Thus, SENATE CS FOR HOUSE BILL NO. 1(JUD) shows that the committee introducing the substitute is a senate committee.

The House Judiciary Committee offers a substitute for HOUSE BILL NO. 1:

**CS FOR HOUSE BILL NO. 1(JUD)**  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-FIRST LEGISLATURE - FIRST SESSION

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 2/8/19**  
**Referred: Finance**

**Sponsor(s): REPRESENTATIVES CHANDLER, Bowman, Potter, Wright, Franklin, Teller, Proctor, Brewer, Pope**

The House Finance Committee offers a substitute for HOUSE BILL NO. 1:

**CS FOR HOUSE BILL NO. 1(FIN)**  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-FIRST LEGISLATURE - FIRST SESSION

**BY THE HOUSE FINANCE COMMITTEE**

**Offered: 2/22/19**  
**Referred: Rules**

**Sponsor(s): REPRESENTATIVES CHANDLER, Bowman, Potter, Wright, Franklin, Teller, Proctor, Brewer, Pope**

The Senate Judiciary Committee offers a substitute for COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1(FIN):

**SENATE CS FOR CS FOR HOUSE BILL NO. 1(JUD)**  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-FIRST LEGISLATURE - FIRST SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 3/4/19**  
**Referred: Finance**

**Sponsor(s): REPRESENTATIVES CHANDLER, Bowman, Potter, Wright, Franklin, Teller, Proctor, Brewer, Pope**  
**SENATORS Goldsmith, Shoemaker, Forester, King**

HOUSE BILL NO. 1 was not replaced by a substitute bill in the House but is being replaced by a Senate Judiciary Committee Substitute:

**SENATE CS FOR HOUSE BILL NO. 1(JUD)**  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-FIRST LEGISLATURE - FIRST SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 3/4/19**  
**Referred: Finance**

**Sponsor(s): REPRESENTATIVES CHANDLER, Bowman, Potter, Wright, Franklin, Teller, Proctor, Brewer, Pope**  
**SENATORS Goldsmith, Shoemaker, Forester, King**

A committee substitute for a bill is treated as a proposed amendment to the bill until it has actually been adopted in second reading. Consequently, if the bill is sent to three different committees before going to the Rules Committee for placement on the calendar, it is possible to have three different committee substitutes. For example, HOUSE BILL NO. 1 is referred to the House State Affairs, Labor and Commerce, and Judiciary Committees.

The House State Affairs Committee offers CS FOR HOUSE BILL NO. 1 by the House State Affairs Committee (engrossing designation: CSHB 1(STA)). The bill is sent to the House Labor and Commerce Committee.

The House Labor and Commerce Committee offers its committee substitute: CS FOR HOUSE BILL NO. 1 by the House Labor and Commerce Committee (engrossing designation: CSHB 1(L&C)). The bill is sent to the House Judiciary Committee.



The House Judiciary Committee offers its committee substitute: CS FOR HOUSE BILL NO. 1 by the House Judiciary Committee (engrossing designation: CSHB 1(JUD)).

In second reading, the membership may adopt HB 1, CSHB 1(STA), CSHB 1(L&C), or CSHB 1(JUD).

If a committee substitute is **adopted** and the bill is then returned to a committee and a new substitute is offered, the new committee substitute offered is 2d CS FOR HOUSE BILL NO. 1( ) (engrossing designation: 2d CSHB 1(abbreviated committee name)).

**2d CS FOR HOUSE BILL NO. 1(TRA)**  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-FIRST LEGISLATURE - FIRST SESSION

**BY THE HOUSE TRANSPORTATION COMMITTEE**

**Offered: 2/1/19**  
**Referred: Finance**

**Sponsor(s): REPRESENTATIVES CHANDLER, Bowman, Potter, Wright, Franklin, Teller, Proctor, Brewer, Pope**

**Sponsor substitutes**

If the original sponsor of a bill wishes to submit a substitute to stand in place of the measure previously introduced, line 1 of the heading is written:

**SPONSOR SUBSTITUTE FOR HOUSE (or SENATE) BILL NO.**

When the house accepts a sponsor substitute, the original bill is replaced. The action has the effect of withdrawing the original bill.

**Corrected versions**

If a bill that is inaccurate has been printed, *e.g.*, a committee substitute that does not accurately reflect what the committee did, or an engrossed bill that does not accurately reflect what was passed, a corrected version is produced. The senate secretary or house chief clerk, as appropriate, tells the print shop to produce a "Corrected Version" coversheet, which is attached to the corrected version. If a corrected version is needed because a committee substitute does not conform to what the committee passed out, the committee chair should write a memo to that effect, describe the correction that is needed, and deliver the memo to the senate secretary or house chief clerk, as appropriate.

## CHAPTER 2. ENGROSSMENT

Engrossment is the process of preparing a measure for final passage in a house. Original copies of the measure to be engrossed are delivered to the engrossing clerk, either after second reading or upon passage, together with any amendments that have been made. An original and one copy of the measure is printed on engrossing paper (for a description of engrossing paper see instructions for preparation of bills). Each amendment is incorporated at the proper place in the measure.

### **Bill designations**

After a bill has been amended, line 1 is changed to read:

#### **HOUSE BILL NO. 1 am**

Also, at the bottom of each page of the engrossed copy of the bill, in addition to the brief abbreviation used to designate the number of the bill, the engrossing clerk must type in the abbreviation "am." In other words, the designation typed at the bottom of a bill must correspond with the designation added to line 1 after amendment. However, if there have been no amendments, the word "engrossed" is stamped at the bottom of page 1 so that the engrossed bill may be easily distinguished from the bill as originally introduced.

Additional examples of designations to be typed on line 1 for amended bills are as follows:

House Bill No. 1 am is amended in the Senate:

#### **HOUSE BILL NO. 1 am S**

However, if the only amendment to House Bill No. 1 is to the effective date, the designation is:

#### **HOUSE BILL NO. 1(efd am)**

If there are amendments to the bill and it is necessary to prepare engrossed copies for each member of the legislature, the engrossing clerk delivers a copy of the correctly engrossed bill to the duplicating room for printing. If no amendment has been made, it is not necessary to again duplicate the engrossed bill.

### **Resolution designations**

Designations of resolutions are formed in the same manner as for bills.

### **Carryover of measures**

A measure that carries over from a first session to a second session is considered a second session measure, and, if retyped in the engrossing or enrolling process, the heading is changed accordingly.

### **Waiver of engrossment**

Under Rule 43(b), Uniform Rules of the Alaska State Legislature, a presiding officer may waive engrossment or enrollment of a lengthy bill for reasons of economy and time. See chapter 3 of this Part for "Waiver of enrollment." If engrossment has been waived, only the first page and signature page are engrossed. The first page is stamped to indicate that engrossment was waived under Rule 43(b) and that certified amendments are attached. Certified copies of the amendments are affixed to the back of the message to the other house. A copy of the statement that engrossment has been waived is attached to the front of the bill and to the message to the other house.

### **Reengrossment**

If an amended measure has been printed and distributed or published electronically on the legislature's Internet website as amended and later the measure is further amended in the same body, it is returned to the engrossing clerk for engrossment. If the measure would then have the same designation as the printed and distributed measure, the measure is reengrossed. The procedure for reengrossment is the same as for engrossment except that the measure is marked "am(reengrossed)" after the bill or resolution number designation. An entry is made in the original history file of the engrossed measure showing that the measure has been reengrossed. When a measure is reengrossed, the engrossing clerk makes a new signature page. When an amended measure is held for possible further amendment, such as reconsideration, but has not been printed in the amended version, it is not reengrossed.

### **Engrossment in the second house**

If a measure, after passage and engrossment in the house of origin, is further amended by the second house, the measure is again engrossed by the engrossing clerk in the second house, and the designation after the number is "am S (or H)."

### **Engrossment of a failed effective date**

If an effective date section fails on final passage, the engrossing clerk removes the failed effective date section from the bill. If the failed effective date section is the only effective date section in the bill, the engrossing clerk removes the effective date clause from the title. If, after the removal of the effective date clause, the title contains two or more clauses, the engrossing clerk inserts the word "and" before the last clause. If all effective date sections fail, the designation after the bill number is "(efd fld)" or, if the bill is in the second house, "(efd fld H)" or "(efd fld S)," as appropriate. If at least one but not all effective date sections fail, the designation after the bill number is "(efd pfld)" or, if the bill is in the second house, "(efd pfld H)" or "(efd pfld S)," as appropriate.

### **Engrossment of a failed appropriation under art. IX, sec. 17(c), Constitution of the State Alaska**

If an appropriation under art. IX, sec. 17(c), Constitution of the State of Alaska, fails on final passage, the engrossing clerk removes the failed provision from the bill. However, if the effect of another section of the bill is conditioned on the passage of the failed provision, the engrossing clerk

retains the section number or other designation of the provision and replaces the text with a brief account of the status.

For example:

\* **Sec. 100.** CONSTITUTIONAL BUDGET RESERVE FUND. (This section did not receive the affirmative vote of three-fourths of the members of each house of the legislature required by art. IX, sec. 17(c), Constitution of the State of Alaska.)

\* **Sec. 101.** If, and only if, the appropriations made in sec. 100 of this Act fail to pass upon an affirmative vote of three-fourths of the members of each house of the legislature, if the unrestricted state revenue available for appropriation in fiscal year 2019 is insufficient to cover the general fund appropriations that take effect in fiscal year 2019, the amount necessary to balance revenue and general fund appropriations to the extent authorized under art. IX, sec. 17(b), Constitution of the State of Alaska, is appropriated to the general fund from the budget reserve fund (art. IX, sec. 17, Constitution of the State of Alaska) under art. IX, sec. 17(b), Constitution of the State of Alaska.

If the failed appropriation under art. IX, sec. 17(c), Constitution of the State of Alaska, was the only appropriation under art. IX, sec. 17(c), Constitution of the State of Alaska, in the bill, the engrossing clerk removes the clause that notes the appropriation from the title.

If all appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, fail, the designation "(brf sup maj fld)" or, if the bill is in the second house, "(brf sup maj fld H)" or "(brf sup maj fld S)," as appropriate, is added to the bill number line. If at least one but not all appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, fail, the designation "(brf sup maj pfld)" or, if the bill is in the second house, "(brf sup maj pfld H)" or "(brf sup maj pfld S)," as appropriate, is added to the bill number line.

### **Engrossment of a failed court rule change**

If a court rule change section that requires the affirmative vote of at least two-thirds of the members of the legislature fails on final passage, the engrossing clerk removes the failed court rule change provision from the bill. However, if the effect of another section of the bill is conditioned on the passage of the failed court rule change provision, the engrossing clerk retains the section number or other designation of the provision and replaces the text with a brief account of the status.

For example:

\* **Section 1.** AS 16.05 is amended by adding a new section to read:

**Sec. 16.05.812. Attorney fees and costs.** In a civil action or appeal challenging a decision, order, regulation, or other action of the commissioner, the department, the Board of Fisheries, or the Board of Game regarding subsistence use of fish and game,

(1) a prevailing private plaintiff shall be entitled to an award of its full actual reasonable attorney fees and costs if the party does not have a sufficient economic incentive to bring the case; and

(2) a private plaintiff who does not prevail may not be subject to an award of attorney fees or costs against it unless the party has a sufficient economic incentive to bring the case or the party's claim or claims are frivolous.

\* **Sec. 2.** (This section did not receive the two-thirds majority vote of each house of the legislature required by art. IV, sec. 15, Constitution of the State of Alaska.)

\* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONDITIONAL EFFECT. Section 1 of this Act takes effect only if sec. 2 of this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

If the failed court rule change provision was the only court rule change provision in the bill, the engrossing clerk removes the court rule change clause from the title.

If all court rule change provisions fail, the designation "(ct rule fld)" or, if the bill is in the second house, "(ct rule fld H)" or "(ct rule fld S)," as appropriate, is added to the bill number line. If at least one but not all court rule change provisions fail, the designation "(ct rule pfld)" or, if the bill is in the second house, "(ct rls pfld H)" or "(ct rls pfld S)," as appropriate, is added to the bill number line.

### **Renumbering of sections when a section is added or deleted**

If a floor amendment adds a new section to or deletes a section from a measure, the engrossing clerk renumbers the remaining sections and corrects references in the measure, known as "internal references," to the added, deleted, or renumbered sections. For example, if a floor amendment deletes sec. 10, the engrossing clerk would change the text, "Notwithstanding sec. 10 of this Act, the" to "The."

### **Engrossment of multiple and conflicting amendments**

Regarding multiple amendments to the same location, if the amendments are harmonious, Amendment No. 1 is inserted first, and Amendment No. 2 is inserted after Amendment No. 1, and so on, unless there is a compelling reason to insert the amendments in a different order. For example, if both Amendment No. 1 and Amendment No. 2 insert a new bill section at the same location, the new sections must be inserted in the proper order, regardless of the order in which the amendments were adopted.

Regarding multiple amendments that are not harmonious, regardless of whether the amendments are to the same location or to different locations, the last adopted amendment supersedes amendments previously adopted. Many situations are easily resolved by the engrossing clerk, as in the case of multiple amendments to an effective date section. If the solution is not clear, the clerk may consult Legal Services. If conflicting amendments cannot be successfully engrossed, the measure is returned to the body for further consideration.

### **Engrossment of failed measures**

A measure that, on final passage, fails to pass is still engrossed and printed, and the designation indicates that the measure has failed to pass.

For example:

HOUSE BILL NO. 1 fails to pass in the House:  
HB 1(fld H)

HOUSE BILL NO. 1 fails to pass in the Senate:  
HB 1(fld S)

HOUSE BILL NO. 1 (amended in the House) fails to pass in the House:  
HB 1 am(fld H)

HOUSE BILL NO. 1 (amended in the Senate) fails to pass in the Senate:  
HB 1 am S(fld S)

### **Examples of designations**

Following are examples of designations used by the engrossing clerks that are to be typed at the bottom of each page of a bill. Remember that line 1 of the bill is also changed when the bill has been amended and that the designation corresponds to the engrossing designation at the bottom of the page. The examples are for action taken on HOUSE BILL NO. 1:

## **In the house of origin**

HOUSE BILL NO. 1 (not amended):	HB 1
is amended on the floor	HB 1 am
contains an effective date that does not pass	HB 1(efd fld)
has an effective date added to it	HB 1(efd add)
or deleted	HB 1(efd del)
or changed by amendment	HB 1(efd am)
has a bill title change	HB 1(title am)
is amended on the floor by a technical amendment adding an effective date notice to correct a title that was defective	HB 1(efd am)
contained a court rule that did not pass	HB 1(ct rule fld)
contained a court rule that failed and a court rule that passed	HB 1(ct rls pfld)
contained an appropriation under art. IX, sec. 17(c), of the state constitution that failed	HB 1(brf sup maj fld)
contained one appropriation under art. IX, sec. 17(c), of the state constitution that failed and another that passed	HB 1(brf sup maj pfld)
has a bill title change and an effective date that does not pass	HB 1(title am)(efd fld)
has a bill title change, contained a court rule that failed, and has an effective date that failed	HB 1(title am)(ct rule fld)(efd fld)
has a title change and, <u>after duplication or electronic publication</u> , has another title change	HB 1(title am)(reengrossed)

fails to pass the House	HB 1(fld H)
HOUSE BILL NO. 1 (amended)	HB 1 am
is returned to 2nd reading <u>after duplication or electronic publication</u> and further amended	HB 1 am(reengrossed)
is returned to 2nd reading <u>after duplication or electronic publication</u> , is further amended, and the effective date fails	HB 1 am(reengrossed)(efd fld)
is returned to 3rd reading <u>after duplication or electronic publication</u> and has a title change	HB 1 am(reengrossed)
is returned to 2nd reading <u>after duplication or electronic publication</u> and a court rule change fails	HB 1 am(ct rule fld)
is returned to 2nd reading <u>after duplication or electronic publication</u> , is further amended, and a court rule change fails	HB 1 am(reengrossed)(ct rule fld)
fails to pass the House	HB 1 am(fld H)
HOUSE BILL NO. 1 (whether or not amended):	
is replaced by a committee substitute and the CSHB 1(FIN) is amended	CSHB 1(FIN) am

**In the other house**

HOUSE BILL NO. 1 (not amended in the house of origin):

is amended in the Senate	HB 1 am S
contains an effective date that does not pass	HB 1(efd fld S)
has an effective date added to it	HB 1(efd add S)
or deleted	HB 1(efd del S)



or changed by amendment	HB 1(efd am S)
has a bill title change	HB 1(title am S)
contained a court rule that does not pass	HB 1(ct rule fld S)
contained a court rule that failed and court rule that passed	HB 1(ct rls pfld S)
contained an appropriation under art. IX, sec. 17(c), of the state constitution that failed	HB 1(brf sup maj fld S)
contained one appropriation under art. IX, sec. 17(c), of the state constitution that failed and one that passed	HB 1(brf sup maj pfld S)
has a bill title change and an effective date that does not pass	HB 1(title am S)(efd fld S)
fails to pass the Senate	HB 1(fld S)
is amended in the Senate and fails to pass the Senate	HB 1 am S(fld S)
HOUSE BILL NO. 1 ( <u>amended</u> in the house of origin):	HB 1 am
is amended in the Senate	HB 1 am S
contains an effective date that does not pass	HB 1 am(efd fld S)
has an effective date added to it	HB 1 am(efd add S)
or deleted	HB 1 am(efd del S)
or changed by amendment	HB 1 am(efd am S)
has a bill title change	HB 1 am(title am S)

contains a court rule that does not pass	HB 1 am(ct rule fld S)
contained a court rule that failed and court rule that passed	HB 1(ct rls pfld S)
contained an appropriation under art. IX, sec. 17(c), of the state constitution that failed	HB 1(brf sup maj fld S)
contained one appropriation under art. IX, sec. 17(c), of the state constitution that failed and one that passed	HB 1(brf sup maj pfld S)
has a bill title change and an effective date that does not pass	HB 1 am(title am S)(efd fld S)

HOUSE BILL NO. 1 (whether or not amended in the house of origin):

is replaced by a committee substitute in the Senate and the substitute is amended	SCS HB 1(JUD) am S
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CS FOR HOUSE BILL NO. 1(CRA) (whether or not amended in the house of origin):

is amended in the Senate	CSHB 1(CRA) am S
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**In the house of origin on concurrence**

contained an effective date that did not pass on concurrence	SCS HB 1(JUD)(efd fld)
--	------------------------

**Conference committee bill**

When a bill goes to a Conference Committee, that committee has before it the versions of the bill that passed each house. For example, the House passed HB 1 am; the Senate passed SCS HB 1(FIN) am S. Both versions are referred to the Conference Committee for possible agreement on previously adopted amendments to these versions. The Conference Committee can then, within the scope of material previously adopted,

- (1) adopt either version of the bill without further amendment and thus adopt

HB 1 am  
or  
SCS HB 1(FIN) am S

- (2) offer a Conference Committee Substitute to take the place of the versions of the bill passed by each house and thus adopt

CCS HB 1

If the conference committee cannot come to agreement, or if its agreement is not approved by the legislature, the conference committee submits an itemized list of the points of disagreement on which it desires to have limited powers of free conference. The presiding officer of each house may grant these limited powers. The version of a bill reported back from this group is also called a conference committee substitute.

**Free conference committee bill**

When a bill goes to a Free Conference Committee, that committee also has before it the versions of the bill that passed each house. Using the same examples given for the Conference Committee bill, the Free Conference Committee can

- (1) adopt either version of the bill without further amendment and thus adopt

HB 1 am  
or  
SCS HB 1(FIN) am S

- (2) offer a Free Conference Committee Substitute to take the place of the versions of the bill passed by each house and thus adopt

FCCS HB 1  
or

if that committee is discharged without offering a substitute bill and a second Free Conference Committee is appointed and offers a substitute

FCCS HB 1 (NOTE: The sponsor is the  
2d Free Conference Committee)  
or

if the first Free Conference Committee offers a substitute bill that is rejected and a second committee is appointed and offers a substitute

FCCS HB 1(2d FCC) (NOTE: The sponsor is the  
2d Free Conference Committee)

NOTE:

- (1) When a Conference Committee or a Free Conference Committee accepts a prior version of a bill as shown in (1) above, the "offered" or "introduced" date at the top of page 1 is not changed.
- (2) A Conference Committee or Free Conference Committee Substitute that has not been printed before the vote on its adoption is printed even if one or both houses fail to adopt the substitute.
- (3) Treat a Conference Committee or Free Conference Committee Substitute in which the super majority vote or effective date provision has failed using the appropriate designations set out in this chapter. For example: CCS HB 1(brf sup maj fld H/S); CCS HB 1(efd fld S).
- (4) For a Conference Committee Substitute, when the effective date, court rule, or budget reserve fund vote fails a body, note the body, even if the bill originated in that body. For example CCS HB 1(brf sup maj fld H).

**Corrected conference committee substitutes**

When an error is discovered and corrected in a Conference Committee Substitute or Free Conference Committee Substitute that has been printed and distributed or published electronically on the legislature's Internet website, "(Corrected)" is added to the designation. Receipt of the corrected Conference Committee Substitute or Free Conference Committee Substitute is noted in the original history file.

**Authentication**

Following the last page of a bill, the signature page for authentication is typed as follows: (NOTE: the house of origin is always listed first, even if the bill is a committee substitute in the other house.) (Example is for a House Bill.)

Passed by the House \_\_\_\_\_

\_\_\_\_\_  
(insert name), Speaker of the House

ATTEST:

\_\_\_\_\_  
(insert name), Chief Clerk

Passed by the Senate \_\_\_\_\_

\_\_\_\_\_  
(insert name), President of the Senate

ATTEST:

\_\_\_\_\_  
(insert name), Senate Secretary

In the Senate, the same authentication form is used except that the Senate signature blocks are typed first.

If the bill is being engrossed after the adoption of a Conference Committee or Free Conference Committee report, the date of passage shown in the authentication is always the date on which that committee report was adopted.

If a bill is amended in the other house, the date of passage in the house of origin is the date it concurred in the amendment.

**Resolution authentication**

With the exception of simple resolutions and special concurrent resolutions, resolutions are engrossed in the same manner as bills. Line 1 is also changed in the same manner as line 1 of a bill.

The authentication form to be used for a simple resolution is:

Passed by the House (Senate) \_\_\_\_\_

\_\_\_\_\_  
(insert name), Speaker of the House  
(or President of the Senate)

ATTEST:

\_\_\_\_\_  
(insert name), Chief Clerk  
(or Senate Secretary)

The authentication form to be used for special concurrent resolutions is:

PASSED BY THE LEGISLATURE IN JOINT SESSION

Senate \_\_\_\_\_

\_\_\_\_\_  
(insert name), President of the Senate

ATTEST:

\_\_\_\_\_  
(insert name), Senate Secretary

House \_\_\_\_\_

\_\_\_\_\_  
(insert name), Speaker of the House

ATTEST:

\_\_\_\_\_  
(insert name), Chief Clerk

## CHAPTER 3. ENROLLMENT

(See Appendix XXIX for sample enrolled bill)

Enrollment is the process of preparing a bill or resolution in final form after passage. Enrollment is accomplished under the direction of the Legislative Affairs Agency in cooperation with the house chief clerk and the senate secretary. The enrolling clerks receive the original copy of the engrossed bill from the office of the house chief clerk or senate secretary.

Correction of manifest errors. Rule 43(a), Uniform Rules of the Alaska State Legislature, authorizes the enrolling secretary of the legislature--currently the editor of the division of legal and research services --"to correct form and manifest errors which are clerical, typographical, or errors in spelling or errors by way of additions or omissions." In addition to obvious errors in spelling or grammar and typographical errors, a manifest error by way of additions or omissions is one where (1) the printed version does not accurately reflect legislative action, or (2) the provision is unquestionably inaccurate, the change to be made is the only logical result, and nothing in the record indicates that the error was intentional. Under Rule 43(a), the enrolling secretary reports corrections of errors by way of additions or omissions or deficiencies when the bill is returned to the house of origin.

### **Bills**

A cover sheet is typed showing the bill number (using the engrossment designation of the version passed), a place for the session law chapter number, the bill title, the year of the session, the enacting clause, and the words "THE ACT FOLLOWS ON PAGE 1."

The bill title is single-spaced. The cover sheet is not given a page number.

The engrossed bill is retyped on plain paper. The words "AN ACT" and the bill title are typed above the first line of text. "AN ACT" is typed in full uppercase letters and centered. Appendix XXIX shows the format to be used for typing page 1. The page number and bill designation are included at the bottom of the page.

An authentication must be attached to a measure sent to enrolling with each engrossed bill. An "authentication" sheet is completed with the same date and signature lines as contained in the engrossed bill certification. This form also contains a date and signature line for the governor's action. The original copy of the authentication is placed in a jacket with the original copy of the enrolled bill directly following the last page of the bill. Copies are attached to the backs of two copies of the bill.

The enrolled bill is placed in a plain jacket: blue jackets are used for the Senate; gold jackets for the House.

The following distribution is made of enrolled bills (five copies needed):

Three copies are retained in the division of legal and research services office



one copy is submitted to the revisor of statutes;  
two copies are retained by the enrolling clerk;

Two copies are delivered to the house of origin

one copy is provided for the bill file of the house chief clerk or senate secretary;

the remaining copy, the original, and the history file, are delivered to the governor by the house chief clerk or senate secretary.

Upon a bill's becoming law or following a veto, the following procedure is followed:

If a bill is signed by the Governor,

- (1) the staff of the Office of the Governor types the chapter number assigned to the bill in the proper space on the cover sheet of the enrolled bill;
- (2) the original bill is then delivered with a copy of the cover letter, with the history file and the engrossed version attached, to the Legislative Affairs Agency, Division of Legal and Research Services (Legal Services);
- (3) for informational purposes, the original cover letter indicating the date signed and the chapter number and a copy of the signed authentication are delivered to each house by the Governor;
- (4) the Legal Services staff types the date of approval and the actual effective date of the Act at the bottom of the cover sheet page, types the session law chapter number it became at the top of each page of the bill, and sends it to the duplicating service for photographing; the duplicating service reproduces the slip law copies of the Act, in the number of copies directed by Legal Services, for distribution;
- (5) the original bill and the history file are then returned to the Office of the Governor; the Office of the Governor then transmits the bill to the Lieutenant Governor for permanent filing.

If a bill is not signed by the Governor,

- (1) the staff of the Office of the Governor types the chapter number assigned to the bill in the proper space on the cover sheet of the enrolled bill;
- (2) the original bill is then delivered with a copy of the cover letter, with the history file and the engrossed version attached, to Legal Services;
- (3) for informational purposes, the original cover letter and the chapter number and a

copy of the authentication are delivered to each house by the Governor;

- (4) the Legal Services staff types the date of approval and the actual effective date of the Act at the bottom of the cover sheet page, types the session law chapter number it became at the top of each page of the bill, and sends it to the duplicating service for photographing; the duplicating service reproduces the slip law copies of the Act, in the number of copies directed by Legal Services, for distribution;
- (5) the original bill and the history file are then returned to the Office of the Governor; the Office of the Governor then transmits the bill to the Lieutenant Governor for permanent filing.

If a bill is vetoed in its entirety,

- (1) the staff of the Office of the Governor returns the original bill, with the original cover letter, to the house of origin for possible override and delivers a copy of the bill, with a copy of the cover letter, to Legal Services;
- (2) for informational purposes, the original cover letter and a copy of the bill are delivered to each house by the Governor;
- (3) if the legislature does not override the bill vetoed in its entirety, the house of origin returns the original bill and the history file to the Office of the Governor for permanent filing;
- (4) if the legislature overrides the bill vetoed in its entirety, the house of origin returns the original bill and the history file to Legal Services to assign the chapter number and duplicate the bill; the Legal Services staff types the date of override and the actual effective date of the Act at the bottom of the cover sheet page, types the session law chapter number it became at the top of each page of the bill, and sends it to the duplicating service for photographing; the duplicating service reproduces the slip law copies of the Act, in the number of copies directed by Legal Services, for distribution;
- (5) the original of the bill and the history file are then returned to the Office of the Governor; the Office of the Governor then transmits the bill to the Lieutenant Governor for permanent filing.

If an appropriation bill has line item vetoes and the legislature is in session,

- (1) the staff of the Office of the Governor returns the original bill, with the original cover letter, to the house of origin for possible override and delivers a copy of the bill, with a copy of the cover letter, to Legal Services;
- (2) for informational purposes, the original cover letter and the chapter number and a copy of the bill are delivered to the other house by the Governor;

- (3) if the legislature does not override a line item veto, the house of origin transfers the bill to Legal Services for duplicating; the Legal Services staff types the date of approval and the actual effective date of the Act at the bottom of the cover sheet page, types the session law chapter number it became at the top of each page of the bill, and sends it to the duplicating service for photographing; the duplicating service reproduces the slip law copies of the Act, in the number of copies directed by Legal Services, for distribution;
- (4) if the legislature overrides a line item veto, the house of origin notes next to the line item that the line item veto was overridden, along with the actual vote and the date of the vote, and initials the notation; the house of origin transfers the bill to Legal Services; the Legal Services staff types the information about the line item veto override and the date of the override on the cover sheet page, and sends the bill to the duplicating service for photographing; the duplicating service reproduces the slip law copies of the Act, in the number of copies directed by Legal Services, for distribution; see ch. 17, SLA 2009, for an example of a line item veto override;
- (5) the original bill and the history file are then returned to the Office of the Governor; the Office of the Governor then transmits the bill to the Lieutenant Governor for permanent filing.

If an appropriation bill has line item vetoes and the legislature is not in session,

- (1) the staff of the Office of the Governor delivers the original bill, with a copy of the cover letter, to Legal Services for duplicating;
- (2) for informational purposes, the original cover letter and the chapter number and a copy of the bill are delivered to the other house by the Governor;
- (3) the Legal Services staff types the date of approval and the actual effective date of the Act at the bottom of the cover sheet page, types the session law chapter number it became at the top of each page of the bill, and sends it to the duplicating service for photographing; the duplicating service reproduces the slip law copies of the Act, in the number of copies directed by Legal Services, for distribution; Legal Services delivers the bill with line item vetoes to the house of origin for possible override;
- (4) if the legislature does not override a line item veto, the house of origin returns the bill to the Office of the Governor for permanent filing;
- (5) if the legislature overrides a line item veto, the house of origin notes next to the line item that the line item veto was overridden, along with the actual vote and the date of the vote, and initials the notation; the house of origin transfers the bill to Legal Services; the Legal Services staff types the information about the line item veto override and the date of the override on the cover sheet page, and the session law chapter number it became at the top of each page of the bill, and sends the bill to the

duplicating service for photographing; the duplicating service reproduces the slip law copies of the Act, in the number of copies directed by Legal Services, for distribution; see ch. 17, SLA 2009, for an example of a line item veto override;

- (6) the original bill and the history file are then returned to the Office of the Governor; the Office of the Governor then transmits the bill to the Lieutenant Governor for permanent filing.

## **Resolutions**

Enrolled resolutions are typed with a heading that contains the year of the session, the source (engrossment designation), and the resolve identification number.

The Legislative Affairs Agency assigns the resolve identification number to each resolution at the time the resolution is received for enrolling. Joint and concurrent resolutions are assigned "legislative resolve" numbers consecutively, as they are received by the agency for enrolling, regardless of the type of resolution. House and Senate simple or special resolutions are assigned House or Senate resolve numbers.

The resolve number is typed on page 1 at the time the resolution is enrolled. The resolution title and body are double spaced, the first page is not numbered, and second and additional page numbers are centered at the bottom of the page. The resolve identification is typed on each page after page 1 at the time it is enrolled (if the number 1 were the assigned resolve number, the abbreviated designation would be as follows: "LR 1," "HR 1," or "SR 1"). An original and five copies of resolutions are required.

Any underlining or bracketing of material in legislative resolves proposing amendments to the state constitution or to the uniform rules is retained in the enrolling process.

An original and the authentication form are required.

- Joint resolution authentication forms include the typed names of the legislative officers and contain a signature line for the governor's use.
- Concurrent and simple resolution authentication forms include the typed names of the legislative officers of each body that passed the resolution.

An enrolled resolution is placed in a blue or gold jacket, along with the original authentication. The enrollment report and the engrossed version of the resolution are attached to the original in the same manner as for bills.

The following distribution is made of enrolled resolutions (five copies needed):

Three copies are retained in the division of legal and research services office

one copy is submitted to the revisor of statutes;  
two copies are retained by the enrolling clerk;

Two copies are delivered to the house of origin

one copy is provided for the file of the house chief clerk or senate secretary; the original, the history file, and one copy are delivered to the governor by the chief clerk or senate secretary.

### **Distribution of resolutions**

The house chief clerk and senate secretary forward copies of simple and concurrent resolutions to the addressees. The Office of the Governor forwards copies of joint resolutions.

Each addressee receives an authentication with the resolution. If the resolution is being addressed to numerous persons, the original resolution and original authentication are photographed and duplicated for distribution to all addressees.

### **Legislative citations**

After approval of a citation by both houses, the clerical officer of the house of origin delivers the citation to the Legislative Affairs Agency for enrollment. Enrolling is done on special paper, printed in blue. This final version contains any changes indicated on the draft citation, additions to the co-sponsor line, and the date of approval by the second house. A gold seal and blue ribbon are affixed, and the citation is returned to the presiding officers for signature. The citation is then sent to the sponsor for signature and presentation. The Legislative Affairs Agency maintains a permanent file of enrolled citations.

### **Waiver of enrollment**

Under Rule 43(b), Uniform Rules of the Alaska State Legislature, a presiding officer may waive engrossment or enrollment of a measure for reasons of economy and time. See chapter 2 of this Part for "Waiver of engrossment." If enrollment has been waived, the house of origin delivers the measure and the history file to the Legislative Affairs Agency. The Legislative Affairs Agency enrolls the first page and the signature page. The Legislative Affairs Agency completes the enrollment procedure as follows:

- (1) If the measure has been engrossed, the Legislative Affairs Agency places the enrolled first page before the first page of the engrossed measure and places the enrolled signature page after the last page of the engrossed measure.
- (2) If engrossment has also been waived under Rule 43(b), Uniform Rules of the Alaska State Legislature, and
  - (A) the measure has not later been engrossed, the Legislative Affairs Agency places the enrolled first page before the first page of the unengrossed measure and places the enrolled signature page after the last page of the unengrossed measure or, if there are certified amendments, after the last certified

amendment.

- (B) the measure has later been engrossed, the Legislative Affairs Agency places the enrolled first page before the first page of the engrossed measure and places the enrolled signature page after the last page of the engrossed measure.
- (3) The Legislative Affairs Agency makes photocopies as appropriate and returns the measure and history file to the house of origin.
- (4) Under Rule 43(b), Uniform Rules of the Alaska State Legislature, after the measure has been signed by the officers of both houses, it is transmitted to the Governor with a letter noting that enrollment has been waived.

## CHAPTER 4. RETENTION OF BILLS

Until final action is taken on a bill (including reconsideration or until after the time for reconsideration has passed), the following disposition is made:

Passed in house of origin .....	Transmit to other house
Passed in other house .....	Return to house of origin for enrollment
Tabled in house of origin .....	Keep for possible revival
Tabled in other house.....	Retain until adjournment sine die
Indefinitely postponed	
in house of origin .....	Retain for files
in other house .....	Return to house of origin
Defeated in house of origin.....Retain for files	
Defeated in other house .....	Retain until adjournment of the session
Vetoed by the governor.....	Return to house of origin
Adjournment sine die	
in house of origin .....	Destroy*
in other house .....	Return to house of origin for disposal

\* File folders should be kept until the final journal has been printed.





**PART V**  
**OTHER LEGISLATIVE DOCUMENTS**



## CHAPTER 1. THE JOURNAL

### **Journal content**

A journal is prepared for each legislative session day. If a house does not meet on a legislative day, a one-page, no session journal is printed. The journal pages are numbered consecutively from the first day of the first session through the last day of the last session. The front page of the journal indicates the location, day, date, and legislative day. The journal is a chronological record of floor action for the day in accordance with the daily order of business. (Rule 17)

The house chief clerk and the senate secretary note the following actions in the journal:

- Quorum
- Prayer
- Pledge
- Miscellaneous Communications
- Approval of Excused Absences

The house chief clerk and the senate secretary note the following actions on a bill or resolution in the journal:

- Introduction
- Committee Reports
- Second Reading
- Third Reading
- Final Passage
- Transmittal to the Governor
- Action by the Governor

Rules 7 - 9, 16, 23, 29, 30(b), 34(a) and (c)(3), 35, 39(d), 41, 42, 45, 48(a), and 50(b), Uniform Rules of the Alaska State Legislature, set out additional requirements concerning the daily journal.

Remarks made under privilege of the floor and personal privilege are not recorded in the journal (Rule 8).

Proofreading of the journals is accomplished by the house chief clerk and senate secretary staff.

### **Supplements**

Journal Supplements and Joint Journal Supplements are printed when necessary and are available on BASIS. Their numbering, subject matter, and date of publication are noted in the journal. Examples of supplements printed are the governor's State of the State and State of the Budget addresses, and member disclosures as required by the ethics law.

## **CHAPTER 2. FISCAL NOTES**

According to AS 24.08.035, before a bill or resolution, except an appropriation bill, is reported from the committee of first referral, there shall be attached to the bill a fiscal note containing an estimate of the amount of the appropriation increase or decrease that would result from enactment of the bill for the current fiscal year and five succeeding years or, if the bill has no fiscal impact, a statement to that effect shall be attached.

Also, if the bill is presented by the governor for introduction, the fiscal note or statement shall be attached. An amendment or substitute bill proposed by a committee of referral that changes the fiscal impact of a bill shall be explained in a revised fiscal note.

Fiscal notes are published for distribution by the senate secretary and the house chief clerk, are available on BASIS, and are noted in their respective journals and in BASIS.

## **CHAPTER 3. HISTORIES**

A history system of the bills and resolutions of each house (BASIS) is updated in real time by the offices of the house chief clerk and senate secretary and is maintained by the Legislative Affairs Agency. A weekly status of bills is printed by the house chief clerk and senate secretary.

## **CHAPTER 4. DAILY CALENDAR**

The Rules Committee of each house determines items of business on the daily calendar and submits this information to the house chief clerk and senate secretary. The house chief clerk and senate secretary then prepare their respective calendars, and copies are made available. The calendared items are also posted in BASIS.

## **CHAPTER 5. INITIATIVES**

Upon passage of an initiative (AS 15.45.010 - 15.45.245 and art. XI, Constitution of the State of Alaska), the revisor of statutes codifies and, if necessary, reorganizes and numbers the material to conform to the arrangement of the Alaska Statutes (AS 01.05.031). It is then typed in the same form as an enrolled bill, and the date certified and the actual effective date of the measure are noted at the bottom of the cover page. Slip law copies are then made, and distribution is handled in the same manner as a regular slip law.

The original copy of the slip law initiative is returned to the Office of the Lieutenant Governor for permanent filing.

## **CHAPTER 6. EXECUTIVE ORDERS**

Under art. III, sec. 23, Constitution of the State of Alaska, an executive order is issued by the governor when changes in the organization of the executive branch require the force of law. If an executive order is not disapproved by resolution concurred in by a majority of the members of the legislature in joint session during the first 60 days of the session, the order becomes effective at a date thereafter to be designated by the governor. An executive order is given a number when filed. These numbers are consecutive since statehood and are retained even if the legislature disapproves the order. Once an executive order becomes law, it is enrolled and printed as a slip law.



**APPENDICES**

BILL SHOWING SUPPLEMENTAL APPROPRIATION ..... I

BILL SHOWING CS FOR GOVERNOR'S BILL ..... II

SPECIAL APPROPRIATION (capital project) ..... III

SPECIAL APPROPRIATION (appropriation from the  
constitutional budget reserve fund)..... IV

BILL SHOWING AN APPROPRIATION TRANSFER ..... V

BILL SHOWING A REAPPROPRIATION OF MONEY ..... VI

APPROPRIATION BILL (grant to a municipality) ..... VII

APPROPRIATION BILL (grant to a named recipient) ..... VIII

APPROPRIATION BILL (loan fund) ..... IX

APPROPRIATION BILL (mixed appropriations and  
multiple recipients) ..... X

BILL SHOWING RENUMBERING OF PARAGRAPHS ..... XI

BILL SHOWING LAND DESCRIPTION ..... XII

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**SENATE BILL NO. 95**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/11/19

Referred: Resources, Finance

Funding Information:	General Fund	\$41,600
	Other Funds	27,100
	Total	\$68,700

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act making supplemental appropriations to the Department of Fish and Game; and**  
 2 **providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** The sum of \$41,600 is appropriated from the general fund and the sum of  
 5 \$27,100 is appropriated from the fish and game fund to the Department of Fish and Game for  
 6 expenses incurred in the transportation of spawning red salmon for the fiscal year ending  
 7 June 30, 2019.

8 \* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

<p><i>SAMPLE SUPPLEMENTAL          APPROPRIATION BILL</i></p>
---

**CS FOR SENATE BILL NO. 95(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/11/19

Referred: Rules

Funding Information:	General Fund	\$40,600
	Other Funds	28,100
	Total	\$68,700

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act making supplemental appropriations to the Department of Fish and Game; and**  
 2 **providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** The sum of \$40,600 is appropriated from the general fund and the sum of  
 5 \$28,100 is appropriated from the fish and game fund to the Department of Fish and Game for  
 6 expenses incurred in the transportation of spawning red salmon for the fiscal year ending  
 7 June 30, 2019.

8 \* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

<p><i>SAMPLE COMMITTEE SUBSTITUTE FOR GOVERNOR'S BILL</i></p>
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**CONFERENCE CS FOR HOUSE BILL NO. 48**  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE CONFERENCE COMMITTEE

Offered: 3/18/17

<b>Funding Information:</b>	<b>General Fund</b>	<b>\$125,000</b>
	<b>Other Funds</b>	<b>-0-</b>
	<b>Total</b>	<b>\$125,000</b>

Sponsor(s): REPRESENTATIVES CARTER, Tinker, Brewer, Cooper, Baker, Farmer, Painter, Smith, Fisher, Pope

SENATORS Carver, Shoemaker

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act making a special appropriation to the Department of Transportation and**  
2 **Public Facilities for Kodiak ferry slips; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** The sum of \$125,000 is appropriated from the general fund to the Department  
5 of Transportation and Public Facilities for construction of ferry slips at Kodiak.

6 \* **Sec. 2.** LAPSE. The appropriation made by this Act is for a capital project and lapses  
7 under AS 37.25.020.

8 \* **Sec. 3.** This Act takes effect July 1, 2019.

*SAMPLE SPECIAL APPROPRIATION  
BILL FOR A CAPITAL PROJECT*

**CS FOR HOUSE BILL NO. 189(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/8/19

Referred: Finance

Funding Information:	General Fund	\$	-0-
	Other Funds		600,000,000
	Total	\$	600,000,000

Sponsor(s): REPRESENTATIVES CARTER, Woodsman, Painter

**A BILL****FOR AN ACT ENTITLED**

1 "An Act making a special appropriation to the statutory budget reserve fund; making  
 2 an appropriation under art. IX, sec. 17(c), Constitution of the State of Alaska, from the  
 3 constitutional budget reserve fund; and providing for an effective date."

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** STATUTORY BUDGET RESERVE FUND. (a) Contingent upon the approval  
 6 of an amendment to the Constitution of the State of Alaska repealing the budget reserve fund  
 7 established by art. IX, sec. 17, Constitution of the State of Alaska, by a majority of the voters  
 8 voting on the amendment at the 2020 general election, the sum of \$600,000,000 is  
 9 appropriated to the budget reserve fund (AS 37.05.540) from the budget reserve fund (art. IX,  
 10 sec. 17, Constitution of the State of Alaska).

11 (b) The appropriation made by this section is made under art. IX, sec. 17(c),  
 12 Constitution of the State of Alaska.

13 \* **Sec. 2.** LAPSE. The appropriation made by sec. 1 of this Act is for the capitalization of a  
 14 fund and does not lapse.

1     \* **Sec. 3.** This Act takes effect on the day after the date on which the election returns of the  
2     2020 general election are certified by the lieutenant governor.

*SAMPLE SPECIAL APPROPRIATION BILL  
MAKING AN APPROPRIATION  
FROM THE CONSTITUTIONAL  
BUDGET RESERVE FUND*

**SENATE CS FOR CS FOR HOUSE BILL NO. 62(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/3/19  
Referred: Rules

Sponsor(s): HOUSE FINANCE COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act transferring among appropriations; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 \* **Section 1.** Section 1, ch. 135, SLA 2000, page 29, lines 27 - 31, is amended to read:

4 ALLOCATIONS

5 Anchorage: Air Quality **67,000**

6 Awareness Public Education [68,000]

7 Program (ED 10-25)

8 Anchorage: Air Quality **28,000**

9 Business Education Program [27,000]

10 (ED 10-25)

11 \* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

*SAMPLE BILL SHOWING  
APPROPRIATION TRANSFER*

**HOUSE BILL NO. 47**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/8/19

Referred: Finance

**A BILL****FOR AN ACT ENTITLED**

1 "An Act increasing an appropriation, making an appropriation, and reappropriating  
2 money; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** Section 30, ch. 82, SLA 1981, page 185, line 18, as amended by sec. 121, ch.  
5 141, SLA 1982, is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUNDS
6 Traffic Signals on West Northern	<u>202,200</u>	<u>202,200</u>
7 Lights Blvd., at Wisconsin and	[185,000]	[185,000]
8 Turnagain Street		

9 \* **Sec. 2.** The sum of \$182,800 is appropriated from the general fund to the Department of  
10 Commerce, Community, and Economic Development for payment as a grant under  
11 AS 37.05.315 to the Municipality of Anchorage for traffic rechannelization at Northern Lights  
12 and Forest Park in Anchorage.  
13  
14

- 1     \* **Sec. 3.** The unexpended and unobligated balance of the appropriation made in sec. 3, ch.  
2     128, SLA 1986, page 31, line 14 (Wales Peninsula search and rescue communication system -  
3     \$48,000) is reappropriated to the Department of Commerce, Community, and Economic  
4     Development for payment as a grant under AS 37.05.315 to the City of Wales for the  
5     community building project for costs incurred on or before December 31, 1986.  
6     \* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).

*SAMPLE BILL SHOWING A  
REAPPROPRIATION OF MONEY*



**HOUSE BILL NO. 472**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Introduced: 1/23/19

Referred: Finance

Funding Information:	General Fund	\$73,600
	Other Funds	-0-
	Total	\$73,600

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act making a special appropriation for payment as a grant to the City of White**  
2 **Mountain for community building construction; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** The sum of \$73,600 is appropriated from the general fund to the Department of  
5 Commerce, Community, and Economic Development for payment as a grant under  
6 AS 37.05.315 to the City of White Mountain for community building construction.

7 \* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

<p><i>SAMPLE APPROPRIATION BILL  FOR A GRANT TO A MUNICIPALITY</i></p>
--

**HOUSE CS FOR SENATE BILL NO. 97(HES)**  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 2/11/19

Referred: Finance

Funding Information:	General Fund	\$65,000
	Other Funds	-0-
	Total	\$65,000

Sponsor(s): SENATORS SHEPHERD, Shoemaker, Mercer, King

REPRESENTATIVES Tinker, Wright, Chandler

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act making a supplemental appropriation to the Department of Commerce,  
 2 Community, and Economic Development for payment as a grant to Bethel Social  
 3 Services, Inc.; and providing for an effective date."

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

5 \* **Section 1.** The sum of \$65,000 is appropriated from the general fund to the Department of  
 6 Commerce, Community, and Economic Development for payment as a grant under  
 7 AS 37.05.316 to Bethel Social Services, Inc., for the operation of the Bethel Receiving Home  
 8 during the fiscal year ending June 30, 2019.

9 \* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

<p><i>SAMPLE APPROPRIATION BILL FOR A GRANT TO A NAMED RECIPIENT</i></p>
--

**2d CS FOR SENATE BILL NO. 85(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/11/19

Referred: Rules

Funding Information:	General Fund	\$8,500,000
	Other Funds	-0-
	Total	\$8,500,000

Sponsor(s): SENATORS MASON, Forester, Beadle, Gunner, Carver

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act making a special appropriation to the agricultural revolving loan fund; and**  
 2 **providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** The sum of \$8,500,000 is appropriated from the general fund to the agricultural  
 5 revolving loan fund (AS 03.10.040).

6 \* **Sec. 2.** LAPSE. The appropriation made by this Act is for the capitalization of a fund and  
 7 does not lapse.

8 \* **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).

<p><i>SAMPLE APPROPRIATION BILL          FOR LOAN FUNDS          (2d CS when a CS has been previously adopted)</i></p>
--

**CS FOR HOUSE BILL NO. 70(2d FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/11/19

Referred: Rules

Funding Information:	General Fund	\$15,066,722
	Other Funds	-0-
	Total	\$15,066,722

Sponsor(s): HOUSE FINANCE COMMITTEE

**A BILL****FOR AN ACT ENTITLED**

1 "An Act making appropriations for grants, capital projects, and miscellaneous expenses  
2 of state government; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** The sum of \$1,000,000 is appropriated from the general fund to the Department  
5 of Commerce, Community, and Economic Development for payment as grants under  
6 AS 37.05.315 for capital projects to the following municipalities for the purposes expressed  
7 and in the amounts listed:

8	Klawock - water and sewer upgrade	\$500,000
9	Juneau - Juneau-Douglas/Lemon	250,000
10	Creek distribution improvement	
11	Wasilla - septic treatment	185,000
12	Bristol Bay Borough - South	65,000
13	Naknek village well	

14 \* **Sec. 2.** The sum of \$13,800,000 is appropriated from the general fund to the University of

1 Alaska for the purposes expressed and in the amounts listed:

2         Juneau campus - dormitory   \$10,000,000  
3                 construction

4         Matanuska-Susitna Community College -                             3,800,000  
5                 agricultural classroom facility

6                 construction

7         \* **Sec. 3.** The sum of \$266,722 is appropriated from the general fund to pay miscellaneous  
8 claims, stale-dated warrants, and fiscal year 2016 obligations of the state, to be allocated as  
9 follows:

10                 Department of Administration   \$ 11,622

11                 Department of Law   255,100

12         \* **Sec. 4.** LAPSE. The appropriation made in sec. 2 of this Act is for capital projects and  
13 lapses under AS 37.25.020.

14         \* **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).

*SAMPLE BILL WITH MIXED  
APPROPRIATIONS AND MULTIPLE  
RECIPIENTS  
((2d FIN) when a CS for the bill has been  
reported out of the same committee*

**HOUSE BILL NO. 111**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES CARPENTER, Fisher, Cooper, Baker**

**Introduced: 1/25/19**

**Referred: Health and Social Services, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the powers of the Department of Education and Early**  
2 **Development."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 14.07.030 is amended to read:

5 **Sec. 14.07.030. Powers of the department.** The department may

6 (1) establish, maintain, govern, operate, discontinue, and combine area,  
7 regional, and special schools;

8 (2) [REPEALED

9 (3) REPEALED

10 (4) REPEALED

11 (5)] enter into contractual agreements with the Bureau of Indian  
12 Affairs or with a school district to share boarding costs of secondary school students;

13 **(3)** [(6)] provide for citizenship night schools when and where  
14 expedient;

1           **(4)** [(7)] provide for the sale or other disposition of abandoned or  
2 obsolete buildings and other state-owned school property;

3           **(5)** [(8)] prescribe a classification for items of expense of school  
4 districts;

5           **(6)** [(9)] acquire and transfer personal property, acquire real property,  
6 and transfer real property to federal agencies, state agencies, or to political  
7 subdivisions;

8           **(7)** [(10)] enter into contractual agreements with school districts to  
9 provide more efficient or economical education services; **reasonable fees may be**  
10 **charged by the department to cover the costs of providing services under an**  
11 **agreement, including costs for professional services, reproduction or printing,**  
12 **and mailing and distribution of educational materials;**

13           **(8)** [(11)] provide for the issuance of elementary and secondary  
14 diplomas to persons not in school who have completed the equivalent of an 8th or 12th  
15 grade education, respectively, in accordance with standards established by the  
16 department;

17           **(9)** [(12)] apply for, accept, and spend endowments, grants, and other  
18 private money available to the state for educational purposes in accordance with  
19 AS 37.07 (Executive Budget Act);

20           **(10) set student tuition and fees for educational and**  
21 **extracurricular programs and services provided and schools operated by the**  
22 **department under the provisions of (1) of this section and AS 14.07.020(a)(9),**  
23 **(11), and (12);**

24           **(11) charge fees to cover the costs of care and handling with**  
25 **respect to the acquisition, warehousing, distribution, or transfer of donated**  
26 **foods;**

27           **(12) develop a model curriculum and provide technical assistance**  
28 **for early childhood education programs.**

SAMPLE AMEND METHOD SHOWING  
RENUMBERING AND ADDING  
PARAGRAPHS

**HOUSE CS FOR SENATE BILL NO. 303(RES)**  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-FIRST LEGISLATURE - FIRST SESSION

**BY THE HOUSE RESOURCES COMMITTEE**

**Offered: 3/22/19**  
**Referred: Finance**

**Sponsor(s): SENATORS SHOEMAKER, Goldsmith, Miner, Seaman**  
**REPRESENTATIVES Painter, Farmer, Pope**

**A BILL**

**FOR AN ACT ENTITLED**

**"An Act establishing the Goldstream Public Use Area."**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

\* **Section 1.** AS 41.23 is amended by adding a new section to read:

**Sec. 41.23.170. Goldstream Public Use Area.** Subject to valid existing rights, the vacant and unappropriated state-owned land and water and the state land and water acquired in the future that lie within the boundaries described in this section are designated as the Goldstream Public Use Area, are reserved for all uses compatible with their primary function as public use land, and are assigned to the department for control and management:

(1) Township 1 North, Range 1 West, Fairbanks Meridian

Section 2: Lots 7 - 8 west of the centerline of Goldstream Road,

Lot 11

Lots 9 - 10

Section 3: Lots 5 - 13

Section 4: Lots 9 - 11



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Section 5: SW1/4SW1/4  
Section 7: Lot 4, S1/2NE1/4, NE1/4SE1/4, S1/2SE1/4  
Section 8: E1/2, NE1/4NW1/4, S1/2NW1/4, SW1/4  
Section 9: Lots 1 - 2, E1/2NE1/4, SW1/4NE1/4, W1/2NW1/4,  
SE1/4NW1/4, SW1/4, W1/2NE1/4SE1/4, NW1/4SE1/4  
Section 10: NW1/4NW1/4  
Section 11: Lots 1 - 5  
Section 12: Lots 2 - 3  
Section 17: NW1/4NW1/4  
Section 18: N1/2NE1/4, SW1/4NE1/4, W1/2SE1/4NE1/4,  
NE1/4SE1/4SE1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, SE1/4;  
(2) Township 1 North, Range 2 West, Fairbanks Meridian  
Section 13: SE1/4, E1/2E1/2E1/2SW1/4  
Section 23: NE1/4SW1/4, W1/2SE1/4, W1/2SE1/4SE1/4,  
SE1/4SE1/4SE1/4, W1/2NE1/4SE1/4SE1/4  
Section 24: E1/2  
Section 26: W1/2W1/2NW1/4NW1/4  
Section 27: N1/2NE1/4NE1/4, SE1/4NE1/4NE1/4,  
E1/2SW1/4NE1/4NE1/4.

*SAMPLE LAND DESCRIPTION BILL*

**HOUSE BILL NO. 98**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Introduced: 1/18/19

Referred: State Affairs, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to violations of the open meetings section of the Constitution of the**  
2 **State of Alaska; amending Rule 82, Alaska Rules of Civil Procedure, and Rule 508,**  
3 **Alaska Rules of Appellate Procedure; and providing for an effective date."**

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

5 \* **Section 1.** AS 24.40 is amended by adding new sections to read:

6 **Article 2. Litigation Involving the Open Meetings Requirement.**

7 **Sec. 24.40.050. Defense on charges of violating the open meeting**  
8 **requirements.** The Legislative Council shall underwrite the costs and attorney fees  
9 reasonably necessary to the defense of a member of the legislature who has been  
10 charged with a violation of the open meetings requirements of the Constitution of the  
11 State of Alaska.

12 **Sec. 24.40.060. Frivolous or malicious complaints.** If the court determines  
13 that a lawsuit charging a violation of the open meeting requirements of the  
14 Constitution of the State of Alaska was brought frivolously or maliciously, the court

1 (1) shall assess as attorney fees and costs the actual expenses of the  
2 Legislative Council expended in the defense of the charges; and

3 (2) may assess a civil penalty on the plaintiff not to exceed \$1,000.

4 **Sec. 24.40.070. Limitations of actions.** A person may not bring an action for a  
5 violation of the open meeting requirements of the Constitution of the State of Alaska  
6 unless the action is commenced within 180 days of the violation.

7 **Sec. 24.40.080. Violation of open meeting requirements.** An individual  
8 member of the legislature determined by the court to have violated a provision of the  
9 open meetings requirements of the Constitution of the State of Alaska may be assessed  
10 a fine not in excess of \$1,000 for each violation.

11 \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to  
12 read:

13 **INDIRECT COURT RULE AMENDMENT.** AS 24.40.060(1), added by sec. 1 of this  
14 Act has the effect of changing Rule 82, Alaska Rules of Civil Procedure, and Rule 508,  
15 Alaska Rules of Appellate Procedure, by limiting the court's discretion in awarding costs and  
16 attorney fees in certain cases.

17 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
18 read:

19 **CONDITIONAL EFFECT.** AS 24.40.060(1), added by sec. 1 of this Act, takes effect  
20 only if sec. 2 of this Act receives the two-thirds majority vote of each house required by art.  
21 IV, sec. 15, Constitution of the State of Alaska.

22 \* **Sec. 4.** This Act takes effect on the effective date of a constitutional amendment proposed  
23 by the Thirtieth Alaska State Legislature relating to open meetings.

*SAMPLE INDIRECT AMENDMENT METHOD  
FOR COURT RULES*

**HOUSE BILL NO. 26**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 1/18/19

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act amending Rule 15, Alaska Rules of Criminal Procedure, relating to  
2 depositions."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 DIRECT COURT RULE AMENDMENT. Rule 15(a), Alaska Rules of  
7 Criminal Procedure, is amended to read:

8 (a) **When Taken. The deposition of a prospective witness may be taken by**  
9 **either party, upon notice as provided in (b) of this rule and upon motion filed**  
10 **with the court if the court finds by clear and convincing evidence that (1) the**  
11 **witness will not be present to testify at trial; or (2) due to exceptional**  
12 **circumstances, the deposition is necessary to prevent a failure of justice** [UPON

13 ORDER OF THE COURT FOR GOOD CAUSE SHOWN, THE TESTIMONY OF A  
14 PROSPECTIVE WITNESS MAY BE TAKEN BY EITHER PARTY FOR

1 DISCOVERY UPON NOTICE AND AFTER THE DEPOSING PARTY HAS  
 2 DISCLOSED ALL STATEMENTS, EXHIBITS, AND WITNESS LISTS  
 3 REQUIRED BY RULE 16]. Any designated book, paper, document, record,  
 4 recording, or other material not privileged may be subpoenaed at the same time and  
 5 place of the taking of the deposition. If a witness is committed for failure to give bail  
 6 or appear to testify at a trial or hearing, the court on written motion of the witness and  
 7 upon notice to the parties may direct that the witness' deposition be taken. After the  
 8 deposition has been subscribed the court may discharge the witness. In considering a  
 9 request for the taking of depositions, the court shall grant such motion only if the  
 10 taking of such deposition will not cause unreasonable delay in the trial of the action  
 11 **and shall apply a presumption against granting a deposition under (a)(2) of this**  
 12 **rule if, in regard to that action, the witness has testified before the grand jury or**  
 13 **in a prior court proceeding, or has given a recorded statement to a law**  
 14 **enforcement agency and the moving party had the opportunity to obtain such a**  
 15 **recorded statement.**

16 \* Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to  
 17 read:

18 DIRECT COURT RULE AMENDMENT. Rule 15(c), Alaska Rules of  
 19 Criminal Procedure, is amended to read:

20 (c) **How Taken.** **The court shall preside over a deposition it orders under**  
 21 **(a) of this rule. The deposition shall be conducted in a closed proceeding and**  
 22 **recorded in the same manner as other closed court proceedings. This rule does**  
 23 **not preclude a party from also recording the deposition by other means approved**  
 24 **by the court** [SUBJECT TO SUCH ADDITIONAL CONDITIONS AS THE COURT  
 25 SHALL PROVIDE AND EXCEPT AS OTHERWISE PROVIDED IN THESE  
 26 RULES A DEPOSITION SHALL BE TAKEN AND FILED IN THE MANNER  
 27 PROVIDED IN CIVIL RULES 26, 28, 29, 30, 31 AND 32]. In no event shall a  
 28 deposition be taken of a party defendant without that defendant's consent.

SAMPLE DIRECT AMENDMENT METHOD  
FOR COURT RULES

((Use for general obligation bonds for capital projects. For veterans' housing loans, see ch. 115, SLA 1984)))

**HOUSE BILL NO.**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY \_\_\_\_\_

**Introduced:**

**Referred:**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act providing for and relating to the issuance of general obligation bonds for the**  
2 **purpose of paying the cost of \_\_\_\_\_; and providing for an**  
3 **effective date."**

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

5 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
6 to read:

7 GENERAL OBLIGATION BONDS. For the purpose of paying the cost of  
8 \_\_\_\_\_, general obligation bonds of the state in the principal  
9 amount of not more than \$\_\_\_\_\_, if ratified by a majority of the qualified voters of the  
10 state who vote on the question, shall be issued and sold. The full faith, credit, and resources of  
11 the state are pledged to the payment of the principal of and interest and redemption premium,  
12 if any, on the bonds. The bonds shall be issued under the provisions of AS 37.15 as those  
13 provisions read at the time of issuance.

14 \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 \_\_\_\_\_ (FUND NAME) \_\_\_\_\_ FUND. If the issuance of the bonds is ratified by a  
3 majority of the qualified voters of the state who vote on the question, a special fund of the  
4 state to be known as the " \_\_\_\_\_ fund" shall be  
5 established, to which shall be credited the proceeds of the sale of the bonds described in sec. 1  
6 of this Act except for the accrued interest and premiums.

7 \* Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to  
8 read:

9 \_\_\_\_\_ (RECIPIENT'S NAME) \_\_\_\_\_. The amount of \$ \_\_\_\_\_ is appropriated  
10 from the \_\_\_\_\_ fund to the \_\_\_\_\_ to be  
11 allocated among the following projects in the amounts listed subject to reallocation between  
12 projects in accordance with AS 37.07.080(e):

13 (HERE LIST PROJECTS AND AMOUNTS)

14 \* Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to  
15 read:

16 STATE BOND COMMITTEE. If the issuance of the bonds is ratified by a majority of  
17 the qualified voters of the state who vote on the question, the amount of \$ \_\_\_\_\_ (PRINCIPAL  
18 AMOUNT X .005) \_\_\_\_\_ or as much of that amount as is found necessary is appropriated from  
19 the general fund of the state to the state bond committee to carry out the provisions of this Act  
20 and to pay expenses incident to the sale and issuance of the bonds authorized in this Act. The  
21 amounts expended from the appropriation authorized by this section shall be reimbursed to  
22 the general fund from the proceeds of the sale of the bonds authorized by this Act.

23 \* Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to  
24 read:

25 ADVANCE PLANNING. The amount withdrawn from the public facility planning  
26 fund (AS 35.10.135) for the purpose of advance planning for the capital improvements  
27 financed under this Act shall be reimbursed to the fund from the proceeds of the sale of bonds  
28 authorized by this Act.

29 \* Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to  
30 read:

31 LAPSE; REDEMPTION; REIMBURSEMENT. The unexpended and unobligated

1 balance of the appropriation made in sec. 3 of this Act lapses under AS 37.25.020 and is  
2 appropriated to the state bond committee to redeem bonds sold under this Act. The amounts  
3 expended from the general fund to pay the principal, interest and redemption premium on  
4 bonds issued under this Act shall be reimbursed to the general fund from the appropriation  
5 made under this section to the extent that the money is not needed to redeem the bonds.

6 \* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to  
7 read:

8 **BALLOT QUESTION.** The question whether the bonds authorized in this Act are to  
9 be issued shall be submitted to the qualified voters of the state at the next general election and  
10 shall read substantially as follows:

11 **P R O P O S I T I O N**

12 State General Obligation \_\_\_\_\_ Bonds \$ \_\_\_\_\_  
13 Shall the State of Alaska issue its general obligation bonds in  
14 the principal amount of not more than \$ \_\_\_\_\_ for the  
15 purpose of paying the cost of \_\_\_\_\_ ?

16 Bonds Yes [ ]  
17 Bonds No [ ]

18 \* **Sec. 8.** This Act takes effect immediately under AS 01.10.070(c).

*SAMPLE  
G.O. BOND BILL FORM*



**HOUSE RESOLUTION NO. 4**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

**BY THE HOUSE RULES COMMITTEE**

**Introduced: 1/18/19**

**Referred: Rules**

**A RESOLUTION**

1 **Establishing a House Special Committee on Energy.**

2 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:**

3 **WHEREAS** energy is one of the most significant issues of the state;

4 **BE IT RESOLVED** by the House of Representatives that a House Special Committee  
5 on Energy is established to study issues relating to energy use and energy development; and  
6 be it

7 **FURTHER RESOLVED** that the speaker of the House of Representatives shall  
8 determine the number of representatives to be members of the committee and shall appoint  
9 the members and designate a member to chair the committee; and be it

10 **FURTHER RESOLVED** that the House Special Committee on Energy may meet  
11 during and between sessions of the Thirty-First Alaska State Legislature and is terminated on  
12 the convening of the First Regular Session of the Thirty-Second Alaska State Legislature.

*SAMPLE  
SIMPLE RESOLUTION*

**HOUSE CONCURRENT RESOLUTION NO. 11 am S**  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-FIRST LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE FRANKLIN**

**Amended: 4/12/19**

**Introduced: 2/4/19**

**A RESOLUTION**

1 **Relating to records generated and maintained by the Department of Health and Social**  
2 **Services.**

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

4 **WHEREAS** the Department of Health and Social Services currently generates and  
5 maintains records relating to minors who are or are alleged to be children in need of aid and  
6 relating to minors who are or are alleged to be delinquent; and

7 **WHEREAS** child in need of aid and delinquency records may be subject to different  
8 treatment under laws and court rules governing their use and disclosure;

9 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the  
10 Governor to direct the Department of Health and Social Services to undertake whatever  
11 administrative actions may be necessary so that delinquency information can be disclosed  
12 with minimal loss of federal funds.

*SAMPLE  
CONCURRENT RESOLUTION*

**SENATE SPECIAL CONCURRENT RESOLUTION NO. 1**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

**BY THE SENATE RESOURCES COMMITTEE**

**Introduced: 2/22/19**

**Referred: Resources**

**A RESOLUTION**

1 **Disapproving Executive Order No. 150.**

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

3 **WHEREAS** the governor, under authority of art. III, sec. 23, Constitution of the State  
4 of Alaska, has proposed in Executive Order No. 150 to combine the functions of the division  
5 of oil and gas and the division of geological and geophysical surveys into a division of oil,  
6 gas, and geology; and

7 **WHEREAS** art. III, sec. 23, Constitution of the State of Alaska, provides that, unless  
8 disapproved within 60 days of a regular session by resolution concurred in by a majority of  
9 the members of the legislature in joint session, an executive order becomes effective at a date  
10 designated by the governor;

11 **BE IT RESOLVED** by the Alaska State Legislature that Executive Order No. 150 is  
12 disapproved.

*SAMPLE SPECIAL CONCURRENT  
RESOLUTION DISAPPROVING AN  
EXECUTIVE ORDER*

**CS FOR SENATE JOINT RESOLUTION NO. 42(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/15/19

Referred: Rules

Sponsor(s): SENATORS SINGER, Hunter, Mason, Forester

**A RESOLUTION**

1 **Urging the United States Congress to amend the Internal Revenue Code of 1986 to**  
2 **eliminate the marriage penalty by providing that income tax rate bracket amounts, and**  
3 **the amount of the standard deduction, for joint returns shall be twice the amounts**  
4 **applicable to unmarried individuals.**

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

6 **WHEREAS** the federal government is anticipating a budget surplus of \$1.6 trillion  
7 over the next 10 years; and

8 **WHEREAS** the United States Congress is considering various options for returning  
9 some of that surplus to hardworking taxpayers; and

10 **WHEREAS**, under current law, 21,000,000 married couples pay approximately  
11 \$1,400 more a year in taxes than they would if they were single; and

12 **WHEREAS** the institution of marriage should be supported and not penalized by the  
13 federal government;

14 **BE IT RESOLVED** by the Alaska State Legislature that the United States Congress  
15 is urged to pass legislation to remove from the Internal Revenue Code of 1986 the current

1 discrimination against married individuals in all instances of such discrimination; and be it

2 **FURTHER RESOLVED** that the income tax rate paid by a married couple be no  
3 higher and the standard deduction no lower than that of two single individuals.

4 **COPIES** of this resolution shall be sent to the Honorable Donald J. Trump, President  
5 of the United States; the Honorable Michael Pence, Vice-President of the United States and  
6 President of the U.S. Senate; the Honorable Steven T. Mnuchin, United States Secretary of  
7 the Treasury; and the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S.  
8 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska  
9 delegation in Congress.

*SAMPLE  
JOINT RESOLUTION*

**HOUSE JOINT RESOLUTION NO. 19 am**  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-FIRST LEGISLATURE - FIRST SESSION

**BY THE HOUSE JUDICIARY COMMITTEE**

**Amended: 3/5/19**  
**Introduced: 2/2/19**

**A RESOLUTION**

1 **Ratifying an amendment to the Constitution of the United States concerning the**  
2 **compensation of members of the United States Congress.**

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

4 **WHEREAS** the First Congress of the United States passed a resolution on  
5 September 25, 1789, proposing the following amendment to the United States Constitution:

6 "RESOLVED by the Senate and House of Representatives of the United States  
7 of America in Congress assembled, two-thirds of both Houses concurring, that the  
8 following [Article] be proposed to the Legislatures of the several States, . . .which  
9 [Article], when ratified by three-fourths of the said Legislatures, to be valid to all  
10 intents and purposes, as part of the said Constitution, viz.:

11 "Article the second. No law, varying the compensation for the services of the  
12 Senators and Representatives, shall take effect, until an election of Representatives  
13 shall have intervened."; and

14 **WHEREAS** this proposal has been ratified by the legislatures of at least 25 states  
15 since September 25, 1789; and

16 **WHEREAS** the resolution of the First Congress proposing this measure did not

1 establish a date by which the amendment must be ratified;

2 **BE IT RESOLVED** that the Alaska State Legislature ratifies the proposed  
3 amendment to the United States Constitution as set out in the Congressional Resolution.

4 **COPIES** of this resolution shall be sent to the Honorable Donald J. Trump, President  
5 of the United States; the Honorable Michael Pence, Vice-President of the United States and  
6 President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of  
7 Representatives; the Honorable Davis S. Ferriero, Archivist of the United States; and the  
8 Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the  
9 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

SAMPLE UNITED STATES  
CONSTITUTIONAL AMENDMENT  
RATIFICATION

**SENATE JOINT RESOLUTION NO. 9**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Introduced: 2/8/19  
Referred: Finance

**A RESOLUTION**

1 **Proposing amendments to the Constitution of the State of Alaska relating to and limiting**  
2 **appropriations from the Alaska permanent fund based on an averaged percent of the**  
3 **fund market value to protect the fund from inflation and assure that the real value of**  
4 **the fund will be preserved over the long term.**

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

6 \* **Section 1.** Article IX, sec. 15, Constitution of the State of Alaska, is amended to read:

7 **Section 15. Alaska Permanent Fund. (a)** At least twenty-five percent of all  
8 mineral lease rentals, royalties, royalty sale proceeds, federal mineral revenue sharing  
9 payments and bonuses received by the State shall be placed in a permanent fund.  
10 **Except as appropriated under (b) of this section, money in the permanent fund** [,  
11 THE PRINCIPAL OF WHICH] shall be used only for those income-producing  
12 investments specifically designated by law as eligible for permanent fund investments.  
13 [ALL INCOME FROM THE PERMANENT FUND SHALL BE DEPOSITED IN  
14 THE GENERAL FUND UNLESS OTHERWISE PROVIDED BY LAW.]

15 \* **Sec. 2.** Article IX, sec. 15, Constitution of the State of Alaska, is amended by adding a



1 new subsection to read:

2 (b) To protect the permanent fund from the effects of inflation and thereby  
3 assure that the real value of the permanent fund will be preserved over the long term,  
4 appropriations from the permanent fund for a fiscal year may not exceed five percent  
5 of the average of the market values of the fund on June 30 for the first five of the six  
6 fiscal years immediately preceding that fiscal year.

7 \* **Sec. 3.** Article XV, Constitution of the State of Alaska, is amended by adding a new  
8 section to read:

9 **Section 30. Transition.** On the effective date of the 2020 amendment relating  
10 to the Alaska permanent fund (art. IX, sec. 15), the unencumbered, unappropriated  
11 balance of the earnings reserve account established under AS 37.13.145(a) is added to  
12 the balance in the Alaska permanent fund.

13 \* **Sec. 4.** The amendments proposed by this resolution shall be placed before the voters of  
14 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the  
15 State of Alaska, and the election laws of the state.

*SAMPLE ALASKA CONSTITUTIONAL  
AMENDMENT  
(amending method)*

**HOUSE CS FOR SENATE JOINT RESOLUTION NO. 11(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/1/19  
Referred: Rules

Sponsor(s): SENATORS KING, Goldsmith, Thatcher, Warden

REPRESENTATIVES Teller, Steward

**A RESOLUTION**

1 **Proposing an amendment to the Constitution of the State of Alaska relating to the**  
2 **convening of regular sessions of the legislature.**

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

4 \* **Section 1.** Article II, sec. 8, Constitution of the State of Alaska, is repealed and readopted  
5 to read:

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

8 \* **Sec. 2.** The amendment proposed by this resolution shall be placed before the voters of the  
9 state at the next general election in conformity with art. XIII, sec. 1, Constitution of the State  
10 of Alaska, and the election laws of the state.

*SAMPLE ALASKA CONSTITUTIONAL  
AMENDMENT  
(repeal and readopt method)*

**HOUSE CS FOR SENATE JOINT RESOLUTION NO. 68(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/5/19

Referred: Rules

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST

**A RESOLUTION**

1 **Proposing an amendment to the Constitution of the State of Alaska limiting the rights of**  
2 **prisoners to those required under the Constitution of the United States.**

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

4 \* **Section 1.** Article I, Constitution of the State of Alaska, is amended by adding a new  
5 section to read:

6 **Section 26. Rights of Prisoners.** Notwithstanding any other provision of this  
7 constitution, the rights and protections, and the extent of those rights and protections,  
8 afforded by this constitution to prisoners convicted of crimes shall be limited to those  
9 rights and protections, and the extent of those rights and protections, afforded under  
10 the Constitution of the United States to prisoners convicted of crimes.

11 \* **Sec. 2.** The amendment proposed by this resolution shall be placed before the voters of the  
12 state at the next general election in conformity with art. XIII, sec. 1, Constitution of the State  
13 of Alaska, and the election laws of the state.

*SAMPLE ALASKA CONSTITUTIONAL  
AMENDMENT  
(adding method)*

**SENATE CONCURRENT RESOLUTION NO. 8**  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE

Introduced: 2/6/19  
Referred: Judiciary

**A RESOLUTION**

1 **Proposing an amendment to the Uniform Rules of the Alaska State Legislature.**

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

3 \* **Section 1.** Rule 1(b), Uniform Rules of the Alaska State Legislature, is amended to read:

4 (b) When the house by a majority vote of the full membership of the house  
5 [VOTE] selects a temporary presiding officer, that person [HE] assumes the chair and  
6 the lieutenant governor withdraws. The chair then calls for nominations for a  
7 permanent presiding officer and the nominee receiving a majority vote [OF THE  
8 VOTES] of the full membership of the house assumes the chair for the two-year  
9 duration of the legislature.

*SAMPLE UNIFORM RULES  
AMENDMENT*

**HOUSE CONCURRENT RESOLUTION NO. 62**  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTY-FIRST LEGISLATURE - FIRST SESSION

**BY THE HOUSE RULES COMMITTEE**

**Introduced: 4/5/19**  
**Referred: Rules**

**A RESOLUTION**

1 **Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State**  
2 **Legislature, concerning Senate Joint Resolution No. 27, proposing an amendment to the**  
3 **Constitution of the State of Alaska concerning revisions of the state constitution and a**  
4 **court's power with respect to constitutional amendments and revisions.**

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

6 That under Rules 49(a) and 54, Uniform Rules of the Alaska State Legislature, the  
7 provisions of Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State  
8 Legislature, regarding changes to the title of a bill, are suspended in consideration of Senate  
9 Joint Resolution No. 27, proposing an amendment to the Constitution of the State of Alaska  
10 concerning revisions of the state constitution and a court's power with respect to constitutional  
11 amendments and revisions.

*SAMPLE RESOLUTION TO SUSPEND  
UNIFORM RULES*

**AMENDMENT**

OFFERED IN THE HOUSE  
TO: CSHB 229(JUD)

BY REPRESENTATIVES MARSHAL  
AND PROCTOR (((more than one  
member may sponsor an amendment)))

- 1 Page 1, line 2: (((showing multiple insertions on one line))  
2 Following "**that**":  
3 Insert "**regularly**"  
4 Following "**drugs**":  
5 Delete "**into**"  
6 Insert "**to consumers in**"  
7  
8 Page 1, line 11: (((more than one "delete" and "insert" on same line))  
9 Delete "may"  
10 Insert "shall"  
11 Delete "the plaintiff"  
12 Insert "an officer of the state troopers or other peace officer designated by the court"  
13  
14 Page 1, line 15: (((showing single change on one line))  
15 Delete "or"  
16 Insert "and"  
17  
18 Page 2, lines 13 - 18: (((replacing a subsection))  
19 Delete all material and insert:  
20 "(b) The home mortgage fund is created in the corporation as a trust fund  
21 separate and distinct from any other money or funds administered by the corporation."  
22  
23 Page 4, line 6, following "purchasing": (((inserting on one line)))

1 Insert "or leasing"

2

3 Page 6, following line 20: (((adding a new bill section)))

4 Insert a new bill section to read:

5 **"\* Sec. 6.** AS 18.65 is amended by adding a new section to read:

6 **Sec. 18.65.248. Employment of correctional, probation, and parole**  
7 **officers.** A person may not be appointed as a correctional officer or as a probation or  
8 parole officer unless the person has a valid certificate issued by the council under  
9 AS 18.65.242."

10

11 Renumber the following bill sections accordingly. (((use each time a bill section  
12 is added or subtracted)))

13

14 Page 7, line 2: (((restoring material deleted by amending existing statutes)))

15 Delete "[FISH AND]"

16 Insert "fish and"

17

18 Page 8, lines 1 - 5: (((replacing existing bill section with new material)))

19 Delete all material and insert:

20 **"\* Sec. 10.** This Act takes effect immediately under AS 01.10.070(c)."

21

22 Page 9, line 6: (((more than one occurrence of the same word on one line)))

23 Delete the second occurrence of "the"

24

25 (((use when deleting both occurrences of  
26 Page 10, line 12: the same word on the same line)))

27 Delete "state" in both places

28

29 (((set out when further amending existing,  
30 Page 12, lines 5 - 7: amended, statutory material)))

31 Delete **as authorized by AS 18.23.030,** is a misdemeanor and punishable [BY

1 IMPRISONMENT FOR NOT MORE THAN ONE YEAR OR] by a fine of not more than  
2 **\$1,000** [\$500]."

3           Insert "is a misdemeanor and punishable by imprisonment for not more than one year  
4 or by a fine of not more than **\$1,000** [\$500]."

*SAMPLE  
AMENDMENT*



# THE ALASKA LEGISLATURE



## In Memoriam

### \* NORA KEIXWNÉI DAUENHAUER \*

The members of the Thirtieth Alaska State Legislature are honored to join with family and friends in recognition and remembrance of the life of Nora Keixwnéi Dauenhauer.

Nora Keixwnéi Dauenhauer, Lingít of the Lukaax.ádi (Raven Sockeye) clan from Shaka.Hít (Canoe Prow House) on the Alsek River, was born on May 8, 1927. She was raised traditionally amongst carvers, weavers, and beaders who lived a subsistence lifestyle. She did not learn how to speak English until the age of eight when she attended the Indian School in Douglas. Nora continued schooling, obtaining her GED, bachelor's in anthropology from Alaska Methodist University in Anchorage and an honorary doctorate from the University of Alaska Southeast.


Nora, a fluent Tlingít speaker, and her late husband Richard Dauenhauer, a linguist, worked together as scholars and poets. Together, they made a formidable team, documenting, recording, transcribing and translating our oral histories and stories. Their work laid the foundation for the Tlingít cultural and language learners of today and will continue to support those in the future. Nora mentored many young Tlingít history and language students, many of whom are currently teaching in schools.

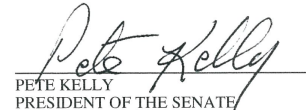
Nora won many accolades for her life's work, including the 2008 American Book Award for *Russians in Tlingít America: The Battles of Sitka 1802 and 1804*, the last book in their Tlingít Oral Literature Series. In 2012, the governor of Alaska named her Writer Laureate, making Nora and Richard, who earned the title in 1980s, the only married couple in the state to both hold the award.

Some of Nora's other notable awards include: Humanist of the Year (1980); Alaska Governor's Award for the Arts (1989); Community Spirit Award (2005); Lifetime Achievement Award (2007); American Book Award (1991); Alaska Women's Hall of Fame Inductee (2010); and Indigenous Leadership Award (2011).

The members of the Thirtieth Alaska State Legislature extend their appreciation to the family of friends of Nora Keixwnéi Dauenhauer. Nora gave a lifetime of work and Tlingít knowledge to the people of Alaska. She is greatly missed.



  
BRYCE EDGMON  
SPEAKER OF THE HOUSE

  
PETE KELLY  
PRESIDENT OF THE SENATE

  
REP. JUSTIN PARISH  
PRIME SPONSOR

Date: April 4, 2018

Cosponsors: Representatives Edgmon, Birch, Chenault, Claman, Drummond, Eastman, Foster, Gara, Grenn, Guttenberg, Johnson, Johnston, Josephson, Kawasaki, Kito, Kopp, Kreiss-Tomkins, LeDoux, Lincoln, Millett, Neuman, Ortiz, Pruitt, Rauscher, Reinbold, Saddler, Seaton, Spohnholz, Stutes, Sullivan-Leonard, Talerico, Tarr, Thompson, Tilton, Tuck, Wilson, Wool, Zulkosky; Senators Kelly, Begich, Bishop, Coghill, Costello, Egan, Gardner, Giessel, Hoffman, Hughes, MacKinnon, Meyer, Micciche, Olson, Shower, Stedman, Stevens, von Imhof, Wielechowski, Wilson

# THE ALASKA LEGISLATURE



**\* HONORING \***

**\* DALE NELSON P.E., F. ASCE \***

The members of the Thirtieth Alaska State Legislature are pleased to recognize the truly significant contributions of Dale Nelson to the Anchorage community, to Alaska, and to his engineering profession.

Growing up in Washington, Dale worked in his parents' logging and sawmill business, as well as at his grandparents' cattle ranch. In 1967, he graduated from Washington State University with a civil engineering degree and then accepted a position with the U.S. Army Corps of Engineers at Fort Richardson, fulfilling a dream to live in Alaska. Soon after, Dale married Elaine, and they were blessed with two children: Garth Nelson, a registered civil engineer, and Lesa Zimnawoda, an environmental scientist.

Committed to strong family values, Dale and Elaine have been wonderful role models who inspire strong work ethics, compassion, and community involvement. Dale regularly attended his children's events, volunteered with his son's hockey teams, and taught Sunday school with Elaine. Dale enjoys working with children and has volunteered at Inlet View Elementary School. He has presented the Alaska General Contractor's Tool Box program to young students in the fourth and fifth grades. An avid sportsman, Dale also made time for hunting, fishing, handball, and basketball.

Dale has been a stalwart proponent of strong, quality engineering professionals. He has distinguished himself as an active and influential member of the American Society of Civil Engineers (ASCE). Dale assumed leadership responsibility within ASCE beginning in 1971, serving all positions within the Board of Directors at the Anchorage Branch, at the Alaska Section, and as a Regional Governor, earning respect and admiration from his engineering peers along the way.

Dale has played a pivotal role in advancing civil engineering through his dedicated service as chairman of the Pacific Northwest Council and chair of the Legislative Liaison Committee of the Alaska Professional Design Council. He has served on the National Infrastructure Policy Committee, the Committee of Professional Practice, and a host of other engineering and civic organizations.

In October 2018, Dale Nelson will step down as Director of the ASCE Region 8, a three-year elected position where he has guided more than 14,000 members to promote and advocate for civil engineering in Alaska, Hawaii, the western United States, and western Canada.

The members of the Thirtieth Alaska State Legislature take pride in honoring Dale Nelson for his leadership and energy in service to his engineering community and to the State of Alaska.



*Bryce Edgmon*  
 BRYCE EDGMON  
 SPEAKER OF THE HOUSE

*Pete Kelly*  
 PETE KELLY  
 PRESIDENT OF THE SENATE

*Les Gara*  
 REP. LES GARA  
 PRIME SPONSOR

*Tom Begich*  
 SEN. TOM BEGICH  
 PRIME SPONSOR

Date: January 26, 2018

Cosponsors: Representatives Edgmon, Birch, Chenault, Claman, Drummond, Eastman, Fansler, Foster, Grenn, Guttenberg, Johnson, Johnston, Josephson, Kawasaki, Kito, Kopp, Kreiss-Tomkins, LeDoux, Millett, Neuman, Ortiz, Parish, Pruitt, Rauscher, Saddler, Seaton, Spohnholz, Stutes, Talerico, Tarr, Thompson, Tilton, Tuck, Wilson, Wool; Senators Kelly, Bishop, Coghil, Costello, Egan, Gardner, Giessel, Hoffman, Hughes, MacKinnon, Meyer, Micciche, Olson, Stedman, Stevens, von Inhof, Wielechowski



# LAWS OF ALASKA

**2010**

**Source**

HCS CSSB 67(FIN) am H

**Chapter No.**

40

**AN ACT**

Relating to claims for personal injury or wrongful death against health care providers.

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**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1

*SAMPLE ENROLLMENT  
COVER SHEET*



AN ACT

1 Relating to claims for personal injury or wrongful death against health care providers.

2

3 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
4 to read:

5 SHORT TITLE. This Act may be known as the Alaska Medical Injury Compensation  
6 Reform Act of 2010.

7 \* **Sec. 2.** AS 09.55 is amended by adding a new section to read:

8 **Sec. 09.55.549. Limitation on damages.** (a) Notwithstanding AS 09.17.010,  
9 noneconomic damages for personal injury or death based on the provision of services  
10 by a health care provider may only be awarded as provided in this section.

11 (b) In an action to recover damages for personal injury or wrongful death  
12 based on the provision of services by a health care provider, damages may include  
13 both economic and noneconomic damages.

14 (c) Damage claims for noneconomic losses shall be limited to compensation

1 for pain, suffering, inconvenience, physical impairment, disfigurement, loss of  
2 enjoyment of life, loss of consortium, and other nonpecuniary damage, but may not  
3 include hedonic damages.

4 (d) Except as provided in (e) of this section, the damages awarded by a court  
5 or a jury under (c) of this section for all claims including a loss of consortium claim or  
6 other derivative claim arising out of a single injury may not exceed \$250,000  
7 regardless of the number of health care providers against whom the claim is asserted  
8 or the number of separate claims or causes of action brought with respect to the injury.

9 (e) The damages awarded by a court or jury under (c) of this section for all  
10 claims including a loss of consortium claim or other derivative claim arising out of a  
11 single injury or death may not exceed \$400,000 regardless of the number of health  
12 care providers against whom the claim is asserted or the number of separate claims or  
13 causes of action brought with respect to the injury or death when damages are awarded  
14 for wrongful death or severe permanent physical impairment that is more than 70  
15 percent disabling.

16 (f) The limitation on noneconomic damages in this section does not apply if  
17 the damages resulted from an act or omission that constitutes reckless or intentional  
18 misconduct.

19 (g) Multiple injuries sustained by one person as a result of a single course of  
20 treatment shall be treated as a single injury for purposes of this section.

21 (h) In this section,

22 (1) "economic damages" means objectively verifiable monetary losses  
23 incurred as a result of the provision of, use of, or payment for, or failure to provide,  
24 use, or pay for health care services or medical products, and includes past and future  
25 medical expenses, loss of past and future earnings, cost of obtaining domestic services,  
26 burial expenses, loss of use of property, cost of replacement or repair, loss of  
27 employment, and loss of business or employment opportunities;

28 (2) "health care provider" has the meaning given in AS 09.55.560 and  
29 includes a state agency or municipality the health care services of which are the  
30 subject of an action that is subject to this section;

31 (3) "hedonic damages" means damages that attempt to compensate for

1           the pleasure of being alive.

2       \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
3 read:

4           **APPLICABILITY.** This Act applies to suits against health care providers and to  
5 malpractice claims that are subject to an agreement to arbitrate that initially accrue on or after  
6 the effective date of this Act.

*SAMPLE ENROLLED BILL  
(Session Law), INCLUDING SHORT TITLE  
AND APPLICABILITY SECTIONS*

**STATE OF ALASKA  
THE LEGISLATURE**

**2016**

**Source**  
CSHCR 17(TRA)

**Legislative  
Resolve No.**  
47



Supporting the aviation industry; and urging the governor to make state-owned land available to the unmanned aircraft systems industry for the management and operation of unmanned aircraft systems and related research, manufacturing, testing, and training.

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

**WHEREAS** the overall health of the economy of the United States is highly dependent on the aviation industry; and

**WHEREAS** the civil aviation industry annually creates approximately 5.4 percent of the gross domestic product in the United States and contributes approximately \$1,500,000,000,000 to the economy nationwide; and

**WHEREAS** the aviation industry generates more than 11,800,000 jobs, with estimated total employment-related earnings of \$459,000,000,000; and

**WHEREAS** the state anticipates 173 new jobs in the unmanned aircraft systems industry that would generate approximately \$9,400,000 in employment-related earnings and an additional 175 jobs indirectly created by the unmanned aircraft systems industry that would



bring \$10,600,000 of employment-related earnings into the state's economy, as identified in the McDowell Group's May 2013 report for the Alaska Center for Unmanned Aircraft Systems Integration at University of Alaska Fairbanks; and

**WHEREAS** the aviation industry enables the economic benefits of tourism, shipping, and travel for business or recreational purposes; and

**WHEREAS** ongoing development and implementation of unmanned aircraft systems technologies, policies, and procedures will support continuing economic growth in the aviation industry; and

**WHEREAS** the aviation industry affects the economies of large and small communities across the United States; and

**WHEREAS** the use and regulation of unmanned aircraft systems must be integrated with the use and regulation of manned aircraft systems to ensure that all aircraft can safely navigate national airspace; and

**WHEREAS** the state owns approximately 27 percent of the state's landmass, and the landmass of the state makes up approximately 20 percent of the landmass of the United States; therefore, the state owns approximately five percent of the landmass of the United States; and

**WHEREAS** the state can support the growth of the unmanned aircraft systems industry and the advancement of unmanned aircraft systems technology by facilitating the use or purchase of land by the unmanned aircraft systems industry for the purpose of research, manufacturing, testing, training, management, and operation;

**BE IT RESOLVED** that the Alaska State Legislature supports the economic growth of the unmanned aircraft systems industry in the state and encourages the establishment of safe and responsible unmanned aircraft systems businesses in the state; and be it

**FURTHER RESOLVED** that the Alaska State Legislature urges the governor to make state-owned land available to responsible designers, owners, developers, and operators of commercial unmanned aircraft systems to use for research, manufacturing, testing, training, management, and operation of those systems.

# FISCAL NOTE

APPENDIX XXXI

**STATE OF ALASKA**  
**2017 LEGISLATIVE SESSION**

Bill Version \_\_\_\_\_  
 Fiscal Note Number \_\_\_\_\_  
 () Publish Date \_\_\_\_\_

Identifier (file name) \_\_\_\_\_ Dept. Affected \_\_\_\_\_  
 Title \_\_\_\_\_ Appropriation \_\_\_\_\_  
 \_\_\_\_\_ Allocation \_\_\_\_\_  
 Sponsor \_\_\_\_\_ OMB Component Number \_\_\_\_\_  
 Requester \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY18 Appropriation Requested	Included in Governor's FY18 Request	Out-Year Cost Estimates					
			FY18	FY19	FY20	FY21	FY22	FY23
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
<b>TOTAL OPERATING</b>								

<b>FUND SOURCE</b>		(Thousands of Dollars)						
		FY18	FY19	FY20	FY21	FY22	FY23	
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1007	I/A Rcpts (Other)							
1178	temp code (UGF)							

<b>POSITIONS</b>							
	FY18	FY19	FY20	FY21	FY22	FY23	
Full-time							
Part-time							
Temporary							

<b>CHANGE IN REVENUES</b>		FY18	FY19	FY20	FY21	FY22	FY23
1004	Gen Fund (UGF)						
1178	temp code (UGF)						
<b>TOTAL CHANGE IN REVENUES</b>							

**Estimated SUPPLEMENTAL (FY17) operating costs** \_\_\_\_\_ (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**Estimated CAPITAL (FY18) costs** \_\_\_\_\_ (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? \_\_\_\_\_  
 If yes, by what date are the regulations to be adopted, amended, or repealed? \_\_\_\_\_ Discuss details in analysis section.

**Why this fiscal note differs from previous version (if initial version, please note as such)**

Prepared by \_\_\_\_\_  
 Division \_\_\_\_\_  
 Approved by \_\_\_\_\_  
 Agency \_\_\_\_\_

Phone \_\_\_\_\_  
 Date/Time \_\_\_\_\_  
 Date \_\_\_\_\_

**FISCAL NOTE ANALYSIS**

**STATE OF ALASKA  
2017 LEGISLATIVE SESSION**

**BILL NO.** \_\_\_\_\_

**Analysis**

[Empty box for analysis content]

**ORDER OF BILL SECTIONS**

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1. Short title (uncodified) -- used rarely.
2. Findings, purpose, or intent.
3. "AS" sections in numerical order.
4. Short title (codified) -- if used, the last section in an article or chapter.
5. Amendments to temporary Session Laws of Alaska (not effective dates).
6. Direct amendments of, repeals of, or additions to court rules.
7. Repeal of "AS" sections -- list each "AS" number in numerical sequence (no spanned reference).
8. Repeal of temporary law.
9. Annulment of regulations.
10. Court rule change for indirect amendments to court rules.
11. Temporary law sections
  - a. Applicability.
  - b. Transitional provisions.
  - c. Saving clause.
  - d. Severability clause.
  - e. Lapse of appropriations.
12. Repeal of uncodified sections of the bill.
13. Instructions to revisor.
14. Retroactive clause.
15. Conditional effect sections.
16. Repeals of or amendments to effective date sections of other session laws.
17. Effective date sections.

**DRAFTING AND RESEARCH CHECKLIST**

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**DRAFTING CHECK**

- \_\_\_\_\_ Clearly identify problem and proposed solution.
- \_\_\_\_\_ Determine appropriate AS title, chapter, and section (including latest supplement) to amend.
- \_\_\_\_\_ Check with revisor of statutes concerning section numbering.
- \_\_\_\_\_ Organize bill.
- \_\_\_\_\_ Provide effective date clause if effective date other than constitutional; refer to it in title.
- \_\_\_\_\_ Style, grammar, and words.
- \_\_\_\_\_ Read three times: (1) for meaning; (2) for clarity and simplicity; (3) for loopholes or misapplication.
- \_\_\_\_\_ Recheck AS citations and internal references.

**SOURCES OF LAW & FACT**

- \_\_\_\_\_ Journals and legislative reports for previous sessions' bills.
- \_\_\_\_\_ Check with agency concerned (with requestor's permission).
- \_\_\_\_\_ Laws of other states.
- \_\_\_\_\_ Bar Foundation Bill Reporting Service.
- \_\_\_\_\_ Publication "Suggested State Legislation."
- \_\_\_\_\_ Professional and industrial groups and services (with requestor's permission).
- \_\_\_\_\_ Alaska Congressional Delegation newsletters.
- \_\_\_\_\_ Other \_\_\_\_\_

**INTERPRETATION SOURCES**

- \_\_\_\_\_ AS annotations.
- \_\_\_\_\_ Shepard's Citations.
- \_\_\_\_\_ Alaska Attorney General Opinions.
- \_\_\_\_\_ Legal reference works.

**LEGAL CHECK**

- \_\_\_\_\_ Consistency with other statutes.
- \_\_\_\_\_ Constitutional aspects considered.
- \_\_\_\_\_ Conformity with one-subject rule.
- \_\_\_\_\_ Law not local or special unless a general will not suffice.
- \_\_\_\_\_ Subject reflected in title.
- \_\_\_\_\_ Alaska Supreme Court Rules checked for 2/3 majority vote requirement.
- \_\_\_\_\_ Appropriation bills limited to appropriations.

**ADVICE & CONSULTATION**

- \_\_\_\_\_ Confer with appropriate staff members.
- \_\_\_\_\_ Consult with legislator.
- \_\_\_\_\_ Make recommended changes.
- \_\_\_\_\_ Submit for final approval.
- \_\_\_\_\_ Consult this drafting manual.

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