

Absent: 4 - Coghill, McNealy, Riley, VanderLeest.)

CHIEF CLERK: 39 yeas, 12 nays and 4 absent.

PRESIDENT EGAN: So the "yeas" have it and the proposed amendment is ordered adopted. Are there other amendments to Section 15? If not, are there amendments to Section 16? Mr. Johnson.

JOHNSON: I have an amendment to Section 16.

PRESIDENT EGAN: Would the Chairman of the Committee then please present us with an explanation for the reasons for Section 16. Mr. McCutcheon.

MCCUTCHEON: There are several matters in this particular section. I wonder if we could have Mr. Johnson announce which particular matter he chooses to amend.

JOHNSON: Actually it is an addition, not an amendment.

PRESIDENT EGAN: We might have the Chief Clerk read the amendment first. Mr. Barr.

BARR: Has the Chairman of the Committee explained the section to us yet?

PRESIDENT EGAN: Not yet, but we thought it might be better to have the Chief Clerk read the proposed amendment.

CHIEF CLERK: "Section 16, line 22, after the period add the following: 'The enacting clause of each law shall be, 'Be it enacted by the legislature of the State of Alaska.' No bill shall become law unless it shall pass three readings in each house, on separate days.'"

JOHNSON: I move the adoption of the amendment.

ROBERTSON: I second the motion.

MCCUTCHEON: The first sentence of Section 16 provides that the legislature, like the United States Congress, shall set up the procedure for enactment of bills into law. It requires that a journal be kept and that the votes on the final passage of the act shall be entered into the journal. That part is included because a journal must be had in order that the court requires to search into the background of the law to seek its validity, they ascertain as to whether it legally passed. The theory of requiring that all bills be confined to one subject with certain exceptions here, as shown, is that nothing can be gotten through the legislature under the guise of some other things. Often times a bill that is very popular and has a great deal of public support and sentiment will have a rider attached to it which may defeat the very purpose of the bill or may pertain to some

other idea entirely, and the theory behind the requirement that each bill be confined to one subject indicates the thinking. Insofar as the matter of Mr. Johnson's addition here, there are only three states that do not include in their constitution the matter which Mr. Johnson seeks to insert into this article. The United States Constitution does not set up this procedure either but leaves it to Congress to establish the manner in which bills shall be enacted into law. We have here in one of our foregoing sections, if it is finally adopted, a statement that both houses of the legislature shall have uniform rules of procedure and in such instances we relied upon the fact that the legislature would follow a given pattern once adopted, they would follow that pattern of enactment and under that theory we felt that this material need not be included in the constitution, relying on the fact that the United States Congress did not use it and three other states did not use it. I don't think the Committee has any necessary objection to this type of amendment. It does not aid, in our opinion, it does not aid the article any, nor if included would it hurt it.

JOHNSON: Well, I believe the proposed amendment contains what I feel are minimum safeguards to be included in the constitution under the legislative section because if they are left out, and it is left up to the legislature to determine what or how a bill shall be passed and become law, or the method of procedure to be used in having a bill passed and become law, then it is conceivable that each legislature might change that rule and the courts then would be filled with cases construing the legality of various acts of the legislature, and you would not know from one session to the next just exactly what the procedure might be or was going to continue to be, so it seems to me that as Mr. McCutcheon has pointed out, 45 states in the Union, and I know Hawaii includes it, and I have the Oregon Constitution and the Illinois Constitution, and they all include this type of language, and I see no reason why we should leave it out because I feel that we are going to save a great deal of trouble and legal action if we do put it in, and there will then be no question as to what procedure is to be followed for a law to be introduced in the legislature and passed and become a law of the state, and the interpretation of the method used in passing laws will be a settled matter.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: I wonder if we could have the question divided. I don't want to do it against Mr. Johnson's desire, but I think we are dealing with two things. One is having an enacting clause in this section, the other one specifying readings, and I believe that we should consider them separately. It is up to you, Mr. Johnson.

BUCKALEW: That is what I was going to raise -- I just wanted to ask Mr. Johnson. I can't see any sense in putting in the