

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 6, 2014
8:08 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Wes Keller, Vice Chair
Representative Lynn Gattis
Representative Shelley Hughes
Representative Doug Isaacson
Representative Charisse Millett
Representative Jonathan Kreiss-Tomkins

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 22

Requesting the United States Congress to call a convention of the states to propose amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office of federal government officials; and urging the legislatures of the other 49 states to request the United States Congress to call a convention of the states.

- MOVED HJR 22 OUT OF COMMITTEE

HOUSE BILL NO. 274

"An Act relating to public hearings on initiatives and referenda scheduled to appear on the ballot; and providing for an effective date."

- HEARD & HELD

HOUSE JOINT RESOLUTION NO. 17

Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund, establishing the earnings reserve account, relating to the permanent fund dividend, and requiring the permanent fund dividend be at least equal to the amount that would be calculated under current law.

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HJR 22

SHORT TITLE: FEDERAL CONSTITUTIONAL CONVENTION

SPONSOR(S): REPRESENTATIVE(S) T.WILSON

01/21/14 (H) READ THE FIRST TIME - REFERRALS
01/21/14 (H) STA, FIN
02/06/14 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 274

SHORT TITLE: HEARINGS ON REFERENDA

SPONSOR(S): RULES

01/24/14 (H) READ THE FIRST TIME - REFERRALS
01/24/14 (H) STA, JUD
02/06/14 (H) STA AT 8:00 AM CAPITOL 106

BILL: HJR 17

SHORT TITLE: CONST AM: GUARANTEE PERM FUND DIVIDEND

SPONSOR(S): GARA

04/03/13 (H) READ THE FIRST TIME - REFERRALS
04/03/13 (H) STA, JUD, FIN
02/06/14 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE TAMMIE WILSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As sponsor, introduced HJR 22.

MICHAEL P. FARRIS, Head
Convention of States (COS);
Chancellor
Patrick Henry College
Purcellville, Virginia

POSITION STATEMENT: Testified during the hearing on HJR 22.

TAYLOR HANCOCK, Student
Tri Valley High School
Healy, Alaska

POSITION STATEMENT: Testified during the hearing on HJR 22.

ZABRINA BYFUGLIEN, Student
Tri Valley High School
Healy, Alaska

POSITION STATEMENT: Testified during the hearing on HJR 22.

NICOLE MACMASTER, Student
Tri Valley High School
Healy, Alaska

POSITION STATEMENT: Testified in support of HJR 22.

ISABELLA SAXE, Student
Tri Valley High School
Healy, Alaska

POSITION STATEMENT: Covered opposing views of constitutional conventions and responses to them during the hearing on HJR 22.

CHRISTINE HUTCHISON
Kenai, Alaska

POSITION STATEMENT: Testified in support of HJR 22.

DAVID EICHLER
North Pole, Alaska

POSITION STATEMENT: Testified in support of HJR 22.

SEYMOUR MILLS
Sterling, Alaska

POSITION STATEMENT: Testified in opposition to HJR 22.

TOM BUZARD
Juneau, Alaska

POSITION STATEMENT: Testified in support of HJR 22.

DON BRAND, Alaska Legislative Liaison
Convention of States (COS)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HJR 22.

MIKE COONS
Palmer, Alaska

POSITION STATEMENT: Testified on behalf of Citizen's Initiative during the hearing on HJR 22.

REPRESENTATIVE LES GARA
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As sponsor, introduced HJR 17.

RICK HALFORD

Chugiak, Alaska

POSITION STATEMENT: Testified in support of HJR 17.

ACTION NARRATIVE

[8:08:02 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:08 a.m. Representatives Keller, Isaacson, Gattis, Hughes, Kreiss-Tomkins, and Lynn were present at the call to order. Representative Millett arrived as the meeting was in progress.

HJR 22-FEDERAL CONSTITUTIONAL CONVENTION

[8:08:52 AM](#)

CHAIR LYNN announced that the first order of business was HOUSE JOINT RESOLUTION NO. 22, Requesting the United States Congress to call a convention of the states to propose amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office of federal government officials; and urging the legislatures of the other 49 states to request the United States Congress to call a convention of the states.

[8:09:09 AM](#)

REPRESENTATIVE TAMMIE WILSON, Alaska State Legislature, as sponsor, introduced HJR 22. She presented the sponsor statement, which read as follows [original punctuation provided]:

It is the solemn duty of the states to protect the liberty of its people, particularly for the generations to come, to propose amendments to the Constitution of the United States through a convention of the states under article V to place clear restraints on these and related abuses of powers.

Article V, U.S. Constitution states: "The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states,

shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate."

By calling a convention of states, we can stop the federal spending and debt spree, the power grabs of the federal courts, and other misuses of federal power. The current situation is precisely what the Founders feared, and they gave us a solution we have a duty to use.

[8:11:21 AM](#)

REPRESENTATIVE T. WILSON said it seems like the interference of the federal government with state affairs is occurring with increasing regularity, in matters ranging from resources to businesses. She said the options are to continue to do nothing or to send a message to the federal government that it has overstepped its powers. She said 34 states would have to [submit applications for the same issue] and 38 would need to ratify an amendment. She said she has heard one concern is that it would be a runaway convention with numerous amendments passed, but she opined that that would not be a problem, because, for example, of the time it takes 40 legislators to agree on a single issue. She said it took years for Representative Millett "to get something done that was clearly the responsibility of the federal government." She stated that it will take Alaska years to undue all the regulations imposed by the federal government. She said the situation closest to home for her had to do with miners dredging and "all of a sudden people come like they're ... ready to shoot you down out of nowhere for what?" She said her answer is to not let anything like that happen again, but instead to protect Alaskans from federal overreach. She opined that Alaska does not need Washington, D.C., to dictate how the state takes care of its environment and correctly runs its businesses.

[8:14:47 AM](#)

CHAIR LYNN offered his understanding that there is other similar legislation; he asked the bill sponsor how HJR 22 differs.

[8:15:13 AM](#)

REPRESENTATIVE T. WILSON offered her understanding that in the past, when trying "to do resolutions like this and get people together, ... other states ... have put together resolutions that are very different from each other." She explained that legislation calling a convention of states has to be written and adhered to specifically. She related that about 14 other states have already done so. She said, "There are other ways to do this same thing, like the balanced budget amendment, but that's a very specific amendment that there would be a convention for. This one would be for anything that has to do with federal overreach." She said the states would be able to come together however they decide to put their delegates together. She added, "It would not be the same subject as I believe the other resolution is."

[8:16:19 AM](#)

REPRESENTATIVE T. WILSON, in response to the chair, related that the names of the other states, along with their resolutions, are listed in the committee packet, and include Arizona, Florida, Idaho, Kansas, and New Mexico.

[8:16:56 AM](#)

REPRESENTATIVE KELLER thanked the bill sponsor for bringing forward HJR 22. He indicated that he would have similar legislation before the committee. He talked about the history and record related to changes to the Constitution. He opined that the ability of the people to change the U.S. Constitution is significant.

[8:18:35 AM](#)

CHAIR LYNN asked if there is any possibility of "combining the two in some way."

REPRESENTATIVE T. WILSON answered no. She explained that the resolutions have to be "as close as possible" to show that the states will meet for the same purpose. Combining the resolutions would make the end result too different from the

resolutions of other states. In response to the chair, she confirmed that HJR 22 currently matches the resolutions of the other states. She said she thinks Georgia changed a couple words, but without changing the meaning. She commented on the foresight of the Founding Fathers in including the means for the people of the United States to "put in check a bigger form of government."

[8:20:26 AM](#)

REPRESENTATIVE HUGHES talked about the \$17 trillion debt of the federal government, and she indicated that that does not include the approximately \$50 trillion cost for "social security and other things." She opined that the numbers are staggering and the debt unfair to future generations. She said, "So, I appreciate this." She said she has spoken with legislators from others states and "there is momentum." She stated her understanding that there was a Mt. Vernon Assembly bi-partisan effort, where 33 states discuss this issue. She asked the bill sponsor, "Can you speak to how this might be related to that?"

[8:21:50 AM](#)

REPRESENTATIVE T. WILSON said she was unable to attend [the assembly]. Nevertheless, she said she thinks it was a way to initiate the conversation and to show that states have federal overreach in common. She said federal overreach not only affects states financially, but also stunts the growth of states. For example, if a person who owns property on wetlands wants to develop, he/she must go to the Corps of Engineers. She asked, "When did we ever think that would happen?"

[8:22:58 AM](#)

REPRESENTATIVE ISAACSON thanked the bill sponsor for bringing HJR 22 forward. He related that there are "various movements afoot." He indicated that he likes HJR 22, because it is topical, thus many things can be discussed and an amendment can come forward. Regarding other groups gaining momentum, he asked, "If everyone's fractured, how will we ever get it all together, combined?"

[8:23:57 AM](#)

REPRESENTATIVE T. WILSON answered that there are no guarantees, but [HJR 22] will stay on the books. She opined that it is the onus of the legislature to explain why it chose this legislation

over another. She said there is no sunset date on HJR 22. Congress will be looking at every reason "to throw out this state or that state and make the process go longer." She indicated that HJR 22 would not be necessary if the federal government were willing to put itself "in check."

8:25:32 AM

REPRESENTATIVE KELLER clarified that [the process by which states call for a constitutional convention] has been used before, but it has never come to fruition. He offered examples. He relayed that he attended the aforementioned Mt. Vernon Assembly, and he said that entity is trying to bring everyone together to determine how best to operate by the rules of the convention.

8:27:32 AM

REPRESENTATIVE MILLETT thanked the sponsor for bringing HJR 22 forward. She said she has spent most of her legislative career fighting the federal government. She talked about western states being owned predominately by the federal government, and said she thinks other western states are allies with Alaska. She expressed hope that at some point "we" could take [HJR 22] to some of the organizations to which Alaska belongs, such as Council of State Governments-WEST (CSG-West), because she said she thinks those organizations would be willing to "join in and mimic our legislation." Representative Millett talked about using HJR 24 as a vehicle to form a western coalition that would be a united front in expressing discontent with the decisions made by the federal government.

8:29:12 AM

REPRESENTATIVE KREISS-TOMKINS asked in which states similar legislation has made it through the legislative process and been ratified.

REPRESENTATIVE T. WILSON answered none. She said Georgia is the furthest along; its legislation has passed out of the Senate. She expressed her desire to have Alaska be the first state to pass its legislation.

8:30:01 AM

REPRESENTATIVE HUGHES asked Representative T. Wilson to confirm that HJR 22, if passed, would remain in perpetuity, which makes

it alright if it takes a few years for the other 34 states to pass their legislation.

REPRESENTATIVE T. WILSON confirmed that is correct.

[8:31:10 AM](#)

MICHAEL P. FARRIS, Head, Convention of States (COS); Chancellor, Patrick Henry College, stated that he teaches constitutional law and is one of the people who helped draft the model legislation upon which HJR 22 is based. He said, "This is the first year that this particular Article V effort has been undertaken, and ... this is the fastest growing, the biggest version of an Article V process." He said there are a lot of problems with the federal government that go beyond "the balanced budget," the issue on which all the other efforts with any momentum at all are focused. He continued as follows:

Ours is the only resolution that's focused on federal interference with states and federal jurisdictional problems of a broader scope, where the President's allowed to make law through executive order; where the various agencies are just simply interfering in our lives, both in the processes of the state government and in private businesses, in ways that the founders never intended. The fundamental problem is that Washington, D.C., is never ... going to curtail its own power, and so, the founders gave us this method for this very purpose.

MR. FARRIS related that there have been over 400 applications from the states in the history of the Republic, but the two-thirds requirement has never been met. However, he stated, "We're on a fast track to do this." The effort is brand new; it is early in the legislative process. He said at this moment the Virginia House is debating the issue; Georgia's House is expected to take up the issue soon. He indicated that he has been asked to testify in Louisiana and Missouri. He stated, "We believe in two or three years we will get to 34 states." He said, "The people want a solution that's as big as the problem." He said Mark Levin's book, The Liberty Amendments: Restoring the American Republic, parallels the Convention of States' approach. He stated, "We're aimed at getting to 34 states rapidly, calling a convention, and having a real opportunity to correct federal overreach and protect the states and protect our citizens."

[8:35:21 AM](#)

REPRESENTATIVE HUGHES asked what assurance can be made that a convention called for a subject rather than a single amendment would not "be a runaway train."

MR. FARRIS answered that there has to be agreement on the subject. He compared it to proposing the Bill of Rights, which was one topic with twelve proposed amendments, each of which was considered individually. Anything outside the topic would not be germane. He said he thinks the following topics will be considered: federal spending, federal debt, federal regulation, and the power of the courts. It is unconstitutional to change the process in mid-stream.

[8:39:05 AM](#)

REPRESENTATIVE KELLER asked what Mr. Farris' organization is doing toward educating the public on this issue.

MR. FARRIS responded that [COS] is dedicated to building a grass roots network. He said the organization's motto is "Show up, stand up, speak up," and it is focused on ensuring that in 75 percent of the legislative districts in country, it has educated enough people that they are willing to become active, so that there are at least 100 people in the districts that will help not only to get the 34 amendments at the state level, but also to get the amendments approved and ratified by 38 states. He said that as the founder of the Homeschool Legal Defense Association, he has substantial grassroots educational experience in the area of homeschooling. He said Mark Meckler, president of Citizens for Self-Governance and the co-founder of the Tea Party Patriots, is working with him on this educational pursuit. He stated, "Ultimately, unless the citizens understand this and get behind it, we will not be successful." He said only 9 percent of the American public approves the job of Congress. He mentioned others involved in bringing information to the public, including Mark Levin and Glen Beck, and said Mike Huckabee endorsed the COS application.

[8:42:11 AM](#)

REPRESENTATIVE KELLER emphasized that he thinks it is important that this is not a partisan issue. He asked Mr. Farris to comment.

MR. FARRIS responded that it should not be a partisan issue, because "even in Berkley they will tell you they want the rules

made by Berkley." He said he grew up working on a farm part-time, so he understands the impact of the federal government on western farm lands and mining, for example. He said Washington and Oregon are more democratically inclined, but he thinks those states could be persuaded to participate, largely because of the western land issue. He added, "Our application is the only one that has the rule of germaneness that would allow that to be addressed." At the moment, he said, there are more Republicans on board than Democrats, but "we're trying our best."

[8:44:24 AM](#)

REPRESENTATIVE ISAACSON commended Mr. Farris for "getting out the message." He said he learned a lot by reading the material provided by Mr. Farris. He said, "I'm glad to hear that it's also partisan, and that is also part of what I wanted, because in the western states we have so many liberal legislators." He questioned how likely it would be to get the support of states, such as Nevada, that have delegates in Washington, D.C., who are opposed to it.

[8:46:00 AM](#)

MR. FARRIS said the project is counting on Nevada to join in as one of the 34 states. He said Nevada is one of the more conservative states in the country, despite its control by Democrats. He offered his belief that there are "enough rurally held Democratic seats" in the state of Washington to gain its support. He explained that urban districts tend to believe that the purpose of the government is to provide for their needs, whereas rural and more suburban areas believe that the purpose of government is to protect life, liberty, and property. He said, "The western lands issue will be front and center in our appeal to Washington."

REPRESENTATIVE ISAACSON noted that the next step after calling a convention - when the states would choose delegates - is not outlined in the proposed joint resolution.

[8:48:28 AM](#)

MR. FARRIS confirmed that the next step would be for the states to pass a resolution naming their delegates. Each state would have one vote. Mr. Farris recommended appointing 9 or 11 delegates so that "if somebody gets a crazy idea, one person isn't going to affect how Alaska votes." He recommended appointing people with experience related to "the purposes of

government and ... share the values that led to the resolution." He talked about counting on Alaska to send the some of the best delegates because of the state's philosophy on federal overreach. He said there have been 32 conventions in the history of the country, and not once have delegates ever violated the instructions given to them by their state legislatures.

REPRESENTATIVE ISAACSON asked Mr. Farris to confirm that he is saying that of all the methods of choosing delegates, "the best informed would be to come from the legislature."

MR. FARRIS answered yes, but added that it would also be appropriate to have some nonlegislative citizen activists as delegates.

REPRESENTATIVE ISAACSON clarified that he meant the legislators would pick the delegates.

[8:51:21 AM](#)

REPRESENTATIVE T. WILSON suggested that the legislature in each state could choose how to pick delegates. She echoed Mr. Farris' previous remark that each state ultimately would have one vote. She recommended focusing on getting HJR 22 passed and saving the other issue to discuss at a later time.

[8:51:49 AM](#)

REPRESENTATIVE HUGHES echoed Representative Keller's previous question as to how much public education of American citizens was underway regarding this effort.

MR. FARRIS noted that he was on his way to take part in a public debate on this issue in Florida, and debates are scheduled in other states. He said he has been on Mike Huckabee's television show. He relayed that Mr. Levin's aforementioned book was the number one best seller on The New York Times' list for several weeks. He said COS has hired a media consultant to get on more television stations, generate radio programs, and utilize social media. He said he is convinced of the importance of working at the grass roots level. He offered his understanding that it would take about 3 million people educated on this issue to make it happen nationwide.

[8:56:01 AM](#)

TAYLOR HANCOCK, Student, Tri Valley High School, stated that he is one of a group of students to testify on HJR 22. He stated that an often claimed defect of the Articles of Confederation was the lack of power granted to central government to "lay and collect taxes," which resulted in Congress' reliance on requisitions from its member states. Mr. Hancock said some states were ignoring requests from Congress or only paying in part. Congress proposed amendments to the Articles of Confederation in an effort to supersede it; nothing came from this effort until the Philadelphia convention. Mr. Hancock said, "The power to tax is a concurrent power of the federal government and the individual states." He added that the power to tax has, on occasion, been curtailed by the courts. He cited [the beginning of Article 1, Section 8, of] the Constitution of the United States, which read:

The Congress shall have power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

MR. HANCOCK offered his understanding that Thomas Jefferson had a very strong view of the general welfare [of U.S. citizens] and believed that the Constitution of the United States should be strongly enforced and that taxation was for the sole purpose paying debts and "providing for the welfare of the Union." Mr. Hancock stated his perception of those words is that "we should reel in the government by going back to the Constitution" and giving [the federal government] "the bare minimum" of its constitutionally written powers. He said as a student he is seeing how the government is spinning into "an uncontrollable whirlpool of debt."

MR. HANCOCK stated that Article 1, Section 8, Clause 3, of the Constitution of the United States, gives Congress the power to "regulate Commerce with foreign Nations, and among the several states, and with the Indian Tribes." The Constitution enumerates certain powers for the federal government. He stated that the 10th Amendment provides that many powers not enumerated in the Constitution are reserved for the state. He said Congress has often used the commerce clause to justify excising legislative power over the activities of the states and their citizens, leading to significant ongoing controversy regarding the balance of power between the federal government and the states. In conclusion, Mr. Hancock opined that "we" should reel

in the [federal] government by giving it only those powers defined in the Constitution.

[8:59:33 AM](#)

ZABRINA BYFUGLIEN, Student, Tri Valley High School, read her testimony as follows:

Hi, my name is Zabrina Byfuglien, and I'm a junior at Tri-Valley school. I'm here with a few students from my government class, and we believe that there has been too much power vested in the federal government and not enough in the states. This is not how it should be. An example of the government taking away state sovereignty is in our education curriculum. Most of the decisions about this are made by the national government, when they should be being made by the state government, such as you folks in Juneau. I would like to address that this is what our founding fathers truly planned for our country, and I have a few quotes to show you.

From Federalist Paper Number 39: "Each state, in ratifying the Constitution, is considered as a sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation, then, the new Constitution will, if established, be a federal and not a national constitution." ... This was cementing that the states will have ... rights, after signing the constitution, and can stay independent.

And I have another from Alexander Hamilton in Federalist Paper Number 32: "But as the plan of the convention aims only at a partial union or consolidation, the state governments would clearly retain all rights of sovereignty which they before had, and which were not, [by] that act, exclusively delegated to the United States." ... This shows that Alexander Hamilton believed that the states should always have sovereign power.

And from Thomas Jefferson: "When governments fear the people there is liberty. When the people fear the government there is tyranny." ... This is what I'm afraid of, that our government will become too

powerful and we will all end up fearing them. There should be more state sovereignty.

And lastly, from Thomas Jefferson: "When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated." ... This is saying that the federal government doesn't need to be brought into all of Alaska's little business.

[9:01:51 AM](#)

NICOLE MACMASTER, Student, Tri Valley High School, announced she would talk about regulatory spending and debt crisis. She continued as follows:

The information about the regulatory crisis I got from Joe Usibelli; he's the owner of the Usibelli Coal Mine. He said the federal government passed a law that lead regulations states can permit. Air permits and water discharges originated at the federal level; now, however, it's at the state.

Federal environmental, [Environmental Protection Agency] EPA, maintains on the federal level working over the shoulder of the states. And the federal government needs to abide by the state, not the EPA. Involved in the EPA standards, [particle matter] PM-215, they threatened to take over. States have the ability to take away programs through the EPA; however, it's costly, time consuming, and they have to keep up with all the regulations. Federal government Department of Interior is putting more pressure on the states to interpret their own regulations. The government doesn't have the right to tell the state what regulations to make. State regulators want to maintain a relationship with the federal government, but it's hard.

Harm that the EPA does to this company is it's extremely expensive, and the legal expenses are also really high. Recently, the government has put more regulations on the state. So, I say the government

should keep their nose out of it, and it should be run by the state.

Our country is \$17 trillion in debt to other nations. Most of the debt is a result of ... out of control federal government spending. What most people don't know is that in just the U.S., we are \$60 trillion in debt. That means that every single U.S. citizen is about \$200,000 in debt. I'm 16, and I already owe the government more than going to an average college is going to cost.

There's a lot about this country's debt that I don't understand, but what I have found is that the U.S. is still the stabilizer for other states, and unlike when nations held their own, it's now like a world nation. When other countries' market crashes, ours lowers, and vice versa. If people are going bankrupt and cities are going bankrupt, then won't states and eventually our country? At our dinner table, if our budget is zero, we ... can't do things we want. We don't have the power to just print more money and raise the debt ceiling. We need to start paying our debt, or everyone is just going to go bankrupt if we don't.

The Federal Reserve purchases treasuries from its member banks using credit it created out of thin air. This is the same as affect as printing money; it keeps ... interest rates low, avoiding high interest rate penalties the federal government would usually impose for excessive debt. Our government is out of control with its spending. The government is racking up so much debt, it's going to become a huge financial mess for my generation. It's like a pile of dog poop [lying] on the beach; the government just keeps pushing some sand over the top to cover it up, but when someone new comes along, like my generation, we're going to get a nasty foot full of dog poop. It is my hope that you will be able to leave feeling like you've left something behind my generation can be proud of. So, I fully support Tammie Wilson's resolution. Thank you for your time and allowing me to testify.

[9:05:35 AM](#)

ISABELLA SAXE, Student, Tri Valley High School, countered arguments against calling for a constitutional convention. She said some opposition fears that a constitutional convention will become a runaway convention. She said measures are in place to prevent this from happening. She explained that the United States was built on the principle that mankind is imperfect, thus checks and balances are needed. When states call for a convention, they do so with a limit on the topics and issues that can be discussed. Congress, after receiving 34 similar applications, will then specify the scope, ensuring that the topic and ensuing amendment are on point. She indicated there is a further check in place to address the remote likelihood of an amendment unrelated to what was initially proposed. She said, "It is Congress' mandatory duty to deny ratification." She mentioned the 38 states needed to vote to ratify any amendment to the constitution, and said ratification is "not an easy idea to sell."

MS. SAXE continued as follows:

When the state of Alaska sends delegates to this convention you can limit the amendments that our delegates can discuss. If they happen to go beyond their scope they can be recalled. If delegates going past the scope is still a concern, you can do what Indiana has done, and pass legislation that [puts] controls on their delegates to an Article 5 convention.

These conventions cannot make up their own rules or change existing ones to make ratification an easier process. That's not the way the system is set up. The Founding Fathers clearly laid out what to do in times like these, and we are ignoring our duty as Americans when we ignore Article 5, when we ignore the very directions we have a responsibility to carry out. When the government has plainly overstepped its boundaries and burdened us with tremendous debt, we have the obligation to act. ... Speaking for the generation that will grow up in this country, we don't want to grow up amongst piles and piles of debt. Once again, we are students from a government class in Healy, Alaska. Thank you.

[9:08:14 AM](#)

CHAIR LYNN commended the students for their testimony.

[9:09:04 AM](#)

REPRESENTATIVE KELLER acknowledged that he had previously stated that the attempt to change term limits had been in the 1800s, but it was actually 1940. He clarified that he had been thinking about "the largest attempt," which was by the states to stop the Civil War.

[9:10:29 AM](#)

CHRISTINE HUTCHISON testified that she had been following the convention of states issue since November [2013] and volunteered to be a district leader on the Kenai Peninsula, to get the word out "among these people" and further to friends in other states via social media. She opined that this is a critical issue for the nation and for Alaska. She said there are many steps left to go in the process, and she warned "it could fall off the rails anywhere." Ms. Hutchison expressed her appreciation for the efforts of people pushing this issue forward, and said she would like to see the proposed joint resolution make it through the House and Senate this year to show [Alaska] as "the largest and most interested in this project."

[9:13:04 AM](#)

DAVID EICHLER testified that last summer, the legislature held hearings on federal overreach, and he relayed that he heard Mark Levin speak at the Reagan Library, in Simi, California, and argue that [a constitutional convention] is the only effective solution to the problem. He stated that all three branches of government refuse to exercise self-restraint, an inevitability foreseen by the writers of the Constitution who included Article 5 as a means for "reasserting the primacy of the people to their state legislatures." He said his own research brought him to the Convention of States project, which is a coordinated effort to address the problem and approve the 34 applications required from states to call a convention, all of which must be similar. He said, "Because we know that Congress will not willingly [cede] any of its power ..., we are being careful to make it impossible to reject the necessary applications." He relayed that he volunteered as state director of COS and has found enthusiastic support from the offices of legislators from Fairbanks and North Pole.

[9:17:11 AM](#)

MR. EICHLER said a network of volunteers throughout the state for education and support has been built and speaks to various groups. He said the groundswell of support is amazing, especially considering it has all happened within the last four or five months. He said there are many advocacy groups that uphold certain amendments in the Bill of Rights, including the American Civil Liberties Union (ACLU) for the First Amendment and the National Rifle Association for the Second Amendment, but the only advocates for the Tenth Amendment are state legislatures, and Article 5 is the means by which those legislatures can maintain constitutional order. Mr. Eichler asked the committee to support and approve HJR 22.

CHAIR LYNN asked about funding sources for the effort to have a convention of the states.

REPRESENTATIVE T. WILSON said she does not know of a funding source for the grassroots effort. In response to a follow-up question, she said she would find out about how funds are raised in other states, but said the efforts in Alaska are all volunteer-based.

[9:19:30 AM](#)

REPRESENTATIVE ISAACSON asked Mr. Eichler if he has communicated with other state directors and knows what their progress is.

MR. EICHLER answered that there are currently 40 states with statewide volunteer leadership and 9 states with filed or prefiled applications. He related his involvement with the efforts that lead to Georgia's resolution getting passed through its Senate. He indicated that he uses his own funds. He said "the national organization" is an educational service and can receive contributions; however, all the efforts in Alaska are self-funded and do not receive outside money.

[9:21:16 AM](#)

REPRESENTATIVE ISAACSON thanked Mr. Eichler and asked if the Alaska group may need "a capital lift."

MR. EICHLER responded that the goal of the Alaska group is to have the legislature pass a resolution. He said he thinks the group is building upon "the already existing dissatisfaction we have in the state with the federal government." He said funding might be an issue in states where there may be obstacles, such as Washington and Oregon; however, he stated his intention to

continue in the current manner for as long as that is successful.

[9:23:01 AM](#)

SEYMOUR MILLS testified that a convention of the states will result in a constitutional convention and in the loss of the current Constitution of the United States, which is "exactly what the powers that be want." He opined that the only necessary action is to reinforce the original Constitution, which he said is not being done. He said the original constitutional convention in 1887 proved that a convention "cannot be limited or controlled." He urged, "Don't push this."

[9:23:47 AM](#)

REPRESENTATIVE T. WILSON said Mr. Mills is not entirely incorrect, because Congress is not doing as it should. She opined that it is up to the states to take a stand when that happens.

MR. MILLS said, "Well, this won't do that."

[9:24:19 AM](#)

TOM BUZARD testified in support of HJR 22. He said Americans - particular Alaskans - are "living in fear of the federal government." He offered his belief that "tyranny is here now" and "we are the brave few that are willing to stand up and deal with this." He encouraged forward momentum and said he is excited by the possibility of Alaska being the first state to pass such a resolution. He said Alaska gave marching orders to the federal government last year over the issue of firearms.

MR. BUZARD posited that the amount of debt being left to future generations is wrong. He urged passage of HJR 22 through both bodies. He opined that the previous statement by Mr. Mills that a convention of the states would cause a constitutional convention is incorrect. He said a convention of the states is convened for the specific purpose of the suggested item, which under HJR 22 would be to reign in federal spending and an out-of-control federal government.

[9:27:37 AM](#)

DON BRAND, Alaska Legislative Liaison, Convention of States (COS), said he became aware of the possibility of doing

something about the growing list of federal abuses when he read Mark Levin's aforementioned book. He relayed that he had distributed copies of Mr. Levin's book to several people in the capitol for the purpose of "getting the word out." He noted that he had provided the committee with a handout [included in the committee packet, entitled "Convention of States Project and HJR 22"], the contents of which he said have mostly been covered already. He said he feels strongly about this issue and is worried about the U.S. He stated, "I see this as probably the only legal and legitimate way to actually get the federal government under control again." He said he is far more concerned about a "runaway Congress" than a "runaway convention."

MR. BRAND directed attention to the last page of the handout, which highlights the COS grassroots organization, for which he serves as legislative liaison. There is also a state director, a coalition director, 57 other volunteers that have formally signed up as volunteers for COS, and hundreds of others identified as supporters.

[9:30:54 AM](#)

MR. BRAND offered his understanding that Senator Tom Coburn of Oklahoma has implied that part of the reason he is resigning is to try to fix Congress from the outside. He said Senator Coburn announced that he would be a supporter of COS.

[9:33:00 AM](#)

MIKE COONS stated that he was testifying on behalf of Citizen's Initiative and himself. He said COS, Compact for America, and Citizen's Initiative, are all patriotic organizations that have valid concern about a runaway Congress and [judicial branch]; therefore, these organizations are working toward the use of Article 5 to produce amendment(s) that will strengthen the Constitution of the United States and stop federal overreach.

MR. COONS pointed out a major difference between Citizen's United and COS has to do with subject versus specific amendment. He said Article 5 specifically outlines that two-thirds of several states shall call a convention for proposing amendments. He indicated that through conversations with Mr. Brand, he found that COS's intent is to be able to "propose multiple amendments off of each subject." He explained the concern of Citizen's Initiative is that such a resolution would be disallowed for being too general in nature. He related that he sent to

Representatives Wilson and Keller documentation and e-mails on this matter, along with a white paper outlining the pros and cons of COS' methodology. He said, "Sadly, I do not see that in the resolution packet, but I hope that all committee members will have a chance to review that."

MR. COONS, in closing, indicated his support aligns with that of the Citizen's Initiative for using Article 5 in a safe and clear manner to result in a convention aimed toward pulling the nation back from falling to dictatorship. He said, "We have specific calls for a specific amendment that we tried to put forward this year," but ran out of time. He announced, "We will be putting forward our states' sovereignty and states' rights amendment and countermand amendment for the 2015 session."

[9:35:19 AM](#)

MR. COONS, in response to a previous question from Representative Hughes, said Arizona's COS resolution failed, but the state is working on "a specific delegate resolution." He said there are indications that "the House side of Florida is floundering." He said Citizen's Initiative is using social media and has an Internet and frequency modulation (FM) station, which shows every Tuesday - every other Tuesday being reserved for a legislative round table.

[9:36:02 AM](#)

CHAIR LYNN, after ascertaining that there was no one else who wished to testify, closed public testimony on HJR 22.

[9:37:04 AM](#)

REPRESENTATIVE KELLER, in response to Representative Hughes, reviewed the process under Article V, highlighting the two ways to ratify an amendment: a three-fourths vote by state legislatures or three-fourth vote of the states in convention. He said it is up to Congress to choose which method.

[9:38:24 AM](#)

REPRESENTATIVE KREISS-TOMKINS said he is not sure he will recommend HJR 22 to the full body for passage. He said he has two fundamental concerns, one ideological and the second practical. He offered his understanding that HJR 22 is intended as a nonpartisan measure; however, he said he thinks the four provisions that the convention of the states outline have deep

ideological connotations, which are not necessarily nonpartisan. He said if there was a convention of the states with the goal of reforming the federal government, he feels that the areas for reform could be outlined in a manner that would be more inclusive and generate bipartisan support. He offered, as example, the gerrymandering and redistricting process, where one party manipulates and corrals the other party and vice versa, and "nobody wins."

[9:40:32 AM](#)

REPRESENTATIVE KREISS-TOMKINS stated that the U.S., in recent years, has faced "almost apocalyptic dysfunction on the federal level," and nobody likes that. He expressed concern that a convention of states may be "hijacked or crippled by that atmosphere." He compared it to grocery shopping after fasting for 48 hours. He said considering the people and groups behind this, whose philosophy he respects but does not necessarily share, he thinks a convention of states would lead to essentially the kind of dysfunction that has been seen in Congress, but "in a different and perhaps even more important forum."

[9:41:52 AM](#)

REPRESENTATIVE KELLER clarified for the record that the four points to which Representative Kreiss-Tomkins referred are: the spending and debt crisis; the regulatory crisis; the congressional tax on state sovereignty; and the federal takeover of decision making. He expressed his hope that there could be a bi-partisan understanding of "what those things mean."

[9:42:32 AM](#)

REPRESENTATIVE KELLER moved to report HJR 22 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HJR 22 was reported out of the House State Affairs Standing Committee.

HB 274-HEARINGS ON REFERENDA

[Contains discussion of SB 21.]

[9:43:05 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE BILL NO. 274, "An Act relating to public hearings on initiatives

and referenda scheduled to appear on the ballot; and providing for an effective date."

[9:43:42 AM](#)

REPRESENTATIVE MILLETT introduced HB 274 on behalf of the House Rules Standing Committee, sponsor. She said about four years ago the legislature passed House Bill 36, also called "the Open and Transparent Initiative Act," which made four changes to Alaska's initiative laws, but did not include referendums. She explained that referendums had not been used in several years, but now there is one on the books; therefore, HB 274 would add referendums, so that they have "the force of law" that initiatives have.

REPRESENTATIVE MILLETT covered the portion of the Sectional Summary of HB 274 [included in the committee packet], which read as follows [original punctuation provided]:

Section 1. Requires the lieutenant governor, if a referendum is scheduled to appear on the ballot, to hold at least two public hearings concerning the referendum in each judicial district of the state at least 30 days before the election. Establishes notice requirements and guidelines for the conduct of the hearings.

Section 2. Requires a standing committee of the legislature to hold at least one hearing on each referendum that is scheduled to appear on the statewide ballot.

Section 3. Specifies what must be included in a hearing held under AS 24.05.186 on an initiative or a referendum.

Section 4. Applies the new requirements in section 1 of the bill to initiatives and referenda appearing on the ballot after the effective date of the Act. Applies sections 2 and 3 to initiatives and referenda on a ballot after the August 2014 primary.

Section 5. Makes the bill's provisions effective immediately.

[9:47:13 AM](#)

REPRESENTATIVE MILLETT, in response to the chair, indicated that the proposed legislation would apply to the primary election and General Election.

REPRESENTATIVE MILLETT said there was an onslaught of initiatives, addressing subjects including cruise ships and coastal zone management. She said although there is a single issue requirement for an initiative, the cruise ship initiative became very broad; it contained six different subjects. She said, "So, there were some changes made legislatively after two years, because a referendum and initiative can't be changed for two years." She said the proposed legislation would provide the public with the opportunity to know the purpose, intended effect, and cost to the state of a referendum. She offered her understanding that when House Bill 36 passed four years ago, it had the support of both bodies, with the exception of one person.

REPRESENTATIVE MILLETT said HB 274 has a zero fiscal note; the Office of the Lieutenant Governor, which will conduct the hearings around the state, has relayed it can absorb the cost of travel. She talked about an exception under law for those who cannot make it to a meeting place to participate telephonically and for a proxy to deliver testimony.

[9:52:02 AM](#)

REPRESENTATIVE MILLETT said as sponsor of the initiative bill, she had attended three of the coastal zone management meetings with the lieutenant governor and was impressed by the amount of public involvement. She noted that there was a letter from the Alaska Municipal League (AML), in support of HB 274, in the committee packet. She suggested that [a representative of] AML could speak about the organization's appreciation of the opportunity to speak about initiatives that will affect municipalities. She expressed her hope that the proposed legislation would be moved through both bodies so that the current lieutenant governor could "start on the road to the current referendum that's out, which is SB 21."

[9:53:31 AM](#)

CHAIR LYNN announced that HB 274 was held over.

HJR 17-CONST AM: GUARANTEE PERM FUND DIVIDEND

[9:53:55 AM](#)

CHAIR LYNN announced that the final order of business was HOUSE JOINT RESOLUTION NO. 17, Proposing amendments to the Constitution of the State of Alaska relating to the Alaska permanent fund, establishing the earnings reserve account, relating to the permanent fund dividend, and requiring the permanent fund dividend be at least equal to the amount that would be calculated under current law.

[9:53:58 AM](#)

REPRESENTATIVE LES GARA, Alaska State Legislature, as sponsor, introduced HJR 17. He said the proposed joint resolution asks for the current dividend formula to be put in the Constitution of the State of Alaska. He mentioned that he and Rick Halford were friends with the late Governor Jay, who would say, "You get a fair share for your oil first, and you touch the dividend last." He said the Alaska permanent fund dividend (PFD) creates roughly 10,000 jobs in Alaska and "levels out the highs and lows." He explained that Alaska has had the least differential growth between rich and poor than any other state in the country because of the PFD. He opined that cutting the dividend is the most regressive action that can be taken, because cutting it by \$500, while not significantly impacting someone who makes \$1 million, would impact someone who makes \$12 an hour; it would affect the working class.

[9:55:19 AM](#)

REPRESENTATIVE GARA cited an article from The Juneau Empire that quotes Governor Hammond as having said his dividend program would allow Alaskans to share in their resource wealth, confine the benefits to Alaskans only, have an equitable impact on both rich and poor, and maximize the favorable impact upon the state's economy by keeping a far larger portion of money to fund the programs here in Alaska. Representative Gara said as fiscal pressures mount in Alaska, there are some who will look first to the PFD. He stated he would like to protect the current dividend formula in the constitution so that the dividend does not get decreased as people begin fighting over deficits.

REPRESENTATIVE GARA said the Department of Revenue has predicted that even under "this new oil bill," Alaska will be down to approximately 370,000 barrels of oil a year in ten years' time. He said that is "about the same as they had predicted under a former oil law." He said the state is probably going to be down in revenue by about \$12 billion over the next ten years,

depending upon oil prices. He reiterated that he does not want the people's dividend to be harmed. He expressed his hope that SB 21 would be reversed, but said regardless of how the state proceeds, the dividend has been a way to stabilize the economy in Alaska and to ensure those in rural Alaska have money for essentials, such as fuel. He said the dividend money spent by rural and urban Alaskans goes right back in to the economy. He relayed there is a study by the Institute of Social and Economic Research (ISER) in the committee packet, which shows what the PFD does to stabilize the economy and prevent the wide gap between rich and poor.

[9:58:17 AM](#)

RICK HALFORD thanked the committee for hearing HJR 17, which he opined is an important issue. He continued as follows:

It is sad that the constituency for equality doesn't have enough insiders in that it's not regressive enough for some or progressive enough for others, but the fact is that the permanent fund dividend is a part of the economic base of the State of Alaska. And if you did need \$100 million, who would want to take half of that from the poor, retired, and underemployed and 100 percent of it from Alaska residents, nothing from nonresidents? It's the worst place to go for money, even in a time of shortage.

[HJR 17 was held over.]

[9:59:57 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 10:00 a.m.