

Introduced: 2/12/80
Referred: Judiciary

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for
the Interim Committee on the
Constitutional Convention)

1 IN THE HOUSE

2 HOUSE BILL NO. 723

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a constitutional convention; and
7 providing for an effective date."

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

9 * Section 1. AS 15.50.030 is amended to read:

10 Sec. 15.50.030. PLACING AMENDMENTS BY LEGISLATURE [PROPOSITION] ON
11 BALLOT. The lieutenant governor shall place the ballot title and pro-
12 position on the ballot for the next [STATEWIDE] general [, PRIMARY, OR
13 SPECIAL] election held after the amendment proposed by the legislature
14 [OR HELD 120 DAYS AFTER THE AMENDMENT PROPOSED BY A CONSTITUTIONAL
15 CONVENTION]. If there is insufficient time to permit the proposition to
16 be placed on the regular ballot by the lieutenant governor, the lieu-
17 tenant governor shall direct election officials to prepare the ballot
18 for the proposition.

19 * Sec. 2. AS 15.50.070 is amended to read:

20 Sec. 15.50.070. PLACING QUESTION OF CONSTITUTIONAL CONVENTION ON
21 BALLOT. If during any 10-year period a constitutional convention has
22 not [YET] been held, and the question of holding a constitutional con-
23 vention has not been placed before the voters, the lieutenant governor
24 shall place [THE QUESTION] on the ballot for the next regular statewide
25 general [OR PRIMARY] election the question: "Shall there be a Consti-
26 tutional Convention?" Provision shall be made for marking the question
27 "Yes" or "No".

28 * Sec. 3. AS 15.50 is amended by adding a new section to read:

29 Sec. 15.50.075. ELECTION PAMPHLET. No space in the election

1 pamphlet published under this title may be allocated to statements by
2 persons or organizations supporting or opposing the question placed on
3 the ballot under AS 15.50.070.

4 * Sec. 4. AS 15.50.080 is amended to read:

5 Sec. 15.50.080. CERTIFICATION OF VOTE. If a majority of the votes
6 cast on the question placed before the voters under AS 15.50.070 is
7 [ARE] in the affirmative, the lieutenant governor shall [SO CERTIFY AND
8 SHALL] issue the call for the constitutional convention under the pro-
9 visions of this chapter.

10 * Sec. 5. AS 15.50 is amended by adding new sections to read:

11 Sec. 15.50.091. ALASKA CONSTITUTIONAL CONVENTION COMMISSION.
12 Within 30 days after an affirmative vote on the question placed before
13 the voters under AS 15.50.070 or within 30 days after the legislature
14 has called a constitutional convention, the governor shall convene the
15 Alaska Constitutional Convention Commission.

16 Sec. 15.50.101. MEMBERSHIP OF COMMISSION. The commission consists
17 of nine members appointed without restrictions as follows:

- 18 (1) three members appointed by the president of the senate;
19 (2) three members appointed by the speaker of the house of
20 representatives;
21 (3) two members appointed by the governor; and
22 (4) one member appointed by the chief justice of the supreme
23 court.

24 Sec. 15.50.110. DUTIES OF THE COMMISSION. (a) The commission
25 shall compile information useful to the delegates, undertake studies and
26 research, collect and organize appropriate background materials, and
27 provide for the dissemination of the information it compiles so that the
28 constitutional convention may function expeditiously and efficiently.

29 (b) State agencies and departments shall assist the commission in

1 the performance of its duties.

2 (c) The commission may employ professional, legal and other staff
3 assistants and enter into contracts for goods and services.

4 (d) The commission may receive gifts or grants of funds, ser-
5 vices, or facilities from a federal, state, or private source to assist
6 it in carrying out its functions.

7 Sec. 15.50.120. DURATION OF COMMISSION. (a) The commission shall
8 continue in existence for 30 days after the date on which the constitu-
9 tional convention meets.

10 (b) The constitutional convention may by ordinance of the conven-
11 tion adopted before the 30th day of the convention direct the commission
12 to continue in existence to assist the lieutenant governor in submitting
13 a revised constitution or amendments to the constitution to the voters
14 of the state for ratification.

15 Sec. 15.50.130. EXPENSES, TRAVEL, AND PER DIEM. Members of the
16 commission are entitled to expenses, travel, and per diem allowances
17 provided by law for members of state boards and commissions.

18 Sec. 15.50.140. ELECTION OF DELEGATES. (a) If a majority of the
19 votes cast on the question put before the voters under AS 15.50.070 is
20 in the affirmative, a special election for the selection of delegates
21 shall be held on the third Tuesday of May following the vote on the
22 question.

23 (b) If the constitutional convention is called by the legislature,
24 the date of the election for the selection of delegates shall be speci-
25 fied in the call.

26 (c) Except as provided in this chapter or in a call, the election
27 of delegates shall be conducted under the provisions of AS 15 relating
28 to the election of members of the legislature.

29 Sec. 15.50.150. NUMBER OF DELEGATES. Sixty-five delegates shall

1 be elected to a constitutional convention. Sixty delegates shall be
2 elected under AS 15.50.160 and five delegates shall be elected at large.

3 Sec. 15.50.160. DELEGATE ELECTION DISTRICTS. Delegates to a
4 constitutional convention shall be elected from the same districts and
5 in the same numbers as are elected to each house of the legislature
6 according to the apportionment schedule in effect at the time that the
7 election is held.

8 Sec. 15.50.170. NOMINATION OF DELEGATES. (a) A delegate to a
9 constitutional convention is nominated by petition.

10 (b) The petition shall be filed with the lieutenant governor by
11 actual physical delivery in person at or before 5:00 p.m., prevailing
12 time, February 15 of the year in which an election is held for the
13 office, or by actual physical delivery by certified mail which is post-
14 marked at or before 5:00 p.m., prevailing time, February 15, and re-
15 ceived not more than 15 days after that date. If the postmark is il-
16 legible, a dated receipt from the post office where the nominating
17 petition was mailed is acceptable as evidence of mailing. If
18 February 15 is a Sunday or holiday, the deadlines for postmarking and
19 receiving a petition are extended 24 hours.

20 (c) A petition for a delegate elected at large shall contain at
21 least 100 signatures of qualified voters of the state. The petition of
22 other delegates shall contain at least 25 signatures of qualified voters
23 registered in the district from which the person seeks to be elected.

24 (d) A petition shall be accompanied by a filing fee of \$30.

25 Sec. 15.50.180. REQUIREMENTS FOR PETITION. (a) The petition
26 shall state in substance

- 27 (1) the full name of the candidate;
28 (2) the full residence address of the candidate;
29 (3) the full mailing address of the candidate;

1 (4) the election or senate district where the candidate is a
2 resident if the candidacy is for the office of delegate from a state
3 senate or state representative district;

4 (5) the date of the election at which the candidate seeks
5 election;

6 (6) that the candidate meets or will meet the requirements of
7 the office for which he is a candidate;

8 (7) that the subscribers are qualified voters of the state or
9 election or senate district in which the candidate resides;

10 (8) that the subscribers intend to vote for the candidate at
11 the election;

12 (9) that the subscribers request that the candidate's name be
13 placed on the ballot.

14 (b) The nominating petition shall include a signed statement of
15 the candidate accepting the nomination and agreeing to serve if elected.

16 (c) Each voter signing a nominating petition shall include his
17 residence address and mailing address.

18 Sec. 15.50.190. QUALIFICATIONS OF CANDIDATES. (a) A candidate
19 for delegate shall be a registered voter of the state who has been a
20 resident of the state for the three years preceding and of the district
21 from which he seeks election for one year preceding the first day of the
22 convention.

23 (b) A person holding appointed office under the government of the
24 United States may not be nominated to the office of delegate to the
25 constitutional convention.

26 Sec. 15.50.200. PLACEMENT OF NAMES OF CANDIDATES ON SPECIAL ELEC-
27 TION BALLOT. The lieutenant governor shall place the name of the per-
28 sons who have been properly nominated for delegate on the special elec-
29 tion ballot.

1 Sec. 15.50.210. NONPARTISAN ELECTION. The election of the dele-
2 gates to a constitutional convention shall be nonpartisan.

3 Sec. 15.50.220. BALLOTS. A separate ballot shall be prepared for
4 each election district. The ballot shall contain the names of the
5 candidates from the house district, from the senate district, and the
6 candidates running at large.

7 Sec. 15.50.230. CERTIFICATION OF ELECTION. On completion of his
8 review of the votes, the lieutenant governor shall certify the person
9 receiving the largest number of votes for the office for which he was a
10 candidate as elected. The lieutenant governor shall issue to the
11 elected delegates a certificate of election.

12 Sec. 15.50.240. DELEGATE VACANCY. (a) If a vacancy occurs in
13 the office of delegate for any reason, the vacancy shall be filled by a
14 candidate not certified as elected who received the highest number of
15 votes among the candidates in the election district in which the vacancy
16 occurred.

17 (b) If there are no remaining candidates to fill a vacancy, the
18 convention shall fill the vacancy with a person qualified to be a dele-
19 gate from the district in which the vacancy occurred.

20 Sec. 15.50.250. PLACE AND TIME OF CONSTITUTIONAL CONVENTION. (a)
21 If a majority of the votes cast under AS 15.50.070(a) is in the affirma-
22 tive, the constitutional convention shall assemble at the University of
23 Alaska, College, Alaska at 10:00 a.m. or as soon as a quorum is present
24 on the second Monday in September following the special election or at a
25 time specified in the call for the purpose of considering amendments or
26 revisions to the Constitution of the State of Alaska.

27 (b) The constitutional convention shall meet for not more than 90
28 days but may, in its discretion, recess for 15 days or less for public
29 hearings on proposed amendments or revisions to the constitution.

1 Sec. 15.50.260. OPENING OF THE CONSTITUTIONAL CONVENTION. The
2 governor shall open the constitutional convention and shall preside
3 until temporary officers are selected.

4 Sec. 15.50.270. POWERS OF THE CONSTITUTIONAL CONVENTION. (a) The
5 constitutional convention is the judge of the qualification or election
6 of its members.

7 (b) The constitutional convention may by a majority vote of its
8 members choose officers, prescribe their functions, powers and duties,
9 and make rules for the conduct of its business.

10 (c) The constitutional convention may request and shall receive
11 assistance and information from any state department or agency.

12 (d) The constitutional convention may employ professional, legal,
13 and other staff assistants and enter into contracts for goods and ser-
14 vices.

15 (e) The constitutional convention has plenary power to amend or
16 revise the constitution subject only to ratification by the people.

17 Sec. 15.50.280. RATIFICATION OF AMENDMENTS OR REVISIONS. (a) If
18 the constitutional convention submits amendments or revisions to the
19 people for ratification, the lieutenant governor shall call a special
20 election for the purpose of ratifying the amendments or revisions not
21 less than 40 or more than 120 days after the adjournment of the consti-
22 tutional convention.

23 (b) The ratification election shall be conducted under the provi-
24 sions of AS 15.

25 (c) An election pamphlet shall be published by the lieutenant
26 governor for the ratification election. No statements supporting or
27 opposing the amendments or revisions proposed by the constitutional
28 convention shall be contained in the pamphlet.

29 Sec. 15.50.290. CALL. (a) Within 60 days after an affirmative

1 vote under AS 15.50.070(a) or after the legislature has called a con-
2 stitutional convention, if specific appropriations have not been made
3 for the special election to select delegates, to hold the constitutional
4 convention, and to conduct a special ratification election, the lieu-
5 tenant governor shall include in his call for the constitutional con-
6 vention an appropriation which he determines is adequate for the pur-
7 poses. He shall deliver a copy of the call to the commissioner of
8 revenue.

9 (b) When the commissioner of revenue receives the copy of a call
10 under (a) of this section, he shall establish special accounts within
11 the general fund from which funds for the purposes stated in (a) may be
12 drawn.

13 (c) The amounts appropriated for elections under (a) of this
14 section shall be spent and accounted for by the lieutenant governor.

15 (d) The amounts appropriated for the constitutional convention
16 shall be spent and accounted for by the constitutional convention.

17 Sec. 15.50.300. EXPENSES, TRAVEL, AND PER DIEM OF DELEGATES.
18 Delegates to the convention are entitled to expenses, per diem, and
19 travel allowances provided by law for legislators while the legislature
20 is in session. Delegates receive no salary for their services as dele-
21 gates.

22 Sec. 15.50.310. IMMUNITIES. Delegates to a constitutional conven-
23 tion may not be held to answer before any tribunal for any statement
24 made in the exercise of their duties as a delegate to the constitutional
25 convention while the convention is in session. Delegates attending,
26 going to or returning from convention sessions are not subject to civil
27 process and are privileged from arrest except for felony or breach of
28 the peace.

29 * Sec. 6. AS 39.50.020(b) is amended to read:

1 (b) The governor, lieutenant governor, members of the legislature,
2 delegates to a constitutional convention, and candidates for these
3 offices, judicial officers, each commissioner, head or deputy head of,
4 or director of a division within, a department in the executive branch,
5 assistant to the governor or chairman or member of a commission or board
6 required to report under this chapter, shall file the statement with the
7 Alaska Public Offices Commission. Municipal officers, and candidates
8 for elective municipal office, shall file with the municipal clerk or
9 other municipal official designated to receive their filing for office.
10 All statements required to be filed under this chapter are public
11 records.

12 * Sec. 7. AS 39.50.200(1) is amended to read:

13 (1) "public official" means a judicial officer, a member of
14 the legislature or a constitutional convention, the governor, the lieu-
15 tenant governor, a person hired or appointed as the head or deputy head
16 of, or director of a division within, a department in the executive
17 branch, an assistant to the governor, chairman or member of a state
18 commission or board, and each appointed or elected municipal officer;

19 * Sec. 8. AS 39.50.200 is amended by adding a new paragraph to read:

20 (11) "candidate for state elective office" includes a candi-
21 date for election as a delegate to a constitutional convention.

22 * Sec. 9. AS 24.45.081 is amended to read:

23 Sec. 24.45.081. REPORTING PERIODS. (a) Reports required under
24 this chapter shall be filed during the calendar month following each
25 calendar month during any part of which the legislature was in session
26 and during the month following each calendar quarter when the legisla-
27 ture was not in session.

28 (b) If [HOWEVER, IF] a lobbyist registered under this chapter has
29 declared that he seeks only to influence administrative action and not

1 legislative action he need only file a report required under this
2 chapter for each calendar quarter. If a lobbyist registered under this
3 chapter has declared that he seeks to influence legislative action but
4 does not intend to influence legislative action at a constitutional con-
5 vention, he need only file the reports required under (a) of this sec-
6 tion. If a lobbyist registered under this section has declared that he
7 seeks to influence legislative action at a constitutional convention,
8 he need only file reports during the calendar month following each
9 calendar month during any part of which the constitutional convention
10 was in session.

11 (c) The period covered shall be the calendar month or the calendar
12 quarter, as applicable, and shall in any event cover the period from the
13 date of the last report filed under this chapter to the date of the end
14 of the calendar month or quarter, as applicable, for which the report is
15 being filed. The period covered shall not include any months covered in
16 previous reports filed by the same person. When total amounts are
17 required to be reported, totals shall be stated both for the period
18 covered by the statement and for the entire calendar year to date.

19 * Sec. 10. AS 24.45.161(a)(1)(B) is amended to read:

20 (B) who limits his lobbying activities to appearances
21 before public sessions of the legislature or a constitutional con-
22 vention, or their [ITS] committees or subcommittees, or to public
23 hearings or other public proceedings of state agencies;

24 * Sec. 11. AS 24.45.161(b) is amended to read:

25 (b) Nothing in this chapter may be construed as prohibiting or
26 affecting the rendering of professional services in drafting legislative
27 measures or in advising clients and in rendering opinions as to the
28 construction or effect of proposed or pending legislative or administra-
29 tive action when these professional services are not otherwise connected

1 with influencing or attempting to influence legislative or administra-
2 tive action. Nor does anything in this chapter prevent members of the
3 legislature or delegates to a constitutional convention from discussing
4 with constituents the advisability of passing legislation or proposals
5 for amendments or revisions then pending before, or proposed to be
6 presented to, the legislature or a constitutional convention.

7 * Sec. 12. AS 24.45.161(c) is amended to read:

8 (c) Either house of the legislature or a constitutional convention
9 [BY RESOLUTION, OR BOTH HOUSES OF THE LEGISLATURE BY CONCURRENT RESOLU-
10 TION,] may by appropriate resolution invite a person to appear to speak
11 before it [THE LEGISLATURE OR EITHER HOUSE] with reference to any
12 pending matter. A standing, special or interim committee of either
13 house of the legislature or of a constitutional convention may, upon the
14 concurrence of a majority of its members, extend an invitation to any
15 person to appear before the committee to give information in regard to,
16 or explain, any matter pending before the committee.

17 * Sec. 13. AS 24.45.171(7) is amended to read:

18 (7) "legislative action" means the preparation, research,
19 drafting, introduction, consideration, modification, amendment, ap-
20 proval, passage, enactment, defeat or rejection of any bill, resolution,
21 amendment, revision, motion, report, nomination, appointment or other
22 matter by the legislature or by a constitutional convention, or by a
23 standing, interim or special committee of the legislature or of a con-
24 stitutional convention, or by a member or employee of the legislature
25 or of a constitutional convention acting in his official capacity; it
26 includes, but is not limited to, the action of the governor in approving
27 or vetoing a bill or the action of the legislature in considering,
28 overriding or sustaining that veto and the action of the legislature in
29 considering, confirming or rejecting an executive appointment of the

1 governor;

2 * Sec. 14. AS 15.50.090 and 15.50.100 are repealed.

3 * Sec. 15. This Act takes effect immediately in accordance with AS 01.10.-
4 070(c).

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