

HB

221

Brown - 3889

3/14/77

Judiciary Committee Meeting

~~AB 16~~

Gardner

Spackling

Miles

Dankworth.

Reed

0730

HB 19 -

49.

120 ft on tape.

Miller - Testimony

① primary^{good} - people have voice

② secondary reason

↳ no candidates - or other
representatives come to state

↳ primary - would hopefully draw
candidates to the state.

Supported by Gordon Evans.

CSHB 19.

1.0

2nd Tuesday in April - available nationwide
is prior to state convention.

2.0 made by Lt Gov. - sole discretion.

3/16/77

Judiciary Committee Meeting

cut off date - first Tuesday in March
w/drawal date second Tuesday in March.

Delegates p. 3 =

Fiscal Note $274,000.00$
 ~~$229,000.00$~~
over 4 years

~~John~~ Ann
H819 Polly - Director of elections

problem deadlines - worked
ok in the @ CSAB 19

fiscal note $274,000.00$ based on
last elections
as written in committee substitute
machinery will work.

Dankworth question - should it be on
a referendum -
Miller - no - too small of a price
tag - we are here to make decisions.

for { Speaking - move bill out of committee
Dankworth
Miles
Gardner
Rudd

3/16/77

0755

HB 271

800

Lathin -

action - { get A.G. opinion
and draft a committee report.

discussion redraft - of B.

Open Bill Night

HCR 31

Held. for committee substitute.

CSHB 71 - ~~the~~ brought up.

moved out -

Terry Gardiner

Box 6092, Ketchikan, Alaska 99901 Pouch V, Juneau, Alaska 99811

March 17, 1977

Minutes
March 16, 1977
7:00 p.m.

Present at the meeting were Chairman Gardiner, Vice Chairman Miles, Rep. Rudd, Rep. Specking, Rep. Dankworth, Rep. Brown appeared late. Absent was Rep. Eliason..

The Committee took up HB 19, relating to preferential presidential primary elections. Testimony was given by the primary sponsor, Rep. Miller. Rep. Miller outlined some of the major considerations behind the bill. One that would give the people of the State of Alaska a voice in the choosing of their parties presidential nominee, and secondly it would hopefully be an insentive for candidates or high Representatives of candidates to come to this State prior to the nominating conventions and would give the people of the State of Alaska an opportunity to learn more about the candidates.

HB 19

Ms. Polley, Director of Elections also testified on the bill relating some problems with the original bill regarding the deadline set out that the elections committee could not physically meet. But that the CS for HB 19 which was substituted in State Affairs Committee was acceptable to the Dir. of Elections and that the present machinery as set out would work. She also noted that the fiscal note given on this bill was 274,000 dollars based upon the last election.

Motion to move the bill out of Committee was made and passed and the bill was referred to the Rules Committee for placement on the House Calendar.

HB 221

HB 221 Relating to the Impeachment of Civil Officers, was considered. Rep. Lethin testified in favor of the bill. After some discussion paragraph (b) was rewritten as a CS. There was also a request by the Committee for an AG's opinion on the bill prior to taking any further action. The bill was kept in Committee until receipt of the AG's opinion.

HCR 31 Was considered by the Committee although it was not on the HCR 31 Calendar. Relating to the inclusion of a correctional industry study in any studies done on correctional institutes by the executive, judicial, or legislative branches. The Committee made two amendments to the wording of the resolution and then moved the resolution out of Committee for transmission to the Rules Committee.

Minutes
House Judiciary
March 17, 1977
Page 2

CSHB 71 Was brought up, relating to biodegradable shellfish pots.
After a brief discussion, the bill was moved out of the Committee to CSHB71
the rules Committee.

The Committee adjourned at approximately 8:45.

Copy taken to Bill Bennet 3/17 ~~Walter~~
Held for CS

Introduced: 2/16/77
Referred: Judiciary

BY LETHIN, BENNETT, BRADLEY,
CARPENTER, DANKWORTH, HAYES,
KELLY, MCKINNON, MALONE,
MEEKINS AND SWANSON

1 IN THE HOUSE

2 CS HOUSE BILL NO. 221

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the impeachment of civil officers."

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

8 * Section 1. AS 39.10 is amended by adding a new section to read:

9 Sec. 39.10.020. IMPEACHMENT. (a) A civil officer appointed by
10 the governor and confirmed by the legislature is subject to impeachment
11 for malfeasance or misfeasance in the performance of his official
12 duties. Any impeachment shall be under art. II, sec. 20 of the Consti-
13 tution of the State of Alaska.

14 (b) When an executive department expends public funds beyond the
15 amount authorized by legislative appropriation, malfeasance or mis-
16 feasant on the part of the principal executive officer may be presumed.

17
18 (b) Use of public funds beyond the amount
19 authorized by the legislative appropriation, may
20 be grounds for finding
21 ~~be presumed as~~ malfeasance or misfeasance
22 on the part of the ~~principal executive officer~~,
23 ~~civil~~ reasonable civil
24
25
26
27
28
29

Terry Gardiner

Box 6092, Ketchikan, Alaska 99901 Pouch V, Juneau, Alaska 99811

March 30, 1977

MEMO

TO: Judiciary Committee

FROM: Staff

re; HB 221

At the last Committee meeting a request was made for an Attorney General's opinions regarding the effect of enacting an impeachment section such as described in HB 221.

Assistant Attorney General Pegues is drafting such an opinion and will be prepared in the next day or two but we had a general discussion of the issue on 3/29/77.

~~Basically, its our mutual feelings that enactment of any provision dealing with impeachment which attempts to further define the constitutional provisions of impeachment in Article 2 Section 20, will be interpreted as a limiting provision.~~

For example, in the proposed HB 221 paragraph (a), civil officer is limited to those persons appointed by the Governor and confirmed by Legislature, therefore all other division heads, directors and other top ranking officials who are not subject to confirmation by the Legislature are specifically excluded from impeachment by this statute.

The terms malfeasance or misfeasance are introduced into the concept of impeachment which is not within the constitutional provision and could also be interpreted as a further limiting feature.

The Committee substituted language for description of misuse of public funds as a grounds for malfeasance or misfeasance and is possibly another limiting factor in the instance that that is a description or an example of what the Legislature was contemplating at the time.

The general opinion of both the AG's office and myself is that the area of impeachment should not be infringed upon without a great deal of study. There were some works compiled during the Nixon Impeachment process by the Congressional staff dealing with the comprehensive history of the impeachment concept both in the United States and in the Parliamentary Governments. Perhaps some further research work should be done by one obtaining those works and corresponding with other States regarding the impeachment process for procedure they have provided for in their constitution.

Walber

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13 tution of the State of Alaska.

14 (b) When an executive department intentionally expends public funds beyond the
15 amount authorized by legislative appropriation, malfeasance or mis-
16 feasance on the part of the principal executive officer may be presumed.

① intentionally
②
Responsible
for others actions
not "knowing"
but

grounds
for impeachment

29

#

STATE OF ALASKA
Inter-Department Route Slip

TO:
MAIL STATION NUMBER 3100

DEPARTMENT Legis

ATTENTION Rep Gardner

- | | |
|--|--|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
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| <input type="checkbox"/> Comment | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information |

Remarks:

*File in
HB 221*

FROM:
MAIL STATION NUMBER 3100

DEPARTMENT Legis

BY Rep L. Thier DATE _____



Alaska State Legislature

POUCH Y, STATE CAPITOL
JUNEAU, ALASKA 99811
907 465-3800

MEMORANDUM

TO: All House Members

DATE: April 11, 1977

FROM: Kris W. Lethin
Representative

SUBJECT: HB 221
Memo of 3/30/77 to
Judiciary Committee
from Staff

By adding the words, "but not limited to", to paragraph (a) of HB 221, there will not be a limiting effect on Article II, section 20, of the Constitution of the State of Alaska.

Ie:

(a) A civil officer is subject to impeachment for malfeasance or misfeasance in the performance of his official duties. A civil officer defined as, but not limited to, an employee appointed by the governor and confirmed by the legislature.

attachment: HB 221
subject memo

es

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