

HB

723

COMMITTEE REPORT

(9)

HOUSE

2/12/80

FURTHER:

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had HB 723

"An Act relating to a constitutional convention; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 723 same title
 new title
- and recommends Do Pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

R. D. DE WILCOX - Do Pass

Walter B. Anderson

Buchholz

Malone

Charles H. ...

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

W. ...

Tom ... - No Recom

...

Charles H. ...

CHAIRMAN

Proof read by Berch
Ready to go
5/14/80

THIS [] BILL [] RESOLUTION [] CITATION

has been prepared by the staff of the Legislative Affairs Agency in response to the request and at the direction of the sponsoring member or committee. The staff has attempted to place the document in proper legal and clerical form, subject to any special limitations or instructions of the requestor.

If we may be of further assistance in this matter, please contact the Director of Legal Services or the Director of Research Services, as appropriate.

Delivered to requestor 5-13-80

LA-L 40

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 723
 Title Relating to a constitutional convention
 Requested by House Judiciary Committee Date May 14, 1980

II. FISCAL DETAIL

Agency Affected Division of Elections
 Program Category Affected Elections
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY.84	FY 85
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Fund Source)	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE May 14, 1980 PREPARED BY Charles H. Parr, Chairman
 AGENCY House Judiciary Committee
 PHONE 465-3718

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)



Official Business

for Bill file
Alaska State Legislature

HB 723

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Legislative Affairs Agency

FROM: Margaret W. Berck, Staff

DATE: May 8, 1980

RE: Request for CS for HB 723.

Please provide the Committee with a CS for HB 723 in final version form that incorporates the Committee's intent as expressed in the attached mark-up.

Thank you.

Introduced: 2/12/80
Referred: Judiciary

By House Judiciary

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

1 IN THE HOUSE

2 CS for 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 ^{OR} 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^{other than at large delegates,} 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. (SEE ATTACHED LANGUAGE for this section)

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~~ (SEE ATTACHED LANGUAGE for this section)

- 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 ^{other than an at large delegate}
20 for delegate shall be a registered voter of the state who has been a
21 resident of the state for the three years preceding and of the district
22 from which he seeks election for one year preceding the first day of the
convention.

(b) A candidate for an at large delegate shall be a registered voter
of the state who has been a resident of the state for the three years
preceeding the first day of the 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.

(C) All meetings of the constitutional convention shall be held in accordance with AS 44.62.310-44.62.312.

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, ^{OR} ~~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 ^{to select delegates or} ~~under (a) of this~~ ^{to ratify}
14 ^{Amendments OR REVISIONS} ~~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:

members of the commission,

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

governor;

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

* Sec. 15. This Act takes effect immediately in accordance with AS 01.10.070(c).

PAGE 1
TO Rep. Rogers
FROM Doug Pope

AMENDMENT A

HB 723

p. 4, lines 8-24

Delete proposed sec. 170 and replace with the following:

A.S. 15.50.170. Declaration and Withdrawal of Candidacy. (a) Any person who seeks to become a candidate in the special election for delegates to a constitutional convention election shall execute and file a declaration of candidacy. The declaration shall be executed under oath before an officer authorized to take acknowledgements and shall state in substance; (1) the full name of the candidate and the manner in which he wishes his name to appear on the ballot; (2) the full resident address of the candidate; (3) the full mailing address of the candidate; (4) the election or senate district of which the candidate is a resident. (5) the office for which the candidate seeks nomination; (6) that the candidate meets the specific residency requirements of the office for which he is a candidate; (7) that the candidate will meet the specific citizenship requirements of the office for which he is a candidate; (8) that the candidate is a qualified voter as required by law; (9) that the candidate will meet the specific age requirements of the officer for which he is a candidate; (10) that the candidate requests that his name be placed on the special election ballot; and (11) that the required fee accompanies the declaration.

(b) Notice of withdrawal of candidacy must be in writing over the signature of the candidate.

(c) A candidate's name will appear on the special election ballot unless notice of his withdrawal from the special election is received by the lieutenant governor at least 40 days before the date of the special election.

(d) The declaration shall be accompanied by a filing fee of \$30.00 unless the person files a notarized affidavit that the person is indigent.

Page 2 of 2
TO Rep. Rogers
FROM: Doug Pope

AMENDMENT B

HB 723

p. 4, line 25 through p. 5, line 17

Delete proposed sec. 180 and replace with the following:

A.S. 15.50.180. Manner and Date of Filing Declaration. (a) The declaration is filed by either

(1) the actual physical delivery of the declaration in person at or before 5:00 p.m., prevailing time, February 15 of the year in which the special election is held for the office, or

(2) the actual physical delivery by telegram of a copy in substance of the statements made in the declaration at or before 5:00 p.m., prevailing time, February 15 of the year in which the special election is held for the office and also the actual physical delivery of the declaration by registered mail which is postmarked at or before 5:00 p.m., prevailing time, February 15 of the year in which the special election is held for the office and received not more than 15 days after that time.

(b) If the postmark is illegible, a dated receipt from the post office where dispatched shall be acceptable as evidence of mailing. If February 15 is a Sunday or holiday, the deadlines for postmarking and receipt of the declaration shall be extended 24 hours in each instance.

(c) If the declaration filed under (a) of this section is not received within seven calendar days the candidate shall be notified of nonreceipt. The candidate shall have the opportunity to refile his declaration with proof that his previous declaration has been filed in a timely manner and in accordance with the law.

recd 2/12/80

STATE OF ALASKA THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 11, 1980

SUBJECT: Constitutional Convention
(~~Work Order Number 7675~~) HB 723

TO: Representative Brian Rogers

FROM: Richard A. Bradley
Legislative Counsel *B*

We have provided you with a bill responding to your request.

And I regret that it was not possible to deliver it to you earlier.

I promised to identify for you some problems I had in drafting the bill. A number will be of a constitutional dimension but some raise policy questions.

(1) The Alaska Constitutional Convention Commission is probably useful though it seems possible that it may identify issues that do not turn out to be of concern to the convention. Given a statutory period within which the convention must complete its work, the logic of establishing the commission may be reasonable.

(2) The draft called for the commission to continue in existence after the convention to assist the lieutenant governor in holding the election and putting the issues before the people. It seems that the lieutenant governor does not need any assistance in conducting an election and the convention should be responsible for selling its own product. Or, more to the point, perhaps, the members of the commission may have a vested interest in different things than does the commission. The commission and the convention itself should each be free to represent their constituencies without intruding into a different constituency's concern.

The bill submitted calls for the convention to decide within the first 30 days of its existence whether the commission will continue in existence. Sec. 15.50.120.

Representative Brian Rogers
Page 2
February 11, 1980

(3) The draft provisions on the nomination of delegates departs from the style and perhaps the substance of sec. 76 of the draft. My own solution to the question is to follow the model of existing state law now on the books; I used that portion of the election code concerned with the nomination of no-party candidates because the nonpartisan nomination of delegates is not dissimilar from the no-party nomination of candidates for the state legislature.

Thus, I have patterned the bill closely after AS 15.25.150 [new sec. 15.50.170(b)], AS 15.25.160 [new sec. 15.50.170(c)], and AS 15.25.180 [new sec. 15.50.180].

(4) The draft provided to you omitted a requirement of a filing fee. Consistently with your request, a filing fee of \$30 has been established. Sec. 15.50.170(d).

(5) The bill does not contain the requirement (suggested at sec. 76) that a voter not sign the petitions of more candidates for delegate than are being voted on in the district of the voter. Unless the director of elections computerizes the list of signatures on all nominating petitions, it would be difficult to enforce. It is also not a feature of existing law. And it seems unnecessary.

(6) Sec. 77 and 78 of the draft suggest some problems. Delegates are to be three-year residents of the state, one-year residents of the election district.

These are the required qualifications of legislators and as such they are constitutional. State v. Gilbert, 526 P.2d 1131 (1976). If they were established in the constitution, I would expect the logic of the Gilbert case to validate them. But the constitution itself established no qualifications for delegates and I am uncertain that the legislature possesses the power to restrict so substantially access to public office on its own. The legislature can clearly require that a delegate be a resident of the state and a qualified voter.

Notwithstanding these reservations, I have added the qualifications to the bill. Sec. 15.50.190(a).

The Federal disqualification may be infirm under similar logic. Sec. 15.50.190(b).

Representative Brian Rogers

Page 3

February 11, 1980

(8) The provision regarding the determination of nominations [suggested sec. 79] is conformed to the practices of the election code. See the discussion, supra, at item 3. Sec. 15.50.200 follows sec. 15.25.190.

(9) No section similar to suggested sec. 81 is added to the bill. I checked and no such provision is contained in existing law regarding multi-member seats. While AS 15.-25.100 addresses the general problem, the added features of sec. 81 do not appear in state law. Since the problem does not seem to exist, I saw no need to add such a provision only for delegates. Sec. 15.50.230 is modeled after sec. 15.-15.450.

(10) The section regarding "vacancies" is added. The general rule of the common law of elections is that candidates who come in below the number actually elected are considered to have been affirmatively rejected by the voters. Such individuals have no claim on an office in the event of a vacancy at common law and the cases where the claims of such individuals are rejected are legion.

Having said that, however, I can well recognize why such a formula may be useful for a constitutional convention where there is little time to reelect delegates and why a gubernatorial appointment is not desirable. The section is included in the bill. Sec. 15.50.240.

(11) The phrase used in the constitution for what it is that the convention may be doing is "amendment and revision;" I have used it in the bill.

The draft used the concept of an "ordinance" to achieve different things at the convention. See suggested sec. 85. Since that phrase is not used in the constitution, I have not used it in the bill. Failure to use the term in the bill in no way limits the authority of the convention.

(12) Sec. 271 of the bill provided to you fails to advise when the convention will meet. That point is clarified in the bill attached. Sec. 15.50.250(a).

(13) The concepts in suggested sec. 86 of the draft are reworked in the bill. The 1955 call contained a specific appropriation. Sec. 20, Chapter 46, SLA 1955. I believe that the formula in this bill [see the section entitled "Call" sec. 15.50.290] is constitutionally appropriate. Recognize, however, that if it has a defect it is that it

Representative Brian Rogers

Page 4

February 11, 1980

allows the lieutenant governor to determine what the budget ["appropriation"] for the convention will be. His decision may be reasonable or unreasonable but in the absence of an appropriation from the legislature [which under the bill would override the authority of the lieutenant governor to set these limits], his decision is final.

(14) Delegates receive no salary.

(15) I doubt the authority of the legislature to confer the immunities of legislators on delegates. The bill contains such a provision, however. Sec. 15.50.310.

(16) Consistently with your request, I have eliminated the statement in support and in opposition to ratification of proposals from a constitutional convention in a voter's pamphlet. See sec. 15.50.280(c). Note that the result, therefore, is that for constitutional amendments proposed by the legislature, statements are permitted; for amendments or revisions proposed by a constitutional convention, statements are not permitted. And see sec. 15.50.075, added by sec. 3 of the bill.

(17) The remaining provisions of the bill apply to conflict of interest [AS 39.50] and lobbying [AS 24.45] provisions to delegates. AS 15.13.130 already defines "candidate" to include a delegate to a constitutional convention and no amendment to that chapter is proposed.

RAB:ljb

Chapter 50. Constitutional Amendments and Conventions.

Article

- 1. Constitutional Amendments (§§ 15.50.010 — 15.50.060)
- 2. Constitutional Conventions (§§ 15.50.070 — 15.50.100)

Article 1. Constitutional Amendments.

Section

- 10. Preparation of proposition for constitutional amendment
- 20. Description of ballot title and proposition

Section

- 30. Placing proposition on ballot
- 40. Display of resolution
- 50. Certification of vote
- 60. Effective date

Sec. 15.50.010. Preparation of proposition for constitutional amendment. The lieutenant governor shall prepare a ballot title and proposition for each amendment to the state constitution proposed by the legislature or by a constitutional convention. Each amendment shall be confined to one subject. (§ 10.01 ch 83 SLA 1960)

Am. Jur., ALR and C.J.S. references. —
 11 Am. Jur., Constitutional Law, §§ 22 to 34.

Number of amendments that may be submitted under an initiative and referendum clause, 62 ALR 1350.

Proposition submitted to people as covering one or more than one proposed constitutional amendment, 94 ALR 1510.

16 C.J.S. Constitutional Law §§ 7 to 10.

Sec. 15.50.020. Description of ballot title and proposition. The ballot title shall, in not more than six words, indicate the general subject of the act. The proposition shall, in not more than 100 words, give a true and impartial summary of the amendment proposed. (§ 10.02 ch 83 SLA 1960)

Sec. 15.50.030. Placing proposition on ballot. The lieutenant governor shall place the ballot title and proposition on the ballot for the next statewide general, primary, or special election held after the amendment proposed by the legislature or held 120 days after the amendment proposed by a constitutional convention. If there is insufficient time to permit the proposition to be placed on the regular ballot by the lieutenant governor, the lieutenant governor shall direct election officials to prepare the ballot for the proposition. (§ 10.03 ch 83 SLA 1960)

Sec. 15.50.040. Display of resolution. The lieutenant governor shall provide each election board with 10 copies of the resolution proposing the constitutional amendment by the legislature or by the convention, and the election board shall display three copies of the resolution in a conspicuous place in the room where the election is held. (§ 10.04 ch 83 SLA 1960)

Sec. 15.5
 on the prop
 is adopted,
 SLA 1960)

Sec. 15.5
 amendment
 83 SLA 196

Section

- 70. Placing convent
- 80. Certificat
- 90. Time at delegat

Sec. 15.5
 ballot. If di
 yet been he
 has not be
 place the q
 or primary

ALR refer
 legislature to
 constitutional

Sec. 15.5
 the questio
 certify and
 1960)

Sec. 15.5
 to the conv
 in the num
 the lieuten

Sec. 15.5
 convention
 to the lieut
 adopted by

Sec. 15.50.050. Certification of vote. If a majority of the votes cast on the proposition favor the amendment, the constitutional amendment is adopted, and the lieutenant governor shall so certify. (§ 10.05 ch 83 SLA 1960)

Sec. 15.50.060. Effective date. Unless otherwise provided in the amendment, it becomes effective 30 days after certification. (§ 10.06 ch 83 SLA 1960)

Article 2. Constitutional Conventions.

Section	Section
70. Placing question of constitutional convention on ballot	100. Certification of constitutional amendment by convention
80. Certification of vote	
90. Time and manner of selecting delegates	

Sec. 15.50.070. Placing question of constitutional convention on ballot. If during any 10-year period a constitutional convention has not yet been held, and the question of holding a constitutional convention has not been placed before the voters, the lieutenant governor shall place the question on the ballot for the next regular statewide general or primary election. (§ 10.51 ch 83 SLA 1960)

ALR reference. — Power of state legislature to limit the powers of a state constitutional convention, 158 ALR 512.

Sec. 15.50.080. Certification of vote. If a majority of votes cast on the question are in the affirmative, the lieutenant governor shall so certify and shall issue the call for the convention. (§ 10.52 ch 83 SLA 1960)

Sec. 15.50.090. Time and manner of selecting delegates. Delegates to the convention shall be elected at the next statewide general election in the number and manner prescribed in the call for the convention by the lieutenant governor or as provided by law. (§ 10.53 ch 83 SLA 1960)

Sec. 15.50.100. Certification of constitutional amendment by convention. The president of the constitutional convention shall certify to the lieutenant governor each proposed amendment to the constitution adopted by the constitutional convention. (§ 10.54 ch 83 SLA 1960)

(c) A person, other than an individual, who knowingly violates any provision of this chapter, whether acting for himself, on behalf of an employer or in concert with other persons, or who knowingly causes, participates in, aids, abets, ratifies or confirms any violation of a provision of this chapter is, upon conviction, punishable by a fine of not more than \$10,000 for each offense.

(d) A person who knowingly makes a false or misleading report or statement required under this chapter is, upon conviction, punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both. (§ 2 ch 167 SLA 1976)

Article 5. General Provisions.

Section

- 161. Exemptions
- 171. Definitions
- 181. Short title

Sec. 24.45.161. Exemptions. (a) This chapter does not apply to

(1) an individual

(A) who lobbies without payment of compensation or other consideration and makes no disbursement or expenditure for or on behalf of a public official to influence legislative or administrative action other than to pay his reasonable personal travel and living expenses; and

(B) who limits his lobbying activities to appearances before public sessions of the legislature, or its committees or subcommittees, or to public hearings or other public proceedings of state agencies;

(2) an elected or appointed state or municipal public officer or an employee of the state or a municipality acting in his official capacity or within the scope of his employment;

(3) any newspaper or other periodical of general circulation, book publisher, radio or television station (including an individual who owns, publishes or is employed by that newspaper or periodical, radio or television station) which publishes news items, editorials or other comments, or paid advertisements, which directly or indirectly urge legislative or administrative action if the newspaper, periodical, book publisher, radio or television station or individual engages in no further or other activities in connection with urging or advocating legislative or administrative action other than to appear before public sessions of the legislature, or its committees or subcommittees, or public hearings or other public proceedings of state agencies;

(4) a person who appears before the legislature or either house, or standing, special or interim committee, in response to an invitation issued under (c) of this section.

(b) Nothing in this chapter may be construed as prohibiting or affecting the rendering of professional services in drafting legislative measures or in advising clients and in rendering opinions as to the

construction or effect of proposed or pending legislative or administrative action when these professional services are not otherwise connected with influencing or attempting to influence legislative or administrative action. Nor does anything in this chapter prevent members of the legislature from discussing with constituents the advisability of passing legislation then pending before, or proposed to be presented to, the legislature.

(c) Either house of the legislature by resolution, or both houses of the legislature by concurrent resolution, may invite a person to appear to speak before the legislature or either house with reference to any pending matter. A standing, special or interim committee of either house of the legislature may, upon the concurrence of a majority of its members, extend an invitation to any person to appear before the committee to give information in regard to, or explain, any matter pending before the committee.

(d) An individual exempt from this chapter under (a)(1) of this section may, at his option, register and report under this chapter. (§ 2 ch 167 SLA 1976)

Sec. 24.45.171. Definitions. In this chapter

(1) "administrative action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by any state agency of any rule, regulation, order, decision, determination, or any other quasi-legislative or quasi-judicial action or proceeding whether or not governed by the Administrative Procedure Act (AS 44.62);

(2) "agency" means a state department, division, commission, board, office, bureau, institution, corporation, authority, organization, committee, council or board in the executive branch, or independent of the executive branch, of state government;

(3) "gift"

(A) means any payment to the extent that consideration of equal or greater value is not received;

(B) includes but is not limited to:

(i) a loan, loan guarantee, forgiveness of a loan, payment of a loan by a third party, or an enforceable promise to make a payment except when full and adequate consideration is received;

(ii) the purchase of tickets for travel or for entertainment events; and

(iii) the granting of discounts or rebates for goods or services not extended to the public generally;

(C) does not include:

(i) informational or promotional materials, including but not limited to books, reports, pamphlets, calendars or periodicals; however, payments for travel or reimbursement for expenses may not be considered "informational material";

(ii) food and beverages consumed in places of public accommodation;

§ 24.
(4)
an ir
(5)
(6)
prom
seek
actio
infor
form
(7)
intro
pass;
amer
the l
legis
offici
gove
in co
legis
appo
(8)
(A)
contr
reaso
throu
legisl
the a
influe
(B)
of le
profe
(9)
advan
prope
(10)
mean
(A)
comp
emplo
separ
(B)
includ
the re
(C)
of the

Amendment # 1

HB No. 723

p. 4, line 4

After "convention" add the following:

", other than at large delegates,"

Amendment # 2

HB No. 723

p. 8, line 4

After the first comma:

delete "and" and replace with "or"

Amendment # 3

HB No. 723

p. 8, lines 13 & 14

after "elections:"

delete "under (a) of this section" and replace
with "to select delegates or to ratify amendments or
revisions"

Amendment # 4

HB No. 723

p. 8, lines 22-28

delete proposed sec. 15.50.310

PAGE 7 lines 25-28 Delete (c)

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 *Rogers, Holman*

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

geo graphic dist?

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, ^{other than at-large delegates} 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, ^{or} 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 ^{to select delegates} 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 *members of the* (b) The governor, lieutenant governor, members of the legislature,
2 *and members of the* 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 lieuten-
15 ant 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 in 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

governor;

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

* Sec. 15. This Act takes effect immediately in accordance with AS 01.10.070(c).

PAGE 1
TO Rep. Rogers
FROM Doug Pope

AMENDMENT A

HB 723

p. 4, lines 8-24

Delete proposed sec. 170 and replace with the following:

A.S. 15.50.170. Declaration and Withdrawal of Candidacy. (a) Any person who seeks to become a candidate in the special election for delegates to a constitutional convention election shall execute and file a declaration of candidacy. The declaration shall be executed under oath before an officer authorized to take acknowledgements and shall state in substance; (1) the full name of the candidate and the manner in which he wishes his name to appear on the ballot; (2) the full resident address of the candidate; (3) the full mailing address of the candidate; (4) the election or senate district of which the candidate is a resident; (5) the office for which the candidate seeks nomination; (6) that the candidate meets the specific residency requirements of the office for which he is a candidate; (7) that the candidate will meet the specific citizenship requirements of the office for which he is a candidate; (8) that the candidate is a qualified voter as required by law; (9) that the candidate will meet the specific age requirements of the officer for which he is a candidate; (10) that the candidate requests that his name be placed on the special election ballot; and (11) that the required fee accompanies the declaration.

(b) Notice of withdrawal of candidacy must be in writing over the signature of the candidate.

(c) A candidate's name will appear on the special election ballot unless notice of his withdrawal from the special election is received by the lieutenant governor at least 40 days before the date of the special election.

(d) The declaration shall be accompanied by a filing fee of \$30.00.

Page 2 of 2
TO Rep. Rogers
FROM: Doug Pope

AMENDMENT B

HB 723

p. 4, line 25 through p. 5, line 17

Delete proposed sec. 180 and replace with the following:

A.S. 15.50.180. Manner and Date of Filing Declaration. (a) The declaration is filed by either

(1) the actual physical delivery of the declaration in person at or before 5:00 p.m., prevailing time, February 15 of the year in which the special election is held for the office, or

(2) the actual physical delivery by telegram of a copy in substance of the statements made in the declaration at or before 5:00 p.m., prevailing time, February 15 of the year in which the special election is held for the office and also the actual physical delivery of the declaration by registered mail which is postmarked at or before 5:00 p.m., prevailing time, February 15 of the year in which the special election is held for the office and received not more than 15 days after that time.

(b) If the postmark is illegible, a dated receipt from the post office where dispatched shall be acceptable as evidence of mailing. If February 15 is a Sunday or holiday, the deadlines for postmarking and receipt of the declaration shall be extended 24 hours in each instance.

(c) If the declaration filed under (a) of this section is not received within seven calendar days the candidate shall be notified of nonreceipt. The candidate shall have the opportunity to refile his declaration with proof that his previous declaration has been filed in a timely manner and in accordance with the law.