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JH 7/6/82

TRANSCRIPTS OF HEARINGS  
held by  
JOINT COMMITTEE ON  
CONSTITUTIONAL CONVENTION COMMITTEE

Prepared and edited by:

GUY A. VAN DOREN,  
Administrative Assistant  
to the Committee

January 10, 1981

TO: Senator Rodey, Chairman  
and  
All Members of the Judiciary Committee

FROM: Constitutional Convention Committee  
Guy A. Van Doren, Administrative Assistant

SUBJECT: Information Packet Re: Joint Committee  
on Constitutional Convention

HISTORICAL PERSPECTIVE:

Alaskans wrote and approved their state constitution two years before Congress granted statehood to Alaska. A constitutional convention with 55 (the number of members who drafted the United States Constitution in 1787) elected citizens met in what is now known as Constitution Hall on the campus of the University of Alaska a few miles west of Fairbanks, on November 8, 1955, and adjourned February 6, 1956. The voters ratified the work of the convention by a two-to-one margin in a special referendum April 24, 1956.

Article XIII, Section 3, provides, "If, during any ten-year period, a constitutional convention has not been held, the Lieutenant Governor shall place on the ballot for the next general election the question: 'shall there be a constitutional convention?' If a majority of the voters cast on the question are in the negative, the question need not be placed on the ballot until the end of the next ten-year period. If a majority of the votes cast on the question are in the affirmative, dele-

gates to the convention shall be chosen at the next statewide election, unless the legislature provides for the election of the delegates at a special election. The Lieutenant Governor shall issue the call for the convention. Unless other provisions have been made by law, the call shall conform as nearly as possible to the act calling the Alaska Constitutional Convention of 1955, including, but not limited to, number of members, districts, election and certification of delegates, and submission and ratification of revisions and ordinances. The appropriate provisions of the call shall be self-executing and shall constitute a first claim on the State Treasury."

In 1970, the voters, by a slim margin, approved a convention call; however, that referendum was voided by the Supreme Court because of improper wording of the question on the ballot. Voting on the issue again on November 7, 1972, the voters rejected the proposition. In accordance with the constitution, Alaska voters will be asked at the November 1982 general election whether or not a convention should be held.

CURRENT STATUS:

A conference held in Fairbanks in October 1976 to review the state constitution twenty years after it was written and first approved, concluded that a general revision was not needed,

although some issues were deemed to deserve further study and possible change. Most delegates to the original convention -- legislators and others who attended the conference -- felt that a new convention was not necessary and, if there were to be a convention, it would open the whole constitution to unnecessary tinkering and possible massive revision since Article XIII, Section 4, Powers, states, "Constitutional Conventions shall have plenary power to amend or revise the constitution, subject only to ratification by the people. No call for a constitutional convention shall limit these powers of the convention." (Emphasis added).

In general, most conferees concluded that the constitution was adequate for our own time and in the foreseeable future.

Although there has not been a convention since statehood, the constitution has been changed over the years. Approximately 250 resolutions to amend the constitution have been introduced in the legislature since the first session of the first legislature. Of those 250, 23 have passed both houses of the legislature and have been placed before the public. Sixteen of those have been ratified by the voters and have become part of the constitution. Generally, voters have supported changes recommended by the legislature.

Recently, certain issues have surfaced which supporters feel can only be solved through changes in the constitution at a constitutional convention. These issues have been introduced many times in the legislature but have not passed both houses. Supporters feel they would receive fairer consideration by non-partisan convention delegates. These issues include:

- |                                 |                      |
|---------------------------------|----------------------|
| 1. Election of judges           | Introduced 5 times   |
| 2. Election of Attorney General | Introduced 18 times  |
| 3. Length of session            | Indtroduced 23 times |
| 4. Unicameral Legislature       | Introduced 13 times  |

New issues have surfaced which supporters feel necessitate changes in the constitution. These issues include:

1. Right-to-live vs. abortion choice;
3. Capitol move;
4. Land distribution;
5. Limitations on taxes and expenditures.

Any of the above issues could bring about a convention oriented toward individual causes rather than one concerned with general governmental structure and constitutional integrity.

To:

1. Assure that the public will be given a chance to express their feelings on the above, and other issues, will be informed

on the pros and cons of calling a convention, and will be appraised of alternative methods of achieving the goals;

2. Provide a plan and develop material relating to the Alaska Constitution, Constitutional revision and a constitutional convention;

3. Insure successful and well planned convention should one be called.

The Joint Committee on the Constitutional Convention was formed during the interim period of 1979.

In 1979 the committee solicited work from various instate consultants relating to constitutional conventions, issues, proposed amendments, the calling of a constitutional convention.

In 1980, the Legislature felt that the work of the committee was important enough to continue the committee. During the 1980 interim, the committee decided to accomplish certain tasks. Unfortunately, the committee which was originally scheduled to begin its work in the month of June, was not even formed until August 29, 1980, three months late. Because of the delay, the committee was not able to accomplish all of the goals it had set for itself.

The major undertaking of the committee during the 1980 interim was to meet with recognized experts on constitutional conventions, revision and issues. From those meetings came invaluable advice on conventions, preparation for, holding of and post convention work. Changes and issues relating to the Alaska constitution were also discussed.

The transcripts of those meetings have been edited and reproduced and have led to various "occasional papers" being developed by staff to outline various provisions of constitutional convention planning and revision.

The committee has engaged the services of a person to write "A Citizen's Guide to the Alaska Constitution", which will be useful to both people in government and the public at large even if the voters do not approve the calling of a convention. This guide will be published during the 1981 interim. It has begun the work of translating the Alaska constitution into the Yupik language in order that some 15 to 20 thousand people can read the constitution in their "first" language.

The committee is planning on distributing a pamphlet to explain the Alaska constitution, constitutional revision, and the functions of a constitutional convention and has entered into a contract with the League of Women Voters to provide materials

and conduct meetings with the public to discuss issues of revision, the constitution and or a constitutional convention.

THE FUTURE:

As mentioned earlier, in 1980 the committee began its work three months late. There are only twenty months before the people of the state must decide on the very important question of whether or not to call a convention. The committee feels that it is imperative that as much information on the constitution and a convention, as possible, should be distributed to the public prior to the vote and that preparation for a convention should continue in the event the electorate votes for calling a convention. Every person involved with constitutional revision and conventions the committee met with, stressed the importance of preparatory work.

In the event the people do not approve the calling of a convention, the materials gathered will undoubtedly be useful in the future. Prior to the work of the committee, no work had been done relating to preparation for a convention.

You have all received a brief outline of the plans for the committee separate from this memo, but I am including the proposed schedule in order to refresh your memory.

FLOW CHART FOR WORK TO BE COMPLETED  
FOR JOINT COMMITTEE ON CONSTITUTIONAL CONVENTION

1981 Session

1. Adopt enabling and procedures act.
2. Continue Joint Committee (adopt resolution).
3. Complete Citizen's Guide.
4. Complete brochure.
5. Conduct public opinion survey.
6. Yupik translation (Phases I & II).
7. Possible pre-information work by League of Women Voters.

1981 Interim

1. Publish "Citizen's Guide" and brochure.
2. Public information begins - Committee and League of Women Voters.
3. Convention site survey.
4. Committee public hearings.
5. Prepare constitutional amendment package(?).
6. Solicit public papers and print same.
7. Yupik Translation completed (Phases II & III).

1982 Session

1. Contingent appropriations for convention.  
(a) Planning and election
2. Adoption of amendment package (?).
3. Convention logistics planning begins.

1982 Interim

1. Convention logistics planning.
2. Public information program.  
(a) begin drafting materials  
(b) committee hearings.
3. If affirmative vote, begin choosing preparatory staff.

November 1982

Vote by the people.

1983

1. Appropriation for convention.
2. Convention drafting manual completed.
3. Temporary rules preparation.
4. Election of Delegates (May).
5. Delegate studies materials ready.
6. Convention logistics completed.
7. Solicit and prepare lists of staff and consultants available for convention to use.

INTERIM COMMITTEE  
ON  
THE CONSTITUTIONAL CONVENTION

Chairman:  
Rep. Brian Rogers

Members:

- ~~Sen. Wehman~~
- Sen. Mulcahy
- Sen. Sackett
- Sen. Ziegler
- Rep. Gardiner
- Rep. Hayes

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*initials  
2/15 mem.  
Bultrouch Room  
see 9*



Official Business

# Alaska State Legislature

Senate

Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

## MEMORANDUM

TO: Senator Hohman  
Representative Brian Rogers  
Senator Mulcahy  
Senator Sackett  
Senator Ziegler  
Representative Gardiner  
Representative Hayes

FROM: Kevin K. Bruce, Committee Aide

DATE: February 27, 1981

SUBJECT: SCR 9 "Establishing a joint committee of Twelfth Legislature concerned with organization and procedures of a state constitutional convention."

This is to advise you that the Judiciary Committee will hold its initial hearing on the above-referenced legislation on Monday, March 2, 1981. The hearing will be in the John Butrovich Committee Room at approximately 2:15 p.m.

KKB/ods

JOINT COMMITTEE ON  
CONSTITUTIONAL CONVENTION

Minutes  
Meeting of  
January 10, 1981

The January 10, 1981 meeting of the Joint Committee on Constitutional Convention was held in the Butrovich Committee Room in the Capitol Building, Juneau, Alaska.

Members Present:

Representative Brian Rogers, Chairman  
Representative Joe Hayes  
Senator Bob Mulcahy  
Senator Robert H. Ziegler, Sr.

Members Absent:

Representative Terry Gardiner  
Senator George H. Hohman  
Senator John C. Sackett

Staff Present:

Guy A. Van Doren, Administrative Assistant  
Landa B. Krossa, Secretary

Chairman Rogers called the meeting to order at 10:07 a.m.

There was a work session on proposed legislation entitled "An Act relating to a constitutional convention; and providing for an effective date", with changes suggested and unanimously agreed upon by the members of the committee.

There was review of the proposed senate concurrent resolution relating to "Establishing as a joint committee of the Twelfth Legislature a committee concerned with the organization and procedures of a state constitutional convention." There was general discussion and it was unanimously agreed to submit a resolution continuing the committee until the 1982 election.

There was discussion regarding the Yupik translation of the Alaska constitution. There is a contract prepared which was agreed to by the University of Alaska and the members of the committee. The translation is to be completed in two phases, and the contract signed by Chairman Rogers on 1/10/81 will authorize the first phase to be completed by the University of Alaska.

The members of the committee reviewed RFP's received from Ditman Research, Gordon Harrison and Associates, Rowan Group and George Braden.

There was discussion regarding the League of Women Voters becoming involved in the public education phase of preparation for the convention.

Guy A. Van Doren, Administrative Assistant to the Committee, gave a verbal status report, and submitted a flow chart for work to be completed, a copy of which is attached to these minutes.

Mr. Van Doren gave a verbal summary of the completed meeting transcripts, and will submit written summaries at the next meeting of the committee.

There was a motion to approve the introduction of the bill relating to an enabling act for a constitutional convention. There was no objection and the motion passed unanimously.

There was a motion to approve the contract with the University of Alaska for translation of the Alaska constitution to Yupik. There was no objection, and the motion passed unanimously.

The committee unanimously voted to approve travel and expenses for Mr. Braden to travel to Juneau to assist the committee and Mr. Gordon Harrison with the writing of "A Citizen's Guide to the Alaska Constitution." Mr. Braden will be working at no fee. The total amount approved for travel and expenses is not to exceed \$3,000.

The Committee also unanimously approved an amount not to exceed \$2,000 for services provided to the committee relating to assistance in the editing of the "Guide" and for writing an introduction to the "Guide".

There was a motion to accept the proposal of Gordon Harrison and Associates for the completion of a "Citizen's Guide to the Alaska Constitution", for \$18,000. There was no objection, and the motion was passed unanimously.

There was discussion of the committee budget. Chairman Rogers stated that he would request approval from the Legislative Council to fund monies for any educational program services by the League of Women Voters, the illustration of an informational brochure and a statewide survey relating to constitutional issues, constitutional revision and a constitutional convention. Any unused money would revert back to the Legislative Council. There were no objections.

Senator Ziegler commented on and commended Mr. Van Doren's work.

There being no further business, the meeting was adjourned at 11:45 a.m.

Landa Krossa  
Secretary

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FOR JOINT COMMITTEE ON CONSTITUTIONAL CONVENTION

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