

Leg. Finance - Finance Comte Files (1971-72) 8879

HB 117, 118



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James C. Smith  
Signature of Camera Operator

4/4/89  
Date

Original sponsor: Rules Committee by  
request of the Governor

Offered: 3/11/71  
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 117

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act concerning 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. Pursuant to the referendum election of November 3, 1970, a  
10 constitutional convention, comprised of delegates elected by the legal voters  
11 of the State of Alaska, shall assemble in Election District No. 8 (as it  
12 existed on January 1, 1971), at a place designated by the Alaska Constitu-  
13 tional Convention Commission, on October 15, 1971, at ten o'clock a.m., or  
14 as soon thereafter as a quorum shall be present, for the purpose of amending  
15 or revising the Constitution of the State of Alaska and shall continue in  
16 session for as long as necessary, but not later than January 7, 1972. The  
17 convention may, at its discretion, recess for periods not to exceed 15 days  
18 in the aggregate for the purpose of holding public hearings in Alaska on  
19 proposed amendments or revision of the constitution. At least 10 days prior  
20 to October 15, 1971, the lieutenant governor, by proclamation, shall issue  
21 a call for the delegates to assemble on that date.

22 \* Sec. 2. Notwithstanding any other provision of law, any legally quali-  
23 fied voter of the State of Alaska may be a candidate for or serve as a dele-  
24 gate to the convention without limitation, penalty or forfeiture of office.

25 \* Sec. 3. A special election shall be held on September 14, 1971,  
26 for the election of the delegates to the convention, at which there shall  
27 be elected 65 delegates. Sixty delegates shall be apportioned among the  
28 election districts of both houses of the legislature as those districts  
29 shall be apportioned pursuant to the 1970 United States census. There

1 shall be elected from the State of Alaska at large five delegates.

2 \* Sec. 4. Unless specifically provided otherwise in this Act, all  
3 provisions regarding the conduct of the general elections in Alaska shall  
4 govern the conduct of the special election of delegates to the convention,  
5 including, but not limited to, provisions concerning voter qualifications;  
6 registration of voters; provisions regarding the duties, powers, rights and  
7 obligations of the lieutenant governor, of other election officials, and of  
8 cities and organized boroughs; provisions for notification of the election;  
9 provisions for the reporting of and limitations on campaign expenditures;  
10 provisions for payment of the expenses of the election; provisions regarding  
11 employees being allowed time from work to vote; provisions for the counting,  
12 canvassing, and certification of returns, provisions for the determination  
13 of the votes and of recounts, contests, and appeal; and provisions for  
14 absentee voting and use of voting machines.

15 \* Sec. 5. Candidates for the office of delegate shall be nominated by  
16 petition filed with the lieutenant governor by actual physical delivery by  
17 mail or in person before August 5, 1971. A nominating petition for the  
18 office of delegate shall be signed by not less than 50 legally qualified  
19 voters of an election district based on a house district, by not less than  
20 100 legally qualified voters of an election district based on a senate  
21 election district, and by not less than 1,000 legally qualified voters in  
22 the case of a candidate seeking election from the state at large. The  
23 petition of a candidate seeking election from the state at large shall be  
24 subscribed by the signatures of at least 25 qualified voters from each of  
25 the state senate election districts.

26 The petition shall state in substance:

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

1 (4) the election district of which the candidate is a resident;

2 (5) that the nomination is for the office of delegate to the  
3 state constitutional convention to be convened on October 15, 1971;

4 (6) that the candidate meets, or will meet, as required by  
5 this Act, the specific requirements of delegate;

6 (7) that the subscribers are qualified voters of the election  
7 district which the candidate seeks to represent, with the residence of each  
8 subscriber listed opposite his name;

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

11 (9) that the subscribers request that the candidate's name be  
12 placed on the ballot; and

13 (10) that the proposed candidate accepts the nomination and  
14 will serve if elected, with the statement signed by the proposed candidate.

15 \* Sec. 6. If a delegate dies, resigns, or otherwise becomes disqualified  
16 from serving, or if a vacancy occurs for any other reason, the vacancy shall  
17 be filled by the candidate not theretofore certified as elected who received  
18 the next highest number of votes among the candidates in the election  
19 district in which the vacancy occurred. If a vacancy should again occur in  
20 such district, it shall be filled in like manner from among the remaining  
21 candidates. Any election contest which results in a tie shall be resolved  
22 by the drawing of lots between the competing candidates, and the loser of  
23 the drawing shall be considered second only to the winner and shall hold  
24 such standing among the balance of the winning candidates.

25 \* Sec. 7. The lieutenant governor shall place the names of persons who  
26 have been properly nominated by the petition on the special election ballot.

27 \* Sec. 8. The election of delegates shall be conducted without any  
28 reference to the political party affiliations of the candidates, and the  
29 ballots used shall be nonpartisan in every respect. A separate ballot shall

1 be prepared for each election district, and each such ballot shall contain  
2 (1) the names of the candidates running for the office of delegate from  
3 that district based on the senate district, (2) the names of the candidates  
4 running for the office of delegate from the house districts included in the  
5 senate district, and (3) the names of the candidates running for the office  
6 of delegate from the state at large.

7 \* Sec. 9. The candidate or candidates receiving the greatest number of  
8 votes in the election district for which nominated shall be deemed elected  
9 for that district. In any election district based on a multiple member  
10 house or senate district, the candidates receiving the greatest number of  
11 votes shall be deemed elected. The five candidates receiving the greatest  
12 number of votes from the state at large shall be deemed elected delegates  
13 at large.

14 \* Sec. 10. The governor of the State of Alaska shall open the convention  
15 and preside until temporary offices are selected. The convention shall be  
16 the judge of the qualifications of its members, their election, or appoint-  
17 ment. It shall have the power by vote of a majority of delegates to which  
18 the body is entitled to choose a president and secretary and all other  
19 appropriate officers, to prescribe their functions, powers and duties, and  
20 to make rules for the conduct of its business.

21 \* Sec. 11. The president of the constitutional convention shall certify  
22 to the lieutenant governor each proposed amendment or revision to the  
23 constitution adopted by the convention. Each constitutional amendment or  
24 the constitutional revision shall be submitted to the electorate at the  
25 next statewide election.

26 \* Sec. 12. The convention may incur necessary expenses, including but  
27 not limited to expenses for the employment of such clerical, technical, and  
28 professional personnel as may be required in order to exercise the powers  
29 conferred by law and to perform the duties imposed by this Act.

1       \* Sec. 13. The delegates to the convention are entitled to the same  
2 per diem and travel allowances as members of the legislature. In addition  
3 each delegate is entitled to an income maintenance allowance at \$30 per day  
4 in session or in recess called for the purpose of holding public hearings.  
5 The convention may provide by rule for delegate allowances for postage,  
6 stationery and other necessary expenses.

7       \* Sec. 14. Before any person elected or appointed as a delegate to the  
8 convention enters upon his duties, he shall take and subscribe the oath or  
9 affirmation prescribed by Sec. 5, Art. XII of the Alaska Constitution.

10       \* Sec. 15. Delegates to the convention enjoy the immunities of  
11 legislators described in Sec. 6, Art. II of the Alaska Constitution.

12       \* Sec. 16. The provisions of AS 24.45 relating to the regulation of  
13 lobbyists are applicable to the constitutional convention.

14       \* Sec. 17. There is created the Alaska Constitutional Convention  
15 Commission, hereinafter referred to as the commission, consisting of the  
16 President of the Senate, the Speaker of the House, and three members  
17 appointed by the governor. The commission shall compile information useful  
18 to the delegates, undertake studies and research, collect and organize  
19 appropriate background materials, and provide for its dissemination so that  
20 the constitutional convention may function expeditiously and efficiently.  
21 The commission may request and shall receive from any department or agency  
22 of the state such data and reasonable assistance as may help the commission  
23 in its duties. The commission may do whatever else it may deem necessary  
24 or advisable to carry out its duties and may incur such expenses as may be  
25 necessary, including but not limited to expenses for employment of such  
26 clerical, technical, and professional personnel as it may require. The  
27 commission may receive or participate in any gift or grant of funds, service  
28 or facilities from any federal, state or private agency made for the purpose  
29 of assisting the commission in carrying out its functions. The provisions

1 of AS 39.20.180 which relate to transportation and per diem expenses for  
2 members of boards apply to the members of the commission.

3 \* Sec. 18. This Act is not operable to the extent that the Supreme  
4 Court of the State of Alaska decides that the referendum of November 3,  
5 1970 on the question whether there shall be a constitutional convention  
6 was not called by the people of Alaska in accordance with Sec. 3, Art. XIII  
7 of the Alaska Constitution.

8 \* Sec. 19. This Act takes effect on the day after its passage and  
9 approval or on the day it becomes law without approval.

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Introduced: 1/29/71  
Referred: State Affairs, *Jud.*  
and Finance

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BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

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13 thereafter as a quorum shall be present, for the purpose of amending or  
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15 session for as long as necessary, but not later than January 7, 1972.

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17 15 days in the aggregate for the purpose of holding public hearings in  
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28 the election districts of both houses of the legislature as those districts  
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COMMITTEE COPY

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117  
January 28, 1971

The Honorable Eugene Guess  
Speaker of the House  
Alaska State Legislature  
State Capitol Building  
Juneau, Alaska 99801

Dear Mr. Speaker:

Pursuant to the Uniform Rules of the Seventh Legislature, this is to forward to you a bill for an Act entitled: "An Act concerning a constitutional convention; and providing for an effective date."

The objective of the bill is to provide a method by which the provisions of the Alaska Constitution, Art. XIII, Sec. 3, which relates to the call of a Constitutional Convention by referendum can be implemented. In my Affairs of the State message on January 14, I stated that until and unless a court holds otherwise, it was my view that the people have spoken on the question of calling a Constitutional Convention. I believe, therefore, that the legislature should proceed with the enactment of legislation at this session of the Legislature which will ensure an effective convention. The bill which I forward to you is based on the legislation which called the 1955 Alaska Constitutional Convention and legislation enacted by other states subsequent to the 1955 Alaska legislation.

It has been suggested by some that another referendum be submitted to the people of Alaska on the question of whether or not a Constitutional Convention should be held, the result of the vote of the people of Alaska on November 3, 1970, notwithstanding. However, that question is out of my hands even if I should personally desire such action. Placing the question of the people's desire on the Constitutional Convention matter on the ballot is provided for in a specific provision of Alaska's Constitution, entirely separate from provisions of that document relating to general referendum matters. Thus, it appears to me that the only way the question could again be considered by the people would be by amending the existing provision of Alaska's Constitution.

The bill provides that the convention assemble at the University of Alaska, College, on October 15, 1971, and that it may continue in session until January 7, 1972. The atmosphere at the University of Alaska proved beneficial to the 1955 convention, and I therefore recommend that site to you. The duration of the convention is based on the Alaskan experience and that of other states. The timing of the convention is designed to provide adequate time to prepare for the convention while moving with sufficient speed to bring an early end to the uncertainty on fundamental public issues which attends the call. The convention is scheduled for the season of the year which enables a fuller participation of all Alaskans as delegates to the convention and avoids confusing the convention process with the usual flow of the state's partisan policies.

The bill allows any legally qualified voter of the state of Alaska to be a candidate to the convention.

The election of delegates to the convention is pursuant to a reapportionment based on the 1970 census. The Alaska Constitution provides that the Governor shall reapportion the legislation on the basis of the decennial census, and, because that reapportionment will occur before the constitutional convention, this bill provides that this reapportionment will also govern the election of delegates to the convention. The principle of equal representation must control the constitutional convention as well as the legislature.

The bill provides that the number of delegates to the convention should be 65. This varies from the 55 delegates to the 1955 Alaska Constitutional Convention. One of the reasons for the variance is the reapportionment principle of equal representation in the bill. Sixty of the delegates will be elected from election districts which correspond to the Senate and House Election Districts of the Alaska Legislature. The five delegates at large should give a certain balance to the representation of local delegates at the convention.

The election of the delegates is also covered by other provisions of the bill. The provisions regarding the conduct of the general elections in Alaska governs the conduct of the special election of delegates. A nomination procedure similar to the 1955 law provisions is in the bill. There is also a section which covers the contingency of death or resignation of a delegate to the convention. The bill continues the 1955 provision that the election of delegates be on a nonpartisan ballot.

January 28, 1971

The Alaska Constitution, Art. XIII, Sec. 4, provides that a constitutional convention shall have plenary power to amend or revise the constitution, subject only to ratification of the people. The bill, therefore, places no subject restriction on the delegates. In accordance with this plenary power of the convention, the bill merely provides that the convention shall be the judge of the qualifications of its members and their election or appointment. The convention is also authorized to incur necessary expenses for the conduct of the convention. The delegates are granted per diem and travel allowances equivalent to those granted members of the Legislature and an income maintenance allowance of \$30 per day partly to make up for the delegates' loss of personal income during the pendency of the session. The provisions of the Alaska Statutes relating to the regulation of lobbyists are also made applicable to the constitutional convention.

The bill sets up the Alaska Constitutional Convention Commission to prepare and organize the convention. The operation of this commission is based on the Alaska Statehood Committee, which assisted in the preparation of the 1955 constitutional convention, and the experience of other states. I am also submitting to you a separate appropriation bill to cover the expected expenses of this commission.

The final section of the bill provides that this Act shall not be operable if the Supreme Court of Alaska decides that the referendum of November 3, 1970, on the constitutional convention question was not called by the people of Alaska in accordance with the Alaska Constitution. There is litigation pending on the question of the legality of the referendum and, if the decision is adverse to the referendum, the proposed legislation should not be operable.

Sincerely,

William A. Egan  
Governor

**ALASKA STATE LEGISLATURE**

SEVENTH Legislature FIRST Session

HOUSE BILL NO. 117

By THE HOUSE COMMITTEE BY REQUEST OF THE GOVERNOR

An Act concerning a constitutional convention, and providing for an effective date.

Constitutional convention

Introduced in the House 1/29, 19 71

**HISTORY IN THE HOUSE**

19 71

Jan 29

Read first time and referred to Committee on

State Affairs and Finance

Reported back with recommendation that

Read second time and

Read third time and

PASS Yeas  
Nays  
Absent  
Excused

Effective Date

PASS Yeas  
Nays  
Absent  
Excused

Reported correctly engrossed  
Signed by Speaker  
Sent to Senate

CHIEF CLERK OF THE HOUSE

**HISTORY IN THE SENATE**

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Yeas  
Nays  
Absent  
Excused

Effective Date

PASS Yeas  
Nays  
Absent  
Excused

Reported correctly engrossed  
Signed by President  
Returned to House

SECRETARY OF THE SENATE

**HISTORY IN THE HOUSE**

19

Received from Senate

Reported correctly enrolled

Sent to Governor

By Governor

Filed with Secy. State

Chapter No.

"An Act concerning a constitutional convention; and providing for an effective date;" and providing for a **Committee Report** effective date)

HOUSE OF REPRESENTATIVES

3/11/71

\_\_\_\_\_ Date

Mr. Speaker:

The Committee on FINANCE has had HB 117

under consideration. A majority of the members of the Committee

recommends it do pass

recommends it do not pass

recommends it do pass with attached amendment(s)

recommends it be replaced with CS for \_\_\_\_\_ and that

CS for \_\_\_\_\_ do pass

(and) recommends it be referred to the \_\_\_\_\_

committee

reports it back without recommendation

(other) \_\_\_\_\_

MEMBERS SIGNING THE MAJORITY REPORT:

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\_\_\_\_\_  
\_\_\_\_\_

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

\_\_\_\_\_ recommends:  
\_\_\_\_\_ recommends:  
\_\_\_\_\_ recommends:  
\_\_\_\_\_ recommends:  
\_\_\_\_\_ recommends:

\_\_\_\_\_  
CHAIRMAN

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

### Committee Report

HOUSE OF REPRESENTATIVES

FINANCE

2/22/71

March 10, 1971

Date

Mr. Speaker:

The Committee on JUDICIARY has had HR 117 under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for HB 117 (same title) and that CS for HB 117 do pass
- (and) recommends it be referred to the \_\_\_\_\_ committee
- reports it back without recommendation
- (other) \_\_\_\_\_

MEMBERS SIGNING THE MAJORITY REPORT:

William Moran \_\_\_\_\_

Mike Rose \_\_\_\_\_

Hellstrom \_\_\_\_\_

Edward G. Deibel \_\_\_\_\_

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

~~William Moran~~ recommends: \_\_\_\_\_

Bill Conrad recommends: Do not pass committee sub 28

Michael Benfield recommends: ✓ ✓ - - -

\_\_\_\_\_ recommends: \_\_\_\_\_

\_\_\_\_\_ recommends: \_\_\_\_\_

William Moran  
CHAIRMAN

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

Committee Report

*Judiciary*

HOUSE OF REPRESENTATIVES FINANCE

1-29-71

Feb 20 1971

Date

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under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for \_\_\_\_\_ and that CS for \_\_\_\_\_ do pass
- (and) recommends it be referred to the \_\_\_\_\_ committee
- reports it back without recommendation
- (other) \_\_\_\_\_

MEMBERS SIGNING THE MAJORITY REPORT:

Richard L. McVeigh \_\_\_\_\_  
Frank Ferguson \_\_\_\_\_  
Stelen M. Fischer \_\_\_\_\_  
John H. Haer \_\_\_\_\_  
Edward G. Darbel \_\_\_\_\_  
John Hol \_\_\_\_\_

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

Mike Rose recommends: do pass if further amended.  
Thick Miller recommends: DO NOT PASS  
Joss Harris recommends: DO NOT PASS UNLESS AMENDED TO HOLD CONVENTION IN ANCHORAGE ALASKA  
 \_\_\_\_\_ recommends:  
 \_\_\_\_\_ recommends:

Richard L. McVeigh  
CHAIRMAN

A M E N D M E N T

Offered in the HOUSE

To: X HOUSE BILL No. 117

SENATE BILL No.

AMENDMENT: Page 1 Line 27

Delete "sixty-five" and insert sixty-seven

Page 2 Line 1

Delete "five" and insert seven

Page 4 Line 11

Delete "five" and insert seven

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By House State Affairs Committee

## MEMORANDUM

## State of Alaska

TO: [The Honorable George Hohman  
Chairman  
House Finance Committee

DATE : March 16, 1971

FROM: Warren W. Wiley *WW*  
Administrative Assistant

SUBJECT: House Bill 117

Since receiving your request for information regarding H.B. 117 and your request for information on H.B. 118, I have talked with Mr. Vic Fischer at the University of Alaska who has done work with such commissions and has also discussed the question of constitutional convention commissions with members of the staff of the National Municipal League and others. I have also had discussions with Miss Donna Spragg, Assistant Attorney General for the state of Alaska.

The major conclusion of these discussions was that it is difficult to project costs relative to the establishment and funding of such a convention and such a commission. The Maryland Constitutional Convention Commission had available a total of \$307,000 for its work. Hawaii spent close to \$100,000 in its work. The state of Michigan in 1961 spent \$85,000.

Due to the fact that the Alaska Constitutional Convention Commission should have maximum freedom in charting its activities based on its own judgement and in relation to the needs as they may arise as the Convention approaches, it would be extremely difficult to obtain any type of meaningful cost figures as they might pertain to personal services, contractual services, transportation, and commodities.

The 1955 Alaska Legislature which issued the Constitutional Convention call that year, provided the Alaska Statehood Committee with an appropriation of \$75,000 to carry out its intent. That appropriation was in addition to a fund balance of \$30,000 remaining from a previous appropriation. I think it would be safe to say that in the intervening years, costs have risen to the point where the appropriation requested this year is not at all unreasonable.

While I realize this is somewhat sketchy information, I hope it will give the Committee some insight into the Legislation before them. If I may be further assistance, please contact me.

Introduced: 1/29/71  
Referred: State Affairs  
and Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 117

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act concerning 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. Pursuant to the referendum election of November 3, 1970, a  
10 constitutional convention, comprised of delegates elected by the legal  
11 voters of the State of Alaska, shall assemble at the University of Alaska,  
12 College, Alaska, on October 15, 1971, at ten o'clock a.m., or as soon  
13 thereafter as a quorum shall be present, for the purpose of amending or  
14 revising the constitution of the State of Alaska and shall continue in  
15 session for as long as necessary, but not later than January 7, 1972.

16 The convention may, at its discretion, recess for periods not to exceed  
17 15 days in the aggregate for the purpose of holding public hearings in  
18 Alaska on proposed amendments or revision of the constitution. At least  
19 10 days prior to October 15, 1971, the lieutenant governor, by proclamation,  
20 shall issue a call for the delegates to assemble on that date.

21 \* Sec. 2. Notwithstanding any other provision of law, any legally  
22 qualified voter of the State of Alaska may be a candidate for or serve as  
23 a delegate to the convention without limitation, penalty or forfeiture of  
24 office.

25 \* Sec. 3. A special election shall be held on September 14, 1971, for  
26 the election of the delegates to the convention, at which there shall be  
27 elected, sixty-five delegates. Sixty delegates shall be apportioned among  
28 the election districts of both houses of the legislature as those districts  
29 shall be apportioned pursuant to the 1970 United States census. There

1 shall be elected from the State of Alaska at large five delegates.

2 \* Sec. 4. Unless specifically provided otherwise in this Act, all  
3 provisions regarding the conduct of the general elections in Alaska shall  
4 govern the conduct of the special election of delegates to the convention,  
5 including, but not limited to, provisions concerning voter qualifications;  
6 registration of voters; provisions regarding the duties, powers, rights and  
7 obligations of the lieutenant governor, of other election officials, and of  
8 cities and organized boroughs; provisions for notification of the election;  
9 provisions for the reporting of and limitations on campaign expenditures;  
10 provisions for payment of the expenses of the election; provisions regarding  
11 employees being allowed time from work to vote; provisions for the counting,  
12 canvassing, and certification of returns, provisions for the determination  
13 of the votes and of recounts, contests, and appeal; and provisions for  
14 absentee voting and use of voting machines.

15 \* Sec. 5. Candidates for the office of delegate shall be nominated by  
16 petition filed with the lieutenant governor by actual physical delivery by  
17 mail or in person before August 5, 1971. A nominating petition for the  
18 office of delegate shall be signed by not less than 50 legally qualified  
19 voters of an election district based on a house district, by not less than  
20 100 legally qualified voters of an election district based on a senate  
21 election district, and by not less than 1,000 legally qualified voters in  
22 the case of a candidate seeking election from the state at large. The  
23 petition of a candidate seeking election from the state at large shall be  
24 subscribed by the signatures of at least 25 qualified voters from each of  
25 the state senate election districts.

26 The petition shall state in substance:

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

1 (4) the election district of which the candidate is a resident;  
2 (5) that the nomination is for the office of delegate to the  
3 state constitutional convention to be convened on October 15, 1971;  
4 (6) that the candidate meets, or will meet, as required by  
5 this Act, the specific requirements of delegate;  
6 (7) that the subscribers are qualified voters of the election  
7 district which the candidate seeks to represent, with the residence of each  
8 subscriber listed opposite his name;  
9 (8) that the subscribers intend to vote for the candidate at  
10 the special election;  
11 (9) that the subscribers request that the candidate's name be  
12 placed on the ballot; and  
13 (10) that the proposed candidate accepts the nomination and  
14 will serve if elected, with the statement signed by the proposed candidate.  
15 \* Sec. 6. If a delegate dies, resigns, or otherwise becomes disqualified  
16 from serving, or if a vacancy occurs for any other reason, the vacancy shall  
17 be filled by the candidate not theretofore certified as elected who received  
18 the next highest number of votes among the candidates in the election  
19 district in which the vacancy occurred. If a vacancy should again occur in  
20 such district, it shall be filled in like manner from among the remaining  
21 candidates. Any election contest which results in a tie shall be resolved  
22 by the drawing of lots between the competing candidates, and the loser of  
23 the drawing shall be considered second only to the winner and shall hold  
24 such standing among the balance of the winning candidates.  
25 \* Sec. 7. The lieutenant governor shall place the names of persons who  
26 have been properly nominated by the petition on the special election ballot.  
27 \* Sec. 8. The election of delegates shall be conducted without any  
28 reference to the political party affiliations of the candidates, and the  
29 ballots used shall be nonpartisan in every respect. A separate ballot shall

1 be prepared for each election district, and each such ballot shall contain  
2 (a) the names of the candidates running for the office of delegate from  
3 that district based on the senate district, (b) the names of the candidates  
4 running for the office of delegate from the house districts included in the  
5 senate district, and (c) the names of the candidates running for the office  
6 of delegate from the state at large.

7 \* Sec. 9. The candidate or candidates receiving the greatest number of  
8 votes in the election district for which nominated shall be deemed elected  
9 for that district. In any election district based on a multiple member  
10 house or senate district, the candidates receiving the greatest number of  
11 votes shall be deemed elected. The five candidates receiving the greatest  
12 number of votes from the state at large shall be deemed elected delegates  
13 at large.

14 \* Sec. 10. The governor of the State of Alaska shall open the convention  
15 and preside until temporary officers are selected. The convention shall be  
16 the judge of the qualifications of its members, their election, or  
17 appointment. It shall have the power by vote of a majority of delegates  
18 to which the body is entitled to choose a president and secretary and all  
19 other appropriate officers, to prescribe their functions, powers and duties,  
20 and to make rules for the conduct of its business.

21 \* Sec. 11. The president of the constitutional convention shall certify  
22 to the lieutenant governor each proposed amendment or revision to the  
23 constitution adopted by the convention. Unless the convention determines  
24 otherwise, any constitutional amendment or revision shall be submitted to  
25 the electorate at the next statewide election.

26 \* Sec. 12. The convention may incur necessary expenses, including but  
27 not limited to expenses for the employment of such clerical, technical, and  
28 professional personnel as may be required in order to exercise the powers  
29 conferred by law and to perform the duties imposed by this Act.

1       \* Sec. 13. The delegates to the convention are entitled to the same  
2 per diem and travel allowances as members of the legislature. In addition  
3 each delegate is entitled to an income maintenance allowance at \$30 per day  
4 in session or in recess called for the purpose of holding public hearings.  
5 The convention may provide by rule for delegate allowances for postage,  
6 stationery and other necessary expenses.

7       \* Sec. 14. Before any person elected or appointed as a delegate to the  
8 convention enters upon his duties, he shall take and subscribe the oath or  
9 affirmation prescribed by Sec. 5, Art. XII of the Alaska Constitution.

10       \* Sec. 15. Delegates to the convention enjoy the immunities of  
11 legislators described in Sec. 6, Art. II of the Alaska Constitution.

12       \* Sec. 16. The provisions of AS 24.45 relating to the regulation of  
13 lobbyists are applicable to the constitutional convention.

14       \* Sec. 17. There is created the Alaska Constitutional Convention  
15 Commission, hereinafter referred to as the commission, consisting of the  
16 President of the Senate, the Speaker of the House, and three members  
17 appointed by the governor. The commission shall compile information useful  
18 to the delegates, undertake studies and research, collect and organize  
19 appropriate background materials, and provide for its dissemination so that  
20 the constitutional convention may function expeditiously and efficiently.  
21 The commission may request and shall receive from any department or agency  
22 of the state such data and reasonable assistance as may help the commission  
23 in its duties. The commission may do whatever else it may deem necessary  
24 or advisable to carry out its duties and may incur such expenses as may be  
25 necessary, including but not limited to expenses for employment of such  
26 clerical, technical, and professional personnel as it may require. The  
27 commission may receive or participate in any gift or grant of funds, service  
28 or facilities from any federal, state or private agency made for the purpose  
29 of assisting the commission in carrying out its functions. The provisions

1 of AS 39.20.180 which relate to transportation and per diem expenses for  
2 members of boards apply to the members of the commission.

3 \* Sec. 18. This Act is not operable to the extent that the Supreme  
4 Court of the State of Alaska decides that the referendum of November 3,  
5 1970 on the question whether there shall be a constitutional convention  
6 was not called by the people of Alaska in accordance with Sec. 3, Art. XIII  
7 of the Alaska Constitution.

8 \* Sec. 19. This Act takes effect on the day after its passage and  
9 approval or on the day it becomes law without approval.

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Original sponsor: Rules Committee by  
request of the Governor

Offered: 3/11/71  
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 117

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

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

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10 constitutional convention, comprised of delegates elected by the legal voters  
11 of the State of Alaska, shall assemble in Election District No. 8 (as it  
12 existed on January 1, 1971), at a place designated by the Alaska Constitu-  
13 tional Convention Commission, on October 15, 1971, at ten o'clock a.m., or  
14 as soon thereafter as a quorum shall be present, for the purpose of amending  
15 or revising the Constitution of the State of Alaska and shall continue in  
16 session for as long as necessary, but not later than January 7, 1972. The  
17 convention may, at its discretion, recess for periods not to exceed 15 days  
18 in the aggregate for the purpose of holding public hearings in Alaska on  
19 proposed amendments or revision of the constitution. At least 10 days prior  
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C

(A)

NOTES ON THE MAKING OF THE ALASKA CONSTITUTION

Thomas B. Stewart

(1956)

1-0 These notes are personal recollections on circumstances and steps in the making of the Constitution of the State of Alaska. As I was a close participant in that process, I am making the comments in the first person without thereby intending to suggest the merit or lack of it in my own part taken in this work. The work was done while I was an active member of the Democratic Party in Alaska, but I have sought to avoid any undue partisan reporting of this political event. Many individuals from both political parties were in fact important contributors to the ultimate success of the constitution-making effort. I do not intend to pass judgment on the worth of the roles of the respective political parties, but merely to report to the best of my recollection the actions taken.

I. Background Circumstances.

2-0 In the territorial elections of 1948 a large majority of Democrats was elected, and most of these were in favor of statehood for the territory. Governor Ernest Gruening provided leadership within the territory towards this goal, and Delegate E. L. "Bob" Bartlett vigorously carried the effort in the Congress. When that legislature met in 1949, it passed Chapter 108, Session Laws, 1949, establishing an Alaska Statehood Committee. An appropriation of eighty thousand dollars was made to the committee and duties assigned, including the making of studies in preparation for a constitutional convention, engaging the services of an executive officer to do necessary research, assisting the delegate to Congress in obtaining passage of statehood enabling legislation, and otherwise planning for eventual statehood.

had served as a vice-chairman of the New Jersey Constitutional Convention of 1947. Also at Trenton I met with Judge Sidney Goldman, of the Appellate Division of the New Jersey Court of Appeals, who had been a prominent delegate to the New Jersey convention. In New York City I met with Luther Gulik, City Administrator of New York, and former Director of the Institute for Public Administration. Also in New York I met with Charlton F. Chute, Director of the Institute for Public Administration, who worked intimately on the preparation for the Missouri Constitutional Convention of 1944. In Washington, D. C., I met with staff members of the American Political Science Association and also its then president, Charles McKinley, professor of political science at Reed College, Portland, Oregon. Also in Washington I discussed the problems of calling a constitutional convention and providing qualified consultants with Ernest Giffith, Chief of the Legislative Reference Service of the Library of Congress.

8-c In mid-December I spent several days in Chicago meeting with Herbert Emmerich, Director of Public Administrations Service, <sup>and</sup> with Carl McGowan, Executive Assistant to Governor Adlai Stevenson (during the latter's time in office as Governor of the State of Illinois). I also spent time with Governor Stevenson discussing his experience in state government as a responsible executive head of a large state.

9-c A complete list of the individual authorities with whom I met and reviewed at length the problems of preparing for and holding a constitutional convention is too lengthy to recite in these notes. However, I should comment particularly on meeting with Professor John F. Sly at Princeton University and his associate, Professor William Miller. Dr. Miller was an active consultant to the New Jersey Convention of 1947, and was obviously intimately informed on the details involved in the calling and holding of a constitutional convention. He provided me with copies of the bills used to call the Constitutional Convention of Hawaii in 1950, the Missouri Convention of 1944, and the two recent New Jersey Conventions (1944 and 1947). In the

discussions at New Jersey I was impressed particularly by the advice from Mrs. Katzenbach, Judge Goldman, and Professors Sly and Miller of the good results in their experience of holding the convention at Rutgers, the State University of New Jersey. They were convinced that holding the convention in the atmosphere provided by the State University site contributed greatly to the devoted and studious efforts given by virtually every delegate to the problem of writing a constitution. This they contrasted with the usual atmosphere prevailing at the state capitol during legislative sessions, when many members fail to appear for committee meetings, spend time in local hotels and entertainment spots meeting with lobbyists for special interests, and otherwise giving attention to matters apart from their regular duties as elected officials.

10-c On return to Alaska in late December, 1954, I had samples of numerous acts on which constitutional conventions in other states had been called. I also had notes of comments by the many experienced persons that had been consulted on virtually all aspects of the arrangements and plans for holding a convention, and also for basic elements recommended to be included in a state constitution for good state and local government.

11-c At the opening of the 1955 legislative session, there was a new committee organization established for both the House and the Senate of the territorial legislature. This reduced the number of committees and provided like committees for each body, to permit closer cooperation between the houses and more efficient processing of bills. One of the committees established in each body was entitled "The Committee on Statehood and Federal Relations". Having prepared the background materials for the most important measure to be assigned to the committee, House Bill No. 1 for calling a constitutional convention, I was selected as chairman of this House committee and also as chairman of the Joint House and Senate Committee

throughout the drafting of the convention bill. At the outset of the committee meetings, I outlined to the members of the joint committee my experiences in discussing with the various authorities problems that should be met. I emphasized providing time for pre-convention research to prepare materials useful for the delegates on consitutional experience in other states, including coverage of problems that had arisen in the general history of state governments in America as a result of poor consitutional provisions. A second point made was the necessity to provide for special election districts, in order to insure that the delegates to the convention would come from all populated areas of the territory. This would contrast with the circumstances of the legislature, in which most of the members then were almost entirely from the major centers of Juneau, Anchorage

and Fairbanks. Another important point made was the wisdom of holding the convention at the University of Alaska, to remove it from the kind of pressures familiar to legislators working in the state capitol. I emphasized this would provide the delegates the kind of studious, thoughtful atmosphere of a university site which had proved so very successful in the New Jersey experience. Some of my constituents at Juneau objected strenuously to my taking this position, believing it would adversely affect location of the state capitol. This proved to be otherwise in the constitution as it was written.

12 . c The committee then proceeded to consider in detail what should be in the constitutional convention bill. I prepared for the committee, in outline form for use as an agenda, a list of the separate subjects appearing in the bills from other states, calling their recent conventions, and which I had brought for background information. In this outline every subject treated in all of the bills was included, so that the committee discussions would touch on each feature considered important by the states whose experiences we were reviewing. At the committee sessions these topics were discussed item by item, and

document, thus simplifying its nature and allowing flexibility in the passage of laws to implement constitutional provisions.

21-C At the meeting in Colorado, I was able to contact approximately twenty prominent political scientists, known to be expert in particular fields such as organization of the executive branch, of the judiciary, of the legislative branch, on local government, on finance and taxation, on natural resource laws, and on other fundamental provisions for a constitution. In contacts with these advisers it was made clear they would keep time available during November and December of that year, so that if called by the delegates they could come to the University of Alaska for appropriate periods to consult with the respective committees on problems encountered in drafting their portions of the constitution.

22-C  
C-5 A particular concern in my capacity as executive officer of the Statehood Committee was to be certain that the site at the University of Alaska proposed for holding the convention would be ready in time for the assembly of delegates. For this purpose I travelled on two or three occasions to Fairbanks to consult with President Ernest Patty of the University on the facilities. The building later designated as Constitution Hall was then under construction and was designed for a student cafeteria, recreation rooms, and other uses for student activities. Although the building was scheduled for completion by November, there was some uncertainty as to the progress being made and as to whether other space at the University might be adaptable for convention use. In discussions with President Patty, it was concluded that the new building would be the most ideally suited, as it would provide complete facilities in one structure, including food services, a meeting room for the entire convention, suitable office space for conducting the work of the president and secretary, rooms for committee sessions, and space for typists' and for the "paperwork" of the convention to be produced. In addition to these facilities it was necessary to make arrangements with local

apartment owners, hotels, and others for the housing of the delegates and to arrange for regular transportation from Fairbanks to the University campus. All of the University officials involved in this effort were exceptionally cooperative and helpful in making it possible for the necessary arrangements to be concluded.

23- C Approximately five days before the meeting of the convention, the Statehood Committee met in Fairbanks to consider final details in the execution of its responsibility to make preparations for the holding of the convention. This meeting was also attended by Mr. Corcoran and consultants on his staff. An important step in the statehood effort was taken at this meeting when the committee determined to wire leading newspapers and news magazines to advise them of the historic occasion of the convention. These were sent by the chairman to the New York Times, Life Magazine, the New York Herald Tribune, and other major news organizations. The New York Times responded by later sending a representative to the convention and reporting extensively on the work of the body. Subsequently, the New York Times editorialized favorably on statehood and the constitution as prepared by the convention. These editorials were reprinted in newspapers throughout the United States, probably contributing materially to subsequent nationwide popular support for statehood for Alaska.

24- C Another important accomplishment in this last week was the preparation of a proposed set of rules of procedure and a plan for organization of the convention, including its committee structure. These draft rules were prepared by John Corcoran and were adopted in close to the form as offered after the convention assembled. This enabled quick organization of the convention and the commencement of work on substantive constitutional problems with the minimum of difficulty over organizational and operating details. During this period just prior to the convening, local persons were contacted to

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## STAGING A STATE CONSTITUTIONAL CONVENTION

Some Observations and Suggestions - Wrung from  
the Effort to Combine our Experience and Pool  
our Ignorance

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(CIVICA 1956)

More than 200 constitutional conventions have been held in American states and territories since the 13 colonies declared their independence. These conventions in the aggregate have played an instrumental role of great significance in shaping the form, structure and content of the governments of our 48 states and have in many instances been the results of or the occasions for political drama of a high order. In short, this distinctive manifestation of genus homo Americanus Politicus has had much to do with the making and development of the total working constitution of our federal Republic.

In view of the amount of historical and other research to which American institutions in general have been subjected, it comes as a shock to have to recognize, as we did while serving as consultants to the Alaska Constitutional Convention of 1955-6, how little systematic attention has been given to the state and territorial constitutional conventions. It is perhaps unimportant at this point to speculate on the reasons for this neglect but we note in passing four possibilities that may be worth thinking about: (1) the sheer number of conventions inevitably resulting from the number of territories and states that have had occasion to hold them; (2) the brief life of a convention, giving it the appearance of a "one-shot" operation; (3) the extremely sketchy nature of the records and other source materials available on a majority of the conventions that have been held; and (4) the stubborn fact that national institutions and political events have from the beginning of our national history tended to preoccupy scholars and "practical" men of affairs.

The lack of attention to the constitutional bases of the states leaves us with a view of our total constitutional system almost as fractional as that of an iceberg. We do not think it is straining the analogy too far to suggest that the nature and course neither of an iceberg nor of a constitutional order can be understood on the basis of so limited a view. We think the neglect of the constitutional history of the states in general and of the role of state constitutional conventions in particular is unfortunate from both practical and philosophical standpoints.

It has deprived students of institutions, ideas and behavior of a rich source of important materials. There is room here for much rewarding work not only by generalists but by specialists in such varied fields as law, administration, politics, public finance, comparative government, political theory, etc.<sup>1</sup>

Our primary concern, however, is not over the loss to pure scholarship but rather over the lack of guidance that the neglect of scholarship in this area has meant and will inevitably continue to mean to the evolution of our constitutional system. We believe that a number of recent events, including the Columbia University Centennial Conference on Federalism, the report of the Kestnbaum Commission, the American Assemblies on State Government, and recent or current researches in state government and politics like American State Politics - an Introduction by V. O. Key, Jr., all indicate an awareness that American federalism is moving into a new phase. The paramount importance of inter-level collaboration as against inter-level separation and competition has been widely accepted and is buttressed by decisions of the United States Supreme Court. This acceptance is making it possible for students and statesmen to see state and local institutions in a new light and to reckon their future in terms of their functional importance rather than in terms of static

1. See memorandum dated March 5, 1956 by Emil J. Sady entitled "Research and Administrative Needs of State Constitutional Conventions, Based on the Experience of the Alaska Constitutional Convention".

another convention. It is to be hoped that in this process the commission will make a contribution to our understanding of techniques of adult civic education on constitutional problems via the mass media and by means of projects involving widespread citizen participation. There is great need for large scale experiments of this sort if citizens of our democracy are to continue to play their proper roles with respect to the many complicated questions, constitutional and otherwise, that are presented to them. The existence of the state commission should enable voluntary civic organizations and private as well as public educational institutions to do a much more effective job than they otherwise could with the limited resources at their disposal.

As consultants to the Alaska convention, we were repeatedly, if not continuously, frustrated by the sense of our inadequacy in helping the delegates find the information they needed for sound decisions on numerous substantive issues. To some extent this was undoubtedly a matter of our own personal ignorance and inexperience, and to some extent it was a matter of the remoteness of the place and the very limited nature of the available library resources. We have since been confirmed, however, in our belief that this inadequacy was mainly a reflection of the lack of essential reference tools and of basic research on important issues with which a convention is inevitably confronted. Better preparatory work for a specific convention would, of course, reduce to some degree the area of inadequacy but no matter how thoroughly our largest and richest state may prepare for the 1959 New York convention that convention will suffer, even as the Alaska convention did, from the national neglect of this important field of research. While Kimbrough Owen and the two of us were still in Alaska we began to discuss what seemed to us to be the clear need for a major program of research and publication. As we itemized the needs, it became apparent that the concerted efforts of several competent organizations and many scholars would be required, supported by substantial financing over a number of years. Only by such a program would it be possible to achieve a breakthrough to a higher level of continuing research in this field which would assuredly encourage greater use of the convention process and equip future constitutional conventions for more confident and sophisticated treatment of many of the issues that will confront them.

Planning for the actual physical arrangements for the convention, its organization and the conduct of its proceedings will be significantly affected by the legal, political and preparatory background already discussed. Thus, for example, the sophistication of the delegates who are actually elected will vary with the amount of their exposure to whatever research and educational activities have been going on. Their responsiveness to the developing currents of public understanding and opinion will depend upon how effective the formal and informal procedures for nomination and election are in producing a truly representative body. Of crucial importance in this connection is the leadership which emerges from this background both inside and outside the convention. The stage for the election of the convention should be set so as to insure that there will be within it persons with a state-wide point of view, capable of commanding the respect of the public outside and the affection and cooperation of the men and women inside the convention - people, moreover, who will have effective continuing communication with leaders of similar stamp remaining outside the convention. This ideal state of affairs was approximately achieved in Alaska, notably so with respect to the effectiveness of the leadership inside the convention. It was also substantially achieved in New Jersey. Noteworthy aspects of the leadership picture in the New Jersey convention were (1) the presence in the convention of a number of the outstanding leaders of the long time civic campaign for revision, and (2) the close and effective liaison between Governor Driscoll and the leadership of the convention, particularly in bringing about certain compromises of a political nature which smoothed the way to agreement and to the overwhelming popular acceptance of the constitution.

The decision as to the place of holding a convention has a good deal to do with what happens when it meets. We understand that the decision to locate the New Jersey convention in the gymnasium on the campus of Rutgers University in New Brunswick was dictated by the desire to get it and its members out of the atmosphere of the state house with its pervasive aroma of legislative maneuvering, midnight lobbying and official protectiveness. While the distance between New Brunswick and Trenton is short in miles the political distance between the Rutgers University gymnasium and the state house is considerably greater.

It was in all probability a stroke of genius on the part of those who planned the Alaska convention to follow the New Jersey example and locate it at the University of Alaska which was remote in miles as well as political atmosphere from the territorial capital in Juneau. Once the delegates and their aides arrived in Fairbanks they were bound to stay and to develop a sense of community in the service of Alaska as a whole that would have been quite difficult in the more distracting environment of Juneau or even of Anchorage. It is also a matter of some importance that both the New Jersey and the Alaska conventions were on university campuses which boasted no bar rooms or cocktail lounges. To be sure, refreshment could be had a few blocks away from the convention hall in New Brunswick and a few miles away in Alaska. Especially in Alaska, however, once the delegates arrived at the university campus in the morning they were likely to stay there until the end of the last session of the day - often late into the evening. It should not be supposed that smoke filled rooms in various parts of the city of Fairbanks where the delegates stayed, and conferences over drinks in taverns in and about the city played no role in the work of the convention. They were important and on the whole beneficial, but factors of time and distance kept them in their proper place and assured that they would not divert members from their duties in the scheduled sessions of the convention.

Of course no state could find a retreat quite so protected as mid-Alaska in mid-winter but we commend the New Jersey and Alaska precedents to the planners of future conventions in other states.

The time table of the convention can greatly affect its ultimate effectiveness, though more study needs to be given comparative experience with respect to this factor. Both the New Jersey and the Alaska conventions operated on strict time tables set by the enabling act. Each was, in fact, of about three months' duration and in each case the day of adjournment was kept constantly and purposely in the minds of the delegates. In each case it appeared to have the salutary effect of giving everybody a sense of urgency. In general there was evident a strong feeling of obligation to avoid filibustering or diversionary tactics that might endanger the success of the convention. It is true that in the case of the Alaska convention at least it seems as if some matters might have been reconsidered and some drafts further refined if the time schedule had not been quite so tight. Yet more time might well have been wasted without producing any noteworthy improvement in the document.

In drawing up an enabling act it might perhaps be well to consider setting a tentative date of adjournment subject to postponement only by action of an extraordinary majority of the convention. This would set a goal which would probably be kept but would still enable a convention which found itself unexpectedly bogged down over some important or difficult issue to extend its time and thus perhaps save itself from disaster or futility. The experience of the Missouri constitutional convention which was not limited as were the New Jersey and Alaska bodies and which continued to meet almost continuously for exactly one year is instructive on this point. It may have been necessary for the members of that body to continue to meet together over a considerable period of time in order to establish the rapport and the sense of corporate responsibility to the whole state which ultimately developed and produced an excellent result. Conceivably the convention might have risen to the occasion earlier if the law had required it but it would be dangerous, without much further study, to assure that it would have.

Another matter of timing has to do with the arrangements for giving the public an opportunity to review tentative decisions of the convention and to develop a sense of participation in the ultimate stage in the process of constitution writing. In New Jersey, which is a small state, the convention committees published tentative reports which were then subjected to extensive public hearings at which individuals and organizations were invited freely to express themselves in the convention hall in New Brunswick. The record of these hearings became an integral part of the convention record and bulks larger than the formal debates in the convention itself. They played an important role both in shaping the final decisions on many issues and in preparing the public for the campaign for adoption of the new constitution.<sup>7</sup>

7. On the importance of the public hearings held by the committees of the Missouri Convention, see Dean William L. Bradshaw's observation that they "were excellent conferences or seminars on all phases of state and local government." The Convention Goes to Work, Modernizing State Constitutions, page 20, National Municipal League, 1948



CHAPTER II  
CONVENTION PRELIMINARIES

When the Alaska Statehood Committee was established in 1949, one of the basic assigned duties was to make studies in preparation for framing a state constitution (1). During its initial years of operation, however, the committee concentrated on the immediate task of developing information materials on Alaska statehood, publicizing the statehood cause throughout the United States, and helping provide witnesses and testimony for congressional hearings. But while the Alaska Statehood Committee deferred action on state constitutional matters, the possibility of holding a constitutional convention prior to statehood was frequently discussed by the committee and by others. In the context of the statehood movement, there was sharp initial disagreement over whether drafting a constitution would further or hinder the cause.

Drafting of a state constitution was suggested by B. Frank Heintzleman, who was appointed territorial governor in 1953 to replace Ernest Gruening after Republicans took power in Washington. Heintzleman's proposal was, however, made in the context of stating his opposition to immediate statehood and was one of a series of suggestions he made for preparing for eventual statehood.

The response of the Alaska Statehood Committee to convention suggestions was completely negative. Committee members believed that the holding of a constitutional convention prior to congressional approval of statehood would simply serve to delay the day when statehood was granted. The same position

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(1) Session Laws of Alaska, 1949, Chapter 108.

purposes in the territory. This factor had great significance in the ultimate acceptance of the constitution by the voters and in the harmony and good feeling about the work of a convention during its progress.

## 2. Convention Site

The place where the delegates were to convene also became an issue in the legislature, and its resolution in behalf of the University of Alaska campus was to have a profound impact upon the quality of the convention and the document produced. Essentially, the argument was between the campus at College (near Fairbanks) and Juneau. The latter was the territorial capital and the meeting place of the legislature. As it was the locale of the territorial government, it had the physical facilities including meeting places and housing, but also had the rather foul reputation that goes with legislative politics, special interest lobbying, heavy drinking, and the like. On the other side was word brought back by Stewart about the 1940 convention in New Jersey held at Rutgers, the State University. According to all reports, the university atmosphere contributed greatly to the devoted and studious efforts given by virtually every delegate to the problem of writing a constitution. Despite his being a home town legislator from Juneau, Stewart argued strongly for the University of Alaska site and in the end obtained unanimous support of the Committee on Statehood and Federal Relations.

The choice of the university was eventually to receive near universal approbation. It was clear to participants and observers

alike that the academic environment lent an excellent basis for unmitigated effort and objective decision making. At the same time, location away from Juneau removed the convention from political, bureaucratic, and lobbying influences to which it was bound to be subjected if meeting in the capital. Public confidence in the work of the convention was greatly strengthened thanks to the setting, which in no way detracted from the public exposure the delegates received in their work.

3. Convention Timing

The convention call set a limit of 75 days, including weekends and holidays, on the duration of the commission. It provided for a recess of up to 15 days for the purpose of holding public hearings, the days of recess being in addition to the 75 convention days. The duration of the convention proved about right, at least for the writing of a constitution for the new State of Alaska. The delegates worked late into the night during the last few weeks, but they probably would have done the same, had the convention been allowed to meet for a week or two longer. Having a specific deadline, gave the convention a sense of urgency and toward the latter stages resulted in careful scheduling and balancing of committee work and general session deliberations.

The timing of the beginning and conclusion of the convention was very carefully worked out. On the one hand, it was necessary to begin as late as possible in order to allow maximum time for pre-convention studies, election delegates, and arranging for the convention

B  
E. J. Sady  
October 1959

COMMENTS ON CERTAIN ITEMS IN  
THE MANUAL ON THE ADMINISTRATION OF A  
STATE CONSTITUTIONAL CONVENTION

II - A. 1. Powers.

It would be helpful if you could summarize Hoare's work and any other on the subject. There are two aspects -- one, the substantive powers of the convention (i.e. restraints imposed by the United States' constitution and by the electorate); and second, the administrative powers of the convention. The latter should be sufficiently broad to ensure its freedom to fulfill its mission without undue restraint or interference from the state legislative and executive offices or any other source. Certain restraints are inevitable: for example, those imposed by reasonable restrictions on the amount of money that the convention can spend and the broad purposes for which the money can be spent; the selection of the convention site; and the duration of the convention. Whatever restraints are imposed should in no way subordinate the convention to any instrumentality or officer of the state. The convention should not be required to seek its staff assistance from an established state office or to be subject to financial handouts from the legislature. Such dependence could introduce pressures and personal relationships that may impair the freedom of the convention. They are intrusions upon the independence of the convention that should be avoided

*Vacation July 23*

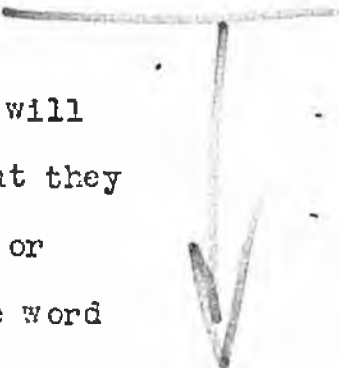
*July 9<sup>th</sup>  
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from any state agency. I think it would usually be a mistake for the preparatory body to use an existing state agency such as the legislative council, budget office, etc. as its principal research agency. However, the legislative council was so used in Hawaii -- without, as far as I know, any unfavorable effects. The New York system seems ideal, with a small research planning staff responsible to the commission and wide use made of reputable experts and research agencies throughout the state. And there should be no hesitation to go outside the state if a local expert is not available in a particular field or, if available, will not be regarded as impartial by all concerned.

## II - B.2.

Regarding physical requirements, these will depend on the type and size of the convention, but they are likely to be such that any university campus or city would probably be able to satisfy them. One word about the site itself. It ought to be a place that itself symbolizes the ideals and unity of the state. That is why a university, if rivalry with other universities in the state is not acute, makes an ideal site. The university spirit and even the presence of students who represent the future of the state would be assets



to any convention. If planned ahead of time, universities might be able to accommodate a convention during the summer months. A resort near the state capital or the state capital itself would be my second and third choices but generalizations on this point are of little value and serve only to illustrate the factors to be considered in selecting a site.

The convention needs a hall for plenary sessions, with desks or tables for delegates, staff and officers and a balcony or other space set apart for the general public. Amplifying equipment, with microphones strategically placed around the delegates' desks will also probably be needed. Comfortable leather cushioned, straight-backed or swivel, chairs are needed for delegates; they'll be grateful for them.

Separate meeting rooms will be needed for as many committees as can meet at the same time. One way of facilitating executive sessions (i.e. of keeping spectators out of committee meetings) is to have small meeting rooms. This is another advantage of a university over the legislative chamber. The latter's committee rooms have the capability and tradition of accommodating spectators. There should, of course, be rooms where committees can conduct public hearings and can accommodate spectators as well as rooms for executive

sessions.

If desks are provided to delegates in the plenary meeting hall, they will not require individual desks or filing space elsewhere. Otherwise, filing cabinets, with a drawer for each delegate, may be needed. In any case, small work rooms (about one for five or six delegates) where delegates can do private or convention business and make phone calls will also be needed.

A quiet lounge for relaxation should also be available, preferably near the meeting and work rooms. Television sets should be available (~~but not at all times~~ <sup>on</sup> ~~at~~ <sup>and when</sup> ~~all~~) in the lounge if delegates and convention committees appear on television.

A special library for delegates and with ready access to a general and law library will also be required. The delegates' library should have duplicate copies of the materials likely to be most frequently consulted. The library should be a place for study, not for meetings. Tables to accommodate up to one-fifth of the delegates should be available. A professional librarian, familiar with the possible reference needs of the delegates and having a wide network of contacts with other libraries and other sources of information

and special delivery services should be available. The library should be open from early morning to late at night.

A press room and news transmission facilities will also be needed; possibly also radio and television transmission capability.

Secretariat facilities and separate offices for the President, Secretary and possibly other convention officers should be strategically situated for effective performance of their respective functions. The Secretary should be located near the chief clerk, information center, stenographic pool, and reproduction facilities; these should be near the delegates' work-rooms. The information center should receive mail and messages; these can be placed in pigeon hole mail boxes for delegates. The President's office, with separate waiting room and secretary should be near but not an integral part of the rest of the secretariat. The President needs privacy for private meetings with individual delegates, committee chairmen, and important visitors.

At least three mimeograph machines, two for simultaneous operations and one stand-by will probably be needed. If verbatim proceedings of plenary or

committee sessions must be duplicated, the recording and duplication equipment and manpower must be increased accordingly. In Alaska, plenary sessions were recorded on tape and by a stenotypist but no full transcriptions of these were made until after the convention adjourned. As I recall, we had only one electric mimeograph machine but there were times when two machines should have been operating simultaneously.

Ample space is needed for paper storage and shelves or preferably files for storing extra copies of documents. Care should be taken to put aside under lock and key as many copies of papers as convention officers decide will be needed for deposit in state archives, legislative library, universities, etc.

#### II - B. 3.

The list of reference materials could be almost endless. It might be better if I review the list you draw up and suggest additions.

I noted <sup>above</sup> that both the preparatory body and the convention should be free to request information and even special studies from state agencies. I should think that the preparatory body should try to make the widest possible use of private agencies and individuals

both for the information they might provide and the sense of participation it would afford them. John Bebout can best advise on the value of having the preparatory body constitute special committees for study of specific problems, as a means of broadening the participation in the preparatory work. I would think it would be highly desirable. The PAS survey team in Alaska held meetings to gain insights into the problems it was studying. You may want to ask Tom Stewart<sup>x</sup> more about this.

II - B. 5.

The kind and number of staff will depend in part on the size of the convention and the kind of records it decides to keep. The staff in Alaska was extremely small but, except for the need of an additional stenotypist court reporter and an additional mimeograph operator at peak times, the staff was adequate. Alaska had fifty-five delegates, issued a daily journal describing actions taken by the convention in plenary sessions and draft of articles and resolutions and amendments thereto and several drafts of the constitution, the last two of which were printed. The staff of the convention and the duties of each are listed in convention document "Secretariat/4/a of November 16,

1955. Most personnel will be needed for the duration of the convention, but the employment of a few can be geared to the various phases of the convention's work. Staff members should be flexible, ready to fill in wherever needed. Resourcefulness, enthusiasm, and willingness to work for as many hours as needed are qualities to be sought in staff in addition to competence in their main functions.

The staff of the preparatory commission can often serve as the nucleus around which the rest of the secretariat can be built. Political appointments can hinder a secretariat. Use of state employment facilities and secondment of personnel from state agencies are protections against such appointments. Formalization of recruitment through established agencies should be agreed upon by the convention and will serve to protect convention officers against personal and political pressures.

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II - B. 6.

I see no need for pre-convention contacts other than those by the preparatory body to send delegates documentation, arrange for travel and accommodations, etc. Informal contacts are inevitable but

A GUIDE TO ILLINOIS CONSTITUTIONAL REVISION:  
THE 1969 CONSTITUTIONAL CONVENTION

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October 1969

will be allowed \$15 per day for a hotel room in Chicago or \$12 per day for a room elsewhere, \$10 per day for meals, and \$10 per day for incidentals.

There is one exception to this system of compensation. To avoid possible complications over the "lucrative office" provision in the state Constitution (Article IV, Section 3), the Enabling Act provides that legislators and other public officials who retain their elected or appointed positions and are delegates to the Convention receive compensation for only mileage, expenses, and postage, i.e., no salary.

The President of the Convention is required to certify the pay and mileage of each delegate and this is to be entered in the Convention's journal.

#### The Convention Process

The Illinois Constitution, the Enabling Act, and the court decisions have provided the basic machinery for initiating the 1969 Constitutional Convention. In addition to such previously discussed topics as procedural requirements for the elections associated with the Convention and the regulations governing the qualifications, elections, and compensations of delegates, these sources (and others) also provide the framework for other aspects of the Convention.

#### Place and Date of First Meeting

Illinois, like eight other states, constitutionally requires that a constitutional convention must meet within three months after the election of delegates. For example, the 1920 Convention convened on January 6, 1920--approximately two months after the election of delegates.

The Enabling Act for the 1969 Convention provides that the Convention will convene at 12 o'clock on December 8, 1969--less than three weeks after the delegate election. As has been the practice in Illinois, it is anticipated that the Convention will conduct much of its business in the House of Representative chambers in Springfield. Actually, the Illinois Constitution specifies that the legislature shall fix the meeting place, but the Enabling Act stipulates only that the first meeting of the Convention must be in the House chambers. It explicitly provided that "...further proceedings of the Convention shall be held at such places and in such manner as may be determined by the Convention." Consequently, after the Convention convenes in Springfield on December 8, it will have to decide where to hold future sessions. It is very likely that the Convention's several committees will conduct hearings throughout the state.

With the exception of the first convention in Kaskaskia in 1818, all other Illinois conventions have been held in the House chambers. Holding constitutional conventions in the state capitol is the general rule in most states although other sites have been used in a few cases. For example, the 1947 New Jersey Convention met on the campus of Rutgers University and the 1955-56 Alaska Convention met outside Fairbanks on the campus of the University of Alaska.

#### Length of Session

There is no constitutional or legislative provision regarding the duration of the 1969 Convention. The most recent Illinois convention convened on January 6, 1920, and adjourned on October 10, 1922. However, the convention actually was in session for 140 convention days

**State Constitutional Convention Studies  
Number Three**

**MAGNIFICENT FAILURE**

The Maryland Constitutional Convention of 1967-1968

JOHN P. WHEELER, JR.  
Hollins College

and

MELISSA KINSEY

With a Statistical Study  
by  
Robert D. Loevy  
The Colorado College

**NATIONAL MUNICIPAL LEAGUE**

Carl H. Pforzheimer Building  
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1970

call of a convention in 1966 and would oppose adoption of the convention's product. He charged that convention salaries exceeded not only those of legislative employees but also those paid most state administrative officers—and this was demonstrably true. Eney pointed out that this was intensive, short-term work, requiring high caliber people. Many of the employees had taken pay cuts to join the staff, and some positions were proving unattractive even at the set rates. Eney weathered this storm without damage. Indeed the speaker of the House of Delegates, while seeming to join the criticism, actually used the convention pay rates as a basis for arguing for increases in legislative staff salaries.

The "page" system worked beautifully. The pages were high school seniors of honor standing who came from around the state and were nominated by their principals. Numbering 76, they served two two-week stints on a full-time basis as pages on the floor of the convention, as mail-room attendants and as messengers for the committees. They were paid \$60 per week.

#### *Budget, Logistics and Physical Facilities*

The governor's budget approved by the General Assembly provided \$2 million for the convention. A small amount of this, \$20,000, was to be used to finish the work of the commission; another \$750,000 was to pay the costs of the special referendum on the adoption of the draft constitution. This left \$1,230,000 for convention and post-convention activities. In brief outline the budget drawn up by the convention provided:

<i>Salaries, Wages and Expenses</i>		\$967,636
Delegates' Salaries (\$2,000 x 142)	\$284,000	
Delegates' Expenses (\$25 per day)	355,000	
Staff Salaries and Social Security	328,636	
<i>Telephone Telegraph and Postage</i>		34,550
<i>Convention Travel</i>		5,000
<i>Contractual Services</i>		183,505
Transcribing Services	40,000	
Printing Transcript	75,000	
Other Printing	30,000	
Miscellaneous	38,505	
<i>Supplies and Material</i>		29,075
Post Convention Activities		10,234
	Total	\$1,230,000

The facilities of the convention were almost entirely those of the General Assembly. The enabling legislation directed that the convention meet in the chamber of the House of Delegates and by implication this

carried authority to use House facilities. The Senate, by separate resolution, made its facilities available.

On the convention floor, each delegate had a small desk sufficient to keep his proposal and report books and other materials. Additional space varied from committee to committee. Members of the committee on the executive branch, for example, shared a large room equipped with a desk and file drawer for each delegate. On the other hand, individual offices, shared by several delegates apiece, were made available for members of the committee on general provisions. Each committee chairman occupied a separate office adjacent to his committee room, and two or three offices were provided for the adviser, administrative assistant and secretaries of each committee. Committee meeting rooms were those of the General Assembly both in the Statehouse and in neighboring structures.

Each delegate also had access to a microphone at his desk, tied into a console operated at the rostrum. The audio system was also tied in with a tape recording system, so that anything formally spoken on the floor was electronically recorded.

The convention handled its own printing and reproducing processes. In general this was successful and probably more convenient to the operation than contracting for this service outside. One small problem was separation of this facility from the convention hall; it was two blocks away. The logistical operation was sufficiently efficient, however, to produce the necessary copies of an amendment within 20 minutes of the time a delegate gave it to the chief page.

All roll calls were taken on the electronic voting machine. Initially, the figure \$40,000 was thrown out as the cost of adapting the machine for convention use. Actually this estimate proved outlandish and in reality was not offered as an argument against using the machine but as a back-handed way of opposing alphabetical seating of delegates. Delegates in the legislature sit by delegation. Thus the machine is rigged this way. Had the convention delegates sat in the same fashion only a change in nameplate would have been necessary. The cost of rewiring to accommodate the different seating pattern proved minimal, however. The 672 roll calls taken in the convention suggest something of the value of electronic voting.

The convention had excellent library facilities. Its own library contained specially purchased materials as well as materials loaned from others, particularly the Enoch Pratt Library in Baltimore. The State Library is in another building next to the Statehouse. Within an easy 40-mile drive of Annapolis are the Library of Congress, and those of the University of Maryland and Johns Hopkins University. Occasionally these facilities were used by staff researchers for specialized studies.

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THE MAKING OF A CONSTITUTION:  
THE MICHIGAN EXPERIENCE\*

By

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Prepared for delivery at the Sixty-Ninth National  
Conference on Government of the National Municipal  
League, Detroit, Statler-Hilton Hotel, November 19, 1963

January 1, 1964 is a significant date in the political development of Michigan. On this day the fourth organic law of the state becomes effective. Drafted by Michigan's fifth constitutional convention, which assembled in October, 1961 and adjourned finally on August 1, 1962, the new document was approved by the voters on April 1, 1963 by a margin of 7,424 votes in a total vote of 1,614,296. The 1963 instrument is the twelfth basic law to be adopted in the fifty states since 1900.

Steps Leading to the 1961-1962 Convention

The 1908 Constitution of Michigan, which the new instrument replaces, had been subject to an increasing number of amendments reflecting mounting dissatisfaction with its provisions. Although the 1908 Constitution contained a few measures characteristic of the progressive movement, generally this document had retained the philosophy of its immediate predecessor,

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\*This paper is a summary of the author's study, Constitution Making in Michigan, 1961-1962 (Michigan Governmental Studies No. 43; Ann Arbor: Institute of Public Administration, University of Michigan, 1963).

1,100 candidates. The result of the election on September 12, in which only approximately 20 per cent of the state's registered voters participated, was a landslide victory for the Republicans. They won 99 of the 144 seats--a ratio of more than two to one. Excepting four Democratic delegates from the Upper Peninsula, all Democrats were from the Detroit metropolitan area. Republican representation in the convention was distributed over both urban and rural areas of outstate Michigan with fewer from the southeastern urban counties.

A profile analysis by the University of Michigan's Institute of Public Administration characterizes the delegates as predominantly male white Protestants with education and annual incomes well above average. For the first time, women participated in the writing of a Michigan constitution. There were eleven women in the convention--six Republicans and five Democrats. All thirteen Negro delegates were Democrats from Wayne County. The age of delegates ranged upward from twenty-five. As a delegation, the Democrats were younger than the Republicans. Largest occupational groups in convention were fifty-nine attorneys of whom six were former circuit judges, fourteen farmers, and thirteen educators including five Ph.D's. The profile showed also that most of the delegates were deeply involved in the public affairs of their respective communities; many had held public offices, both elective and appointive, on national, state, and local levels.

The delegates assembled for the convention's first meeting on October 3, 1961 in the Lansing Civic Center. Subject to

approval of the delegates, the preparatory commission had selected the south wing of the Civic Center as the permanent meeting place of the convention and had prepared quarters for its activities. During the early organizational period, the delegates elected officers, ratified various actions of the preparatory commission, adopted a set of rules covering basic organization and procedure, and took other action necessary to get the work of the convention underway.

By unanimous vote the delegates ratified the pre-convention selections by the Republican caucus for major convention offices and approved the Democrats' nominee for the vice-presidency allocated to the minority. As its presiding officer, the convention selected Stephen S. Nisbet, retired vice-president and director of public relations of the Gerber Products Company, former president of the Michigan Education Association and member of the State Board of Education. The three vice-presidents represented major blocs in the convention: Edward Hutchinson, attorney--the conservative, rural Republicans; George Romney, president of the American Motors Corporation and president of Citizens for Michigan--the moderate Republican wing; and Tom Downs, attorney for the AFL-CIO--the Democratic minority. This "troika" organization on the second executive level reflected generally the two to one ratio of Republicans to Democrats in the convention and was applied in the designation of committees and in other organization phases of the convention's activities. The only nonmember of the convention elected as a permanent officer was the secretary, Fred I. Chase, retired secretary of the Michigan Senate and consultant to the preparatory commission.

"With an Understanding Heart-"  
Constitution-Making in Hawaii

Norman Kellor  
July 1, 1969

by additional funds for printing, the Bureau issued a series of seventeen constitutional volumes. One study covered "Constitutional Convention Organization and Procedures," another fifteen were arranged to correspond with the various articles of the 1950 constitution, and a general volume provided both an introduction to the series and summaries for all of the constitutional articles. The near 2,000 pages of print touched upon practically every matter which came before the convention, objectively mustering arguments pro and con on issues, and providing empirical data, legal opinion, and examples of constitutional phraseology obtained through a search of all fifty state constituent documents. But-tressed by this extensive research, delegates had need of very little other resource materials, and once the 1968 convention got underway, extensively relied upon the Bureau studies.

In providing for the siting and setting up of the facilities of the convention, the Hawaii State Legislature was forewarned by an omission of 1950. In the former, no one was legally charged with making advance arrangements for the holding of the convention. To fill the hiatus, Secretary Oren E. Long assumed responsibility, and through informal meetings with delegates arrived at satisfactory solutions. In 1968, the enabling legislation appropriating \$1,000,000 for defraying the pre-session, session, and post-session expenses of the convention designated the office of the Governor as recipient, or "the officers elected by the delegates if so designated by the Governor." And as to the site, the 1967 legislation was even more specific: the convention was to convene "at a suitable place designated by the Governor."

Neither in 1950 nor 1968 was there an appropriate meeting place which satisfied all of the criteria desired for a constitutional convention: adequate space for delegates, staff, and spectators; dignity befitting the undertaking; centrality, or at least ease of access; availability of parking for automobiles. The throne room of the venerable Iolani Palace could barely accommodate all sixty-three delegates in 1950 and would leave practically no space for observers; in 1968, it was not thought feasible even to contemplate using the Palace. As substitute or supplement to the Palace in 1950, consideration was given to meeting in the adjoining Honolulu Armory or one of the Honolulu school auditoriums, such as McKinley High School. The final solution was to have brief opening and closing ceremonies in Iolani Palace, but otherwise conduct all business in the Armory, including the organization on opening day. The traditionalists were mollified while the pragmatists carried the day.

In 1968, the agreement finally reached on a convention site also was something of a compromise, again calling for the use of a barn-like structure. The situation presented was different, and the alternatives available greater. A State Capitol was now under construction, where the Armory once stood, and to many delegates the facilities available in the yet uncompleted edifice provided the grandeur and spaciousness desired. But the Governor was opposed, citing the \$2,500 to \$5,000 extra contractor's cost for each day's delay in construction, plus the uncertainty attendant on re-hiring a work force once the construction could be re-

newed upon the conclusion of the convention. While indicating he would take into account the views of the delegates, he proposed Kapiolani Community College, whose facilities were vacant during the summer, and referred to several other choices. To the delegates, selection of a school suggested a limited convention with a built-in deadline, for constitutional business would have to be completed before September when the schools again opened for holding classes. An ad hoc committee of delegates investigated the various sites, and while concluding that the Kapiolani Community College facilities by themselves were not adequate, reluctantly concurred with the Governor in eliminating the use of the State Capitol. Later, on meeting with the delegates in caucus, the Governor designated the adjoining McKinley High School gymnasium for plenary sessions, and the air-conditioned Kapiolani Community College building for delegates, staff offices, and most committee meetings. Should the work of the convention not be through by the time the school facilities were again needed, quarters would be found elsewhere. As events were to prove, the return of the school premises remained as a subtle threat to the delegates, and the opening of the Community College was delayed a week to allow the convention to vacate the temporary offices. Even then it could not conclude its work, and finally moved to the old Senate chamber in Iolani Palace. The signing ceremony took place in the throne room, so once again the symbolism of the Palace legitimized Hawaii's constitution.

In perspective, the 1968 facilities were luxurious compared to the quarters occupied in 1950. Then delegates enjoyed no private offices, staff was crowded together, and the rooms used for com-

mittee hearings proved noisy. True, offices in 1968 for the most part consisted of dividing classrooms into small cubicles by erecting temporary partitions, so delegates and their aides were crowded together, with little room for privacy. But they now had individual desks, private telephones, and an area to use as their own work space. The gymnasium quarters were not air conditioned, so that by afternoon the temperature contrasted noticeably with the coolness maintained in the College building, but it was not excessively uncomfortable. And even the acoustics were better in McKinley gymnasium, or so, at least, the old timers reported.

With the conventions promising to extend over only relatively short periods of time, for both, equipment was borrowed from a number of governmental agencies, and most of the balance rented. The legislature was the source of much of the office furniture. For 1968, there had to be acquired some two hundred desks, executive chairs for eighty-two delegates when sitting in plenary session, more than one hundred and fifty typewriters, duplicating equipment, a public address system complete with desk microphones and recording equipment, an offset printing press, the Hawaii Senate podium, and even a broad expanse of canvass to cover the floor of the McKinley gymnasium so as not to damage the polished hardwood. All this was part of the duties of the Senate Clerk, serving as aide of the President-elect, along with his responsibilities for supervising the \$16,000 physical alterations of the convention offices. Unlike in 1950, he was not requested to hang the hall with bunting to cover the drabness of that era's convention hall.

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Supervision over central personnel fell to the Clerk of the ,



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James D. Smith  
Signature of Camera Operator

4/4/89  
Date

"An Act appropriating to the Alaska Constitutional Convention Commission; and providing for an effective date."

### Committee Report

HOUSE OF REPRESENTATIVES

XXXXX

3-2-71

\_\_\_\_\_ Date

Mr. Speaker:

The Committee on FINANCE has had HB 118 under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for \_\_\_\_\_ and that CS for \_\_\_\_\_ do pass
- (and) recommends it be referred to the \_\_\_\_\_ committee
- reports it back without recommendation
- (other) \_\_\_\_\_

MEMBERS SIGNING THE MAJORITY REPORT:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ CHAIRMAN

"An Act appropriating to the Alaska Constitutional Convention Commission; and providing for an effective date."

### Committee Report

## HOUSE OF REPRESENTATIVES

FINANCE

1-29-71

March 1 1971  
Date

Mr. Speaker:

The Committee on STATE AFFAIRS has had HB No. 118 under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for \_\_\_\_\_ and that CS for \_\_\_\_\_ do pass
- (and) recommends it be referred to the \_\_\_\_\_ committee
- reports it back without recommendation
- (other) \_\_\_\_\_

MEMBERS SIGNING THE MAJORITY REPORT:

Richard L. McVeigh Frank Ferguson  
Helen M. Fischer Mike Rose  
Jess Harris  
John Weber

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

W. D. N. Ole recommends: Do Not Pass  
 \_\_\_\_\_ recommends:  
 \_\_\_\_\_ recommends:  
 \_\_\_\_\_ recommends:  
 \_\_\_\_\_ recommends:

Richard L. McVeigh  
 CHAIRMAN

Introduced: 1/29/71  
Referred: State Affairs and  
Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 118

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act appropriating to the Alaska Constitutional  
7 Convention Commission; and providing for an effective  
8 date."

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

10 \* Section 1. The sum of \$150,000 is appropriated from the general fund  
11 to the Alaska Constitutional Convention Commission for the performance of  
12 its duties.

13 \* Sec. 2. This Act takes effect on the day after its passage and approval  
14 or on the day it becomes law without approval.

COMMITTEE CL.

*Gov letter dated 2/3*

HR 118

January 28, 1971

The Honorable Eugene Guess  
Speaker of the House  
Alaska State Legislature  
State Capitol Building  
Juneau, Alaska 99801

Dear Mr. Speaker:

Pursuant to the Uniform Rules of the Legislature, I am submitting a bill appropriating for the expenses of the constitutional convention commission including the advisory, consultant, and other staff services which will be required. The requested appropriation is in the amount of \$150,000 and is based on the recent experience of other states in establishing and financing constitutional convention preparatory commissions.

In my opinion the wise expenditure of this money will help insure a well informed and productive convention.

Sincerely,

William A. Egan  
Governor

**ALASKA STATE LEGISLATURE**

SEVENTH Legislature FIRST Session

HOUSE BILL NO. 118

By THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

An Act appropriating to the Alaska Constitutional Convention Commission, and providing for an effective date.

Constitutional Convention Comm  
appro

Introduced in the House 1/29/ 71

**HISTORY IN THE HOUSE**

19 71

Jan 29

Read first time and referred to Committee on State Affairs and Finance

Reported back with recommendation that

Read second time and

Read third time and

PASS Yeas Nays Absent Excused

Effective Date

PASS Yeas Nays Absent Excused

Reported correctly engrossed Signed by Speaker Sent to Senate

## HISTORY IN THE SENATE

19

Read first time and referred  
to Committee on

Reported back with  
recommendation that

Read second time and

Read third time and

PASS

Yeas  
Nays  
: Absent  
Excused

Effective Date

PASS

Yeas  
Nays  
: Absent  
Excused

Reported correctly engrossed

Signed by President

Returned to House

SECRETARY OF THE SENATE

## HISTORY IN THE HOUSE

19

Received from Senate

Reported correctly enrolled

Sent to Governor

..... By Governor

Filed with Secy. State

Chapter No. ....

Introduced: 1/29/71  
Referred: State Affairs and  
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 118

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4 SEVENTH LEGISLATURE - FIRST SESSION

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To: Mr. Gene Guess

From: Michael DeMan

Subject: Constitutional Convention Site

For the purpose of this report, we developed approximately nine criteria.

They are as follows;

- I. Meeting hall
  - A. Square footage suitable for seventy desks
  - B. Galleries for watchers
  - C. Access and proximity to committee rooms and offices
  - D. Electronic amplification capabilities
- II. Committee Rooms
  - A. Four in number
  - B. Size capable of holding twenty delegates around tables with room for twenty watchers
  - C. Proximity to hall
- III. Printing services
  - A. Offset press with suitable backup capable of printing a daily calendar, journal of convention proceedings, and various committee reports as they become available
  - B. Numerical quantity of approximately eight to nine thousand impressions per hour
  - C. Suitable access in control of the printing facilities so that the materials may be printed from 3:00 p.m. in the afternoon until they are completed
- IV. Offices
  - A. Staff offices, at least five
  - B. Convention offices, at least two
  - C. One large office for a steno pool
- V. Press services, at least one large office capable of holding four press representatives, together with such equipment as teletype services, typewriters, etc...
- VI. Access to the convention site

A. General

B. Specific

VII. Accomodations for delegates, including hotel/motel rooms, and apartments

VIII.

A. The economic need

B. Other need factors

IX. Library facilities

A. General materials

B. Government publications

X. Ideological Climate

The first site evaluated for potential as a constitutional convention site was the city of Fairbanks, particularly the University of Alaska campus. I and Mr. Van Doren met with Dr. Charles Beistline and Dr. Lafferty of the University. The following facilities were made available by the University for the period October 5 to January 15, 1972.

I. Meeting Hall

The great hall in the fine arts building has sufficient floor space to accomodate sixty-five delegates and desks along with ten staff members and desks if desired. It also has sufficient gallery room to accomodate a minimum of forty spectators at one time. The University proposal would use modular walls to completely close off the section of great hall so that University student traffic or other traffic would be channelled outside the meeting area and would not be a disruptive influence on the proceedings. The great hall as envisioned by the University officials would appear to be entirely suitable for electronic amplification with the installation of either individual or two party microphones on the desks of the delegates.

II. The University's proposals to provide space for staff and convention officers is the use of Constitutional Hall which will be almost entirely vacant at the time (October 5 to January 3) that the Constitu-

tional Convention would be requiring it. Constitutional Hall's main floor has sufficient space for three committee rooms each approximately one thousand square feet, plus or minus, and three offices, one of two hundred and twenty-four square feet, one of two hundred square feet, and one of four hundred square feet. It is the University's proposal that one of the rooms, which is now being used as the student lounge remain decorated and furnished in that manner, as a delegate lounge. The second floor of Constitutional Hall contains five very large offices ranging from seveny-nine to two hundred and seventy-five square feet. Along with four other offices of approximately thirty and forty square feet. It is proposed that these offices be used for staff and convention officer functions. Depending on completion of other University facilities, two other additional rooms may be available on the second floor of Constitutional Hall for convention usage. In addition to the Constitution Hall facilities the University has made available to the convention if so desired, three conference rooms in the library for exclusive use of delegates and staff and five faculty study rooms in the library for the use of delegates or staff.

The University printing services located in the Administration Building in close proximity with the convention facilities, include two Multilith model 2650 duplicators machines capable of 6,000 impressions per hour each and fifteen and thirty bin collater, together with sufficient personnel and other material to fullfill all of the printing needs of the convention.

The University has suggested that one of the offices on the second floor of Constitutional Hall adjacent to the radio control room of the University Communications facility be used for press services. At this time there is a teletype machine in place and it is suggested that the press services make use of this machine.

Access to Fairbanks from the rest of Alaska is via airplane from Anchorage or Juneau, Seattle or Chicago. The flights are scheduled often enough to offer excellent service in and out of Fairbanks. The other methods of access include the Anchorage to Fairbanks highway and access to Southeastern Alaska via Tok Junction and the ferry system from Haines. Access to the convention site per se will be via bus service which will pick up the delegates in the morning and take them back into town in the late afternoon. This method was used in the first convention and seems to be an excellent method of providing transportation service while the delegates are in Fairbanks. That bus ride is approximately fifteen minutes in duration.

Accommodations. For a complete list of accommodations available in Fairbanks, please see appendix number 7. A brief synopsis of that appendix includes 800 hotel rooms available in Fairbanks during the fall and winter season and 40 to 50 efficiencies and one-bedroom apartments in downtown Fairbanks with two weeks notice.

The University had indicated that because of the initial drop out rate of students attending the University there will be some accommodations at the University for those who desire them. The city of Fairbanks has many fine dining facilities and the University has stated that any delegate/staff or convention watcher could make use of the University's cafeteria and dining facilities during the convention.

Library facilities. The University has described its library facilities as including the following; "approximately 320,000 equivalent volumes comprises the collection as of this date, including 270,000 catalogue volumes, 6,000 reels of microfilm, and more than 350,000 units of microfiche and micropaqués. In addition there are 3,000 maps, 1,500 phonograph records, and current subscriptions to about 3,500 journals. To secure photocopies:

quickly or borrow one interlibrary loan material not available in our library, we have telex installation on the second level. Not only does this give us direct and immediate communication with our units of the University in other locations of the state, such as Juneau, but it gives us instant communication with the Pacific Northwest bibliographic center at the University of Washington and, via Telex or TWX interface at PNBC, with the Library of Congress in Washington, D. C. In effect, it makes the entire resources of those great libraries (and others) available for the University of Alaska." Appendix number 14.

The University of Alaska library has been designated as a depository for government documents. The documents collection numbers about 70,000 volumes. A comprehensive reference collection, a special collection of Alaska and the polar regions (Skinner collection), a rare book collection with mostly Alaska items, and a manuscript collection of primary source material relating to Alaskan history are among the special strengths of this library.

The need for having the convention in Fairbanks as stated by Wallace Baer, manager of the Chamber of Commerce, is great. The city of Fairbanks has suffered drastically from the delay in the start of construction of either the pipeline road or the pipeline. Much of the build up of facilities etc... has been unused due to that delay. The rate of unemployment is high and as anticipated by Mr. Baer the Constitutional Convention would give the entire city of Fairbanks an important impetus during the fall period.

The staff has also analyzed the political climate and setting of the Constitutional Convention in Fairbanks. Much use has been made of Thomas B. Stewart's notes on the making of the Alaska Convention, Vic Fisher's notes on convention preliminaries. Some observations and suggestions on

staging the state constitutional convention by John E. Bebout of the National Municipal League, and Emil J. Sady of the Bookings Institution, the report on the making of New Jersey convention, as well as that of the convention proceedings in Illinois. All of the materials the staff has analyzed have suggested that a constitutional convention has much to gain from using the facilities of a University. "The choice of the University was eventually to receive more universal approbation. What was clear to participants and observers alike, was that the academic environment lent an excellent basis for unmedigeted effort and objective decision making. At the same time, location away from Juneau removed the convention from political, bureaucratic, and lobbying influences to which it was bound to be subjected if meeting in the capital. Public confidence in the work of the convention was greatly strengthened thanks to the setting, which in no way detracted from the public exposure the delegates received in their work." Appendix Number 13.

"What was in all probability a stroke of genius on the part of those who planned the Alaska convention took a look at the New Jersey example and located at the University of Alaska which was remote in miles as well as political atmosphere from the territorial capital in Juneau. Once the delegates and their aides arrived in Fairbanks they were bound to stay and to develop a sense of community in the service of Alaska as a whole that would have been quite difficult in the more distracting environment of Juneau or even of Anchorage. It is also a matter of some importance that both the New Jersey and Alaska conventions were on university campuses which boasted no bar rooms or cocktail lounges, to be sure, refreshment can be had a few blocks away from the convention in New Jersey and a few miles away in Alaska. Especially in Alaska, however, once the delegates arrived at the university campus in the morning they were likely to

stay there until the last session of the day, often late into the evening. It should not be supposed that smoke-filled rooms in various parts of the city of Fairbanks where the delegates stayed, and conferences over drinks in taverns, in and about the city, played no role in the work of the convention. They were important and on the whole beneficial, but factors of time and distance kept them in their proper place and assured they would not divert members from their duties in the scheduled session of the convention." Appendix number 13.

Included in this atmospheric consideration is the fact that the university faculty would be more than happy to assist the staff and delegates of the convention in the performance of their duties and also that the facilities of the entire university would be made available to the staff and delegates. In addition a full time liason person would be assigned from the university to work with the convention staff and delegates in order that their needs and wants during the convention would be fullfilled.

Anchorage meeting hall. The city's proposal is that the Sydney Lawrence Auditorium located at 6th. Avenue and F Street be used as the main assembly area for the convention. "Its central location, audio facilities, television cable, etc..." according to the city make it ideal. The city would remodel the stage area and enlarge it to accomodate seventy-four desks in addition to a dias. This would involve taking out a total of the first nine or ten rows of seats in the auditorium and would leave the seating capacity for audience at approximatly four hundred. The total for remodeling would come to an approximate \$14,100, payable by the state. Their proposal includes carpeting the entire stage, adding to the electrical system, and modification of the sound system to provide for individual microphones at each desk. The seating area would then be a space approximately 67 x 45,

with 3800 square feet. This is estimated to be sufficient for the delegates, desks, and seating.

Within the Sydney Lawrence Auditorium, on the stage there would be constructed four offices which would be in close proximity to the delegates' seating area. Each of these offices would be eighty one square feet. Also in close proximity would a men's and women's restroom. The city also proposes to make use of two dressing rooms on the mezzanine level each approximately one hundred square feet, for offices. The lobby to the rear of the assembly hall includes two rooms suitable for coat storage and two other restrooms. With some modification, a portion of this lobby could be set aside for use by the delegates as a coffee bar. The city has also suggested that the press make use of a room 17 x 24, in the basement of the community center building which is accessible through Sydney Lawrence Auditorium via a corridor. Along this same corridor is a room 24 x 66 which they suggest could be used as two committee rooms each 792 square feet.

Printing services. The city of Anchorage has available the city hall annex building, which is in close proximity to the auditorium and other services, a printing unit consisting of multilith model 1250 duplicators (2) and a model 2650 duplicator. It is estimated that the total capacity would be in the 15,000 impressions per hour range, which in all probability would fulfill any of the printing requirements of the convention. They also have a primary collator room with an eight bin collator and a binder and stapler unit.

Offices. The city has stated that one of the leading hotels in Anchorage has offered to make available work rooms for committee and staff use. The reduced cost figure has been quoted by the hotel which found in the appendix number 13.

The city has suggested that a large lounge would be available until

6:00 p.m. each day if desired for large committee use. This area can seat 110 people and would be available at a cost of fifty dollars per day. There are also two buyers rooms 10 x 20 each which would be available at no cost if not otherwise in use.

Library services. The material submitted on library services within the city of Anchorage include the City library with a total volume count of 125,000, federal publications 1,500, individual Alaska State publications 700, and miscellaneous AlaskaCana, 1,200. Also available would be Alaska Methodist University library of the 75,000 volumes, and the U. S. Government depository at A.M.U. with a count of 350-400 government publications a month, (since 1963). Also included in library facilities is the Alaska State and Court and Law library with 10,000 total volumes and the U. S. district court library, no specific figures given. The of Anchorage Law library also includes a wide selection of legal digests, reporters, and law reviews.

Accomodations. The City of Anchorage has submitted material indicated a reduced cost for hotels and the high vacancy rate among apartments which would enable any of the delegates who wish to do so to rent apartments in close proximity to the convention activities.

Access to the city of Anchorage. Is through International Airport from Southeastern Alaska and Interior Alaska as well as the lower 48. Land access to Anchorage is via the highway from Fairbanks and from Tok via the Alaska highway from Southeastern. Within the city of Anchorage, the majority of hotels and some of the apartments available are within walking distance of the Sydney Lawrence Auditorium, committee rooms, and offices.

The need for Anchorage to be selected, as stated by Mayor Sullivan and City manager Bob Sharp is that the people of the city of Fairbanks have had