

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 86/2

796 SCOMM27: INT. COMM. CONSTITUTIONAL CONVENTION 1979-80

ESTABLISHED AS INTERIM COMMITTEE IN 1979, BECAME A
JOINT COMMITTEE BY PASSAGE OF LR48 (SCR43AM) SLA
1980

*THERE ARE 11 AUDIO CASSETTE TAPES AVAILABLE

REPRESENTATIVE BRIAN ROGERS, CHAIRMAN
SENATORS
HOHMAN, MULCAHY, SACKETT, ZIEGLER, GARDINER, HAYES
ADMINISTRATIVE ASSISTANT, GUY VAN DOREN

1. MISCELLANEOUS INFORMATION
2. AGENDAS AND MINUTES
3. CONSTITUTIONAL CONVENTION (CONCON)
CORRESPONDENCE RE: BILLS, ETC.
4. CONSTITUTIONAL CONVENTION (CONCON)
CORRESPONDENCE (1979-1980)
5. CONSTITUTIONAL CONVENTION (CONCON)
CORRESPONDENCE (1980-1981)
6. CONTRACT INFORMATION /CONSTITUTIONAL
CONVENTION (CONCON) 1980
7. EXPENSES (COMMITTEE)
8. CONSTITUTIONAL CONVENTION (CONCON) PERMANENT
FUND DISTRIBUTION
9. CONSTITUTIONAL CONVENTION (CONCON) REPORTS -
1980 ORIGINALS
10. VAN DOREN REPORTS - CONVENTIONS, AMENDMENTS
INTRODUCED
11. BOUND VOLUME: TRANSCRIPTS OF HEARINGS HELD BY
THE JOINT COMMITTEE ON THE CONSTITUTIONAL
CONVENTION 1980
12. LIST OF COMMITTEE ON CONSTITUTIONAL
CONVENTION
TAPES (1979-1980)
13. HAWAII INFORMATION
14. LOUISIANA INFORMATION

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1979-1980
LIST OF FILES (PAGE 2)

- 15. TEXAS CONSTITUTIONAL PUBLICATIONS
- 16. MISCELLANEOUS STUDIES / OTHER STATE PUBLICATIONS

LIST OF PUBLICATIONS

THIS IS A LIST OF PUBLICATIONS IN FILES WHICH ARE AVAILABLE ELSEWHERE AND WHICH, THEREFORE, WERE NOT RETAINED IN SCOMM #27.

FLORIDA STATE UNIVERSITY LAW REVIEW, V.5, NO.4
(FALL 1977)

GOVERNMENT UNION REVIEW, V.2, NO. 4 (WINTER 1981)

NATIONAL CIVIC REVIEW, V.69, NO. 1 (JANUARY 1980)

NATIONAL MUNICIPAL LEAGUE PUBLICATIONS:

CORNWELL, ELMER E., J. AND OTHERS.
CONSTITUTIONAL CONVENTIONS: THE POLITICS OF
REVISION, 1974

DISHMAN, ROBERT B. STATE CONSTITUTIONS; THE
SHAPE OF THE DOCUMENT. 1968

GRAD, FRANK P. THE STATE CONSTITUTION: ITS
FUNCTION AND FORM FOR OUR TIME, 1968

MODEL STATE CONSTITUTION, 1963, REVISED 1968

STURM, ALBERT L. THIRTY YEARS OF STATE
CONSTITUTION MAKING: 1938-1968, 1970

WHEELER, JOHN P. THE CONSTITUTIONAL
CONVENTION: A MANUAL ON ITS PLANNING,
ORGANIZATION, AND OPERATION, 1961

SALIENT ISSUES OF
CONSTITUTIONAL REVISION, 1961

NATIONAL MUNICIPAL LEAGUE. STATE CONSTITUTIONAL
CONVENTION STUDIES

1. CORNWELL, ELMER E., JR. AND JAY S.
GOODMAN. THE POLITICS OF THE RHODE ISLAND
CONSTITUTIONAL CONVENTION, 1969

2. WOLF, GEORGE D. CONSTITUTIONAL REVISION
IN PENNSYLVANIA, 1969

3. WHEELER, JOHN P., JR. AND MELISSA KENSEY.
MAGNIFICENT FAILURE: THE MARYLAND

CONSTITUTIONAL CONVENTION OF 1967-1968, 1970

5. MELLER, NORMAN. WITH AN UNDERSTANDING
HEART: CONSTITUTION MAKING IN HAWAII, 1971

6. FAUST, MARTIN L. CONSTITUTION MAKING IN
MISSOURI: THE CONVENTION OF 1943-1944, 1971

8. GOVE, SAMUEL K., AND THOMAS R. KITSOS.
REVISION SUCCESS: THE SIXTH ILLINOIS
CONSTITUTIONAL CONVENTION, 1974

9. FISCHER, VICTOR. ALASKA'S CONSTITUTIONAL
CONVENTION, PUBLISHED BY UNIVERSITY OF ALASKA
PRESS, 1975

STATE GOVERNMENT, V. 52, NO. 1 (WINTER 1979)

STEWART, WILLIAM H., JR. THE ALABAMA
CONSTITUTIONAL COMMISSION. UNIVERSITY, ALABAMA:
THE UNIVERSITY OF ALABAMA PRESS, 1975

STURM, ALBERT L., COMP. A BIBLIOGRAPHY ON STATE
CONSTITUTIONS AND CONSTITUTIONAL REVISION,
1945-1975. ENGLEWOOD, COLORADO: THE CITIZEN'S
CONFERENCE ON STATE LEGISLATURES, 1975

TRENDS IN STATE CONSTITUTION -
MAKING, 1966-1972, LEXINGTON, KENTUCKY, COUNCIL OF
STATE GOVERNMENT, 1973. (PUBLICATION # RM - 508)

SCOMM

#27:1

SPECIAL COMMITTEE # 27

INTERIM COMMITTEE ON THE CONSTITUTIONAL CONVENTION 1979-1980

Established as interim committee in 1979, became a joint committee by passage of LR48 (SCR43 am) SLA 1980.

Rep. Brian Rogers, Chairman
Sen. Hohman, Sen. Mulcahy, Sen. Sackett, Sen. Ziegler
Rep. Gardner, Rep. Hayes

Guy Van Doren, Administrative Assistant

FILES:

1. Miscellaneous information, including this list.
2. Agendas and minutes
3. ConCon Correspondence re: bills, etc.
4. ConCon Correspondence (1979-80)
5. ConCon Correspondence (1980-81)
6. Contract Information/ConCon '80
7. Expenses (Committee)
8. ConCon - Permanent Fund Distribution
9. ConCon Reports - '80 Originals
10. Van Doren Reports - Conventions, Amendments introduced.
11. Bound volume: "Transcripts of hearings held by the Joint Committee on the Constitutional Convention 1980"
12. Envelope of Cassettes. Listed on page 2.
13. Hawaii Information
14. Louisiana Information
15. Texas Constitutional Publications
16. Miscellaneous studies/other state publications.

SPECIAL COMMITTEE #27 (page 2)

INTERIM COMMITTEE ON THE CONSTITUTIONAL CONVENTION 1979-1980

11 audio-cassettes

<u>TAPE NO.</u>	<u>DATE</u>	<u>SIGNIFICANT INFORMATION....</u>
1	9/24/80	ConCon meeting
2-4	11/7/80	Meeting in New York
5-6	11/16/80 ?	Charles Campbell, Sam Gove Jim Ray, Kathy Ray, Janice May
7	?	Ray, Ray, May - Texas
8	11/12/80	John Wheeler, Hollins, Va.
9	12/9/80	Committee meeting
10	1/10/81	Committee meeting
11	?	Guy Van Doren dictating on convention

KHS 10/83

SPECIAL COMMITTEE #27 (page 3)

Interim Committee on Constitutional Convention 1979-1980

List of Publications in Files which are available elsewhere and which, therefore, were not retained in SCOMM #27.

Florida State University Law Review, v. 5, no. 4 (Fall, 1977)

Government Union Review, v. 2, no. 4 (Winter, 1981)

National Civic Review, v. 69, no. 1 (January, 1980)

National Municipal League Publications:

Cornwall, Elmer E., J. and others. Constitutional Conventions: The Politics of Revision, 1974.

Dishman, Robert B. State Constitutions; the shape of the document. 1968.

Grad, Frank P. The State Constitution: its function and form for our time, 1968.

Model State Constitution, 1963, rev. 1968.

Sturm, Albert L. Thirty years of State Constitution-making: 1938 - 1968, 1970.

Wheeler, John P. The Constitutional Convention: a manual on its planning, organization, and operation, 1961.

_____. Salient Issues of Constitutional Revision, 1961

National Municipal League. State Constitutional Convention Studies.

1. Cornwell, Elmer E., Jr. and Jay S. Goodman. The Politics of the Rhode Island Constitutional Convention, 1969.

2. Wolf, George D. Constitutional Revision in Pennsylvania, 1969.

3. Wheeler, John P., Jr. and Melissa Kinsey. Magnificent Failure: The Maryland constitutional convention of 1967-1968, 1970.

5. Meller, Norman. With an Understanding Heart: constitution making in Hawaii, 1971.

6. Faust, Martin L. Constitution Making in Missouri: the convention of 1943-1944, 1971.

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8. Gove, Samuel K., and Thomas R. Kitsos. Revision Success: the sixth Illinois constitutional convention, 1974.

9. Fischer, Victor. Alaska's Constitutional Convention, published by University of Alaska Press, 1975.

State Government, v. 52, no. 1 (Winter 1979)

Stewart, William H., Jr. The Alabama Constitutional Commission. University, Alabama: The University of Alabama Press, 1975.

Sturm, Albert L., comp. A Bibliography on State Constitutions and Constitutional Revision, 1945-1975.
Englewood, Colorado: The Citizen's Conference on State Legislatures, 1975.

. Trends in State Constitution-Making, 1966-1972. Lexington, Kentucky, Council of State Governments, 1973. (Publ. # RM - 508).

SCOMM

#27:2

Chairman
Rep. Brian Rogers

INTERIM COMMITTEE
ON
THE CONSTITUTIONAL CONVENTION

Members
Sen. Hohman
Sen. Mulcahy
Sen. Sackett
Sen. Ziegler
Rep. Gardiner
Rep. Hayes

Pouch Y, Rm. 107
Capitol Bldg.
Juneau, Alaska
99811
(907) 465-3743

Staff
Guy Van Doren
Admin. Asst.

December 15, 1980

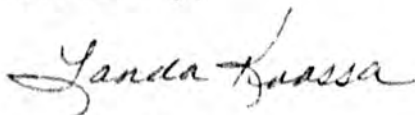
To All Members Of The
Constitutional Convention Committee

Enclosed are copies of the minutes of the December 9, 1980
meeting of the Joint Interim Committee on Constitutional
Convention.

The next meeting of the Constitutional Convention Committee
will be on January 10, 1981, at 10:00 a.m. The meeting will
be held in the Beltz Committee Room in the Capitol Building in
Juneau.

Hopefully a complete transcription of the outside meetings
will be in the mail prior to the meeting. If not, they will
be available at the meeting.

Sincerely,



Landa Krossa,
Secretary

JOINT INTERIM COMMITTEE ON
CONSTITUTIONAL CONVENTION

Meeting Minutes
December 9, 1980

The December 9, 1980 meeting of the Joint Interim Committee on Constitutional Convention was called to order at 3:11 p.m. in the Beltz Committee Room located in the Capitol Building in Juneau, Alaska, by Representative Brian Rogers, Chairman.

Present at the meeting were: Representatives Brian Rogers, Joe Hayes and Terry Gardiner, and Senator Ziegler.

Excused from the meeting were: Senators Bob Mulcahy, George Hohman and John Sackett.

Representative Rogers noted that a quorum was present.

Mr. Guy A. Van Doren, Administrative Assistant to the Committee, gave a verbal report of his research efforts in New York, Houston, Virginia and Washington, D. C., and gave a trip log of the same.

Mr. Van Doren gave a verbal report regarding his meeting with various persons involved in the calling of a national constitutional convention. Persons interviewed were representatives from the American Bar Association, the National Taxpayers Association, and staff of the Senate Subcommittee on the constitution. This is a subcommittee of the Senate Judiciary Committee. The main topics of the interviews was the question of whether or not a constitutional convention could be limited or if it had to be unlimited. Most people thought the question would have to be settled by the courts.

Mr. Van Doren stated that all of the experts had stated one of the important things the committee should investigate was the writing of a "Citizen's Guide to the Alaska Constitution". The committee decided without objection that requests for proposals should be advertised for a person or persons to write a "Citizen's Guide to the Alaska Constitution". Proposals are to be received by January 9, 1981.

The committee discussed the creation of a brochure describing the constitution and what is a constitutional convention. Staff was directed to continue work on the written section of the brochure and to publish requests for proposals on the illustrated section of the brochure to be received by January 9, 1981.

Mr. Van Doren made recommendations to the committee regarding availability of recognized experts for committee work. Mr. Van Doren will summarize in written form the qualifications and recommendations of each of the recognized experts.

Chairman Rogers stated that he had received a contract from the University of Alaska for the translation of the Alaska constitution into the Yupik language. The contract is divided into four phases, the cost of \$117,000 will be spread out over two fiscal years; the Legislative Affairs Agency has prepared a contract for the first phase and part of the second phase.

The Committee voted unanimously to have staff prepare a resolution to be introduced which would continue the committee through 1981.

There was discussion regarding the issues survey. Chairman Rogers suggested solicitation for proposals to do a public survey of the issues relating to: 1. How the public feels about holding a constitutional convention; 2. What the public feels should be the issues considered at a convention; 3. A federal constitutional convention as it relates to a balanced federal budget. There was no objection to the solicitation for proposals, and staff was directed to submit the requests for proposals for a public survey to the several newspapers throughout the state.

Further discussion of the public survey resulted in the suggestion by Senator Ziegler to include a capitol move question on the list of questions in the survey. Representative Rogers suggested that possibly the Statehood Commission could include questions on the same public opinion survey.

Introduction of legislation was discussed and considered by the committee. Representative Rogers advised the committee that he was directing research work to be done for a bill to be introduced in the 1981 legislative session relating to a constitutional convention. CSHB 723 am S was vetoed by Governor Hammond. A number of corrections relating to the reasons for veto were discussed. Staff was directed to monitor the drafting of a new bill for constitutional convention.

Under old business, the contract with Robert Wagstaff, Attorney at Law, was discussed. The committee had instructed Mr. Wagstaff to terminate his services, and for that reason the committee was provided with a final report. \$10,000 had been prepaid to a trust account for legal fees, and the unused portion of that \$10,000 will be reimbursed to the committee.

January 10, 1980 was the date set for the next meeting of the Joint Interim Committee on Constitutional Convention. The meeting will convene at 10:00 a.m. in the Beltz Committee Room, Capitol Building, Juneau, Alaska. The proposals received for the brochure, citizen's guide and the public opinion survey will be discussed, as well as draft legislation for the constitutional convention.

There being no further business, the meeting was adjourned on December 9, 1980 at 4:08 p.m.

Landa Krossa, Secretary

CONSTITUTIONAL CONVENTION COMMITTEE

AGENDA December 10, 1979

CONSULTANT REPORTS:

- ~~X~~ Irene Reed: progress report on Yupik translation
- ✓ Douglas Pope: constitutional issues - legal analysis
- ✓ Guy van Doren: state constitutional conventions in the 1970's ; *And ts*
- ✓ Dr. Victor Fischer: preliminary considerations and arrangements
- ✓ Glenda Straube: transcription of Constitutional Review
- ✓ *George : report on Future Frontiers*

PUBLIC COMMENTS:

Fairbanks
Anchorage
Juneau
Other teleconference locations if necessary

COMMITTEE ACTION:

Requests for legislation and resolutions (if necessary)
Continuation of committee through session
Discussion of future projects

OTHER BUSINESS if necessary

JNU: Defects + weaknesses
~~Apportionment~~
 Call: Apportionment

Question on ballot in 1982
 Legislative call
 Call by initiative

→ Apportionment must be dealt with.
 1955 schedule in violation
 of one-person one-vote
 May not be able to defer to local gov't
 boundaries

REQUESTS: Doug - Billy Berrier: Draft ~~for~~
~~for~~ ~~apportionment~~

amendments submitted one-at-a-time	Statutory basis for procedures
→ FRIDAY 11 th	all voters eligible -- 90 day limit (15 day recess)
→ SATURDAY 12 th	non-partisan -- legislative apportionment + 5
→ SUNDAY 13 th	delegate selection -- fiscal note (?)
	location -- location spring Fall
	off year - election + convention

Resolution - 1980 ballot
 Public involvement
 Guy - Establishing Joint Con Con Comm

Doug
 PRIVACY
 STATE / FED RELATIONSHIP
 LOCAL PROTECTIONS

3 H
 3 S
 1 J -
 1 G -
 Lt. Gov.

#12 Constitutional Convention

- ⑦ State sovereignty; state-fed relationship
- 7 Election of judges/attorney general
- ⑤ Local control; increase local gov't power
- 5 Unicameral legislature
- ④ Increase legislative power vs. governor; Separation ^{power}
- 3 Protect Environment
- 3 Legislative apportionment
- 3 Land status; convert to private
- 2 Capital move
- 2 Justice system
- 2 Education
- 2 More representatives
- 2 Fishing regulations

Examples of reinterpretation

(Bill of Rights
Civil Rights for Amer Indians
Court interpreters program)

Atty Gen + Judges	+++		✓
Initiatives			
Limit Spending			
Limit Session			
Capital Move			✓
Protect Environment			✓
Local Govt (local control)	+++		✓
Property Taxes			
Apportionment			✓
Common Property			
Justice System			✓
Education			✓
Land use			
Natural resources (max dev)			
Human Services			
More representatives			✓
No disclosure			
Unicameral	+++		✓
Boro system			
Separation of powers ^{more legislature}			✓
Revenue Mgmt			
Bonding			
Statehood ^{status} for AK	+++		✓
Status of U of A			
Long range planning			
Election Reform			
Lands - private			✓

Deregulate	
Lifestyle	
Legislative terms	
Fishing Regs	
Private higher Ed	
Grand Jury	

(Future Frontiers every 10 years)

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

Brain Rogers

MAY 26 RECD

Thought you would
be interested in
this material. If
it can be of any
assistance - please let
me know.

Ed Foster



FED. BUDGET
BALANCED
MAY 26 RECD

325 PENNSYLVANIA AVENUE, SOUTHEAST

WASHINGTON, DISTRICT OF COLUMBIA 20003

TELEPHONE (202) 543-1300

NATIONAL TAXPAYERS UNION CONFIRMS COUNT ON 30 STATE LEGISLATURES
WHICH HAVE PASSED A RESOLUTION CALLING FOR A CONSTITUTIONAL
CONVENTION ON A BALANCED FEDERAL BUDGET AMENDMENT

The 30 state legislatures which have passed balanced budget amendment resolutions are:

Alabama	HJR 227, Act 302	1976
Arizona	SJR 1002, HCM 2003	1979, 1977
Arkansas	HJR 1	1979
Colorado	SJM 1	1978
Delaware	HCR 36	1975
Florida	Sen. Memorial #234, HM 2801	1976, 1976
Georgia	Res. Act #93, HR #469-1267	1976
Idaho	HCR 7	1979
Indiana	SJR 8	1979
Iowa	SJR 1	1979
Kansas	SCR 1661	1978
Louisiana	SCR 4, SR 73, HCR 269	1979, 1978, 1975
Maryland	SJR 4 (Original), Md JR 77 (Enrolled)	1975
Mississippi	HCR 51	1975
Nebraska	LR 106	1976
Nevada	SJR 8, SJR 2	1979, 1977
New Hampshire	HCR 8	1979
New Mexico	SJR 1	1976
North Carolina	Resolution 5	1979
North Dakota	SCR 4018	1975
Oklahoma	HJR 1049	1976
Oregon	SJ Memorial #2	1977
Pennsylvania	HR 236	1976
South Carolina	SCR 1024, SCR 670	1978, 1976
South Dakota	SJR 1	1979
Tennessee	HJR 22	1977
Texas	HCR 13, HCR 31	1978, 1977
Utah	HJR 12	1979
Virginia	SJR 36	1976
Wyoming	HJR 12 (Original) JR 1 (Enrolled)	1977

30 out of
50 STATES

Certified copies of these resolutions are on file at the National Taxpayers Union,

UPDATED: January 10, 1980

Public Attitudes on a Balanced Budget Amendment

Recent polls by the highly respected Gallup organization, the Roper Organization, the New York Times -- CBS News, and the Associated Press -- NBC News indicate overwhelming public support for a constitutional amendment to require a balanced federal budget and a constitutional convention to draft such an amendment.

The questions asked were:

Roper: "Considering both the possible advantages and possible drawbacks, would you like to see a Constitutional Convention called to consider an amendment to limit federal spending, or wouldn't you be in favor of such a convention?" July, 1979.

Gallup: "Would you favor or oppose a constitutional amendment that would require Congress to balance the federal budget each year - that is, keep taxes and expenditures in balance?" July, 1978, February, 1979.

New York Times - CBS News: "Would you favor or oppose a constitutional amendment requiring a balanced national budget except in times of emergency?" January, 1979.

Associated Press - NBC News: "Would you favor or oppose a constitutional amendment which would require the federal government to balance the budget?" February, 1979.

POLL	FAVOR	OPPOSE	NO OPINION
Roper 1979	65%	22%	13%
Gallup 1979	78	12	10
Gallup 1978	81	11	8
NYT/CBS News	73	16	11
AP/NBC News	70	18	12

The New York Times - CBS News poll also found "that the proposed budget-balancing amendment had a remarkably uniform level of support across the country and demographically." They found that over 70% of those identifying themselves as Democrats, Republicans, Conservatives or Liberals favored such an amendment.

The 1979 Gallup poll asked the people who said they opposed an amendment this question: "Would you favor or oppose such an amendment if provisions were made for emergency expenditures?"

FAVOR	6%
STILL OPPOSE	5
NO OPINION	1

According to Gallup only 5% of those polled oppose such an amendment if provisions are made for emergency expenditures.

Gallup's 1979 demographic breakdown follows on the next page.

CONSTITUTIONAL AMENDMENT TO REQUIRE BALANCED BUDGET

Question: "Would you favor or oppose a constitutional amendment that would require Congress to balance the federal budget each year — that is, keep taxes and expenditures in balance?"

February 2 — 5, 1979

	<u>Favor</u>	<u>Oppose</u>	<u>No opinion</u>
NATIONAL	78%	12%	10%
SEX			
Male	75	16	9
Female	79	9	12
RACE			
White	79	12	9
Non-White	68	15	17
EDUCATION			
College	73	20	7
High School	81	9	10
Grade School	71	8	21
REGION			
East	76	12	12
Midwest	81	10	9
South	77	12	11
West	74	17	9
AGE			
Total Under 30	78	11	11
18 - 24 years	80	11	9
25 - 29 years	75	12	13
30 - 49 years	76	16	8
50 & older	78	10	12
INCOME			
\$20,000 & over	78	16	6
\$15,000 - \$19,999	82	12	6
\$10,000 - \$14,999	76	11	13
\$ 7,000 - \$ 9,999	79	8	13
\$ 5,000 - \$ 6,999	74	10	16
\$ 3,000 - \$ 4,999	70	11	19
Under \$3,000	82	7	11
POLITICS			
Republican	84	9	7
Democrat	76	14	10
Independent	77	13	10
RELIGION			
Protestant	80	12	8
Catholic	76	11	13
OCCUPATION			
Professional & Business	78	18	4
Clerical & Sales	80	8	12
Manual Workers	77	10	13
Non-Labor Force	78	9	13
CITY SIZE			
1,000,000 & over	72	12	16
500,000 - 999,999	74	15	11
50,000 - 499,999	81	12	7
2,500 - 49,999	80	10	10
Under 2,500, Rural	79	12	9
Labor union families	79	12	9
Non-labor union families	77	12	11

BUDGET BALANCING AMENDMENT

	<u>Favor</u>	<u>Oppose</u>	<u>No opinion</u>
LATEST	78%	12%	10%
July, 1978	81	11	8
1976	78	13	9

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

Senate Panel Backs Amendment to Balance Budget

WASHINGTON, Dec. 19 (AP) — A proposed constitutional amendment that would require a balanced Federal budget was approved today by a 5-to-2 vote of a Senate Judiciary subcommittee. It was the first time that the idea had been embraced by any Congressional panel.

The amendment, drafted by Senator Orrin G. Hatch, Republican of Utah, and formally introduced last Friday by Senator Dennis DeConcini, Democrat of Arizona, would allow deficit spending only when authorized by a three-fifths vote of each house, or by a simple majority in times of war.

The recommendation came from the Judiciary Subcommittee on the Constitution, whose chairman, Senator Birch Bayh, Democrat of Indiana, is opposed to any constitutional amendment on the

budget process.

Senator Bayh said that he preferred a statutory approach to achieve a balanced budget. He argued that legislative restrictions would be quicker than the long constitutional process. He also expressed fears, as has the Carter administration, that an amendment could "severely limit" the Government's ability to respond to economic recessions.

Procedure for Approval

The DeConcini-Hatch amendment would have to be approved by two-thirds of each house of Congress. The proposal would then have to be ratified by at least 33 states within seven years.

The amendment would also bar the Government from collecting on indirect tax increases as a result of inflation, un-

less a bill specifically authorizing an increase in that ratio was passed by Congress.

The measure now goes to the full Judiciary Committee, whose chairman, Senator Edward M. Kennedy, Democrat of Massachusetts, has expressed reservations about such a constitutional amendment.

THE WASHINGTON STAR Thursday, December 20, 1979

Senate Subcommittee OKs Amendment To Require Balancing of Federal Budget

By Lance Gay

Washington Star Staff Writer

A Senate Judiciary subcommittee has voted 5-2 in support of a proposed amendment to the Constitution that aims at producing balanced federal government budgets in peacetime.

The vote was the first time the amendment has won approval by any congressional panel, but its sponsors admit it faces an uncertain future.

The amendment was drafted by Sen. Orrin Hatch, R-Utah, and Sen. Dennis DeConcini, D-Ariz.

"For the last half-century, Congress has failed to balance its budget," said Hatch. "Now in the last year or so, 30 states have specifically asked Congress to do something about the problem."

The amendment would require a balanced budget every year, except in wartime. In the event of war, Congress would be empowered to waive the constitutional provision if it is adopted.

Deficit spending would only be permitted in peacetime when authorized by a three-fifths vote of each house.

The measure was formed out of more than 70 resolutions introduced in Congress this year for a balanced budget and is a compromise with those who sought a more restrictive proposal.

The recommendation came from the Judiciary subcommittee on the Constitution, whose chairman, Sen. Birch Bayh, D-Ind., remains opposed to any constitutional amendment of the budget process. Bayh and Sen. Howard M. Metzenbaum, D-Ohio,

voted against the proposal, while DeConcini, Hatch, Strom Thurmond, R-S.C., Howell Heflin, D-Ala., and Alan K. Simpson, R-Wyo., supported it.

The proposed constitutional amendment would allow seven years for ratification by at least 38 states, following approval by two-thirds of each house of Congress.

In addition to requiring a balanced budget, the bill would bar the government from collecting on indirect tax increases as the result of inflation. Specifically, it requires that "receipts in any year shall not exceed, as a proportion of the national income, that collected . . . in the prior year," unless a bill specifically authorizing a boost in that ratio is passed by Congress.

The provision effectively would require the government then to reduce taxes in years of inflation.

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

EXCERPTS FROM STATEMENT BY FORMER UNITED STATES SENATOR SAM ERVIN (D-NORTH CAROLINA) TO THE CALIFORNIA LEGISLATURE -- FEBRUARY 15, 1979

I think it is not only important but absolutely essential for the United States to have a balanced federal budget. Deficit financing is fundamentally dishonest. Both a government and an individual ought to have enough honesty to pay their debts as they go and not try to pawn off their debts on some future generation. If they can't succeed in doing that, what they do is inflict upon themselves a terrible inflation which robs them of the value of all they have.

I think it's necessary for the states to call for a constitutional convention to submit an amendment to balance the budget. It's apparent to me, from my experience in Washington, that Congress by itself is going to be very reluctant to submit an amendment requiring a balanced budget. There are too many congressmen and too many demands from constituents who enjoy deficit financing because it enables them to get a whole lot of money out of the empty federal treasury. It's a whole lot easier for Congress to try to give the impression that they are going to give the people something for nothing.

The first safeguard that would absolutely annihilate any danger of a runaway convention would be for Congress to take my bill, which passed through the Senate twice -- the last time by an 84 to nothing vote -- take this bill and pass it. This would put an end to any danger of a runaway convention. In the second place, you've got a safeguard in this method since such a convention could not submit part of a con-

stitutional proposal that would become effective as a part of a Constitution unless it was ratified by 3/4 of the states.

It's also conceivable to me that the people of the states would send to Congress one group of men and send to the constitutional convention called at the insistence of the states an entirely different group of people.

I think it's implied in the Constitution that the only amendment such a convention could submit to the states would be an amendment conforming to what the states had requested of the convention to be called for. And that question would be so decided by the federal courts whenever any litigation arose. These scare tactics are calling up non-existent constitutional and legal ghosts.

I started studying constitutional law after my freshman year at the University of North Carolina way back in 1914 at the insistence of my father who was a lawyer in North Carolina for 65 years. I've been interested in constitutional law ever since and I have made a particular study of it. When I went to the Senate, or at least a short time after I went to the Senate, I was made Chairman of the Senate Subcommittee on Constitutional Rights of the Senate Judiciary Committee and virtually every constitutional question that was brought up in Congress during the years I was there, there were about 20, came to that Committee. So I had to study those subjects. I think the United States has the finest Constitution on the face of the earth. It was correctly described by

William H. Gladstone when he said that "the American Constitution is the most wonderful work ever struck off at a given time by the brains and purpose of man."

I think this one fundamental change, however, must be made in it, and that is to add to it an amendment which will require the federal government to balance its budget and be honest.

WHY THE FEDERAL CONSTITUTION SHOULD REQUIRE A BALANCED BUDGET

By Dr. Neil H. Jacoby, Professor, Graduate School of Management, UCLA

The health of the American economy would be significantly advanced if the U.S. constitution required the Federal budget to be balanced each year, except in emergencies. A constitutional convention should be called to propose such a requirement, which is now written into the constitutions of nearly all the states.

I have been driven to this conclusion by observing the procession of huge Federal deficits in a time of prosperity, the disastrous fall of the dollar in world money markets, and an ominous price inflation that is still out of control.

Among the many causes of inflation, excessive Federal spending financed by expanding the public debt and the money stock is a central factor. Federal deficits in prosperous times like the present are a symbol of American fiscal irresponsibility, widely noted and criticized around the world. Today, the world is awash in unwanted dollars.

During twenty-five of the past thirty fiscal years, 1950 through 1979, the Federal budget has run deficits totalling over \$450 billion. It has had surpluses in only five years amounting to \$17 billion. What is most alarming is that more than \$360 billion of the deficits were generated during the past decade, which, except for the recession of 1975, has been a period of solid U. S. economic expansion. If one includes in Federal expenditures--as one should--the probably uncollectible Federal loans and loan guarantees made outside of the Federal budget, accumulated deficits loom even larger. Significantly,

their huge magnitude is of the same order as the mountainous rise in the Federal debt and in the money stock.

This record shows that Federal government financing has failed to be the balance wheel for the private sector of the economy which was contemplated by J. M. Keynes. Budget surpluses in good years have not offset deficits in poor years. Congress's foot has been on the fiscal accelerator nearly all of the time; rarely on the brake. The Federal budget has for years been an engine of inflation.

Budget balance should be required by the U.S. constitution in order to curb excessive government spending, slow down inflation and restore confidence in the dollar. It is a needed bulwark against the strong bias toward over-spending contained in our system of democratic, representative government. Our system suffers from a disease that can be fatal if not checked. Government spending expands irrationally, mainly because of three factors--pressure group politics, bureaucratic imperialism and, above all, deficit financing. Let us quickly examine each factor.

1. Pressure group politics. Our political representatives naturally satisfy the strong demands of small "special interest groups" for spending programs that benefit them greatly, because their demands are only weakly opposed by the majority who benefit little, if at all, or who pay the bills. The payoff to the politician of meeting the demands of the strong minority outweighs the political costs he incurs by flouting the will of the weak majority. Add to this the familiar phenomenon of legislative log-rolling for reciprocal political benefit, and it is easy to understand why total government spending mounts even higher even though the majority of voters

would oppose a higher total if given a chance. The public is never able to vote directly on the total size of the budget. One of the pressure groups tending to expand government spending is public employee unions whose bargaining power for higher pay and benefits is even greater than in the private sector.

2. Bureaucratic imperialism is a third cause of excessive government spending. The Federal bureaucracy today is better educated, more highly paid, and more activist in philosophy than ever before in our history. Washington has the highest per capita income of any major American City. Bureaucrats are under strong incentive to expand their programs, staffs and budgets, because their pay and their power depend on such expansion. Promotions perversely depend on the number of people supervised and the amount of money spent.

3. Deficit Financing is probably the most powerful cause of excessive government spending, facilitating the operation of preceding factors. It permits Congress and the Administration to offer new benefits to the people without appearing to impose new tax burdens. Of course, those burdens appear later in the cruelest and most unfair kind of tax--inflation. The ability to run deficits enables legislatures and bureaucrats to avoid their primary responsibility--to set priorities on public wants and needs. They simply add the new spending program to the deficit. Small wonder that the prospect of a balanced budget amendment to the Constitution has provoked alarm and opposition along the Potomac.

A constitutional requirement of budget balance would impose an essential fiscal discipline upon Congress and the Administration. It would be the same kind of discipline that Proposition 13 in California imposed on State and local governments. History shows that an external force is essential. Governments do not discipline themselves. When it must present a tax bill to the voters concurrently with each new spending program, Congress will find it much easier

to reject new spending. A constitutional requirement of budget balance will reduce government spending as well as insure that spending is responsibly financed. (A constitutional limit on the ratio of spending to the GNP would also be an effective instrument of control.)

How weighty are the arguments against a constitutional requirement of budget balance? The heart of the attack on the amendment is that it would deprive the Federal government of needed flexibility in economic policy. It is argued that, in the event of a serious recession, tax revenues would decline, unemployment benefits and welfare payments would rise, and a deficit would emerge. Government would then be obliged to raise taxes or to cut other spending in order to comply with the constitutional restraint on the budget. Either course of action, critics contend, would worsen the recession.

There are several responses to this argument. First, in the event of a serious recession or other emergency, the constitutional requirement of budget balance could by its own terms, be suspended by a two-thirds vote of Congress and approval of the President. Any recession that was really threatening to become cumulative and to create heavy unemployment would certainly command the necessary political support for suspension.

A second point is that the Federal government has many powerful non-fiscal instruments that it can use flexibly to deal with economic instability. They include monetary actions, income policies, tariffs, quotas and exchange rates, as well as such structural reforms as minimum wage laws and the Davis-Bacon Act. The level at which the Federal budget is balanced can be changed (by concurrent tax and expenditure changes) with counter-cyclical effects. Government could continue to pursue a flexible counter-cyclical policy even with a balanced budget.

A more fundamental response to critics of the balanced budget amendment is that flexible counter-cyclical actions by the government are not really effective anyway. Some prominent economists contend that limits upon our ability to forecast economic changes, and upon our knowledge of the power and timing of economic reactions to public policies, make government's effort to "fine-tune" the economy a source of instability rather than of stability. This group argues that government can make the maximum contribution to stable economic progress by consistently obeying a stable set of fiscal and monetary rules, thus creating stable expectations in the private sector of the economy.

Let us grant that the past record of Federal stabilization policies is spotty. Let us concede that we lack the ability to "fine tune" the U.S. economy in our present state of knowledge. Yet there is evidence that flexible Federal economic policies can improve the performance of the economy. I believe that a constitutional amendment requiring a balanced budget-suspendable in emergencies--does not unwisely reduce the flexibility of Federal actions. The social costs of a modest reduction in fiscal flexibility will be far more than offset by the social benefits of a more efficient and more responsibly-financed Federal government. A heavy blow will be struck against inflation. World confidence in the dollar will revive. The U.S. balance of trade and payments should begin to improve. For these reasons, the resolution merits support.

BIOGRAPHICAL SKETCH OF NEIL H. JACOBY

Now a professor in the Graduate School of Management of UCLA, of which he was the founding dean, Neil H. Jacoby has combined the careers of scholar, administrator, and corporate director. Born in Canada, he holds the B.A. and L.D. degrees from the University of Saskatchewan. In 1938 he received the Ph.D. degree in Economics from the University of Chicago, where he later became Professor of Finance and Vice-President. For the past thirty years he has been at UCLA. He served on President Eisenhower's Council of Economic Advisers during 1953-55, was U.S. Representative in the Economic and Social Council of the United Nations in 1957, headed official missions to India, Laos, and Taiwan during 1955, 1960 and 1965, and was a member of the Federal Pay Board during 1971-73. Jacoby was president of the American Finance Association in 1949, and was on the Executive Committee of the American Economic Association in 1963-66. He has been an organizer or director of several corporations, including one of the largest multinational firms. Author or coauthor of more than fifteen books, including United States Monetary Policy, United States Aid to Taiwan, European Economics-- East and West, Corporate Power and Social Responsibility (Macmillan, 1973), Multinational Oil (Macmillan, 1974) and The Business-Government Relationship: A Reassessment (Goodyear Publishing Company, 1975). Just published is his book, co-authored with Professors Richard Eells and Peter Neheukis, entitled Bribery and Extortion in World Business (Macmillan, 1977). Jacoby is an Associate of the Center for the Study of Democratic Institutions at Santa Barbara and a frequent contributor to The Center Magazine.

GENERAL FEDERATION

JANUARY 1980

CLUBWOMAN

MAGAZINE OF THE WORLD'S LARGEST ORGANIZATION OF WOMEN

GFWC CONVENTION



MEET US IN ST. LOUIS
JUNE 1-6



ACTION REPORT

LIMITING FEDERAL SPENDING

WHAT'S THE ISSUE?...

How large must the federal budget be?...Should limitations be made and enforced?...How should deficits, if required, be limited?...These are just a few of the many questions surrounding the issue of Federal Budgeting. Only once since 1960 has the Federal Budget been balanced. Through good years and bad the deficit has increased. In the fifteen years preceding 1960 the average annual deficit was less than \$3 billion. In the period from 1965 through 1978 the

average deficit jumped to \$23 billion annually. In 1979 the deficit is scheduled at \$37 billion...\$37 billion the Federal Government will have to borrow to pay its bills.

According to many respected economists, borrowing by the Federal Government, in such astronomical sums, is one of the prime causes of inflation. Citizen movements, as in Proposition 13 in California, have been pressing for tax and/or spending limits at state and federal levels. Twenty-nine

states have passed resolutions calling for a Constitutional Amendment and/or a Constitutional convention addressed to the issue of Budget Limitations. Thirty-four states in all would have to pass such resolutions before either of these actions could be taken. The National Conference of State Legislatures reports that fear of federal aid cut-offs in the northeast, midwest and California make passage this year unlikely.

IS IT AN IMPORTANT ISSUE?

The Federal Budget affects every facet of our nation and all of our people, now and for the years ahead. The average U. S. worker/taxpayer works more than the first four months of the year just to support federal, state, and local governments, the Tax Foundation says. Tax "Freedom Day" fell on May 11, in (1978), May 1 in 1976, and on April 30 in 1975.

The average worker had to work two hours and 35 minutes in 1975, and two hours and 39 minutes, in an eight-hour day in 1976 just to pay his taxes. In 1978, the average private, non-agricultural industry worker had to work two hours and 48 minutes to pay the 1978 estimated tax take.

The issue of how to limit Federal spending is full of contradictions, however. For example:

*Polls show that the people want a balanced budget, but the people have not conspicuously voted into office those who seem most likely to insist on balanced budgets nor have the people turned out of office those who have consistently voted for our big deficits.

*Many economic experts hold that deficits cause inflation, but while we have had continuous

deficits since 1929, we have not had continuous inflation.

*Full employment cannot be achieved without deficits, but we have yet to achieve full employment even with deficit spending.

*The government must have the financial flexibility to incur deficits for long range projects, but there is great skepticism about the ability of the government to manage its deficits in a manner that contributes to stability. And so it goes, argument and counter-argument.

How Deficits Contribute To Inflation

Over the past decade and a half the national debt has multiplied geometrically, totaling some \$350 billion. At the same time, inflation has reduced purchasing power, and interest rates for borrowers have risen sharply.

Federal budget deficits themselves do not create inflation, rather they create the illusion that citizens can receive expanded government services without paying the bill. But somehow, some way, the cost for

government programs and services must be borne by someone. To finance these additional commitments, the government prints more money. It must also borrow money from private and public sources. With more money floating around, consumers feel more affluent and extend their purchasing power through installment credit. To keep pace with these accelerating consumer and government money needs, lenders must boost interest rates. The result is cost-push inflation: the more things cost, the higher prices are pushed up by people who can pay more (usually with credit) for those goods.

The products of this deficit-spurred inflation are all negative. Consumers spend money instead of save it, realizing that goods and services will cost more tomorrow than today. Citizen confidence in government erodes as taxes are increased to keep up with the cost of things the government does—defense, roads, schools, etc., or in the absence of tax hikes, government services deteriorate. The value of the American currency declines internationally, so that foreign automobiles and clothing increase in price.

BENEFITS OF A BALANCED BUDGET

Reducing federal spending would not solve inflation *per se*. It would, however, dampen inflationary expectations on the part of business and consumers. At the consumer level, this would result in reduced spending in anticipation of inflation. At the corporate level it would be reflected in smaller salary increases, wage settlements and price increases. These phenomena together would mean moderate growth at best, and slightly higher unemployment.

But more than psychological benefits would result from a reduced federal spending. For example:

Lower Interest Rates—with the government diverting less money from public and private sources, more money will be available for borrowing at lower rates.

Federal Government Under Control—legislation creating new programs and extending current ones could not be enacted without

raising taxes or abolishing other programs.

Business Investment Stimulated—Wall Street and Main Street will be able to attract more "small" and "large" investors because people will be looking for long-term gains. Today people must spend their money to avoid losing purchasing power.

IS A CONSTITUTIONAL AMENDMENT THE WAY TO LIMIT SPENDING ?

How can Federal spending be limited? One way that is getting more and more attention in Congress and in State Houses across the country is a constitutional amendment to require a balanced federal budget.

Critics of a balanced budget amendment—and they represent the conservative and liberal ends of the political spectrum—cite two principal reasons for their position. First, they contend such an amendment would not be realistic, that it could not take into account the volatile nature of the national—and international—

economy. Besides, asks Congressman John J. Rhodes, (R-AZ) "What would you do if the budget weren't balanced? Send everybody in the legislative and executive branches of government to jail?" Second, amendment critics are fearful of a Constitutional convention that would not limit itself to the consideration of the federal budget. They point out that such a convention could recommend sweeping changes in the Constitution, prompting other countries to question the stability of the United States government.

Proponents of a balanced budget amendment scoff at these concerns for the most part. Responding to the first point, they argue balanced budgets could be waived by vote of Congress for specific periods of time. Also, budget deficits could be offset by applying budget surpluses from previous years. On the point of a sweeping Constitutional convention, supporters of an amendment say that the Constitution provides many safeguards to prevent a runaway convention from proposing fundamental changes in the law of the land.

LEGISLATIVE REVIEW- What are Congressional and Government leaders saying about limiting spending ?

Twenty-nine states have already passed resolutions calling for a Balanced Budget Amendment.

Recent Congressional action in the House narrowly defeated budget resolution proposals by Rep. Holt (R-Md.) to reduce fiscal 1979 spending levels. Senate passed the so-called Nunn

amendment, which coupled spending ceilings with individual tax cuts through 1983. The house instructed its conferees on the tax bill to accept the same language, but after the Administration intervened, the amendment was watered down to non-binding "statement of intent." Roth-Kemp personal tax cuts, with-

out associated spending cuts, were defeated in both houses. A proposal by Senator Danforth (R-Mo.) requiring a surtax to finance "excess" spending growth was defeated in the Senate Finance Committee.

****Former Treasury Secretary Michael Blumenthal**—"The current Congressional budget process provides a fully adequate formal mechanism for controlling spending and the deficit. The real task before us is not to write new statutes and Constitutional amendments, but to use the existing legal machinery to achieve balance in fact. The test of fiscal restraint is not what we say, but what we do."

****Senator Howard H. Baker, Jr. (R-Tenn.) Jr.**—"I have come to the conclusion that a constitutional mandate for a balanced federal budget, except in case of clear national emergency, is necessary and proper."

"I have co-sponsored a Constitutional amendment, proposed by Senator Richard Lugar (R) of Indiana, which states that the federal budget, as set in the Congress' Concurrent Budget Resolution, shall be balanced unless two-thirds of both the House and the Senate vote otherwise."

"While I do not fear another Constitutional convention, I believe the more sensible and expeditious approach would be for the Congress itself to recognize its own failing and take the strong but necessary measures to put its financial house in order."

****Senator Edmund S. Muskie (D-ME)**—"I believe a fundamental danger exists in any plan to call a new Constitutional convention."

"In the two hundred years since 1776, we have had only one Constitutional convention. That was the one in which James Madison, Benjamin Franklin and their colleagues shaped the system of government we know in America today. I am not eager to expose their work to the prospect of massive revision. No one knows for sure that a new convention would limit itself to the balanced budget issue."

"Constitutional scholars are not at all sure that a convention could be forced to limit its agenda. What would be the outcome? Would the delegates ban abortion or give abortion a specific guarantee? Would they outlaw guns or outlaw gun control? Would they stop forced busing or give forced busing an explicit Constitutional blessing?"

"We have no business taking such chances with the fundamental law of the land. Through wars, depression, impeachment proceedings and an amazing array of changes, this nation has never found it necessary to call a new Constitutional convention. It is not necessary now."

"No Constitutional amendment and no legislative act can be drafted so carefully that it is not susceptible to evasion and circumvention. One option, for example, would simply be to balance the federal budget by separating operating costs from capital investments and counting only the former as subject to a yearly balance. That is what the states do, and if we were to do it in Washington, the budget would be close to balance now. But that kind of budgeting is inappropriate for Washington."

****Senator Henry Bellmon (R-OK)**—Ranking minority member of the Senate Budget Committee has been outspoken in his call for a balanced budget.

"The federal government has become accustomed to spending in the red. We've had only eight balanced budgets since 1934 and only one since 1960. The deficit for this year alone will be over \$30 billion and our total national debt will be about \$800 billion, equal to \$3,600 for every man, woman and child in this country."

"What's really frustrating is that the government, which causes inflation, benefits most from inflation. Because of the progressive tax system, federal revenues increase 1½ percent, when inflation goes up 1 percent. When you receive additional income and move into a higher tax bracket, the government takes a higher percentage and the end result is that your income won't buy as much."

****Congressman James R. Jones (D-OK)**—Is very much in favor of a balanced federal budget, and proposes that the federal budget be limited to 20 percent of the nation's gross national product. Jones is a key member of the powerful House Budget Committee and his bill H.R. 4646 concerning capital cost recovery reflects concern for federal budgeting and tax reform.

****Senators H. John Heinz III (R-Pa.) and Richard Stone (D-Fla.)** have joined in introducing a constitutional amendment to limit federal spending. Simply, this amendment would limit the increase in federal spending to a percentage equal to the percentage increase in the gross national product. If the inflation rate exceeds 3 percent, however, the amendment would apply additional limits on the overall growth of federal outlays.

Stone. "I joined in introducing this amendment because I believed it would put our economy back on the road to prosperity by keeping more money in the hands of those who earn it. This amendment limits the growth of federal spending by setting a ceiling on how much more the federal government will be allowed to spend every year. The formula says that next year's government spending can't grow faster than this year's production, as measured by the gross national product."

A Conclusion

It should be remembered that even if a balanced budget amendment were passed, the federal government could also resort to a number of stratagems to get around any budget amendment. It could, for example:

*Mandate that state and local governments finance programs now supported with federal dollars.

*Use new regulations to shift the cost of certain programs on to the private sector, which already spends an estimated \$100 billion a year complying with various government edicts.

*Exclude capital expenditures from the budget.

*Pass on new program costs to future budgets.

*Use tax incentives, loan guarantees, tariff protection or antitrust waivers—instead of direct on-budget expenditures—to accomplish certain economic objectives.

One excellent way to avoid all this is for the White House and Congress to live up to their promises about a lean and austere budget—which, according to the Administration, means a \$28.4 billion deficit in fiscal year 1980 and a \$300 million surplus in fiscal 1981.

WHAT DOES GFWC SAY ABOUT LIMITING FEDERAL SPENDING?

By resolution at national convention, GFWC has long been on record as being in favor of bringing federal spending more in line with income, as the following resolutions indicate:

1974—RESOLVED, That the General Federation of Women's Clubs urges Congress to:

1. Adopt enforceable spending limits;
2. Adopt the recommendations of the Joint Study Committee on

Budget Control to bring about effective Congressional control over spending;

3. Reject bills which require spending beyond the proposed spending limitations.

1978—RESOLVED, That the General Federation of Women's Clubs supports an amendment to the Constitution of the United States which would require a balanced Federal budget.

1979—RESOLVED, That the General Federation of Women's Clubs urges the Government of the United States to pursue a program of realistic economic stabilization including reduced consumption where necessary, with a pay-as-you-go plan of taxation; sound monetary controls; an end to the vicious spiral resulting from the contest between rising wages and rising prices; and the utmost economy in administration.

WHAT CAN YOU DO?

Become a Lobbyist Yourself—Write your Representatives and Senators. Tell them your personal view of the issue; keep it simple; handwritten letters have the greatest impact; state how the issue affects you, your family and your community; avoid form letters; be specific; be constructive; and, ask for a reply.

Duplicate This Report—This ACTION REPORT is placed in the CLUBWOMAN centerfold so it can be removed easily. Duplicate it on a photocopy machine. Distribute it to all your club members. Ask them to study it, and to take ACTION.

Ask Your Local Media To Help—Check with your local newspaper, public and commercial television stations and see if they have taken a stand on the issue of Federal Spending. If not, encourage them to use their voice to inform the public.

Ask Your GFWC Members To Take ACTION Now—The more than 600,000 GFWC club members of the largest organization of women volunteers in the world can have a tremendous impact on the formation of legislative policy concerning Federal Spending, but ONLY if your club studies the issues and takes ACTION!

GFWC Headquarters Wants To Know—How do the members of your club feel about the issue of Limiting Federal Spending and what action will your members take? Write to the FREE PROGRAM and let us have a brief report and your ideas on how GFWC members everywhere can help to support the FREE Program by taking ACTION on the issues covered in the CLUBWOMAN.

Write to: Mrs. Bill G. Williams
GFWC FREE Chairman
P.O. Box 118
Newport, Tenn. 37821

Watch for the next FREE Program ACTION REPORT.

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

SCOMM

#27:3

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SCR 9

Title Establishing a special committee on the Constitutional Convention

Requested by _____ Date May 19, 1981

II. FISCAL DETAIL

Agency Affected Legislature

Program Category Affected _____

BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		66.3				
200 TRAVEL		6.0				
300 CONTRACTUAL		670.0				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
CONTINGENCY		5.0				
TOTAL		144.3				

FUNDING (Thousands of Dollars)

GENERAL FUND		144.3				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME		3				
TEMPORARY						

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

Personal Services

All positions are for seven (7) Mos. and include all benefits.

Contractual

Brochure Illustration \$7.0

Brochure Printing and distribution \$5.0

Citizens Guide to the Alaska Constitution Printing and Distribution 12.0

Statewide survey on Constitutional questions and the constitution \$22.0

League of Women Voters public info work \$20.0

Telephone \$1.0

IV. DATE _____ PREPARED BY _____

AGENCY _____

PHONE _____

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

Fiscal Note Explanation for SCR 9:

Personal Services:

Personal services include one administrative assistant, one researcher and one secretary. At present, all positions will work out of a Juneau office. However, the secretary position may be transferred to Fairbanks.

It must be noted that, should the legislature decide on full time staff, one or more of these positions could be eliminated from the committee's budget.

Staff work will include administration of the committee and committee work, coordination of projects, committee publicity and information, constitutional convention site survey and report, planning committee meetings, independent work on "occasional papers", solicitation of papers from the general public, and arranging for committee functions.

Contractual:

Last year the Legislative Council approved the funding of several projects which had been requested by the Committee. However, due to the fact that the committee was formed almost three months late and that all interim funds lapsed into the Council budget at the beginning of the 12th Legislature, these projects were not completed. They are included in the FY '82 budget and are:

1. Statewide Survey on Constitutional Questions and questions relating to constitutional convention.
2. Illustration of a brochure on the constitution and explaining the function of a constitutional convention.

Funds are being requested to follow through on two projects begun last year.

- (a) Printing and distributing the Citizen's Guide to the Alaska Constitution. This publication was contracted last year and should be ready for printing during the month of July.
- (b) Printing and distributing the Brochure on Constitutions and a Constitutional Convention. The text is being written by staff, illustrated by a private contractor, and should be ready during the month of July.

The final large contract is a proposal developed by the League of Women Voters at the request of the Committee which would:

- (1) Inform the public of Alaska's constitutional history and present framework, explaining how constitutional changes can be accomplished and acquainting them with the upcoming ballot question; and

Explanation of SCR 9
Page Two

- (2) To receive from the public their comments, suggestions and questions relating to constitutional issues as they perceive them to be.

The League will perform a totally neutral role of informing and recording during this process.

120011

WHEREAS the Constitution of the State of Alaska has been in effect since statehood; and

WHEREAS the economic conditions of the state and the conditions of life have changed greatly since the adoption of the present constitution; and

WHEREAS the growth of population, industry, and resource development that has occurred and will continue to occur in this state create problems for government which may be difficult to resolve under the present constitution; and

WHEREAS in order for state government to preserve its historic position in our federal system, its basic legal tool must be adequate to the task; and

WHEREAS any constitutional revision is a complicated task which should not be entered into lightly; and

WHEREAS constitutional revision requires careful and impartial research to evaluate the present provisions in terms of the needs of today as well as tomorrow; and

WHEREAS the inauguration of constitutional amendments or revision is a legislative function which cannot be relinquished under the requirements of the present constitution; and

WHEREAS the electorate of the state will vote in the 1982 general election on whether or not there shall be a constitutional convention; and

WHEREAS the Legislative Council is the body of the Alaska State Legislature;

BE IT RESOLVED by the Alaska State Legislature that upon approval of a Constitutional Convention by the voters of the State of Alaska, the Legislative Council is directed to appoint a Constitutional Convention Commission within thirty days after an affirmative vote on the question of holding a convention to compile information useful to the delegates, undertake studies and research, collect and organize appropriate background materials, and provide for the dissemination of information it compiles so that the Constitutional Convention may function expeditiously and efficiently; and be it

FURTHER RESOLVED that the Legislative Council may appoint, as it deems necessary, legislators, lay citizens and legal experts to the commission (or to aid the commission); and be it

FURTHER RESOLVED that members of the legislature shall receive regular per diem and travel expenses and non-legislative members of the Commission shall receive travel expenses and per diem at the prevailing state employee rate; and be it

FURTHER RESOLVED that the Commission shall expire thirty days following the convening of the Convention

.

Chairman
Rep. Brian Rogers

INTERIM COMMITTEE
ON
THE CONSTITUTIONAL CONVENTION

Members
Sen. Hohman
Sen. Mulcahy
Sen. Sackett
Sen. Ziegler
Rep. Gardiner
Rep. Hayes

Pouch Y, Rm. 107
Capitol Bldg.
Juneau, Alaska
99811
(907) 465-3743

Staff
Guy Van Doren
Admin. Asst.

September 4, 1980

The Honorable Brian Rogers
Chairman,
Special Interim Committee on
The Constitutional Convention
P.O. Box "K" College Branch
Fairbanks, Alaska 99708

Dear Brian:

Enclosed, please find a draft copy of a resolution I drafted relating to a Constitutional Convention Commission. I have no pride of authorship as I drafted it as the beginning of an idea.

Also enclosed is a copy of the letter I sent to recognized authorities on Constitutional revision and the letter from the National Municipal League with the list of people checked off that I sent a letter to. I tried to choose persons in a adjoining geographical area to avoid excess traveling expenses. I would have loved to include Hawaii. I also chose a couple of people who are familiar with Alaska and the Alaska Constitution.

If the Committee decides that the trip is worthwhile, I could also spend time with (1) The National Municipal League (2) Political Scientists at Yale, Harvard, Columbia, Princeton and possibly Northwestern and Chicago; (3) American Political Science Assn.; (4) Institute of Public Administration of New York; (5) Public Administration Service; (6) Legislative Reference Service-Library of Congress; and: (7) National Taxpayers Assn. These are all in the same area as the other people.

As you probably know by now, Mr. Wagstaff was out of the office until the 8th. I will call him then and let you know the results when we talk again.

I have enclosed an authorization note in order that I will be able to use Landa if it is necessary. She has indicated that she will be able to go to work full time on November 1, 1980 if we need her. She is willing to work on Saturdays or evenings if we need her before November. This is alright with me since I feel that I can handle any typing, unless there is something heavy going on until November. She did indicate that she will attend the meeting we are planning to have in Juneau.

Guess that's it for now. See you in Juneau and will be talking to you shortly.

Handwritten signature

STATE OF ALASKA THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 30, 1979

SUBJECT: Constitutional convention
(Work Order No. 6049)

TO: Representative Brian Rogers

FROM: Richard A. Bradley, Legislative Counsel 

Your work order request asks for a resolution establishing a joint committee on a constitutional convention. The responsibility of the committee would be to prepare for the possibility of a constitutional convention subsequent to 1980. Your resolution would seek to clarify "procedures for the selection of delegates, rules of procedure, and procedures for ratification."

The committee would also anticipate issues which could come before the convention and report its recommendations on those issues.

I would prefer to examine the legal framework in which a constitutional convention would meet and determine whether those frameworks are adequate for their purposes since if they are not, as the analysis concludes, then the frameworks are established "by law."

The constitutional article dealing with amendment and revision is Article XIII. Section 1 deals essentially with legislatively proposed amendments. Section 2 authorizes the legislature to call a convention at any time.

Section 3 is the basis of your interest and it provides:

SECTION 3. If, during any ten-year period a constitutional convention has not been held, the lieutenant governor shall place on the ballot for the next general election the question: "Shall there be a Constitutional Convention?" If a majority of the votes cast on the question are in the negative, the question need not be placed on the ballot until the end of the next ten-year period. If a majority of the votes cast on the question

are in the affirmative, delegates to the convention shall be chosen at the next regular statewide election, unless the legislature provides for the election of the delegates at a special election. The lieutenant governor shall issue the call for the convention. Unless other provisions have been made by law, the call shall conform as nearly as possible to the act calling the Alaska Constitutional Convention of 1955, including, but not limited to, number of members, districts, election and certification of delegates, and submission and ratification of revisions and ordinances. The appropriation provisions of the call shall be self-executing and shall constitute a first claim on the state treasury.

Comment: The significance of §3 for the legislature is that the Drafters of the constitution sought to make the "call" for the convention as self-enforcing as possible; therefore the language of §3 provides that "the call shall conform as nearly as possible to the act calling the Alaska Constitutional Convention of 1955," and the provision then makes explicit some of the provisions of the 1955 "call" that the Drafters had in mind. But while the constitution will supply answers if the legislature should fail to provide alternative procedures, the constitution explicitly grants the legislature the prerogative of making those changes.

Accordingly, the legal situation may be fairly summarized:

- (1) The legislature may establish by law the elements of the call;
- (2) If it does not establish by law the elements of the call, the provisions of the 1955 call will be followed "as nearly as possible;"
- (3) No legislation since statehood deals with the elements of the call of a convention as such; accordingly the 1955 law is still the basic framework of the call.
[AS 15.50 deals peripherally with a few of the side issues but none of the more critical].

Before addressing the 1955 act and suggesting possible inadequacies in it, one other portion of the constitution needs notice.

Section 4 [of Art. XIII] provides:

SECTION 4. Constitutional Conventions shall have plenary power to amend or revise the constitution, subject only to ratification by the people. No call for a constitutional convention shall limit these powers of the convention.

Comment: The legislature cannot limit the topics to be discussed by the convention. Even if the legislature calls a convention to solve some narrow question, its powers are plenary.

Accordingly, it is appropriate to examine the 1955 call and to determine whether it should be revised "by law." In my judgement, it should. The 1955 "call" is found in Ch. 46, SLA 1955. A copy of Ch. 46 is enclosed with this memorandum for your information.

(1) Delegate selection. Sec. 3 of Ch. 46 establishes the districts from which delegates are selected. The general framework comprehends delegates elected on a district basis, on a regional basis, and on a statewide basis. Apart from the latter, the selection is not altogether dissimilar to the pattern for the election of senators and representatives until the first reapportionment, when senators were elected from districts as well as from the four judicial districts at large. See Art. XIV, §2 at p.165 of the Constitution pamphlet of your Alaska Statutes. Consider, if you wish, a delegate selection procedure under which a delegate would be elected from each constitutional officer's constituency, that is, 40 on a district basis, 20 on a senate district basis and two at large.

(2) Length of the convention. Section 1 provides that the convention should not exceed 75 days for its deliberations with one recess not to exceed 15 days. since the 1955 call did have a time limitation built into it, it seems that such a provision established in general law would not be unreasonable.

The language in Art. XIII, §3 provides that the "appropriation provisions of the call shall be self executing....." I do not read this as giving the convention carte blanche to spend money as it wishes. Rather, I would conclude that the expenditure levels of the call need not themselves be appropriated; failing such an appropriation the convention may spend according to the call.

This matter should be addressed; note that sec. 20 allows the convention \$300,000 but then per diem was \$20 and "compensation" amounted to another \$15 per day. You may wish to reconsider those questions.

(3) Calling the election for delegates. Sec. 5 gives the Governor the responsibility for calling the election. You may wish to reassign the responsibility to the lieutenant governor and otherwise refine the material in §§5-12.

(4) Procedures for ratification. AS 15.50.030 provides that "propositions" proposed by the legislature and by a constitutional convention are to be placed on the first "statewide general, primary, or special election ... held 120 days after the amendment proposed by a constitutional convention.

I note that §30 was not amended when the constitution was amended in 1974 to put amendments proposed by the legislature on the general election ballot; as to those amendments, §30 is clearly unconstitutional. Since the constitution does not specify itself when amendments proposed by a convention will be voted on, technically there is no problem as to those amendments. In my view

§30 does override the provisions of Ch.46 which allows the convention itself to pick the date for the ratification. Sec. 14. But if the policy of the 1974 amendment is accurate, that general elections have better voter turnout and therefore are the preferred election for voting on constitutional amendments, then §30 should be changed.

(5) Rules of procedure. I assume [without having done any research] that the constitutional convention has an inherent right to determine its own rules of procedure.

STATE OF ALASKA THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

January 30, 1979

SUBJECT: Miscellaneous Constitutional Convention Issues
(Work Order No. 6056)

TO: Representative Brian Rogers

FROM: Richard A. Bradley
Legislative Counsel *B*

Work Order No. 6056 requested analyses of several issues.

(1) Constitutional convention minutes relating to the amendment process. Enclosed is the index to the Proceedings of the Alaska Constitutional Convention, 1955 - 1956 as it relates to the Amendment and Revision article; also enclosed are the pages described in the Index.

(2) The 1970 Constitutional Convention vote and the reasons for the 1972 vote. The Constitution states that at the end of ten-year periods, if a constitutional convention has not been held during that period, the lieutenant governor shall "place on the ballot for the next general election the question: "Shall there be a Constitutional Convention?" Presumably in response to this direction, the lieutenant governor placed the following language on the ballot in 1970:

REFERENDUM As required by the Constitution of the State of Alaska, Art. XIII, Section 3 Shall there be a constitutional Convention?

The vote on the question was 34,911 Yes and 34,472 No.

Citizens sued; the basis for the suit was stated by the Supreme Court:

The basis for the appellees' [plaintiffs'] complaint was that the prefatory language introduced a bias in the election because the prefatory phrase suggested that what was required by Art. XIII, section 3, of the constitution was the convention rather than the referendum.

The Court noted that the vote was close. It further observed:

The purpose of holding elections is to ascertain the public will, and it is too plain for argument that in such cases that will cannot be told from the ballots, and neither the courts nor the election authorities are authorized to arbitrarily assume that the voters meant something that cannot fairly be ascertained from the ballots themselves. Boucher v. Bomhoff, 495 P.2d 77, 79 [Alaska 1972].

and

On the basis of our study of the record, we believe that a reading of the questioned ballots leads inescapably to the conclusion that the prefatory language was inherently misleading. The prefatory language suggests that the constitution requires that a constitutional convention be held, when in fact it requires only that a referendum be held on the question of whether there shall be a constitutional convention. The implication of the prefatory language is that a constitutional convention will be held as required by the Alaska Constitution unless the voters reject the holding of a convention [W]e hold that. . . the inclusion, by the executive officer charged with malconduct within the intendment of AS 15.20.540(1). Boucher v. Bomhoff, supra, at 81 - 82.

(3) Delegate selection for the 1955 convention. Ch. 46, SLA 1955 mandated the selection process. Essentially the procedure called for the selection of the district delegates, regional delegates, and statewide delegates. I suspect that the framework imitated the election process used for election to the territorial legislature and for executive officers of that times. I comment on this in my accompanying memorandum.

(4) Other pertinent information. See my memorandum to you of even date on this subject.

RAB:jdn

Enclosure

TO: SENATOR GEORGE HOHMAN
CHAIRMAN, LEGISLATIVE COUNCIL

FROM: GUY VAN DOREN *Henry*
ADMIN. ASST. SENATE JUDICIARY COMMITTEE

SUBJECT: INTERIM COMMITTEE ON THE CONSTITUTIONAL CONVENTION
"PROPOSAL".

A legislative constitutional study committee would be formed consisting of the chairman of the Legislative Council as an ex officio member, two members of the House of Representatives and two members of the Senate.

Staff for the committee will consist of two persons chosen by either the Legislative Council and/or the Committee and who will serve during the seven month interim period, a person recognized as an authority on the Alaska Constitution, chosen by the Legislative Council or the Committee who will serve for a total of three to four months to assist the staff people, a secretary for drafting the final report who will be employed for the last month or month-in-a-half, and a staff person from the Legislative Council who shall provide assistance as needed and who will act as a liaison person between the Council and the Committee.

In addition, the staff shall utilize the services of the Legislative Division of Research. The Executive and Judicial branches of the state shall each assign a person to act as a liaison person between their respective branches and the Committee.

BACKGROUND

The state constitution was adopted in 1956, before Alaska became a state. A provision of that constitution gives the voters a chance every ten years to decide whether a new convention should be held. The last referendum on the question was in 1972, when a convention was rejected after an earlier favorable vote was nullified by the court.

A new convention opens the whole constitution to revision. It thus provides an opportunity to deal with issues that concern and frustrate some people and groups.

GENERAL PURPOSES

The basic questions before the committee will be:

- (1) Which proposals are appropriate constitutional matter?
- (2) What can be taken care of by legislative action?
- (3) What information is needed by the public before an intelligent vote can be cast in the 1982 convention referendum?
- (4) What steps should be taken by the legislature?

The general purposes of the Committee are:

- (1) To prepare the general public for an informed and intelligent decision on whether or not to have a constitutional convention.
- (2) To identify and define the issues which may require amendments or changes to the state constitution.
- (3) To prepare the three branches of the state government for either changes to the constitution by amendment or constitutional convention and to seek input regarding the ramifications of such changes.

METHODOLOGY FOR COMMITTEE WORK

1. RESEARCH AND ANALYSIS

- (A) A detailed look at the constitution as it exists at present.

Interim committee on constitutional convention proposal

- (B) Research regarding other states which have had a constitutional convention in the last decade and the results and observations of these conventions.
- (C) Review of Alaska Constitutional Convention and the 1976 convention delegates reunion and review of the various articles of the constitution.
- (D) Review of constitutions in other states.
- (E) Review of Uniform State Constitution document
- (F) Research and review of any information regarding state constitutions or conventions.

PUBLIC HEARINGS

1. Public hearings conducted in three phases with issue-analysis between each phase.

- (A) Phase One: Hearings in *Tok, *Delta Junction, Fairbanks, Anchorage, Kenai-Soldotna, *Homer, *Seward, Glennallen, and Valdez; Late June or early July.
- (B) Phase Two: Hearings in Barrow, Kotzebue, Nome, Bethel, Dillingham, and Kodiak; end of Sept. in order that people have returned home .
- (C) Phase Three: Hearings in Ketchikan, Sitka, Wrangell, Petersburg, Juneau, Cordova, *Yakutat, Cordova and * Haines; end of October.
*possible hearing sites.

REPORT TO COUNCIL

At a meeting determined by the Legislative Council, the Committee shall report on:

- (1) Research regarding the constitution and constitutional convention.
- (2) Results of the Public Hearings
 - (a) Issues identified
 - (b) Research and analysis of issues derived from the public hearings
- (3) Decisions and recommendations regarding the next steps and specific actions and proposed legislation, including proposed constitutional amendments if applicable.

BUDGET FOR COMMITTEE

Two (2) full time staff administrative assistants for seven (7) months. \$3094.40 including benefits	\$43,320
Consultant: three (3) to four (4) months at \$5,000 per mo.	20,000
Secretary: one (1) to two (2) months at \$1,500 per mo incl. benefits	3,000
Travel, per diem, staff and legislators:	15,000
Misc: Supplies, phone, xeroxing, printing	2,000
Report preparation and release to the public sector:	5,000
Contingency:	5,000
TOTAL.....	\$93,320

December 18, 1979

TO WHOMEVER:

RE: Review of "Issues of Constitutional Change"

You are one of a number of Alaskans selected to receive the enclosed draft paper which examines changes to Alaska's constitution that have been suggested in the past or might be considered in the near future. The paper is part of a study program sponsored by the Alaska Legislature's Interim Committee on the Constitutional Convention to provide preliminary background information for the convention question on the 1982 ballot. The other attached paper discusses the general questions related to constitutional revision. It is sent to you for background and informational purposes.

I would very much appreciate your review of the constitutional issues study. As you will note, the preface provides a brief description of the paper and its contents. Also mentioned there, this draft is strictly preliminary in nature; and all suggestions for revision, expansion, and deletion of material will be very welcome.

Sen. George Hohman and Rep. Brian Rogers, co-chair of the interim committee, contemplate the possibility of publishing this paper as well as other parts of the study series. Your assistance will help to provide a more complete and improved end product. By the way, the committee has not yet received this draft, and it does not purport to represent the views of the committee.

I need to receive your comments and suggestions by January 11, 1980. If you cannot provide them by that date but do intend to submit them later, please drop me a note to that effect or call me.

Many thanks for your assistance, and very best season's greetings.

Sincerely,

Vic

Vic Fischer

Rep Royce -

Fiscal Note Explanation for SCR 9:

This is your copy
Hey

Personal Services:

Personal services include one administrative assistant, one researcher and one secretary. At present, all positions will work out of a Juneau office. ~~However, the secretary position may be transferred to Fairbanks.~~

It must be noted that, should the legislature decide on full time staff, one or more of these positions could be eliminated from the committee's budget.

Staff work will include administration of the committee and committee work, coordination of projects, committee publicity and information, constitutional convention site survey and report, planning committee meetings, independent work on "occasional papers", solicitation of papers from the general public, and arranging for committee functions.

Contractual:

Last year the Legislative Council approved the funding of several projects which had been requested by the Committee. However, due to the fact that the committee was formed almost three months late and that all interim funds lapsed into the Council budget at the beginning of the 12th Legislature, these projects were not completed. They are included in the FY '82 budget and are:

1. Statewide Survey on Constitutional Questions and questions relating to constitutional convention.
2. Illustration of a brochure on the constitution and explaining the function of a constitutional convention.

Funds are being requested to follow through on two projects begun last year.

- (a) Printing and distributing the Citizen's Guide to the Alaska Constitution. This publication was contracted last year and should be ready for printing during the month of July.
- (b) Printing and distributing the Brochure on Constitutions and a Constitutional Convention. The text is being written by staff, illustrated by a private contractor, and should be ready during the month of July.

The final large contract is a proposal developed by the League of Women Voters at the request of the Committee which would:

- (1) Inform the public of Alaska's constitutional history and present framework, explaining how constitutional changes can be accomplished and acquainting them with the upcoming ballot question; and

Explar ation of SCR 9
Page two

- (2) To receive from the public their comments, suggestions and questions relating to constitutional issues as they perceive them to be.

The League will perform a totally neutral role of informing and recording during this process.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SCR 9

Title Establishing a special committee on the Constitutional Convention

Requested by _____ Date May 19, 1981

II. FISCAL DETAIL

Agency Affected Legislature

Program Category Affected _____

BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		66.3				
200 TRAVEL		6.0				
300 CONTRACTUAL		74.0				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
CONTINGENCY		5.0				
TOTAL		151.3				

FUNDING (Thousands of Dollars)

GENERAL FUND		151.3				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME		3				
TEMPORARY						

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

Personal Services

All positions are for seven (7) Mos. and include all benefits.

Contractual

Brochure Illustration \$7.0

Brochure Printing and distribution \$5.0

Citizens Guide to the Alaska Constitution Printing and Distribution 12.0

Statewide survey on Constitutional questions and the constitution \$22.0

League of Women Voters public info work \$20.0

Telephone \$1.0

IV. DATE _____ PREPARED BY _____

AGENCY _____

PHONE _____

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

FOR YOUR
INFORMATION
ONLY

CONTRACT BETWEEN

STATE OF ALASKA
LEGISLATIVE AFFAIRS AGENCY

AND

YUP'IK ESKIMO LANGUAGE WORKSHOP
OF THE UNIVERSITY OF ALASKA

The parties to this agreement are the Legislative Affairs Agency, on behalf of the Legislative Council's Joint Committee on the Constitutional Convention, hereinafter referred to as the "Agency", and Yup'ik Eskimo Language Workshop of the University of Alaska, hereinafter referred to as the "Consultant".

THE PURPOSE OF THIS AGREEMENT is to provide the Agency with professional services to translate the Constitution of the State of Alaska into the Yup'ik language.

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I - STATEMENT OF WORK

(A) The Consultant shall provide work consisting of Phase I (Attachment I). (1) A paraphrase of the Constitution of the State of Alaska for use by translators. Phase II, Paragraphs A through E (Attachment I), (2) training of two primary translators and six secondary translators.

(B) The Consultant shall provide on or before 3/15/81 a detailed budget for completion of Phase III and IV (see attachment I).

CLAUSE II - PERIOD AND DATES OF PERFORMANCE

(A) The work under this contract shall be performed between December 15, 1980 and December 31, 1981.

(B) This contract may be terminated by either party upon written notice to the other.

(C) Unless extended by written agreement, this contract expires on December 31, 1981.

CLAUSE III - PROJECT DIRECTOR

The Project Director shall be Representative Brian Rogers, acting on behalf of the Joint Committee on the Constitutional Convention.

CLAUSE IV - COMPENSATION AND METHOD OF PAYMENT

(A) For the work specified in this contract, the Consultant shall be compensated at the rate of \$60,000 (Sixty Thousand Dollars). It is understood that additional funding will be needed to complete Phase II, III and IV (Attachment I) during FY81 and FY82.

(B) The Consultant shall be reimbursed for travel and other expenses authorized in advance by the Project Director, except that per diem shall be paid at prevailing State rates, and all air travel shall be reimbursed on the basis of coach class fares.

(C) Billings may be submitted by the Contractor monthly, and should note thereon work accomplished to date.

(D) Total payments under this contract, including expenses shall not exceed \$60,000 (Sixty Thousand Dollars).

CLAUSE V - OFFICE SPACE, EQUIPMENT, CLERICAL SUPPORT

Office space, equipment and clerical support of the Consultant that will be necessary to carry out his obligations under this contract shall be supplied by the Consultant at no cost to the Agency.

CLAUSE VI - RECORDS, DOCUMENTS, AUDIT

The Consultant shall maintain accurate records, including detailed time records, as may be required by the Project Director. The records are subject to inspection by the Agency or the Project Director at all reasonable times. All documents, reports and writings generated as a consequence of work done under this contract shall become the property of the State of Alaska and, on completion of the work or at the termination of this contract, shall be delivered to the Project Director.

CLAUSE VII - REPORTS

The Consultant shall keep the Project Director informed as to the progress of the work performed under this agreement and shall provide progress reports as specified by the Project Director.

CLAUSE VIII - ALL WRITINGS CONTAINED HEREIN

This agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind either of the parties of this agreement.

IN WITNESS WHEREOF, the parties have executed this agreement on the dates indicated below.

CONSULTANT *Phil M...*

LEGISLATIVE AFFAIRS AGENCY

Pat O'Rourke 11/31/81
YUP'IK ESKIMO LANGUAGE WORKSHOP Date
OF THE UNIVERSITY OF ALASKA
PAT O'ROURKE, Chancellor
UA Community College System

M. R. Charney 2/6/81
M. R. CHARNEY Date
EXECUTIVE DIRECTOR

Accepted:

Approved as to form:

Brian Rogers 1/10/81
REP. BRIAN ROGERS Date
Chairman, Joint Committee on
the Constitutional Convention

Billy G. Berrier 1/13/81
BILLY G. BERRIER Date
AGENCY LEGAL COUNSEL

PROPOSAL TO TRANSLATE THE
CONSTITUTION OF THE STATE OF ALASKA
INTO CENTRAL YUP'IK

Summary: The goal of this project is to increase understanding of the principles of Alaskan government by the Yup'ik speaking public, and to facilitate communication between legislators and their constituents. To this end, the state constitution will be both translated and thoroughly annotated. To reach both the literate and non-literate public, the resulting document will be recorded on cassette tape as well as produced in a written form. Representatives from each Yup'ik dialect area will be involved, to ensure maximum intelligibility. These representatives will be trained in translation as part of the project. In the process, they will so discuss the meaning of the constitution with a number of consultants. When they have reached full understanding of the document and are satisfied with their translation, they will return to their respective villages to explain and discuss the constitution with people and to serve as resource persons for constitutional study groups (such as high school social studies classes).

PHASES IN COMPLETION OF THE PROJECT

PHASE I

The first phase in producing any translation consists in making a paraphrase of the original that is accessible to the translator (susceptible of translation). This may involve modifying or simplifying grammatical constructions and substituting familiar vocabulary for technical terms.

In the case of the constitution, there is a high proportion of technical vocabulary and legalistic grammar. The person who writes the paraphrased version must have an excellent command of English and will need frequent access to a legal consultant and a legal dictionary. Ideally, the translator himself/herself performs this task; there are few translators available at this time, however, who combine all the skills required. Given this situation, it is proposed that someone other than the translators (perhaps a person with some legal training) be contracted for the job.

This person will research state Supreme Court cases and other sources, as necessary, to reach an accurate understanding of the constitution. Annotations to the English document will be appended at this time. The writer will also consult with the translators to clarify any passages/words that are difficult to understand or interpret. Throughout the translation process, this person will be available to explain sections of the constitution, based on his/her understanding of the English document.

Phase II

(A) The second phase involves training two primary translators and six secondary translators (representing different dialect areas), and undertaking the translation itself.

(B) It is important to note that there has been no formal translator training programs in the Yukon-Kuskokwim Delta (except for short, occasional and inadequate court interpreter training sessions, which have, in any case, reached only a handful of people). The Yup'ik area faces a serious shortage of people skilled in technical translation and interpretation. There are no glossaries of governmental, legal, and other technical terminology in translation. There is, in short, no standardized Yup'ik vocabulary with which to discuss constitutional issues. The necessary vocabulary can be generated, and translators can be trained, but such a process takes a large commitment of both time and money.

(C) A major benefit of this project to the Yup'ik people would be the development of a small group of trained technical translators. Hopefully, the project would begin to draw attention to the serious need for an ongoing translator/interpreter training program to meet the demands for mutual understanding between Yup'ik people and the non-yup'ik doctors, lawyers, legislators and other personnel who so often serve the area. At present, both minor and major misunderstandings arise because of mis-translations of important issues and documents. It is generally (and incorrectly) assumed that anyone who is bilingual can function as a translator. This means that untrained people serve in situations almost as complicated as those faced by diplomatic interpreters/translators, who require extensive training and general education, years of experience, and a high degree of technical expertise in the subject to be translated.

(D) The most competent and relevant source of translator-trainers for this type of work is found in Canada. Here, the government of the Northwest Territories has supported a professional corps of translator/interpreters, trained specifically for government translation (English/Eskimo), for five years. The corps is headed by Aimo Nookiguak, himself an Inuit. Members of the corps are trained by Peter Balt, a linguist with special expertise in translator-training, Donna Laing, who works with translator/interpreters to improve their English skills, and Rhoda Mouteritnak, who concentrates on Eskimo language skills. In conjunction with Yup'ik consultant-trainers, including current Yup'ik Language Center staff, these three people would be able to conduct excellent training sessions in the Bethel area. They have been contacted and would be willing to do this.

(E) A three-week intensive training session is proposed. During this time, the original and modified English versions of the constitution will be studied and discussed, and translators will learn how to approach difficult passages. A common understanding of the document will be reached, as well as some agreement on the translation of recurring technical terms.

(F) After the training session, the six secondary translators will return to their villages. The two primary translators will begin to translate the constitution, consulting with the English writer and other Yup'ik Language Center staff as necessary.

(G) When they have translated approximately half of the document, there will be another workshop with the secondary translators in Bethel. The translators will discuss the work completed to date and modify word choices, etc., until the translation is uniformly accepted. The secondary translators will return home with copies of the partial translation. Working individually, they will then make any necessary adjustments for their dialect areas.

(H) When the primary translators have completed the second half of the translation, there will be a similar workshop to finalize the language of the document. Again, the secondary translators will return home to note dialectical variations, as needed.

PHASE III

The third phase will involve typing, printing, and recording the final copy of the translation. The primary translators will be responsible for proofreading the print-ready copy and making cassette recordings of the entire translation. Both the written version and cassette recordings will be accompanied by explanations to clarify the meaning of the constitution to the layman.

PHASE IV

The final phase of the project will be the distribution of the tapes and written texts to the public. Each secondary translator will distribute the material in his/her dialect area, and will be available to discuss the constitution with interested people.

Note: It is assumed that the goal of this project is an understandable translation of a difficult document, rather than a translation which will be necessarily be able to be quoted verbatim in a court of law.

Submitted by Phyllis Morrow, Coordinator
Yup'ik Language Center
KCC
Box 368
Bethel, Alaska 99559

Peter Metcalfe

& assoc.

211 Dixon Street Juneau, Alaska 99801 (907) 586-6293

March 24, 1981

Representative Brian Rogers
Chairman, Joint Committee on the
Constitutional Convention

Pouch V
Juneau, Alaska 99811

Dear Brian:

Shortly after your committee accepted my proposal to produce the constitutional convention brochure I made the mistake of informing my associates at Today's Graphics that I had won acceptance from the committee. Since then I have been plagued with inquiries about when a contract will be signed. I've talked to Guy Van Doren several times and he has indicated various problems, including budgetary, that are holding up the project.

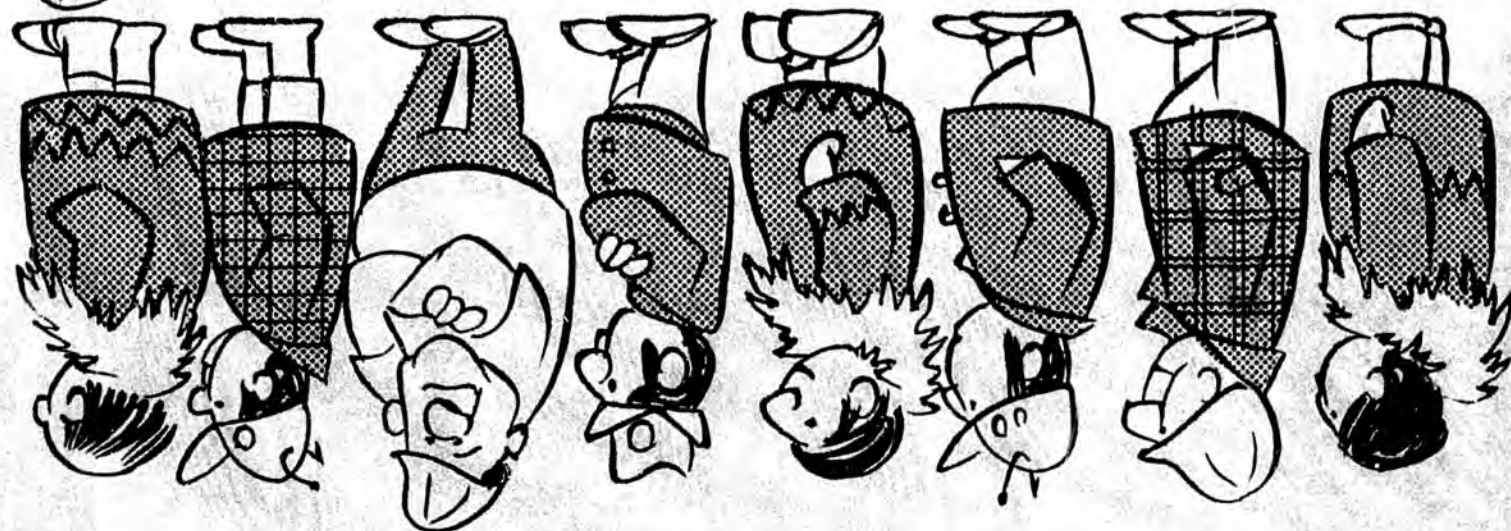
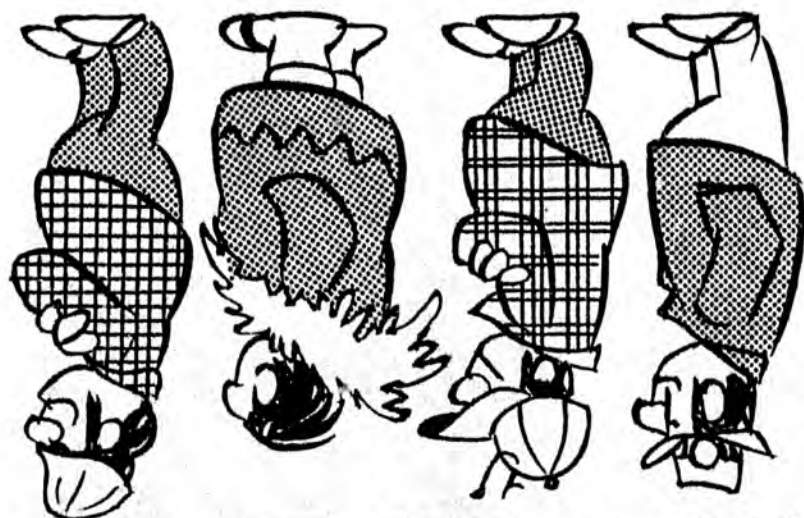
From my perspective it would be to the advantage of this particular project to start sooner rather than later. The problem at the moment is that we may be losing one of the staff artists within a couple months. Bob Bledsoe rendered the caricatures I've included with this letter. He is planning on leaving for a job in New York City sometime in late May. I feel he is ideally suited to illustrate the brochure, and would be disappointed to lose him before this project gets under way. Although our artists are most capable of drawing amusing caricatures I am especially taken with Mr. Bledsoe's style.

If there are any problems related to the contract process that I could help with I would be glad to lend my services. I've just completed a contract negotiation with the Tlingit-Haida Central Council involving a very complex project. The contract we signed was very comprehensive, and could serve as a model.

Sincerely:







WHILE IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4925

REPRESENTATIVE
BRIAN ROGERS
Alaska State Legislature

HOME:
BOX K - COLLEGE
FAIRBANKS, ALASKA 99708
(907) 456-2037

SOC.

293

30 March 1981

Peter Metcalfe & Assoc.
211 Dixon Street
Juneau, Alaska 99801

Dear Pete,

Thank you for your letter of March 24th regarding a contract for production of a brochure on the constitutional convention.

As you probably know, the funds for this contract have been "frozen" by the Legislative Council, at least for the time being. I will bring it up again at the next meeting and try to break the ice but before that happens, obviously nothing can be done to begin the project. I hope we can get moving in time for you to have the services of Mr. Bledsoe because I share your appreciation for his artwork.

Thanks again for your efforts, however, and please stay in touch with me on this one. I hope to have some concrete news shortly.

Sincerely,


Rep. Brian Rogers

BR/vb

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DOUGLAS POPE
Attorney

Law Offices
912 West Sixth Avenue
Anchorage, Alaska 99501
(907) 272-6225

Box 27
Hope, Alaska 99605

April 14, 1981

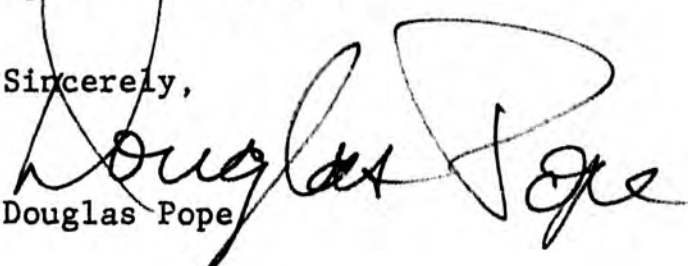
Honorable Brian Rogers
State Representative
Pouch V
Juneau, Alaska 99801

Re: Contract with Joint Committee on the Constitutional
Convention

Dear Representative Rogers:

The purpose of this letter is to acknowledge that my
contract with the joint committee on the constitutional
convention, through the legislative affairs agency, is
terminated. You will be receiving some final memos
within a few weeks.

Sincerely,


Douglas Pope

DP:ef

GUY A. VAN DOREN

P.O. Box 41

Douglas, Alaska 99824

(907) 364-3442

July 2. 1980

The Honorable Brian Rogers
Box "K" - College
Fairbanks, Alaska 99708

Dear Brian:

Enclosed, you will find the material we discussed over the phone. Also enclosed is a draft copy of a consultant contract which I have put together.

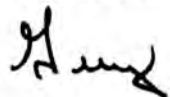
Last year, my contract was a flat \$20,000 for the interim period. This year, I have patterned the contract on either an hourly basis or daily basis, and will keep track of my time. I feel that the amounts are not unreasonable, since Vic Fischer's contract last year called for fifty dollars an hour or two-hundred-fifty dollars per day whichever was less. By doing some rough calculations, I've figured that if I work every working day for the maximum hours and, including the time I have already worked, the total amount will not even exceed the \$20,000 figure of last year. I probably will not even have to work that much, but that depends upon what is decided in the way of projects. As you can see, I've averaged about five hours per day so far.

As to the time I've already spent, I realize that you have not authorized any work. However, preliminary work had to be done, including identifying and writing to recognized authorities on Constitutional revision, review and researching our last years' report as well as the new material which has come in from other states, and getting things ready for this year. If you, or the committee, feel that the work should not be paid for, since I did it on my own, I'll just accept it as a donation to the state and let it go. Also, if you want to change anything, that's O.K. with me. I've done the work and it will be a head start when we decide what to do. I actually have a lot more research to do to keep me busy and to make the committee successful, plus, I enjoy the work. I think you know I will do a good job.

By-the-way, the administrative offices of Legislative Affairs are now located next to me, (Senator Colletta's office) and they will be able to verify the time I've spent working, if there is any questions. Also, Senator Ray and his staff know I've been hard at it.

Whatever your decision, please keep me posted on your plans and the plans for the committee.

Regards,



Guy A. Van Doren

Dear Brian:

I thought I would review the memo to Governor Hammond from the A.G.'s office re. the recommendation to veto CSHB 723 amS. The reasons are: (1) Provide a background for drafting a new enabling act, and (2) identify the problems with the bill, not only from the A.G., but also problems I have identified.

Section 3. As the A.G. stated, a government entity may not deny equal access to a governmental forum based on content alone. In Alaska Gay Coalition v. Sullivan, 578 P.2d 951 (Alaska 1978) the Supreme Court unanimously ruled that by denying the Alaska Gay Coalitions' name and purpose to be included in the Anchorage Blue Book, the City of Anchorage violated the public forum doctrine, the first amendment of the United States Constitution, and the equal protection clause. Since the election pamphlet is a government controlled forum for the general election, materials relating to the election may not be prohibited from being included in the pamphlet.

I am not even sure why this section was included in the bill.

Section 5. Based on the cases cited, Bradner v. Hammond, 553 P. 2d 1 (Alaska 1976) and Buckley v. Valeo, 424 US 1 (1976) (Appointments to federal elections commission), I understand the objections of the Governors' staff relating to the legislative appointments of members of the Alaska Constitutional Convention Commission. While other states have mandated that the legislature appoint some members of a commission, and HB117, introduced in 1971 by Terry Miller, contained a provision that some commission members be appointed by the legislature, the Commission is not a law-making body, rather, it will be established to facilitate and prepare for the convention, should one be called.

In Bradner v. Hammond, the court stated that under the constitution, "the governor shall be responsible for the faithful execution of the laws" and declared that the governor "has the power to appoint subordinate executive officers to aid him in carrying out the laws of Alaska." If anything, the commission should probably be under the auspices of the Lt. Governor after its' creation. Although the legislature may feel that they have the power to appoint members of the commission, due to the the extensive powers delegated by the constitution to the Governor, the Governors' staff is probably correct.

The second part of section 5 in the memo, relating to dual office-holding needs a little explanation.

I researched all of the Boards and Commissions in existence at present, and found that at least 12 Boards or Commissions have legislative members. A newly created Board this session, also has legislative membership. In questioning the A G's office and, from my own interpretation of the constitutional provision relating to dual office holding, I believe that at least six of the Boards or Commissions are unconstitutionally constructed. While legislative members are not in the position for profit, they are in a position to formulate policy and carry out provisions of law which is in conflict with the constitution. Legislators have also been appointed without regard to the one year provision for creating positions and allowing legislators to serve in those positions. The Alaska Commission on Post Secondary Education is a good example of the problem. It seems, in the past, that the Department of Law has chosen to ignore these problems, but didn't in the case of CSHB 723 amS.

The remainder of the objections is basically drafting problems and as a result of hurry-up legislation. As you may know, we circulated the bill through our committee due to the lateness of the hour. Had I had more time to review the bill and had we had at least one hearing in the Senate, some of those errors would have come to light. I am surprised that they weren't caught in House Judiciary. I am as guilty, since I only looked the bill over a couple of times. I've learned my lesson which is, that even if we are in a time crunch, I will closely review each piece of legislation before it leaves any committee I'm working with.

There are several other areas I would like to talk to you about relating to the filling of vacancies, and conducting the election which are based on my research of other states' enabling legislation, but I will discuss those in person when we meet.

I have talked to Rod Pegues who will probably draft a governor's bill on organization of the Constitutional Convention and he has agreed that we can work together if the chairman of the interim committee agrees, or we can just do our own bill.

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

CONTRACT BETWEEN

STATE OF ALASKA
LEGISLATIVE AFFAIRS AGENCY
POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811

AND

GUY A. VAN DOREN DBA-DOUGLAS RESEARCH
P.O. BOX 41
DOUGLAS, ALASKA 99824

The parties to this agreement are the LEGISLATIVE AFFAIRS AGENCY, hereinafter referred to as the "AGENCY," on behalf of the Alaska State Legislature's Special and Interim Committee on the Constitutional Convention (as authorized by SCR 43 am, 1980), hereinafter referred to as the "COMMITTEE," and GUY A. VAN DOREN, DBA DOUGLAS RESEARCH," hereinafter referred to as the "CONSULTANT."

THE PURPOSE OF THIS AGREEMENT IS TO PROVIDE SPECIALIZED RESEARCH, CONSULTING, AND ADMINISTRATIVE SERVICES TO THE COMMITTEE.

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I - STATEMENT OF WORK

The Consultant shall, as directed by the Committee Chairman, provide the Committee with specialized research, consulting, and administrative services relating to the Constitution and Constitutional Convention, including but not limited to:

- assisting in developing, coordination, and pursuing a study of Constitutional matters and constitutional conventions.
- undertaking research as directed by the Chairman
- assisting in the analysis of information gathered
- preparation of reports
- scheduling and preparation of public hearings
- analysis and final report of public hearings
- preparation of legislation if requested by the Chairman
- other duties as assigned by the Chairman

Work performed under this contract shall be conducted in a timely and efficient manner, and deadlines shall be adhered to as set by the Chairman.

CLAUSE II - PERIOD OF PERFORMANCE

- A. The period of this contract shall be retroactive to June 9, 1980, and terminate on January 9, 1981, unless extended by written agreement or terminated in accordance with paragraph B of this clause.
- B. This contract may be terminated by written mutual agreement.

CLAUSE III - COMPENSATION AND METHOD OF PAYMENT

- A. Payment for work performed under this contract shall be at the rate of Twenty-Five Dollars (25.00) per hour or One Hundred and Fifty Dollars (\$150.00) per day, whichever is less, to be paid before the last working day of each month for work carried out between the 15th day of the preceding month and the 15th day of the current month. On or before the 10th day of each month, the Consultant shall submit a statement of time worked to the Chairman for approval. Payment for approved time worked shall be made by the Agency. Total compensation for work performed under CLAUSE I of this agreement shall not exceed Twenty-Five Thousand Dollars (\$25,000).
- B. The Agency shall furnish travel expenses at coach fares and per diem expenses at prevailing state employee rates, long distance telephone charges related to business of the Committee, clerical support, and equipment necessary to carry out the work designated in Clause I of this agreement, subject to the approval of the Chairman.
- C. Office space shall be provided by the Consultant.
- D. No other employee benefits are allowed the Consultant

CLAUSE IV - CHAIRMAN

The Chairman for the Special and Interim Committee on the Constitutional Convention is the Honorable Brian Rogers.

CLAUSE V - RECORDS AND PROGRESS REPORTS

The Consultant shall keep the Chairman informed as to the progress of work performed under this contract and shall provide written progress reports as specified by the Chairman.

CLAUSE VI - RECORDS, DOCUMENTS, AUDIT

The Consultant shall maintain accurate records, including detailed time records, as may be required by the Agency. The records are subject to inspection by the Agency at all reasonable times. All documents, reports, and writings produced in the course of the work performed under this contract are, upon delivery to the Agency or to the Committee, or at termination of this agreement, the property of the Agency and are in the public domain; provided that the Consultant will have the right to use any such materials for purposes of writing about or discussing the issues.

CLAUSE VII - ALL WRITINGS CONTAINED HEREIN

This agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind either of the parties to this agreement.

IN WITNESS WHEREOF, the parties have executed this agreement on the dates indicated below.

CONSULTANT:

LEGISLATIVE AFFAIRS AGENCY:

GUY. A. VAN DOREN Date
DBA DOUGLAS RESEARCH
BUS. LIC. # _____
IRS # _____

MYRTON R. CHARNEY Date
Executive Director

APPROVED

APPROVED AS TO FORM:

REPRESENTATIVE BRIAN ROGERS Date
Chairman, Special and Interim
Committee on the Constitutional
Convention.

BILLY G. BERRIER Date
Agency Legal Counsel

1980-1981
Robert H. Rawson

VICE PRESIDENTS

Stephen K. Galpin, Fairfield, CT
James L. Holland, Jr., Minneapolis
George L. McGonigle, Houston
William F. Quinn, Honolulu
Terry Sanford, Durham, NC
Marjorie R. Spear, San Diego

Carl H. Pforzheimer, Jr., Chairman
Executive Committee & National
Conference on Government
Wilson W. Wyatt, Chairman
of the Council
Frank E. Curley, Treasurer

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Frank P. Seebree, Kansas City, MO
Joseph F. Tuttle, Boston
E. Robert Turner, Boulder
John R. Vella, San Francisco
Fay H. Williams, Indianapolis

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George Gallup, Princeton
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Thelma Press, San Bernardino
William L. Randall, Milwaukee
Ray T. Reed, Jr., Wichita
Arlene E. Reichert, Great Falls, MT
Jeanne Richman, Scarsdale, N.Y.
George Romney, Bloomfield Hills, MI
Victoria Schuck, Washington, D.C.
William W. Scranton, Scranton, PA
Murray Seasongood, Cincinnati
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Marjorie L. Taylor, Wichita
Cecil H. Underwood, Huntington, WV
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David I. Wells, New York
Stanley J. Winkelman, Detroit
John C. Wyckoff III, Memphis

A Citizens' Organization for Better Government • Founded 1894

Sponsor of

86th Annual Conference—Houston—November 15-18, 1980

July 9, 1980

Mr. Guy A. Van Doren, Consultant
Interim Constitutional Convention Committee
Pouch Y Room 107 Capitol Building
Juneau, Alaska 99811

Dear Mr. Van Doren:

In reply to your letter of June 23, we are sending the names of several individuals with whom you may wish to correspond in connection with your work for the constitutional convention committee. This is by no means an exhaustive list, but all have played important parts in revision efforts as authors, consultants and/or delegates.

John E. Bebout, Box 441, Wellfleet, Massachusetts 02667, 617-349-3546, has been associated with revision efforts since the successful move to adopt a new constitution in New Jersey in the 1940s, and was a major consultant to the Alaska convention.

George D. Braden, 302 Hudson Avenue, Albany, New York 12210, 518-436-0145, has been involved in revision efforts in Connecticut, New York, Illinois and Texas, and has co-authored books on the Illinois and Texas constitutions.

George E. Campbell, Rose, Nash, Williamson, Carroll, Clay and Giroir, 720 West Third Street, Little Rock, Arkansas 72201, 501-375-9131, was a delegate to the 7th Arkansas Constitutional Convention and was executive secretary of the Constitutional Revision Study Commission.

Elmer E. Cornwell, Department of Political Science, Brown University, Providence, Rhode Island 02912, 401-863-2825, was co-author of The Politics of the Rhode Island Constitutional Convention and Constitutional Conventions: The Politics of Revision.

Samuel K. Gove, Director, Institute of Government and Public Affairs, University of Illinois, Urbana, Illinois 61801, 217-333-3340, was a member of the commissions preparing for and implementing the results of the 6th Illinois Con-

Carl H. Pforzheimer Building, 47 East 68th Street, New York, N. Y. 10021
Telephone: (212) 535-5700

William N. Cassella, Jr., Executive Director
William G. Andersen, Jr., Assistant Director
Joan A. Casey, Director, Library/Publications
Page Elizabeth Bigelow, Staff Associate
Marion A. Kelly, Administrative Assistant
Gerald N. Hardy, Field Consultant
Peter L. Shaw, Field Consultant
Troy R. Westmeyer, Field Consultant
William K. Woods, Field Consultant
Frank P. Grad, Counsel

Mr. Guy A. Van Doren

July 9, 1980

2

Con, and co authored Revision Success: The Sixth Illinois Constitutional Convention.

Richard Kosaki, Department of Political Science, University of Hawaii at Manoa, Forteus 640, 2424 Maile Way, Honolulu, Hawaii 96822, 808-948-8357, authored materials on the 1978 Hawaii Constitutional Convention.

Norman Meller (address and phone same as Kosaki) wrote With an Understanding Heart: Constitution Making in Hawaii and served as a consultant to the Pacific Trust Territories constitution making effort.

James F. Ray, 8834 Honeysuckle Trail, Austin, Texas 78759, 512- 345- 3108, was executive director of the Texas Constitutional Revision Commission and the Constitutional Convention.

Albert L. Sturm, Center for Public Administration and Policy, Virginia Polytechnic Institute and State University, Blacksburg, Virginia, 703-961-5133/5830, is author of a book on the Michigan Constitutional Convention, of numerous articles on revision, of Thirty Years of State Constitution Making, 1938-1968, and of the annual constitutional developments summary in the NATIONAL CIVIC REVIEW and the Book of the States.

John P. Wheeler, Hollins College, Hollins, Virginia 24020, 703-362-6000, directed the League's State Constitutional Studies Project in the 1960s and authored The Constitutional Convention: A Manual on Its Planning, Organization and Operation, and co-authored Magnificent Failure: The Maryland Constitutional Convention of 1967-1968.

The League's executive director, William N. Cassella, Jr., participated in the Alaska Constitutional Review Conference held in Fairbanks in 1976. He is also in close touch with Victor Fischer of Anchorage, who is the author of the League-sponsored study Alaska's Constitutional Convention.

We will be grateful if you can send us copies of materials prepared by your committee to add to our extensive library collection on constitutional revision in all the states.

We trust this list will be useful to you, and please feel free to call on us if we may be of assistance to you.

Sincerely yours,

Joan A. Casey
Joan A. Casey
Director
Library/Publications

GUY A. VAN DOREN

P.O. Box 41

Douglas, Alaska 99824

(907) 364-3442

DATE	HOURS	WORK PERFORMED
6/9/80	5	Met w/ Brian Rogers, Geo. Hohmann, worked on reviewing CON CON books. Review Books.
6/10/80	6	Reviewed 1979 Reports, Set up office, arranged phone service
6/11/80	7.5 full day	Review books, Drafted letters to Revision experts for final typing
6/12/80	6	Set up printing for 1979 Reports (50 copies) review work, spoke w/ San Jose
6/13/80	6	Met w/ Sen Hohmann, Review Books from statutes
6/16/80	5	Met with Judge Schubert, distribute reports, review books.
6/17/80	5	Prepared office for return work, review books.
6/18/80	2	General work + mailed out reports to committee members.
6/19/80	5	General work, library research, mail reports, research meeting
6/20/80	4	General work, research work, drafted letter to National Municipal League
6/23/80	5	Drafted letter + Mailed letter + materials to Brian Rogers. Harris County Research
6/24/80	5	Review Governors Veto of Cons Cons bill, research on Court cases.
6/25/80	5	Same as above plus Harris + Montana enabling legislation
6/26/80	4	Same as above
6/27/80	5	Same as above plus preparing report for Brian Rogers.
6/30/80	5	preparation of Contract, same as above

I CERTIFY THAT THE ABOVE IS TRUE AND CORRECT: Henry A. Van Doren

DATE 6/30/80

TOTAL THIS PAGE 80.5 hrs. total due 73 hrs @ 25.00 per hr \$ 2825
1 full day at \$150.00 150
2975

July 21, 1980

Dear Brian:

Pardon the handwritten letter but I just don't feel like typing.

I'm pretty discouraged since I checked again with Mert and none of the leadership has appointed any committee members.

There is a Council meeting August 1st in Anchorage and Senator Ziegler suggested we have an organizational meeting, but with no members, how can we? I can't even attend the meeting unless George Hohman O.K.s it.

I wanted very much to continue with the committee and as you know committed myself to work on it, but with no income I've got all my creditors on my back. I managed to get a little work landscaping the Sealaska Bldg. last week, but not enough to matter much. I can only hope to be compensated for the hours I've already worked and hope either the committee gets formed or something comes up otherwise my credit rating will be zilch.

I'm sorry to try the blues to you since I know it's not your fault and you're involved in a tough campaign but I needed to sound off to someone.

Enclosed you will find a list of the people the National Municipal League

sent at my request. If we ever
get started I will contact these
people if you or the committee are
interested.

Thus I'll end this gloomy letter
and hope to be in a better
frame of mind next time.

Regards

Guy

I am still usually in the office mornings

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

PERS - CONTRACTS
CON CON

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

December 19, 1980

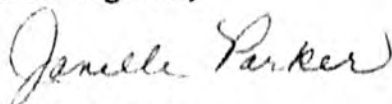
Representative Rogers
1335 Hayes Street
Fairbanks, Alaska 99701

Dear Brian:

Enclosed is the contract for the Yup'ik Language Workshop. I'm sorry that it took so long, but I just received the information about the work to be performed under the contract. I've also enclosed a letter from Phyllis Morrow. In her letter she asks several questions that I don't feel that I can answer.

Please sign and have the people at the Workshop sign and then return to me. If you need any further assistance with this contract, please do not hesitate to let me know.

Best regards,



Janelle Parker
Special Assistant to
the Executive Director

Enclosure



YUP'IK ESKIMO LANGUAGE WORKSHOP

KUSKOKWIM COMMUNITY COLLEGE

P. O. BOX 368

December 12, 1980

BETHEL, ALASKA 99558

Ms. Janell Parker
Legislative Affairs Office
Pouch Y
Juneau, Alaska 99811

Dear Ms. Parker:

Thank you for your call yesterday, concerning the translation of the state constitution into Yup'ik. In response to your question, we should be able to complete all of Phase I and a portion of Phase II by the end of June, 1981, assuming that I can begin drawing on the funds by January.

Specifically, the modified English version will be written, the translators will be trained, and the primary translators will have finished 1/4 to 1/3 of the initial translation. This should be possible given both the time available and the \$60,000 appropriation you mentioned.

I wonder if you might be able to answer a few of my questions. In the event that any funds remain unexpended at the end of the fiscal year, will we be able to carry them over into the following year? Also, do you know how the funds will be administered? When I spoke to Brian Rogers and George Hohman in October, the plan was to administer them through Pat O'Rourke's office (Community Colleges, Rural Education and Extension). I thought there was a slight possibility, however, that they might be handled through Kuskokwim Community College.

Also, I will need about twenty copies of the Alaska constitution. Are they available through your office? If not, I would appreciate your passing my request on to the appropriate person or office.

Thank you very much.

Sincerely,

A handwritten signature in cursive script that reads "Phyllis Morrow".

Phyllis Morrow, Coordinator
Yup'ik Language Center

PM/eg

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

CONTRACT BETWEEN

STATE OF ALASKA
LEGISLATIVE AFFAIRS AGENCY
Pouch Y
Juneau, Alaska 99811

AND

GORDON HARRISON & ASSOCIATES
1621 Wilton Road
Tacoma, WA 98465

The parties to this agreement are the Legislative Affairs Agency, on behalf of the Legislative Council's Joint Committee on Constitutional Convention, hereinafter referred to as the "Agency", and Gordon Harrison & Associates, hereinafter referred to as the "Consultant".

THE PURPOSE OF THIS AGREEMENT is to provide the Agency with professional services in preparation of a citizen's guide to the Alaska Constitution.

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I - STATEMENT OF WORK

The Consultant shall provide the Agency with a written "Citizen's Guide to the Alaska Constitution" as detailed in Attachment I.

CLAUSE II - PERIOD AND DATES OF PERFORMANCE

(A) The work under this contract shall be performed between January 12, 1981 and July 31, 1981.

(B) This contract may be terminated by either party upon written notice to the other.

(C) Unless extended by written agreement, this contract expires on July 31, 1981.

CLAUSE III - PROJECT DIRECTOR

The Project Director shall be Representative Brian Rogers, acting on behalf of the Joint Committee on Constitutional Convention.

CLAUSE IV - COMPENSATION AND METHOD OF PAYMENT

(A) For the work specified in this contract, the Consultant shall be compensated \$16,500 (Sixteen Thousand Five Hundred Dollars).

(B) The Consultant shall be reimbursed for travel to include two round trips between Seattle and Juneau, per diem shall be paid at prevailing State rates, and all air travel shall be reimbursed on the basis of coach class fares.

(C) Billings may be submitted by the Contractor monthly, and should note thereon work accomplished to date. 50% of said compensation shall be held for completion of final report.

(D) Total payments under this contract, including expenses shall not exceed \$19,000 (Nineteen Thousand Dollars).

CLAUSE V - OFFICE SPACE, EQUIPMENT, CLERICAL SUPPORT

Office space, equipment and clerical support of the Consultant that will be necessary to carry out his obligations under this contract shall be supplied by the Consultant at no cost to the Agency.

CLAUSE VI - RECORDS, DOCUMENTS, AUDIT

The Consultant shall maintain accurate records, including detailed time records, as may be required by the Project Director. The records are subject to inspection by the Agency or the Project Director at all reasonable times. All documents, reports and writings generated as a consequence of work done under this contract shall become the property of the State of Alaska and, on completion of the work or at the termination of this contract, shall be delivered to the Project Director.

CLAUSE VII - REPORTS

The Consultant shall keep the Project Director informed as to the progress of the work performed under this agreement and shall provide progress reports as specified by the Project Director.

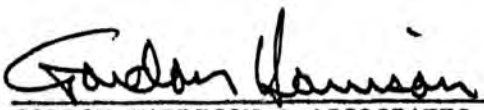
CLAUSE VIII - ALL WRITINGS CONTAINED HEREIN

This agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind either of the parties of this agreement.

IN WITNESS WHEREOF, the parties have executed this agreement on the dates indicated below.

CONSULTANT

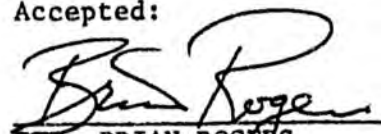
LEGISLATIVE AFFAIRS AGENCY

 1/29/81
GORDON HARRISON & ASSOCIATES Date
IRS ID # 571-56-7771

M. R. CHARNEY Date
EXECUTIVE DIRECTOR

Accepted:

Approved as to form:

 2/2/81
REP. BRIAN ROGERS Date
JOINT COMMITTEE ON CONSTITUTIONAL
CONVENTION

BILLY G. BERRIER Date
AGENCY LEGAL COUNSEL

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

CONTRACT BETWEEN

STATE OF ALASKA
LEGISLATIVE AFFAIRS AGENCY
Pouch Y
Juneau, Alaska 99811

AND

LEAGUE OF WOMEN VOTERS
911 R Street
Anchorage, Alaska 99501

The parties to this agreement are the Legislative Affairs Agency, on behalf of the Legislative Council's Joint Committee on Constitutional Convention, hereinafter referred to as the "Agency", and the League of Women Voters, hereinafter referred to as the "Consultant".

THE PURPOSE OF THIS AGREEMENT is to provide the Agency with professional services to give Alaska public information about a state constitutional convention.

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I - STATEMENT OF WORK

The consultant shall plan a series of public informational meetings and workshops designed to increase public awareness of the procedures for calling a state constitutional convention, the meaning of the 1982 ballot question concerning the holding of a convention, and Alaska state constitutional issues. The consultant shall use information prepared by the joint committee and may prepare additional information for public dissemination.

CLAUSE II - PERIOD AND DATES OF PERFORMANCE

(A) The work under this contract shall be performed between February 1, 1981 through December 31, 1981.

(B) This contract may be terminated by either party upon written notice to the other.

CLAUSE III - PROJECT DIRECTOR

The Project Director shall be Representative Brian Rogers, acting on behalf of the Joint Committee on Constitutional Convention.

CLAUSE IV - COMPENSATION AND METHOD OF PAYMENT

(A) For the work specified in this contract, the Consultant shall prepare a detailed budget for each task. Payment in advance for each task when approved by the Project Director.

(B) The Consultant shall be reimbursed for travel and other expenses authorized in advance by the Project Director, except that per diem shall be paid at prevailing State rates, and all air travel shall be reimbursed on the basis of coach class fares.

(C) Total payments under this contract, including expenses shall not exceed \$5,000 (Five Thousand Dollars).

CLAUSE V - OFFICE SPACE, EQUIPMENT, CLERICAL SUPPORT

Office space, equipment and clerical support of the Consultant that will be necessary to carry out their obligations under this contract shall be supplied by the Consultant at no cost to the Agency.

CLAUSE VI - RECORDS, DOCUMENTS, AUDIT

The Consultant shall maintain accurate records, including detailed time records, as may be required by the Project Director. The records are subject to inspection by the Agency or the Project Director at all reasonable times. All documents, reports and writings generated as a consequence of work done under this contract shall become the property of the State of Alaska and, on completion of the work or at the termination of this contract, shall be delivered to the Project Director.

CLAUSE VII - REPORTS

The Consultant shall keep the Project Director informed as to the progress of the work performed under this agreement and shall provide progress reports as specified by the Project Director.

CLAUSE VIII - ALL WRITINGS CONTAINED HEREIN

This agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind either of the parties of this agreement.

IN WITNESS WHEREOF, the parties have executed this agreement on the dates indicated below.

CONSULTANT

LEGISLATIVE AFFAIRS AGENCY

Joan Harris *Per 2/2/81*
LEAGUE OF WOMEN VOTERS Date
IRS ID # *926004632*

M. R. CHARNEY Date
EXECUTIVE DIRECTOR

Accepted:

Approved as to form:

Brian Rogers *2/2/81*
REP. BRIAN ROGERS Date
JOINT COMMITTEE ON CONSTITUTIONAL
CONVENTION

BILLY G. BERRIER Date
AGENCY LEGAL COUNSEL