

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672
798 SCOMM127: INT. COMM. CONSTITUTIONAL CONVENTION 1979-80

GORDON HARRISON
& ASSOC.

social and economic research

1621 Wilton Road
Tacoma, WA 98465
(206) 565-6523

January 5, 1981

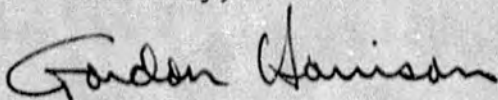
Mr. Guy Van Doren
Joint Committee on the Constitutional Convention
Pouch Y
Juneau, Alaska 99811

Dear Guy:

Enclosed is my proposal to write a citizen's guide to the state constitution. I am including a brief proposal statement, my resume, and samples of my writing. This project interests me a great deal, and I feel particularly well suited for it by virtue of my background and experience, which includes a masters degree in journalism and doctorate in political science.

For the past several years I have lived in the Seattle area while my wife has been in medical school as an Alaska WAMI student. She finishes her residency in family practice in July, 1981, and we plan to return permanently to Alaska soon thereafter (we hope to Juneau). During April my wife is going to work at a clinic in Juneau in order to learn about the medical situation locally and assess opportunities for her there. In my proposed work schedule I suggest that the project begin in April, as this would give me a full month to work in the state library in Juneau.

Sincerely,


Gordon Harrison

PROPOSAL

Writing a Citizen's Guide to the Alaska Constitution

Submitted to

Joint Legislative Committee on the Constitutional Convention

by

Gordon Harrison and Associates

January, 1981

PROPOSAL

Introduction

This proposal is submitted in response to the Request for Proposals from the Joint Legislative Committee on the Constitutional Convention for writing a citizens' guide to the Alaska constitution. My general approach to the task and my qualifications for undertaking it, as well as a proposed schedule and budget, are presented below.

Approach

As a layman's guide to the state constitution, this publication must be clearly and simply written. But it must do much more than paraphrase constitutional text in sentences that are simple, short, active and unadorned. The booklet must provide historical context for each constitutional section; it must point to major political issues; and it must explain controversy that has arisen over the interpretation of disputed provisions. Readers of this guide should learn what the constitutional convention delegates hoped to achieve with each section; why they chose the words they did; and how the legislature and courts have given form and substance to their language. For example, only when the reader knows what the delegates sought through borough government, how local areas have responded to the opportunity and

requirement to form boroughs, and how the Local Boundary Commission and Alaska Supreme Court have interpreted the constitutional mandates, will be fully acquainted with this important aspect of Article X.

That this guide should be easily readable does not require it to be artless. Nor does it require that complex and subtle issues be shunned. Complexity and subtlety animate the subject, and without them the guide would be flat, tedious, and little-used. Clearly, the challenge of this publication is to present a comprehensive view of Alaska's constitution in language that is uncomplicated yet legally precise, and in a style that is direct yet imaginative and resourceful.

Before writing anything for publication, an author should have a good idea of who his readers will be. I think the Committee should give careful consideration to the likely readers of this guide before writing begins. This effort will help define the content and characteristics of the final product. For example, it seems to me that important potential groups of readers are students at the high school and college level; in-coming legislators and their staff; and members of civic organizations such as the League of Women Voters. We can presume that the interest of this audience will be keen, and the level of intellectual sophistication high. Thus, these readers will be dissatisfied with a primer that is targeted for a less well educated readership and is overly superficial as a consequence.

Another potential group of users may be people other than lawyers who are interested in researching some aspect of the state constitution or constitutional history. Therefore it seems appropriate for the primer to

contain an annotated bibliography of material on Alaska statehood and the constitutional convention (including Proceedings of the Alaska Constitutional Convention), as well as opinions of attorneys general and the Alaska Supreme Court that address basic constitutional issues (the latter would be selective of the extensive annotations found in the constitution published with the Alaska Statutes).

I have read A Citizen's Guide to the Texas Constitution by George D. Braden, and I find it a useful example of a state constitutional primer. Especially valuable are the author's frequent contrasts and comparisons with other state practices, and his introductory discussion of constitutions and their functions. However, it seems to me that the main narrative of an Alaska version of this book would be altogether different because the constitutions of the two states are so fundamentally dissimilar. Indeed, it was the nightmare of a Texas constitution that the Alaska convention delegates sought to avoid. Alaska's constitution is much more like that of the United States in its brevity and resiliency. Mr. Braden's task was to bring a measure of coherence to a hopelessly fragmented, incomplete, scrambled, detailed, and unreadable document. The author of Alaska's guide begins with a short, concise, intelligible constitution, and his task is to explain the origin, intent, and implementation of these few deliberate words. Also, the tone of Mr. Braden's work is condemnatory. The author of Alaska's guide should not evaluate the constitution, either explicitly or implicitly.

It is my understanding that Mr. Braden will be a consultant to this project. I suggest it would be helpful to the author of this publication

to have the advice of others as well. I propose that the Joint Committee appoint a formal editorial advisory group. In addition to Mr. Braden and the Committee staff, the group might include one or more lawyers with knowledge of the constitution (perhaps assistant attorneys general in Juneau) and a local person or two outside state government representing potential user groups (a teacher, librarian, civic activist, etc.)

This editorial committee would be helpful to the author at the outset of the project in discussing such matters as outline, format, readership, etc. The members of this committee would later review the draft manuscript, and at that time they will be better able to evaluate the success of the product than had they not participated in discussions of what it aimed to accomplish, and how.

Schedule

I am proposing the schedule in Figure 1 to take advantage of the fact that my wife and I plan to reside in Juneau during April, 1981. If another schedule is more convenient for the committee I will attempt to accommodate it. However, to do so would not allow me as much time to work in the Alaska State Library, and it would require increased travel and per diem expenses.

According to the schedule I have proposed, work would begin on April 6 with a meeting of the editorial group. I would spend approximately three weeks immediately thereafter engaged in background reading and research. During this period I would work in the state historical and law libraries in Juneau where I would have access to the Proceedings and AG and Supreme Court opinions. Also, in Juneau I would have access to lawyers and other people knowledgeable of the daily workings of the constitution.

SCHEDULE

ACTIVITY

APRIL

MAY

JUNE

JULY

6-10 13-17 20-24 27-1 4-8 11-15 18-22 25-29 1-5 8-12 15-19 22-26 29-3 6-10

1st meeting of editorial group (Juneau)



Background reading, research (Juneau)



Writing



Draft in typing



Submit draft



Draft review



2nd meeting of editorial group (Juneau)



Revisions



Final in typing



Submit final



A draft would be submitted for review on June 1, and a final product on July 6.

Qualifications

I hold advanced degrees in both journalism and political science; I have had substantial exposure to the state constitution and constitutional issues; and I have had extensive writing and editorial experience. My resume summarizes much of this experience. In addition, however, I have written several corporate annual reports and other publications. Currently I am assisting Northwest Alaskan Pipeline Company design and prepare a publication that is, in effect, a citizen's guide to the gasline project in all of its technical, organizational, and regulatory dimensions. While at the University of Alaska, I worked closely in an editorial role with Victor Fischer while he was writing Alaska's Constitutional Convention.

During the past year I have been involved in a major effort with other consultants to review for the U.S. Fish and Wildlife Service federal on-shore oil and gas leasing in Alaska and the environmental effects of on-shore petroleum operations. I wrote major sections of the final technical report that deal with procedural, historical, and administrative issues. Also, I prepared an introductory handbook for field biologists that is designed to acquaint them with oil industry operations and potential environmental impacts.

You may contact as references Ms. Susan Fison, Northwest Alaskan Pipeline Co., Fairbanks (452-5500); Dr. Thomas Morehouse, ISER, Anchorage (278-4621);

Mr. Peter Hanley, Dames and Moore, Anchorage (279-0673); Mr. Kent Wohl,
U.S. Fish and Wildlife Service, Anchorage (276-3800, ex. 503); and Mr. Victor
Fischer, Anchorage (272-2381).

Budget

Figure 2 presents a budget for the project of \$18,190. If the Committee
provides typing from dictaphone tapes, the budget is \$17,190.

FIGURE 2

BUDGET

LABOR

Professional	320 hrs @ \$50/hr	\$16,000
Secretarial	40 hrs @ \$25/hr	1,000*

EXPENSES

Travel	2 RT Seattle-Juneau @ \$325	650
Per diem	4 days Juneau @ \$85/day	340
Xerox		100
Telephone, Postage		100
		\$18,190

*This expense may be omitted if the secretarial staff of the Committee types the draft and final from dictaphone tapes. In this case, the budget is \$17,190.

SCOMM

#27:6

Con Con

VICTOR FISCHER ASSOCIATES CONSULTING
221 EAST 7TH AVENUE #204 • ANCHORAGE, ALASKA 99501 • (907) 272-2381

March 12, 1980

Sen. George Hohman
Rep. Brian Rogers
Pouch V
Juneau, AK 99811

MAR 19 1980

Dear George and Brian:

I am transmitting with Brian's copy of this letter my paper "A new constitutional convention for Alaska? The lessons of Hawaii 1978." Brian agreed to have copies made and distributed.

This paper completes my work for the Interim Committee on the Constitutional Convention. I believe that the efforts so far demonstrate the importance of the kind of preparation for the 1982 convention referendum that both of you are pursuing.

I very much appreciate the opportunity of having worked with you in this endeavor and look forward to further cooperation in the future.

My very best personal regards,

Hi, Brian --- I would appreciate receiving 10 copies of the W Hawaii paper. In addition, will send a list of less than ten people to who copies should be mailed.

Thanks for handling this,

CONTRACT BETWEEN
STATE OF ALASKA, LEGISLATIVE AFFAIRS AGENCY
POUCH Y
JUNEAU, ALASKA 99811
AND
VICTOR FISCHER
221 E. 7th, Ave. #204
ANCHORAGE, ALASKA 99501

The parties to this agreement are the LEGISLATIVE AFFAIRS AGENCY, on behalf of the Alaska State Legislature's Interim Committee on the Constitutional Convention, hereinafter referred to as the AGENCY, and Victor Fischer, hereinafter referred to as the "CONSULTANT."

THE PURPOSE OF THIS AGREEMENT is to provide specialized research and consulting services to the Interim Committee on the Constitutional Convention.

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I STATEMENT OF WORK:

The CONSULTANT shall, as directed by the project director (s), provide the Interim Committee on the Constitutional Convention with specialized research and consulting services relating to the Constitution, Constitutional Convention, and constitutional issues including but not limited to:

- (a) developing major constitutional issues into an introductory report for use at public hearings;
- (b) development of in-depth analysis of several constitutional issues to be determined by the project manager (s);
- (c) attending public hearings and assisting in the analysis of the information gathered at the meetings.
- (d) assisting in the gathering and reproduction of archival materials;
- (e) assisting in the preparation of the final report for the committee;
- (f) coordinating with committee staff and other consultants
- (g) other duties assigned by the project manager (s).

CLAUSE II - PERIOD OF PERFORMANCE

- (A) The period of this contract shall be from July 1, 1979, to June 30, 1980, unless extended by written agreement or terminated in accordance with (B) of this clause.

(B) This contract may be terminated by mutual agreement.

CLAUSE III - COMPENSATION AND METHOD OF PAYMENT

- (A) Payment for work performed under this agreement shall be at the rate of \$50.00 per hour or \$250.00 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 Project Director (s) for approval. Total compensation for the work performed under Clause I shall not exceed \$15,000.00.
- (B) The AGENCY shall furnish travel (coach fare) and per diem (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.
- (C) Office space shall be provided by the CONSULTANT
- (D) No other employee benefits are allowed the CONSULTANT.

CLAUSE IV - PROJECT DIRECTORS

The Project Directors for the Constitutional Convention Committee shall be the Honorable George Hohman and the Honorable Brian Rogers.

CLAUSE V - RECORDS

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

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 at termination of this agreement, the property of the AGENCY, and/or 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.

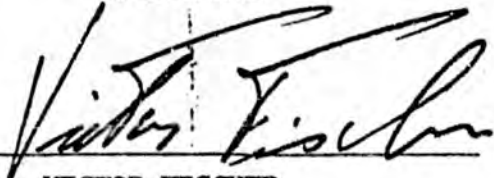
CLAUSE VII - ALL WRITINGS CONTAINED HEREIN

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 of this agreement.

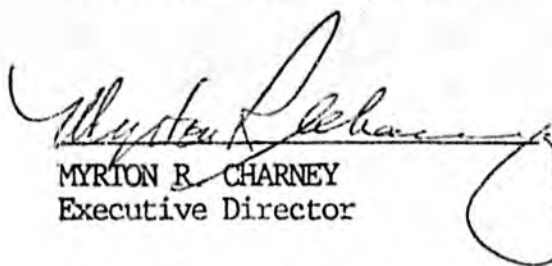
IN WITNESS WHEREOF, the parties have executed this agreement on the dates indicated below.

CONSULTANT

LEGISLATIVE AFFAIRS AGENCY


VICTOR FISCHER

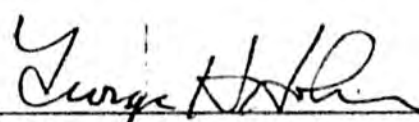
8-9-79
DATE


MYRTON R. CHARNEY
Executive Director

9/6/79
DATE

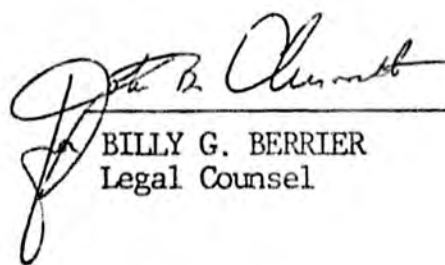
ACCEPTED:

APPROVED AS TO FORM


SENATOR GEORGE HOHMAN

9/6/79
DATE

Project Director
Interim Committee on Constitutional
Convention


BILLY G. BERRIER
Legal Counsel

9/6/79
DATE

REP. BRIAN ROGERS

DATE

Project Director
Interim Committee on Constitutional Convention

Agency Account No. _____

CONTRACT BETWEEN

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

AND

DOUGLAS POPE
912 West Sixth Avenue
Anchorage, Alaska 99501

The parties to this Agreement are the LEGISLATIVE AFFAIRS AGENCY, hereinafter referred to as the "Agency", and DOUGLAS POPE, hereinafter referred to as the "Contractor."

THE PURPOSE OF THIS AGREEMENT is to provide the Interim Committee on a Constitutional Convention, through the Agency, professional services relating to issues studied by the committee.

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I. STATEMENT OF WORK

- (A) The Contractor shall provide the committee with professional consulting and administrative services with regard to issues relating to any call for a constitutional convention in Alaska and any issues which could arise at any constitutional convention called in Alaska.

CLAUSE I. TERM OF TERMINATION

- (A) The period of this contract shall be retroactive to July 1, 1979, and terminate on June 1, 1980, unless extended, or terminated in accordance with (B) of this Clause.
- (B) This contract may be terminated by either party on written notice to the other.

CLAUSE III. PROJECT DIRECTOR

The project director shall be Representative Brian Rogers, co-chairman of the Interim Committee on a Constitutional Convention.

CLAUSE IV. COMPENSATION AND METHOD OF PAYMENT

- (A) The Contractor shall be compensated at the rate of \$200 per day for his own services, while traveling or otherwise away from his own office in Anchorage, and at the rate of \$50.00 per hour for services performed as an attorney and administrator while in Anchorage.
- (B) The Contractor shall be reimbursed for all expenses incurred which are authorized in advance by the Project Director. The Contractor shall be reimbursed on the basis of coach class airfare and prevailing state employee per diem rates for all travel expenses authorized in advance by the Project Director. Travel expense claims shall be submitted on forms provided by the Agency. Contractor shall be reimbursed for long distance telephone charges incurred in the course of the Contractor's work under this contract.

- (C) Total compensation under this contract, inclusive of all expenses, shall not exceed \$10,000.00.

CLAUSE V. OFFICE SPACE, EQUIPMENT, CLERICAL SUPPORT

Office space, equipment and clerical support necessary to carry out the Contractor's obligations under this contract shall be supplied by the Contractor at no cost to the Agency, unless authorized by the Project Director.

CLAUSE VI. PROGRESS REPORTS

The Contractor 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 him.

CLAUSE VII. RECORDS, DOCUMENTS, AUDIT

The Contractor 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 performed under this contract are, upon delivery to the Agency or at termination of this agreement, the property of the Agency.

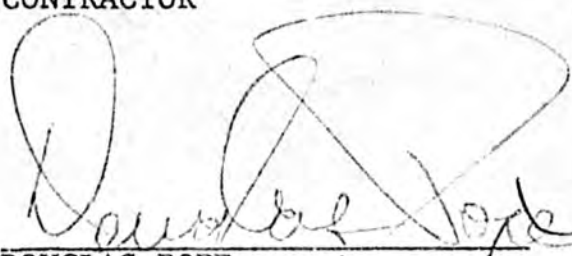
CLAUSE VIII. ALL WRITINGS CONTAINED HEREIN

This agreement contained 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.

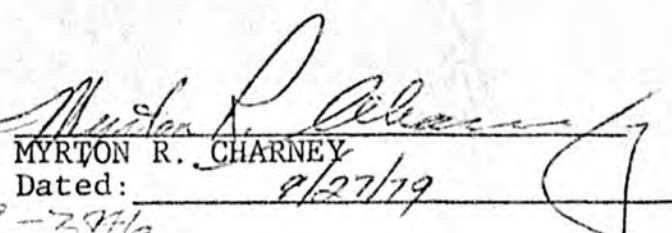
CONTRACTOR

LEGISLATIVE AFFAIRS AGENCY
(By direction of the Executive
Director)


DOUGLAS POPE

Dated: 9/26/79

IRS Identification NO. 579-18-3876


MYRTON R. CHARNEY

Dated: 9/27/79

Accepted:

Approved as to form:


REP. BRIAN ROGERS,
Co-Chairman, Interim
Committee on a Constitutional
Convention

Dated: 9/8/79


AGENCY LEGAL COUNSEL

Dated: 9/26/79

DC IGLAS POPE
Attorney

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

Box 27
Hope, Alaska 99605

June 3, 1980

The Honorable Brian Rogers
Alaska State Representative
Pouch V
Juneau, Alaska 99811

Re. Constitutional Convention Contract

Dear Representative Rogers:

The purpose of this letter is to bill the Legislative Affairs Agency, through you, for time and expenses incurred since the last billing. Expenses include air travel but not lodging. I intend to submit a per diem statement to cover lodging while away from Anchorage.

<u>Date</u>	<u>Item</u>	<u>Hours</u>	<u>Days</u>	<u>Expenses</u>
3/24	Meet, Re: Privacy	.5		
3/26	Draft memo	2.5		
4/23	Review bill	2.0		
4/25	Round trip ticket to Juneau			\$ 228.00
4/25	Meet in Juneau		1	
5/2	Draft amendments	1.0		
5/5	Review amendments	1.0		
5/19				
-	Travel to Juneau,			
5/21	Meet		3.5	
5/27	Round trip ticket to Juneau			\$ 228.00
5/27				
-	Meet, prepare amend-			
6/4	ments in Juneau			
6/5-6/6	" "			

7.0
Hours

9.0
2.0 of EIR
13.5
Days
15.5 of EIR
Days
\$ 456.00

BRP

Honorable Brian Rogers -2-

June 3, 1980

7.0 hours at \$50/hr. \$ 350.00
15.5 ~~13.5~~ days at \$200/day ~~2,700.00~~ 3,100.00 *of BR*

Expenses 456.00

\$ 3,506.00

3,906.00 *BR*

Sincerely,

Douglas Pope
Douglas Pope

Approved:

Brian Rogers
Representative Brian Rogers
Project Director

DOUGLAS POPE
Attorney

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

Box 27
Hope, Alaska 99605

August 28, 1979

Representative Brian Rogers
Box K
College, Alaska 99701

Re: Interim Committee on a Constitutional Convention

Dear Brian:

Enclosed is a final draft of a contract between myself and the Legislative Affairs Agency for work requested by the Interim Committee on a Constitutional Convention. If it meets your concerns, please sign and forward to the agency. With regard to the one particular concern you voiced, clause IV(a) leaves room for the Committee to be billed at a daily rather than the hourly rate while I'm in Anchorage but attending meetings.

In addition you have advised me that there will be a meeting in Fairbanks on September 19th and have requested that the following issues be researched prior to the meeting in order that I will be prepared to comment. I intend to have a succinct memo for the members of that meeting to accompany my discussion.

- (1) Draft Legislation for a call, including
 - (a) Procedures of a call that may be passed by the legislature relating to a convention and
 - (b) A bill or a resolution calling the convention itself.
- (2) An analysis of apportionment of the convention by the legislature, including
 - (a) Relevant case law and
 - (b) What to expect if someone sues to halt a convention called based upon the apportionment schedule established.

In addition to those issues that you requested be researched prior to the September 19th meeting, you have also asked me to initiate research which I have placed under the general heading of "limitations of state sovereignty." I intend to have enough research done to be able to make general comments with regard to that topic, but will not have a memorandum available at that date. Please advise if you wish to have any other issues researched and commented upon in memoranda form for the September 19th meeting.

Sincerely,

Douglas Pope

DP/emm

cc: Senator George Hohman

DOUGLAS POPE
Attorney

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

Con Con
Doug Pope

Box 27
Hope, Alaska 99605

November 29, 1979

Representative Brian Rogers
c/o Legislative Committee on
a Constitutional Convention
Rm. 610F, Gruening Building
University of Alaska
Fairbanks, Alaska 99701

Re: Contract With Interim Committee on the Constitutional
Convention

Dear Representative Rogers:

Enclosed is the final draft of the memorandum you requested. This letter is also for the purpose of billing the Committee for work and expenses to date. Unless you have any further questions, please approve the bill and forward to the Legislative Affairs Agency in the envelope provided.

8/20/79	Meet w/ Rep. Rogers	1.00
8/21/79	Review all material	4.00
9/24/79	Review materials	.50
11/15/79	Prepare memorandum	4.00
11/16/79	Prepare memorandum	5.00
11/19/79	Review Fischer memorandum	1.00
11/27/79	Edit Memorandum and draft inserts, draft letter, calls to Van Doren and Rogers	5.00
		<u>20.50</u>

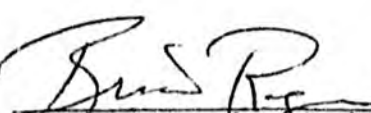
20.50 hours at \$50.00 \$1,025.00

Please submit for payment. Thank you.

Sincerely,


Douglas Pope

DP/emm
Approved:


Representative Brian Rogers,
Project Director

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

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

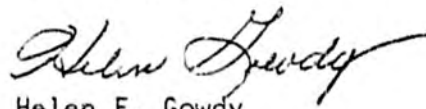
June 18, 1980

Mr. Douglas Pope
912 West Sixth Avenue
Anchorage, Alaska 99501

Dear Mr. Pope:

Attached is your signed copy of Amendment No. 1 to a contract
between you and the State of Alaska, Legislative Affairs Agency,
concerned with the Interim Committee on a Constitutional Convention.

Sincerely,


Helen F. Gowdy
Executive Secretary

Enclosure

cc: Rep. Brian Rogers ✓
w/encls.

Agency Account No. _____

AMENDMENT NO. 1
CONTRACT BETWEEN

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

AND

DOUGLAS POPE
912 West Sixth Avenue
Anchorage, Alaska 99501

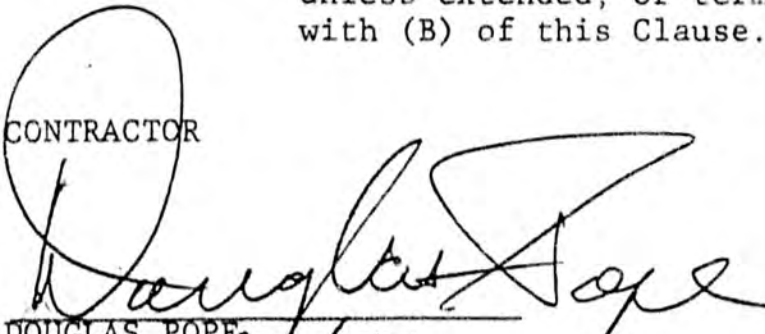
This amendment is to the agreement to provide the Interim Committee on a Constitutional Convention, through the LEGISLATIVE AFFAIRS AGENCY, with professional services, between the Agency and DOUGLAS POPE, that is attached to this amendment for the purposes of reference.

CLAUSE II (A) of the attached contract is amended to read:

CLAUSE II. TERM OF TERMINATION

- (A) The period of this contract shall be retroactive to July 1, 1979, and terminate on January 11, 1981, unless extended, or terminated in accordance with (B) of this Clause.

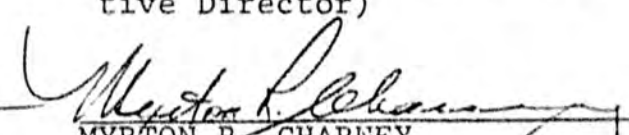
CONTRACTOR


DOUGLAS POPE

Dated: 6/7/80

IRS Identification No. 574-18-3846

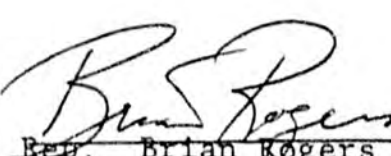
LEGISLATIVE AFFAIRS AGENCY
(By direction of the Executive Director)


MYRTON R. CHARNEY

Dated: 6/18/80

ACCEPTED:

Approved as to form:


Rep. Brian Rogers

Project Director, Dated: 6/7/80


AGENCY LEGAL COUNSEL

Dated: June 17, 1980

Agency Account No. _____

AMENDMENT NO. 1
CONTRACT BETWEEN

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

AND

DOUGLAS POPE
912 West Sixth Avenue
Anchorage, Alaska 99501

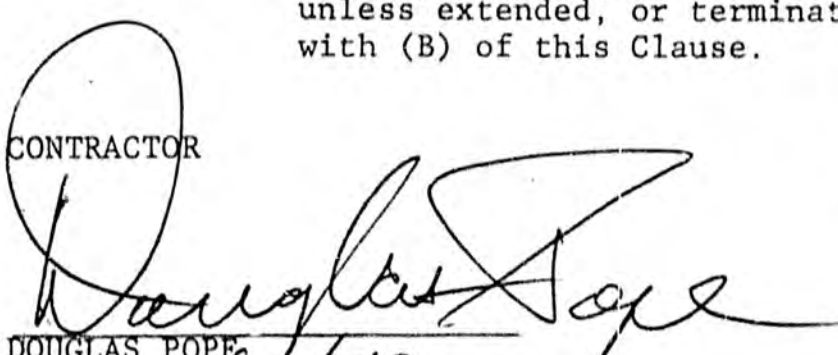
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CONTRACTOR


DOUGLAS POPE

Dated: 6/7/80
IRS Identification No. 574-18-3846

LEGISLATIVE AFFAIRS AGENCY
(By direction of the Executive Director)

MYRTON R. CHARNEY
Dated: _____

ACCEPTED:

Approved as to form:


Rep. Brian Rogers

Project Director, Dated: 6/7/80

AGENCY LEGAL COUNSEL
Dated: _____

Agency Account No. _____

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

AND

DOUGLAS POPE
912 West Sixth Avenue
Anchorage, Alaska 99501

The parties to this Agreement are the LEGISLATIVE AFFAIRS AGENCY, hereinafter referred to as the "Agency", and DOUGLAS POPE, hereinafter referred to as the "Contractor."

THE PURPOSE OF THIS AGREEMENT is to provide the Interim Committee on a Constitutional Convention, through the Agency, professional services relating to issues studied by the committee.

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I. STATEMENT OF WORK

- (A) The Contractor shall provide the committee with professional consulting and administrative services with regard to issues relating to any call for a constitutional convention in Alaska and any issues which could arise at any constitutional convention called in Alaska.

CLAUSE II. TERM OF TERMINATION

- (A) The period of this contract shall be retroactive to July 1, 1979, and terminate on June 1, 1980, unless extended, or terminated in accordance with (B) of this Clause.
- (B) This contract may be terminated by either party on written notice to the other.

CLAUSE III. PROJECT DIRECTOR

The project director shall be Representative Brian Rogers, co-chairman of the Interim Committee on a Constitutional Convention.

CLAUSE IV. COMPENSATION AND METHOD OF PAYMENT

- (A) The Contractor shall be compensated at the rate of \$200 per day for his own services, while traveling or otherwise away from his own office in Anchorage, and at the rate of \$50.00 per hour for services performed as an attorney and administrator while in Anchorage.
- (B) The Contractor shall be reimbursed for all expenses incurred which are authorized in advance by the Project Director. The Contractor shall be reimbursed on the basis of coach class airfare and prevailing state employee per diem rates for all travel expenses authorized in advance by the Project Director. Travel expense claims shall be submitted on forms provided by the Agency. Contractor shall be reimbursed for long distance telephone charges incurred in the course of the Contractor's work under this contract.

- (C) Total compensation under this contract, inclusive of all expenses, shall not exceed \$10,000.00.

CLAUSE V. OFFICE SPACE, EQUIPMENT, CLERICAL SUPPORT

Office space, equipment and clerical support necessary to carry out the Contractor's obligations under this contract shall be supplied by the Contractor at no cost to the Agency, unless authorized by the Project Director.

CLAUSE VI. PROGRESS REPORTS

The Contractor 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 him.

CLAUSE VII. RECORDS, DOCUMENTS, AUDIT

The Contractor 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 performed under this contract are, upon delivery to the Agency or at termination of this agreement, the property of the Agency.

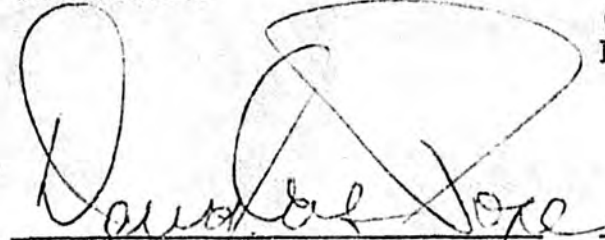
CLAUSE VIII. ALL WRITINGS CONTAINED HEREIN

This agreement contained 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.

CONTRACTOR

LEGISLATIVE AFFAIRS AGENCY
(By direction of the Executive
Director)



DOUGLAS POPE

MYRTON R. CHARNEY

Dated: 8/21/79

Dated: _____

IRS Identification NO. 579-18-7876

Accepted:

Approved as to form:



REP. BRIAN ROGERS,
Co-Chairman, Interim
Committee on a Constitutional
Convention

AGENCY LEGAL COUNSEL

Dated: 9/8/79

Dated: _____

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

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

BRIAN ROGERS

Alaska State Legislature

Pat Costello
Legislative Affairs
Pouch V
Juneau

Dear Pat:

Enclosed is a contract with
Douglas Pope for work with the
Constitutional Convention Committee.

Please forward it to Myrt + Billy
for their approval and encumber funds
for the contract. If there are any
problems, please call me at 479-7692
(Constitutional Convention Office in FAI).

Thanks,

Brian Rogers

MEMORANDUM

September 4, 1980

TO: Pam Calhoun, Personnel Officer
Legislative Affairs Agency

FROM: Representative Brian Rogers, Chairman
Constitutional Convention

SUBJECT: Guy Van Doren

This is authorize Guy Van Doren as Administrative Assistant to the interim Constitutional Convention Committee effective August 29, 1980.

Guy is to be paid at the hourly rate of \$15.73.

I hereby authorize Guy to sign all timesheets in my absence associated with the Constitutional Convention Committee (including his own).

B. Rogers

SCOMM

#27:7

MUNICIPAL UTILITIES SYSTEM

ACCT. NO. 479-769-2 PHONE: 479-7692

215 not 45/11

DATE OF CALL		FROM PLACE	TO PLACE	WORDS OR MINUTES	CLASS	TYPE OF CALL	CALLING NUMBER	CALLED NUMBER	AMOUNT	REFERENCE
MONTH	DAY									
09	24	FAIRBKS AK	JUNEAU AK	1	SD	2	456-2037	907-465-3795	2.60	Q427 11047
09	24	FAIRBKS AK	ELMENDORF AK	7	SD	1	479-7692	907-752-5468	3.90	Q427015194
09	24	FAIRBKS AK	ELMENDORF AK	5	SD	1	479-7692	907-752-5118	2.80	Q427015274
09	24	FAIRBKS AK	KETCHIKAN AK	1	SD	1	479-7692	907-225-9675	2.80	Q427016294
09	24	FAIRBKS AK	KETCHIKAN AK	13	SD	1	479-7692	907-247-8231	12.30	Q427016314
09	24	FAIRBKS AK	KENAI AK	1	SD	1	479-7692	907-283-7743	1.85	Q427016554
09	25	FAIRBKS AK	ANCHORAGE AK	1	SD	1	479-7692	907-276-1955	1.70	Q427009444
09	25	FAIRBKS AK	ANCHORAGE AK	1	SD	1	479-7692	907-278-1583	1.70	Q427009487
09	25	FAIRBKS AK	ANCHORAGE AK	11	SD	1	479-7692	907-276-7969	6.10	Q427010034
09	25	FAIRBKS AK	JUNEAU AK	2	SD	1	479-7692	907-465-2400	2.60	Q427010274
09	25	FAIRBKS AK	ANCHORAGE AK	3	SD	1	479-7692	907-276-1955	1.70	Q427016394
09	27	FAIRBKS AK	ANCHORAGE AK	2	SD	1	479-7692	907-276-1132	1.70	Q427410244
09	27	FAIRBKS AK	ANCHORAGE AK	2	SD	1	479-7692	907-277-7641	1.70	Q427411394
09	28	FAIRBKS AK	PALMER AK	18	SD	1	479-7692	907-745-3236	9.95	Q427609164
10	01	FAIRBKS AK	ANCHORAGE AK	2	SD	1	479-7692	907-276-1955	1.70	Q427715044
10	02	FAIRBKS AK	ANCHORAGE AK	1	SD	1	479-7692	907-276-1955	1.70	Q427710274

SEE REVERSE SIDE FOR SPECIAL INSTRUCTIONS AND EXPLANATION OF CODES.

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BILLED NOV 2 1978

MUNICIPAL UTILITIES SYSTEM

TOLL AND TELEGRAM STATEMENT

ACCT. NO. 479-769-2 PHONE: 479-7692

DATE OF CALL		FROM PLACE	TO PLACE	WORDS OR MINUTES	CLASS	TYPE OF CALL	CALLING NUMBER	CALLED NUMBER	AMOUNT	REFERENCE
MONTH	DAY									
10	02	FAIRBKS AK	JUNEAU AK	12	SD	1	479-7692	907-465-2400	10.25	Q427712274
10	02	FAIRBKS AK	JUNEAU AK	4	SD	1	479-7692	907-465-3900	3.45	Q427713124
10	02	FAIRBKS AK	JUNEAU AK	2	SD	1	479-7692	907-465-3880	2.60	Q427713244
10	02	FAIRBKS AK	ANCHORAGE AK	1	SD	1	479-7692	907-279-5577	1.70	Q427713334
10	03	FAIRBKS AK	JUNEAU AK	1	SD	1	479-7692	907-465-3880	2.60	Q427810144
10	04	FAIRBKS AK	ANCHORAGE AK	3	SD	1	479-7692	907-278-1583	1.70	Q428210304
10	04	FAIRBKS AK	JUNEAU AK	3	SD	1	479-7692	907-465-3800	2.60	Q428213314
10	04	FAIRBKS AK	JUNEAU AK	13	SD	1	479-7692	907-465-3734	11.10	Q428213464
10	04	FAIRBKS AK	JUNEAU AK	1	SD	1	479-7692	907-465-3577	2.60	Q428214354
10	04	FAIRBKS AK	JUNEAU AK	1	SD	1	479-7692	907-465-3796	2.60	Q428214404
10	04	FAIRBKS AK	ANCHORAGE AK	1	SD	1	479-7692	907-278-1583	1.70	Q428214464
10	04	FAIRBKS AK	ANCHORAGE AK	25	SD	1	479-7692	907-344-2455	13.80	Q428215464
10	04	FAIRBKS AK	ANCHORAGE AK	8	SD	1	479-7692	907-272-2381	4.45	Q428216334
10	05	FAIRBKS AK	JUNEAU AK	1	SD	1	479-7692	907-586-1325	2.60	Q428209214
10	10	FAIRBKS AK	JUNEAU AK	2	SD	1	479-7692	907-465-3376	2.60	Q428810424
10	11	FAIRBKS AK	ANCHORAGE AK	1	SD	1	479-7692	907-278-1583	1.70	Q428914414

SEE REVERSE SIDE FOR SPECIAL INSTRUCTIONS AND EXPLANATION OF CODES.

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MUNICIPAL UTILITIES SYSTEM

TOLL AND TELEGRAM STATEMENT

ACCT. NO. 479-769-2 PHONE: 479-7692

DATE OF CALL		FROM PLACE	TO PLACE	WORDS OR MINUTES	CLASS	TYPE OF CALL	CALLING NUMBER	CALLED NUMBER	AMOUNT	REFERENCE
MONTH	DAY									
**		PLEASE REPORT DISCREPANCIES WITHIN 30 DAYS **								
								PHONE TOTAL	124.85	
								CURRENT TOLLS	124.85	
								TOLL CREDITS	0.00	
			10/31/79				479-769-2	ACCOUNT TOTAL	124.85	

SEE REVERSE SIDE FOR SPECIAL INSTRUCTIONS AND EXPLANATION OF CODES.

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CITY OF FAIRBANKS
MUNICIPAL UTILITIES SYSTEM

ACCT. NO. 479-769-2 PHONE: 479-7692

DATE OF CALL		FROM PLACE	TO PLACE	WORDS OR MINUTES	CLASS	TYPE OF CALL	CALLING NUMBER	CALLED NUMBER	AMOUNT	REFERENCE
MONTH	DAY									
09	07	FAIRBKS AK	ANCHORAGE AK	2	SD	1	479-7692	907-276-1955✓	1.70	Q425513504
09	07	FAIRBKS AK	ANCHORAGE AK	1	SD	1	479-7692	907-278-1583✓	1.70	Q425514034
09	07	FAIRBKS AK	JUNEAU AK	9	SD	1	479-7692	907-465-2510✓	7.70	Q425514284
09	07	FAIRBKS AK	ANCHORAGE AK	14	SD	1	479-7692	907-276-1955✓	7.75	Q425515494
09	10	FAIRBKS AK	ANCHORAGE AK	1	SD	1	479-7692	907-276-1955✓	1.70	Q425609494
09	10	FAIRBKS AK	ANCHORAGE AK	2	SD	1	479-7692	907-272-6225✓	1.70	Q425610184
09	10	FAIRBKS AK	ANCHORAGE AK	3	SD	1	479-7692	907-276-1955✓	1.70	Q425614084
09	10	FAIRBKS AK	ANCHORAGE AK	2	SD	1	479-7692	907-276-1955✓	1.70	Q425614134
09	11	FAIRBKS AK	ANCHORAGE AK	1	SD	1	479-7692	907-272-6225✓	1.70	Q426010354
09	11	FAIRBKS AK	JUNEAU AK	6	SD	1	479-7692	907-465-3880✓	5.15	Q426011124
09	11	FAIRBKS AK	BETHEL AK	1	SD	1	479-7692	907-543-3541✓	2.45	Q426011194
09	11	FAIRBKS AK	JUNEAU AK	11	SD	1	479-7692	907-465-3852✓	9.40	Q426011314
09	11	FAIRBKS AK	ANCHORAGE AK	9	SD	1	479-7692	907-276-1955✓	5.00	Q426012094
09	11	FAIRBKS AK	ANCHORAGE AK	5	SD	1	479-7692	907-276-1955✓	2.80	Q426013294
09	11	FAIRBKS AK	ANCHORAGE AK	2	SD	1	479-7692	907-278-1583✓	1.70	Q426014324
09	11	FAIRBKS AK	ANCHORAGE AK	3	SD	1	479-7692	907-272-6225✓	1.70	Q426014364

SEE REVERSE SIDE FOR SPECIAL INSTRUCTIONS AND EXPLANATION OF CODES.

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CITY OF FAIRBANKS
MUNICIPAL UTILITIES SYSTEM

TOLL AND TELEGRAM STATEMENT

ACCT. NO. 479-769-2 PHONE: 479-7692

DATE OF CALL		FROM PLACE	TO PLACE	WORDS OR MINUTES	CLASS	TYPE OF CALL	CALLING NUMBER	CALLED NUMBER	AMOUNT	REFERENCE
MONTH	DAY									
09	11	FAIRBKS AK	ANCHORAGE AK	1	SD	1	479-7692	907-277-5761✓	1.70	Q426015174
09	12	FAIRBKS AK	ANCHORAGE AK	1	SD	1	479-7692	907-278-4621✓	1.70	Q426114294
09	13	FAIRBKS AK	ANCHORAGE AK	1	SD	1	479-7692	907-278-4621✓	1.70	Q426109474
09	13	FAIRBKS AK	ANCHORAGE AK	1	SD	1	479-7692	907-276-1721✓	1.70	Q426109494
09	13	FAIRBKS AK	JUNEAU AK	4	SD	1	479-7692	907-465-3720✓	3.45	Q426111484
09	14	FAIRBKS AK	JUNEAU AK	7	SD	1	479-7692	907-465-3800✓	6.00	Q426110334
09	14	FAIRBKS AK	ANCHORAGE AK	1	SD	1	479-7692	907-278-4621✓	1.70	Q426114344
09	18	FAIRBKS AK	PELLINGHAM WA	7	DD	1	479-7692	206-676-6756	3.39	Q426409054
09	18	FAIRBKS AK	JUNEAU AK	5	SD	1	479-7692	907-465-3796✓	4.30	Q426414284
09	18	FAIRBKS AK	ANCHORAGE AK	1	SD	1	479-7692	907-276-1955✓	1.70	Q426414334
09	18	FAIRBKS AK	JUNEAU AK	2	SD	1	479-7692	907-364-3442✓	2.60	Q426414374
09	18	FAIRBKS AK	JUNEAU AK	19	SD	1	479-7692	907-364-3442✓	16.20	Q426415097
09	18	FAIRBKS AK	ANCHORAGE AK	5	SD	1	479-7692	907-277-7641✓	2.80	Q426416144
09	19	FAIRBKS AK	JUNEAU AK	1	SD	1	479-7692	907-465-3880✓	2.60	Q426709504
09	19	FAIRBKS AK	ANCHORAGE AK	1	SD	1	479-7692	907-272-6225✓	1.70	Q426709524
09	19	FAIRBKS AK	JUNEAU AK	5	SD	1	479-7692	907-465-3852✓	4.30	Q426710194

SEE REVERSE SIDE FOR SPECIAL INSTRUCTIONS AND EXPLANATION OF CODES.

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CITY OF FAIRBANKS
MUNICIPAL UTILITIES SYSTEM

TOLL AND TELEGRAM STATEMENT

ACCT. NO. 479-769-2 PHONE: 479-7692

DATE OF CALL		FROM PLACE	TO PLACE	WORDS OR MINUTES	CLASS	TYPE OF CALL	CALLING NUMBER	CALLED NUMBER	AMOUNT	REFERENCE
MONTH	DAY									
09	19	FAIRBKS AK	ANCHORAGE AK	4	SD	1	479-7692	907-278-1583✓	2.25	Q426710304
09	19	FAIRBKS AK	JUNEAU AK	20	SD	1	479-7692	907-465-3880✓	17.05	Q426712034
09	19	FAIRBKS AK	JUNEAU AK	14	SD	1	479-7692	907-465-3880✓	11.95	Q426713374
09	19	FAIRBKS AK	JUNEAU AK	2	SD	1	479-7692	907-465-3796✓	2.60	Q426714284
09	19	FAIRBKS AK	JUNEAU AK	1	SD	1	479-7692	907-364-3442✓	2.60	Q426715124
09	19	FAIRBKS AK	ANCHORAGE AK	22	SD	1	479-7692	907-272-6225✓	12.15	Q426715424
09	20	FAIRBKS AK	JUNEAU AK	5	SD	1	479-7692	907-465-3828✓	4.30	Q426714144
09	20	FAIRBKS AK	ANCHORAGE AK	19	SD	1	479-7692	907-274-3621✓	10.50	Q426715204
09	20	FAIRBKS AK	ANCHORAGE AK	4	SE	1	479-7692	907-276-1955✓	1.65	Q426717064
09	21	FAIRBKS AK	ANCHORAGE AK	9	SD	1	479-7692	907-274-3621✓	5.00	Q426814494
09	21	FAIRBKS AK	ANCHORAGE AK	13	SD	1	479-7692	907-276-0508✓	7.20	Q426816134
							PHONE TOTAL		190.34	
** PLEASE REPORT DISCREPANCIES WITHIN 30 DAYS **							CURRENT TOLLS		190.34	
							TOLL CREDITS		0.00	
09/28/79 479-769-2							AMOUNT DUE		190.34	
							BILLED OCT 10 1979			

SEE REVERSE SIDE FOR SPECIAL INSTRUCTIONS AND EXPLANATION OF CODES.

PAGE

3

JA01 1787 12.20 LA21 0022 12.20 09/04/79

Glenda

TO TRUDY, FAIRBNAKS
FROM GUY VAN DOREN, JUNEAU
PLEASE GIVE THE FOLLOWING INFORMATION TO GLENDA, THE CONSTITUTIONAL CONVENTION
STAFF PERSON WHO WILL BE COMING INTO YOUR OFFICE TODAY:

THE FOLLOWING IS A COPY OF THE LETTER I SENT TO THE MUNICIPAL UTILITIES SYST

DEAR CUSTOMER SERVICE REPRESENTATIVE:

THIS LETTER IS TO AUTHORIZE THE INSTALLAATION OF A SINGLE LIINE BUSINESS PHONE
IN ROOM 6LO F OF THE GRUENING BUILDING ON THE UNIVERSITY OF ALASKA CAMPUS.
THE PHONE SHOULD BE A DESK TYPE, TOUCH TONE, WITH A LONG CORD. LISTING
SHOULD BE THE FOLLOWING TWO COMMITTEES:

"LEGISLATIVE INTERIM COMMITTEE ON THE CONSTITUTION CONVENTION"

AND

"HOUSE FINANCE SUB-COMMITTEE ON THE UNIVERSITY BUDGET"

THE PHONE NUMBER WILL BE ON THE UNIVERSITY CENTREX SYSTEM (479-7???) AND THE
BILLING ADDRESS WILL BE+

ALASKA STATE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY
INTERIM COMMITTEE ON THE ALASKA CONSTITUTION CONVENTION
POUCH V

JUNEAU, ALASKA 99811 ATT. PAT COSTELL

IN ORDER THAT THE OFFICE WILL BE OPEN FOR THE INSTALLATION, PLEASE CONTACT
REPRESENTATIVE BRIAN ROGERS AT 456-2037 A DAY PRIOR TO THE WORK BEING DONE.

SINCE WE ARE WAITING FOR THE INSTALLATION OF THE PHONE AND THE ASSIGNMENT OF
A NUMBER, WE WOULD APPRECIATE THE SERVICE BEING CONNECTED AT THE EARLIEST
POSSIBLE DATE.

IN APPRECIATION OF YOUR COOPERATION, I REMAIN,

SINCERELY,

GUY VAN DOREN
ADMINISTRATIVE OFFICER,
INTERIM COMMITTEE ON THE ALASKA CONSTITUTIONAL CONVENTION
EOM

SOMA SERVICES
P.O. Box 10198
FAIRBANKS, ALASKA 99701

FOLLOW-UP DATE

19

(507) 479-8441

Date

Subject

To

FROM: GLENDA STRAUBE
CONSTITUTIONAL CONVENTION COMMITTEE
610F GRUENING
UNIVERSITY OF ALASKA
FAIRBANKS, AK 99701 479-7692

JAN,

ENCLOSED ARE THE PETTY CASH RECEIPTS AND THE ENVELOPE. PLEASE ISSUE
A CHECK FOR \$44.74 as SOON AS POSSIBLE.

MUCH THANKS,

Glenda Straube, A.A.

☐ Please reply

☐ No reply necessary

SIGNED

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM

September 20, 1979

TO: Glenda J. Straube
Constitutional Convention Committee

FROM: Jan Quinn, Accountant *JAQ*
LAA - Juneau

SUBJECT: Petty Cash Fund

The enclosed check establishes your petty cash fund. Keep track of your costs on the outside of the petty cash envelope and put your receipts inside.

When your cash starts running low, simply send the envelope and receipts to us. We'll send you a check for the receipt total and a new petty cash envelope.

JAQ:mm

Enclosure



DYNAMIC RESEARCH CORPORATION

THE ALASKAN THINK TANK

DATA GATHERING • ANALYSIS • RESEARCH • IDEAS
S. R. BOX 10612 — FAIRBANKS, ALASKA 99701 — PHONE (907) 479-8107

Dear Representative Rogers:

Enclosed is a summary of hours and expenses used to evaluate the geotechnical portions of the three Susitna Dam proposals, and for the trip to Anchorage so as to be present an offer assistance to the Committee For Alternatives To Susutna, at the Alaska Power Authority meeting.

Date	Hours	Item	Amount
9/11/79	3	Review Prop.	45.00
9/12/79	2	Review Prop.	30.00
9/18/79	2	Review Prop.	30.00
9/21/79	2.5	Locating Previos Stud.	37.50
9/22/79	3	Review Previos Studies	45.00
9/23/79	2	Meeting w/Brian Rogers	30.00
9/23/79	1	Meeting w/Dr Ostekamp	15.00
9/26/79	3	Prelim. Report	45.00
9/27/79	6.5	APA Hearing Anch.	97.50
		SUBTOTAL	375.00
<u>EXPENSES</u>			
		Round trip air fare Fbx.-Anch.	128.00
		Cab. fare Hearing-Airport	11.00
		parking Fbx Int. Airport	2.00
		SUBTOTAL	141.00
		TOTAL	516.00

* There are copies of time slips and reciepts for expenses that will be furnished .ppon request.

September 4, 1979

Pat Costello
Legislative Affairs
Pouch Y
Juneau, AK 99811

Dear Pat:

The Constitutional Convention Committee is in need of a petty cash fund. I would appreciate it if you could let me know how we could obtain one and what the accountability procedure and method of replenishment might be.

Enclosed is my first time card. Please send my checks to: P.O. Box 81958, Fairbanks, AK 99708.

Thanks for your help.

Sincerely,

Glenda J. Straube
Aide

JA01 1977 12.57 LA21 0012 13.17 08/20/79

TO TRUDY

PLEASE ADVISE BRIAN ROGERS (456-2037) THAT ARRANGEMENTS WERE MADE FOR PHONE SERVICE. THE PHONE COMPANY WILL NOTIFY HIM ONE DAY PRIOR TO INSTALLATION. THE PHONE WILL BE "TOUCH TONE" TYPE WITH EXTENSION CORD AND ON UNIVERSITY CENTREX SYSTEM.

ALSO, 19TH MEETING IN FBX WITH SENATOR HOHMAN AND CONSTITUTIONAL CONVENTION STAFF NOT POSSIBLE DUE TO ANOTHER MEETING PREVIOUSLY SCHEDULED. GUY WILL CONTACT YOU AT LATER TIME FOR ANOTHER EARLIER DATE, PLEASE ADVISE GUY, THROUGH JUNEAU OFFICE, WHEN BRIAN WILL BE AVAILABLE.

THANKS,

GUY Van Doren
EOM

Douglas Research
364-3442
465-3743

Brian,
For your info
Haven't been able to
reach you.
Trudy

2-4448

Telephone

1. Have person in the office notify Pat Costello the date the phone is connected.
2. All billing to
Legislative Affairs Agency
Constitutional Convention Comm.
Pouch Y
Juneau, AK 99811
3. Disconnect phone when office is closed and notify Pat's office of cut-off date.

General

1. All time for aids will be straight-time, but he/she can work extra hours.
2. Supplies should be purchased at FBX. office machine or Bawers
3. Have person who works for you notify Pat when the checks should be sent.
4. Person must send in time cards immediately after the 1st and the 15th of the month.
5. Notify Pat

September 6, 1979

Ms. Pat Costello
Legislative Affairs Agency
Pouch Y
Guneau, AK 99811

Dear Ms. Costello:

I'm writing to inform you that the phone
for the Constitutional Convention Committee
was installed today in 610F Gruening Building,
UAF campus.

The number here is 479-7692.

Sincerely,

Glenda J. Straube

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM

October 17, 1979

TO: REPRESENTATIVE BRIAN ROGERS
FROM: Susan Stevenson, Accounting Clerk
SUBJECT: Transmittal TR Book Nos. 210091 through 210100

Since this TR book has been issued for both the Constitutional Convention Committee and the Susitna Study Group, please identify each of the TR's showing to which committee travel should be charged.

Thank you.

SS:mm

Enclosure

Soma Services

P.O. BOX 10,198 · FAIRBANKS, ALASKA 99701 · (907) 479-5362

April 28, 1980

Alice Jackinsky
Administrative Services
Legislative Affairs Agency
Pouch Y
Juneau, Alaska 99811

Dear Ms. Jackinsky:

I am sorry that I was unable to coordinate with your office on my recent trip to Juneau. Hopefully, this letter will explain all.

Enclosed are statements from the University of Alaska for the Constitutional Convention Committee. This committee was jointly chaired by Sen. George Hohman and Rep. Brian Rogers. Rep. Rogers and myself worked out of a Fairbanks office located at the University, thus explaining our use of University charge account.

Attachment A is the statement for November, 1979. I have placed an explanation next to each charge and have enclosed the receipts I could find. When we charged at the University, we did not always receive receipts. Rep. Rogers and I presumed that my signature for these charges would be sufficient authorization for the University and for your office.

Attachment B is the statement for December, 1979. Rep. Rogers office has no receipts for this.

Attachment C is the statement for January, 1980. The Xerox charges are itemized on the accompanying paper.

After January 15, 1980, the office was used by the House Finance Committee, subcommittee on the University, of which Rep. Rogers is chair. Therefore, I will handle payment to the University for all items on Attachment D & E. This leaves a balance due from the Constitutional Convention Committee to the University of Alaska for \$215.78.

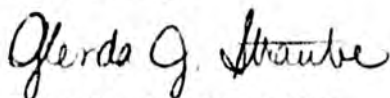
Now I will deal with the phone bill charged to the Constitutional Convention Committee (479-7692). The billing dated January 31, 1980, is strictly Con Con Committee calls.

On both the billings dated 2/28/80 and 4/3/80, I am enclosing a check for \$36.74 to cover the costs of the long distance calls. The phone rent for these two billings - \$23.85 x 2 -, \$47.70, will be paid by the House Finance Committee.

If you are in need of any authorization concerning all this, please contact Beth Jenson in Rep. Rogers office and she will insure that you receive the appropriate signatures.

If you have any further questions, please call me at 488-6454.

Sincerely,



Glenda J. Straube

P.S. I have notified Municipal Utilities System, today, to disconnect the phone (479-7692).

Enclosures



Alaska State Legislature

LEGISLATIVE AFFAIRS AGENCY

August 31, 1979

FAIRBANKS LEGISLATIVE
INFORMATION OFFICE

Room 252, Building F
101 College Road
Fairbanks, Alaska 99701
(907) 452-4448

Glenda,

Bowers sent this to our office by mistake.

Trudy Cain



REMIT TO:
INQUIRE AT:

P.O. BOX 5826, SAN MATEO, CA 94402
P.O. BOX 2180, ANCHORAGE, AK 99510

1465246

06A

PROD	MACHINE SERIAL	HOURS		CODE	QUAN	PARTS NAME	TOTAL PRICE
		TRAVEL	LABOR				
28	0153261	1/10	1/10		1	on-off lever	70
					1	code switch	510
					1	" button	10
Damaged in Shipping							

CUSTOMER NAME *Leg. Aff. Agency*
St. of AK Constitutional Convention
 ADDRESS *Pouch "Y"*
 CITY, STATE *Tuncau AK*
 ZIP *99811*
 CUSTOMER REFERENCE
 CUSTOMER SIGNATURE *Glenda J. Struble*
 X PRINT SIGNATURE

GOVERNMENT FED ☒ STATE ☐ LOCAL ☐
 SERVICE CODE *01*
 B.O. INVOICE ☐
 OVERTIME ☐
 SERVICE AGREEMENT SOLD ☐
 TOTAL PARTS *650*
 INVOICE NUMBER *1465246* OFF. NO. *06A*
 TOTAL HOURS *1/10*
 MINIMUM CHARGE OR X LABOR RATE PER HOUR \$ *61.25*
 TOTAL LABOR *6125*

MILES AT _____ EACH PLUS _____ OTHER EXPENSE = _____
 STATE TAX _____ COUNTY TAX _____ CITY TAX _____ TOTAL TAX _____

SERVICE DATES *08/27/79* *09/13/79*
 IBM REPRESENTATIVE SIGNATURE *R. D. Ihms* EMPLOYEE SERIAL NO. *789761*
 PAID CHECK NO. _____ TOTAL AMOUNT *6775*



OFFICE PRODUCTS DIVISION
SERVICE INVOICE

ORIGINAL INVOICE

PLEASE RETURN REMITTANCE COPY WITH THIS AMOUNT

CUSTOMER COPY

BOWERS OFFICE PRODUCTS, INC.

275 UNIVERSITY AVE. S. • FAIRBANKS, ALASKA 99701 • TELEPHONE 479-6284

CUSTOMER P.O. NO.

DATE

9/28/79

NAME

ADDRESS

CITY

FILL	CHECK	CASH	CHARGE	ON ACCT	C. O. D.	MOSE. RETD.	CREDIT	SOLD BY
HCN								
QUANTITY	DESCRIPTION						UNIT PRICE	AMOUNT
100	pens						205	20.50
500	Bic pens						69	34.50
300	pads						10	3.00
Constitutional Convention Committee								
ALL CLAIMS and Returned Goods MUST be accompanied by this INVOICE. No Returns After 30 Days. Terms Net 10th - Interest Charged Thereafter At Maximum Legal Rate.							SUB TOTAL	79.00
							TAX	1.60
							FREIGHT OR POSTAGE	
							TOTAL	80.60
68475 X		RECEIVED BY: <i>Glenda J. Straube</i>						

BOWERS OFFICE PRODUCTS, INC.

2175 UNIVERSITY AVE. S. • FAIRBANKS, ALASKA 99701 • TELEPHONE 479-0264

CUSTOMER P.O. NO.

DATE

8/20/79

NAME

Alaska State Legislature

ADDRESS

Pouch Y

CITY

Juneau, Alaska 99811

PAYEE	CHECK	CASH	CHARGE	ON ACCT	C.O.D.	INSTR. RETD.	CREDIT	PAID BY
P.M.			X					P.M.

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1 ea.	Hon 30x60 double secretarial desk #32474		245.02
1 ea.	Hon 30x60 secretarial desk #324674		215.89
1 ea.	Hon 30x60 secretarial return #31831R-WT		158.45
1 ea.	Hon 48" metal bookcase		131.14
1 ea.	Hon 4-drawer legal file cabinet w/lock Black		184.56
1 ea.	Black plastic wastebasket #2956		3.60
1 ea.	3 Tier horizontal file K3-23L-WA		12.58

ALL CLAIMS and Returned Goods MUST be accompanied by this INVOICE. No Returns After 30 Days. Terms Net 10th - Interest Charged Thereafter At Maximum Legal Rate.

SUB TOTAL

951.24

TAX

—

FREIGHT OR POSTAGE

TOTAL

951.24

RECEIVED BY:

X B. R.

66047

BOWERS OFFICE PRODUCTS, INC.

2175 UNIVERSITY AVE. S. • FAIRBANKS, ALASKA 99701 • TELEPHONE 479-6284

CUSTOMER P.O. NO.

DATE 8/28/79

NAME

Legislative Affairs Agency

ADDRESS

Constitutional Convention

CITY

Administrative 101 College Rd. Fairbanks

PILL	CHECK	CASH	CHARGE	ON ACCT	C.O.D.	MOSE. RECD.	CREDIT	SOLD BY
ADD			X					
QUANTITY	DESCRIPTION						UNIT PRICE	AMOUNT
1 PK	Post - 14 Mats Bond 65						1.05	1.05
2 PK	Addressing 5 1/2 x 2 1/2						4.00	8.00
4 PK	" 8 1/2 x 11 3/4 Bu						1.00	4.00
6 PK	" 2 1/2 x 11 3/4 Bu						1.00	6.00
7 PK	Bic Fine						1.29	9.03
2 PK	Eldon 5 1/2 x 11 3/4 Bu						3.00	6.00
	1600 Letter Size							
1 PK	Hand Pencils 1308						2.00	2.00
1 PK	Extra Fine 1106 Pen						1.00	1.00
1 PK	Patty Wash Post						7.00	7.00
2 PK	Paper Clips 1"						3.15	6.30
1 PK	Wing T-3						2.10	2.10
1 PK	T-7 213						1.10	1.10
4 PK	Cellophane Tape 1/2"						1.60	6.40
	Less 15%							-8.50

* ALL CLAIMS and Returned Goods MUST be accompanied by this INVOICE. No Returns After 30 Days. Terms Net 10th - Interest Charged Thereafter At Maximum Legal Rate.

SUB TOTAL

48.58

TAX

0.00

FREIGHT OR POSTAGE

48.58

TOTAL

97.16

RECEIVED BY:

66560

X

Opinda J. Strander

FOR

CHARGE SALE

No. 556325

FAIRBANKS OFFICE SUPPLY

P.O. BOX 2552, FAIRBANKS, ALASKA 99701

SOLD TO MR. STANLEY E. STINE

DELIVER TO _____

ADDRESS P.O. BOX 2552 FAIRBANKS

CITY _____ STATE _____ ZIP _____

DATE 10-11-79 PURCHASE ORDER NO. _____ SALESMAN _____

QUANTITY	STOCK NUMBER	DESCRIPTION	
10x	120x	Trapping Paper	1348
100		White Liquid Paper	150
100		Blue Liquid Paper	150
			16048
		Less 11%	1441
		" Constitutional Convention Committee "	

RECEIVED BY:

Gerde J. Straube 479-7692

SUB TOTAL	1501
% SALES TAX	75
TOTAL	1501

400 CUSHMAN • FAIRBANKS, ALASKA 99701 • PHONE 452-4456

FINANCE CHARGE of 1½% per month (18% ANNUALLY) on unpaid balances.

F O S

CHARGE SALE

No. 555178

P.O. 918

FAIRBANKS OFFICE SUPPLY

P.O. BOX 2552, FAIRBANKS, ALASKA 99701

SOLD TO

DELIVER TO

ADDRESS

CITY

STATE

ZIP

Constitution
Convention
Committee

DATE

PURCHASE ORDER NO.

SALESMAN

QUANTITY

STOCK NUMBER

DESCRIPTION

UNIT PRICE

AMOUNT

1
2
3
4
5
6
7
8
9
10
11
12
13
14

1 ea. P-35

Lanner Regent Transcriber

S N 716866

Complete w/contacts & Instruction Manual.

2 weeks Rental

15.00

(Rental Period 8/31/79 - 9/10/79)

RECEIVED BY:

Gerald J. Straube

SUB TOTAL

15.00

x SALES TAX

1.00

TOTAL

16.00

400 CUSHMAN • FAIRBANKS, ALASKA 99701 • PHONE 452-4466

FINANCE CHARGE of 1½% per month (18% ANNUALLY) on unpaid balances.

REMIT TO:
INQUIRE AT:P.O. BOX 5826, SAN MATEO, CA 94402
P.O. BOX 2130, ANCHORAGE, AK 99510

INVOICE NUMBER

OFF. NO.

1465246

06A

PROD.	MACHINE SERIAL	HOURS		CODE	QUAN.	PARTS NAME	TOTAL PRICE
		TRAVEL	LABOR TRAVEL				
28	0153261	1 10	1 10		1	on-off lever	70
					1	code switch	510
					1	" " button	70
Damaged in Shipping							

CUSTOMER NAME	Leg. Aff. Agency
ADDRESS	St. of AK. Constitutional Con. Comm.
CITY, STATE	Boach "Y"
CITY, STATE	Juneau, AK.
ZIP	99811
CUSTOMER REFERENCE	
CUSTOMER SIGNATURE	X. Genda J. Strube
PRINT SIGNATURE	

GOVERNMENT FED. STATE LOCAL	SERVICE CODE	B.O. INVOICE	OVERTIME	SERVICE AGREEMENT COLD	TOTAL PARTS	650
INVOICE NUMBER 1465246 OFF. NO. 06A					TOTAL LABOR	6125
TOTAL HOURS 10					MINIMUM CHARGE OR X LABOR RATE PER HOUR \$ 61.25	

08/27/79	09/13/79	SERVICE DATES	R. S. Ihms	789761	IBM REPRESENTATIVE SIGNATURE	EMPLOYEE SERIAL NO.	
STATE TAX			COUNTY TAX			CITY TAX	TOTAL TAX
PAID			CHECK NO.			TOTAL AMOUNT	
6775						6775	

OFFICE PRODUCTS DIVISION
SERVICE INVOICE
ORIGINAL INVOICEPLEASE PRINT ON SEPARATE SHEET
FOR THE MACHINE

Z 140-0073-26

SUBJECT TO TERMS ON REVERSE SIDE

8:27#

SCOMMS

*Wagstaff & Middleton
Lawyers*

Con Con

September 20, 1980

Rep. Brian Rogers
Pouch Y
Juneau, Alaska 99811

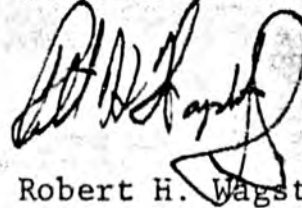
Dear Representative Rogers:

Attached is the analysis you wished me to provide concerning the current permanent fund distribution plan. My recommendation in Conclusion is that the present statute be repealed and that constitutionally sound alternatives be explored. This remedy may appear unduly harsh, but I feel it is warranted both by the extreme unlikelihood that the law will survive legal challenge and the consequences of any interim application.

I do not feel it is possible to develop a constitutionally secure plan during the short time of a special legislative session. In this context haste would seem to beget waste.

Very truly yours,

WAGSTAFF & MIDDLETON



Robert H. Wagstaff

RHW:mec

Attachments

*Robert H. Wagstaff R. Collin Middleton
912 West Sixth Avenue Anchorage, Alaska 99501 907-277-0282/272-9811*

OBSERVATIONS ON THE CURRENT PERMANENT FUND DISTRIBUTION PLAN

INTRODUCTION

The present plan for public distribution of Permanent Fund revenues raises, in my judgment, significant problems under both our State and Federal Constitutions. These problems are of the first order and command both State and Federal scrutiny as the current plan runs against the basic democratic philosophy of our country. If the Alaska Supreme Court does not overturn, it is my opinion that the Supreme Court of the United States will grant review and reverse. In my judgment the question would not even be close before the United States Supreme Court notwithstanding apparent division before the Alaska Supreme Court.

HISTORICAL VIEW

There are several dates that we could have chosen to identify as the birthdate of the United States. March 1, 1781 is the day that the Articles of Confederation were adopted, which was our first governing instrument. On September 17, 1787 the existing Federal Constitution was signed. However, the actual choice of July 4, 1776, the date of signing the Declaration of Independence, represents a significant articulation of our priorities. We hold above

all else "that all men are created equal, that they are endowed by their creator with certain inalienable rights, and among these are life, liberty and the pursuit of happiness.

. . . It is to secure these rights that governments are instituted among men." After the work of the Constitution was completed it was recognized that it was incomplete. Hence a bill of rights was adopted to identify those rights which could not be abridged by government and are thought to be fundamental in a free society. After the Civil War the Thirteenth Amendment was adopted abolishing slavery, the Fifteenth Amendment holding that right to vote was not to be denied on account of race, and the most far reaching of all, the Fourteenth Amendment, providing that the fundamental rights of citizens heretofore protected from abridgement by the Federal Government were now to be protected from the states and that no state could deny to any person the equal protection of the laws. It is against the long history of our egalitarian government that the present permanent fund distribution scheme must be measured. There has been much legal discussion about the "right to travel" and "two and three tiered equal protection analyses." More talk is of "compelling state interests" and "reasonable tailoring." This shorthand is a technical way of describing the broader concept of the equalities of citizenship. This country was created in part because of the lack of basic human equality that existed elsewhere. The government here was and is an experiment in true democracy where it matters not where you

come from, who your parents were, or how long you have been here. Whether arrival came by the Mayflower or the Malispina is of no importance. This is a basic reality of democratic life.

In its brief before the State Supreme Court in the Zobel case the Attorney General's Office has attempted to articulate several justifications for the present distribution scheme. What is inevitable in any analysis is that the longer you have lived in Alaska the more money you get. The apparent idea is to give credit to those who, it is argued, have paid their dues. But we are all equal. The states are specifically enjoined by the Federal Constitution from "granting any title of nobility." The present scheme in effect creates a "sourdough nobility" which yields longer term residents perpetually greater benefits than the shorter term.

Identical reasons were submitted to the Alaska Supreme Court in the Bierne Homestead Initiative case of Thomas v. Bailey, 559 P.2d 1 (1979). The State Supreme Court held that the power of initiative could not be used to give away public assets to state residents. Justice Rabinowitz issued a separate opinion on the equal protection aspects of the initiative. The Bierne Initiative provided that you got more land if you lived in Alaska longer. This concept is virtually identical to the present permanent fund distribution concept. Justice Rabinowitz's analysis of state law can scarcely be improved upon and I am therefore including it as

an Appendix to this memorandum. Justice Rabinowitz found that such a bonus for having lived in Alaska longer would "do violence" to the equal protection clauses in our constitutions. It is my opinion that Justice Rabinowitz' position is correct and the position that will ultimately prevail. It must be remembered that the Alaska Supreme Court is not the final arbitrator of this issue nor, in my judgment, will it be if a majority of the State Supreme Court decides to uphold the present distribution plan. An analogous situation existed in the Alaska Hire case of Hicklin v. Orbeck where the Alaska Supreme Court held three to two, with Justices Rabinowitz and Boochever dissenting, that a mandatory preferential hire for Alaska residents in oil and gas related activities was constitutionally permissible. But this was subsequently overturned in a unanimous opinion by the Supreme Court of the United States. The United States Supreme Court subscribed to the dissenters' views in Alaska Hire as I believe it would if the permanent fund issue survives the State Supreme Court. If a majority of the Alaska Supreme Court chooses to uphold the present scheme it is my opinion that there is a ninety percent probability that the United States Supreme Court will take review and reverse. I think that the Legislature would be ill advised to hold out hoping for a victory. I believe this is unfair to the residents of the State of Alaska, in violation of oath of office and would, I think, project a negative national image about the spirit of

Alaska. We are an immigrant state. We are an immigrant nation. "Equal Justice Under Law" is the literal facade of the United States Supreme Court. This was recognized by the French when they gave us the Statue of Liberty.

In his Bierne Initiative concurrence Justice Rabinowitz concludes:

As I stated before, the only conceivable relationship between the duration of residency in the case of the disposal of state grant land is the notion that long term Alaska residents deserve a reward for their continued residence. It is my opinion, this contention does not meet the "fair and substantial relation" equal protection test of Isakson.

I would go one step further. The reward for length of residence not only does not meet a fair and substantial relation test but also is simply not a legitimate governmental purpose. The assets of the state are held in trust for all of residents regardless of the duration of their residency.

"Right to travel" is the slogan that is often applied to situations involving a durational residency or different temporal classes of citizens. The words "right to travel" do not appear in the constitution. It is a legal term of art. The concept emanates from the equal protection clause and privilege and immunity clauses of the Federal Constitution. It is misleading to think that questions involving the constitutional concept of right to travel can be answered through a literal interpretation of what might simply affect actual travel. The legal concept of right to travel embraces a great deal more. This, I suspect, is why

many are lead astray. Right to travel embraces at least these sections of the Constitution of the United States:

Article IV, Section II provides in paragraph I:
"The citizens of each state shall be entitled to all privilege and immunities of the citizens in the several states."

The Fourteenth Amendment to the United States Constitution provides that:

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

and

"Nor (shall any state) deny any person within its jurisdiction the equal protection of the laws."

Also involved is the Commerce Clause which prohibits states from placing undue burdens on interstate commerce. Out of all of these is distilled the concept of the right to travel, which is very broad, rather than narrow and technical. The United States Supreme Court has said: "The constitutional right to travel from one state to another, and necessarily to use the highways and other instrumentalities of interstate commerce in doing so occupies a position fundamental to the concept of our Federal Union. It is a right that has been firmly established and repeatedly recognized. . . . Although there have been necessary differences in emphasis within the court as to the source of the constitutional right of interstate travel, there is no need to canvas those differences further. All have agreed that the right exists." State v. Guest, 383 U.S. 745 (1966). Within all the concepts embraced

by the slogan "right to travel" emerges one crystalline idea that goes back to the fundamental concept of the Revolution -- we are all created equal. Equal protection of the law, the privileges and immunities of United States citizenship, the privileges and immunities of the residents of other states, and the universality of commerce are all overlapping.

Legal challenges based on the right to travel rarely arise because a state is trying to keep anyone out of the state but rather because a state conditions opportunities and receipt of state benefits on residency with a particular duration. These cases are usually decided on equal protection grounds rather than on the broader right to travel theory. While the theories may vary, their spirit and purpose are the same.

Perhaps the only certain content of the Fourteenth Amendment privileges and immunities of national citizenship is what has come to be known as the right to travel between states and within them. This right was encompassed in the language of the Articles of Confederation and from there by implication in the Fourth Article from which it is traveled to the Fourteenth Amendment. Shapiro v. Thompson, 394 U.S. 618 (1969) is the first case where the United States Supreme Court created a derivative right on the basis of the right to travel. Here the court said that the right to travel was unconstitutionally inhibited by a one year residency requirement for welfare recipients, a requirement imposed by the

states with the approval of the national government. The means to the end was the right to travel, a central ingredient of the privileges and immunities of American citizens. In language which could have been written about the permanent fund distribution issue the Supreme Court stated:

But we need not rest on the particular facts of these cases. Appellant's reasoning would logically permit the State to bar new residents from schools, parks, and libraries or deprive them of police and fire protection. Indeed it would permit the State to apportion all benefits and services according to the past tax contributions of its citizens. The Equal Protection Clause prohibits such an apportionment of state services. . . .

In sum, neither deterrence of indigents from migrating to the State nor limitation of welfare benefits to those regarded as contributing to the State is a constitutionally permissible state objective. 1/

The Attorney General's Office has attempted to distinguish this line of cases asserting that receipt of welfare is a different economic and accounting phenomena. This may be true but the spirit and impact are the same. Moreover, any distinctions between rights and privileges were abolished by the United States Supreme Court in Graham v. Richardson, 123 U.S. 365 (1971). "Under modern analysis the question is simply whether the state has exercised its police power in

1/ Additional legal analysis is found in Appendix I.

conformity with the federal laws and constitution." Douglas v. Sea Coast Products, 52 L.Ed 2d 308 (1977).

All persons similarly situated are to be treated equally. A resident of Alaska is a resident of Alaska and there can be no requirement that a resident live in Alaska for a certain time in order to qualify for any rights or benefits.

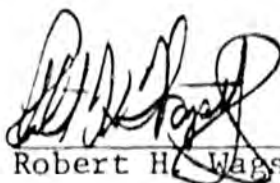
CONCLUSION

Accordingly, if the Alaska Supreme Court has not ruled or has upheld the present permanent fund scheme it is recommended that the legislature, nonetheless, repeal the present scheme and attempt to forge a constitutionally permissible plan at the next general legislative session.

There are also compelling practical reasons to repeal at this time. If a distribution takes place prior to reversal by the United States Supreme Court the monies would, practically speaking, never be recovered. Those who received less than the maximum could demand, with merit, that they be paid the same. An injunction against enforcement could only occur if requested and if granted, cumulative contingencies over which the state has no control.

DATED this 20th day of September, 1980.

By.



Robert H. Wagstaff

APPENDIX I

The legislature has wide latitude in appropriating state funds, subject, however, to certain constitutional provisions. 1/ This initial memorandum is intended to establish some parameters for discussion of how to distribute permanent fund monies, to solicit possible plans of distribution which individual legislators wish to have considered and report preliminarily on apparent defects of the present statutory scheme -- an issue now pending before the Alaska Supreme Court. It is not intended as an exhaustive legal brief. It does not attempt to address possible acceptable plans, many of which have not yet been conceived. Because of the interest focused through prior debate and legislation

1/ E.g., see Alaska Constitution, Art. IX, Sec. 6 (requiring appropriations be for public purposes); Alaska Constitution Art. IX, Sec. 7 (prohibiting establishment of dedicated funds); Alaska Constitution, Art. I, Sec. 1, and U.S. Constitution, Amendment XIV, (requiring equal protection of the law be accorded all persons and the privileges and immunities of national citizenship); see also the privileges and immunities clause of Art. IV, Sec. 2 of the U.S. Constitution, the due process clauses of the Fourteenth Amendment to the U.S. Constitution and Article I, Sec. 7 of the Alaska Constitution, and the Commerce Clause of the U.S. Constitution, Art. I, Sec. 8.

as well as litigation on the issue of differentiating between long term residents and newcomers, this primarily addresses the problem of durational residency requirements.

Choosing between competing claimants for shares of the State's wealth is the proper province of legislators. Courts reviewing legislative policy judgments, however, will scrutinize certain facets of the process. Questions of what the actual objectives of the legislation are, whether those are legitimate governmental goals, and the relationship between these goals and the legislation are areas of inquiry by the courts. In areas affecting fundamental rights or discrimination between classes of people, the courts will closely examine the predicates of the legislation. Whether or not the bases asserted for a statute are correct or logically require a particular result thus become legal issues as well as policy choices.

The permanent fund distribution scheme enacted as SLA 1980, Ch. 21 (codified as A.S.43.23.010 et seq.) appears to be defective under both the state and federal constitutions. It does not treat everyone equally, as is required by law. Instead it creates a functional caste system which perpetuates distinctions among virtually all residents of Alaska. 2 /

2/ Article I, Sec. 10, cl.1 of the United States Constitution forbids states to "grant any Title of Nobility." In effect, however, the State of Alaska is creating a "sourdough nobility," ushering long term residents into the order in recognition of putative past contributions and rewarding them with an estate which grows annually but is forever greater than that of the cheechako.

The Attorney General's brief in Williams v. Zobel argues that all Alaskan residents are being treated equally. They argue that as dividend payments are to be made at the same "rate" for all everyone has equal opportunity to move into higher echelons of the caste by remaining here longer. The fallacy of this assertion is somewhat concealed by the unusual nature of the distribution scheme employed. The usual method for appropriating state wealth to the citizenry is through services and capital expenditures. Direct cash payments are uncommon, if not completely novel. 3/ Applying the residency based distributive scheme of A.S.43.23.010 to appropriations of services or facilities--the alternative means of getting permanent fund wealth to the people--4/ should illustrate why the statute is fatally flawed.

Instead of distributing cash to residents directly, the

3/ The only other cash payments which come to mind are (a) tax credits, refunds or rebates or (b) state lottery winnings. Both are different in kind but more familiar.

4/ Cf. Thomas v. Bailey, 595 P.2d 1, 5-8 (Alaska 1979) defining appropriations as including cash as well as non-monetary state assets.

state might well choose to distribute Permanent Fund earnings through new health or social programs, or capital expenditures for schools, university buildings, ports, sewage treatment centers, and the like. 5/ If the State of Alaska were to divide all residents into twenty or more classes--as is done in A.S.43.23.010--for purposes of using state parks, receiving social services, or hunting game animals, to pick only a few examples, the illegal discrimination would be more obvious.

To illustrate, assume the state were to inventory and assign a ranking to all state parks. Then, using the State's theory that we can differentiate among residents according to past contributions or length of residence, assume we provided access to parks based on how long each person has been an Alaskan. The most beautiful and secluded parks would be available only to those who had been residents for 15-20 years. Roadside turnoffs might be the only ones open to 1-3 year residents.

5/ Other states have spent their resource wealth in this fashion, see, e.g., Minnesota high schools (copper & mining), and Texas universities (oil). In any event cash and indirect expenditures are not mutually exclusive, and the \$50.00 per share dividend program is intended to use only one half the permanent fund interest each year.

Prenatal checkups might be made available to residents of less than five years, full delivery services to those here from five to ten years, and full family health care for those here over ten years.

A sewage system might be installed in a village with individual hookups priced differently according to length of residence.

One to five year residents might be allowed to hunt geese but nothing else, five to ten year Alaskans a caribou, ten to fifteen year residents a moose, and those who had resided here fifteen years or longer could be permitted to hunt for bear.

The list of potential examples is endless. The point is the same. Whether the State's wealth is distributed through services, facilities, or cash, the present distributive scheme impermissibly discriminates among State residents.

The Alaska Hire case, by the time it reached the U.S. Supreme Court, dealt only with impermissible discriminations between residents and nonresidents. See Hicklin v. Orbeck, 437 U.S. 518 (1978). Numerous other cases have dealt with attempts by one state to discriminate against--treat differently--residents of other states. See, e.g., Austin v. New Hampshire, 420 U.S. 656, 43 L.Ed 2d 530, 95 S.Ct 1191 (1975) (unequal taxation); Ward v. Maryland, 12 Wall. 418, 20 L.Ed 449 (1871) (unequal licensing fees); Edwards v. People of State of California, 314 U.S. 160, 86 L.Ed. 1919, 62 S.Ct. 164 (1941) (prohibition against bringing indigent nonresident

into California); Lynden Transport, Inc. v. State of Alaska, 532 P.2d 700 (1975) (unequal requirements for grant of motor carrier's intrastate operating authority); but see, Baldwin v. Montana Fish & Game Commission, 436 U.S. 371 (1978).

Here, however, we are concerned with a discrimination by the State against certain of its own residents in favor of others. This too has been tried--and generally found illegal--in a number of instances throughout history. There are three distinct examples of states discriminating against classes of its own residents: These are (1) cases involving unequal treatment based on the length of time one has been a resident of the state (so called "durational residency" cases); (2) cases involving discrimination against resident aliens; and (3) cases concerning political reapportionment and unequal weighting of votes of certain classes of state citizens.

Most durational residency cases concern attempts to limit those who have resided in a state for less than a certain period of time--usually one year--from participating in state government, commerce, or services on an equal footing with other state residents. See, e.g., Shapiro v. Thompson, 394 U.S. 618, 22 L.Ed 2d 600, 89 Sct 1322 (1969) (access to public welfare assistance); Dunn v. Blumstein, 405 U.S. 330, 31 L.Ed 2d 274, 92 Sct. 995 (1972) (voting); Memorial Hospital v. Maricopa County, 415 U.S. 250, 39 L.Ed 2d 306, 94 Sct 1076 (1974) (equal access to free nonemergency medical care); Hicklin v. Orbeck, 565

P.2d 159 (Alaska 1977) (access to oil and gas related employment stemming from State leases); State v. Adams, 522 P.2d 1125 (Alaska 1974) (one year residency requirement for divorce) State v. Wylie, 516 P.2d 142 (Alaska 1973) (preference in hiring State employees); State v. Van Dort, 502 P.2d 454 (Alaska 1972) (75 day residency requirement for voting); Thomas v. Bailey, 595 P.2d 1, 9 ("Bierne Initiative" case, Rabinowitz, Jr., concurring); but see, Gilbert v. State, 526 P.2d 1131 (Alaska 1974) (eligibility to seek state legislative office). All of the same justifications made by the Attorney General to support A.S. 43.23.010's scheme of providing greater benefits according to duration of residence have been proffered and rejected in these cases.

The Attorney General's Office has asserted several bases for the legislation, 6/ which boil down largely to

6/ It is important to note that the statute itself specifies only three legislative goals:

(1) to provide a mechanism for equitable distribution to the people of Alaska of at least a portion of the State's energy wealth derived from the development and production of the natural resources belonging to them as Alaskans;

(2) to encourage persons to maintain their residence in Alaska and to reduce population turnover in the state; and

(3) to encourage increased awareness and involvement by the residents of the State in management and expenditure of the Alaska Permanent Fund (Art. IX, Sec. 15, State Constitution).

SLA 1980, Ch. 21, Sec. 1(b).

These purposes are general and couched in neutral terms which do not compel any distinctions between newer and older Alaskan residents. The gloss which the Attorney General's office gives in its Zobel brief to explain and amplify these purposes is what reveals the inappropriateness or inadequacy of using the distributive formula established to accomplish them.

two themes--first a desire to recognize and reward contributions of long-term residents, and second, a desire to prevent or hinder an influx of newcomers seeking a share of the resource wealth.

The issue of rewarding longer term residents, either for prior tax contributions, enduring "the rigors of a harsh climate," contributing to the cultural, economic or political life of the State or for other reasons, is not new here or elsewhere. Justice Rabinowitz addressed this issue in his concurrence in Thomas v. Bailey, supra, rejecting it as legitimate justification for distinguishing between Alaskan residents on the basis of how long they have lived here. He observed that such a scheme

"accomplishes nothing more than the sanctioning of a bonus or reward for having been a resident of Alaska longer than certain other classes of persons. It would do violence to the meaning of the requirement that the classification 'must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation.'" 595 P.2d at 78.

He also noted the arguments concerning prior contribution were defective because the plan involved distribution of a state asset "the acquisition of which was unrelated to contributions of taxes and earnings by even the longest-term residents of Alaska." *Id.* at 17. He stated that although it was "arguable that the longer-term resident has contributed more to the general welfare of the State over the course of his domicile" here, the asserted correlation between

such contributions and the varying lengths of residency required for each incremental distributive share of the assets being appropriated "is on its face too tenuous to satisfy" the legal tests for denial of equal protection. He noted that the parties had made no additional data available supporting their rationale, leaving the Court in the unacceptable position of having to hypothesize facts to sustain the classifications.

This is exactly what has been done with the permanent fund distribution legislation also. The Attorney General's Office asserts a number of arguments which are either illogical on their face, or which could as easily be argued the other way without providing facts to support their speculative positions.

For example, it is argued that newcomers are more likely to encourage imprudent and hasty exploitation of the resources in order to increase their share of dividends vis à vis those who will follow them here. No one would dispute that sound, prudent management of our resources is a legitimate legislative goal. However, it is at least as logical, if not more so, to assume that the distributive formula of A.S.43.23.010 encourages more immediate exploitation since under this plan 20 year residents have 20 times as much to gain from such development as newcomers do. 7/

7/ This does not even account for the fact that quite apart from permanent fund dividend distributions, longer term residents are more likely to benefit from immediate development because as a class they are more likely to own mineral leases, operate businesses and own housing that will generate income from such economic activity.

Under a plan where all Alaskans are treated equally, no class of residents has a greater incentive to promote unwise development, and all will share equally in sustained annual growth. Stable population might be encouraged by the prospect of steady annual dividends, whereas the present plan may encourage those with larger proportionate shares to push for a few large distributions before retiring to other states. But even these assertions are speculative to the extent they rely on logic rather than facts for answers--the point is that without facts classifications favoring one group of residents over another are irrational and arbitrary.

The State's position that it can discriminate against newcomers because they are likely to come to the State solely for a handout of our oil wealth, that they will not exercise good judgment with respect to resource development, and that they are not as likely otherwise to be interested in the long-term good of Alaska or to become part of a stable population base lacks merit. It ignores the history of our state and creates irrebuttable presumptions unfairly lumping all newcomers into an overinclusive class.

This State, like all others in the Union, has traditionally attracted people who hoped to use their skills or energy to utilize available resources, building a future for themselves, and in the process, for the State. Justice Rabinowitz recognized this when he stated that the protection accorded people migrating to Alaska "reflects,

in part, an awareness of the distinctive character of the State in attracting many new residents to participate in Alaska's growth and expansion." Thomas v. Bailey, supra, 595 P.2d at 16.

A similar analysis is found in the United States Supreme Court decision in Shapiro v. Thompson, supra. There states who provided their own residents with greater public assistance benefits than did other states tried to impose durational residency requirements on receipt of welfare, in large part to prevent an influx of newcomers seeking higher benefits. There, as here, the State made speculative assertions without facts to support them. The Court found:

"The class of barred newcomers is all-inclusive, lumping together the great majority who come to the State for other purposes with those who come for the sole purpose of collecting higher benefits. In actual operation, therefore, the three statutes enact what in effect are nonrebuttable presumptions that every applicant for assistance in his first year of residence came to the jurisdiction solely to obtain higher benefits. Nothing whatsoever in any of these records supplies any basis in fact for such a presumption."

394 U.S. at 631, 22 L.Ed 2d at 613.

The U.S. Supreme Court also rejected the notion that classifications among State residents could be made on the basis of putative past contributions:

"Appellants argue further that the challenged classification may be sustained as an attempt to distinguish between new and old residents on the basis of the contribution they have made to the community through the payment of taxes. We have difficulty seeing how long-term residents

who qualify for welfare are making a greater present contribution to the State in taxes than indigent residents who have recently arrived. If the argument is based on contributions made in the past by the long-term residents, there is some question, as a factual matter, whether this argument is applicable in Pennsylvania where the record suggests that some 40% of those denied public assistance because of the waiting period had lengthy prior residence in the State. But we need not rest on the particular facts of these cases. Appellant's reasoning would logically permit the State to bar new residents from schools, parks, and libraries or deprive them of police and fire protection. Indeed it would permit the State to apportion all benefits and services according to the past tax contributions of its citizens. The Equal Protection Clause prohibits such an apportionment of state services.

We recognize that a State has a valid interest in preserving the fiscal integrity of its programs. It may legitimately attempt to limit its expenditures, whether for public assistance, public education, or any other program. But a State may not accomplish such a purpose by invidious distinctions between classes of its citizens. It could not, for example, reduce expenditures for education by barring indigent children from its schools. Similarly, in the cases before us, appellants must do more than show that denying welfare benefits to new residents saves money. The saving of welfare costs cannot justify an otherwise invidious classification.

In sum, neither deterrence of indigents from migrating to the State nor limitation of welfare benefits to those regarded as contributing to the State is a constitutionally permissible state objective."

Shapiro v. Thompson, supra, 394 U.S. at 632-633, 22 L.Ed 2d at 614.

Courts have considered other areas where states have discriminated against one class of residents in favor of another, and the results in these analogous situations compel the same result.

In the area of legislative apportionment, for example, many states discriminated among citizens by according greater weight to some residents' votes than to others'. The discrimination in those cases was based on where in the State a person lived--here it is based on how long. The remedy mandated by the Constitution in those cases was "one person, one vote". Laws which advantaged one resident over another were struck down. A.S.43.23.010 disadvantages some residents and favors others; it is constitutionally infirm. The precise remedy here is up to the legislature--but it cannot include giving twenty shares to one person and one to another.

The same arguments which are asserted by the Attorney General's Office to uphold the present Permanent Fund Distribution scheme could as well have been made to justify giving one resident ten or twenty times the voting power. For example, it might be asserted that certain residents had contributed more culturally, economically or politically to the State, that they had "paid their dues," while others had not and were therefore entitled

to more voting power.⁸ /

In Reynolds v. Sims, 377 U.S. 533, 12 L.Ed 2d 506, 84 S.Ct. 1362 (1964), the United States Supreme Court Stated:

"If a State should provide that the votes of citizens in one part of the State should be given two times, or five times, or 10 times the weight of votes of citizens in another part of the State, it could hardly be contended that the right to vote of those residing in the disfavored areas had not been effectively diluted. It would appear extraordinary to suggest that a State could be constitutionally permitted to enact a law providing that certain of the State's voters could vote two, five or 10 times for their legislative representatives, while voters living elsewhere could vote only once. And it is inconceivable that a state law to the effect that, in counting votes for legislators, the votes of citizens in one part of the State would be multiplied by two, five, or 10, while the votes of persons in another area would be counted only at face value, could be constitutionally sustainable. Of course, the effect of state legislative districting schemes which give the same number of representatives a unequal numbers of constituents is identical. Overweighting and overvaluation of the votes of those living here has the certain effect of dilution and undervaluation of the votes of those living there. The resulting discrimination against those individual voters living in disfavored areas is easily demonstrable mathematically. Their right to vote is simply not the same right to vote as that of those living in a favored part of the State. Two, five, or 10 or them must vote before the effect of their voting is equivalent to that of their favored neighbor. Weighting the votes of citizens differently, by any method or means, merely because of where they happen to reside, hardly seems justifiable. . . ."

8/ One formerly commonplace example of such discrimination was the denial of voting rights in school board or other local elections to those who did not own property (e.g. renters) in the community.

Quoting its opinion in the earlier apportionment case of Gray v. Sanders, 372 U.S. 368, the Court in its Reynolds opinion observed:

"How then can one person be given twice or ten times the voting power of another person in a statewide election merely because he lives in a rural area or because he lives in the smallest rural county? Once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote--whatever their race, whatever their sex, whatever their occupation, whatever their income, and wherever their home may be in that geographical unit. This is required by the Equal Protection Clause of the Fourteenth Amendment. The concept of 'we the people' under the Constitution visualizes no preferred class of voters but equality among those who meet the basic qualifications. The idea that every voter is equal to every other voter in his State, when he casts his ballot in favor of one of several competing candidates, underlies many of our decisions." 372 U.S. at 379-380.

Continuing we stated that "there is no indication in the Constitution that homesite or occupation affords a permissible basis for distinguishing between qualified voters within the State." And, finally, we concluded: "The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing--one person, one vote." 372 U.S. at 381.

The Attorney General's office argues that by creating these distinctions between Alaska residents "the legislature created a political constituency with an interest in long term sound management of both the permanent fund and the resources on which it depended. . . ." Brief in Williams

v. Zobel. at p.28. In effect, it has given some of the "voters" within this "political constituency" up to 20 times the voting power of others. This is inconsistent with our constitutional democracy.

The final analogous area which is instructive concerns attempts by states to differentiate among their residents on the basis of U.S. citizenship. Again, in most cases, such attempts to treat one class of state residents differently than another on this basis have been held unconstitutional. While the issue of alienage poses certain considerations not necessarily applicable to the legislation at hand, the cases generally indicate a presumption that all state residents should be treated equally and that distinctions between one class of state residents and another will rarely be valid.

In Graham v. Richardson, 9/ for example, the U.S. Supreme Court invalidated a Pennsylvania law attempting to distinguish between citizens and non-citizens, and an

9/ 403 U.S. 365, 29 L.Ed 534, 91 S.Ct. 1848 (1971).

Arizona law requiring non-citizens to have been residents for a specified number of years, for purposes of receiving welfare benefits. The Court rejected the notion that a state's desire to preserve limited welfare benefits for its own citizens justified restricting benefits to citizens and long term resident aliens. It also rejected the idea that constitutional rights turn upon whether a governmental benefit is characterized as a "right" or a "privilege." Finally, the Court explained that although a state may legitimately attempt to limit its expenditures, whether for public assistance, public education or any other program, it cannot accomplish such a purpose by invidious distinctions between classes of its residents, in violation of the Fourteenth Amendment.

The fact that natural resources are involved does not compel a different result. In Takahashi v. Fish and Game Commission, 334 U.S. 410, 92 L.Ed 1478, 68 S.Ct. 1138 (1948), the U.S. Supreme Court rejected the assertion by California that its "ownership" of all fish within three miles of its coast as trustee for all state citizens authorized it to bar resident aliens from obtaining commercial fishing licenses. The state claimed the law was passed largely as a conservation measure, as well as to protect its own citizens. The Court rejected the distinction between residents created by this legislation, and also undermined the doctrine suggested by earlier cases that a state could so discriminate where there was a "special public interest" as in public lands or