

SCOMM

#27:3

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SCR 9

Title Establishing a special committee on the Constitutional Convention

Requested by \_\_\_\_\_ Date May 19, 1981

II. FISCAL DETAIL

Agency Affected Legislature

Program Category Affected \_\_\_\_\_

BRU, Program, or Subprogram(s) Affected \_\_\_\_\_

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

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		66.3				
200 TRAVEL		6.0				
300 CONTRACTUAL		67.0				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
CONTINGENCY		5.0				
TOTAL		144.3				

FUNDING (Thousands of Dollars)

GENERAL FUND		144.3				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME		3				
TEMPORARY						

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

Personal Services

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

Contractual

Brochure Illustration \$7.0

Brochure Printing and distribution \$5.0

Citizens Guide to the Alaska Constitution Printing and Distribution 12.0

Statewide survey on Constitutional questions and the constitution \$22.0

League of Women Voters public info work \$20.0

Telephone \$1.0

IV. DATE \_\_\_\_\_ PREPARED BY \_\_\_\_\_

AGENCY \_\_\_\_\_

Original: Legislative Finance

PHONE \_\_\_\_\_

cc: Budget and Management

Prime Sponsor (First Legislator Named)

## Fiscal Note Explanation for SCR 9:

### Personal Services:

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

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

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

### Contractual:

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

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

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

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

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

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

Explanation of SCR 9  
Page Two

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

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

12001

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

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

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

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

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

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

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

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

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

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

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

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

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

Chairman  
Rep. Brian Rogers

INTERIM COMMITTEE  
ON  
THE CONSTITUTIONAL CONVENTION

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

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

Staff  
Guy Van Doren  
Admin. Asst.

September 4, 1980

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

Dear Brian:

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

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

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

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

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

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

*Henry*

STATE OF ALASKA  
THE LEGISLATURE

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


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 30, 1979

SUBJECT: Constitutional convention  
(Work Order No. 6049)

TO: Representative Brian Rogers

FROM: Richard A. Bradley, Legislative Counsel 

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

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

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

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

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

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

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

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

Accordingly, the legal situation may be fairly summarized:

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

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

Section 4 [of Art. XIII] provides:

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 30, 1979

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

TO: Representative Brian Rogers

FROM: Richard A. Bradley  
Legislative Counsel *B*

Work Order No. 6056 requested analyses of several issues.

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

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

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

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

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

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

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

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

and

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

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

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

RAB:jdn

Enclosure

TO: SENATOR GEORGE HOHMAN  
CHAIRMAN, LEGISLATIVE COUNCIL

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

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

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

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

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

#### BACKGROUND

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

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

#### GENERAL PURPOSES

The basic questions before the committee will be:

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

The general purposes of the Committee are:

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

#### METHODOLOGY FOR COMMITTEE WORK

##### 1. RESEARCH AND ANALYSIS

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

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

PUBLIC HEARINGS

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

REPORT TO COUNCIL

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

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

BUDGET FOR COMMITTEE

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

December 18, 1979

TO WHOMEVER:

RE: Review of "Issues of Constitutional Change"

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

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

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

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

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

Sincerely,

*Vic fs*

Vic Fischer

Rep Royce -

SCR 9

Fiscal Note Explanation for SCR 9:

*This is your copy  
Roy*

Personal Services:

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

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

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

Contractual:

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

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

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

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

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

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

Explaration of SCR 9  
Page two

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

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

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SCR 9

Title Establishing a special committee on the Constitutional Convention

Requested by \_\_\_\_\_ Date May 19, 1981

II. FISCAL DETAIL

Agency Affected Legislature

Program Category Affected \_\_\_\_\_

BRU, Program, or Subprogram(s) Affected \_\_\_\_\_

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

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

GENERAL FUND		151.3				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME		3				
TEMPORARY						

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

Personal Services

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

Contractual

Brochure Illustration \$7.0

Brochure Printing and distribution \$5.0

Citizens Guide to the Alaska Constitution Printing and Distribution 12.0

Statewide survey on Constitutional questions and the constitution \$22.0

League of Women Voters public info work \$20.0

Telephone \$1.0

IV. DATE \_\_\_\_\_ PREPARED BY \_\_\_\_\_

AGENCY \_\_\_\_\_

PHONE \_\_\_\_\_

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

FOR YOUR  
INFORMATION  
ONLY

CONTRACT BETWEEN  
  
STATE OF ALASKA  
LEGISLATIVE AFFAIRS AGENCY  
  
AND  
  
YUP'IK ESKIMO LANGUAGE WORKSHOP  
OF THE UNIVERSITY OF ALASKA

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

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

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I - STATEMENT OF WORK

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

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

CLAUSE II - PERIOD AND DATES OF PERFORMANCE

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

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

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

CLAUSE III - PROJECT DIRECTOR

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

CLAUSE IV - COMPENSATION AND METHOD OF PAYMENT

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

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

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

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

CLAUSE V - OFFICE SPACE, EQUIPMENT, CLERICAL SUPPORT

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

CLAUSE VI - RECORDS, DOCUMENTS, AUDIT

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

CLAUSE VII - REPORTS

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

CLAUSE VIII - ALL WRITINGS CONTAINED HEREIN

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

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

CONSULTANT

*Pat O'Rourke*

LEGISLATIVE AFFAIRS AGENCY

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

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

Accepted:

Approved as to form:

*Brian Rogers* 1/12/81  
REP. BRIAN ROGERS Date  
Chairman, Joint Committee on  
the Constitutional Convention

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

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

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

PHASES IN COMPLETION OF THE PROJECT

PHASE I

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

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

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

## Phase II

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

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

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

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

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

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

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

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

### PHASE III

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

### PHASE IV

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

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

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

# Peter Metcalfe

# & ASSOC.

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

March 24, 1981

Representative Brian Rogers  
Chairman, Joint Committee on the  
Constitutional Convention

Pouch V  
Juneau, Alaska 99811

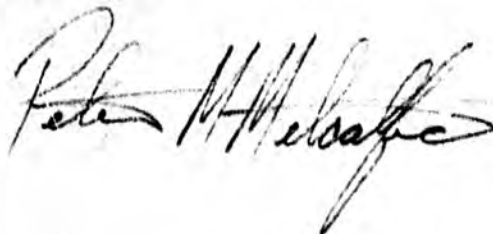
Dear Brian:

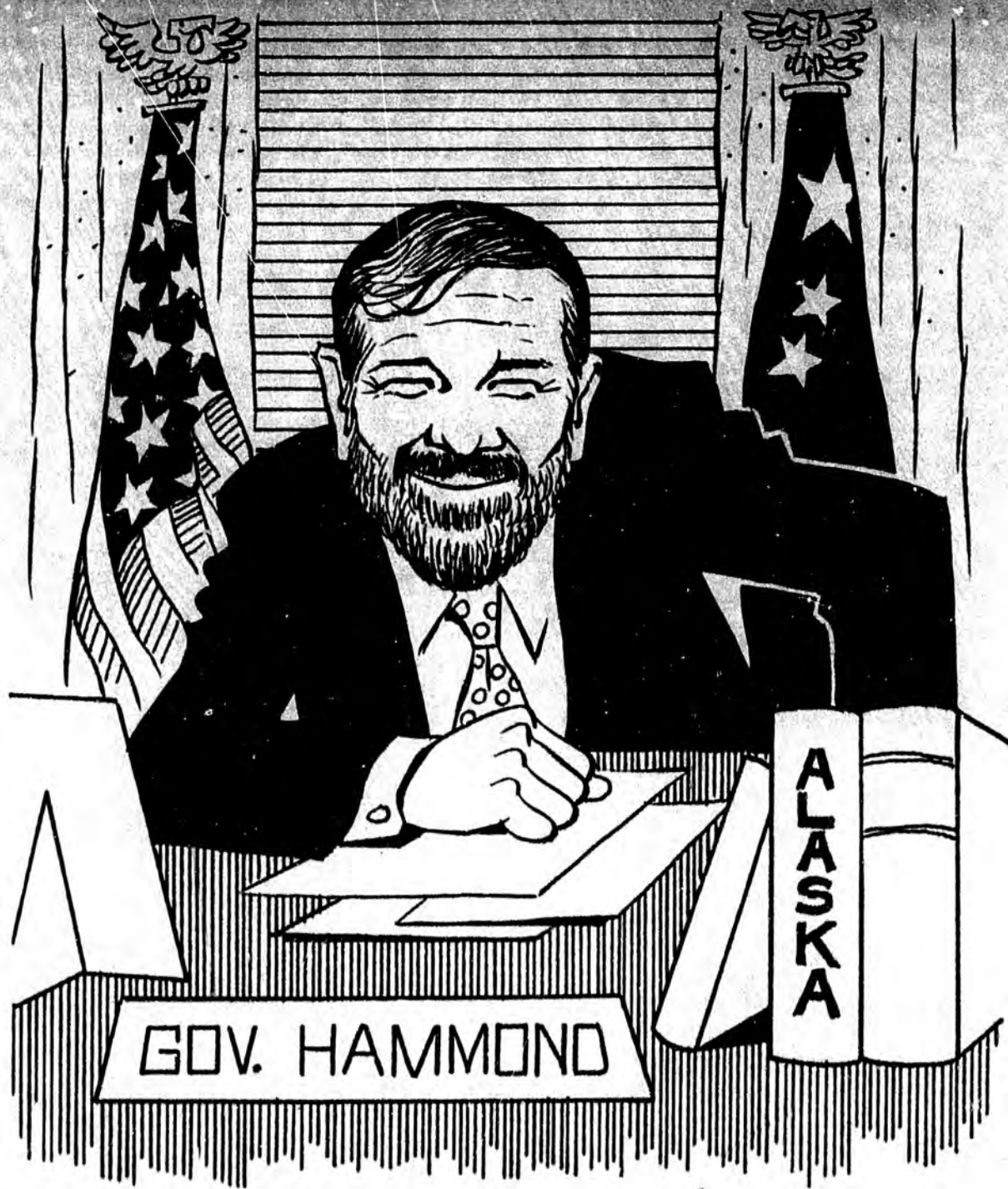
Shortly after your committee accepted my proposal to produce the constitutional convention brochure I made the mistake of informing my associates at Today's Graphics that I had won acceptance from the committee. Since then I have been plagued with inquiries about when a contract will be signed. I've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

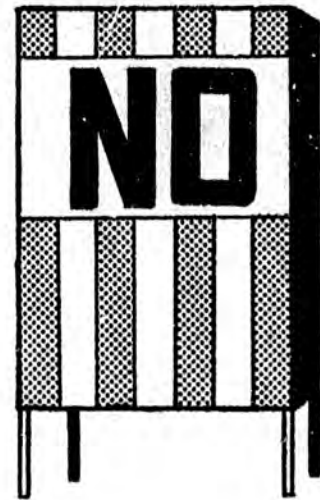
From my perspective it would be to the advantage of this particular project to start sooner rather than later. The problem at the moment is that we may be losing one of the staff artists within a couple months. Bob Bledsoe rendered the caricatures I've included with this letter. He is planning on leaving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

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

Sincerely:







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

REPRESENTATIVE  
**BRIAN ROGERS**  
*Alaska State Legislature*

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

**SOC.**  
293

30 March 1981

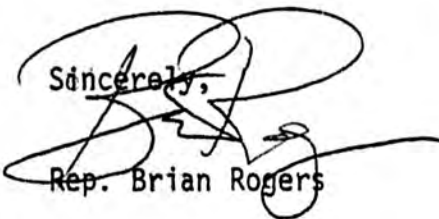
Peter Metcalfe & Assoc.  
211 Dixon Street  
Juneau, Alaska 99801

Dear Pete,

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

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

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

Sincerely,  
  
Rep. Brian Rogers

BR/vb

ational  
y's  
alked  
cluding  
ct to  
be  
red  
g for a  
o  
s  
wing  
lp  
ex  
as

**DOUGLAS POPE**  
Attorney

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

Box 27  
Hope, Alaska 99605

April 14, 1981

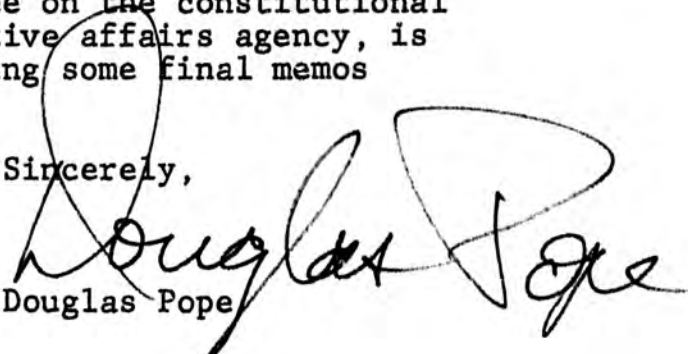
Honorable Brian Rogers  
State Representative  
Pouch V  
Juneau, Alaska 99801

Re: Contract with Joint Committee on the Constitutional  
Convention

Dear Representative Rogers:

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

Sincerely,

  
Douglas Pope

DP:ef

# GUY A. VAN DOREN

P.O. Box 41

Douglas, Alaska 99824

(907) 364-3442

July 2, 1980

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

Dear Brian:

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

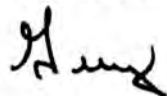
Last year, my contract was a flat \$20,000 for the interim period. This year, I have patterned the contract on either an hourly basis or daily basis, and will keep track of my time. I feel that the amounts are not unreasonable, since Vic Fischer's contract last year called for fifty dollars an hour or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

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

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

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

Regards,



Guy A. Van Doren

Dear Brian:

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

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

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

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

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

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

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

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

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

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

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

CONTRACT BETWEEN

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

AND

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

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

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

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I - STATEMENT OF WORK

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

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

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

CLAUSE II - PERIOD OF PERFORMANCE

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

CLAUSE III - COMPENSATION AND METHOD OF PAYMENT

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

CLAUSE IV - CHAIRMAN

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

CLAUSE V - RECORDS AND PROGRESS REPORTS

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

CLAUSE VI - RECORDS, DOCUMENTS, AUDIT

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

CLAUSE VII - ALL WRITINGS CONTAINED HEREIN

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

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

CONSULTANT:

LEGISLATIVE AFFAIRS AGENCY:

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

\_\_\_\_\_  
MYRTON R. CHARNEY Date  
Executive Director

APPROVED

APPROVED AS TO FORM:

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

\_\_\_\_\_  
BILLY G. BERRIER Date  
Agency Legal Counsel

1977-1978  
Robert H. Rawson

VICE PRESIDENTS

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

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

REGIONAL VICE PRESIDENTS

Robert B. Atwood, Anchorage  
Rex M. Bell, Oklahoma City  
Terrell Blodgett, Austin  
Earl Blumenauer, Portland, OR  
Robert F. Buck, Seattle  
James W. Callison, Des Moines  
George E. Campbell, Little Rock  
Wayne A. Corpening, Winston-Salem, NC  
Angelo A. Constanza, Rochester  
J. J. Daniel, Jacksonville  
Edwin D. Dodd, Toledo  
Daniel J. Evans, Olympia, WA  
T. Scott Fillebrown, Nashville  
A. D. Frazier, Jr., Atlanta  
Richard W. Freeman, Jr., New Orleans  
Charles E. Glib, Los Angeles  
William T. Gossett, Detroit  
Fred A. Herrington, Lincoln  
Lawrence Howe, Chicago  
Edward M. Kresky, New York  
John A. Lora, Denver  
Charles E. McCallum, Grand Rapids  
M. Lee Payne, Norfolk  
Richard H. Peake, Jr., Pittsburgh  
Neal R. Peirce, Washington, D.C.  
Russell W. Peterson, New York  
William A. Pyle, Jackson, MS  
Joseph Robbie, Miami  
W. H. Roberts, Dallas  
Harvey C. Russell, Purchase, N.Y.  
Frank P. Sebree, Kansas City, MO  
Joseph F. Turley, Boston  
E. Robert Turner, Boulder  
John R. Vella, San Francisco  
Fay H. Williams, Indianapolis

COUNCIL

Marrion P. Ames, Rye, N.Y.  
Charles A. Ballard, New York  
Nella G. Barkley, Charleston, S.C.  
Alan K. Campbell, Washington, D.C.  
Anthony M. Carey, Baltimore  
Thomas J. Clark, Long Beach, CA  
LeRoy Collins, Tallahassee  
Samuel M. Convisor, New York  
Leonard E. Davis, San Antonio  
Roy P. Drachman, Tucson  
Harold W. Dodds, Princeton  
Michael S. Dukakis, Boston  
Richard A. Edwards, New York  
Curtiss E. Frank, Greenwich, CT  
George Gallup, Princeton  
Samuel K. Gove, Urbana, IL  
Franklin P. Hall, Richmond  
W. Leo Hill, Boulder  
Ruth J. Hinerfeld, Mamaroneck, N.Y.  
Barbara Jordan, Austin  
Richard Kpzer, New York  
N. Warner Lee, Phoenix  
Frank Licht, Providence  
Gordon E. McDanold, Chicago  
Allen J. McDowell, Lincoln  
Howard D. McMahan, Fort Worth  
Cecil Morgan, New Orleans  
James A. Norton, Cleveland  
John B. O'Hara, Philadelphia  
Roy H. Owsley, Louisville  
William T. Patrick, Jr., New York  
Thelma Press, San Bernardino  
William L. Randall, Milwaukee  
Ray T. Reed, Jr., Wichita  
Arlene E. Reichert, Great Falls, MT  
Jeanne Richman, Scarsdale, N.Y.  
George Romney, Bloomfield Hills, MI  
Victoria Schuck, Washington, D.C.  
William W. Scranton, Scranton, PA  
Murray Seassongood, Cincinnati  
William F. Taggart, East Brunswick, N.J.  
Marjorie L. Taylor, Wichita  
Cecil H. Underwood, Huntington, WV  
Richard C. VanDusen, Detroit  
David I. Wells, New York  
Stanley J. Winkelman, Detroit  
John C. Wyckoff III, Memphis

A Citizens' Organization for Better Government • Founded 1894



Sponsor of

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

July 9, 1980

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

Dear Mr. Van Doren:

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

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

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

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

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

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

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

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

Mr. Guy A. Van Doren

July 9, 1980

2

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

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

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

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

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

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

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

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

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

Sincerely yours,

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



July 21, 1980

Dear Brian:

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

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

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

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

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

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

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

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

Regards

Gay

I am still usually in the office mornings

STATE OF ALASKA  
THE LEGISLATURE  
LEGISLATIVE AFFAIRS AGENCY

PERS - CONTRACTS  
CON CON

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

December 19, 1980

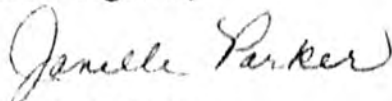
Representative Rogers  
1335 Hayes Street  
Fairbanks, Alaska 99701

Dear Brian:

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

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

Best regards,



Janelle Parker  
Special Assistant to  
the Executive Director

Enclosure



# YUP'IK ESKIMO LANGUAGE WORKSHOP

KUSKOKWIM COMMUNITY COLLEGE

P. O. BOX 368

December 12, 1980

BETHEL, ALASKA 99558

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

Dear Ms. Parker:

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

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

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

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

Thank you very much.

Sincerely,

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

Phyllis Morrow, Coordinator  
Yup'ik Language Center

PM/eg

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

CONTRACT BETWEEN

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

AND

GORDON HARRISON & ASSOCIATES  
1621 Wilton Road  
Tacoma, WA 98465

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

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

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I - STATEMENT OF WORK

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

CLAUSE II - PERIOD AND DATES OF PERFORMANCE

- (A) The work under this contract shall be performed between January 12, 1981 and July 31, 1981.
- (B) This contract may be terminated by either party upon written notice to the other.
- (C) Unless extended by written agreement, this contract expires on July 31, 1981.

CLAUSE III - PROJECT DIRECTOR

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

CLAUSE IV - COMPENSATION AND METHOD OF PAYMENT

- (A) For the work specified in this contract, the Consultant shall be compensated \$16,500 (Sixteen Thousand Five Hundred Dollars).
- (B) The Consultant shall be reimbursed for travel to include two round trips between Seattle and Juneau, per diem shall be paid at prevailing State rates, and all air travel shall be reimbursed on the basis of coach class fares.

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

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

CLAUSE V - OFFICE SPACE, EQUIPMENT, CLERICAL SUPPORT

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

CLAUSE VI - RECORDS, DOCUMENTS, AUDIT

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

CLAUSE VII - REPORTS

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

CLAUSE VIII - ALL WRITINGS CONTAINED HEREIN

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

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

CONSULTANT

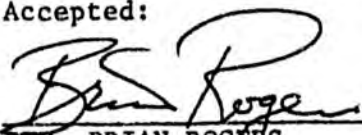
LEGISLATIVE AFFAIRS AGENCY

 1/29/81  
GORDON HARRISON & ASSOCIATES Date  
IRS ID # 571-56771

\_\_\_\_\_  
M. R. CHARNEY Date  
EXECUTIVE DIRECTOR

Accepted:

Approved as to form:

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

\_\_\_\_\_  
BILLY G. BERRIER Date  
AGENCY LEGAL COUNSEL

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

CONTRACT BETWEEN

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

AND

LEAGUE OF WOMEN VOTERS  
911 R Street  
Anchorage, Alaska 99501

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

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

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I - STATEMENT OF WORK

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

CLAUSE II - PERIOD AND DATES OF PERFORMANCE

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

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

CLAUSE III - PROJECT DIRECTOR

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

CLAUSE IV - COMPENSATION AND METHOD OF PAYMENT

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

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

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

CLAUSE V - OFFICE SPACE, EQUIPMENT, CLERICAL SUPPORT

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

CLAUSE VI - RECORDS, DOCUMENTS, AUDIT

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

CLAUSE VII - REPORTS

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

CLAUSE VIII - ALL WRITINGS CONTAINED HEREIN

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

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

CONSULTANT

LEGISLATIVE AFFAIRS AGENCY

Jean Harris 2/2/81  
LEAGUE OF WOMEN VOTERS Date  
IRS ID # 92 6004632

\_\_\_\_\_  
M. R. CHARNEY Date  
EXECUTIVE DIRECTOR

Accepted:

Approved as to form:

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

\_\_\_\_\_  
BILLY G. BERRIER Date  
AGENCY LEGAL COUNSEL

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

PROPOSAL

Writing a Citizen's Guide to the Alaska Constitution

Submitted to

Joint Legislative Committee on the Constitutional Convention

by

Gordon Hatcher and Associates

January, 1963

## 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 Dr. 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.



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 Fisher while he was writing Alaska's Constitutional Convention.

During the past year I have been involved in a major effort with other consultants to gather 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 dealt with geology, hydrology, and administrative issues. Also, I wrote and edited materials for the U.S. Fish and Wildlife Service that dealt with the effects of oil and gas operations on wildlife and habitat.

You may also wish to contact the Northwest Alaskan Pipeline Co., Fairbanks, (907) 452-1111, or the author, (907) 452-1111.

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 reduced if the secretarial staff of the Committee types the draft and final Area diagraphs reports. In this case, the budget is \$17,190.

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