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ISSUES OF CONSTITUTIONAL CHANGE

prepared for

Interim Committee on the Constitutional Convention
of the Alaska State Legislature
Sen. George Hohman and Rep. Brian Rogers, Co-chairmen

by

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PREFACE

This paper is part of a series of studies sponsored by the Interim Committee on the Constitutional Convention to examine issues pertinent to the 1982 referendum on whether or not Alaska should hold a constitutional convention.

The current study reviews proposed and potential amendments to Alaska's constitution. It seeks to identify problems that have arisen, proposals that have been made formally and informally, and newly emerging issues. Discussion of a particular subject in no way implies its endorsement as an item for constitutional revision. Rather, the purpose here is to lay issues on the table for examination and further consideration.

The extent of consideration given individual topics does not necessarily reflect their significance. In some instances, minimal space is devoted to important issues because they have already been exposed to extensive public discussion. In other cases, a subject may be treated at greater length to help sharpen the issues and possibly help dispose of the matter.

Many proposed constitutional changes are not truly constitutional in nature; they are more appropriate subjects for action by the legsilature. However, so long as they have been discussed as proposals for constitutional change, they are included.

I would like to emphasize that this paper is a draft. While I have tried to include all topics that I am aware of, the coverage may certainly not be complete. Accordingly, reviewers are encouraged to suggest additional topics for inclusion, preferably accompanied by an appropriate description and discussion of the change. Similarly, I would welcome any comment on or revision of any item that is covered in this draft.

My two previous papers cover (1) various aspects of calling and arranging a constitutional convention, and (2) considerations that need to be taken into account in deciding whether or not to call a new convention. The first dealt with the following topics: call by referndum, call by legislature, timing considerations, qualification of voters and delegates, convention size and apportionment, convention site, preparatory commission, and the like.

The second paper, prepared for the Conference on Alaska's Future Frontiers, reviewed the 1955-56 convention and the means it established to update the Alaska constitution, examined constitutional changes that have been suggested, and delved into the gamut of questions entailed in accomplishing desirable revisions and judging whether or not to call a new constitutional convention.

Two more papers are planned. One will take a look at Hawaii's 1978 constitutional convention. The purpose will be to examine the character of the revision process and the changes that were made. As Alaska, Hawaii wrote its constitution prior to becoming a state. Unlike Alaska, it has already held two conventions to revise the constitution. Last year's is particularly interesting, for it constituted an amalgam of people who were concerned about Hawaii's economy and its special culture and lifestyles, while reflecting an increasing populism and concern about government expansion. Its experience may, therefore, be particularly pertinent to Alaskans as they consider whether or not to make major revisions in the state constitutions.

Another paper will start examining issues of constitutional revision broader and more basic than those treated in this paper. Instead of just looking at specific amendments, the new study will deal with the major philosophical and conceptual underpinnings of Alaska and its prospective future: ralationship to the federal government, the total executive-legislative structure for governing the state, the urban-rural relationship and special consideration of Alaska lifestyles, now and in the future.

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ARTICLE I: DECLARATION OF RIGHTS

The constitution's first article defines the powers that belong to the people and sets the limits on what government can do.

In drafting this article, the 1955 constitutional convention generally followed traditional provisions contained in other state constitutions and in the first ten amendments to the U.S. Constitution. Reflecting the mood of the times, particularly in Alaska, a strong civil rights provision was included with a mandate for legislative implementation (Section 3).

An innovative provision adopted by the convention extended the standard "due process" clause to establish a new "right" -- a guarantee that all persons have the right to "fair and just treatment in the course of legislative and executive investigations" (Section 7). The provision, since adopted by other states, responded to concerns of the 1950's, the "McCarthy era."

Two provisions considered but rejected by the convention have since been included in the constitution. A delegate (male) proposed that the Section 3 civil rights guarantees -- "No persons is to be denied the enjoyment of any civil or political right because of race, color, creed, or national origin" -- be extended to also prohibit discrimination on account of sex. The amendment was defeated upon the argument (by a woman delegate) that Alaska was the first subdivision under the American flag to give women the right to suffrage and that the territory had amply provided for the political and civil rights of its women. In 1972, however, the word "sex" was added to the civil rights clause by constitutional amendment.

A "right to privacy" provision was extensively debated, but delegates could not agree on language that satisfied the majority and no action on the matter was taken. At the time, delegates were principally concerned about indiscriminate use of wiretapping and other electronic devices. Since then, concerns have broadened to the point that the voters of Alaska in 1972 amended the constitution to specify that "The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section." (Section 22)

There have been no significant pressures for other amendments to Article I. Several proposals have been made to revise grand jury provisions and to add language that would protect Alaska culture and lifestyles. Other issues within the purview of this article are guarantee of economic rights, bail, penal administration, and provision for "right to life."

Section 3: Economic Rights

It was proposed during the 1955 convention that the civil rights section provide for protection of economic as well as civil and political rights. The purpose was to clearly cover the right of employment and equal opportunity for employment, especially for Alaska Natives. The proposal was not adopted for several reasons: some delegates worried that the "right to work" and collective bargaining issues would get mixed up in a civil rights clause; "civil" was considered to include "economic"; and protection of economic rights does not appear in the federal constitution nor that of any other state.

Since the constitution was written, the concept of equal employment opportunity has been widely accepted. It is now incorporated in federal and

state laws and is followed by most large-scale private employers. Some people, however, continue to believe that protection of economic rights is sufficiently important to be included in the state constitution.

Section 8: Grand Jury*

Existing language provides: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury..." The provision was modeled after the Fifth Amendment to the federal constitution, which had derived it from English criminal jurisprudence.

Changes to this section of the constitution have been proposed that vary only in degree of revision:

1. The grand jury indictment process should be replaced by a probable cause hearing procedure.
2. The grand jury process should be retained, but it should be complemented by a probable cause hearing procedure.

It has been widely agreed in recent years that the accepted function of the grand jury as a safeguard interposed between this state (presecutor, district attorney) and a defendant is not generally being fulfilled in actual practice. Even though court rules have restricted some of the more undesirable practices, the grand jury is not deemed effective to protect the private citizen against malice or bad judgment on the part of the prosecutor. In addition, the grand jury indictment process is said to have become a focal point for technical and procedural attacks by defendants, causing delays in

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* This discussion is based in part on the February 1975 report by Michael Rubenstein "The Grand Jury in Alaska: Tentative Recommendations to the Judicial Council."

the process of justice. Further, it is charged that prosecutors may use the grand jury to avoid accepting due responsibility for the decision whether or not to prosecute in certain close or sensitive cases. Also, the grand jury system is accused of unfairness to defendants because they are not allowed to be present at the proceedings to confront the witnesses testifying against them. Another argument is that grand juries do not appear to advance the progress of most cases toward final solution. Lastly, a grand jury is criticized as no longer playing a useful part in the adjudicative process and having become, in effect, little more than an historically-based ritual.

There are two alternatives to the grand jury process. One is the "probable cause preliminary hearings" procedure, the other is the "information system." Under the preliminary hearing procedure, the prosecutor presents his proposed indictment and his witnesses before a judge rather than the grand jury. Witnesses are questioned as to facts which the prosecutor hopes will show probable cause to believe that a crime was committed and probable cause to believe that the defendant was the one who committed it. The defendant himself is present with his attorney, and an opportunity is provided for cross-examination of the witnesses. The defendant may testify and call his own witnesses, but he need not do so.

While this procedure could make it more difficult for the prosecutor to obtain a felony indictment, the process can lead to much more expeditious resolution of cases. It overcomes the problem that the grand jury, in most instances, does nothing to advance a case along the road to final disposition because the one-sided presentation that it is exposed to does not allow for

a realistic assessment of the probabilities of successful prosecution. Nor does it serve to bring both sides together in court early in the proceeding to confront each other and begin working for a final resolution. Preliminary hearings further both of these objectives.

Under the so-called "information system", a charging document is filed in court by the prosecutor. It is based upon his own conclusions without any grand jury or judge to screen the evidence. This approach eliminates the grand jury process as a "rubber stamp" step that serves no particular function. However, although the present system may be ineffective, the alternative of no check whatsoever upon initiating a prosecution would seem unacceptable from either the standpoint of justice or from that of efficient administration. (Section 3 now provides that grand jury indictment can be waived by an accused, in which case prosecution is by information. Similar waiver can be authorized under the probable cause and preliminary hearing approach.)

Preliminary hearings procedures have actually been instituted in Alaska by the court system. Those who have been involved in and observed the process have generally found that it worked quite satisfactorily, usually bettern than the grand jury system. A defendant could be represented by counsel and had greater assurance that their rights would be protected. Although prosecutors had to do more preparation, they have been able to explore the defendant's case and interrogate his witnesses. The principal problem was that more attorneys and time were required than in processing cases through grand juries. However, it is likely that in the long run more cases will be settled as a result of the preliminary hearing and the necessary

finding of probable cause. Thus, overall economies will be effected while justice is being better served.

Assuming that a change is desired in the procedure for initiating criminal prosecution, there are several ways of changing from the grand jury to the preliminary hearing system: by practice, supreme court rule, supreme court decision, or constitutional amendment. The judicial system has, in effect, begun to use the preliminary hearing, and its use could be readily expanded so long as the various parties and interests continue to be satisfied. The fastest and easiest way would be to institute the change by supreme court rule, which could continue to give a choice between the two methods. There are some who believe that a supreme court decision establishing the preliminary hearing method as a right for defendants will be forthcoming sooner or later.

In view of these alternatives, constitutional change can be viewed as applying a major remedy when simpler processes are available. Amending the constitution may, however, turnout to be the most expeditious way, especially if the supreme court has not acted prior to a convention, if and when one is held.

Section 11: Right to Release on Bail

An accused in a criminal prosecution is now entitled to be released on bail, "except for capital offenses when the proof is evident or the presumption great."

A proposal has been made to expand the exception to also disallow release on bail to persons who may cause a danger to other persons or the community.

This suggestion is designed to help prevent occurrences of criminal acts being performed by persons accused of criminal acts who are out on bail. A seperate proposal would make ineligible for bail a person held for non-capital felony involving violence when the accused has been twice convicted of violent felonies. Bail could be denied only after a hearing and determination by a judge that there is evidence substantially showing guilt.

Section 12: Penal Administration

Part of the section provides: "Penal administration shall be based on the principle of reformation and upon the need for protecting the public." It has been proposed that this base should be expanded to include "just punishment" and "deterrents".

New Issue: "Right To Life"

Restriction of abortions has been proposed to the "right" of the unborn to be born and to live.

This matter was not an issue before the 1955-56 constitutional convention, as anti-abortion laws were extremely strict at that time. It is only since federal and state courts have upheld women's right to abort unwanted pregnancies that the issue has assumed massive and highly emotional proportions. One result has been a spate of statutory and appropriation restrictions on the expenditure of public funds to perform abortions. The impact has been principally to limit ability of poor women to obtain legal abortions.

"Right to life" advocates have two constitutional means of limiting abortions. First there could be a recognition and affirmation of the "right",

together with a directive to the legislature to implement the section; this would be akin to the privacy provision in Section 22. Second, a provisio could be included to prohibit or restrict the use of public funds to support abortions.

Constitutional recourse could also be taken by advocates of women's free choice to avoid undesired pregnancies. Their objective can be achieved by establishing the "right" of women to obtain abortions and/or restricting the legislature from imposing any limitations on such a right.

Abortion is probably not appropriate constitutional matter, particularly as the U.S. Supreme Court has established women's basic right to this procedure. However, passions on this issue run strong, and the state constitution may well be seen as a vehicle for asserting one's position. Faced with the same issue, the state legislature has refused to enact limiting statutes or restrict appropriations.

It must be recognized that the whole abortion issue is highly controversial and devisive. It could easily wreak havoc with a convention referendum and a constitutional convention.

New Issue: Alaska/Native Culture and Lifestyles

If the constitution had been written in the mid-70s, Native rights, freedom of culture, and the right to subsist off the land would have received major attention. Such was one conclusion reached during the 1976 constitutional review conference.

(The subject was given attention during the 1969 Brookings seminars, and some interesting conclusions were reached. Rather than recite those, the

findings and recommendations of the Future Frontiers conference will be used to develop this further.)

(A broader discussion of Alaska Natives and the constitution will be found at the end of this paper.)

ARTICLE II: THE LEGISLATURE

In establishing the governmental structure, the constitutional convention of 1955-56 acted on the premise that just as individual prerogatives should be enhanced to the utmost, so government should function as effectively as possible. Accordingly, each branch -- the legislative, executive, and judiciary -- was to be effective and strong in its own right. Because its powers and structure were strictly limited by Congress, the territorial legislature was quite weak. Legislative reform was, therefore, one of the primary objectives of the statehood movement and the constitutional convention. As a result, constitutional provisions were designed to achieve a strong legislature and an effective legislative process, including a legislature of sixty members, annual salaries, annual sessions without limit on length, a legislative council, and restrictions on enactment of local and special legislation.

Proposals to revise the legislative article are directed both at further strengthening the legislative process and at creating limitations stricter than those provided in the constitution. Among both categories are suggestions for a unicameral legislative structure, increase in membership, revising qualifications and disqualifications of members, limiting salaries and length of sessions, and others.

Section 1: Unicameral Legislature

Alaska's Constitution provides for a senate with a membership of twenty and a house of representatives with a membership of forty. Extensive discussion was given during the constitutional convention to the alternative of

a single-house legislature. Principal agruments in behalf of a unicameral system were: a single chamber operates more effectively than two and is able to more thoroughly consider proposed legislation, while hasty action can be avoided by appropriate rules; conflict between two houses is eliminated, as is the need for conference committees; legislative responsibility is more definitely fixed; substantial savings can be achieved through a reduced staff; the power of special interest groups and lobbies to defeat legislation is reduced.

Arguments favoring the bicameral system claimed that it would retain a structure that has been proven in most states, preserve an effective system of checks and balances and a more deliverative process, and assure more representation for different groups. Further, proponents voiced fear that Congress (which had to approve the state constitution) would not look with favor upon a unicameral legislature, and they raised the spectre that Alaska voters also might not go along with the change from the traditional territorial system.

It was clear after a major debate that an overwhelming majority of delegates wanted to go with the bicameral system, and the issue became moot. However, the unicameral concept was built into the legislative process by specifying that the two houses would act in joint session on governor's appointments and vetoes.

The unicameral issue had actually been raised in Alaska prior to the constitutional convention. On two occasions, in the 1930s and 40s, bills were introduced providing for a single-house legislature. Both times the proposals failed, although a memorial to congress favoring unicameralism was

approved by the territorial house in 1945.

Since statehood, the issue has been raised a number of times in the state legislature. Repeated proposals for constitutional amendments originated in the house but either did not see house action or, if approved, were killed in the senate.

The arguments about legislative structure have essentially been the same as those during the constitutional convention. Additional pro-unicameral sentiment has, however, been engendered by the fact that since the one-man one-vote rule was established under the U.S. Supreme Court decision in Baker vs. Carr, the house and senate represent the same populations, a departure from the original constitutional concept of each house representing different constituencies. It has also been argued that standoffs and maneuvering between the two houses has been responsible for long legislative sessions, and that the last minute legislative rush and the use free conference committees have resulted in irresponsible legislative practices and in poor legislation.

As before, countering these positions is the position that separate houses tend to check each other, result in greater consideration of bills, and help avoid bad laws. Most significant so far has been senators' opposition to diluting the power they can exercise in a twenty-member body.

As a result of continuing frustration, house members (lead by Representative Bill Parker) brought a referendum before the voters to obtain an expression about their views on the subject. Since under the constitution an initiative cannot be used to amend the constitution, the vote was to be strictly advisory. However, its sponsors hoped that popular approval of a unicameral legislature might exert sufficient pressure on the state to support

a constitutional amendment.

At the election, voters approved the single-house legislature proposal by a vote of in favor and opposed. However, this action did not result in any follow-up by the legislature. Although, an amendment for a unicameral legislature was again introduced, the senate has so far again refused to put the proposition before the voters.

A change from a two-house to a single-house state legislature can only be put into affect by changing the Alaska constitution. History so far indicates that an amendment to effect such a change will not be agreed to by the state senate. Therefore, it is now fairly clear that bringing about the change to a unicameral legislative structure would require a constitutional convention.*

An alternative way to establish the unicameral system would be created if the constitution were changed to allow for amendments to be proposed and approved by the voters through the initiative process. This subject is discussed under Article XIII.

Section 1: Membership

A number of constitutional amendments have been proposed to provide for an odd number of legislators in each house. Proposals have also been made to also increase the total membership of each house. Thus, several suggestions would increase senate membership from twenty to twenty-five and house membership from forty to fifty-one. The purpose of increased membership is to

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* Some time ago, after years of working for a single-house legislature, then state representative Ted Stevens decided to give up any attempt to obtain action by the legislature and, instead, urged the calling of a constitutional convention to effect a transition to a unicameral system.

spread legislative committee work among more people and to achieve smaller election districts. The principal reason for an odd number of members in each house of the legislature is to lessen problems of initial organization of each legislature that arise when parties or coalitions command equal number of votes. However, the matter of resultant districting difficulty needs to be addressed. At this time, with the house having twice as many members as the senate, senate districts can be multiples of or coterminous with house districts. If, as under the various proposals, the house membership is not double that of the senate, apportionment of legislative seats may become more complicated. Thus, unless the variance per member can be accommodated in a large multi-member district such as in Anchorage, either an excessive deviation from equal population standards may result, or a confusing differentiation between house and senate district boundaries may arise. These difficulties can be dealt with if the objective of odd-numbered memberships are considered more important.

Section 2: Members' Qualifications

SECTION 2: A member of the legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of the district from which elected for at least one year, immediately preceeding his filing for office. A senator shall be at least twenty-five years of age and a representative at least twenty-one years of age.

Two changes have been proposed to this section. One would eliminate the age requirement, and the other would modify the district residence requirement to accommodate changes occurring as a result of legislative redistricting.

It has been variously propsed that the constitution contain no minimum age requirement for legislators so that any qualified voter would be eligible

to serve in the legislature. This change can be effected by eliminating the last sentence in Section 2. This issue is pretty much one of personal philosophy. Recent years have shown that some of the youngest candidates elected made far more effective legislators than many of their elder colleagues. Terry Miller of Fairbanks and Terry Gardner of Ketchikan are prime examples. Under the present constitutional provision, neither met the age requirement to serve in the senate at a time of achieving high position in the house of representatives.

The stipulation that a member of the legislature must be a resident of the district from which elected for at least one year prior to filing for office could conceivably raise a problem for a legislator then in office when district boundaries are revised as a result of reapportionment. Accordingly, an amendment was considered in 1972 (SSJR 44) which would have provided that a legislator must have been "for at least six months, a resident of an area which, under the plan for redistributing and reapportionment in effect for the immediately preceding election, was a portion of the district from which he was elected." This somewhat cumbersome provision was not approved by the legislature, and to date no problems have arisen to necessitate the change. The original constitutional language would appear to be broad enough to cover the purpose of the proposed amendment.

Section 5: Disqualifications

> SECTION 5: No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected, or appointed to any other office or position of profit which has been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, secretary of state, or member of Congress. This section shall not apply to employment by or election to a constitutional convention.

Several changes have been suggested to this section: eliminating the restriction against office holding under specified conditions; exempting educators from the restrictions of this section; and substituting "lieutenant governor" for "secretary of state" in the second sentence. When the constitution was amended in 1970 to effect the name change to lieutenant governor, amendment of this section was inadvertently omitted.

Proposals to revise the one-year restriction on state office holding are predicted on the idea that legislators frequently have the kind of background and experience that would make them valuable members of the state executive branch. Suggested changes range from eliminating the restriction altogether to exempting from the restriction any salary increases resulting from recommendations by a salary commission or from a collective bargaining agreement. The latter approach would be designed to differentiate salary increases resulting from third-party recommendations or across-the-board raises from legislative action affecting individual positions to which a legislator might aspire. Such action may, however, not be necessary since the state superior court, in Jefferson vs. Strandberg, ruled that the one year provision applies not to general, across-the-board pay increases but only to isolated pay actions for specific state positions.

A separate proposal would exempt application of the section to "employment as a teacher or school administrator by the state, a political subdivision of the state, or the University of Alaska." This suggested amendment is the result of an earlier court decision that employment by the state as a teacher constituted a "position of profit" and could not be maintained while serving as a legislator.

Section 7: Salary and Expenses

Establishment of legislative compensation caused much debate during the constitutional convention and has been a problematic issue ever since. The constitution simply provides that legislators receive annual salaries. Providing for level of compensation has been left to the legislature.

The initial constitutional convention proposal called for an annual legislative salary equal to one-third of the governor's salary. However, ovjection was raised both to the payment of an annual salary and to the amount. Extensive debate took place on both issues, with a string of amendments presented to establish a daily rate and to limit both salary and per diem to a different percentage of the governor's salary.

A strong majority accepted the concept of an annual salary becuase the legislators perform legislative duties whether in session or not. There was also a feeling that daily compensation would encourage longer sessions, whereas an annual salary would encourage legislators to conclude their business with as much dispatch as the public interest would permit.

Most veteran legislators in the convention supported a high level of compensation to attract good people and compensate them for actual expenses and for loss of other income. The majority of those who had never been in the legislature supported a lower compensation.

Discussion about the level of an annual salaries dealt with a variety of ratios of a hypothetical gubernatorial salary. Relating these rates to different lengths of sessions (delegates expected that initial sessions after statehood might last up to five months, after which only one or two months might be required) and then computing daily income resulted in projections

of compensation that could range anywhere from $20 to several hundred dollars a day. In the end, the delegates agreed by a very close vote to set and provide for an annual salary without constitutional limitation. This action was taken in the interest of obtaining good legislators with high pay, while avoiding a fixed ceiling that might be unacceptable to the public and be overly inflexible.

Lack of constitutional directive or guidance on the level of compensation has, however, put legislators in the difficult position of establishing their own pay. Whether they do it directly or through a vehicle such as a salary commission, the public expresses much resentment about high salaries even when these may seem quite reasonable to legislators. In fact, voters in a 1976 referendum defeated a pay bill that had been enacted by the legislature, thus accentuating the issue.

Whether a truly satisfactory constitutional resolution of the issue can be evolved is somewhat questionable. While some would establish a limitation on legislative salaries, experience in other states has shown that where a specific amount is set in a constitution it quickly becomes obsolete. Changing the established salary by constitutional amendment is virtually impossible.

Setting a ration between legislative salaries and that of a governor may be somewhat more feasible now than when the constitution was written. The character and scope of legislative service is much clearer now than prior to and in the early years of statehood. Thus, a practical ratio might be established now, whereas in 1955-56 delegates struggled vainly to do so.

An independent salary commission provides a potential vehicle for handling the conpensation issue. But such commissions have quite often come forth with substantial salary increases that proved highly unpopular with the public and put extreme pressure on legislators at both federal and state levels to override or restrict their recommendations for political reasons.

Section 8: Session Limit

No limit on the length of legislative sessions is established in the state constitution. As sessions have become longer in duration over recent years, a series of resolutions have been introduced to restrict their duration. However, none of the proposed constitutional amendments have been approved by the legislature.

At the 1978 general election, the legislature asked Alaskans to cast an advisory vote on establishing a maximum 120 day length for regular legislative sessions; provision was included for a ten day extension by concurrent vote of each house. The actual proposition asked voters whether a constitutional amendment to that effect should be placed before the qualified voters at the 1980 general election. Voters approved the proposition by a margin of 3 to 1.

Arguments in behalf of a session limit focus principally on the increased order and speed that would result from everyone being aware of timing requirements and session deadlines. Opponents argue that the increased complexity of state business necessitates availability of adequate time for legislative consideration, and that specific closing dates would work into the hands of

powerful lobbies that would have an easier time killing legislation they dislike.

Actually, both sides to the issue agree that shorter sessions are desirable, and the principal question is whether a constitutional limit needs to be established. An alternative to setting a maximum session length is establishing stricter guidelines and deadlines for legislative work and increased recourse to and greater effectiveness of interim committee work.

Several variants to session limit proposals have been submitted and discussed in the past. Among these is a proposal to recess the legislature 65 days after the governor submits his budget, unless the legislature by extraordinary majority votes to proceed without a recess. The legislature would subsequently reconvene in special session, with the principal order of business being the general appropriations bill. The purpose of this approach is to get the regular business of the legislature out of the way, permit interim work on the budget, and then concentrate exclusively upon the budget after recess.

Section 11: Interim Committees

The governor's authority to make budget revisions after the legislature enacts the annual appropriations bill has been a matter of controversy for a number of years. Legislative attempts to have the budget and audit committee exercise approval rights over budget transfers and over expenditure of federal and other program receipts have been struck down by the courts as unconstitutional. To accomplish its objective, the legislature then

proposed that the constitution be amended to establish an interim committee to approve state budget revisions jointly with the governor. Voters defeated this proposed constitutional amendment by a 3 to 2 margin.

The issue in this controversy is the question of whose prerogatives are being abbrogated under the present system and whose would be limited if a change were effected. In other words, it is a question of executive versus legislative power.

The legislative argument is that gubernatorial transfer of funds from an appropriated purpose to another constitutes an amendment of a legislatively enacted appropriations bill. However, even though the constitution authorizes interim committees, it does not specifically provide for delegation of legislative powers to such committees. Accordingly, legislators favor a constitutional change that would authorize the legislature to establish an interim committee to approve state budget revisions.

Countervailing arguments are based principally on opposition to legislative interference with executive branch control and efficiency, which are responsibilities of the governor. Adequate legislative control is deemed to exist in the initial appropriation process and subsequent legislative audit of state expenditures.

According to the state supreme court, this is strictly a constitutional issue. Since Alaska voters have only recently turned down a constitutional amendment, the only potential recourse on this issue would appear to be via revision in constitutional convention.

Section 15: Action Upon Veto

(anything needed on this subject?)

New Issue: Free Conference Committees

Much criticism has been levied in recent years at the effects of legislative use of free conference committees. Such committees are utilized to resolve differences between bills passed by the two houses of the legislature. Composed of members appointed from each house, a free conference committee has extensive authority to revise the legislation approved by the two bodies, frequently bringing forth a version quite different from either of the original bills it considered. Bills reported by the committees are subject to approval by both houses.

Critics of free conference committees deem that these bodies become "super legislatures", because they effectively function beyond control of the membership. This results from committees usually holding their results until the very end of the session. Usually dealing with some of the most important legislation, committee reports then have to be dealt with during an adjournment rush that provides little time, if any, for consideration of the changes made. The result has been characterized as embodying the worst possible features of a unicameral legislative system, one functioning without proper rules and safeguards.

Despite criticisms, conference committees are needed in a bicameral legislature to help adjust differences between legislation emanating from the two houses. The committees are established under legislative rules.

There is no constitutional language dealing with such committees. And none seems required, since problems and abuses could be dealt with by the legislature if its members so desired. It is only in the case of continued ill feeling about the use of free conference committees that a constitutional convention, if one were called, might deal with the issue. A legislatively-sponsored amendment is, of course, highly unlikely.

ARTICLE III: THE EXECUTIVE

Constitutional provisions for the executive branch were designed to establish a strong executive to complement a strong legislature and an independent judiciary.

Under territorial government, executive authority was highly defused. Many functions were under direct federal agency jurisdiction, such as road building and fish and game. Other functions fell under federally appointed officials, who included the governor, Secretary of Alaska, judges, district attorney, tec. To dilute the authority of the federally appointed chief executive, the legislature provided for a number of elected officials (attorney general, treasurer, highway engineer, and commissioner of labor) and established dozens of boards and commissions as a further means of bypassing federal control.

Government then was neither responsible nor responsive to the people of Alaska. As a result, convention delegates were ready to make basic structural changes so the people could hold the governor wholly responsible for the conduct of state adminstration. There was consensus, both within the convention and throughout public hearings, that the constitution should provide a strong executive who would appoint state department heads. The governor was to be responsible for his entire administration.

Some critics have since argued that governors have too much power under the constitution, although others have held that state executives have actually not utilized their authorities and responsibilities sufficiently to serve the people well. In these times, a strong governor is considered

by many important to upholding the state's interest in dealing with the federal government.

Generally, observers have deemed the executive article to have served Alaska well, as evidenced by the lack of any substantive amendments. The only change has been to rename the "secretary of state" as "lieutenant governor".

Sections 4 & 5: Governor's Term of Office and Tenure

The constitution establishes the governor's term of office at four years (Section 4) and authorizes the governor to serve two full four-year terms (Section 5). Incumbent governor Jay Hammond has suggested that state governors serve a single six-year term. The principal reason for the proposal is to eliminate a governor's concerns about reelection and, with the compromises and political expediencies that such concerns usually beget. It has also been suggested that too large a part of a four year term is devoted to becoming an effective governor and that the end of the term, and reelection time, approaches too soon after that. A six-year term would permit the government and implement and the policies upon which he was elected.

Opponents of this idea argue that a six year term is too long and that voters should have an earlier opportunity to effect a change in administration if they so desire. The brief history of the state demonstrates that voters are quite ready to change governors before they have completed two full successive terms; in fact, Hammond is the only exception.

Section 7: Lieutentant Governor

Members of the constitutional convention committee on the executive branch did not want a lieutenant governor who would mainly "lay corner-stones and address chamber of commerce luncheons". To prevent that, they proposed that the position be closely tied to that of the governor, assuring both a working relationship and a logical succession. The idea was accepted in the constitution, which provides that the people would have the opportunity to select their lieutenant governor by vote in the primary and that he then run jointly with the governor in the general election, thus assuring that both would be of the same political party while having been popularly selected. This decision was arrived at after considering other alternatives such as an independently elected lieutenant governor or one appointed by the governor.

Although there has not been much public discussion of the lieutenant governor's roel or method of selection (except during election times by candidates for that office), most panelists evaluating the executive branch during the 1976 constitutional review conference were of the opinion that the lieutenant governor should be selected by the gubernatorial candidate prior to the election and then run as a team. References to the existing selection process described it as "ridiculous, a sham" where the two candidates "run in a half-baked fashion together" (John Hellenthal), a "non-buddy system" which "guarantees the second best" and creates a testing ground for "grade D" politicians (John Havelock), a system where if something happens to the governor "we'd wind up with the second, third, fourth, tenth best person" (Andy Warwick). Reference was also made to clashes between incumbents in

the two top offices and even occasional hatred between them.

No constitutional amendment to change the lieutenant governor selection process has been introduced so far. The present method was devised by the constitutional convention to overcome the practice of ticket balancing that also frequently results in not such good candidates in the second elective position. Under the current method at least, the lieutenant governor candidates, as well as the candidate for governor, is initially selected by the voters in primary election. (Independent candidates, who do not run in the primary, do run on a self-selected basis.)

Section 13: Succession

Constitutional provision is made for succession of the lieutenant governor in case of a vacancy in the office of the governor. Further provision is to be made by the legislature for succession to the governor's office and for an acting governor in the event the lieutenant governor is unable to succeed to the office or act as governor. (What is the problem? Why further constitutional language proposed? What?)

Section 25: Election of Attorney General

Heads of all principal executive departments are appointed by the governor. That constitutional provision includes the office of attorney general, head of the state department of law. However, proposals for election of the attorney general have been made many times since statehood.

Election, rather than gubernatorial appointment, is usually favored by those who are displeased with activities of the state administration, including the governor's political opposition. But, even when the "outs" have advocated making the attorney general an elective office, they quickly abandoned the idea once they were "in". For internally, the appointive method seems to work well for the operation of the executive branch, with the attorney general usually one of the closest policy advisors to the governor. That has not, however, let the issue die, for there are still continuing questions about the various roles of the attorney general, particularly those pertaining to the administration of justice.

1955 convention delegates discussed at length whether the attorney general should be elected or appointed. A problem in that debate was lack of agreement about functions of an attorney general. Some viewed his role as strictly that of a legal advisor to the governor and to other officers in the executive branch. Others believed he performed similar functions with respect to the legislature. Yet others felt that because the attorney general prosecutes cases on behalf of the state, he should be independent of those (including the governor) responsible for administering the state's police functions. And some further argued that a major purpose of the attorney general's office was to keep the executive honest. Despite these disagreements about functions and responsibilities, however, delegates overwhelmingly rejected proposals for making the attorney general elective or subject to nomination through the judicial council in a method similar to that provided for judges.

It would be difficult to resolve the attorney general issue without reaching at least some agreement about the role of that office. One possible approach would be to establish two seperate offices or departments to divide responsibilities for functioning as legal counsel to the executive branch and for administration of justice.

Election of the attorney general remains another option, though it would be viable only if that office were divorced from serving as the governor's legal advisor. The election option had been rejected by the constitutional convention principally to avoid politicizing state admistration of justice and potentially creating power conflicts between the governor and attorney general.

Further proposals have been made to elect district attorneys and state prosecutors. This idea had not even been considered by constitution writers as it would have been counter to the basic principle of focusing responsibilities in a limited number of department heads and, ultimately, in the governor. The arguments applied against election of the attorney general and judges -- opening positions involved in the administration of justice to all the undesirable aspects of partisan and elective politics -- would certainly have also been brought to bear to defeat such proposals in the convention.

ARTICLE IV: THE JUDICIARY

Alaska has a unified judicial system under the constitution. It consists of the supreme court, superior court, and other courts established by the legislature. The entire court system is under the rule-making authority of the supreme court; the chief justice is the administrative head of all state courts.

Three amendments to the judiciary article have been adopted. Two of them, approved in 1970, were designed to avoid abuse of power by the chief justice. An amendment to Section 2 provided for selection of the chief justice by a majority vote of the supreme court justice, rather than having him designated by the governor; it also limited service as chief justice to one consecutive three-year term. Section 16 was changed to specify that the court's administrative director serves at the pleasure of the whole supreme court, rather than just at the pleasure of the chief justice. In 1968, the original section dealing with removal of incapacitated judges was repealed, and a new section creating a commission on judicial qualifications and establishing a revised process was enacted in its place.

Other proposed revisions to the article have dealt with election of judges and composition of the judicial council.

Section 5 & 6: Selection and Retention of Judges

The existing judiciary article of the constitution embodies a nonpartisan plan for selecting judges that is based on the American Bar Association and Missouri Plan models. Under it, the governor appoints judges from nominees

presented to him by the judicial council, which is composed of three laymen appointed by the governor with the consent fo the legislature, three attorneys named by the organized state bar and the chief justice, who serves as chairman. Three years after his first appointment, a judge must submit his name to the voters for approval or rejection. Once approved, a superior court judge goes before the voters for reconfirmation every six eyars, and a supreme court justice stands for popular approval every ten years. The purpose of this provision is to make judges responsible to the people without subjecting them to partisan politics or competitive campaigns for election or reelection.

Although the alternative of electing judges was debated at the 1955 convention, the appointment process was approved by 51 to 2 vote. Despite that overwhelming approval of the appointment process by convention delegates, the proposal to elect judges rises periodically. Numerous resolutions have been introduced in the legislature to provide for election of judges. The argument for this method is generally related to achieving greater responsiveness of judges to the public wishes and values. The counterargument, of course, is the reverse side of the coin: elections would subject judges to partisan politics and competitive campaigns for election or reelection. It has been estimated that at least 90 percent of state bar association favor the judicial appointment system over elections.

In the retention election held three years after initial appointment and periodically thereafter, judges run unopposed on a non-partisan ballot. The reconfirmation process has been criticized because without traditional party

guidelines and the clash of personalities, the generally low visibility of court-related issues precludes voters from making an informed decision about on-the-bench performance of a judge. Unless they hear news of serious criminal charges concerning an incumbent judge, typical voters will either cast an automatic "yes" ballot or not bother to vote at all. Inevitably, the outcome of such "merit retention" election has been a heavy majority in favor of retention, subject only to the possibility that some special interest group might mount enough of a campaign against a judge to provide the decisive element in a low-turnout, majority "no" vote.

The validity of these criticisms turns in large part upon the problem whether the public is informed about the record and qualifications of retention candidates. A recent survey sponsored by the judicial council showed that Alaska voters do want to know more about the justices and judges they are voting on. In particular, people want to know more about judges' performance records, their personal attributes, and their positions on key laws and issues. Alaska is the only state that has a statutory requirement for judicial evaluation.

To deal with the problem of providing information to the public, the legislature in 1975 required the Alaska judicial council to evaluate judges and provide the information to voters. Currently, the council evaluates judges according to a list of criteria that includes legal knowledge, reasoning ability, sentencing factors, equal treatment of all individuals, restraint from favoritism, a basic sense of fairness and compassion, willingness to work diligently, and integrity. Evaluations themselves are determined with the help of polls among a variety of groups, including attorneys, peace officers,

and jurors who have served under a particular judge. Rural problems have arisen in evaluation of judicial performance, due primarily to lack of objective measures. The judicial council is now investigating measures to bring about more effective and useful evaluations and better means of informing the public.

Giving more information may not, however, still the criticism of the retention process. The record to date shows that only one justice has been rejected by the voters, a person respected by his peers and by knowledgeable attorneys; on the other hand, judicial council recommendations for non-retention of judges have been ignored by voters. It has, therefore, been suggested that the judicial qualifications commission would provide a more valuable and efficient instrument for screening out judges who should be removed or disciplined. A further suggestion is that th commission also be entrusted with initial screening of judgeship candidates, so that both the nominating and the evaluation responsibilities would be lodged in the same body, thus assuring consistent application of standards.

Section 8: Judicial Council

The judicial council performs a key role in the selection of judges and conducts studies for improvement of the administration of justice. The council consists of seven members: three attorney members appointed for six year terms by the board of governors of the Alaska Bar Association, three non-attorney members appointed for six-year terms by the governor subject to confirmation by the legislature, and the chief justice of the supreme court, who is chairman of the council.

At the end of the constitutional convention, some criticism of the judicial article was voiced by a group of convention consultants. Specifically, they felt that the article went "a long way toward withdrawing the judicial branch from the control of the people of this state and placing it under that of the organized bar. No state constitution has ever gone this far in placing one of the three coordinate branches of the government beyond the reach of democratic controls. We feel that in its desire to preserve the integrity of the courts, the convention has gone farther than is necessary or safe in putting them in the hands of a private professional group, however public-spurted its members may be." The consultants suggested a number of revisions that would, in their view, democratize the proposed system by providing for legislative confirmation of attorney members of the judicial council, adding a superior court judge and another lay member to the membership of the council, and other changes. In view of the late hour of their suggestions, none of them reached full convention consideration.

Among more recent proposals for revision in the memberhsip of the judicial council was one to increase its membership from seven to fifteen. The change proposed by Senator Hjalmar Kerttula in 1969 would have left the three attorney members, increased the number of non-attorney members from three to five, and provided for non-attorney members of the legislature, two from each house; in addition, one superior court judge and one district court judge would be appointed for six-year terms by the chief justice. Although, these proposals for council expansion have been made to reduce the

influence of the bar association, Alaska judicial council executive director Michael Rubenstein and other legal specialists believe the present composition is satisfactory and that lay members are not overpowered or dominated by lawyers. Rather, he sees the lay members as having full understanding of what goes on and as being characterized by individualistic, independent thinking and common sense attitudes. Thus, he sees council composition as being quite satisfactory.

Section 10: Commission on Judicial Qualifications

The commission is composed of five judges (one supreme court, three superior court, and one district court), two attorneys selected by the state bar association and two lay individuals appointed by the governor and confirmed by the legislature. Suggestion has been made that the commission's composition be changed by constitutional amendment to include only three judges and to increasing attorney and lay membership to three each, leaving the total commission membership at nine. This is deemed to provide a better balance and would accord with the American Bar Association model for judicial qualification commissions.

ARTICLE V: SUFFRAGE AND ELECTIONS

Voter qualification provisions set forth in the first section of this article has been amended three times, more changes than have been made to any other section of the constitution. In 1966, an amendment was approved to permit the residency requirements for voting for the President and Vice-President of the United States to be prescribed by law. A 1970 change lowered the voting age from 20 to 18, something that was proposed during but not approved by the 1955-56 constitutional convention. The third amendment, also approved in 1970, eliminated the requirement of ability to read or speak the English language as a prerequisite to voting.

No further changes to this article have been proposed during the past decade. Has anything constitutional in nature emerged from legislature and lieutenant governor deliberations on electoral reforms?

ARTICLE VI: LEGISLATIVE APPORTIONMENT

Alaska's original constitution established an apportionment system under which the house of representatives largely, but not completely, based on population. The senate was designed to reflect geographic/regional components of Alaska. The districting and apportionment provisions of the 1955-56 constitution were evolved after much dessension and through hard fought compromise between those who pursued the one-man one-vote principle (which had not yet been sustained by the U.S. Supreme Court) and those who were concerned that people of sparsely settled and remote areas also be represented in the legislature.

Now, however, much of the article is obsolete in view of the U.S. Supreme Court's one-man one-vote rule (Baker vs. Carr). Thus, the use of "methods of equal proportions" (Sections 5, 6, and 7) and limitation on changes in senate districts and apportionment (Section 7) are no longer in force. It is problematical what degree of freedom, if any, the Alaska constitution can have to deviate from a one-man one-vote under the U.S. constitution. Strong arguments ahve been made that the geographic and demographic characteristics of Alaska are such as to necessitate adjustments to usher rural areas and native population of adequate representation. This problem will become ever more serious as urban concentrations in Alaska continue to grow and include an ever increasing proportion of Alaska's total population.

It is questionable what constitutional changes can be made in Alaska to resolve this situation. Probably all that can be done with the article is to delete and revise obsolete and inapplicable matter.

ARTICLE VII: HEALTH, EDUCATION & WELFARE

Section 1: Public Education

In part, Section 1 provides: "No money shall be paid from public funds for the direct benefit of any religious or other private educational institution." An even tougher provision (which would have prohibited "direct and indirect" benefits to any religious or other private educational institution) was rejected in order not to restrict help to children to attain the fullest level of individual development through programs, such as free lunches and bus transportation. However, court interpretation of the constitution has strictly limited the assistance that could be provided to non-public institutions, in effect maintaining a very strict line between expenditures for public and private educational purposes.

The constitutional provision was primarily aimed at institutions and was not meant to restrict assistance available to students. Furthermore, convention consideration of this issue was directed exclusively at primary and secondary school education, whereas current questions revolve mainly around state aid to higher education.

Section 2: University of Alaska

An issue that may well require constitutional resolution is the emerging conflict between the legislature and the University of Alaska. The University claims that under Section 2, it has special status within the overall structure of state government and that legislative authority over the university and the board of regents is limited. The issue is now before the court as

a result of a lawsuit brought by the University of Alaska to establish its freedom from legislative control. While the state supreme court may eventually rule on the respective authorities under the constitution, a change in the constitution's language may be necessary to resolve the conflict and accommodate the disparate interests, a resolution that can probably not emerge from the legislature, since it is a direct party in interest.

Section 2 of Article VII reads:

> The University of Alaska is hereby established as the state university and constituted as a body corporate. It shall have title to all real and personal property now or hereafter set aside for or conveyed to it. Its property shall be administered and disposed of according to law.

The university has claimed that the legislature is given only limited jurisdiction under this provision and that the manner in which it manages its finances is not subject to specification by law. The legislature, on the other hand, has continued to specify in significant detail how the university will administer its funds, and has thus established a basis for controlling operations of the university.

A proposed constitutional amendment was introduced in the legislature to specify that funds appropriated to the University of Alaska, as well as its property, shall be administered and disposed of according to law.

ARTICLE VIII: NATURAL RESOURCES

According to terms of Alaska statehood bills pending at the time of the 1955 convention, more than 100 million acres of land would be transferred from federal to state ownership upon statehood. Alaska would also receive title to subjerged lands in contiguous waters and to lands under inland navigable waters. The state would assume ownership of all mineral resources on and under its land. It would take control over commercial and sport fisheries and wildlife resources. Thus, it is no wonder that the drafting of provisions covering the natural resources of the future state was viewed as one of the great challenges for the constitutional convention.

In preparing the natural resources article, the convention was conscious of how the federal government as well as older state governments had failed to conserve and properly develop land and water resources. Likewise, the convention was mindful of the inadequacy of federal management of Alaska's resources. It recognized the need to provide a harmonious balance between comsumption and preservation of resources, while at the same time preventing inappropriate exploitation or subversion of resources by special interests.

In drafting the resources article, the convention had no precedents to work with. Most state constitutions are silent on the subject. The few that deal with it cover only limited topics such as water rights, minerals, or land management. As a result, Alaskans had to "invent" their own constitutional provisions. This they di on the basis of modern resource

management principles and their own experience in Alaska.

An important factor to remember is that both the federal government and Alaskans in general viewed resources as the future economic foundation for the state. In order to assure its financial viability, the statehood bills being considered by congress were providing Alaska with a far greater share of federal lands than had been granted to any other state. Delegates and others similarly saw resources as the means by which the people and the state government would eventually be supported.

The '50s were a period of optimism and hope for Alaskans. The economy had been booming as the result of defense activities, and population had increased significantly. At the same time, Alaska was still a very undeveloped country with less than 200,000 people. The resultant emphasis was on economic development, and this direction is clearly reflected in Section 1 of the resources article:

> It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

Section 2 pursues this statement of policy through a broad statement of legislative authority:

> The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

In this context, "conservation" refers to wise use of resources rather than their preservation, and "maximum benefit of its people" was designed to emphasize the greatest economic benefit to the most citizens. Further sections of the article pursued these basic concepts.

Conditions have significantly changed since the constitution was written and Alaska became a state. The dream of resource based economy has been realized: oil development has made Alaska a wealthy state. Although, economic aversification is still a goal being pursued, the viability of the state is no longer an issue. Concurrently with wealth, and partly as a result of it, there is an increasing concern about the quality of life and the environment. While partly reflecting national trends, it is also a factor closely related to the special characteristics of Alaska's people and their values.

As a result of these changes, the policies underlying the constitution natural resources article have been called into question. Various proposals have been made to change the statement of policy included in Section 1. Thus, one proposal would have substituted "wise use" for "maximum use" of natural resources as the basis of state policy and would have substituted the policy of protecting the natural environment for the present statement encouraging settlement of land and development of resources. (SSJR 60, Sixth Legislature, Second Session). While not all would substitute an environmental philosophy for the development thrust underlying the present constitution, others too have suggested creating more of a balance between these principles.

Some of the resource management concepts have also been called into question. For example, Section 4 specifies that replenishable resources -- fish, forests, wildlife, and others -- should be managed for "sustained yield." Delegates realized that the meaning of this term was vague and subject to

individual interpretation. And so it has proven, providing no basis for establishing specific standards or gauging limits for management purposes. The problem has been compounded by the evolution of such variances as "optimum sustained yield", "maximum sustained yield", and the like.

Similarly, delegates wanted the concept of "multiple use" of land applied wherever practicable. However, application of this concept is not easy in the real world. Emphasis on highest and best use has been increasingly substituted as a management principle, even though popular lip service continues to be given to the multiple use idea. The reason for the change is the infrequency of situations where different uses of land can be truly compatible and carried on concurrently. It has been found that realistically one use or another is considered better or preferred, with other uses then occurring so long as they do not interfere with the principal use.

The significance of any of these issues may be questioned. State management of its resources has not blatantly followed constitutional concepts when these were obviously inapplicable. The policy language of Article VIII is sufficiently qualified to allow for significant leeway. Thus, Section 1 modifies the land settlement and resource development policy by stating that their maximum use would have to be "consistent with the public interest." Similarly, the development emphasis of Section 2 is stated to be "for the maximum benefit of its people," and where the "maximum benefit" might lie on the side of environmental preservation, then the result could obviously move in the direction of non-development. Likewise, although the sustained yield and multiple use principles may be difficult to define, in

practice resource managers have had significant flexibility in administering state land and resource programs. Which, of course, leads to another criticism levied at the resources article: its lack of effective guidelines for managing the state's resources and environment.

Major developments of the past fifteen years were, of course, not taken into account by the constitution writers, principally Alaska Native land claims, major oil development, and the national energy crisis. Some participants at the 1976 constitutional review conference expressed the opinion that these are sufficiently significant to justify a review and updating of the resources article, if not necessarily the entire constitution.

* * *

Aside from issues of major policy directions and emphases, there do not appear to be significant problems with the resources article. Only one amendment has been made so far: revising the prohibition of exclusive rights of fisheries to permit establishing a limited fisheries entry program when in the interest of conservation, protecting the economic welfare of fishermen, or promoting agriculture.

A few other issues might, however, arise in a current review of natural resources article provisions.

Section 3: Common Use of Resources

Section 3 provides: "Wherever occurring in the natural state, fish, wildlife, and waters are reserved to the people for common use." With increasing population and resultant greater pressures on game, relatively fewer

wildlife resources are available to the people of Alaska. This has created problems and conflicts, particularly between sports hunters and people depending on game to meet their basic food needs. The common use provision of Section 3 has been to argue against giving subsistence users a preferential right to game. Thus, in

the superior court found that sportsmen and other hunters from outside a region could not be prevented from taking game in an area that the state was by regulation reserving to local subsistence users. (But wouldn't Section 17 regarding equal application of regulations to all people similarly situated provide a ready way of providing for subsistence users; should the state wish to do that?)

Section 9: Land Disposal

A broad grant of authority is given to the legislature under Section 9 to provide for the sale or grant of state lands; Section 8 authorizes the leasing of lands. There are no policies, directions, or restrictions that would provide a basis for specific programs of land disposal by the state.

The only constitutional issue might arise in response to popular pressures for large scale land disposal. Dissatisfied with the level of state land transfers to individuals, advocates of increased state land divestiture might resort to the constitution as a means toward attaining their objective. (An initiative designed to promote land disposal, the so-called Beirne initiative of 1978, was ruled unconstitutional by the supreme court under Section 7 of Article XI, which prohibits the use of initiatives

to make appropriations.) While not specific, the constitution is certainly broad enough now to accomodate any policy or level of land distribution.

ARTICLE IX: FINANCE AND TAXATION

The finance and taxation article has been revised only once. It was amended in 1976 to establish the permanent fund as a means of preserving some of the state's oil revenues to privide income in the future.

Principal constitutional issues are potential establishment of limits on taxes and expenditures, increases in the share of petroleum revenues accruing to the permanent fund, and possible changes in the process of incurring state debt.

Section 1: Taxing Power

Alaska's constitution contains no limitation on the state's ability to levy taxes. Section 1 basically requires that the power of taxation will not be surrendered, suspended, or contracted away. Section 2 states that property of non-resident citizens may not be taxed at a higher rate than that owned by residents of the state.

Elimination or significant reduction of state income taxes has been proposed in legislation and in a pending initiative. Elimination and reduction of property taxes, now levied principally by municipalities, have also been suggested. Other proposals for sharing current oil wealth with citizens are also under discussion.

Some action in the area appears likely during the 1980 legislative session. No constitutional amendments to restrict taxation have been proposed. Since no taxes are levied by the constitution, the direct recourse,

of course, is through the legislative route. Lack of legislative action may, however, lead to public pressures for constitutional tax limitation.

Section 8: State Debt

Every two years, Alaska voters are asked to approve a large array of general obligation bonds. This they are required to do under the Section 8 provision that: "No state debt shall be contracted unless authorized by law for capital improvements and ratified by a majority of the qualified voters of the State who vote on the question." Section 9 exempts revenue bonds from the requirement for voter approval.

Bond issues are placed before the electorate as a result of legislative action. Generally, the legislature groups capital projects by major categories that provide something for each region and balance various interests. The result has been approval of almost all bond pro-positions.

This process has come under increasing criticism, for no one assumes responsibility for bonding proposals and increasing the state debt. The governor makes his recommendations to the legislature, which sometimes accepts his suggestions but generally develops its own bonding packages. Thus, the governor is only suggesting projects for legislative consideration.

Legislators, however, also assume no responsibility. All they do is put the propositions before the voters for approval. The voters, in turn, assume the legislature had a purpose in proposing the particular bond packages and so, since the proposals always contain something for everybody, they add their stamp of approval.

A discussion pertinent to this issue occurred during the 1955 constitutional convention. It was proposed that contracting of debt be authorized

either by two-thirds vote in each house of the legislature or, as now provided in the constitution, by majority approval in the legislature and voter ratification in statewide referendum. It was pointed out that a number of states already authorized borrowing by a super-majority vote and that this alternative would streamline bond consideration and save money in instances before approving a bond issue not supported by the required majority of legislatures.

The convention, however, chose to require that the public vote in all instances on creation of general obligation debt. Experience since then does indicate that the alternative would put a far greater responsibility on legislators when approving an increase in state debt. Furthermore, it would alert voters to obvious questions in those instances where lack of extraordinary majority in the legislature forces bond issues onto the ballot.

Section 12: Budget

In November 1978, the governor identifed creation of a constitutional limit on the size of the state budget as his top legislative priority for 1979. He did not, however, pursue the proposal.

Actually, the governor already has the means to limit growth of the state budget and of state government. Under the constitution (Section 12), the governor initiates the state budget. Experience over the years has shown that this budget becomes the basis for legislative consideration of expenditures, and the final budget is usually predicated on the governor's proposals. Even more important to the control of expenditures is the

governor's constitutional authority to exercise his veto power to strike or reduce items in appropriation bills (Article II, Section 15). Thus, control of excessive budget growth is within the power of the governor.

Popular desire to limit budget browth beyond any controls exercised by the governor and the legislature may well lead to proposals for establishing constitutional limitations. Few states, however, have so far found the kind of limiting language that does not concurrently hamstring effective, and frequently economical, operations of government.

Section 15: Permanent Fund

Restrictions against earmarking of state revenues were considered to be the most innovative feature of the constitution's finance article. In prohibiting dedication of funds (unless earmarking existed at time of ratification of the constitution or was required to participate in a federal program) delegates were following a principal tenet of public finance. Experience had shown that proliferation of dedicated funds could create a situation when neither the governor nor the legislature has any real control over the finances of a state. Thus, in one state the legislature was free to appropriate only 17 percent of tax collections; the rest were dedicated. Before statehood, close to 30 percent of territorial funds were earmarked.

Appearance of massive oil revenues gave rise to a constitutional amendment, approved in 1976, to authorize establishment of the Alaska permanent fund. Its objective was to save at least part of the state's mineral revenues for the future. The new Section 15 of the finance article

requires that at least 25 percent of all mineral lease rentals, royalties, royalty sale proceeds bonuses and federal mineral revenue sharing payments, be placed in the permanent fund. The principal of the fund is to be used only for income producing investments as specified by the legislature. Income from the permanent fund is to be deposited in the general fund unless otherwise provided by the legislature. Revenue from the sources now going into the permanent fund constitute only about half of direct state income from petroleum resources; the balance is derived from severance and property taxes. The share of oil and gas revenues being set aside is thus actually only one eighth (1/8) of the total being received by the state. Proposals have been made to increase this amount to anywhere from one fourth (1/4) to one half (1/2) of total petroleum income received by the state.

While the legislature can deposit into the permament fund more than the constitutionally specified minimum of petroleum revenues, such action would in no way guarantee that subsequent legislatures would follow similar action. Since part of the philosophy behind establishing a permanent fund is to segregate the fund from other monies available for legislative appropriation, an amendment of Section 15 would be required to effect a mandatory appropriation beyond the current ratio.

ARTICLE X: LOCAL GOVERNMENT

It took many years for the local governance system established under the constitution to be accepted by the general public. At the time of statehood, local government units consisted only of cities, independent school districts in the larger urban areas, and a few public utility districts; Congress had prohibited Alaska from creating counties. The constitution established a new areawide unit -- the borough -- and specified that the local government system will consist only of cities and boroughs. It was several years following statehood before implementation of the borough concept began. The legislature, as the constitutional convention, saw the borough as an evolving governmental form that would adapt itself to the differing needs of the various areas and regions of the state. Due to school bonding problems, however, the mandatory borough law was enacted in 1963 to create boroughs in Alaska's major urban areas. The people in these areas were generally not in favor of creating the new borough units, principally because need for them had not yet been established.

Fifteen years later, boroughs are an accepted part of the governmental system of Alaska. The continuing conflicts between boroughs and cities that characterized the first ten years have pretty well evaporated. Aside from time itself, a big factor in this has been city-borough unification.

However, the borough system has not yet been implemented in rural areas; the only non-urban borough is on the North Slope. The process of dividing the single unorganized borough into regional unorganized boroughs, as

contemplated by the constitutional convention, has begun. If this process is carried on, citizens in rural areas will obtain the instrumentalities for participating in local governance that is contemplated under Article X. Once the unorganized borough problem is dealt with in a manner suited to rural Alaska, the basic implementation of the article will be complete.

At this juncture in time, no constitutional issues face the local government article. The rural borough situation can be dealt with by the legislature. Extention and expansion of home rule powers of local government can also be accomplished by law. The only topic falling into the constitutional realm is one of philosophy: to what extent should greater reliance be placed on the local end of the government spectrum -- should more state powers and state funds be channeled to local governments -- is this an appropriate means of holding down the growth of state government, of "big government"?

ARTICLE XI: INITIATIVE, REFERENDUM AND RECALL

Of this article's three components, constitutional revision suggestions have been made only in the case of the initiative. The referendum and recall provisions have been used in only a few instances. The initiative, however, has proven a fairly popular instrument, its use increasing greatly during the last few years.

Depending on people's point of view, initiative petition requirements should either be tightened or relaxed. Under the constitution, a petition requires signatures equal in number to ten percent of those who voted in the preceding general election and resident in at least two-thirds of the state's election districts. The variuos capitnl move initiatives have shown that it is easy enough for a dedicated group to obtain this percentage and distribution of signatures. More novel ideas have had a more difficult time meeting qualifications. It is not likely, however, that any particular set of different signature requirements would have a major effect upon the popularity of the iniative device.

Suggestions have also been made to establish stronger safeguards against legislative recision of initiatives enacted by the voters. The record in this matter has been quite uneven. In the case of capital move initiatives, the legislature has generally refused to make any changes in popularly enacted laws, even when and where authorized by the constitution to do so. On the other hand, advocates of election reform have held that the legislature has been excessively liberal in revising initiatives beyond orifinal language and intent. Here again, drawing clear lines would seem to be particularly difficult.

Similarly complex is the matter of assuring proper wording and constitutionality of initiative proposals. As it is, a bill drafted by proponents of an initiative is not subjected to any kind of legal or drafting review or scrutiny prior to being put before the voters for enactment. This sets the basis, as with the Beirne land disposal initiative, for a potential supreme court finding of unconstitutionality. Similarly, poor drafting has also caused the serious implementation problems of other initiatives. These complications can be overcome by subjecting proposed initiative legislation to review by either the attorney general or legislative counsel or both prior to presentation to the voters. A constitutional amendment would be required to accomplish this.

It is interesting to note that the National Municipal League, which publishes the model State Constitution, is currently recommending the so called "indirect" initiative in preference to the "direct" initiative. Under the "direct" initiative, a measure can be placed on a ballot simply by obtaining signatures of a set percentage of registered voters or some similar requirement. NML argues that all too often "direct" initiative measures are ambiguously worded, violate either the state or federal constitution, or involve side effects their authors may not have intended. This happens because the language has not been subject to the scrutiny, debate, and compromise typical of the legislative process. MNL suggests that the "indirect" initiative is less likely to involve such problems. The "indirect" method requires submission of an initiative to the legislature, where it will be subject to examiniation and debate. If approved

by the legislature, it becomes law just as any other bill. If the legislature refuses to approve it or changes the initiative bill in a way unacceptable to the sponsors, the latter still have the right to have the measure submitted to the people for a vote.

Under this differentiation, Alaska would be classified as having the "indirect" initiative, since an iniative is placed on the ballot only if the legislature fails to enact substantially the same measure as the proposed initiative law. Obviously, however, that has not eliminated the problem of initiatives that are poorly worded or constitutionally inadequate.

ARTICLE XII: GENERAL PROVISIONS

This article has given cause to no issues or suggestions for change. However, it is in the context of this article that two major state issues might arise as constitutional matter. These are the relationship between the State of Alaska and the United States of America and the location of the state capital.

Section 13 provides: "All provisions of the act admitting Alaska to the Union which reserves rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property, are consented to fully by the State and its people." In effect, the people of Alaska agreed to become a state just as any other state of the Union. Despite this agreement entered into in the 1950s, many Alaskans have increasingly felt that Alaska's sovereignty as a state has not been respected by the federal government. This has resulted in a movement for Alaska's independence from the United States, as well as an initiative designed to review the relationship between Alaska and the United States. While nothing specific has yet emerged that could provide the basis for a different relationship, it is the provision for consent to the act admitting Alaska to the Union that provides a context for further discussion of this issue.

In the state constitution, location of Alaska's capital is dealt with in Article XV, transitional measures. It was placed there as a compromise between those delegates who wanted to affirm Juneau's continuance as the capital city within the body of the constitution and those who wanted to

specify that the matter be left to a future capital location study commission or be left out of the constitution altogether. Delegates decided to postpone the capital location decision until after statehood so as not to make it a divisive issue in constitutional ratification and statehood. To do this, they included a transitional provision for Juneau to be Alaska's capital. However, because transitional measures only have the force of the law, the question of capital location has been subject to repeated initiatives. The matter may still not become a constitutional issue unless those who wish to keep the capital in Juneau or those who are trying to get it moved decide that the only way they can assure success for their cause is by establishing it via constitutional mandate.

ARTICLE XIII: AMENDMENT AND REVISION

Alaska's constitution provides three methods of changing the state's constitution:

1. Amendments can be initiated by two-thirds vote of both houses of the legislature.
2. The legislature may call constitutional convention.
3. A constitutional convention may be called by the state's voters approving the proposition in a referendum after any ten-year period during which no convention had been held.

In each case, constitutional changes are subject to ratification by the voters.

Delegates to the 1955-56 convention provided for constitutional call by referendum in order to overcome a problem then evident in the majority of states: legislative unwillingness to deal with changing conditions. This was shown principally in their resistence to legislative reapportionment and to constitutional changes that would reflect the changing demography of the United States and of individual states. Of course, that was before Baker v. Carr, which established the one-man one-vote principle and resulted in legislatures that were at last representative of their states' populations. Today, the ten-year referendum may not be as crucial as it was two decades ago. Proposals to extend the period to as long as twenty years, as were made during the convention, might be more pertinent today.

Probably a more current question is whether the constitution should authorize amandments via the initiative process. Convention delegates

specifically withheld that authority under the constitution. They deemed the changing of the constitution of sufficient gravity to require an extraordinary majority of the legislature or deliberation by a constitutional convention, with voter ratification in both instances. Authorizing amendment by existing constitutional initiative could bring about revision of this state's fundamental law without the benefit of careful deliberation and drafting either as part of the legislative or constitutional process. It would appear, therefore, that while amending the constitution through initiative might be a popular device, it could hold serious dangers to the integrity and quality of the constitution itself.

A way of overcoming some of the possible disadvantages and dangers of using the initiative to amend the constitution would be by (1) subjecting proposed changes to review by the attorney general or the courts prior to a vote on the initiated amendment and (2) requiring an extraordinary majority for approval of the amendment, either two-thirds or three-fourths affirmative vote of those voting on the issue or participating in the election.

(Note: The subjects of constitutional revision and organizing a constitutional convention are dealt with in separate papers.)

ELIMINATION OF OBSOLETE MATTER

Approximately one-third of the constitution consists of materials that need not be part of Alaska's constitution. Eliminating these parts would help streamline the constitution and reduce it to articles and sections pertinent to Alaska today and in the future. The cleanup of the constitution would principally affect the following parts:

Article XIV: Apportionment Schedule

This article was initially included in the constitution to delineate election districts and senate districts. Districts for electing members of the house of representatives were designed to stand until the first reapportionment. Senate districts were to remain, in accordance with Article VI, essentially the same, even though modifications could be made to reflect changes in election districts.

Under the U.S. Supreme Court, a decision establishing the one-man one-vote rule (Baker v. Carr), both house and senate districts have to be apportioned on a strict population basis. Accordingly, the original senate districts are of no continuing significance, and reapportionment had in any case resulted in revision of house district.

The apportionment schedule currently in the state constitution is that established by the reapportionment proclamation of the governor dated June 14, 1974, as modified by the Alaska Supreme Court in Groh v. Egan, 526 P. 2d 863 (9/13/74). There is no reason whatsoever for reapportionment schedules to be a part of the constitution. They simply reflect a proclamation of the governor and in no way constitute constitutional matter.

Article XV: Schedule of Transitional Measures

This article was included in the constitution to provide an orderly transition from the territorial to the state form of government. This transition has long been effected. Most provisions, such as election of the first legislature and establishment of the courts, are irrelevant today. If any provisions have any continuing pertinence (e.g., saving of existing rights and liabilities), they could be included in Article XII, General Provisions.

Should a new convention be held and major revisions made in the constitution, new transitional measures might, of course, be required.

Ordinances

Convention delegates appended three ordinances to the constitution. They dealt with ratification of the constitution, establishment of the Alaska-Tennessee Plan, and abolition of fish traps. These ordinances have served the purpose and are now obsolete. They need no longer be attached to the constitution.

Miscellaneous Provisions

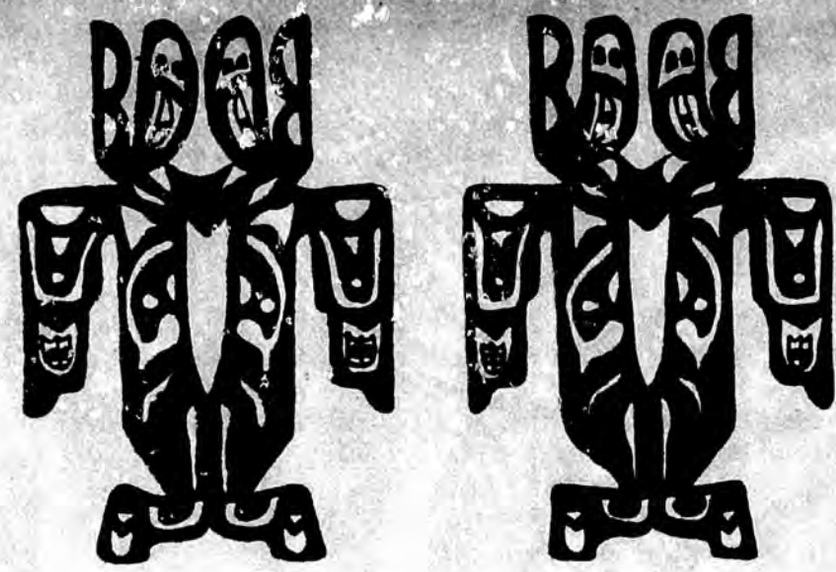
There are a number of additional sections that probably need not be in the constitution. Thus, Article XII, Section 13, consents to the act admitting Alaska to the Union. Despite this provision, the statehood act required another vote on the part of Alaska's people agreeing to the terms and conditions of the act of admission. This was done, and the constitutional provision is irrelevant.

In an entirely different category is a provision such as Article I, Section 20, which provides that members of the armed forces shall not in time of peace be quartered in any house without the consent of the owner or occupant, a provision included in the U.S. Constitution in response to abuses during American colonial days. Topics such as these don't need to be in a modern constitution.

A NEW CONSTITUTIONAL CONVENTION FOR ALASKA?

(Some interim thoughts)

by
Victor Fischer



Alaska's constitution was written twenty-four years ago as part of the statehood movement. Since 1959, the constitution has functioned as the fundamental law of the State of Alaska. The question before us now is whether the guarantees of individual rights, the structure of government, and other parts of the constitution are still adequate to serve the state and the people today in the foreseeable future. Or should we consider revising the constitution in view of changed values and different conditions in Alaska?

This question is real, for in 1982 Alaskans are scheduled to ballot on whether or not to hold a new constitutional convention. Their answer may have far-reaching effects on Alaska's future. It is, therefore, none too early to consider the issues entailed in calling a convention and to evaluate alternative courses that we might pursue.

The Interim Committee on the Constitutional Convention was established by the 1979 legislature to explore the issues entailed in providing answers to these questions and to make recommendations to the legislature about the means of preparing for the forthcoming convention referendum; the committee is co-chaired by Senator George Hohman and Representative Brian Rogers. Part of the material in this paper is derived from my work for this committee.

Accomplishing an objective analysis of constitutional convention issues may not be easy. Alaska's life nowadays abounds with a multitude of issues of importance to significant numbers of people: the fiscal situation of the state — too much money now, not enough in the future, give it away, lower taxes, save it; oil and gas development vs. environmental protection; jobs, unemployment, local hire; right-to-life vs. abortion choice; economic development — petrochemicals, renewable resources, mining, etc.; loans, subsidies, incentives; land distribution; growth and development vs. subsistence and protection of lifestyles; big government, lack of adequate services; federal domination of Alaska; capital move; etc., etc., endlessly.

Some of these issues existed in the 1950's, when the constitution was adopted and statehood came to Alaska. But the mood is quite different now from what it was then. The unity, spirit, idealism, and deep belief in democracy that characterized and sustained the stathood movement and motivated the constitutional conventon do not exist in Alaska today. And nothing has taken their place, at least nothing positive or constructive. Rather, public dialogue and responsiveness to issues are characterized by dissension, divisiveness, anger, and extremism. Whereas twenty-plus years ago a common general philosophy and broad purpose underlay the striving for statehood, as the nation, Alaska is now characterized by single or narrow issue campaigns that ignore everything else about them. And added to all that is a negativism and know-nothingism that characterizes the reaction of many media, groups, and individuals to any consideration of public issues or of the future of the state, its communities and neighborhoods.

This current climate is not particularly healthy for considering the basic philosophies and structures upon which the state's

democratic institutions are founded. And yet, it is possible that the very consideration of state goals and purposes that would accompany preparations for and the conduct of a constitutional convention might help overcome the "malaise" that is said to characterize our public spirit today. Above all, the choice doesn't exist: the constitution requires that we decide whether or not to have a convention, and our purpose should be to make the best of this requirement, to try and make a positive opportunity of it.

Toward that end, this paper reviews Alaska's only constitutional convention and the means it established to update the document, examines constitutional changes that have been suggested, and delves into possible ways of dealing with the gamut of questions entailed in accomplishing desirable revisions and judging whether or not to call a new constitutional convention.

1955-56 Constitutional Convention

Political scientists and constitutional experts consider Alaska's constitution the best in all the states, a true model. In discussing the results of the 1955-56 Alaska constitution writing process, the nation's top specialist on state constitution, John Bebout, stated:

> The convention produced a document that was a rare blend of the classic principles embodied first and best in th U.S. constitution and of modern or innovative features altogether compatible with those principles which made the Alaska constitution more distinctly appropriate to its time and place then any other state constitution.

A number of factors helped determine the character and quality of the Alaska constitution. It was written as part of and in furtherance of statehood, and the idealism inherent in the statehood movement served to inspire convention delegates and Alaska's people. Statehood was the cause and goal of the constitutional convention, and those planning the document saw the necessity to draft a constitution that would clearly demonstrate to the nation and to the Congress that Alaska was politically mature and ready to assume the responsibilities of managing a state.

Once delegates met in convention, statehood was no longer their principal aim, although it provided the context for their work. Rather, creating the best possible foundation for the future state became the overpowering and all-encompassing purpose. The enthusiasm, dedication, and idealism aroused by the statehood issue were thus turned toward drafting a constitution that would serve Alask'a future.

Another aspect of the Alaska convention that contributed to the success of its product was the fact that it took place before statehood was achieved. It functioned outside the realm of conventional political pressures and realities. The convention was future oriented and had little to do with current territorial affairs: it did not directly affect jobs, business, or allocation of power. Delegates were viewed as a group of idealists working for great cause and dealing with isuses that generated, with few exceptions, no pressures from those lobbies and special interests that regularly pursue their particular objectives at legislative sessions. This kind of detachment could have been dangerous, but since it was carried out by men and women who were realists as well as idealists, it provided a milieu that engendered freedom and creativity.

Out of this enviornment emerged a stated intent that the constitution be a document of fundamental principles of basic government and contain only the framework for state government. Drafting the constitution was largely predicated on making each branch of state government effective and strong in its own right. The underlying purpose was to achieve not just an adequate system of checks and balances in the traditional sense, but also to bring about the establishment of executive, legislative, and judicial branches that each function effectively and adequately serve the needs of the state and its citizens. At the same time, personal rights and the individual liberties of the people were to be assured through a strong and liberal bill or rights. I believe these objectives were achieved quite successfully.

Amendment and Revision

Despite high-minded aims and the resultant well-regarded document, convention delegates never considered that the constitution they created was at all sacrosanct. Throughout, delegates strove to deal with general concepts, allowing for future flexibility and adjustment. The constitution itself was designed not to be static. Its vitality was to be achieved by designing a general structure of state

government adapatable to changing needs and conditions. And, in case these measures proved inadequate, they provided for an amendment and revision process to make possible changes in the constitution itself.

Amendments to the constitution are made by two-thirds vote of each house of the legislature and voter approval by majority vote. Since statehood, sixteen amendments have been so recommended by the legislature and ratified by Alaska voters. These amendments dealt with such basic issues as the right of privacy, non-discrimination on account of sex, voter qualifications, limited entry in fisheries, and establishment of the Alaska Permanent Fund. These and other changes demonstrate that updating of the constitution and meeting current needs can take place through the amendment process.

Individual amendments are, however, but one method of changing the constitution: it can also be revised by calling a constitutional convention. There are two ways of obtaining a state constitutional convention. The legislature may call a convention at any time by simple majority vote. Alternatively, Alaska voters can decide to hold *a* convention. If during any ten year period a convention has not been held, the question: "Shall there be a Constitutional Convention?" is placed on the ballot at the next general election. A majority "yes" vote results in a convention. On the other hand, if a majority votes in the negative, the question is not placed on the ballot again until the end of the next ten year period.

The provision for convention call by referendum was principally in response to problems that generally don't exist anymore. When the constitution was written in 1955-56, most state legislatures were extremely malapportioned, with urban areas highly underrepresented. As a result, legislatures avoided constitutional conventions and did not modernize their constitutions in fear that revision could result in reapportionment and loss of legislators' seats. Alaska convention delegates wanted to assure that the constitution would be responsive to the needs and the will of the people even if the legislature were unresponsive to them. Since the constitution was written, however, the U.S. Supreme Court, in *Baker vs. Carr*,established the one-man one-vote rule, requiring state legislatures to be apportioned strictly in accordance with population. In theory, at least, the legislature is fully representative of the people and will represent them both in enacting legislation and, as necessary, amending the constitution.

Even though we are now only in our twentieth year of statehood, Alaskans have already twice voted on the question of calling a constitutional convention. The first decennial referendum on the issue was held in 1970. The trouble then was that the question "as required by the Constitution of the State of Alaska", Article III, Section 3 was posed thus: "Shall there be a constitutional convention?" The convention call was narrowly approved by the voters. Upon a challenge, the Supreme Court held that by adding "As required by the Constitution..." to the constitutionally required language, the phrasing of the proposition was sufficiently biased to justify nullifying the referendum. When voters once more balloted on the question in November, 1972, the convention call was rejected.

Alaskans are once more faced with the decision of whether or not to call a convention. In November 1982, unless the legislature initiates a convention in the interim, the ten-year question will be on the ballot at the general election: "Shall there be a Constitutional Convention?" The rest of this paper is devoted to considerations that should go into possible responses to this question.

Potential Subjects of Constitution Change

Alaska has so far utilized only the amendment process to make changes in the constitution; we have not yet had the experience of constitutional revision via the amendment process.

The difference between changing the constitution by amendment as against convention is great indeed. When the legislature recommends an amendment it deals with a specific item, such as the manner of selecting the chief justice of the Supreme Court. While the subject matter may be broader than that, it is certain to be confined to a specific topic.

A constitutional convention, on the other hand, has plenary powers, subject only to ratification by the people. This means that a convention, whether called by referendum or by the legislature, can amend or revise any and all parts of the constitution. In other words,

once called, a convention can rewrite every section and article and can add any new matter it desires, subject of course to ratification by the electorate.

In view of the tremendous power that a convention possesses, it is important to distinguish between the types of changes that may call for a convention as against those that can be effected through amendment. Concurrently, it vital to have a clear understanding of the difference between constitutional and legislative matter, for the latter is, by definition, something that should be handled through legislation and not changing the constitution. (This distinction, by the way, was ever-present concern of the 1955 convention as it tried to restrict the constitution to fundamental law, excluding trivia and special interest provisions.)

Revision by Convention

The rationale for a convention needs to rest on a significant purpose beyond amendments that can be routinely handled by the legislative amendment route. Such a purpose can be (1) making changes that the legislature cannot or is not likely to accomplish, (2) dealing with major issues of philosophy and policy undergirding the fabric of state government, and (3) accommodating or defusing public pressures that are not being satisfied by the legislature. While from a constitutionalist or political science viewpoint only the first two reasons might be considered legitimate, popular pressure may be at least as important a factor as the other two in bringing about a convention.

There are few changes that the legislature cannot be expected to deal with through the amendment process other than those that affect the legislature itself and those that are too big or too complex to be dealt with as part of the legislative process. The prime example fo the first category is the proposal to change the legislative structure from a two-house to a unicameral system. This suggested change has been repeatedly approved by the state house of representatives, but it has yet to see positive action by the senate. Even after voters approved of the concept in a statewide advisory referendum, the legislature has refused to act. And, it is highly unlikely that it will approve this basic change in the structure of the legislature, if for no other reason than the fact that it would lead to a reallocation of legislative power and more than a few legislators would be jeopardized.

Other structural changes might be similarly difficult to obtain via legislative initiative, especially if they limit the powers of the legislature or restrict its ability to exercise its will. Among these is the oft-repeated proposal to limit the length of legislative sessions, another idea that has seen wide approval by the electorate. Yet, this generality needs to be approached with caution, for in 1976 the legislature did approve a constitutional amendment to establish the permanent fund. The effect of this action was to put a substantial protion of petroleum revenues beyond direct reach and disposal by the legislature. This proves that lawmakers can move to limit their own prerogatives when either purpose or popular will so require.

A more difficult area to define as a basis for potential constitutional revision is possible desire or need to change the fundamental philosophy or grounding of the constitution. Nothing of this sort has as yet clearly emerged, though one could speculate about attitudes that could lead to efforts for basic changes in the constitution. Ideas in that direction were initiated several years ago when proposals were made to revise the natural resources article to eliminate the existing pro-development bias and substitute therefor a policy of environmental protection. Another type of pressure may emerge as a result of increasing sentiment, in Alaska and the nation, against government in general and against taxes and government expenditures in particular. These examples deal with subject matter already in the constitution. Potential new areas of basic constitutional concern could be the preservation of Alaska lifestyles, Native culture, and the subsistence way of making a living off the land; or Alaskans may decide to try restructuring their concept of government and the state's relationship to the United States.

Whatever such fundamental issues might be, they are obviously not suited to resolution as part of the routine legislative process. This is not due to lawmaker's lack of concern for major policy. Rather, the hundreds of bills and financial management responsibilities are more than enough to occupy legislators' time both diring sessions and during their interim. Therefore, if pressures for fundamental changes do arise, their resolution will almost certainly lie within a constitutional convention or some other vehicle established to deal with them.

These two categories — matters that affect the legislature and issues of underlying philosophy — are logical bases for calling a constitutional convention. However, given the fact that a convention opens the constitution to massive revision, routine and other changes are best handled through the legislative amendment process.

Constitutional Amendments

A plethora of amendments has been proposed to change specific parts of the state's constitution. A very few, such as unicameralism of limiting legislative sessions, may require a convention to resolve. Most others appropriately stand or fall through action or inaction by the legislature and confirmation or rejection by Alaska's voters. (Should a convention be held, such changes could, of course, be considered as part of comprehensive constitutional revision.)

A survey of specific amendments that have been proposed or might be considered is being undertaken as part of an analysis sponsored by the legislature's Interim Committee on the Constitutional Convention. The items are truly too numerous to enumerate here. Changes have been proposed, either formally in the legislature or informally in other media, to every article of the constitution. Some can be justified, but certainly not all.

Here is a small sampling. Suggestions have been made that the grand jury, provided for in Article I, is obsolete and should be superseded by methods that are more expeditious and fairer to defendants. But, while the change could be made by amending the constitution, it could far more simply be put into practice through a rule promulgated by the State Supreme Court.

Article II covers the legislature and has seen a number of proposals that might, as already mentioned, be difficult to get through the legislature, assuming they were worthy pursuit. These deal not only with a one-house legislature and time limit on annual sessions, but also with such matters as legislative pay, qualification of members, and the like.

The executive article covers such controversial proposal as election of the state attorney general and district attorneys/prosecutors, and establishing a single, six-year term for the governor. Suggestions have also been made to elect judges and change the composition of the judicial council. There are those who want to authorize state funding of students in private schools. Changes in resources policy have been proposed. Suggested revisions of the finance and taxation article include establishment of tax and expenditure limits, extension of the permanent fund to cover more state revenues, and creation of a more responsible general obligation binding process. Other proposed amendments include allowing use of the initiative process to amend the consitutition.

Any of these and other suggested amendments can be routinely handled by the legislature whenever sufficient justification exists for a specific proposal. The fact that many oft-suggested changes, such as selecting members of the judiciary, have not made it through the legislature is due exclusively to lack of support for the idea.

Special Issues

Since lawmakers do not necessarily endorse and act on all issues that come before them, many groups are dissatisfied with the legislative process and its responsiveness to their desires. A constitutional convention can potentially provide a medium through which such groups can try to achieve their objectives. And, in these days of single-issue politics, massive pressures can be marshalled. In Alaska, the lands issue provides a good example; nationally it is the support of environmental causes.

Principal Alaskan causes of the day include moving the state capital, outlawing abortions, repealing the income tax, and distributing state lands, though the latter issue appears dormant at this time. Frustrated by lack or inadequacy of legislative response, proponents of such cause might well try to obtain instant remedy and satisfaction by writing their cause into the constitution. Thus, those who have been trying for years to get the capital moved could mandate the change by a specific clause in the constitution. The same aims might be pursued by "right-to-life" proponents and advocates of other causes.

There are two prospective problems that could result from this situation. First, the subjects these interest groups are pursuing are

not bona fide constitutional matter, though they could make it such by marshalling sufficient votes. Second, and by far more serious, single-issue groups and candidates could well beget a consititutional convention that cared only about satisfying their specific wants and paid little attention to the fundamental purposes and concepts of the constitution itself. A convention dominated by narrow special interest is scary to contemplate, for the basic fabric and institutions of the state could thus be endangered and undermined. But the potentials for the happening do exist, and one needs to examine ways of approaching constitutional revision in a constructive and positive manner, particularly since the 1982 referendum looms not far away.

Alternative Approaches to Constitutional Revision

A review of Alaska's experience under the consitution and its adequacy to serve the state in the future was conducted in 1976, twenty years after the document was written and ratified. The review was sponsored by delegates to the 1955-56 convention. But the examination of the constitutional experience was carried out by individuals who had worked under it or observed it closely: legislators, state and local government officials, judges, newspaper editors, rural representatives, businessmen, and the like. With some exceptions, the general opinion was that the constitution had served the new state well and that no overall revisions were necessary for it to remain a viable document.

Today, people who have taken positions on the matter hold strong opinions on the need for a new constitutional convention, and they fall on both sides of the issue. Convention proponents generally base their stand on specific areas of change, such as establishment of a unicameral legislature, provisions for rural Alaska and subsistence, or changes in the finance article; a few want the whole consitutional structure of Alaska to be reviewed. The opposition to a convention is satisfied with the present state constitution and fears that a convention, with its plenary powers, could end up making extensive, unnecessary, undesirable and damaging revisions.

It is fair to assume that the vast majority of Alaskans is unaware of and unconcerned with the convention issue. That is the way it was in 1970, when the first convention referendum was voted on. With the exception of information from League of Women Voters and some newspaper editorials, the general public had little basis for voting on the convention call. That was not a healthy state of affairs then. But lack of public understanding of the issues would be much more serious today in view of the general tenor of the times and the shrillness of recent single-issue campaigns.

Public education, information, and knowledge are keys to successful democratic governance. These factors together with the overriding statehood purpose provided the foundation for a successful convention twenty-five years ago. And they can do so again.

Striving for a knowledgeable electorate should be the goal of those convention proponents and opponents who are serious in their striving for a good constitution for the state. That is the surest way, in fact the only way, to insure that special interest groups will now sway the public and control a convention if called. Providing the basis for an intelligent response to the whole subject of constitutional revision is, of course, a principal purpose of the legislature's Interim Committee on the Constitutional Convention.

An essential ingredient in preparing the voting public as well as laying the groundwork for a convention is the establishment of an appropriate preparatory commission. In 1955, the Alaska Statehood Commission performed that task. In the future, a special constitutional convention commission could provide the vehicle for these purposes. Most states have used such commissions as an initial stage preceding a convention or even a decision on holding a convention. Commissions of this sort are usually composed either of a mixture of public officials and citizens appointees or appointed citizens only. Generally, their task is establishing two-way communication with the electorate and doing preparatory research for the contemplated convention.

A newly emerging device used by a number of states is the constitutional revision commission, which is charged with actually proposing changes to be made in the state consitutuion. This instrumentality has evolved since Alaska's constitution was written, but it may have applicability in Alaska. A commission of this sort undertakes a study of possible constitutional changes and proposes amendments or packages of revisions to the legislature, which can, in turn, recommend them for voter approval. In effect,

this method constitutes a process of comprehensive revision utilizing the regular amendment process without recourse to a consitutional convention. A disadvantage of this approach is that it does not in the first instance involve delegates elected by the people. However, proposed changes do go through the scrutiny of elected lawmakers, and recommended revisions are eventually voted on by the people of the state. The approach represents a compromise between holding a constitutional convention, which can propose wholesale revisions, and the legislative amendment process, which, as mentioned, does not lend itself well to major constitutional policy analyses and revisions.

The decision of how to initially approach constitutional revision is up to the state legislature. A preparatory commission would have to be established by law. So would a constitutional revision body. Also, the legislature can use the regular amendment process and it can initiate a constitutional convention of its own volition.

It is quite possible that the most practical course would be for the legislature to determine what changes are needed in the constitution, (possibly using a constitutional study commission), recommend a package of amendments to the people, and thus eliminate possible justifications for a convention. The legislature may still have to face head-on the special interest pressures that might develop for a convention, but these could be defused by legislative action, public information, or a combination of these.

Another alternative available under the constitution is for the legislature itself to issue a convention call. This course might be taken if either the case for a convention became extremely strong or public approval of a referendum appeared inevitable, or both. Under such circumstances, a legislative call might simply eliminate the need for a potentially devisive referendum campaign and help set a higher tone of unity for the constitutional convention than might otherwise be achieved. At the same time, such a course might cause a convention to be held when none might be called by vote of the people, had they a chance to express themselves on the matter.

At this juncture, the wisest course to pursue might just be to wait another year or two before taking firm steps in any of the above directions. Continuing exploratory work would be appropriate, together with a broadening program of public information and involvement. And then, as the 1982 referendum time approached, the public and the legislature will be in a better situation for setting a constitutional revision course than we are today.

A Personal Postscript

Several months of looking at the constituional revision question have not helped me decide what position to take about a new constitutional convention. The constitution is essentially sound; no critical changes appear necessary. At the same time, some issues will not be resolved without a convention being held, the unicameral legislative structure being a prime example. But, while issues such as that remain undecided, Alaska can certainly continue on its present course without great suffering. From this standpoint, again, constitutional revision is not vital to Alaska's welfare.

Yet a constitutional convention — including both the process leading to it and the actual proceedings — have the potential of providing the kind of uplifting experience and unity that Alaska so badly needs. Although there is a danger that special, single-issue interest might capture and derail a convention, I am not really afraid of that. First, voters generally do exercise good judgment in the people they elect. Second, I have time and again seen people, when challenged, rise to heights far greater than one might have expected. Thus, my intrinsic belief in democracy, together with an innate optimism, makes me unafraid of what a convention, even under the worst of circumstances, might do to Alaska's constitutions, the best in the nation.

And so, at least for the time being, I straddle the fence.

Biographical Sketch

Victor Fischer was a delegate to the 1956 Alaska Constitutional Convention and has written a book on the state constitution. Fischer was the director of the Institute of Social and Economic Research (ISER) for many years and is now a private consultant, currently working with several legislative committees.

HOLISTIC ALASKA

By Glenn A. Olds, President
Alaska Pacific University

Cheshire Puss," she began, rather timidly . . .
"Would you tell me, please, which way ought I go to from here?"
"That depends a good deal on where you want to get to," said the cat.
"I don't much care where —" said Alice.
"Then, it doesn't much matter which way you go," said the cat.
Lewis Carroll — *Alice's Adventures in Wonderland*

"If the human race is to survive, it will have to change its ways of thinking more in the next 25 years than in the last 25,000."
Kenneth Boulding

"I can't believe God plays dice with the cosmos."
Albert Einstein

"It shall be required of this generation."
Luke 11:50-51

Historical Perspective

Alaska, "the great land" stands as a fascinating and unique link in human history. Anchored as it is in a past and a culture that were historically holistic, integrated and whole, it has escaped much of that sweeping, scientific specialization of the modern day that has left our world fragmented and narrowly professionalized. Alaska, as a bridge between East and West, absorbs the best of both continents without adopting the extremes of either.[1]

As technology continues to shrink our world, Alaska has the unique prospect of averting the dangerous dicotomies and narrow specializations that haunt and divide our time. Because of Alaska's holistic past not yet suberted, we can pursue a more vital holistic culture and development for the future.

Alaska's future may well celebrate T.S. Elliot's classic line, "And we may return to the beginning, and know it for the first time." This means that the remarkable holistic outlook and life style of the original Alaskan native may become the saving form and function against an overly specialized, segregated world.

Back in 1851 Seattle, Chief of the Suquamish and other tribes of the Northwest, wrote to the President of the United States. In beautiful simplicity, he expressed the holistic sense of the relationship of nature, human nature, and the Divine, the connectedness of all things, and the insight of his native culture containing 40,000 years of wisdom. He painted a picture[2] which mirrored in miniature in Alaska, reaches for a new unity.

The fact and graphic necessity of this whole new view was brought home to me on that eventful day, July 20, 1969, when our first astronaut landed on the moon. I was in the chair as Ambassador to the United Nations Economic and Social Council in Geneva representing the United States and was asked to say a word appropriate to that occasion. It seemed so obvious, and yet so prophetic, to acknowledge man was now able, for the first time to see the whole earth from beyond itself, from the moon; and know it for what it is, in its precious, precarious, finite wholeness to see it as our radically interdependent, *integrative, holistic* home.

The bankruptcy of our recent scientific legacy of specialization leads to dangerous dichotomies:

between	person	—	and	—	nature
between	mind	—	and	—	matter
between	subject	—	and	—	object
between	freedom	—	and	—	security
between	self	—	and	—	society
between	private	—	and	—	public
between	development	—	and	—	conservation
between	quality	—	and	—	quantity

CONSTITUTIONAL AMENDMENTS

INTRODUCED IN THE LEGISLATURE

FROM 1960 TO 1979

Prepared For

INTERIM COMMITTEE
on the
CONSTITUTIONAL CONVENTION
of the
ALASKA STATE LEGISLATURE

By
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January 11, 1980

INTRODUCTION

Since the first legislature of the State of Alaska convened in 1959, legislators have attempted to change the constitution by amendment. The following report lists the proposed amendments by the chamber in which they were introduced, and by the year of introduction. The report also gives a brief summary of each amendment and whether it passed, failed, or died in the legislative process. Of the 228 proposed amendments, nineteen have passed both houses of the legislature and have been submitted to the electorate. Sixteen of those amendments have been approved by the voters of the State, and have become part of the State Constitution.

Several of the proposed amendments have been introduced consistently throughout the period of this report, thus reflecting substantial interest in these issues. The champion issue relates to establishing a specific length of the regular session of the legislature. Amendments relating to this subject have been introduced a total of twenty-three times. Running a close second are the amendments to have the Attorney General elected, introduced eighteen times. Establishing a unicameral legislature has been introduced thirteen times, as have been amendments dealing with bail, grand jury indictments, and jury membership. Amendments establishing and relating to a type of permanent investment fund have been introduced twelve times, and amendments relating to initiative, referendum, and recall have been introduced eleven times.

It is hoped, by reviewing this report, the reader will become familiar with the constitutional issues which have concerned the people of the State and the legislature during the last two decades.

Guy A. Van Doren
DOUGLAS RESEARCH

January 11, 1980

1960

HOUSE

HJR 28 — Article X, Section 12
Local Government

Changes legislative action regarding boundary commission recommendations as follows:

"The changes shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, if approved [UNLESS APPROVED] by a resolution concurred in by a majority of members of each house." [FAILED HOUSE].

1961

HOUSE

HJR 8 — Article III, Section 7
The Executive

Establishes the office of the Attorney General, the qualifications, and term of office. Section 8 provides for the election of the Attorney General. [FAILED HOUSE].

HJR 13 — Article III, Section 7
The Executive

Provides for the establishment of the office of Controller General. [FAILED HOUSE].

1961

SENATE

SJR 2 — Article V, Section 1
Suffrage and Elections

Establishes a ninety (90) day residency requirement and requires that a person file a declaration of intent to establish Alaska as the principal place of residence to vote for President and Vice President of the United States in any national election. [DIED HOUSE].

SJR 8 — Article V, Section 1
Suffrage and Elections

To the section dealing with elections and voter qualifications, adding the underlined words to the existing section:

"Additional voting qualifications may be prescribed by law for bond issues elections of the state and its political subdivisions; . . ." [DIED HOUSE].

SJR 23 — Article XI, Section 3
Initiative, Referendum, and Recall

Changes the number of qualified voters necessary for a petition from [TEN] to "five" percent of those who voted in the preceding general election and changes the words [AND RESIDE IN] to "in each of" at least two-thirds (2/3) of the election districts of the state. [DIED HOUSE].

SJR 30 — Article XI, Section 3
Initiative, Referendum, and Recall

Changes the percentage of signatures of voters required on an initiative petition from "[TEN] to five percent of those who voted in the preceding general election in each of [AND RESIDENT IN] at least two-thirds of the election districts of the state." [DIED SENATE].

SJR 32

Article VII, Section 1
Health, Education, and Welfare

Allows state funds to be provided for transportation of children to religious or private educational institutions. [DIED HOUSE].

1962

SENATE

SJR 40 — Article XI, Section 3
Initiative, Referendum, and Recall

Changing the number of qualified voters necessary to petition, from [TEN] to five percent of those who voted in the preceding general election and changing the words [AND RESIDE IN] to in each of, at least two-thirds of the election districts of the state. [FAILED HOUSE].

SJR 43 — Article IX, Section 8
Finance and Taxation

In this section, the following language was added to permit the state to contract debt without ratification in order to assume the general obligation bond indebtedness incurred for public school construction by a political subdivision if a political subdivision should fall into arrears in paying this bonded indebtedness:

"The state may, as provided by law and without ratification, contract debt for the purpose of repelling invasion, suppressing insurrection, defending the state in war, meeting natural disasters, assuming secondary liability for payment of general obligation bonds issued by political subdivisions for the purpose of constructing public schools. [FAILED SENATE].

1963

SENATE

SJR 7 — Article XI, Section 3
Initiative, Referendum, and Recall

Changes the section to read as follows:

"After certification of application, a petition containing a summary of the subject matter shall be prepared by the Lt. Governor for circulation by the sponsors. If signed by the qualified voters residing in less than 13 election districts and [,] equal in number in each such district to twenty [TEN] percent . . ." [DIED HOUSE].

SJR 13 — Article II, Section 1
The Legislature

Providing for uneven membership of both houses of the legislature. Under the amendment, the senate membership would have been twenty-one members and the house forty-one. [DIED SENATE].

1964

HOUSE

HJR 32 — Article IX, Section 6
Finance and Taxation

Added new language as follows:

"Every act of the legislature imposing a new tax or increasing an existing tax shall be referred to the voters of the state for approval or rejection at the first statewide election held more than 90 days after its enactment. The act shall be referred in the same manner as an act referred according to Article XI and it may not take effect until 60 days afters its approval."
[DIED HOUSE STATE AFFAIRS].

HJR 51 — Article III, Sections 7 and 8
The Executive

Providing for the election of the Attorney General.
[FAILED HOUSE].

SENATE

SJR 35 — Article XI, Section 6
Initiative, Referendum, and Recall

Provides that an act rejected by referendum may not be re-enacted within two years after its rejection. [DIED SENATE JUDICIARY].

SJR 38 — Article II, Section 18
The Legislature

Relating to the effective date of an act when action for a referendum on the act has been initiated. The amendment added the following language in a new section of Article XI:

"Section 9. If an application for a referendum on an act is filed, that act does not take effect until denial of certification of the application has become final, or the act has been finally declared to be one to which the referendum may not be applied, or ninety days have elapsed since the adjournment of the session without a valid petition being filed, or the referred act fails to be rejected by the voters, whichever occurs first. The act may not, however, take effect before the date established for it according to Section 18, Article II of the constitution." [DIED SENATE JUDICIARY].

SJR 51 — Article II, Section 9
The Legislature

Relating to special sessions of the legislature. Provides that:

"The legislature may not call itself into special session after December 1 of an even numbered year." [DIED SENATE JUDICIARY].

SJR 64 — Article IV, Section 15
The Judiciary

Changes the section as follows:

"The legislature, by law, may delete, change, and add to rules governing the administration of all

courts and rules governing practice and procedure in civil and criminal cases in all courts." from [THESE RULES MAY BE CHANGED BY THE LEGISLATURE BY TWO THIRDS VOTE OF THE MEMBERS ELECTED TO EACH HOUSE].
[DIED SENATE JUDICIARY].

1965

HOUSE

HJR 1 — Article V, Section 1
Suffrage and Elections

Permits the residency requirements for voting on issues and persons other than for President and Vice President, to be prescribed by law. [DIED HOUSE].

HJR 4 — Article XIII, Section 1
Amendment and Revision

To permit amendment of the constitution by initiative. [DIED HOUSE].

HJR 14 — Article III, Section 25
The Executive

Providing for the qualifications, election, and term of office for the Attorney General, and adding three new sections, 28, 29, and 30, to the article. [DIED HOUSE].

HJR 21 — Article IV
The Judiciary

Providing for the election of supreme court justices and superior court judges. [DIED HOUSE].

HJR 35 — Article III, Section 7
The Executive

Providing for the election of district attorneys. [DIED HOUSE].

HJR 50 — Article IV, Section 8
The Judiciary

Relating to the judicial council. Repeals and re-enacts Section 8 as follows:

"The judicial council shall consist of seven members. Three attorney members shall be appointed for six-year terms by the governing body of the organized state bar. Four nonattorney members shall

be elected at large by the people of the state for six-year terms. Vacancies shall be filled for the unexpired term of attorney members by appointment of the organized bar. Vacancies for the unexpired nonattorney members shall be filled by appointment by the governor. Appointments and elections shall be without regard to political affiliation and with due regard to area representation. No member of the judicial branch of the government shall serve as a member of the judicial council and no member of the judicial council may hold any other office or position of profit under the United States or the state. The judicial council shall set by concurrence of four or more members and according to rules which it adopts." [DIED HOUSE].

1965

SENATE

SJR 1 — Article V, Section 1
Suffrage and Elections

Permits the residency requirements for voting on persons and issues other than for President and Vice President, to be prescribed by law. [PASSED LEGISLATURE, PASSED VOTER APPROVAL].

SJR 2 — Article X, Section 4
Local Government

To permit cities of the first class, and each city of any other class designated by law, to be represented on the Borough Assembly by persons other than members of the council. Adds the underlined words to the following existing sentence:

"Each city of the first class, and each city of any other class designated by law, shall be represented on the assembly by one or more members of its council, unless provided otherwise by charter or ordinance." [DIED SENATE].

SJR 8 — Article V, Section 1
Suffrage and Elections

Permits persons who have been residents in the state for thirty (30) days or more to vote for the President and Vice President of the United States. [DIED SENATE].

SJR 20 — Article XI, Section 6
Initiative, Referendum, and Recall

Provides that an act rejected by referendum may not be re-encacted within two (2) years after its rejection. [DIED SENATE].

SJR 54 — Article II, Sections 1, 2, 3, 12, 15, 18, and 20
The Legislature

Providing for a unicameral legislature. [DIED SENATE].

1966

HOUSE

HJR 58 — Article XII, Section 12
General Provisions

Establishing a biennium budget for the State of Alaska. [DIED HOUSE].

HJR 68 — Article X, Section 4
Local Government

Requiring the election of all members of the Assembly of an organized borough. [DIED HOUSE].

HJR 76 — Article II, Sections 1, 2, 3, 12, 14, 15, 16, 18, and 20
The Legislature

Providing for a unicameral legislature. [DIED HOUSE].

HJR 85 — Article IX, Section 8
Finance and Taxation

Requiring that bond issues submitted to the qualified voters of the state for ratification specify places of use with the state of bond proceeds. [DIED HOUSE].

HJR 98 — Article X, Section 10
Local Government

Creating school districts as political subdivisions of the state with tax assessing and collecting powers. [DIED HOUSE].

1966

SENATE

SJR 79

Article II, Section 15
The Legislature

Relating to the veto powers of the Governor. Adds the words which are underlined:

"He may veto, strike or reduce items in appropriation bills, <u>except items appropriating to the judicial or legislative branches of the government</u>." [FAILED HOUSE].

1967

HOUSE

HJR 1 — Article II, Sections 1, 2, 3, 12, 14, 15, 16, 18, and 20
The Legislature

Providing for a unicameral legislature. [DIED HOUSE].

HJR 3 — Article III, Section 7
The Executive

Providing for the election, term of office and qualifications of the Attorney General. [DIED HOUSE].

HJR 5 — Article III, Section 7
The Executive

Changing the name of the Secretary of State to Lt. Governor. [DIED HOUSE].

HJR 13 — Article X, Sections 2, 7, 9, 10, 11, and 13
Local Government

Abolishing the borough and establishing certain districts. Creates school districts and public utility districts. [DIED HOUSE].

HJR 28 — Article III, Section 25
The Executive

Election of District Attorneys. [DIED HOUSE].

1967

SENATE

SJR 4 Article X, Sections 2, 7, 9, 10, 11, and 13
Local Government

Abolishing boroughs and establishing certain districts; school districts and public utility districts. [DIED SENATE].

1968

HOUSE

HJR 48 — Article II, Section 5
The Legislature

Requires a person to resign as a legislator before seeking or holding office as Governor, Lt. Governor, or member of Congress. [DIED HOUSE].

HJR 66 — Article III, Section 7
The Executive

Providing for the election of the Attorney General. [DIED SENATE].

HJR 71 — Article V, Section 1
Suffrage and Elections

Relating to qualifications for voting in state bond issue elections. Provides that a person must own real property in the state to be qualified to vote for bond issues. [DIED HOUSE].

HJR 74 — Article IV, Section 10
The Judiciary

Providing for the disqualification, suspension, removal from office, retirement and censure of justices and judges, and providing for a committee on judicial qualifications. [PASSED LEGISLATURE, PASSED VOTER APPROVAL].

HJR 82 — Article IV, Section 2
The Judiciary

Providing for the location of the office and residence of the Chief Justice of the Supreme Court. Provides that the Chief Justice shall be elected by all the justices, shall serve only one (1) three-year term in succession and his office and residence shall be in Anchorage. [FAILED HOUSE].

1968

SENATE

SJR 41 — Article III, Sections 7, 25 and New Sections 28, 29, and 30
The Executive

Providing for the election of the Attorney General. [FAILED SENATE].

SJR 42 — Article IV, Section 10
The Judiciary

Providing for the disqualification, suspension, removal from office, retirement and censure of justices and judges, and providing for a commission on judicial qualifications. [DIED SENATE].

1969

HOUSE

HJR 2 — Article II, Sections 1, 2, 3, 12, 14, 15, 16, 18, and 20
The Legislature

Providing for a unicameral legislature. [DIED HOUSE].

HJR 7 — Article V, Section 1
Suffrage and Elections

Establishing the voting age at 18. [PASSED LEGISLATURE, PASSED VOTER APPROVAL].

HJR 11 — Article IV, Section 2
The Judiciary

Provides that the Chief Justice shall be elected by a majority vote of the justices of the supreme court and shall hold the office for a three year period. [PASSED LEGISLATURE, PASSED VOTER APPROVAL].

HJR 23 — Article III, Section 28
The Executive

Providing for the election of District Attorneys. [DIED HOUSE].

HJR 27 — Article IV, Section 8
The Judiciary

Changes the number of members on the Judicial Council from seven to fifteen members. Provides for five rather than three nonattorney members. Provides for four members of the Legislature who are not lawyers or retired judges to be appointed to the council. Provides for one superior court and one district court judge to be appointed by the Chief Justice. [DIED HOUSE].

HJR 30 — Article X, Section 4
Local Government

Requires borough assemblymen representing a first class city or other class of city designated by law, to be elected by city voters rather than being appointed by and from the city council. [DIED HOUSE].

HJR 49 — Article II, Section 1
The Legislature

Providing for one additional member of the State House and one additional member of the State Senate. [DIED HOUSE].

HJR 51 — Article V, Section 1
Suffrage and Elections

Eliminating the requirement that a person must be able to read and write English as a prerequisite to voting. [PASSED LEGISLATURE, APPROVED BY VOTERS].

HJR 52 — Article VIII
Amendment and Revision

Adding a new section to this article establishing a permanent fund from the proceeds of state oil and gas leases for application to the university, public schools and highway purposes. [DIED HOUSE].

HJR 58 — Article III, Section 7
The Executive

Providing for the election of the Attorney General. [FAILED HOUSE].

HJR 63 — Article II, Sections 1, 2, and 3
The Legislature

Providing for a unicameral legislature. [DIED HOUSE].

HJR 67 — Article IX
Finance and Taxation

Adding a new section creating a permanent resourse fund from revenue derived from nonrenewable resources in excess of $60,000,000 per year. The appropriations shall be exclusively for retirement of the gereral bonded indebtedness of the state and for such other permanently benefiting purposes as may be provided by law. [DIED HOUSE].

HJR 72 — Article II, Section 8
The Legislature

Limiting the length of regular legislative sessions. [DIED HOUSE].

HJR 73 — Article II, Section 12
The Legislature

Relating to the rules of the legislature governing absent members. Provides if a member is absent more than five (5) consecutive days without just cause, he shall forfeit his membership unless his absence is excused by two-thirds (2/3) roll call of his house. [DIED HOUSE].

HJR 74 — Article II, Section 8
The Legislature

Limiting the length of the legislative sessions. DIED HOUSE.

1969

SENATE

SJR 1 — Article II, Section 5
The Legislature

Relating to disqualifications for the office of legislator. Allows a teacher, school administrator by the state or a political subdivision of the state, or the University of Alaska, to serve as a legislator. [DIED SENATE].

SJR 2 — Article III, Section 7
The Executive

Changing the name from Secretary of State to Lt. Governor. [PASSED LEGISLATURE, APPROVED BY VOTERS].

SJR 3 — Article III, Section 7
The Executive

Provides for the election of the Attorney General. [DIED SENATE].

SJR 6 — Article V, Section 1
Suffrage and Elections

Establishing the voting age at 18 years. [DIED HOUSE].

SJR 19 — Article VIII
Natural Resources

Adds a new section to provide a permanent fund for educational purposes and provides for the state to set aside lands exclusively for support of state educational needs. [DIED SENATE].

SJR 40 — Article V, Section 1
Suffrage and Elections

Relating to voter qualifications. Repeals the requirement that a person must be able to read or speak the English language in order to vote. [DIED HOUSE].

SJR 57 — Article IX
Finance and Taxation

Adding a new section to establish a permanent fund consisting of revenue received from nonrenewable petroleum and mineral resources. The appropriations shall be used for retirement of the general bonded indebtedness of the state and for other permanently benefiting purposes as may be provided by law. [DIED HOUSE].

SJR 59 — Article II, Section 8
The Legislature

Limiting the regular sessions of the legislature to sixty (60) days. [DIED HOUSE].

1970

HOUSE

HJR 91 — Article II, Section 9
The Legislature

Provides for allowing special sessions of the legislature to be called by the President of the Senate and the Speaker of the House. [DIED HOUSE].

HJR 94 — Article I
Declaration of Rights

Adding a new section to create an "environmental bill of rights", to conserve and protect the natural resources and scenic beauty, and to encourage the development and improvement of the agricultural lands of the state. It provides for the abatement of air, water, and noise pollution. It further provides for lands to be set aside as wilderness areas, parks, historical sites and refuge areas. [DIED HOUSE].

HJR 97 — Article XI, Section 7
The Executive

Eliminating certain restrictions in the right of initiative. This amendment eliminated the restriction that the initiative may not be used to dedicate revenues, or make or repeal appropriations. [DIED HOUSE].

HJR 127 — Article II, Section 8
The Legislature

Limits the legislative session to ninety (90) days. [DIED HOUSE].

SENATE

SJR 60 Article VIII, Section 1
Natural Resources

Establishing a conservation policy. The amendment repeals and re-enacts Section 1 to read as follows:

"Section 1. STATEMENT OF POLICY. It is the policy of the state to protect and uphold the right of each of its citizens to a natural environment of clean air, clean water, and scenic beauty, and to encourage the wise use of natural resources consistent with the public interest. The legislature, in implementing this policy, shall include adequate provision for the abatement of all forms of air, water, and landscape pollution and degradation." [FAILED SENATE].

SJR 74 Article IX
Finance and Taxation

Adding a new section to Article IX, establishing the Alaska Resources Permanent Fund.

"Sec. 15. ALASKA RESOURCES PERMANENT FUND. The Alaska Resources Permanent Fund created by the Second Session of the Sixth Legislature, including any additions by appropriations, shall be permanent and not subject to appropriation. It shall be made in accordance with the standards observed by men of ordinary prudence, discretion, intelligence, and experience, when investing, and not speculating with, their own funds. Income becomes part of the fund. An amount equal and limited to five per cent of its market value shall be withdrawn from the fund annually and thereafter be subject to appropriation for general purposes. No other withdrawals may be made from the fund, except for payment of expenses of administration." [FAILED SENATE].

SJR 87 — Article IV
The Judiciary

Relating to the office of Chief Justice of the Supreme Court, proposing new language which states:

"The office of the Chief Justice shall rotate among the justices every three years." [DIED HOUSE].

SJR 97 — Article VIII, Section 15
Natural Resources

Repeals this section which is the "exclusive right of fishery" provision. [FAILED SENATE].

SJR 98 — Article I
Declaration of Rights

Adding a new section clarifying the "inherent right to life", with the following language:

"Section 22. INHERENT RIGHT TO LIFE. The personal right to a natural environment as close to the natural state as possible when all of man's needs are considered is inherent in the right to life and may not be denied. The legislature shall implement this section." [DIED HOUSE].

1971

HOUSE

HJR 1 — Article III, Section 25
The Executive

Election, term of office, and qualifications of the Attorney General and District Attorneys. [DIED HOUSE].

HJR 2 — Article II, Section 1
The Legislature

Increasing the membership of the Legislature to twenty-one (21) Senate members and forty-one (41) House members. [DIED SENATE].

HJR 7 — Article II, Sections 1, 2, 3, 12, 13, 14, 15, 16, 18, and 20
The Legislature

Establishing a Unicameral Legislature. [DIED SENATE].

HJR 31 — Article VIII, Section 15
Natural Resources

Amending the "exclusive right of fisheries" provision by adding the following words to the Section:

". . . except as authorized by law."
[DIED HOUSE].

HJR 38 — Article X, Section 4
Local Government

Requires borough assemblymen representing a first class city or other class of city designated by law, to be elected by city voters rather than be appointed by the city council. Adds the words:

"Assemblymen elected from and by the qualified voters of the city," and deletes [MEMBERS OF ITS COUNCIL].

The committee substitute for this resolution changed the language as follows:

". . . or by assemblymen elected from and by the qualified city voters by an ordinance prescribed by law to authorize such direct election of assemblymen." [DIED HOUSE].

HJR 50

Article II, Section 5
The Legislature

Relating to office holding. Adds the words:

". . . or a political subdivision of the state" to the disqualification clause so that a person could not be a legislator and also work for a city or borough." [FAILED HOUSE].

HJR 52

Article I, Section 11
Declaration of Rights

Relating to the size of juries. Adds the word "six" for the number or jurors and deletes:

[TWELVE, EXCEPT THAT THE LEGISLATURE MAY PROVIDE FOR A JURY OF NOT MORE THAN TWELVE, NOR LESS THAN SIX IN COURTS NO OF RECORD].

and

Article I, Section 16

Changes the section as follows:

"Section 16. CIVIL SUITS: TRIAL BY JURY. In civil cases where the amount in controversy exceeds two hundred fifty dollars, the right of trial by a jury of six [TWLEVE] is preserved to the same extent as trial by jury [IT] existed at common law. The legislature may make provision for a verdict by not less than three-fourths of the jury [AND, IN COURTS NOT OF RECORD, MAY PROVIDE FOR A JURY OF NOT LESS THAN SIX OR MORE THAN TWELVE]." [FAILED HOUSE].

HJR 75

Article X, Section 4
Local Government

Relating to the composition and apportionment of borough assemblies. Changes this section as follows:

"Section 4. ASSEMBLY. The governing body of the organized borough shall be the assembly, and its composition and apportionment shall be established by law or charter. Assembly composition and apportionment, including voting procedures based on the apportionment, may be prescribed in any manner consistent with the equal representation standards of the Constitution of the United States. [EACH CITY OF THE FIRST CLASS AND EACH CITY OF ANY OTHER CLASS DESIGNATED BY LAW, SHALL BE REPRESENTED ON THE ASSEMBLY BY ONE OR MORE MEMBERS OF ITS COUNCIL. THE OTHER MEMBER OF THE ASSEMBLY SHALL BE ELECTED FROM AND BY THE QUALIFIED VOTERS RESIDENT OUTSIDE SUCH CITIES.] [DIED HOUSE].

HJR 77

Article VII, Section 1
Health, Education, and Welfare

Relating to education. Deletes the following language [NO MONEY SHALL BE PAID FROM PUBLIC FUNDS FOR THE DIRECT BENEFIT OF ANY RELIGIOUS OR OTHER PRIVATE EDUCATIONAL INSTRUCTION]. [DIED HOUSE].

HJR 79

Article II, Section 8
The Legislature

Limiting regular sessions of the Legislature to ninety (90) days. [DIED HOUSE].

SENATE

SJR 1 — Article II, Section 5
The Legislature

Relating to disqualifications for the office of legislators. Allows a teacher or school administrator to be a legislator. [DIED SENATE].

SJR 2 — Article II, Section 5
The Legislature

Limiting legislators seeking or holding other public office. Changes the language of this section as follows:

"SECTION 5. DISQUALIFICATIONS. No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected, or appointed to any other office or position of profit under the State which has been created, or the salary or emoluments of which have been increased, unless by general law applying to all salaried officers of the State, while he was a member. A legislator may not seek [THIS SECTION SHALL NOT PREVENT ANY PERSON FROM SEEKING OR HOLDING] the office of governor, or lieutenant governor, without first having resigned his seat in the legislature [OR MEMBER OF CONGRESS]. This section shall not apply to employment by or election to a constitutional convention, or to service on or at the behest of an interim committee of the legislature. [DIED SENATE].

SJR 10 — Article VIII, Section 15
Amendment and Revision

Amending the exclusive right of fisheries provision.

"SECTION 15. NO EXCLUSIVE RIGHT OF FISHERY. No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State. This section does not restrict the

power of the State to limit entry into any fishery for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in the State. [PASSED LEGISLATURE, APPROVED BY VOTERS].

SJR 32

Article IX
Finance and Taxation

Adding a new section to Article IX, establishing the continuing revenue fund with the following language:

"SECTION 15. CONTINUING REVENUE FUND. There is created the continuing revenue fund which consists of all bonuses received by the state from the leasing of oil and gas and other mineral lands after January 1, 1973. This fund is not subject to appropriation. It shall be invested for maximum long-term total return. Investments shall be made in accordance with the standards observed by men of ordinary prudence, discretion, intelligence, and experience, when investing, and not speculating with, their own funds. Income becomes part of the fund. An amount equal and limited to five per cent of its market value shall be withdrawn from the fund annually and thereafter be subject to appropriation for general purposes. No other withdrawals may be made from the fund, except for payment of expenses of administration. The administration of the fund shall be prescribed by law. [DIED SENATE].

1972

HOUSE

HJR 92 — Article XIII, Section 1
Amendment and Revision

Relating to the amendment section of the Constitution to allow amending the Constitution by initiative. [DIED SENATE].

HJR 102 — Article I, Section 3
Declaration of Rights

Relating to the Civil Rights section, adds the word "sex" to the section quaranteeing civil rights. [PASSED BY LEGISLATURE, PASSED VOTER APPROVAL].

HJR 103 — Article I, Section 8
Declaration of Rights

Grand Jury; changes the language of this section as follows:

"SECTION 8. GRAND JURY. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, or unless a complaint or information has been filed and a judge has found, after preliminary hearing, that there is probable cause to believe that the accused person has committed the crime, except in cases arising in the armed forces in time of war or public danger. [INDICTMENT MAY BE WAIVED BY THE ACCUSED. IN THAT CASE THE PROSECUTION SHALL BE BY INFORMATION.] The grand jury shall consist of at least twelve citizens, a majority of whom concurring may return an indictment. The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended." [FAILED HOUSE].

HJR 104 — Article III, Section 25
The Executive

Relating to the selection of the Attorney General and District Attorneys. Adds new sections for term, qualifications, and election of these positions. [DIED HOUSE].

HJR 106 — Article VII, Section 3
Health, Education, and Welfare

Relating to the University of Alaska. Provides for a "Chancellor" instead of a President and makes him the "Chief" Executive of the Board of Regents. [DIED HOUSE].

HJR 110 — Article X, Section 12
Local Government

Requires that annexation of territory to a city be approved by a majority of the qualified voters of the territory to be annexed. [DIED HOUSE].

HJR 115 — Article IX
Finance and Taxation

Adding a new section establishing the Alaska Permanent Fund as follows:

"Section 15. ALASKA PERMANENT INVESTMENT FUND. There is created the Alaska Permanent Investment Fund which consists of $500,000,000 in bonuses received by the State from the leasing of oil and gas lands in 1969 and oil money in excess of $100,000,000 a year received by the State from the sale of nonrenewable resources after this amendment becomes effective. This fund is not subject to appropriation but nothing prevents the full faith and credit of the fund from being used as security for present and future indebtedness of the State or its political subdivisions. The fund shall be invested for maximum long-term return with particular attention to be given investments in Alaska. Investments shall be made by the commissioner of revenue in accordance with the standards observed by men of ordinary prudence, discretion, intelligence, and experience, when investing, and not speculating with, their own funds. Income produced from investments becomes part of the general fund. Amounts may be withdrawn as needed to pay for bonds in default for which the fund has been given as security. No other withdrawals may be made from the fund, except for payment of expenses of administration. [DIED HOUSE].

HJR 116

Article X, Section 6
Local Government

Establishing the legislature as the assembly for the unorganized borough with new language as follows:

"SECTION 6. UNORGANIZED BOROUGHS. The legislature, in joint session sitting as a unicameral body, and acting in the manner prescribed by law, is the assembly for the unorganized borough. It shall provide for the performance of services it considers [DEEMS] necessary or advisable in unorganized boroughs, allowing for maximum local participation and responsibility. It may exercise any power or function in an unorganized borough which the assembly may exercise in an organized borough." [DIED HOUSE].

HJR 120

Article IV, Sections 12 and 16
The Judiciary

Relating to the administration and financing of the State Court System.

"SECTION 16. COURT ADMINISTRATION. The supreme court shall exercise administrative jurisdiction over [THE CHIEF JUSTICE OF THE SUPREME COURT SHALL BE THE ADMINISTRATIVE HEAD OF] all courts. The supreme court shall appoint an administrative director to serve at the pleasure of the supreme court and to supervise the administrative operations of the judicial system. The administrative director, with the approval of the supreme court, may assign judges from one court or division thereof for temporary service. The administrative director shall prepare an annual budget for the judicial system [HE MAY ASSIGN JUDGES FROM ONE COURT OR DIVISION THEREOF TO ANOTHER FOR TEMPORARY SERVICE. THE CHIEF JUSTICE SHALL, WITH THE APPROVAL OF THE SUPREME COURT, APPOINT AN ADMINISTRATIVE DIRECTOR TO SERVE AT THE PLEASURE OF THE SUPREME COURT AND TO SUPERVISE THE ADMINISTRATIVE OPERATIONS OF THE JUDICIAL SYSTEM].

*Sec. 2. Sec. 12, art. IX of the Constitution of the State of Alaska is amended to read:

SECTION 12. BUDGET. (a) The governor shall submit to the legislature, at a time fixed by law, a budget for the next fiscal year setting forth all proposed expenditures and anticipated income of all departments, offices, and agencies of the State. The governor, at the same time, shall submit a general appropriation bill to authorize the proposed expenditures, and a bill or bills covering recommendations in the budget for new or additional revenues.

(b) The administrative director of the judicial system shall submit an annual budget and supporting information for the judicial system to the governor at the time and in the form designated for budget submissions by the principal departments in the executive branch. The governor shall submit to the legislature as a part of his budget and general appropriation bill his budget and appropriation recommendations for the judicial system, accompanied by the initial budget request submitted to the governor by the administrative director of the judicial system. [DIED HOUSE].

HJR 126

Article V, Section 1
Suffrage and Elections

Regarding the residency requirements for voting in state and local elections. Deletes the language requiring one year residency. [PASSED LEGISLATURE, PASSED VOTER APPROVAL].

HJR 141

Article II, Section 8
The Legislature

Providing limits on regular sessions of the legislature. [DIED HOUSE].

1972

SENATE

SJR 33 — Article II, Section 2
The Legislature

Relating to the age requirements for legislators. Under this amendment, members of the Senate shall be twenty-two (22) and House members shall be nineteen (19). [WITHDRAWN].

SJR 44 — Article II, Section 2
The Legislature

Relating to residency and age requirements of state legislators. The following changes were proposed:

"SECTION 2. MEMBERS: QUALIFICATIONS. A member of the legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of an area which is, or at one time was, a portion of the district from which elected for at least six months, [ONE YEAR, IMMEDIATELY] preceding his filing for office. A member of the legislature [SENATOR] shall be at least [TWENTY-FIVE YEARS OF AGE AND A REPRESENTATIVE AT LEAST] twenty-one years of age. [FAILED HOUSE].

SJR 51 — Article II, Section 2
The Legislature

Relating to minimum age requirements for legislators; Senators twenty-one, House members eighteen. The amendment to this resolution totally eliminated any age requirement. [FAILED HOUSE]

SJR 52 — Article X, Section 4
Local Government

Relating to representation of cities on borough assemblies. Allows each borough to establish composition of the borough assembly by law or charter. [PASSED LEGISLATURE, PASSED VOTER APPROVAL].

SJR 55 Article VI, Section 1
Legislative Apportionment

Revising the procedure and method for redistricting the Senate and House of the State Legislature.

"SECTION 1. LEGISLATIVE DISTRICTS. (a) Members of the senate and the house of representatives shall be elected by the qualified voters in the legislative districts established in the manner provided in this article. A legislative district consists of at least one senate and two representative districts. If a legislative district elects two or more senators or two or more representatives, the legislative district shall be either (1) subdivided into separate single-member senate or representative districts, or (2) the senate and representative seats shall be designated separately by letter or number.

(b) Legislative districts, senate and representative districts, shall consist of compact, contiguous territory and shall be as nearly equal in population as may be.

(c) To the extent population equality requirements permit, each legislative district shall contain, as nearly as practicable, a relatively integrated socio-economic area. In the formation of legislative districts, consideration shall be given to local government boundaries. Whenever possible, drainage basins and other identifiable geographic features shall be used in describing legislative district boundaries.

(d) In this article, to the extent population equality requirements, geographic considerations and transportation services and routes permit

(1) "contiguous" means that every part of every legislative district shall be accessible by land, by state highway or marine highway route, scheduled commercial airline or air taxi route from every part of the same district without passing through any other district of like purpose;

(2) "compact" means that the boundaries of every legislative district shall be as close to equidistant from the geographic center of the district as is practicable.

(e) Following redistricting, the term of office of a member of the senate is not affected by a change in the boundaries of the district from which he was elected.

(f) The census taken under the direction of the Congress of the United States in 1970, and every ten years thereafter, shall be the basis for legislative redistricting.

SECTION 2. REDISTRICTING. The governor shall redistrict the senate and house of representatives in the manner prescribed in this article immediately following the official reporting of a decennial federal census.

SECTION 3. REDISTRICTING ADVISORY BOARD. (a) The governor shall appoint a redistricting board to act in an advisory capacity to his. It shall consist of five members who shall be qualified voters in the state. However, (1) no more than three members of the board may be members of the same political party as the governor, and at least one member shall be a member of the opposite political party; (2) none of the members of the board may be public officers or employees; and (3) no members of the board are eligible for election to the legislature until four years after the redistricting in which they participated becomes effective. At least one member shall be appointed from the southeastern, southcentral, central and western or northwestern regions of the state.

(b) The board shall elect one of its members chairman and one vice chairman and may employ temporary staff. The board shall adopt its own rules of procedure, but a majority of the members constitutes a quorum. The concurrence of three members of the board is required for a ruling, determination or the adoption of a redistricting plan.

(c) The lieutenant governor shall be the ex officio secretary of the board without vote and shall furnish, at the direction of the board or the governor, all necessary technical services. The lieutenant governor shall keep a public record of all the proceedings of the board and shall be responsible for the publication and distribution of the redistricting plan proposed by the board and proclaimed by the governor. The attorney general is the legal counsel for the board; he shall advise the board and the governor and represent them in any litigation concerning legislative redistricting.

(d) The meetings of the board are open to the public except as otherwise provided by law. The board shall hold public hearings on legislative redistricting throughout the state.

(e) The board and its staff shall be compensated and shall receive actual and necessary expenses as provided by law. The legislature shall appropriate funds to enable the board to carry out its duties.

SECTION 4. REDISTRICTING PLAN. (a) Within ninety days following the official reporting of a decennial federal census, the board shall submit its redistricting plan to the governor and make it public. Within sixty days after receipt of the plan, the governor shall issue a redistricting proclamation which shall become law in the same manner, and subject to the same provisions for referendum, as apply to an act of the legislature. The governor shall accompany the redistricting plan he proclaims with a statement explaining any change from the plan presented to him by the board. The redistricting plan shall be effective for the election of members of the legislature until the official reporting of the next decennial census.

(b) If in a referendum on the redistricting plan proclaimed by the governor, a majority of the qualified voters voting on the question reject the

redistricting plan, the governor, within sixty days following the election, shall redraft the redistricting plan in the manner provided in this article.

SECTION 5. JUDICIAL ENFORCEMENT. Original jurisdiction is vested in the supreme court, on the petition of any qualified voter in the state to compel the governor or the redistricting advisory board, by mandamus or otherwise, to perform his redistricting duties under this article.

SECTION 6. JUDICIAL REVIEW, CORRECTION. (a) Original jurisdiction is vested in the supreme court, on the petition of any qualified voter in the state, filed within thirty days after the governor proclaims a redistricting plan, to review, or to compel correction of an error in the redistricting plan. The cause shall be reviewed on the law and the facts.

(b) If the supreme court determines that the plan thus reviewed complies with the provisions of this article it shall dismiss the petition by written opinion within thirty days after the filing of the petition and the governor's redistricting plan shall become law upon the date of the opinion.

(c) If the supreme court determines that the redistricting plan does not comply with the provisions of this article, the plan is void, and the supreme court shall direct the governor to redraft the redistricting plan under the provisions of this article, and return the plan to the supreme court within sixty days after the filing of the petition. The supreme court shall review the plan returned to it and if it complies with the provisions of this article, shall file it with the lieutenant governor within ninety days after the filing of the petition, shall order it published in the manner provided by law and the redistricting shall become effective upon the date of filing.

(d) If the supreme court determines that the plan returned to it by the governor under (c) of this section does not comply with the provisions of this article, the supreme court shall return it immediately to the governor accompanied by a writen opinion specifying with particularity wherein the

plan fails to comply with the requirements of this article. The opinion shall further direct the governor to correct the plan in those particulars and no others, and to file and publish the corrected redistricting plan in the manner provided by law within ninety days after the filing of the petition and it shall become law upon the date of the corrected redistricting plan. [DIED SENATE].

SJR 68 — Article I
Declaration of Rights

Adding a new section relating to the individual's right of privacy as follows:

"The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section." [PASSED HOUSE, PASSED VOTER APPROVAL].

SJR 71 — Article II, Section 1
The Legislature

Increasing the membership of the legislature; senate members twenty-one (21), house members forty-one (41). [DIED SENATE].

SJR 73 — Article II, Section 8
The Legislature

Limiting the length of the regular session of the legislature to ninety (90) days. [FAILED HOUSE].

1973

HOUSE

HJR 1 — Article X, Section 12
Local Government

Relating to boundary changes. Requires boundary changes to be submitted to the qualified voters of the area affected by the proposed changes. [DIED HOUSE].

HJR 2 — Article II, Section 2
The Legislature

Reducing the residency requirements for election to the State Legislature. New language would require one (1) year residency in the state and ninety (90) days in the district. [DIED HOUSE].

HJR 3 — Article IX
Finance and Taxation

Proposing a new section to Article IX establishing the general revenue fund.

"SECTION 15. GENERAL REVENUE FUND. The general revenue fund created by the First Session of the Eighth Legislature, including any additions by appropriations, shall not be subject to appropriation. It shall be invested for maximum long-term return. Investments shall be made in accordance with the standards observed by men of ordinary prudence, discretion, intelligence, and experience, when investing, and not speculating with, their own funds. Income becomes part of the fund. An amount equal and limited to five per cent of its market value shall be withdrawn from the fund annually and thereafter be subject to appropriation for general purposes. No other withdrawals may be made from the fund, except for payment of expenses of administration of the fund." [DIED HOUSE].

HJR 4 — Article II, Section 8
The Legislature

Providing for a ninety (90) day regular legislative session and a thirty (30) day extension if approved by two thirds majority of each house. [DIED HOUSE].

HJR 9 — Article III, Section 25
The Executive

Relating to the selection of the Attorney General and District Attorneys. [DIED HOUSE].

HJR 20 — Article XIII, Section 1
Amendment and Revision

Proposing an amendment to the amendment and revision section of the constitution with the following language:

"SECTION 1. AMENDMENTS. Amendments to this consitution may be proposed by a two-thirds vote of each house of the legislature. The lieutenant governor shall prepare a ballot title and proposition summarizing each proposed amendment, and shall place them on the ballot for the next general election. If a majority of the votes cast on the proposition favor the amendment, it shall be adopted. Unless otherwise provided in the amendment, it becomes effective thirty days after the certification of the election returns by the lieutenant governor. [PASSED LEGISLATURE, PASSED VOTER APPROVAL].

HJR 33 — Article II, Sections 1, 2, 3, 12, 14, 15, 16, 18, and 20

Relating to a unicameral legislature. [DIED HOUSE].

HJR 39 — Article II, Section 10
The Legislature

Relating to legislative sessions with the following language:

"SECTION 10. ADJOURNMENT. Neither house may adjourn or recess for longer than three days unless the other concurs <u>except that either house after being in session 90 days or longer may by a majority vote of either house adjourn the legislature subject to being called immediately back into special session by the governor</u>." [DIED HOUSE].

HJR 44

Article IX
Finance and Taxation

Adding a new section to establish the Alaska Permanent Investment Fund with the following language:

SECTION 15. ALASKA PERMANENT INVESTMENT FUND. There is created the Alaska Permanent Investment Fund which consists of (1) gifts, (2) appropriations, (3) all money in excess of $100,000,000 received by the State each fiscal year from bonuses, royalties, rentals under leases, and sales of nonrenewable resources after July 1, 1976, and (4) bonuses received by the State from the leasing of oil and gas lands in 1969 which are in the general fund on July 1, 1976. This fund is not subject to appropriation but nothing prevents the fund from being used as security for the full faith and credit of the State (1) for present and future indebtedness of the State or its political subdivisions, and (2) other purposes authorized by law. The fund shall be invested for maximum long-term return with particlar attention to be given investments in the State. Investments shall be made by the commissioner of revenue in accordance with the standards observed by men of ordinary prudence, discretion, intelligence, and experience, when investing, and not speculating with, their own funds. Except for amounts needed to pay the expenses of administration, all income produced from investments becomes part of the general fund. Amounts may be withdrawn as needed to pay for bonds in default and other purposes authorized by law for which the fund has been given as security. No other withdrawals may be made from the fund." [DIED HOUSE].

HJR 49

Article III, Section 2
The Executive

Relating to age qualifications of Governor, Lt. Governor and Legislators. If the amendment was enacted, there would be no minimum age requirement for these offices. [DIED HOUSE].

HJR 53

Article I, Section 3
Declaration of Rights

Deletes the word [SEX] from the civil rights section relating to discrimination. [DIED HOUSE].

HJR 56 Article IX, Section 8
Finance and Taxation

Relating to debts of the state. Repeals Section 8 relating to bonded indebtedness. [DIED HOUSE].

1973

SENATE

SJR 1 — Article II, Section 1
The Legislature

Limiting legislators seeking or holding other public office. Provides that a legislator seeking the office of Governor, Lt. Governor, or a seat in the United States Congress must forfeit the remainder of his legislative term. [DIED SENATE].

SJR 2 — Article II, Section 8
The Legislature

Limiting the length of a regular legislative session to ninety (90) days. [FAILED SENATE].

SJR 3 — Article

Provides for the election of the Commissioner of Education. [DIED SENATE].

SJR 4 — Article III, Section 25
The Executive

Provides for the election of the Attorney General. [DIED SENATE].

SJR 18 — Article I, Section 3
Declaration of Rights

Deletes [SEX] from the civil rights section. [DIED SENATE].

SJR 23 — Article II, Sections 1, 2, 3, 12, 14, 15, 16, 18, and 20
The Legislature

Providing for a unicameral legislature. [DIED SENATE].

SJR 32 — Article XI, Sections 2, 3, 4, 5, and 6
Initiative, Referendum, and Recall

Establishes the position of "chief elections officer of the state". [DIED SENATE].

HOUSE

HJR 58 — Article VI
Legislative Apportionment

Repealing and re-adopting Article VI, revising the method and procedure for redistricting the Senate and House of Representatives of the state legislature. [DIED HOUSE].

HJR 66 — Article I, Section 11
Declaration of Rights

Relating to release on bail. New language inserted as follows:

" . . . and the court finds upon substantial evidence that, if released, the accused will pose a danger to other persons and to the community." [FAILED HOUSE].

HJR 67 — Article I, Section 11
Declaration of Rights

Relating to release on bail. Changes the section as follows:

"The accused is entitled to be informed of the nature and cause of the accusation; to be released on bail, except for [CAPITAL] offenses <u>for which a penalty of imprisonment in excess of eight years may be imposed upon conviction, and then only</u> when proof is evident or the presumption is great; . . ." [DIED HOUSE].

HJR 68 — Article I, Section 11
Declaration of Rights

Relating to juries in criminal prosecutions. Deletes [IN COURTS NOT OF RECORD] in the section relating to the amount of members on a jury. [DIED HOUSE].

HJR 71 — Article 1, Section 12
Declaration of Rights

Relating to excessive punishment. Adds the following underlined language:

"Penal administration shall be based on principle of reformation, [AND] upon the need for

SENATE

SJR 39 — Article IX, Section 12
Finance and Taxation

Limiting annual appropriations so as not to exceed annual revenues. New langauge as follows:

". . . for new or additional revenues. Appropriations made by the legislature for a fiscal year may not exceed the total estimated revenue of the State for that fiscal year; except that in the event of war or a natural disaster, as declared by the legislature, the application of this limit may be suspended by passage of a concurrent resolution by a vote of two-thirds of the membership of each house. The suspension shall only be effective for the two-year term of the legislature which passes the resolution." [DIED SENATE].

SJR 45 — Article I, Section 12
Declaration of Rights

Excessive punishment. Inserts new language as follows:

"Penal administration shall be based on the principle of reformation, [AND] upon the need for protecting the public and the need for proper punishment as a deterrent to the commission of future crimes." [DIED SENATE].

SJR 46 — Article I, Section 11
Declaration of Rights

Relating to the rights of accused persons. Changes the section as follows:

"SECTION 11. RIGHTS OF ACCUSED. In all criminal prosecutions, the accused shall have the right to a speedy and public trial, by an impartial jury of six [TWELVE; EXCEPT THAT THE LEGISLATURE MAY PROVIDE FOR A JURY OF NOT MORE THAN TWELVE NOR LESS THAN SIX IN COURTS NOT OF RECORD]. The accused is entitled to be informed of the nature and cause of the accusation; to be released on bail, except for [CAPITAL] offenses for which a penalty of imprisonment in excess of eight years may be imposed upon

conviction when the proof is evident or the presumption great; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense." [DIED SENATE].

SJR 51

Article I
Declaration of Rights

Adds a new section to read:

"SECTION 23. RIGHT TO EDUCATION IN NATIVE LANGUAGE. The Native peoples of the State have the inherent right, through the system of public education, to foster and preserve their linguistic and cultural heritage which still exists in substantial form among those peoples by being taught required courses of instruction in the public schools of the State in their Native tongue. The legislature shall implement this section by appropriate legislation." [DIED SENATE].

SJR 55

Article I, Section 11
Declaration of Rights

Restricting the right to bail when convicted of a prior criminal offense. The following language was added:

"SECTION 11. RIGHTS OF ACCUSED. In all criminal prosecutions, the accused shall have the right to a speedy and public trial, by an impartial jury of twelve, except that the legislature may provide for a jury of not more than twelve nor less than six in courts not of record. The accused is entitled to be informed of the nature and cause of the accusation; to be released on bail, except (1) that, in his discretion the judge may refuse bail when the person charged with a criminal offense has either (A) been convicted of a prior criminal offense or (B) been charged with a prior criminal offense that has not reached a final determination by the time he is subsequently charged; . . . ." [DIED SENATE].

1975

HOUSE

HJR 1 — Article II, Sections 1, 2, and 3
The Legislature

Creating a unicameral legislature. [DIED SENATE JUDICIARY].

HJR 3 — Article 1, Section 8
Declaration of Rights

Grand Jury. Adds new language which if adopted would allow a person to be held to answer for a crime without grand jury indictment if a complaint or information has been filed and a judge has found, after preliminary hearing, that there is probable cause to believe that the accused person has committed the crime. [DIED HOUSE JUDICIARY].

HJR 4 — Article III, Section 4
The Executive

Relating to the term of office of the Governor. Changes the term of office of Governor to one six year term. If the Lt. Governor succeeds to the office of Governor and serves four or more years, he may only serve one term. [FAILED HOUSE].

HJR 10 — Article I, Section 1
Declaration of Rights

Inherent Rights -- New language added to this section to read:

"SECTION 1. INHERENT RIGHTS. This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; that all persons have an inalienable right to a beautiful environment in which the ecological quality of air, water and land, and the condition of natural resources, wildlife, scenic beauty and quiet shall be protected by the State; and that all persons have corresponding obligations to the people and to the State. [FAILED SENATE].

HJR 11 — Article II, Section 9
The Legislature

Providing for consideration of vetoed bills during special sessions of the legislature. Allows bills vetoed by the Governor to be considered during a special session of the legislature. [PASSED BY LEGISLATURE, PASSED VOTER APPROVAL].

HJR 15 — Article VII, Section 2
Health, Education, and Welfare

Relating to the University of Alaska. Adds to this section the underlined words:

". . . its property, <u>including but not limited to the funds appropriated to it by the legislature and restricted funds</u>." [DIED SENATE JUDICIARY].

HJR 19 — Article IV, Section 1
The Judiciary

Relating to judicial districts. Changes this section as follows:

"Judicial districts shall be established by <u>the legislature or by the supreme court</u> [LAW]. <u>Judicial district boundary changes proposed by the supreme court shall be presented to the legislature during the first ten days of a regular session and shall be effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house</u>." [DIED SENATE JUDICIARY].

HJR 20 — Article III, Section 23
The Executive

Relating to the term, qualifications and election of the Attorney General. [DIED HOUSE JUDICIARY].

HJR 23 — Article III, Section 4
The Executive

Relating to the office of Governor. Under the section relating to the term of office, makes the following changes:

"Unless the legislature provides otherwise, it begins[BEGINNING] at noon on the second [FIRST] Monday in December four years later. [DIED HOUSE JUDICIARY].

HJR 33 — Article II, Section 8
The Legislature

Provides for a ninety (90) day session with a thirty (30) day extension if concurred in by a two thirds majority of each house. [DIED HOUSE STATE AFFAIRS].

HJR 36 — Article II, Section 5
The Legislature

Regarding the disqualification of legislators for certain positions. Changes the section by deleting the following language:

"[DURING THE TERM FOR WHICH ELECTED AND FOR ONE YEAR THEREAFTER, NO LEGISLATOR MAY BE NOMINATED, ELECTED, OR APPOINTED TO ANY OTHER OFFICE OR POSITION OF PROFIT WHICH HAS BEEN CREATED, OR THE SALARY OR EMOLUMENTS OF WHICH HAVE BEEN INCREASED, WHILE HE WAS A MEMBER. THIS SECTION SHALL NOT PREVENT ANY PERSON FROM SEEKING OR HOLDING THE OFFICE OF GOVERNOR, SECRETARY OF STATE, OR MEMBER OF CONGRESS.]" [DIED HOUSE JUDICIARY].

1975

SENATE

SJR 1 Article II, Sections 1, 2, 3, 12, 14, 15, 16, 18, and 20
The Legislature

Providing for a unicameral legislature. [DIED SENATE STATE AFFAIRS].

SJR 2 Article IX, Section 7 and adding a new section
Finance and Taxation

Establishing the Alaska Permanent Investment Fund. Adding a new section as follows:

SECTION 15. ALASKA PERMANENT INVESTMENT FUND. There is created the Alaska Permanent Investment Fund which consists of (1) gifts, (2) legislative appropriations, (3) all money in excess of $500,000,000 received by the State each fiscal year from bonuses, royalties, rentals under leases, and sales of nonrenewable resources after January 1, 1976, (4) bonuses received by the State from the leasing of oil and gas lands in 1969 which are in the general fund on January 1, 1976, and (5) the unappropriated and unencumbered balance of the general fund remaining at the expiration of six months after the end of each fiscal year. This fund is not subject to appropriation but nothing prevents the fund from being used as security for the full faith and credit of the State (1) for present and future indebtedness of the State or its political subdivisions, and (2) other purposes authorized by law. The fund shall be invested for maximum long-term return with particular attention to be given investments in the State. Investments shall be made by the commissioner of revenue in accordance with the standards observed by men of ordinary prudence, discretion, intelligence, and experience, when investing, and not speculating with, their own funds. Except for amounts needed to pay the expenses of administration, all income produced from investments becomes part of the general fund. Amounts may be withdrawn as needed to pay for bonds in default and other purposes authorized by law for which the fund has been given as security. No other withdrawals may be made from the fund. [DIED SENATE STATE AFFAIRS].

SJR 14 — Article III, Section 4
The Executive

Relating to the office of Governor. Under the section relating to the term of office, makes the following changes:

"Unless the legislature provides otherwise, it begins [BEGINNING] at noon on the second [FIRST] Monday in December four years later. [DIED SENATE JUDICIARY].

SJR 16 — Article I, Section 1
Declaration of Rights

Amending the inherent rights section. Adding new language as follows:

"This section includes the recognition that inherent in the right to life, liberty, and the pursuit of happiness is the need of all persons for a livable environment of clean air, clean water, clean land, scenic beauty and quiet. The right of every person to fulfill this need is inalienable." [DIED SENATE RESOURCES].

SJR 19 — Article IV, Section 1
The Judiciary

Relating to judicial districts. Adds new language to this section as follows:

"Judicial districts shall be established by the legislature or by the supreme court [LAW]. Judicial district boundary changes proposed by the supreme court shall be presented to the legislature during the first ten days of a regular session and shall be effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house." [DIED SENATE JUDICIARY].

SJR 35 — Article II, Section 8
The Legislature

Limiting the regular session to ninety (90) days with provisions for thirty (30) day extensions if approved by a majority of the members of each house. [DIED SENATE RULES].

1976

HOUSE

HJR 39 Article IX, Section 7 and adding a new section Finance and Taxation

Establishing the Alaska Permanent Fund for certain proceeds derived from nonrenewable resources; adds a new section to Article IX which creates the fund. [PASSED LEGISLATURE, APPROVED BY VOTERS].

HJR 40 Article IX, Section 7 and adding a new section Finance and Taxation

Establishing the Alaska Resources Investment Fund with language as follows:

"SECTION 15. ALASKA RESOURCE INVESTMENT FUND. There is created the Alaska Resource Investment Fund which consists of all money in excess of $500,000,000 received by the State each fiscal year from a combination of bonuses, severance taxes, royalties, rentals under leases, and sales of nonrenewable resources. This fund is subject to appropriation only upon approval of two-thirds majority of each house of the legislature, but nothing prevents the fund from being used without legislative approval as security for the full faith and credit of the State (1) for present and future indebtedness of the State or its political subdivisions, and (2) other purposes authorized by law. The fund shall be invested for maximum long-term return with particular attention to be given investments in the State. Investments in other than common or preferred stocks shall be made by the commissioner of revenue in accordance with the standards observed by men of ordinary prudence, discretion, intelligence, and experience, when investing, and not speculating with, their own funds. Except for amounts needed to pay the expenses of administration, all income produced from investments becomes part of the general fund. Amounts may be withdrawn as needed to pay for bonds in default and other purposes authorized by law for which the fund has been given as security. No other withdrawals may be made from the fund. [DIED HOUSE FINANCE].

HJR 42 — Article II, Section 7
The Legislature

Relating to an increase of salary for legislators. Adds the following language to this section:

"The salary of a legislator may not be increased before the first general election following the term in which the increase in salary was enacted." [DIED HOUSE STATE AFFAIRS].

HJR 48 — Article I, Section 16
Declaration of Rights

Relating to the right to trial by jury. Amending this section to read:

"In civil cases, except as may be provided by law for those in which the claim is based on the professional services by a health-care provider, where the amount in controversy exceeds two hundred fifty dollars, the right of trial by jury of twelve is preserved to the same extent as it existed as common law. [DIED HOUSE JUDICIARY].

HJR 49 — Article II, Section 8
The Legislature

Limiting the length of regular sessions of the legislature to ninety (90) days and providing for extensions of twenty (20) days each with concurrence by a two-thirds majority of each house. [DIED HOUSE JUDICIARY].

HJR 63 — Article VII, Section 1
Health, Education, and Welfare

Contracting with educational institutions; adds the words:

" . . . but this does not preclude payment for services under contract with accredited private institutions for educational and research services." [DIED HOUSE JUDICIARY].

HJR 66

Article II, Section 18
The Legislature

Relating to the effective date of acts subject to referendum. The section changes as follows:

"SECTION 18. EFFECTIVE DATE. Laws passed by the legislature may not become effective until ninety days have elapsed following adjournment of the legislative session at which they were enacted. Dedications of revenue, appropriations, or local or special acts may become effective at an earlier date by concurrence of two-thirds of the membership of each house. Any other act may become effective at an earlier date only if it is necessary for the immediate preservation of the public peace health or safety. The circumstances constituting this necessity shall be stated in a separate section of the act, and the act shall be approved by a two-thirds vote of the membership in each house.
*Sec. 2 Article II. sec. 5, Constitution of the State of Alaska is amended to read:

SECTION 5. REFERENDUM ELECTION. A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. An act referred may not become effective until it has been approved by the voters. The lieutenant governor shall prepare a ballot title and proposition summarizing the act and shall place them on the ballot for the first statewide election held more than one hundred eighty days after adjournment of that session.
*Sec. 3. Article II, sec 5, Constitution of the State of Alaska is amended to read:

SECTION 6. ENACTMENT. If a majority of the votes cast on the proposition favor its adoption, the initiated measure is enacted. If a majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected. The lieutenant governor shall certify the election returns. An initiated law becomes effective ninety days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date. It may be amended at any time. An act rejected by referendum is void [THIRTY DAYS AFTER CERTIFICATION]. Additional procedures for the initiative and referendum may be prescribed by law. [DIED HOUSE JUDICIARY].

HJR 73 — Article VII, Section 1
Health, Education, and Welfare

State aid to private institutions. Deletes the words [OR OTHER PRIVATE] from this section. [PASSED LEGISLATURE, FAILED BY VOTERS].

HJR 74 — Article VII, Section 1
Health, Education, and Welfare

State aid to private institutions. Adds the words underlined to this section:

"No money shall be paid from public funds for the direct benefit of any religious or proprietary educational institution or other pre-school, elementary, or secondary educational institution." [DIED HOUSE JUDICIARY].

HJR 75 — Article VII, Section
Health, Education, and Welfare

Public education; adds the following underlined language:

"No money shall be paid from public funds for the direct benefit of any religious or other private educational institution, however, money may be paid from public funds for the direct benefit of accredited, degree-granting, nonprofit, private, post-secondary educational institutions in a manner prescribed by law." [DIED HOUSE JUDICIARY].

SENATE

SJR 42 — Article I, Section 16
Declaration of Rights

Relating to the right to trial by jury, amending this section to read:

"In civil cases, except as may be provided by law for those in which the claim is based on the professional services by a health-care provider, where the amount in controversy exceeds two hundred fifty dollars, the right of trial by jury of twelve is preserved to the same extent as it existed at common law." [DIED SENATE JUDICIARY].

SJR 45 — Article VIII, Section 10
Natural Resources

Relating to the disposal or lease of state land or interest therein. Changing this section to read as follows:

"SECTION 10. PUBLIC NOTICE AND LEGISLATIVE APPROVAL. No disposals or leasing of state lands, or interests therein, shall be made without prior public notice and other safeguards of the public interest as may be prescribed by law. The legislature may by law require legislative approval of disposals or leases of state lands or interests therein." [PASSED LEGISLATURE, FAILED BY VOTERS].

SJR 52 — Article VII, Section 1
Health, Education, and Welfare

Relating to contracting with private educational institutions. New language as follows:

". . . but this does not preclude payment for services under contract with accredited private educational institutions for educational and research services." [DIED SENATE RULES].

SJR 55 Article II, Sections 5 and 6
The Legislature

Relating to measures submitted by the legislature to the voters. Changes these two sections as follows:

"SECTION 5. REFERENDUM ELECTION. A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. The legislature may submit an act that it has passed or a resolution that it has adopted to the voters for approval or rejection. An act or resolution submitted by the legislature may not become effective until it has been approved by the voters. The lieutenant governor shall prepare a ballot title and proposition summarizing the act or resolution and shall place them on the ballot for the first statewide election held more than one hundred eighty days after adjournment of that section.

*Sec. 2. Article XI, sec. 6, Constitution of the State of Alaska, is amended to read:

"Section 5. ENACTMENT. If a majority of the votes cast on the proposition favor its adoption, the initiated measure, or the act or resolution submitted by the legislature, is enacted or adopted. If a majority of the votes cast on the proposition favor the rejection of an act referred or an act or resolution submitted, it is rejected. The lieutenant governor shall certify the election returns. An initiated law becomes effective ninety days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date. It may be amended at any time. Unless otherwise provided in the act or resolution, a submitted law or resolution becomes effective ninety days after certification and may be amended or repealed at any time. An act rejected by referendum is void thirty days after certification. Additional procedures for the initiative, [AND] referendum and measures submitted by the legislature may be prescribed by law." [DIED HOUSE JUDICIARY].

1977

HOUSE

HJR 4 — Article II, Section 8
The Legislature

Relating to limiting regular legislative sessions to ninety (90) days. [DIED HOUSE STATE AFFAIRS].

HJR 7 — Article II, Sections 1 2, 3, 12, 14, 15, 16, 18, and 20
The Legislature

Providing for a unicameral legislature with sixty-one (61) senators with four (4) year terms. The sessions would be limited to one hundred twenty (120) days but extended in ten (10) day increments by majority vote. [FAILED HOUSE].

HJR 13 — Article III, Section 4
The Executive

Relating to term of office of the governor, making it six (6) years, and providing that a governor cannot serve consecutive terms. [DIED HOUSE JUDICIARY.

HJR 18 — Article II, Sections 2 and 3
The Legislature

Relating to election of state senators and election districts. Calls for senators to be elected at large within their districts and sets senatorial districts as those constitutionally prescribed as of January 3, 1959. [DIED HOUSE STATE AFFAIRS].

HJR 24 — Article II, Section 8
The Legislature

Relating to session limitation of one hundred (100) days, with extensions of ten (10) day increments by vote of two-thirds of the legislators. [DIED HOUSE JUDICIARY].

HJR 28 — Article II, Section 11
The Legislature

Relating to work of interim committees of the legislature. Allows interim committees to approve jointly with the governor, revisions to the appropriated state budget. [DIED HOUSE JUDICIARY].

HJR 30 — Article I, Section 11
Declaration of Rights

Relating to bail; this section would disallow a person to be released on bail if his release will pose a danger to other persons and the community. [DIED HOUSE JUDICIARY].

HJR 31 — Article Section

Relating to legislative confirmation authority; makes members of a board, commission, or agency, etc., to administer the fund created under Section 15 of Article IX, subject to confirmation by a majority of the members of the legislature, meeting in joint session. [DIED SENATE JUDICIARY].

HJR 33 — Article II, Section 10
The Legislature

Relating to adjournment and recess of the legislature. Would require the legislature to recess sixty-five (65) days after the governor submits the budget to the legislature, unless a resolution to continue the session without a recess passes by three-quarters (3/4) vote of membership of each house. This section would further require that the legislature shall reconvene on the date set by the presiding officer of either house and the principal order of business shall be the general appropriation bill. The committee substitute changed HJR 33 as follows:

Relating to limiting the regular legislative sessions to one hundred twenty (120) days, including recess; may be extended one (1) twenty (20) period by two-thirds (2/3) majority of legislature in joint session. Provides for a recess from the 80th day to 91st day. [FAILED HOUSE].

HRJ 38

Article VII, Section 2
Health, Education, and Welfare

Relating to the University of Alaska. Includes funds appropriated to the University of Alaska in property which shall be administered and disposed of according to law. [DIED HOUSE HEALTH, EDUCATION, AND SOCIAL SERVICES].

HJR 40

Article XIII, Section 1
Amendment and Revision

Relating to submission of constitutional amendments by iniative. Would allow amendments to the constitution by initiative. [DIED HOUSE STATE AFFAIRS].

1977

SENATE

SJR 1 — Article II, Section 8
The Legislature

Limiting legislative sessions to ninety (90) days. Provides for extension of twenty (20) days by vote of majority of each house and an additional period of ten (10) days or less by two-thirds (2/3) majority of each house. [DIED SENATE JUDICIARY].

SJR 2 — Article II, Sections 1, 2, 3, 12, 14, 15, 16, 18 and 20
The Legislature

Provides for a unicameral legislature consisting of sixty-one (61) senators, serving four (4) year terms. Provides that no vote on final passage of a bill can be taken until five days after its introduction and at least one day after the date publicly announced for it to appear on the calendar. Repeals Article VI and sets up new guidelines for re-districting. [DIED SENATE JUDICIARY].

SJR 3 — Article I, Section 12
Declaration of Rights

Relating to standards of sentencing and penal administration. Provides that sentencing practice and penal administration shall be based on the principles of just punishment, deterrence, reformation, and the need for public protection. It adds the words "just punishment" and "deterrence." [DIED SENATE JUDICIARY].

SJR 4 — Article I, Section 11
Declaration of Rights

Relating to bail in felony cases involving violence. Provides that a person may not be eligible for bail for non-capital felonies involving violence when the accused has been twice convicted of violent felonies when after a hearing the judge determines that there is evidence substantially showing guilt. [DIED SENATE JUDICIARY].

SJR 14 — Article III, Section 25
The Executive

Relating to the Office of Attorney General. Provides for election of Attorney General for same term as Governor, and stipulates that the Attorney General does not serve at the pleasure of the Governor. [DIED SENATE JUDICIARY].

SJR 16 — Article II, Section 11
The Legislature

Relating to work of interim committees of the legislature. Provides for an interim committee which would approve jointly with the governor, revisions to the appropriated state budget, including revisions authorizing the receipt and expenditures of federal and other receipts as defined by law. [PASSED LEGISLATURE, FAILED VOTER APPROVAL].

SJR 23 — Article III, Section 25
The Executive

Relating to the Attorney General. Prohibits the Governor from making any changes in any unit of the Executive Branch which is headed by the Attorney General, and disallows the Governor to supervise any unit headed by the Attorney General. Provides for qualifications, election, term of office, compensation, vacancy, and duties of the Attorney General. [FAILED SENATE].

SJR 27 — Article II, Section 3
The Legislature

Relating to terms of state senators. Provides that all state senators shall be elected at the first general election held after the proclamation of legislative reapportionment and redistricting issued by the governor under Article VI, Section 10. [DIED SENATE JUDICIARY].

SJR 29 — Article IV, Sections 2, 4, 5, 6, and 7
The Judiciary

Providing for the election of supreme court justices and superior court judges. Adds number of judges to total 5. Chief justice may only serve one term. The terms shall be limited to six years. Superior court judges shall be elected from their districts for four year terms. [FAILED SENATE].

SJR 30

Article II, Section 8
The Legislature

Relating to regular and special sessions; limiting session to ninety (90) days. Special sessions limited to subjects designated in the call by concurrent resolution of legislature or request of governor. No limit on the number of special sessions. [FAILED SENATE].

1978

HOUSE

HJR 44 — Article III, Section 25
The Executive

Relating to the Attorney General. Prohibits the Governor from making any changes in any unit of the Executive Branch which is headed by the Attorney General, and disallows the Governor to supervise any unit headed by the Attorney General. Provides for qualifications, election, term of office, compensation, vacancy, and duties of the Attorney General. [DIED HOUSE JUDICIARY].

HJR 61 — Article IV, Section 8
The Judiciary

Relating to prosecuting attorneys. Provides that the Judicial Council shall nominate one or more prosecuting attorneys from each judicial district to be appointed by the Attorney General. Further provides the prosecuting attorney chosen does not serve under the supervision of the Governor. [DIED HOUSE JUDICIARY].

HJR 62 — Article IX, Section
Finance and Taxation

Relating to investments of the state. Provides that no loan procedure or evidence of a loan made by the state or state agency shall be made from the treasury except in accordance with appropriations made by law. [DIED HOUSE STATE AFFAIRS].

HJR 71 — Article II, Section 1
The Legislature

Increasing membership of each chamber of the legislature; senate twenty-five (25) members and house fifty-one (51) members. [DIED HOUSE STATE AFFAIRS].

HJR 74

Article II, Section 5
The Legislature

Eliminating certain restrictions on former legislators holding offices or positions of profit in government. Eliminates the one year provision for holding position of profit for ex-legislators. The committee substitute changed HJR 74 as follows:

Limiting length of legislative session to one hundred twenty (120) days, with extensions of ten (10) day increments by majority of membership of each house. [DIED SENATE JUDICIARY].

1978

SENATE

SJR 44 Article II, Section 1
The Legislature

Increasing the membership of each house of the legislature; Senate 25, House 51. [DIED SENATE RULES].

1979

HOUSE

HJR 1 — Article II, Sections 1, 2, 3, 12, 14, 16, 18, and 20
The Legislature

Providing for a unicameral legislature. [IN SENATE STATE AFFAIRS].

HJR 3 — Article II, Section 8
The Legislature

Regarding the length of the legislative session. [IN HOUSE STATE AFFAIRS].

HJR 5 — Article XII,
General Provisions

Adding a new section designating Juneau as the state capital. [IN HOUSE STATE AFFAIRS].

HJR 6 — Article III, Section 23
The Executive

Relating to the Attorney General. Provides that the Governor may not reorganize the office of the Attorney General and provides for the election of the Attorney General. [IN HOUSE STATE AFFAIRS].

HJR 7 — Article IV, Section 2 and adding new sections
The Judiciary

Providing for the election of Supreme Court Justices and Superior Court Judges. Establishes five rather than [THREE] justices. Provides that a justice may not serve more than one term or one portion of a term.

New sections: (18) provides for election of Supreme Court Justices;
(19) Provides that a Justice may only serve two consecutive terms;
(20) Provides for election of Superior Court Judges;
(21) Provides for term of office of Superior Court Judges;

(22) Provides for maximum of three consecutive terms;

(23) Provides for term of office for existing Justices and Judges;

(24) Provides for replacement when vacancy occurs. [IN HOSUE STATE AFFAIRS].

HJR 8 — Article III, Section 4
The Executive

Relating to the term of office of the Governor, changing term of office to one six-year term. If Lt. Governor succeeds Governor for longer than four years, he may not serve another term. [IN HOUSE JUDICIARY].

HJR 11 — Article VII, Section 1
Health, Education, and Welfare

Relating to state aid to private educational institutions. Deletes [NO MONEY SHALL BE PAID FROM PUBLIC FUNDS FOR THE DIRECT BENEFIT OF ANY RELIGIOUS OR OTHER PRIVATE EDUCATIONAL INSTITUTION]. [IN HOUSE H.E.S.S.].

HJR 18 — Article II, Sections 9 and 10
The Legislature

Relating to legislative sessions. Section 9 deletes [SPECIAL SESSIONS ARE LIMITED TO THIRTY DAYS]. Section 10 provides for a 120 day session and for ten day extensions with approval of two-thirds of membership of each house. [IN HOUSE JUDICIARY].

HJR 19 — Article VII, Section 1
Health, Education, and Welfare

Relating to tax credits for tuition expenses. Changes the section with new language underlined:

"No money shall be paid from public funds directly to [FOR THE DIRECT BENEFIT OF] any religious or other private educational institution. The legislature shall provide for a tax credit for tuition paid to all nonsectarian educational institutions in the state." [IN HOUSE H.E.S.S.].

HJR 20

Article III
The Executive

Proposing a new section relating to the confirmation and term of officers:

"Section 28. CONFIRMATION AND TERM OF OFFICE. The confirmation by a majority of the members of the legislature in joint session of officers and board and commission members whose appointment and confirmation are not otherwise provided in this article shall be as provided by law. An officer or board or commission member subject to confirmation by the legislature under this article who is not serving in an office for which a definite term is established by law is removed from office at the expiration of the term of the governor in office at the time of his appointment. The officer or board or commission member may be reappointed, but a reappointment is subject to confirmation by a majority of the members of the legislature in joint session." [IN HOUSE JUDICIARY].

HJR 23

Article IX, Section 15
Finance and Taxation

Relating to finance; proposes seventy-five rather than [TWENTY-FIVE] percent of all mineral lease rentals, royalties, royalty sale proceeds and federal mineral revenue sharing payments and one hundred percent of all revenue received by the state from the sale of land, except land sale revenue pledged, before or after the effective date of this amendment, to repay bonds, . . ." [IN HOUSE PERMANENT FUND COMMITTEE].

HJR 26

Article IX, Section 12
Finance and Taxation

Providing for biennial budgeting for operating expenditures. Adds language as follows:

"Section 12. BUDGET. In each odd-numbered year the governor shall submit to the legislature, at a time fixed by law, a budget setting forth all proposed capital expenditures for the next fiscal year. In each even-numbered year the governor shall submit to the legislature, at a time fixed by law,

a budget setting forth all proposed capital expenditures for the next fiscal year. Each biennial budget submission shall set forth anticipated income of all departments, offices and agencies of the State [THE GOVERNOR SHALL SUBMIT TO THE LEGISLATURE, AT A TIME FIXED BY LAW, A BUDGET FOR THE NEXT FISCAL YEAR SETTING FORTH ALL PROPOSED EXPENDITURES AND ANTICIPATED INCOME OF ALL DEPARTMENTS, OFFICES, AND AGENCIES OF THE STATE]. The governor, at the same time, shall submit a general appropriation bill to authorize the proposed expenditures, and a bill or bills covering recommendations in the budget for new or additional revenues. [IN HOUSE FINANCE].

HJR 37 Article IX, Section 1 and adding a new section
Finance and Taxation

Limiting tax levies by the state and its political subdivisions. Provides that:

(a) The state as a political subdivision may not collect tax revenues which exceed the amount collected for fiscal year 1978, plus a change to reflect both.

(1) Percentage of change of the population of the state or political subdivision between the two fiscal years; and

(2) The percentage of change of the cost-of-living index for the state or political subdivision between the two fiscal years as that index is defined by law.

(b) Other tax percentages during each subsequent fiscal year.

(c) Provides for exception by vote of the people.

(d) Sets up restrictions
[IN HOUSE STATE AFFAIRS].

HJR 38 Article IX, Adds a new section
Finance and Taxation

Relating to tax limitations:

"SECTION 16. LIMITATION ON TAXING POWER. No tax shall be levied by the State except for the taxes

existing upon the date of ratification of this section by the people of the State nor shall the rate of an existing State tax be increased above the rate in effect on January 1, 1979 except for taxes or increases necessary for emergency purposes and which are in effect for not more than one year and except for State taxes or increases levied to pay or secure the payment of general obligation bonds whether or not the bonds are in default or in danger of default. [IN HOUSE STATE AFFAIRS].

HJR 45 Article XI, Section 7
Initiative, Referendum, and Recall

Relating to initiative and referendum; provides (1) that the initiative shall not be used to repeal appropriations of state money; (2) that referendum shall not be applied to appropriations of state money. [IN HOUSE STATE AFFAIRS].

1979

SENATE

SJR 2 — Article II, Section 5
The Legislature

Relating to disqualification of legislators:

"SECTION 5. DISQUALIFICATIONS. No legislator may hold any other office or position of profit under the United States or the State during [. DURING] the term for which elected [AND FOR ONE YEAR THEREAFTER, NO LEGISLATOR MAY BE NOMINATED, ELECTED, OR APPOINTED TO ANY OTHER OFFICE OR POSITION OF PROFIT WHICH HAS BEEN CREATED, OR THE SALARY OR EMOLUMENTS OF WHICH HAVE BEEN INCREASED, WHILE HE WAS A MEMBER]. This section shall not prevent any person from seeking or holding the office of governor, lieutenant governor [SECRETARY OF STATE], or member of Congress. This section shall not apply to employment by or election to a constitutional convention. [IN HOUSE RULES].

SJR 3 — Article IV, Section 2
The Judiciary

Providing for the election of supreme court justices and superior court judges.

(1) Providing for five rather than [THREE] justices;
(2) Provides that the chief justice may only serve one term;
(3) Provides for election of supreme court justices;
(4) Provides for term of office of supreme court justices;
(5) Provides maximum of two consecutive terms for supreme court justices;
(6) Provides for election and terms of superior court judges;
(7) Provides a maximum of three consecutive terms for superior court judges;
(8) Provides for term of office for judges and justices presently in office;
(9) Provides mechanism for filling vacancies. [IN SENATE JUDICIARY].

SJR 4

Article III, Section 23
The Executive

Relating to the Attorney General.

(1) Provides that the governor may make no changes in the organization or function of the office of the attorney general.

(2) Provides for term of office, qualifications, and election of the attorney general. [IN SENATE JUDICIARY].

SJR 8

Article II, Sections 7, 9, and 10
The Legislature

Relating to sessions of the legislature.

(1) Provides legislators will receive per-diem expenses for the first one hundred twenty consecutive calendar days of a regular session.

(2) Removes thirty (30) day limit on special sessions;

(3) Provides for adjournment after ninety (90) calendar days;

(4) Provides for one extension of twenty (20) calendar days and one extension of ten (10) calendar days by majority vote of legislature meeting in joint session;

(5) Provides for adjournment in ten (10) calendar days for a special session;

(6) Provides if the legislature adjourns before a budget is passed, it shall convene for no longer than fifteen (15) calendar days in special session for considerations of only the budget;

(7) Provides in Article IX, Section 12 that the finance committee shall issue its report on the budget by the seventieth legislative day and that a free conference on the budget shall have fifteen (15) days to issue its report. [IN SENATE STATE AFFAIRS].

SJR 9

Article II, Section 9
The Legislature

Relating to sessions of the Legislature.

(1) Provides for one hundred twenty (120) calendar days for the regular session with extensions of ten (10) day increments by concurrence of a majority of the membership of each house. [IN SENATE STATE AFFAIRS].

SJR 10

Article II, Section 3
The Legislature

Relating to terms of legislators.

(1) Provides for term of representatives to be four years and senators to be six years. [IN SENATE STATE AFFAIRS].

SJR 19

Article III, Section 4
The Executive

Relating to the Governor and Lt. Governor. He may serve again after one term has intervened.

(1) Provides for one six year term for Governor;

(2) If Lt. Governor succeeds Governor for four years or more, he may only serve one term;

(3) Lt. Governor shall hold office for six years, may only serve one term, and can be re-elected after one full term has intervened. [IN SENATE STATE AFFAIRS].

SJR 21

Article VII, Section 1
Health, Education, and Welfare

Relating to state aid to private educational institutions. Deletes [NO MONEY SHALL BE PAID FROM PUBLIC FUNDS FOR THE DIRECT BENEFIT OF ANY RELIGIOUS OR OTHER PRIVATE EDUCATIONAL INSTITUTION]. [IN SENATE JUDICIARY].

SJR 24 Article IX, Adding a new section
Finance and Taxation

Limiting increases in appropriations from the general fund:

"SECTION 16. APPROPRIATION GROWTH LIMIT. The annual general fund budget presented by the governor to the legislature for a fiscal year shall not exceed the amount appropriated from the general fund for the previous fiscal year by more than nine per cent. The total amount appropriated from the general fund for a fiscal year by the legislature shall not exceed the amount appropriated from the general fund for the previous fiscal year by more than nine per cent. These limitations may be exceeded for the purpose of meeting natural disasters, repelling invasion, or suppressing insurrection." [IN SENATE JUDICIARY].

SJR 26 Article IX, Section 15
Finance and Taxation

Relating to finance:

"SECTION 15. ALASKA PERMANENT FUND. At least seventy-five [TWENTY-FIVE] per cent of all mineral lease rentals, royalties, royalty sale proceeds, and federal mineral revenue sharing payments, one hundred per cent of all [AND] bonuses received by the State, and one hundred per cent of all revenue received by the State from the sale of land, except land-sale revenue pledged, before or after the effective date of this amendment, to repay bonds, shall be placed in a permanent fund, the principal of which shall be used only for those income-producing investments specifically designated by law as eligible for permanent fund investments. All income from the permanent fund shall be deposited in the general fund unless otherwise provided by law."

SJR 35 Article IX, Section 1
Finance and Taxation

Limiting tax levies by the state and its political subdivisions.

"SECTION 16. LIMITATION ON TAXING POWER. No tax shall be levied by the State except for the taxes

existing upon the date of ratification of this section by the people of the State nor shall the rate of an existing State tax be increased above the rate in effect on January 1, 1979 except for taxes or increases necessary for emergency purposes and which are in effect for not more than one year and except for State taxes or increases levied to pay or secure the payment of general obligation bonds whether or not the bonds are in default or in danger of default." [IN SENATE STATE AFFAIRS].

STATE CONSTITUTIONAL CONVENTIONS

DURING THE 1970's

Prepared For

INTERIM COMMITTEE
on the
CONSTITUTIONAL CONVENTION
of the
ALASKA STATE LEGISLATURE

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STATE CONSTITUTIONAL CONVENTIONS DURING THE 1970's [1]

In the United States, the Constitutional Convention is a traditional method of revising an old constitution or writing a new one. Since the beginning of the republic, at least 230 constitutional conventions have been convened in the fifty states. In forty-one states, constitutional conventions are expressly authorized in the constitution. In other states, constitutional conventions are sanctioned extraconstitutionally by judicial interpretation and practice.

This report focuses on state constitutional conventions convened during the 1970's. It compares the notable features of these conventions, identifies major innovations in their proposals, and extracts information from the experience in state constitution-making during the past decade which may be of value to the State of Alaska in planning for the possible upcoming constitutional convention.

NUMBER AND TYPES

Twelve constitutional conventions have been held in ten states during the 1970's. Seven of these were unlimited conventions with no restrictions on their power to propose revisions: One each in Hawaii, Illinois, Montana, New Hampshire, and North Dakota, and two in Arkansas. Five were limited constitutional conventions, whose powers were restricted to specific areas or subjects: One each in Louisiana, Rhode Island, and Texas, and two in Tennessee.

In addition, a limited convention was called in Arkansas without popular referendum in 1975, but was declared unconstitutional by the Arkansas Supreme Court.

Two of the twelve conventions during the 1970's were called in states whose constitutions have no provision for a constitutional convention. The voters in these states approved the constitutional amendment to call the conventions. In all other states, except Louisiana, the convention call was approved by the electorate. Louisiana's Eleventh Constitutional Convention was called by a legislative act and signed by the governor.

MEMBERSHIP AND COST

The membership of unlimited conventions differs little from that of limited conventions. The number of delegates to the twelve conventions ranged from ninety-eight in North Dakota, up to four hundred in New Hampshire. The constitutional amendment authorizing the Texas convention provided that the members of the legislature would constitute the convention membership. In all other instances, except for twenty-seven of the thirty-two delegates in Louisiana, members of the conventions were elected. House Districts were used to elect delegates in all states except Illinois and Rhode Island where Senatorial Districts were the basis for representation. Election of delegates to the conventions was nonpartisan except in Montana, Rhode Island, and Texas.

Compensation of the delegates varied from $3.00 per day plus mileage for the four hundred new Hampshire delegates, (who met only 12 days) up to the $1,000 per month (but not more than $4,000 total) plus per diem allowance paid to the Hawaiian delegates. Comparative figures on compensation are somewhat unrealistic because of the inflation factor throughout the 1970's

Appropriations to finance conventions during the past decade likewise varied greatly. Funding for both unlimited and limited bodies ranged from $20,000 appropriated for the Rhode Island limited convention to the highest for unlimited conventions of $2.88 million in Illinois, $2.91 million in Louisiana, and $3.8 million for the limited Texas convention.

PREPARATION, ORGANIZATION AND PROCEDURE

All states with successful conventions during the 1970's recognized the value of careful preparatory research. In preparation for extensive constitutional revision, most states created special study commissions with mandates to study the constitution and recommend needed changes. One of the greatest efforts was made in Texas where extensive studies were made and a report including the draft document was prepared by a thirty-seven member commission supported by a $900,000 legislative appropriation. A similar report prepared by a study commission in Arkansas' Seventh Constitutional Convention

(1969-1970) was useful to their Eighth Constitutional Convention. Illinois and Montana also produced an elaborate series of studies. Some states relied on the staff of the Legislative Council for preparatory studies. In Hawaii, the Legislative Reference Bureau updated the extensive series of 17 background studies designed initially to provide information for the 1968 convention. Few special research efforts were made in preparation for most limited conventions with restricted mandates.

The leadership structure of most conventions varies little, differing mainly in the number of vice-presidents. All conventions have a president or chairman, at least one vice-president, a secretary, sometimes a treasurer, a sergeant of arms and often various assistants to these officers, and a staff. Size and specialization of the staff vary greatly, depending mainly on the convention's mandate. Texas had the largest staff of the recent conventions; it ranged from 58 to as many as 266 at various times.

All conventions have a committee organization--most commonly of two types or classes: (1) substitive to cover the subject areas of studies; (2) procedural, to deal with auxiliary matters and functions. Sometimes a steering committee provides the structural framework for the convention's leadership, as in the Louisiana convention. Normally, the substitive committees follow the principal subject matter areas

of the constitutional system. Every convention operates under a set of rules. Some more recent conventions (for example Hawaii) also have a code of ethics for delegates.

CONVENTION PROPOSALS

Invariably, the products of constitutional conventions are featured by reduced verbiage. For example, the new constitution proposed by the Seventh Arkansas Convention in 1970 had 13,573 words in the main body and 3,190 in the schedule, compared with 46,000 words in the 1874 document, as amended. Similar reductions were affected in other proposed constitutions. The Louisiana Convention proposed a new constitution of 26,300 words to reduce its bulky predecessor with an estimated 256,500 words. Other common characteristics of new and revised constitutions are improved style, organization, and format; greater consistency with the federal counterpart, and elimination of much obsolete and statutory matter.

Convention proposals range from a proposed new or revised constitution, through submission of varying numbers of amendments, to a single amendment. All proposals of conventions held in the 1970's have been submitted to the voters; none were proclaimed in effect without popular referendum. The twelve conventions used three principal forms of submission:

(1) Arkansas and North Dakota submitted proposed new constitutions in a single package, and with no alternate proposals. Both were rejected. (2) In three states--Illinois, Louisiana, and Montana--a new document was submitted, with controversial issues separated and voted on individually. The voters approved all three. (3) Five conventions in four states--Hawaii, New Hampshire, Rhode Island and Tennessee--submitted a series of amendments, each addressed to a particular matter or series of related matters. Some were approved and some were rejected.

Twelve of the thirteen proposed amendments by the 1977 Tennessee Limited Convention were approved by the voters. The thirty-four Hawaii proposals were the most successful of all; all were adopted. Because of the success of the Hawaii proposals, the manner of their presentation on the ballot merits some attention. They were presented in two parts on the ballot. The voter had to choose one; he could not vote on both. In the first part, the voter had to vote for or against all proposals collectively as a unit. In the second part, the 34 proposals were listed individually by short title. The voter was instructed to indicate only those items that he opposed; all unmarked items were counted as approved by the voter. The same ballot format had been used successfully in 1968, when the voters approved 22 of 23 proposals.

It should be noted, however, that in the case of Hawaii, a court action has been filed seeking to invalidate the results

of the November 7, 1978 general election dealing with those amendments to the state constitution. That case is now in the Supreme Court of the State of Hawaii, and has not been resolved as of the date of this report.

The remaining convention not yet mentioned is the 1974 Texas Convention of State Legislators/Delegates. The reason--it made no proposals. The convention rules required approval of proposals by a two-thirds majority of the delegates for submission to the voters. The draft constitution of 17,000 words (as compared with 64,000 words in the 1876 document), incorporating many modernizing features (such as the "sunset" provision for the government agencies) failed by three votes to receive the required two-thirds majority. Thus, the Texas Legislature Convention became the first convention in history to kill its own product, eliciting such labels as "five million dollar bad dream",[2] and even more uncomplimentary titles. Under heavy pressure and mounting public criticism after adjournment of the convention, the Texas Legislature incorporated the principal substance of the revised constitution into eight constitutional amendments, which were submitted to the electorate the following year. All eight were rejected by a margin of about two and one-half to one.

INNOVATIVE PROPOSALS

The basic ingredients of a "good" constitution long recommended by constitutional reformers are well known to have been incorporated in such successive editions of the Model State Constitution. In his introduction to the revised sixth edition of the model, however, John Bebout reminds constitution makers that, "Strictly speaking, there is no such thing as a model state constitution, because there is no model state".[3] Every state is unique and has its own traditions and particular problems. No single set of solutions will fit every state. In full recognition that each innovation must be weighed and evaluated in the light of local needs, some major innovations recommended in convention proposals of the 1970's can be identified. These are grouped in the following paragraphs according to major constitutional areas.

Bill of Rights

Practically all new or revised state constitutions provide added protection for individuals against discrimination, (racial and, in some instances, sexual). The ill fated Texas document would have added "the handicapped". Illinois forbids unequal enforcement and administration of the law. Similarly,

unreasonable invasion of privacy is expressly forbidden in Hawaii, Illinois and Montana. Tennessee eliminated the prohibition against interracial marriages. The propcsed North Dakota document would have guaranteed the right of candidates for public office to a fair election.

Suffrage and Elections

Continuing the trend toward liberalizing the requirements for voting and office holding that begin with the adoption of the first state constitutions, the new organic laws include provisions for relaxing residency requirements, establishment of a bipartisan state board of election, reduction of the age of majority to 18, reduction of age qualification for all state offices to 21, and legislative determination of residency and registration requirements for voting.

Reflecting recent problems relating to political campaigns, a Rhode Island constitutional provision requires all candidates for top state offices to disclose election campaign expenditures, and a newly adopted Hawaii amendment requires the legislature to provide for partial public financing of political campaigns and to establish campaign spending and contribution limits.

Legislative Branch

Proposals affecting the legislative branch include: public legislative sessions and committee meetings, annual legislative sessions, reapportionment by bipartisan commission,

election of legislators from single-member districts, authorization for the legislature to convene itself in special session, increase in the term of House members from two to four years, automatic veto sessions, establishment of a legislative compensation commission, staggered terms for senators, and reduction of the required age for candidates for the legislature to 21. Separate alternative proposals in Montana and North Dakota give the voters the option unicameralism vs. bicameralism.

Executive Branch

Many features relating to the executive reinforce the principals of executive unity and functional integration. Proposals in recent new and revised constitutions include: joint election of governor and lieutenant governor, reduction in the number of elective state constitutional officers, election of state officers in nonpresidential years, two consecutive-term limit for the governor, gubernatorial power to reorganize state agencies subject to legislative veto, reduction of the age qualifications for governor and lieutenant governor from 30 to 25, specified procedures for determining gubernatorial disability, amendatory veto power for the governor and elimination of the pocket veto, and limitation of number of executive departments to a stated number, usually 20. The "sunset" provision of the Texas

document provided for periodic legislative review of the executive agencies with requirement that they be abolished unless renewed.

Judiciary

Few, if any, articles of a constitution seem to cause revisers more trouble than the judicial department--perhaps because lawyers comprise most of the membership of convention committees on the judiciary. Among the major proposals are creation of a judicial standards or qualifications commission, and establishment of a salary commission for the courts. The long term standards of judicial reform continue to be highly controversial subjects of constitutional reform; a unified system of courts, appointive or elective judges, promulgation of procedural rules by the state supreme court, and others.

Local Government

Similarly, relatively few innovations have been proposed recently for the solution of the problems of local government other than tax relief. Most proposals in this area provide for extended powers of local home rule for both counties and municipalities. Provision for inter-governmental cooperation and consolidation and reorganization of local government. Few sections of the state constitution are more politically sensitive than those relating to local officers and their powers, and, hence, more difficult to change. In a

number of states, constitutional reform efforts have been wrecked by the opposition of local vested interests.

Finances and Taxation

No area matches taxation and finance in the number of reform proposals. Currently, the most attention is focused on limitations on state and local taxation, spending, and debt. Tennessee, for example, has just approved a formula for limitation of state spending related to increases in the state's economy. Hawaii also has a similar spending limit tied to the growth of the state's economy. Other recent amendments to the Hawaii constitution limits state debt to a percentage of general fund revenues, requires payment of general obligation bonds within 25 years, gives the legislature permissive authority to authorize issuance of special-purpose revenue bonds, establish a tax revenue commission, authorize the legislature to conform state income tax laws to federal income tax laws, and extend the exclusive power to tax real property to the counties.

The most far-reaching change in the area of taxation was California's Proposition 13, initiated by petition and approved last June. This initiative measure, which limits real property taxes to one percent of value, inspired a revolt that has affected all parts of the nation. In 1978, in addition to California, voters approved tax or spending restrictions, or both, in at least eight states. Related

financial proposals were rejected in at least five states.

State Functions

Education has received more attention than any other state function in recent constitutional revisions. Attention has been focused especially on broad protection against discrimination, equalization of educational opportunity, and creation of an effective state board of education.

At least five of the proposed new constitutions expressly state the policy to maintain a healthful environment, and at least three extend to individuals the right to sue polluters. Hawaii now has a constitutional requirement for legislative approval for construction of a nuclear plant and disposition of radio active material.

Subjects of other amendments include lotteries, gambling, the death penalty, authorized interest rates, codes of ethics, and creation of the offices of consumer counsel and ombudsmen. One of the most encouraging provisions for lay citizens is Hawaii's new constitutional requirement that plain language be used in governmental writing.

Constitutional Revisions

Finally, the article that usually receives the least attention of constitution-makers, but is one of the most important parts of the organic law, is the article on amendment and revision of future chagnes. At least six of the proposed new constitutions provided for periodic submission of the

question of calling the constitutional convention to the voters (at intervals of twenty years in three states, ten years in Rhode Island, and thirty years in North Dakota and Texas). The new Montana constitution omits the former limitation on the number of proposed amendments on any one ballot. Montana and Illinois authorized constitutional initiative, and the Texas document would have included the provisions for calling a constitutional convention. Illinois reduced the size of the majority required to adopt amendments.

SOME GUIDELINES

What possible lessons can be learned from the constitutional reform efforts in the 1970's? Careful evaluation of recent state experiences suggest certain guidelines.

1. The experience reported in all states that have achieved constitutional reform heavily emphasizes the importance of careful advance preparation and competent research service during the convention.

2. The development of a positive public image enhances a convention's chance of success. The experience with the Texas legislator/convention in 1974 which had image problems strongly supports this theory.

3. The convention delegates have a responsibility to educate the people on constitutional issues as well as to

receive their proposals. For most people, constitutional revision is a vague, uninteresting term of little real and practical meaning. An effective public relations and educational program is of prime importance in state constitution-making.

4. Developing effective organization and procedures may have an important bearing on the success or failure of a convention. Placing unrealistic burdens to time, voting requirements, or limitations on delegates may prove too high a hurdle, resulting in failure to place a successful proposal before the public.

5. The best method for placing the convention proposals before the people must be explored and evaluated.

6. Every effort should be made to gain bipartisan support of the proposals and the backing of key people, especially the governor.

7. Although the Constitution of the State of Alaska mandates that the convention be an unlimited one, the use of unlimited conventions has diminished somewhat over the past twenty years principally because of voter rejection of the total proposal. Perhaps the legislature may wish to look into the possibility of amending the constitution to allow limited constitutional conventions.

SUMMARY

In conclusion, unless the legislature calls for a constitutional convention prior to 1982, the question of whether or not to have a constitutional convention will appear on the ballot. It is hoped that this report, dealing with the experience in other states during the '70's will give the legislature and the people of Alaska some ideas as to the pros and cons of having a convention, subjects to explore in constitutional revision, problems encountered by other states and possible solutions, attitudes of the voters, and hints on conducting a successful convention and proper submission of the proposals to the voters.

FOOTNOTES

1. Some of the material in this report have been influenced by the writings of Albert L. Sturm, University Research Professor, Center for Public Administration and Policy, Virginia Polytechnic Institute and State University, Blacksbury, Virginia.

2. State Senator Ron Clower quoted in the Dallas News.

3. Model State Constitutions, 6th Ed., Revised (New York, N.Y.: National Municipal League 1968).

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Chairman
Rep. Brian Rogers

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

INTERIM COMMITTEE
ON
THE CONSTITUTIONAL CONVENTION

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

Staff
Guy Van Doren
Admin. Asst.

October 9, 1980

Members of the Constitutional
Convention Committee

Dear Members:

Enclosed, please find the report submitted to the Committee at the meeting in Juneau on September 24th, as well as the minutes of that meeting, and a letter from the National Municipal League explaining the meeting in Houston.

In conjunction with the meeting in Houston, recognized authorities in constitutional revision will be holding a seperate meeting with me and any of the committee members who wish to attend.

During the September meeting, a mojority of the committee authorized me and any members of the committee to attend the New York meeting, November 6th and 7th, and/or the Houston Meeting November 14th-18th. If any member wishes to attend either of these meetings with me, please contact me as soon as possible in order that I can make the necessary arrangements. I can be contacted at our office number during the day, or 364-3442 in the evenings.

Since I will be in the East on November 11th, Chairman Rogers will probably hold the next meeting after the Houston meeting.

If you have any questions please contact me or Chairman Rogers.

Sincerely,

Guy A. Van Doren
Administrative Assistant,
Interim Committee on the
Constitutional Convention

GAVD/me

Encl.

P.S. Enclosed is a travel request if you want to attend.

CONSTITUTIONAL CONVENTION COMMITTEE
Minutes of Meeting of September 24, 1980
Juneau, Alaska

The Meeting of the Legislative Interim Committee of the Legislative Council Committee of the Alaska State Legislature regarding Constitutional Convention was called to order at 2:00 p.m. by Representative Brian Rogers, Chairman.

Present were Representatives Rogers, Gardiner and Hayes and Senators Ziegler and Mulcahy. Also present were Guy A. Van Doren, Administrative Assistant, and Doug Pope, Attorney.

Retention of counsel was discussed by the committee members. Mr. Pope briefed the committee on Mr. Wagstaff's draft opinion regarding the exclusion of minors for cash distribution of permanent fund dividends.

Mr. Van Doren gave a summary of the work he has completed and stated that he had contacted people who are recognized experts in the field of constitutional conventions. Letters have been sent to the National Municipal League; he has received a list of 15 recommendations; six people had contacted him expressing interest in meeting with this committee. There was a summary of questions in packets given to the committee members. Mr. Van Doren stated that the National Municipal League will meet in Houston in November and that other people from other states will be in attendance and available to meet with this committee the day before.

Representative Rogers stated that the bill relating to the calling of a constitutional convention and establishing a constitutional convention committee was vetoed by the Governor last year because members of the Commission included legislators and administration people and there was a question of separation of power. He stated the meeting with the recognized experts is a good idea. After discussion, it was decided that Representative Hayes and Guy A. Van Doren would meet with experts in New York.

Translation to Yupik of materials pertaining to the constitutional convention was discussed. A contract with the University of Alaska will be available for consideration at the next meeting. The booklet published in Hawaii for Hawaii's constitutional convention was discussed.

The question of continuing the $25,000 contract for the memorandum on constitutional constraints into the second phase was discussed. Senator Ziegler stated that the committee should wait and keep expenditures down to a minimum. It was agreed by the members of the committee to table the second phase and advise Mr. Wagstaff not to proceed until requested to do so.

we are to approve today grants private inholders carte blanche access across national forest and public lands nationwide.

These are a few of the flaws in the Senate bill. They are serious but not fatal. They should not keep us from passing this bill; but we should not forget these flaws either. It is my hope that in the months ahead we can move to correct some of the more glaring omissions and errors. Passage of this bill brings to a close a great debate on Alaska and our proper stewardship of its national resources. But it should not deter us from continuing our agenda to safeguard this unique environmental heritage for the American people.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. FISHER).

Mr. FISHER. Mr. Speaker, I rise to support the proposal that is being put forward. It is not my first choice for a bill on this subject, but it is a good position, an honorable one, and I certainly think we should adopt it and settle this matter during this Congress. It is the best chance we will have at it for a long time.

I have personal reason for supporting this. When I was much younger, I spent several years in Alaska, most of it in the field. I know a good bit in the early days of the territories and land tracts that are being set aside now in various categories for protection. I even wrote a Ph. D. dissertation on the conservation and economic development of Alaska many years ago.

I remember at that time making the argument that if you set tracts of land aside in protected status, later on if you desperately need to go there and extract resources, you can do it; but if you do not set the land aside, but allow development helter-skelter to take place, it is irreversible, especially in a very fragile environment such as is much of Alaska; so by all odds, the prudent thing to do for the benefit of the State of Alaska, which was a territory when I was there, is to do exactly what we are doing, to set large tracts aside in appropriate categories and leave them in this protected status until such time as they may desperately be needed for other purposes, but I would hope they can stay forever in these protected categories; so although it is not my first choice, it is a good choice and I strongly urge my colleagues forthwith to vote for this.

Mr. UDALL. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR of Michigan. Mr. Speaker, I, too, would like to take this opportunity to commend the chairmen of the appropriate committees, the gentleman from Arizona (Mr. UDALL); the gentleman from Ohio (Mr. SEIBERLING); the gentleman from New York (Mr. MURPHY); and the gentleman from Louisiana (Mr. BREAUX) for the fine work they have done on the bill and also to mention the persistence and the effort of the coalition who worked very hard for a good number of years to put together a package which I think will live as a monument to this Nation.

Finally, I would like to pay tribute to our President, who I think stood fast and is to be commended on the work that he and the administration did on this particular bill.

I had the opportunity, Mr. Speaker, the rare opportunity and privilege to hike the Brooks Range and to canoe the Kenai and the wonders of Alaska. I just would hope this Congress and perhaps future Congresses would keep in mind the needed protection for areas such as the Copper River Delta, the Chelkad area and the North Slope.

I again wish to commend the chairman of the committee.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, I have no further requests for time. I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, before I go into the nature of the great historical period of time which we are about to enter into when we vote on this bill, I would like to commend the chairman of the full committee, the gentleman from Arizona (Mr. UDALL); the gentleman from Ohio (Mr. SEIBERLING), for their work in locking my State up. They have done it with great honor and with a great deal of forthrightness and have been straight with me all along. They told me when they were going to put it to me. I do compliment them for that. They have been honest in their decisions. I respect anybody's beliefs and they do believe they are doing what is right for the great State of Alaska.

I want to make it perfectly clear to my colleagues that I will not be voting for the passage of this legislation, because it is my feeling that this bill that they are saying is not what they want is not what I want, either. It still is an environmentally leaning bill.

I will tell you, though, it does contain many provisions that are good for the State of Alaska, and for the listening audience and those who are here listening to me today, in this bill the good things are that in the Statehood Act, lands are conveyed to the State. The existing Carter monuments are repealed. Access to inholdings and traditional access are guaranteed. There is maintenance of the timber industry in the southeast and it is not being overharvested. It is being harvested as it should be. There are provisions for mineral developments, such as borax, in Chignik Creek, Greens Creek, et cetera. There are exemptions for the wilderness studies by the BLM lands.

Most key mineral areas are open. There is a provision that there will be no more executive withdrawals.

There are oil and gas studies and there are gas and oil leasing on the refuges. All these things are in the bill.

The thing that I object to most in this bill is it never should have been before us in the first place. Under the Statehood Act we were guaranteed 104 man acres of land, of lands that were not reserved at that time. Under this bill, there are lands still in conflict that the State will not be granted. There are areas of land that have been closed to hunting, but that will be addressed the next session of Congress.

I believe that the next session is going to prove that Congress can see the wisdom of allowing lands to be open to the people. All Alaskans have ever wanted and have ever asked is that they have the rights that were guaranteed to them under the Constitution, that they have the right to utilize these lands for their enjoyment and for their economic benefit; primarily their enjoyment above all. The idea that Congress can close down lands and that they cannot be utilized has been a sore in the eyes of all Alaskans.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I thank the gentleman for yielding.

I would just like to ask the gentleman if the statement I made on the floor about the vote in Alaska where over half of the people voted to reconsider their statehood, if the gentleman agrees that this process of land lockup and the management on the part of the administration of those federally owned lands in Alaska is the reason behind that vote.

Mr. YOUNG of Alaska. I may answer the gentleman, that is absolutely right. The frustration that is felt in Alaska is not in anyone's imagination. It is there. When people's rights are put upon by the Federal Government, then they begin to get very frustrated.

I hope that the election last November 4 brought this home to most of the people on this floor, that there is an unrest out there in the general public that the Federal Government has taken too many rights away from people. That commission was voted upon to study whether the Statehood Act had been fulfilled as far as the Federal Government goes.

Mr. SYMMS. Mr. Speaker, if the gentleman will yield further, I would also like to ask the gentleman, is it not true that there are millions of acres of land in Alaska that are being locked up that have high potential for critical minerals, as well as oil and gas?

Mr. YOUNG of Alaska. Yes; there are many acres locked up and it is my hope that next year as we come back to this Congress that those areas that have high potential will at least be explored, because when they are explored then we will know when, where, and how to retrieve the resources that this Nation is going to have to have

The gentleman knows as well as I do that if you think the OPEC crisis is bad, just wait for the mineral crisis. If this Congress does not wake up to the fact

The next meeting of this committee will be November 11, 1980 and a further meeting will be in December, 1980.

Mr. Pope briefed the committee on Mr. Wagstaff's memorandum and submitted the same in written form to the members.

Mr. Van Doren was directed to prepare a draft of a booklet for the public regarding constitutional convention issues. There was discussion regarding the booklet influencing the vote.

There was discussion regarding a federal constitutional convention being limited to one issue, which should be addressed by this committee.

Spending limitations was discussed and will be addressed at the next meeting of this committee. Mr. Van Doren will look for people working on federal constitutional conventions.

Senator Ziegler brought attention to the fact that Representative Parr killed the balanced budget resolution during the last Alaska Legislative session.

Representative Rogers asked for further questions. There being none, the meeting was adjourned at 2:45 p.m.

Landa Krossa,
Secretary

Chairman
Rep. Brian Rogers

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

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REPORT TO THE INTERIM COMMITTEE ON THE CONSTITUTIONAL CONVENTION

I. Work Performed August 29, to September 22, 1980

1. Reports of last Interim Committee sent to members.
2. Individuals recommended by the National Municipal League as Constitutional Revision Authorities contacted relating to the possibility of meeting with staff and/or committee members to discuss:
   (a) Revision of Alaska Constitution
   (b) Formation of a Constitutional Commission
   (c) Planning for a successful convention
   (d) Comments on last years work

*Note: All persons contacted were supplied with copies of the work accomplished last year plus a copy of the Alaska State Constitution.

3. Review of new literature relating to constitutional developments in other states.

4. First draft of Constitutional Commission resolution

5. Planning for this meeting and for possible projects to be undertaken.

II. Response to proposed meeting with constitutional authorities.

1. Mr. Albert Sturm, Blacksburg, Virginia.

Mr. Sturm is the author of a book on the Michigan Constitutional Convention, numerous books on constitutional 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 States.

Mr. Sturm has expressed interest in meeting with me and will be available during the week of October 13-17, or possibly some later date.....SEE ENCLOSURE "A"

2. Mr. William Cassella, Jr., New York, New York

Mr. Cassella is Executive Director of the National Municipal League and participated in the Alaska Constitutional Review Conference held in Fairbanks in 1976.

Mr. John Bebout, Cape Cod, Mass.

Mr. Bebout has been associated with revision efforts since the successful move to adopt a new constitution in New Jersey in the 1940's and was a major consultant to the Alaska Convention.

Upon receiving my meeting request, Mr. Bebout contacted Mr. Cassella and suggested that he convene a meeting at the National Municipal League offices in New York, of several people in the general geographical area whom I have already contacted. The suggestion was that myself and /or several committee members could attend. Our committee would have to defray the costs of the people attending. However, the proposed attendees are all located within a 150 mile radius of New York.

Notwithstanding that suggestion, Mr. Cassella is available either the 9th or 10th of October or from October 23 to the end of the month, or November 6 and 7.

Another possibility suggested by Mr. Cassella, is a meeting held in connection with the Leagues' National Conference in Houston, November 15-18. The meeting could take place on November 14th and Mr. Cassella has stated that several people on my list of contacts will be attending the League meeting. This would eliminate a great deal of traveling. In conjunction with that meeting, I have been invited to participate in the Agenda Building program for the National Municipal Leagues' National Conference described in the memo accompanying this report.

SEE ENCLOSURES "B" AND "C".

If the committee decides the above plan is feasible, members would be able to attend the conference as well as the meeting with the constitutional people.

3. Mr. George Braden, Albany, New York

Mr. Braden has been involved in revision efforts in Connecticut, New York, Illinois and Texas, and has co-autored books on the Illinois and Texas constitutions.

Mr. Braden is available throughout most of October and early November and is one of the individuals recommended to attend the collective meeting at the Municipal League offices.

SUMMARY: Since to this date, I have received respones from four out of the five persons I have contacted, and in order to save time and expenses, I would recommend, if the committee feels it is in the best interest of the purposes of the committee to meet with these people, that a meeting be called in New York, at the League offices, approximately the 9th or 10th of November and that another meeting be scheduled on the 14th of November, in Houston. If Mr. Sturm does not plan to attend the Houston meeting, he could be seen in between time. Also, the other work to be undertaken in New York and in Washington D.C. can be accomplished on the same trip. SEE ENCLOSURE "D" FOR OTHER ORGANIZATIONS WITH WHICH TO MEET.

III. Possible Projects For the Committee to Undertake

1. Meet with recognized authorities on Constitutional Revision
   (a) Information
   (b) Send work already accomplished for their review and comments
   (c) Planning for a successful convention.
   (d) Evaluate each person for possible selection as consultant to either the Constitutional Commission or to the actual Convention, should one be called.

2. Report on Federal Constitutional Convention
   (a) Limited vs. Unlimited
   (b) Effects a National Convention would have on the States, especially Alaska.

3. Prepare informational material to be handed out at Public Hearings.

4. Prepare materials for members of the committee.

5. Prepare informational brochure on "What Is a Constitutional Convention" for distribution.

6. Prepare scripts and select persons to be involved in use of the Legislative Media Center and teleconference use.

7. Develop questions for consultants

8. Preparation of workbook for Commission.

9. Public hearings
   (a) Preparation for
   (b) Summary report following the meetings

10. Discuss possible projects with the League of Women Voters
    (a) Study on their prospectives Pro or Con
    (b) What issues do they feel should be addressed
    (c) Their participation in the future.

VIRGINIA'S LAND-GRANT UNIVERSITY

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

Blacksburg, Virginia 24061

CENTER FOR PUBLIC ADMINISTRATION AND POLICY (703) 961-5133/5830

10 September 1980

Mr. Guy A. Van Doren
Administrative Assistant
Special Interim Committee on the
Constitutional Convention
Pouch Y, Room 107
The Capitol
Juneau, Alaska 99811

Dear Mr. Van Doren:

This is in reply to your letter of September 4. Thank you for sending me the materials relating to the work of the Committee on the Constitutional Convention. I look forward to examining these items more carefully.

I shall be glad to meet with you during October. The time that would be most convenient for me would be the week of October 13-17, preferably early in the week, although I could meet at another time if this does not fit well into your schedule. Also, I suggest that you might prefer that I meet you in Chicago, rather than your coming to Blacksburg. We can resolve these matters when you get back to me. My office telephone is Area Code 703, 961-5197.

As you may know, for the past ten years I have been preparing the section on "State Constitutions and Constitutional Revision" for The Book of the States. In updating the material on constitutional commissions for the next volume, I want to include information on the Special Interim Committee on the Constitutional Convention. I am enclosing, therefore, two forms on state constitutional commissions that I would appreciate greatly your filling out as completely as possible and returning to me.

I look forward to hearing from and meeting you in the near future.

Sincerely,

Albert L. Sturm
Professor Emeritus

ALS/sl

Enclosures

NATIONAL MUNICIPAL LEAGUE
Sponsor of
National Conference on Government
86th Annual Conference—Houston—November 15-18, 1980

September 12, 1980

Mr. Guy A. Van Doren
Administrative Assistant
Special Interim Committee on the
Constitutional Convention
Pouch Y, Rm. 107
Capitol Building
Juneau, Alaska 99811

Dear Mr. Van Doren:

I was pleased to receive your letter of September 4 and the various enclosures. I am glad that you are able to follow-up on some of the people who were mentioned in the letter sent from the National Municipal League early in the summer.

You asked for my schedule during October and early November. The best time for me would be from the 23rd of October until the end of the month. I could also meet with you on the 9th and 10th or November 6 and 7.

I had a call from John Bebout who suggested the possibility of my convening a meeting of several of the people you plan to see here at the National Municipal League. It would be possible to have several of them gather here for a one-day session which might conserve your time. It would be necessary for your committee to defray their expense traveling to New York which might increase the cost but would have the advantage of an exchange involving several people, e.g., a session involving Bebout, Braden, Cornwell and me could probably be arranged.

Another possibility would be to have a session in connection with the League's National Conference in Houston, November 15-18. You might be able to have a group meet on Friday, November 14 in Houston before the Conference begins. I am sure that several of the people on the NML list will be at the Houston meeting.

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

In connection with the Houston meeting I am enclosing a memorandum alerting you to an invitation which you will be receiving shortly from George Gallup and Bill Scranton, two former League presidents. You will be among those invited to participate in the agenda building program described in the memorandum. You will note that this will be held on November 15 and 16. I hope you will be able to adjust your calendar and extend your stay in the "lower 48" through November 16.

I look forward to hearing from you.

Sincerely yours,

William N. Cassella, Jr.
Executive Director

WNC/gm
Enclosure

86th NATIONAL CONFERENCE ON GOVERNMENT
The Shamrock Hilton
Houston, Texas
November 15-18, 1980

July 7, 1980

1980 CONFERENCE MEMORANDUM #2

Conference Theme: CIVIC PARTNERSHIP FOR PROGRESS IN THE 1980s

As in previous years, the 86th National Conference on Government will bring together a unique combination of citizens and officials with a common interest in improving the effectiveness of self-government. It will provide an opportunity for them to exchange experiences and ideas, and to focus particularly on the issues which must be faced in the 1980s. A special effort is being made to involve an emerging generation of civic leaders in this Conference and in the development of programs necessary to reverse fragmentation caused by single-interest politics and thus enhance the institutions and processes for accommodating a variety of interests--the CIVIC PARTNERSHIP FOR PROGRESS.

Reactions to the proposed substance and format outlined in Conference Memorandum #1 were affirmative and contained suggestions which are reflected in the tenative program included in this memorandum.

Following the pattern initiated in 1979 in Detroit, the Houston Conference will make maximum use of the November 15-16 weekend and will conclude by midday on Tuesday, November 18.

The tenative program is as follows:

Registration, Saturday, November 15, 8:30 - 11:00 AM
NML Committee meetings, November 15, 9:00 - 11:00 AM

Saturday, November 15 and Sunday, November 16

All Sessions: Building the Civic Agenda for the 1980s

Special invitations ~~have been~~ are being extended to a cross section of promising younger leaders from around the country, both officeholders and individuals with important civic roles, to join with League officers and members in developing the civic agenda for the 1980s. The program will include presentations at plenary sessions and small-group roundtable discussions.

Focus will be on defining the issues which must be faced by a federal system overloaded by intergovernmental fiscal complexities and burdensome regulations, and questioned as to its effectiveness,

efficiency, accountability and equity. All participants will receive background materials before the Conference, including analytical reports of the Advisory Commission on Intergovernmental Relations.

The objective of the small-group sessions will be to produce consensus with respect to the Civic Agenda necessary to redefine the roles of all levels of government, overcome the hazards of the overload, strengthen state and local institutions, and create productive public/private/voluntary partnerships. The consensus will be on an agenda of questions which must be faced, not specific answers. Developing and implementing answers will be the task of the decade. All those listed as giving presentations have been invited.

Saturday, November 15

11:00 AM - Opening Plenary Session
Keynote Presentations: Bruce Babbitt, Governor of Arizona
Richard Thornburgh, Governor of Pennsylvania

12:30 PM - Buffet Luncheon - small-group discussion rooms

1:00 PM - 1st session - small groups

2:45 PM - 2nd session - small groups

4:30 PM - Afternoon Plenary Session
Presentations: Fay H. Williams of Indianapolis (Coalition Building)
James R. Ellis of Seattle (Civic Commitment)

5:30 PM - 7:30 PM - Reception

Sunday, November 16

10:30 AM - Plenary Session on Civic Agenda for the 1980s
Presentations: James L. Hetland, Jr., of Minneapolis (Regional Institutions)
Gail Levin of Dayton (The Media's Role)
Neal R. Peirce--(The Civic Agenda-summations of consenses reached in small-group discussions)

12:00 Noon - Brunch

2:30 PM - National Municipal League Membership/Council meetings (open to all participating in Conference). Report of Committee on NML Goals and Priorities for the 1980s and an open discussion providing an opportunity for League officers and members to con-

sider committee recommendations on current and proposed League programs in light of the deliberations on the "civic agenda for the 1980s" just concluded, as well as individual experiences and concerns.

5:30 - 7:30 PM - Reception - Opening of All-America Cities Exhibits

The All-America Cities Jury Hearings will be held November 17, 9:00 AM - Noon and 2:00 - 5:00 PM.

Monday, November 17

The general and concurrent sessions for November 17, to involve participants from all parts of the country, have been planned with the cooperation of Texas leaders to provide an opportunity for citizens of the host area to discuss matters of local concern with those having faced similar problems elsewhere. The concurrent sessions in the morning deal with significant problem areas and those in the afternoon with instruments for dealing with them.

9:00 AM -- General Session - Public/Private/Voluntary Partnership

10:30 AM -- 4 Concurrent Sessions

A. Urban Development/Urban Conservation
B. Energy - State/Local Initiatives
C. Living with Fiscal Constraint
D. Intergovernmental Partnership or Regulatory Maze?

12:15 PM - Luncheon
Address: William M. Ellinghaus, President
American Telephone & Telegraph Company

2:00 PM -- 4 Concurrent Sessions

A. Representing Changing Communities
B. Leadership and the Civic Partnership
C. Citizens Organized - In the Neighborhood
D. Expanding the Knowledge Base - Research and Service

3:30 PM -- General Session - Strategies for the 1980s -- Sorting Out Roles: Local, Regional, State and Federal

Tuesday, November 18

9:00 AM -- 4 Special Workshops

A. Charter Clinic
B. Civic Video
C. Reapportionment/Redistricting
D. All-America Cities Network

National Municipal League officers and council members will preside at all sessions.

Chairman
Rep. Brian Rogers

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

INTERIM COMMITTEE
ON
THE CONSTITUTIONAL CONVENTION

Pouch Y, Rm. 10
Capitol Bldg.
Juneau, Alaska
99811
(907) 465-3743

Staff
Guy Van Doren
Admin. Asst.

September 4, 1980

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

Dear Brian:

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

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

If the Committee decides that the trip is worthwhile, I could also spend time with (1) The National Municipal League (2) Political Scientists at Yale, Harvard, Columbia, Princeton and possibly Northwestern and Chicago; (3) American Political Science Assn.; (4) Instutute 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.

STATE OF NEW YORK
DEPARTMENT OF LAW
ALBANY, N.Y. 12224
Telephone: (518) 474-4318

ROBERT ABRAMS
ATTORNEY GENERAL

September 15, 1980

Mr. Guy A. Van Doren
Administrative Assistant
Special Interim Committee on the
Constitutional Convention
Pouch Y
Room 107
Capitol Building
Juneau, Alaska 99811

Dear Mr. Van Doren:

I shall be happy to meet with you any time in October except on the 9th through the 15th and any time early in November. I assume that this would be here in Albany. New York City is possible if the meeting is on a Friday or a Monday and the weekend is convenient for my son with whom I would stay.

Sincerely yours,

GEORGE D. BRADEN
Assistant Attorney General
in Charge of Opinions