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HB 857

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1 (c) [THE REPORTS OF CANDIDATES SHALL BE FILED WITH THE COMMIS-
2 SION'S CENTRAL OFFICE.] All statements, records and reports required by
3 this chapter are public records and shall be kept open for [TO] public
4 inspection. Within 30 days after each election, the commission shall
5 prepare a summary of reports [EACH REPORT] which shall be made available
6 to the public at cost upon request. Each summary shall use uniform
7 categories of reporting.

8 * Sec. 9. AS 15.13 is amended by adding a new section to read:

9 Sec. 15.13.121. CRIMINAL AND CIVIL PENALTIES; FORFEITURE OF
10 OFFICE; LIMITATIONS ON ACTIONS. (a) A person who violates a provision
11 of this chapter is guilty of a misdemeanor and upon conviction is
12 punishable by imprisonment for not more than one year or by a fine of
13 not more than \$5,000. A violation includes but is not limited to any of
14 the following acts, or omissions:

15 *adopted ->*

- 15 (1) *knowingly* making a false statement or *false* report under this chapter;
- 16 (2) giving or furnishing money to another person or group for
17 the purpose of making a contribution or expenditure anonymously, in a
18 fictitious name, or in the name of another, or contributing in violation
19 of sec. 70(d) of this chapter;
- 20 (3) making a communication to support or defeat a candidate
21 without identification of sponsorship, in violation of sec. 90 of this
22 chapter;
- 23 (4) knowingly accepting a contribution in violation of sec.
24 70 of this chapter;
- 25 (5) providing false or misleading information in the course
26 of an investigation.

27 (b) In addition to the penalties provided for in (a) of this sec-
28 tion, a person who violates secs. 60 and 110 of this chapter is liable,
29 in a civil action, to the state for a sum to be assessed by the court of

public

enforcement

knowingly

1 not less than \$1,000 nor more than \$10,000 for each day on which the
2 violation occurs and which shall reflect, where applicable:

3 (1) reasonable compensation in the nature of liquidated
4 damages according to the benefit received by the candidate in not dis-
5 closing his campaign expenses; or

6 (2) reasonable costs incurred by the state in detection, in-
7 vestigation, and attempted correction of the violation.

8 (c) Action under (b) of this section may not be used for punitive
9 purposes and sums assessed by the court must be compensatory or remedial
10 in nature.

11 (d) Notwithstanding the criminal penalties and civil sums assessed
12 otherwise under this section, no candidate who files reports required by
13 secs. 60(c) - (d) and 110(a)(1) - (2) of this chapter later than three
14 days after the date established in secs. 60(c) - (d) and 110(a) of this
15 chapter may have his name placed on the ballot or have votes cast for
16 him counted by the lieutenant governor or municipal clerk. Determina-
17 tion that reports have not been filed shall be certified promptly by the
18 commission to the lieutenant governor or municipal clerk. The nomina-
19 tion to office or election to office shall be certified to the highest
20 vote getter for that nomination for that office who complies within the
21 time limits specified and that person shall be declared nominated or
22 elected.

23 (e) Notwithstanding the criminal and civil sums assessed otherwise
24 under this section, a successful candidate who files reports required
25 under secs. 110(a)(3) - (4) and 110(b) of this chapter later than three
26 days after the date established in secs. 110(a)(3) - (4) and 110(b) of
27 this chapter may not hold office. The nomination for office or election
28 to office shall be certified to the highest vote getter for that nomina-
29 tion for that office who complies within the time limits specified and

*question 14
enforceability*

pretty stiff

1 that person shall be declared nominated or elected.

2 (f) The nomination for and election to an office of a candidate
3 who himself violates or whose campaign treasurer or deputy campaign
4 treasurer violates ^{any of} the following described provisions is ~~void~~ ^{voidable} if
5 it is determined, ^{after hearing in an action filed under (g) hereof} that a candidate knowingly

6 (1) made a false statement on any report required of him
7 under this chapter;

8 (2) accepted a contribution in violation of secs. 70(b) or
9 70(d) of this chapter;

10 (3) made a campaign expenditure in violation of secs. 70(c),
11 70(h), or 100 of this chapter.

12 (g) When a violation of (f) of this section is charged, the case
13 shall be promptly tried and the case shall be accorded a preferred
14 status by the courts to ensure a speedy disposition on the matter.

15 (h) The commission shall promptly notify ^{by certified mail (attopka)} all persons who are de-
16 linquent in filing reports and statements, including contributors who
17 failed to file a statement in accordance with sec. 40 of this chapter,
18 and shall make available a list of delinquents for public inspection.
19 The commission shall also report to the attorney general the names of
20 all candidates in an election whose campaign treasurers have failed to
21 file the rep required by this chapter.

22 (i) A person who believes a violation of this chapter has occurred
23 may file a complaint with the commission. The commission shall expedi-
24 tiously make an investigation of the matter complained of. When the
25 commission has reasonable cause to believe that a person has engaged or
26 is about to engage in any acts or practices which constitute or will
27 constitute a violation of a provision of this chapter, or a regulation
28 or order issued under it, it shall promptly report the information to
29 the attorney general for appropriate action. The commission shall

definite "promptly"
by certified mail
substitute for
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1 promptly inform the person who filed the complaint of its disposition of
2 the matter.

3 (j) Prosecution for violation of a provision of this chapter may
4 not be commenced after four years have elapsed from the date of the
5 alleged violation.

6 * Sec. 10. AS 15.13.130(2) is amended to read:

7 (2) "contribution" means purchase, payment, promise or obli-
8 gation to pay, loan or loan guarantee, deposit or gift of money, goods
9 or services for which charge is ordinarily made and which is made for
10 the purpose of influencing the nomination or election of a candidate,
11 and in sec. 10(b) of this chapter for the purpose of influencing a
12 ballot proposition or question, including the payment by a person other
13 than a candidate or political party of [, OR] compensation for [OF] the
14 personal services of another person which are rendered to the candidate
15 or political party; however, "contribution" does not include

16 (A) services provided without compensation by individu-
17 als volunteering a portion or all of their time on behalf of a
18 candidate or ballot proposition or question, but it does include
19 professional services volunteered by individuals for which they
20 ordinarily would be paid a fee or wage;

21 (B) services provided by an accountant or other person
22 to prepare reports and statements required by this chapter;

23 (C) ordinary hospitality in a home;

24 * Sec. 11. AS 15.13.130(3) is amended to read:

25 (3) "group" means every state and regional executive commit-
26 tee of a political party and, in addition, means any combination of two
27 or more persons or individuals acting jointly who take action the major
28 purpose of which is to influence the outcome of an election; [A GROUP
29 THAT MAKES EXPENDITURES OR RECEIVES CONTRIBUTIONS WITH THE AUTHORIZATION

housekeeping

reinserted on page 243

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OR CONSENT, EXPRESS OR IMPLIED, OR UNDER THE CONTROL, DIRECT OR INDIRECT OF A CANDIDATE SHALL BE CONSIDERED TO BE CONTROLLED BY THAT CANDIDATE; A GROUP WHOSE MAJOR PURPOSE IS TO FURTHER THE NOMINATION, ELECTION, OR CANDIDACY OF ONLY ONE PERSON, OR INTENDS TO EXPEND MORE THAN 50 PER CENT OF ITS MONEY ON A SINGLE CANDIDATE, SHALL BE CONSIDERED TO BE CONTROLLED BY THAT CANDIDATE AND ITS ACTIONS DONE WITH HIS KNOWLEDGE AND CONSENT UNLESS, WITHIN 10 DAYS FROM THE DATE THE CANDIDATE LEARNS OF THE EXISTENCE OF THE GROUP HE FILES WITH THE COMMISSION, ON A FORM PROVIDED BY THE COMMISSION, AN AFFIDAVIT THAT THE GROUP IS OPERATING WITHOUT HIS CONTROL; A GROUP ORGANIZED FOR MORE THAN ONE YEAR PRECEDING AN ELECTION AND ENDORSING CANDIDATES FOR MORE THAN ONE OFFICE OR MORE THAN ONE POLITICAL PARTY IS PRESUMED NOT TO BE CONTROLLED BY A CANDIDATE; HOWEVER, A GROUP THAT CONTRIBUTES MORE THAN 50 PER CENT OF ITS MONEY TO OR ON BEHALF OF ONE CANDIDATE SHALL BE CONSIDERED TO SUPPORT ONLY ONE CANDIDATE FOR PURPOSES OF SEC. 70 OF THIS CHAPTER, WHETHER OR NOT CONTROL OF THE GROUP HAS BEEN DISCLAIMED BY THE CANDIDATE;)

* Sec. 12. AS 15.13.070(f) and (g), 15.13.080, and 15.13.120 are repealed. *supreme ct limits* *mistake* *existing reference statute. Now 121*

[* Sec. 13. Sections 1 - 2 and 11 of this Act are retroactive to June 26, 1975.]

* Sec. 14. This Act takes effect immediately in accordance with AS 01.10.070(e).

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Sec. 7 AS 15.13.000 is amended to read:

Sec. 15.13.100. EXPENDITURES BEFORE FILING.

Campaign expenditures may be made or incurred by a person
* or by a person or group with his knowledge and on his
behalf before the date upon which he or she files for
nomination for office which the person seeks provided that:

1) the period for filing a nominating petition or declaration
of candidacy for the position the candidate seeks is not
open; and

2) the person notifies the Alaska Public Offices Commission
in writing that he or she is a candidate for a specific
office and intends to file for that office when the period
for filing is open; and

3) the person files with the Commission the name of a
campaign treasurer as required by AS 15.13.060; and

4) the person files expenditure and disclosure reports as
required by AS 15.13.100.

applies to
municipal but
not state

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MEMORANDUM
LEAGUE OF WOMEN VOTERS OF ALASKA

TO: Rep. Terry Gardiner, Chairman and Member_s of
House Judiciary Committee

DATE: April 1, 1976

FROM: Marjorie Gorsuch & Janice Gates, LWV
Lobbyists

RE: CSHB857

In reviewing CSHG857, the LWVAK finds that certain provisions raise questions which the House Judiciary Committee might be interested in pursuing.

Sec. 1 AS 15.13.020 (j) Lines 19-26

The LWV has long emphasized the importance of disclosure reports being filed in local offices to ensure adequate accessibility and public scrutiny. This provision requires that reports be filed with the commission's "district offices". It is unclear which offices are being referred to. We believe that it was the intent of the House State Affairs Committee that reports be filed in the district office from which the candidate is seeking office and in which the "groups and individuals" reside. The League questions the intent of Lines 20-26.

Sec. 15.13.121 (3) The League questions the application of criminal penalties in this provision unless the communication is "knowingly" made without identification of sponsorship.

Sec. 15.13.121 (d) (e)

The League questions the likelihood of enforcement of these provisions.

Sec. 15.13.121 (h)

The League finds this provision vague. It does not specify the method by which the A.P.O.C. shall notify those who are delinquent in filing reports. It does not define the term "promptly" and does not deal with the question of whether the delinquent party is still liable for civil and criminal penalties if the Commission does not, in fact, notify the candidate.

The League also recommends that the list of delinquent filers not only be available for public inspection, but that it be published. We suggest that this might be an additional deterrent to late filing.



rec. 2-18

STATE OF ALASKA
ALASKA PUBLIC OFFICES COMMISSION

610 C STREET, SUITE 209
ANCHORAGE, ALASKA 99501
(907) 274-0321

February 16, 1976

Hon. Mike Bradner
Speaker of the House
Alaska State Legislature
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Rep. Bradner:

The Alaska Public Offices Commission is submitting herewith, in accordance with AS 15.13.030(9), its recommendations and proposals for changes to the Campaign Disclosure Law (AS 15.13) and Financial Disclosure Law (AS 39.50) to the second session of the Ninth State Legislature.

We would point out that the areas of significant change in the Campaign Disclosure Law are: (1) The removal of the limitation on campaign expenditure, which brings the Alaska law into conformity with the recent U. S. Supreme Court Decision; (2) the addition of civil penalties for late filing of reports as well as changes in the criminal penalties; and (3) the provision for forfeiture of nomination to office or election to office for violation of certain sections of the Law.

While many of the amendments to the Financial Disclosure Law (AS 39.50) are of the "housekeeping" nature, there are areas of significant change: (1) Requires that former state and municipal officials who contract or offer to contract with the state or their municipality within one year after leaving office will file a statement at the time they contract or offer to contract with the state or municipality, (2) more clearly defines when an appointed public official forfeits salary, travel, and per diem and when they shall be removed from office; and (3) requires state officers and employees of the state who exercise responsibilities under AS 37.10.030 to file financial disclosure statements which shall be filed with and review by their most immediate supervisor who is required to file a statement and provides that such statements shall remain confidential.

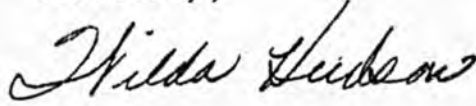
Rep. Bradner

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The Commission respectfully requests that these proposed amendments be introduced, and hopefully enacted into law, this legislative session. Please be advised that I, and other members of the Commission, will be most pleased to discuss these proposed amendments with the appropriate legislative Committee if it should be desired. Commission members may be reached by notifying Wilda Hudson, Acting Executive Director, at 274-0321 or 276-4176.

Sincerely,


for GORDSON S. HARRISON, Chairman
Alaska Public Offices Commission

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IN THE _____

BY _____

_____ BILL NO. _____

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: An Act relating to the financial disclosure law (CONFLICT OF INTEREST) law; and providing for an effective date."

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

* Section 1. AS 39.50.020(a) is amended to read:

(a) An appointed public official [A JUDICIAL OFFICER, COMMISSIONER, CHAIRMAN OR MEMBER OF A BOARD SPECIFIED IN SEC. 200(9) OF THIS CHAPTER, PERSONS HIRED OR APPOINTED AS HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION WITHIN, A DEPARTMENT IN THE EXECUTIVE BRANCH, PERSONS APPOINTED AS ASSISTANT TO THE GOVERNOR, AND A MUNICIPAL OFFICER,] shall file a statement giving his income sources and business interests, under oath and on penalty of perjury, within 30 days after he takes office as a public official. Candidates for state elective office shall file such a statement at the time of filing a declaration of candidacy or within 30 days of the filing of any nominating petition, or within 30 days of becoming a candidate by any other means. candidates for elective municipal office shall file such a statement at the time of filing a nominating petition, declaration of candidacy, or other required filing for the elective municipal office. Former public officials who

contract or offer to contract with the state within one year after leaving office will file a statement at the time that they contract or offer to contract with the state; former municipal officers who contract or offer to contract with their municipality within one year after leaving office will file a statement at the time that they contract or offer to contract with their municipality. Refusal or failure to file within the time prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or that his previously accepted filing fee be returned and his name removed from the filing records. The lieutenant governor or other certifying authority may not certify a person's nomination for office or his election to office if the person does not comply with the requirements of this subsection within the time specified. The nomination to office or election to office shall be certified to the highest vote getter for that nomination for that office or election to that office who complies within the time limits specified and that person shall be declared nominated or elected. A statement shall also be filed by public officials no later than April 15 [OR 15 DAYS AFTER THE PERSON FILES HIS FEDERAL INCOME TAX RETURN] in each following year [, WHICHEVER SHALL COME FIRST]. [PERSONS WHO, ON OR AFTER DECEMBER 11, 1974, WERE MEMBERS OF BOARDS OR COMMISSIONS NOT NAMED IN SEC. 200(9) OF THIS CHAPTER ARE NOT REQUIRED TO FILE STATEMENTS.]

* Sec. 2. AS 39.50.020(b) is amended to read:

(b) Public officials of the state and candidates for

state elective office, [THE GOVERNOR, LIEUTENANT GOVERNOR, MEMBERS OF THE LEGISLATURE, AND CANDIDATES FOR THESE OFFICES, JUDICIAL OFFICERS, EACH COMMISSIONER, HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION WITHIN, A DEPARTMENT IN THE EXECUTIVE BRANCH, ASSISTANT TO THE GOVERNOR OR CHAIRMAN OR MEMBER OF A COMMISSION OR BOARD] required to report under this chapter, shall file the statement with the Alaska Public Offices Commission. Municipal officers, and candidates for elective municipal office, shall file with the municipal clerk or other municipal official designated to receive their filing for office. All statements required to be filed under this chapter are public records.

* Sec. 3. AS 39.50.070 is amended to read:

Sec. 39.50.070. FAILURE TO REPORT BY APPOINTED PUBLIC OFFICIALS [DEPARTMENT, DIVISION, OR DEPUTY DEPARTMENT HEADS]. A person hired or appointed as a public official of the state, other than a judicial officer, [THE HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION WITHIN, A DEPARTMENT IN THE EXECUTIVE BRANCH WHO REFUSES OR FAILS TO FILE A REPORT OF FINANCIAL INTERESTS REQUIRED UNDER THIS CHAPTER WHEN DUE MAY NOT HOLD OFFICE OR] may not have his name submitted to the legislature for confirmation until he complies with the requirements of this chapter. He may not receive salary, travel expenses, or per diem for any period after the initial 30 days after the completion of his appointment or after his entry into state employment if he has not complied with the requirements of this chapter; if he has not complied with the requirements of this chapter by the 60th day he is re-

moved from office and his position is vacant. [HE MAY NOT BE CONFIRMED, HIRED, OR APPOINTED, AND HE FORFEITS AND MAY NOT BE PAID ANY SALARY AND PER DIEM AND TRAVEL EXPENSES UNTIL HE COMPLIES.] If after installation as an appointed public official [THE HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION WITHIN, A DEPARTMENT,] he refuses or fails to file the required statement when due, he is guilty of a misdemeanor and upon conviction is punishable by a fine or not less than \$100 nor more than \$1,000 [AND SHALL BE REMOVED FROM OFFICE IF COMPLIANCE IS NOT MADE WITHIN 30 DAYS AFTER THE DUE DATE OF THE REPORT].

* Sec. 4. AS 39.50 is amended by adding a new section to read:

Sec. 39.50.160. REPORTS BY OTHER OFFICERS AND EMPLOYEES.

(a) Officers and employees of the state who exercise responsibilities under AS 37.10.030 shall file a statement containing the information required of public officials by sec. 30 of this chapter.

(b) Statements required under this section shall be filed with and reviewed by the public official in the instrumentality of the state who himself files a statement of business and financial interest and may be reviewed by the public offices commission but are otherwise confidential; notwithstanding secs. 20(b) and 50(c) of this chapter or any other provision of law.

* Sec. 5. AS 39.50.200(1) is amended to read:

(1) "public official" means a judicial officer, a member of the legislature, the governor, the lieutenant governor, a person hired or appointed as the head or deputy

head of, or director of a division within, a department in the executive branch, an assistant to the governor; the chairman, each [OR] member, and full-time executive officer of a state commission or board specified in (9) of this section, the president of the University of Alaska, its vice-presidents, chancellors, and provosts, directors of community colleges, the ombudsman, the deputy ombudsman, and their professional staff, the administrator and directors of the legislative affairs agency and the legislative budget and audit committee, the administrative director of courts, the executive director of the judicial council, and each appointed or elected municipal officer.

* Sec. 6. AS 39.50.200(8) is amended to read:

(8) "source of income" means the entity for which service is performed or which is otherwise the origin of payment; if the person whose income is being reported is employed by another, his employer is the source of his income; but if he is a proprietor [SELF-EMPLOYED BY MEANS OF A SOLE PROPRIETORSHIP], a member of a partnership, or is a shareholder in a professional corporation, or a corporation in which he or his spouse or his children, or a combination of them, hold a controlling interest, the "source" is the client, patient, or customer of the proprietorship, partnership, or corporation, but if the entity which is the origin of payment is not the same as the client, patient, or customer for whom the service is performed, both are considered the source;

* Sec. 8. AS 39.50.200(D) is amended to read:

[(J) BOARD OF FISHA AND GAME (AS 16.05.220);]

(LL) Board of Fisheries (AS 16.05.221(a);

(MM) Board of Game (AS 16.05.221);

* Sec. 9. AS 39.50.060(b) and AS 39.50.080 are repealed.

* Sec.10. This Act takes effect immediately in accordance with AS 01.10.070(c).

IN THE _____

BY _____

_____ BILL NO. _____

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to election campaigns;
and providing for an effective date."

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

* Section 1. AS 15.13.020(j) is amended to read:

Section 15.13.020. ALASKA PUBLIC OFFICES COMMISSION.

(j) The commission shall establish an office [WHICH MAY BE CALLED A REGIONAL OFFICE,] in each senate district in the state to keep on file for public inspection copies of all reports required to be filed with the commission by candidates for statewide office and by candidates for legislative office in that district; however, where one municipality contains more than one election district, only one commission office shall be established in that municipality. Each [THE REGIONAL] office shall make all forms and pertinent material available to candidates. [ALL] Reports shall be filed by candidates, groups and individuals with the commission's central and district offices. The commission shall insure that copies of all reports by statewide [AND LEGISLATIVE] candidates [IN EACH SENATE DISTRICT], by legislative candidates in each senate district, and by judges seeking electoral confirmation are forwarded promptly to the [THAT DISTRICT OR

[REGIONAL] office located in the district in which the candidate or judge is seeking office.

* Sec. 2. AS 15.13.040(d) is amended to read:

(d) Every individual or [,] person [OR GROUP] making a contribution or expenditure shall make a full report, upon a form prescribed by the commission, of the following contributions or expenditures:

* Sec. 3. AS 15.13.040(d)(1) is amended to read:

(1) any contribution of cash, goods or services valued at more than \$250 [\$100] a year to any group or candidate; or

* Sec. 4. AS 15.13.060(c) is amended to read:

(c) Each candidate shall file the name and address of the campaign treasurer with the commission no later than seven days after the date of filing his declaration of candidacy or his nominating petition. [THE NAME OF THE CANDIDATE MAY BE PLACED ON THE BALLOT BY THE LIEUTENANT GOVERNOR OR MUNICIPAL CLERK ONLY IF THE CANDIDATE HAS COMPLIED WITH THIS SUBSECTION.]

* Sec. 5. AS 15.13.060(d) is amended to read:

(d) In the case of the death, resignation or removal of a campaign treasurer, the candidate shall appoint a successor as soon as practicable and file his name and address with the commission within 48 hours of the appointment. [THE CANDIDATE IS DISQUALIFIED WHEN HE HAS BEEN FOUND TO HAVE BEEN IN WILFUL VIOLATION OF THIS SUBSECTION.]

* Sec. 6. AS 15.13.070(a) is amended to read:

(a) No person or group, including but not limited to all political committees, businesses, corporations, and labor unions, may contribute [TO OR EXPEND] more than \$1,000 a year to a candidate [ON BEHALF OF OR IN OPPOSITION TO THE COMPETING CANDIDATES] for each elective office.

* Sec. 7. AS 15.13.090 is amended to read:

Sec. 15.13.090. IDENTIFICATION OF COMMUNICATION.
All advertisements, billboards, handbills, paid-for television and radio announcements and other communications intended to influence the election of a candidate or outcome of a ballot proposition or question shall be clearly identified by the words "paid for by" followed by the name and address of the candidate, group or individual paying for the advertising. [IN ADDITION, CANDIDATES AND GROUPS MUST IDENTIFY THE NAME OF THEIR CAMPAIGN TREASURER.]

* Sec. 8. AS 15 13.110(b) is amended to read:

(b) Each contribution or expenditure which exceeds \$250 and which is made within 10 days [ONE WEEK] of the election shall be reported to the commission by date, amount, and contributor or recipient within 24 hours of receipt or expenditure by the candidate or campaign treasurer.

* Sec.9. AS 15.13.110(c) is amended to read:

(c) [THE REPORTS OF CANDIDATES SHALL BE FILED WITH

THE COMMISSION'S CENTRAL OFFICE.] All reports required by this chapter shall be kept open to public inspection. Within 30 days after each election, the commission shall prepare a summary of each report which shall be made available to the public at cost upon request. Each summary shall use uniform categories of reporting.

* Sec. 10. AS 15.13 is amended by adding a new section to read:

Sec. 15.13.121. CRIMINAL AND CIVIL PENALTIES; FORFEITURE OF OFFICE; LIMITATIONS ON ACTIONS. (a) A person who violates a provision of this chapter is guilty of a misdemeanor and upon conviction is punishable by imprisonment for not more than one year or by a fine of not more than \$5,000. A violation includes but is not limited to any of the following acts or omissions:

(1) failing to make a statement or report required to be made under this chapter, or failing to make a statement or report at the time the statement or report is required to be made under this chapter;

(2) making a false statement or report under this chapter;

(3) giving or furnishing money to another person or group for the purpose of making a contribution or expenditure anonymously, in a fictitious name, or in the name of another, or contributing in violation of sec. 70(d) of this chapter;

(4) making a communication to support or defeat a candidate without identification of sponsorship,

in violation of sec. 90 of this chapter;

(5) knowingly accepting a contribution in violation of sec. 70 of this chapter;[.]

(6) providing false or misleading information in the course of an investigation.

(b) In addition to the penalties provided for in (a) of this section, a person who violates secs. 60 and 110 of this chapter is liable, in a civil action, to the state for a sum to be assessed by the court of not less than \$1000 nor more than \$10,000 for each day on which the violation occurs and which shall reflect, where applicable:

(1) reasonable compensation in the nature of liquidated damages according to the benefit received by the candidate in not disclosing his campaign expenses; or

(2) reasonable costs incurred by the state in detection, investigation, and attempted correction of the violation.

(c) Action under (b) of this section may not be used for punitive purposes and sums assessed by the court must be compensatory or remedial in nature.

(d) Notwithstanding the criminal penalties and civil sums assessed otherwise under this section, no candidate who files reports required by secs. 60(c) and (d) and 110(a)(1) and (2) of this chapter later than three days after the date established in secs. 60(c) and (d) and 110(a) may have his name placed on the ballot or have votes cast for him counted by the lieutenant governor or

municipal clerk. Determination that reports have not been filed shall be certified promptly by the commission to the lieutenant governor or municipal clerk. The nomination to office or election to office shall be certified to the highest vote getter for that nomination for that office who complies within the time limits specified and that person shall be declared nominated or elected.

(e) Notwithstanding the criminal and civil sums assessed otherwise under this section, a successful candidate who files reports required under secs. 110(a)(3) and (4) and 110(b) of this chapter later than three days after the date established in secs. 110(a)(3) and (4) and 110(b) may not hold office. The nomination to office or election to office shall be certified to the highest vote getter for that nomination for that office who complies within the time limits specified and that person shall be declared nominated or elected.

(f) The nomination for and election to an office of a candidate who himself violates or whose campaign treasurer or deputy campaign treasurer violates any of the following described provisions is void if it is determined that a candidate knowingly:

(1) made a false statement on any report required of him under AS 15.13;

(2) accepted a contribution in violation of 70(b) or 70(d);

(3) made a campaign expenditure in violation of 70(c), 70(h), or 100.

(g) When a violation of (f) is charged, the case shall be promptly tried and the case shall be accorded a preferred status by the courts so as to assure a speedy disposition on the matter.

(h) The commission shall promptly notify all persons who are delinquent in filing reports and statements, including contributors who failed to file a statement in accordance with sec. 40 of this chapter, and shall make available a list of delinquents for public inspection. The commission shall also report to the attorney general the names of all candidates in an election whose campaign treasurers have failed to file the reports required by this chapter.

(i) A person who believes a violation of this chapter has occurred may file a complaint with the commission. The commission shall expeditiously make an investigation of the matter complained of. When the commission has reasonable cause to believe that a person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of a provision of this chapter, or a regulation or order issued under it, it shall promptly report the information to the attorney general for appropriate action. The commission shall promptly inform the person who filed the complaint of its disposition of the matter.

(j) Prosecution for violation of a provision of this

chapter may not be commenced after four years have elapsed from the date of the alleged violation.

* Sec. 11. AS 15.13.130(3) is amended to read:

(3) "group" means every state and regional executive committee of a political party and, in addition, means any combination of two or more persons or individuals acting jointly who take action the major purpose of which is to influence the outcome of an election; a group that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate shall be considered to be controlled by that candidate; a group whose major purpose is to further the nomination, election, or candidacy of only one person, or intends to expend more than 50 per cent of its money on a single candidate, shall be considered to be controlled by that candidate unless, within 10 days from the date the candidate learns of the existence of the group he files with the commission, on a form prescribed by the commission, an affidavit that the group is operating without his control; a group organized for more than one year preceding an election and endorsing candidates for more than one office or more than one political party is presumed not to be controlled by a candidate; [HOWEVER, A GROUP THAT CONTRIBUTES MORE THAN 50 PER CENT OF ITS MONEY TO OR ON BEHALF OF ONE CANDIDATE SHALL BE CONSIDERED TO SUPPORT ONLY ONE CANDIDATE FOR PURPOSES OF SEC. 70 OF THIS CHAPTER, WHETHER OR NOT CONTROL OF THE GROUP HAS BEEN DISCLAIMED BY THE CANDIDATE;]

* Sec. 12. AS 15.13.070(f) and (g), AS 15.13.080, and AS 15.13.120 are repealed.

* Sec. 13. This Act takes effect immediately in accordance with AS 01.10.070(c).

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM

19 April 1976

SUBJECT: Amendments to Proposed CS for House Bill 857
(Judiciary)(election campaign disclosure law)

TO: Rep. Terry Gardiner, Chairman
House Judiciary Committee

FROM: Stuart C. Hall, Senior Legislative Counsel

Attached per the committee's request are amendments incorporating the changes proposed by Representatives Brown and Parr relative to submitting a conviction for violation of proposed AS 15.13.121(d) by a member-elect of a legislative body (state and local), or a Mayor-elect of a city or borough, to the appropriate legislative body for action. The amendments also empower local legislative bodies to be the judge of the election and qualifications of their members (some local legislative bodies already enjoy that authority by charter; see, e.g., Charter of the City & Borough of Juneau, and Miller v. North Pole, 532 P.2d 1013 (Alaska, 1975) construing the charter of that city).

The Director of Legal Services sees both a separation of powers problem with these amendments as well as a constitutional problem stemming from the apparent request of a court that it issue what constitutes, in effect, an advisory opinion.

Also, I see a single subject rule violation, potentially, even under the more liberal rules enunciated in Gellert v. State.

Committee members should be apprised of the fact that under present law, election contests at the local level of government are committed to the courts: AS 29.23.570 and 29.28.050(e). Read together, these sections probably constitute authority to act as the judge of the election and qualifications of council/assembly members.

Amendments to proposed CS for House Bill 857 (Judiciary) (election campaign disclosure law)

1 On page 7 of the proposed CS, between lines 1 and 2, insert a new
2 subsection, and reletter the existing subsections accordingly:

3 (f) If in a proceeding under (e) of this section, a candidate
4 is convicted of a violation of (d) of this section and the action involved
5 a successful candidate at a general election for membership in the state
6 legislature or, at a municipal election, for a seat on a city council or
7 borough assembly, or to the office of borough or city mayor, the court
8 may not void the candidate's election to office, but only may recommend
9 that the member-elect of the legislature, city council or borough
10 assembly be expelled, or that the mayor be removed from office, subject
11 to art. II, sec. 12, Constitution of the State of Alaska, or AS 29.23.060(c)
12 29.23.130(e), 29.23.210(b) or 29.23.255, as applicable.

13
14 On page 9, between lines 12 and 13, insert the following new sections,
15 and renumber the sections of the bill accordingly:

16 * Sec. 13. AS 29.13.100 is amended by adding a new paragraph to read:

17 (37) AS 29.23.060(c)(expulsion of borough assemblyman),
18 AS 29.23.130(e)(removal of borough mayor from office), AS 29.23.210(b)
19 (expul^{sion} / of city councilman from office), AS 29.23.255(removal of mayor
20 from office), AS 29.28.050(f)(expulsion, removal from office).

21 * Sec. 14. AS 29.23.060(c) is amended to read:

22 (c) The assembly shall determine its own rules and order of
23 business and provide for keeping a journal of its proceedings. The
24 assembly is the judge of the election and qualifications of its members
25 and may expel a member with the concurrence of two-thirds of its members,
26 limited to,
27 for including but not a conviction for a violation of AS 15.13.121(d).
28 The assembly shall consider that conviction during its organizational meeting
29 following a municipal election.

* Sec. 15. AS 29.23.130(c) is amended to read:

1 (e) Whether or not the borough mayor is a member of the assembly,
2 the assembly may remove the mayor from office upon conviction for a violation
3 of AS 15.13.121(d) with the concurrence of two-thirds of its members. The
4 assembly shall consider that conviction during its organizational meeting
5 following a municipal election.

6 # Sec. 16. AS 29.23.210(b) is amended to read:

7 (b) The council shall determine its own rules and order of
8 business and provide for keeping a journal of its proceedings. The council
9 is the judge of the election and qualifications of its members and may
10 expel a member with the concurrence of two-thirds of its members, including
11 but not limited to a conviction for a violation of AS 15.13.121(d). The
12 council shall consider that conviction during its organizational meeting
13 following a municipal election.

14 # Sec. 17. AS 29.23 is amended by adding a new section to read:

15 Sec. 29.23.255. REMOVAL FROM OFFICE. Whether or not the mayor
16 is a member of the council, the council may remove the mayor from office
17 upon conviction for a violation of AS 15.13.121(d) with the concurrence
18 of two-thirds of its members. The council shall consider that conviction
19 during its organizational meeting following a municipal election.

20 # Sec. 18. AS 29.23.570(5) and (7) are amended to read:

21 (5) is removed or expelled from office;

22 (7) is convicted of a felony, [OR] of an offense involving a
23 violation of his oath of office, or the provisions of AS 15.13.121(d).

24 # Sec. 19. AS 29.28.050 is amended by adding a new subsection to read:

25 (f) Notwithstanding the provisions of (c) of this section, the
26 expulsion of a member of a borough assembly, under AS 29.23.060(c) or
27 of a member of a city council, under AS 29.23.210(b), or the removal of
28 a borough mayor, under AS 29.23.130(e), or of a city mayor, under AS
29 29.23.255, is not subject to judicial review.

HB

861

SUBJECT: Proposed CS for House Bill 861

13 April 1976

TO : Rep. Terry Gardiner, Chairman
House Judiciary Committee

FROM : Stuart C. ^{*Stuart*}Hall, Senior Legislative Counsel

I have prepared a Committee Substitute for the Judiciary Committee for the above bill (educational incentive grants). However, may I call to your attention (1) there is no definition of what constitutes a "low income" family or "low income" circumstances; it occurs to me that was done in requiring "substantial financial need" and then defining it; (2) the bill in several places makes clear that students are eligible for these grants only if they are accepted for admission to or enrolled in postsecondary educational institutions in the state (see Sec. 14.40.945). I genuinely doubt that proposed Sec. 14.40.950(b) is necessary.

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. HB 861
 Title: State Educational Incentive Grant Program
 Requested by: _____ Date: _____
 Return Date Requested: _____
 Agency: Commission on Postsecondary Education Program

II. FISCAL DETAIL

Commission on Postsecondary Education-Division

Budget Request Unit(s) Affected: of Student Financial Aid

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		120.0	130.0	140.0	160.0	180.0
TOTAL	-0-	120.0	130.0	140.0	160.0	180.0

B. FUNDING: (Thousands of dollars)

GENERAL FUND	-0-	60.	65.	70.	80.	90.
FEDERAL FUNDS	-0-	60.	65.	70.	80.	90.
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	-0-/	-0-/	-0-/	-0-/	-0-/
MAN MONTHS (P./T.)	/	/	/	/	/	/

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

Funds will provide educational grants to needy Alaskan students. Administrative expenses will be borne by existing financial aids division budget.

IV. ATTACHMENTS

V. DATE: March 30, 1976 PREPARED BY: Kerry D. Romesburg

Kerry D. Romesburg, Executive Director
Alaska Commission on Postsecondary Education

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

HB

881

①

COMMITTEE REPORT

5/6/76

HOUSE

Mr. Speaker:

Date

May 12, 1976

The Committee on JUDICIARY has had HB 881

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

(X) recommends it BE REPLACED WITH CS FOR _____ AND THAT
CS FOR _____ DO PASS

() "and" recommends it BE REFERRED TO THE _____
COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

Terry Anderson Do Not Pass
[Signature] [Signature]

Members NOT concurring in the Majority report:

[Signature] recommends: Do Pass
[Signature] recommends:
[Signature] recommends: 12 3

_____ recommends:

Terry Anderson Chairman

Original sponsor: State Affairs Committee
by request

Offered: 5/6/76
Referred: Judiciary

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 881

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

NINTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to interference with physician-patient
relationships."

7

8

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

9

* Section 1. No person, group, organization or facility may interfere
with the physician-patient relationship by attempting to suppress, restrict
or forbid the use of amygdalin (laetrile) when prescribed or administered by
a physician and requested by a patient unless the substance as prescribed or
administered by the physician is found to be harmful by the State Medical
Board in a hearing conducted under the provisions of the Administrative Pro-
cedure Act (AS 44.62).

16

* Sec. 2. No physician may be subject to disciplinary action by the State
Medical Board for prescribing or administering amygdalin (laetrile) to a
patient under his care who has requested the substance unless the State
Medical Board in a hearing conducted under the Administrative Procedure Act
(AS 44.62) has made a formal finding that the substance is harmful.

21

22

23

24

25

26

27

28

29

*delete
Sec. 1

Legis does
not have this
power.

Par drafted

6-6050
Hodges

Diplomate of the American Board of Surgery

file
Fellow of the American College of Surgeons

PAUL SAYER, M.D.

A Professional Corporation

GENERAL SURGERY

2211 EAST NORTHERN LIGHTS
ANCHORAGE, ALASKA 99504

Telephone 279-2578
24 HOUR CALL

May 5, 1976

Representative Lisa Rudd
Pouch V
Juneau, Alaska 99801

Dear Representative Rudd:

This is in protest to HR881, the bill which in my opinion would prevent physicians from policing their own ranks. It also is my professional opinion that Laetraile has no scientific reason to be worthwhile in cancer treatment and also has certainly caused various patients to not receive good cancer treatment and therefore has decreased the quality of cancer treatment and probably actually has cost lives, in my opinion. Therefore I urge you not to support HR881.

Yours truly,


PAUL SAYER, M. D.

PS/a1c



ALASKA STATE

MEDICAL ASSOCIATION

1135 W. Eighth Avenue • Anchorage, Alaska 99501 • (907) 277-6891

May 6, 1976

Rep. Lisa Rudd
Pouch V
Juneau, AK 99801

Dear Rep. Rudd:

Enclosed for your information please find a copy of my letter to Rep. Susan Sullivan in reference to the position the Legislative Committee of the Alaska State Medical Association has taken against HB 881 entitled "An Act Relating to Interference with Physician Patient Relationship."

Sincerely yours,

Richard L. Witt, M.D., Chairman
Legislative Committee

Enclosure

April 8, 1976

Representative Susan Sullivan
House HESS Committee
Alaska House of Representatives
Juneau, Alaska 99801

Dear Representative Sullivan:

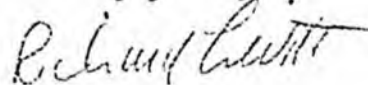
The Legislative Committee of the Alaska State Medical Association has studied HB 881 entitled "An Act Relating to Interference with Physician-Patient Relationship".

This bill if passed would effectively destroy all of the safety which has been developed in the hospital staff by-laws in the state of Alaska over the years. These safety regulations have been devised for the benefit of the patient. It would render any peer review procedures totally useless and would allow all manner of quackery, ineptness and unqualified activity, both medical and surgical, to go on. In short, chaos would reign in our hospitals.

Today, with our own by-laws, an active surveillance of physician activity in hospitals, only qualified people can do intricate, risky procedures and only properly recognized proven modalities of treatment are given. This is what all the laws have pointed towards many years. The "real" right of the patient is the right to know he will receive the best possible medical care and will not be subject to whims, capriciousness, and down right quackery.

We urge that HB 881 be tabled in the best interest of the public.

Sincerely yours,



Richard L. Witt, M. D., Chairman
Legislative Committee
Alaska State Medical Association

RLW:mlm

Peter E. Cannava, M.D.

OPHTHALMOLOGY

BOX 29

SALDOTNA, ALASKA 99669

TELEPHONE 262-4462

file 84

9 April 1976

Rep. Lisa Rudd
House Office Bldg.
Juneau, Alaska

Dear Mrs. Rudd;

After viewing the filmstrip "World Without Cancer" I researched the subject rather extensively and it immediately became apparant that so called facts presented by the film are really prefabrications! The drug never got past the preliminary studies done by reputable research groups and the so called "trophoblastic theory" of cancer is not even considered by eminent science people.

Mr. McNaughton, one of the top Laetrile people in Mexico, was convicted in Canada for conspiracy to misrepresent the value of mining stock, and in Italy he has been charged with swindling investors in a plant to produce Laetrile.

I'd be happy to testify at any hearings you may have on the subject.

Sincerely,

Peter E. Cannava M.D.

Peter E. annava, M.D.

PEC:vr

HB

885

TELEGRAM

File 885

RCA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

12 075 NL FAIRBANKS ALASKA 95 04-08 343P AST

PMS TERRY GARDINER CHAIRMAN

HOUSE JUDICIARY COMMITTEE

1859

JUN

RE: HB 885

THE ASUA STUDENT LIBBY REQUESTS THAT PORTION OF THE DRAFT LANGUAGE FOR HB 885, BEGINNING WITH QUOTE THE POST SECONDARY EDUCATION.. "AND ENDING WITH".. INSTITUTION OF POST SECONDARY EDUCATION." BE DELETED. IT IS SUGGESTED THAT THE RIGHT TO SEEK INJUNCTION IS AVAILABLE TO ANY OR ALL INTERESTED PARTIES AND NEED NOT BE SPECIFICALLY DEFINED.

IN THE INTEREST OF CLARITY THAT PORTION OF HB 885, SEC. 23.40.245 (D) READING "THE MEMBERS OF THE POST SECONDARY EDUCATION STUDENT COMMITTEE NEED NOT BE STUDENTS." SHOULD BE RETAINED.

RESPECTFULLY

ALLEN D BLUME ACTING CHAIRMAN ASUA LAC FOR JAMES

LARSEN MEMBER LAC

1976 APR 8 PM 8 14

give to members
on HB 855



ALASKA STATE

MEDICAL ASSOCIATION

1135 W. Eighth Avenue • Anchorage, Alaska 99501 • (907) 277-6891

April 8, 1976

Representative Terry Gardiner, Chairman
House Judiciary Committee
Alaska House of Representatives
Juneau, Alaska 99801

Dear Representative Gardiner:

The Legislative Committee of the Alaska State Medical Association has studied CSHB 855. We are concerned that the bill would require a physician to list patients as "sources of income" if he were to run for office or be appointed to any public office. This would include such jobs as the state jail physician job. Such action on the physicians part is by law unethical. Hence, as a result, the physician is disenfranchised. He either cannot hold public office or cannot practice medicine. Clearly the conflict is intolerable and probably was not the intent of the authorities writing the proposed legislation.

We would like to ask that this bill not be passed as written. Hopefully, some alternative could be found which would permit the physician to serve in public office and yet not be in violation of the ethics.

Thank you very much for your consideration.

Sincerely yours,

Richard L. Witt, M. D., Chairman
Legislative Committee
Alaska State Medical Association

RLW:m1m

HB

890

COMMITTEE REPORT

4/22/76

HOUSE

Mr. Speaker:

Date 4/22/76

The Committee on JUDICIARY has had HB 890

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR HB 890 AND THAT

CS FOR HB 890 DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

[Signature] Chairman

Mr. Chairman, Members of the Committee, My name is Willie Goodwin. I presently work for ~~RURAL CAP in Anchorage~~ and am also developing a cooperative management agreement between NANA Regional Corporation, the Alaska Department of Fish and Game, and various agencies within the U.S. Department of Interior. The Agreement would affect all the lands within the NANA boundaries, which is approximately 23.5 million acres.

For background information, it has always been the intent of the people of NANA, that if agreement could be reached by all the parties concerned the lands should be managed cooperatively. They realize that if each land owner went and "did their own thing" without consultation of the adjoining landowners, impacts that would have detrimental effects could happen to people that use the lands, resources on the lands, and habitat that is important to the resources and people. Without proper management of the habitat, the resources that the people depend on could begin to deplete. At the same token the people know that the lands that have been selected under Public Law 92-203 are insufficient for their survival.

Although the statutes authorizes the commissioner to enter into agreements; this act would ~~make it~~ clearly authorize him to do so with a village or municipality or a private person. It would be much easier for a private person to enter into an agreement with the state knowing that the commissioner has clear authority.

I believe also that this bill would strengthen the Governor's ^{ESMAN} ~~COMMON~~ concept and also fall in the concepts the Federal State Land Use Planning Commission has studied in the Mt. McKinley Cooperative Planning and Management Area.

endorsement by FSLUPC

Willie Goodwin

279-2441

Baranoj

TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.
PHONE: 588-6440
JUNEAU, ALASKA 99801

02054 ANCHORAGE AK 34 04-14 135P AST

PMS NELS ANDERSON CHAIRMAN HOUSE RESOURCE COMMITTEE 4653781

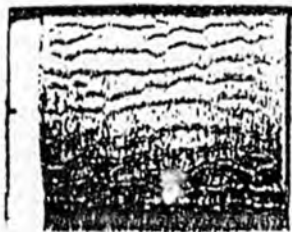
POUCH V **2590**

JUNEAU AK 99811

CALISTA CORPORATION AFTER REVIEWING HB890 IS SUPPORTIVE OF
ITS INTENT GIVING STATE OF ALASKA EXPLICIT AUTHORITY TO
GO INTO COOPERATIVE RESOURCE MANAGEMENT OR DEVELOPMENT OF
AGGREEMENTS OF BOTH RENEWABLE AND NON-RENEWABLE RESOURCES
IS COMMENDABLE

RAYMOND C CHRISTSEN CHAIRMAN OF BOARD CALISTA CORP

1978 APR 14 PM 4 11



STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

JAY S. HAMMOND, GOVERNOR

DIVISION OF PARKS

323 E. 4TH AVENUE - ANCHORAGE 99501

April 15, 1976

Honorable Nels Anderson, Chairman
Resources Committee
Alaska House of Representatives
Pouch V
Juneau, Alaska 99801


Dear Nels:

Guy Van Doren has asked me to comment on HB 890, "An Act relating to cooperative resource management or development agreements; and providing for an effective date." Although the bill has not undergone thorough legal review by the Department, I can comment on its usefulness in park management.

I concur with the basic intent of the bill and with its specific guidelines with one exception. The exception is in Sec. 2 (b) on Page 1. I believe that an annual summary to the legislature would be an unnecessary addition of workload with no substantial benefits.

I believe that the Directors of the Divisions of Lands and Parks presently have the power to enter into agreements of this type. Perhaps a resolution of the legislature emphasizing the issue would be more appropriate. Thank you for the opportunity to comment on this bill.

Sincerely,



Russell W. Cahill
Director

CC: Commissioner Martin
Mike Smith

ESCA·TECH CORP.

EARTH SCIENCE CONSULTING AND TECHNOLOGY

April 14, 1976

The Honorable Nels Anderson, Chairman
House Resource Committee
House of Representatives
Pouch V
Juneau, Alaska 99811

RE: H. B. 890

Dear Honorable Anderson:

Reference is made to H. B. 890, a proposed legislation relating to cooperative resource management or development agreements; and providing for an effective date.

Our office has reviewed H. B. 890 and as a result has one concern. That is, we feel that, in order to insure that public interest is protected, we suggest that the word "that" be substituted for the present word "whether" on line 21 of Sec. 38.05-025.

Other than this one expressed concern we are supportive of the intent of H. B. 890. If this bill is passed, it will give explicit authority, rather than implied authority, to the State of Alaska to go into cooperative resource management or development agreements with the federal government and/or private corporations. This is a very wise move and your committee should be commended for its ability to look at both short and long range utilization of Alaska resources, both renewable and non renewable.

Sincerely,



Nelson Angapak

/pw

Ref/76-164 .

Federal-State
Land Use Planning Commission
For Alaska

733 W. FOURTH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99501

April 15, 1976

Honorable Nels A. Anderson, Jr.
Chairman
House Resource Committee
State of Alaska
Pouch V
Juneau, Alaska 99811

Dear Chairman Anderson:

We understand that the House Resource Committee will be holding a hearing tomorrow on HB 890, "An Act relating to cooperative resource management development agreements; and providing for an effective date."

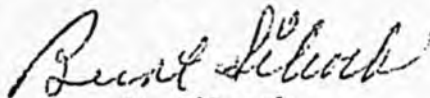
Without regard to the technical aspects of this bill or the question which has been raised about the existing authority of certain State officials to consummate cooperative agreements, we are writing to communicate our belief that appropriate State officials should be vested with the authority to enter into cooperative management agreements with adjoining landowners and other parties. The land ownership pattern in Alaska is growing ever more complex as a consequence of the implementation of the Alaska Statehood Act and the Alaska Native Claims Settlement Act. Lands owned by the Federal government, the State, Native corporations, and other parties lie adjacent to each other in tracts the boundaries of which do not necessarily take cognizance of the biotic and other resources found on such lands. This intermixture of land ownership and the somewhat arbitrary location of certain boundaries often jeopardize prudent land management and use.

Given this situation, we believe that adjacent landowners including the custodians of the State public domain and the resources found there, must have the authority to enter into cooperative resource management agreements. Such authority would facilitate the coordinated and consistent management of fish and game which know no man-made boundaries. In addition, the authority to enter into cooperative management agreements would help facilitate the efficient management and use of renewable and nonrenewable resources located on adjoining lands. Through such agreements, fragmented decisionmaking, with all of the deleterious consequences

resulting therefrom, could be avoided. As a result, each of the parties to an agreement would be benefited, and the resource would be managed more rationally.

Thank you for this opportunity to comment on HB 890. If we can be of any subsequent assistance in your evaluation of this legislation, please let us know.

Sincerely,



Burton W. Silcock
Federal Co-Chairman

Sincerely,



Walter B. Parker
State Co-Chairman

cc: Senator Kay Poland

Original Sponsor: Resources Committee

Offered: 4/22/76
Referred: Judiciary

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 890

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to cooperative resource management or
7 development agreements; and providing for an effective
8 date."

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

10 * Section 1. INTENT. The legislature recognizes the changing resource
11 ownership patterns and increasing complexity of natural resource management
12 and development in the state and the reality that use and enjoyment of land
13 and resources by one possessor or owner may significantly affect rights of
14 other adjacent or remote possessors or owners. It is the intent of this Act
15 to clearly authorize the state to enter into cooperative resource management
16 or development agreements when in the state and public interest, and under
17 specific guidelines designed to protect the public and state interest.

18 * Sec. 2. AS 38.05 is amended by adding a new section to read:

19 Sec. 38.05 025. COOPERATIVE RESOURCE MANAGEMENT OR DEVELOPMENT
20 AGREEMENTS. (a) Consistent with his authority under law, the com-
21 missioner, after determining that the agreement is in the best interests
22 of the public and the state, may enter into cooperative resource manage-
23 ment or development agreements with the federal government, a state
24 agency, a village or municipality, or a person as defined in AS 01.10.-
25 060(7). Specific guidelines to protect the state and public interest
26 shall be established, if necessary, by the commissioner before entering
27 into an agreement under this section.

28 (b) A summary of agreements entered into under this section shall
29 be submitted to the legislature within 30 days of the beginning of each

Willie Goodwin HB890

Working on Co-op Management agreement
with Fed

— Dept of FtG. 38.05.025

—; Expanding authority of Commissioner ? Sect. 3

— (c) should to "May"

HJR

I

Proposing amendments to the Constitution of the State of Alaska providing for a unicameral legislature.

1/20/75

COMMITTEE REPORT

~~JUDICIARY~~

HOUSE

Mr. Speaker: _____ Date _____

The Committee on JUDICIARY ~~XXXXXXXXXXXX~~ has had House Joint Resolution 1 ~~XXXXXXXXXXXX~~

under consideration. A Majority of the members of the Committee

- recommends it DO PASS
- recommends it DO NOT PASS
- recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- recommends it BE REPLACED WITH CS FOR HJR 1 AND THAT
CS FOR HJR 1 DO PASS
- "and" recommends it BE REFERRED TO THE _____
COMMITTEE
- reports it back WITHOUT RECOMMENDATION
- "other"

Members signing the Majority report:

<u>Jimmy Henderson</u>	<u>Do Pass</u>	_____
<u>Edwards</u>	<u>Do Pass</u>	_____
<u>P. S. Seadler</u>	<u>Do Pass</u>	_____
_____	_____	_____

Members NOT concurring in the Majority report:

_____ recommends: not present

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

Jimmy Henderson Chairman

legislature question. Is there objection? Hearing no objection, then the Convention will resolve itself into a Committee of the Whole. Mr. Victor Rivers, would you take the Chair?

V. RIVERS: Mr. President, I would like to ask to be excused as I have comments to make from the floor.

PRESIDENT EGAN: Mr. Barr, would you take the Chair?

BARR: Mr. President, I had hoped to be able to talk on the floor on this. I feel quite strongly on this.

PERATROVICH: Mr. President, the chairman can participate in the discussion in the Committee of the Whole, so I don't see why these capable men are refusing to take the Chair.

PRESIDENT EGAN: The Chairman of course during the Committee of the Whole could give the Chair to someone else if he so desired. Mr. Riley, will you take the Chair?

RILEY: Obviously, Mr. President, I have little that I can say.

COMMITTEE OF THE WHOLE

CHAIRMAN RILEY: The Committee will come to order. Being among those who were late to arrive, I did not hear the motion for our resolution as a Committee of the Whole, but I presume that the order of business is as announced and the matter before us is discussion of the structure of the legislature as proposed, I believe, by Mr. McCutcheon yesterday. The matter is now open for discussion. Mr. Victor Rivers?

V. RIVERS: Mr. Chairman, in adding up the discussion of the chairmen of the committees the other day, it seemed to me we would have a long session unless we came to some conclusion in this Committee of the Whole as to the time limit of the debate. Now the questioning of this subject and bringing it up before us at this time was for the purpose of determining an opinion -- not for the matter of final debate. I move and ask unanimous consent that we limit debate to ten minutes for each individual member on this subject.

CHAIRMAN RILEY: Mr. Rivers moves and asks unanimous consent that we limit debate to ten minutes for each individual member on this subject. Is there objection? Mr. Barr?

BARR: Mr. Chairman, I object for the moment for a point of information. Does that mean that ten minutes at one time? If a man has a chance at a second time, what then?

V. RIVERS: I had thought in adding up here that we have 55 members; if each uses ten minutes we have 550 minutes or ten

minutes less than ten hours. I thought if each member got a chance to speak that ten minutes would be the maximum we could allow. Some of them will not desire to speak that long.

FARR: Some will not speak at all, but I have great powers of endurance myself.

CHAIRMAN RILEY: Do you object, Mr. Barr?

FARR: I do not object to limiting it to ten minutes each time that a member speaks, but if it comes around to him the second time I believe he should be able to speak again if he wishes for another ten minutes.

CHAIRMAN RILEY: Mr. Rivers, does that constitute an objection to your motion?

V. RIVERS: No, it constitutes no objection.

CHAIRMAN RILEY: Without objection it is so ordered. There will be a ten minute limitation. Mr. Sundborg?

SUNDBORG: Mr. Chairman, are you going to appoint a time keeper?

CHAIRMAN RILEY: I am going to ask the Clerk to give the Chair a copy of the roll call and I shall undertake to keep track of the time. Mr. McNees?

MCNEES: Mr. Chairman, will there be any yielding of time on the part of one delegate to another?

CHAIRMAN RILEY: I know of no reason why that cannot be allowed. We have nothing in the rules on the subject. I would say that each member has ten minutes allotted to him under the proposal. Mr. Rivers?

V. RIVERS: Mr. Chairman, I would object to that if that is a form of unanimous consent request on the grounds that we are trying to limit the total time of debate here to some reasonable figure. I think that if a member does not use his time, does not have ten minutes of time to devote to the subject, we should not allow that time to go to someone else.

CHAIRMAN RILEY: I would suggest in that event if the Chair may, that the matter be clarified right now with a request for unanimous consent or motion as in the case is necessary.

V. RIVERS: I ask unanimous consent that any member be limited to speak not more than ten minutes at this one time, the first time and his ten minutes if not used, not be transferable to some other member.

MCNEALY: I second the motion.

CHAIRMAN RILEY: It has been moved and seconded that each member be confined to ten minutes discussion and that his ten minutes not be transferable to some other member, if not exhausted by the one speaking. Mr. Kilcher?

KILCHER: Mr. Chairman, point of information only. This ten minute time -- if the first time -- is that to be construed that it is only one time if it is only three or four minutes, or can the ten minutes be cut into two or three small parts?

CHAIRMAN RILEY: Mr. Kilcher, as I construe the rule, if one does not use his full ten minutes the first time, he must allow all others who wish to speak on an intermediate basis, to speak before him on the same subject before he resumes.

KILCHER: Will the whole evening be one subject?

CHAIRMAN RILEY: I suspect it will be one subject as indicated by the call. You've heard the motion. Is there further discussion?

UNIDENTIFIED DELEGATE: Question.

CHAIRMAN RILEY: All in favor signify by saying "aye", all opposed saying "no". The "ayes" have it. So ordered. You each have ten minutes.

BUCKALEW: Mr. Chairman, if no one is going to speak, I request that we rise and report progress.

MCCUTCHEON: Mr. Chairman, the purpose of our discussion here is to develop some of the thinking on the side of the proponents of unicameralism in showing the contrast between the two types of legislatures. There has been a good deal of condemnation in past years of the fashion in which our Territorial Legislature has proceeded on the several subjects, and there has been a good deal of thinking by people not well acquainted with the legislative constitution as the way it is in effect currently, believing that in putting the total membership of both the houses into one body the matter of the affairs of the state may be expedited and that an economy may be there effected. There is considerable argument in behalf of bicameralism predicated upon the historical aspects of our legislative assemblies throughout the United States, in England and in other countries. There have been a good number of proposals for unicameralism in the United States during the history of the United States, and it appears that currently only one is functioning. Our particular committee seems to be of two different opinions, and it is possible that some of the debate tonight may serve to strengthen either side or convince either side that they are incorrect. Consequently, I prefer, Mr. Chairman, to have someone take up the cudgels in behalf of either side and get the wheels going around.

CHAIRMAN RILEY: Mr. McNealy.

MCNEALY: Mr. Chairman, in view of the fact that the matter of ten minutes allocated to each delegate with possible chance of twenty minutes, and with the thought in mind that I don't want to be here at the end of ten or twenty hours, I seize this opportunity of being able to lead off and so have my brethren, and possibly sisters, who can speak longer and more fluently than I, have the privilege to carry on their speaking while I am enjoying much needed rest. To get down to the subject, I don't know whether -- first I will back up. I want to make my standing and my premise very clear. I am unalterably opposed to the unicameral legislature. I don't know whether there is any other delegate here who is from Nebraska. I was born and raised in Nebraska and practiced law there a good many years. I will have to say that I did not live too much time under the unicameral system. In fact, it was only in operation for a period of two years there before I came to Alaska to make my home. However, I have been back to Nebraska, I have exchanged correspondence with attorneys, politicians of Nebraska, and this being a Committee of the Whole I feel that I can safely say "Republican" and "Democrat" without any fear of criticism, because that is one thing that we have very admirably avoided in the meeting of the plenary sessions of the Convention and even carried on by those two great statesmen yesterday who referred to greater statesmen in both political parties. I believe we can more or less call a spade a spade. One of the reasons I left Nebraska was that I was probably one of the last Democrats who stayed in Nebraska, and to have freedom and get out from under a one-party system, I felt that a new, growing and progressive place such as Alaska would hold some future, a place where a two-party system could exist and continue in operation. Nebraska is, and I probably don't need to say this, Nebraska is a Republican state. The chances of a Democrat being elected in Nebraska are even less than that of the rich man mentioned in the Bible, getting into heaven. In Nebraska the unicameral system -- there are objections to it there -- on the whole it has worked and is working very well. That much I am going to grant in favor of the unicameral legislature as far as Nebraska is concerned. There my friends, we have a system whereby the Republicans, you have practically a one-party system setup on the non-partisan basis, for one thing. The second is that Nebraska has a stable population. "Stable" is hardly the word. It is not only stable but they are ultra ultra conservative. The largest town in Nebraska (I may be off a little on my figures now as I am probably using figures of ten or fifteen years ago); the population of Omaha (my home town was south of Omaha where the few Democrats were still able to congregate) was about 300,000 as against a state population of 3,000,000. That is not a bad deal under a unicameral system. You compare the size of Anchorage, or the greater Anchorage area with the population of Alaska and you will find your percentagewise that the unicameral

system on that basis would not be as fair here as it is in the State of Nebraska. There you have your sound and conservative farmers throughout the state and they see more or less eye to eye, there is not a chance of ramrodding things through the unicameral legislature in Nebraska because they are all as I said before the ultra conservative type, and it is only conservative measures that are going to get through that unicameral legislature in Nebraska. I can recollect back to the bicameral days when we tried to get some measures through that were not so conservative, and they failed pretty flat even when we still had some semblance of the two-party system in Nebraska. Now I am going to close off here very shortly. I am going to say some things to some of my fellow legislators who served with me in the House of Representatives, it is going to hurt me a little to say this. There are a number of Senators here that I served with in the last legislature. It hurts me but I am going to have to say a kind word for those Senators. There were times when I thought they were wrong and when I thought they were wrong, why they were wrong. There were other times, ladies and gentlemen, when in that House of Representatives things were ramrodded through by a certain segment of the members of the House of Representatives, of which I was one, and had we not had a Senate over there, much as I hate to say this, had we not had a Senate there to cool off the House a little and water down some of these bills that we sent over to them, maybe if we had not known there was a Senate over there, very likely we would not have shoved some of these bills through. We depended a large part on the Senate to kill them. I can see -- is my time about up?

CHAIRMAN RILEY: Three minutes, Mr. McNealy.

MCNEALY: I can see whereby the unicameral legislature with the same ideas and the same thoughts, ladies and gentlemen as the House of Representatives in which I served this last time, on a good number of measures, a unicameral legislature could ram through legislation there that the people of Alaska would bow their heads in shame to think it had passed a representative body. It is a dangerous proposition from that point. In closing, I forget whether it was Hamilton or Madison, when he was asked about the bicameral deal in the United States, (incidentally the Senate and House of Representatives have worked pretty well for almost 170 years in our federal government) he said why the two-house system -- remember in the old days about Madison's time, when they used to pour the coffee out in a saucer and blow it off a little to cool it? Well, he said here is a hot cup of coffee and a hot cup of tea, which he said represented the House of Representatives -- a hot, impetuous body. The saucer here represents the United States Senate -- we pour a little of the hot tea into the saucer, we cool it off a little bit and drink it. I believe that more fully shows that I think that we could stand in this hot impetuous, a growing Territory, we could stand a little cooling off by a

Senate. Incidentally, I am not now nor do I intend to be a candidate for Territorial Senator.

CHAIRMAN RILEY: Is there further discussion? Mr. Marston?

MARSTON: Mr. Chairman, may I speak? How much time do we have here?

CHAIRMAN RILEY: Ten minutes sir.

MARSTON: I am the only man that comes from Spenard, Alaska, who is in this Convention. That group of people represents the largest single group of people back of any group that came here as a delegate, and I am thinking back over the people who live there, the 200 homes at Turnagain By the Sea. I am thinking seriously about the people and why I am here and I have used my influence here. Helen Fischer and some others and I have declared that I would vote for the one-house system. I don't think I had too much influence on them, and I have thought it over here tonight and this afternoon. Those 200 families who live in my development, they expect me to help write a constitution that will be acceptable to the United States group and I think that is my first duty. If we need reforming I think I want to join up with a family of states and then reform from within and not start my reforming from the outside. I believe that is what I am here for, and I am going to go along with the system, the pattern that has built a great United States of America, and I am going to throw my influence along the side of the two-house system that has made America great. Thank you, Mr. Chairman.

COOPER: Mr. Chairman, apparently I am laboring under some false ideas here. I thought there was going to be an argument. I prepared my little speech on the basis that someone would already have been on the floor for the unicameral legislature, but apparently right at this moment, just to stir up some debate, I would like to make the statement. I don't think they are very proud of it, so I will present mine with the full idea that I know very shortly there will be more people on the floor. I have one thing to say in reference to our first speaker. If he could guarantee a certain party in a unicameral legislature, I would swing my opinions to the unicameral. With your indulgence I would like to read this. I really haven't had time to study it out well enough to speak freely. Many of the strong points for a bicameral legislature and, of course, strong points for a unicameral legislature have been presented here. Primarily, unicameralism points out economy and expeditious legislation. My concern with the mentioned economy and expeditious legislation is, will this be accomplished at the sacrifice of good, strong comprehensive acts of legislation for the people. Very true, as has been pointed out, unicameralism could possibly forestall and correct some of the "log rolling", "passing the buck" and other undesirable means by which legislators in the past have used to gain personal fame, rather than

vote an issue for the good of the Territory and their constituents. I, for one, would like to assume that had a unicameral house existed in the past, the same caliber of representative referred to above would have been present in the legislature, and could have found other undesirable methods to further his or her purpose at the expense of the voters. Naturally, a bicameral house cannot legislate in the reported fast, economical manner of a unicameral house. However, for our age-old American custom of checks and balances, a bicameral procedure is far more desirable. Secondly, unicameralism cannot give the representation desired by the people. With a two-house system the lower house would be apportioned for representation on population alone. This guarantees each and every election district of 2500 population or more at least one representative in the House and naturally that representative would have the one vote. To enlarge on this, the election districts would be, where necessary due to greater population, multiple member districts based on the total population. The Senate, however, by custom (and I am not attempting to run for Senator in any way, shape or form) a more learned, sedate and responsible body, would be apportioned for representation by geographical areas: Possibly, to go further, geographic and economic areas. This body, the Senate, would then be responsible not to an immediate area, due to population, but would be responsible to the territory or the state at large. The Senate as such would be, in effect, a board of directors for the corporation which in this instance the State of Alaska. Individual Senate members would not be so apt to be concerned about minor legislation but would be instead the liaison between the lower house which is represented by population and the government of the State of Alaska based on over-all population, economics and geographic districts. To summarize, a great deal of the concern voiced in this body against a two-house legislature has been and is based on the supposed incompetence or lack of faith of the representatives to be elected by the people. We were told yesterday by a most distinguished gentleman that the words "politician, politics, government", are in most cases referred to or thought of as synonymous of graft and incompetence. The capabilities of the elected representative or senator we cannot control or guide. They are elected by the people, and rightly so, but a two-house system does install checks and balances, not otherwise obtainable to hold in check any ill-advised or unwanted legislation which would not benefit all.

SWEENEY: Mr. Chairman, I would like to ask a question but not be docked any time.

CHAIRMAN RILEY: Without objection Mrs. Sweeney, the question may be entertained.

SWEENEY: I do not think bicameralism has to be sold and so I came here expecting to hear unicameralism sold, but if there is no sales talk on it I think we might just as well adjourn.

CHAIRMAN RILEY: I would say that any motion is entertained that is in order.

MCNEES: Mr. Chairman, may I answer the question and not be docked any time?

CHAIRMAN RILEY: Mr. McNees.

MCNEES: There are several proponents of unicameralism in the crowd. I well know that. The only reason I am reserving my comments at the present time is that I have had on committee work, a preponderance of public time for the presentation of the subject of unicameralism. I felt that it was better that it come from the floor for the time being rather than by committee. I am prepared to go at any time.

R. RIVERS: Mr. Chairman, Mr. McNees I believe is an able proponent of unicameralism and I subscribe to the old idea that the one who advocates the proposition should have the affirmative and also should have the rebuttal. I think to help this Committee proceed that we would all welcome the argument of Mr. McNees for unicameralism. Then I am willing to have him make his rebuttal after I get through talking without being docked any time.

CHAIRMAN RILEY: The opportunity is open to all.

EMBERG: Mr. Chairman, as a result of the recommendations from the Committee, I would like to hear from that Committee and the members of it.

HINCKEL: Well, I am a member of the Committee, and I came here to learn. I never learned anything by listening to myself, and I did not intend to say anything, but from the study I have made of the subject I feel unicameralism is the type of house that I think will give us the best representation. I come from a portion of Alaska that has never had any representation in the legislature, and there are a lot of other parts that never have either. To me, to devise a lower house that will give us the representation we should have Territory-wide and then also give us a Senate that will also be a fair distribution throughout the Territory in any way so that the seats in the Senate will not be monopolized by the big heavily populated centers, we will have a complete legislature of such size that we cannot afford it in my opinion. The arguments they have against the unicameral house, that is that they will rush legislation through in the heat of the moment, so to speak, and without sufficient judgment, I don't think it is true. I think if we only have one house that the people in that house will give more deliberation to the subject that they are discussing, and I think they will vote the way they feel they should and the way the people they represent expect them to and not just vote any old way having first knowledge that

the Senate is going to kill the thing anyway. I am not a very good speaker, and I can't express myself too well, but I feel real strongly about the subject, and probably on a different kind of debate, where I could get up and speak in rebuttal after somebody else talks, I could probably get up and say something that might make sense. But for the time being I have said about all I can. I am for a unicameral house on the basis that we will get a truer and better representation and have a better legislature.

CHAIRMAN RILEY: The Chair is noting just three and one-half minutes so you'll have ample opportunity, Mr. Hinckel.

NOLAN: Mr. Chairman, I don't think the people in the back are hearing what is going on.

CHAIRMAN RILEY: What is the situation as to the PA system in the gallery? Is there any hookup?

SOUNDSCRIBING ENGINEER: We have seen nothing of the amplifier -- I believe it is over in the gymnasium as of yesterday, however that is not our equipment and we have no control over it.

HELLENTHAL: Might I suggest, Mr. Chairman, that we move our tables up and permit the people that have visited us here this evening to bring their chairs into the main body. It will not offend my dignity.

LEE: May I move that we recess for five minutes so we can move the chairs?

CHAIRMAN RILEY: Mr. Lee asks unanimous consent without objection for a five-minute recess for rearranging purposes. If there is no objection so ordered.

(People moved chairs in from gallery at this time.)

CHAIRMAN RILEY: The Committee will come to order. I might suggest that to simplify the audience's hearing, the Chair certainly has no particular need to be addressed, except for recognition, and that the speaker, wherever he may stand, could perhaps address the audience to maximum advantage and catch most of those in the room from where he stands.

JOHNSON: Mr. Chairman, I doubt that we can do that because of the transcribing. We will have to face the microphone.

CHAIRMAN RILEY: Would it be the pleasure of the Committee that the speaker step forward?

COMMITTEE: No.

CHAIRMAN RILEY: We will see how it goes from the rear of the

room. Is there further discussion? Mr. Davis.

DAVIS: Mr. Chairman, as I understand it, the purpose of the meeting was to try to give the Committee some idea about the way the delegates felt on the question of a bicameral house and a unicameral house. So far as I am concerned, I am not going to take ten minutes or any fraction thereof. I believe that we should keep the traditional two-house system, and so far as I am concerned I have seen no demand or, for that matter, no request from the people of Alaska that we depart from that system, and I doubt seriously that were we to experiment with a one-house system that the people would be pleased with what we have done. My opinion is not such that it could not be changed, but that is the way I feel now, and I am willing to go on record that way.

CHAIRMAN RILEY: Mr. Fischer.

V. FISCHER: Mr. Chairman, I am not committed to myself one way or the other on unicameralism or bicameralism. I would like to make one point though before speaking on a specific point on unicameralism, and that is that I don't think we should talk in terms of will the people accept what we do. We are here as representatives of the people of Alaska. The people have not told us to go one way or the other. They have not demanded that we adopt unicameralism or that we preserve bicameralism. I think if this body by majority vote adopted unicameralism, that the people of Alaska are just as cognizant of all the factors as we would be in taking such action and would go along with this kind of a system. What I want to emphasize is that we are the people here and we should not worry about being on a higher plane than the rest of the people of Alaska. Insofar as unicameralism is concerned, I would like to bring out one particular point that to me carries more in its favor than anything else, and that is the better committee operation that you can have under a unicameral system. All of us who have worked here within the last few weeks have been engaged in committee work. We have seen the importance of committees for the actual formulation of proposals. A legislature basically is a similar body from that standpoint. The United States Congress is a good example. Most of the basic work is done in committees. Most of the studies and research and debates take place there. Most of the arguments are worked out there. Once a proposition gets on the floor of Congress, of either house, it is only a matter of final debate in the most serious questions of national importance. Most of the other things are pretty well worked out. Now I draw upon the example of the national Congress even though it has two bodies for the simple reason that they have worked out a committee system due to the large number of congressmen and senators that they have. It has generally been agreed that Alaska or any state legislature should not be overburdened with too many members due to cost factors and other considerations.

Taking this into account, if you have a 20-member House or a 20-member Senate or 22-member Senate in Alaska, if you have a 30-or 37-member House that means that each house of the legislature has to subdivide itself into a series of basic committees. They cannot get around that. They must study each bill, they must analyze it fully. That means that 20 people may have to spread themselves over 12, 14 or 15 committees, meaning that very little attention can be paid to any piece of legislation. In the unicameral legislature all the effort of all legislators can be concentrated in the work of the same number of committees that would be sufficient in one house of the two-house legislature. You could have twice as much study for each bill and probably much more thorough study since you would not have duplication and multiplicity of membership as you have in a two-house legislature, especially with a small number of members. I don't want to point to the Alaska Territorial Legislature. We probably should get away and think in terms of the state and the future rather than in thinking of what we have had in the past, although we are used to it and sometimes have to draw upon that as an example, but I am sorry to say that the committee system certainly does not work in a small legislature, as shown by what we have had during recent years. What happens is that the committees do not have time to go into the proposals, the members rush through bills, report them out to the floor because they feel they do not have time in committees to give them full consideration, therefore, let's throw them on the floor and give everybody a chance to talk about them. That is exactly what happens. You talk and talk and talk about various bills. They are amended time and again and sent back and forth to second reading, and the result is that the committee work is done on the floor of the legislature. To me this kind of operation does not result in the enactment of good legislation, and therefore I throw this out as one of the aspects of unicameralism that I feel has much to offer for the legislature of Alaska.

CHAIRMAN RILEY: Mr. Harris?

HARRIS: Mr. Chairman, I have not said too much at this Convention so far because I was sent up here by a bunch of people that told me, "Tommy, it is always best to stay quiet and let people think you are a fool than to open your mouth and prove it." But I have heard a lot of talk tonight on the one-party, two-party system. Alaska for the past two to three sessions has been a one-party system, kind of a one-party at a time, but we still must keep a system of checks and balances. Therefore, to my mind the two-house system has been more or less tried and proven and 47 of the 48 states seem to like the two-house system. In 1836, I believe, Virginia went from the unicameral house to the bicameral house. Evidently they had a reason. So since we have got something that we know has worked pretty good, I can't see much use in changing it.

CHAIRMAN RILEY: Mr. McNees.

MCNEES: Mr. Chairman, the legislature was originally organized as a check to curb the power of royalty. It had no representative functions. They did what the king desired and gradually this began to take shape and model out a form that we now know today as a democracy. They gradually assumed powers as the king was weakened. The king's powers lessened, the legislators' powers grew. It gradually split into a two-house system of legislation, one as a check upon royalty, the other one in the interest of legislation for the people. The members of the two-house system or the two houses of our present system are elected by the same people, from the same class of people. They are given the same legislative authority. There is no division on the basis of aristocratic lines or on the lines of wealth. There is no qualification whatsoever with regards to wealth and property. There is no need to give the two branches the same authority to do the same thing. Where they possess the same qualifications for office and where the work of the two bodies is identical, requiring that the work be done twice, identical action by each branch, although each branch has the same jurisdiction -- unreasonable, illogical, and required by no other government agency. This illogical procedure is well illustrated by what happened in our courts of justice. The case in court may involve a lifetime of savings. It may involve the liberty of one or more of the litigants. It may even involve human life, but however important may be the issue, it is unnecessary to have more than one trial. Under the guidance and control of the presiding judge each side offers all the evidence deemed important or relevant. When all the evidence is in, the attorneys argue the case to the jury. The jury retires and after deliberation renders a verdict. The judge renders judgment upon this verdict. This determination of the issue is then settled. It is ended unless the jury or the judge has violated some constitutional provision, in which case the entire trial is set aside and held for naught by the appellant act. This same check would exist in the legislative matters if we had the one house. First point -- if the legislature exceeded its constitutional authority in the enactment of any law, it would be set aside by the supreme court. Number two -- there would also exist the veto power of the governor. Number three -- there would also be the referendum provisions of the state constitution so that the people could by such referendum nullify any law passed by the one-house legislature, as they have the power to do so now. Let me trace, by way of an example, a bill through our present two-house system. A bill is introduced, we shall say in the house, stemming from the people. The first step -- by the house, it is referred to a committee whereupon the committee holds hearings. The committee then debates the question. The committee then reports the bill to the house. The bill comes up for discussion and debate. All members have the right to be heard. The bill is

argued in all its phases. The House votes. If the bill is passed the House then sends it to the Senate. We now have the bill in the Senate, and what happens? The same thing all over again, usually the same people testify before the Senate as testifies before the House committees. Finally it is reported out, debated, perhaps this time amended in some particular way, and so they pass the bill. The bill is then returned to the House for action upon the amendment. The House rejects the Senate amendment. The bill is sent to a conference committee. Practically all legislation over which there is any controversy goes to a conference committee. What is a conference committee? It is the third house. The conferees, usually free from the House and free from the Senate, take up the bill for consideration. Usually these deliberations are held behind closed doors. There is no roll call. There is no provision of law for a record of proceedings. The conference committee perhaps writes a new bill, modified perhaps, without any hearing whatsoever, modified perhaps without any publicity whatsoever, modified perhaps without any recorded vote. Is that democracy? If they agree, they report it to the House and the Senate. The conference bill comes up in the House and the Senate and it must be voted either up or down and that without amendment. That is a big point, remember it. There is no such thing as the amendment of a conference bill. Members may find provisions that they think are wrong, they cannot move to strike them out, they cannot move to insert good provisions that may have been left out. They must accept the evil to get the good. To reject the evil is to reject the good. This places the members of the House and Senate in a very unfavorable and unfair light. Modifications or changes of a bill have been made finally without public discussion, without the knowledge of the public, without any roll call, without any record, and it must be approved or disapproved as a whole. If the House or Senate (either one) rejects the conference report it goes again to the conference committee, and in the few days of a session especially, this means death to what otherwise might have been a good bill. What a terrible waste of man power, time and expense! Now let us trace a bill through the one-house legislature. The bill is introduced to the single house, considered by the proper committee, hearings are held, subject is exhausted on the floor with every person given a chance to speak. A vote would be taken, any amendment offered would there be fully discussed and voted upon. The vote would be out in the open. Immediately the public would know with the next issue of the paper or the next radio broadcast at breakfast time, just what the record of the public servant was. Not only would they be able to punish the unworthy servant, but they would be better able to reward the one who is faithful. I could go on and on, but I'm not going to do it. My time must be about up.

CHAIRMAN RILEY: One minute.

MCNEES: The merits claimed for the unicameral system -- membership in a single chamber carries greater prestige, dignity and greater opportunity for public service than membership in a bicameral legislature, and hence attracts more distinguished, outstanding and representative citizens. A single chamber operates more efficiently than two and is able to give more thorough consideration to proposed legislation than two chambers. By the adoption of suitable rules of procedure and the establishment of effective committee systems it can insure that every measure is carefully reviewed before it is acted upon, with adequate safeguards to prevent hasty action and thus avoid the serious ills of the closing rush that pertains in many states. The jealousy, friction and rivalry in the two houses is gone. Responsibility can be definitely fixed. A single house facilitates the development of essential leadership. The single house permits closer and more effective relationships between the governor and executive departments and the legislature. Some observers in the Nebraska legislature claim that a single chamber law-making body reduces the power of special interest groups and lobbyists to defeat needed legislation and at the same time makes it easier for the groups of citizens who are interested in pending legislation to present their recommendations openly and above board to the legislature. The unicameral legislature does away with the need for conference committees. We have covered that. I won't go into detail on it.

CHAIRMAN RILEY: Mr. McNeess, the Chair is obliged to call time on you.

R. RIVERS: I ask for unanimous consent to give Mr. McNeess another five minutes. He is making the primary presentation of the affirmative of that proposition.

CHAIRMAN RILEY: Without objection, Mr. Rivers has asked unanimous consent. So ordered. Proceed, Mr. McNeess.

MCNEES: The unicameral system facilitates public reporting of the work of the legislature and this is very important. If the press is in, the public is in, and the issues before it enables the public to keep informed on the course of legislation which should serve to increase the public confidence in the legislative body. The unicameral legislature results in substantial savings money-wise, and who does that not make an appeal to? The cost of the legislature itself is reduced because the number of its members and the size of the legislative staff are reduced. There are many many other advantages, but I want to take just a few minutes that I have left and point out that unicameralism is not limited to Nebraska. Canada -- nine provinces with eight of the nine, unicameral. They have found that they have better laws and less expense, while the activities of corrupt lobbyists are cut to a minimum. Finland -- the little republic of Finland has been so well governed that it

is the only European power that has the financial ability to meet the installments of war loans due to the American government. Finland has been a one-house legislature for 37 years. England -- even though the House of Lords exists it is in name only, and it is essentially a one-house legislature. The history of unicameralism in the United States is not, has not, and will not be limited to Nebraska's very short term with it. It is significant that three states -- Pennsylvania, Georgia and Vermont for varying periods of time operated with unicameral legislatures. Georgia abandoned its unicameral plan in 1790, apparently influenced by the pattern of the national Congress. Pennsylvania did likewise in 1789, apparently because of dissatisfaction with the council of censors and with the executive council which acted as a plural executive. The new constitution created a second house of the legislature, abolished the council of censors and established a single executive. Vermont -- the longest experience of any American state with the unicameral legislature was that of Vermont, from the year of 1777 until 1836 -- a period of over 59 years. This experience, after a legislative deadlock that year in the election of a governor, none having received a minority at the last general election, the recommendation of the council of censors for the adoption of a bicameral legislature was approved by a close vote. It was found after close study of the merits claimed for the bicameral system were not realized, and that as far as can be judged from historical evidence, the previous unicameral legislature worked as well as if not better than the succeeding bicameral legislature. Now the big question -- why have not more states adopted it if it is so good? Here is the answer. Out of 197 bills introduced into the various state legislatures across the nation in the last 25 to 30 years, 189 were introduced by the House, the body representing the people. Eight were introduced by the Senate. Of the eight introduced by the Senate, they all died in the Senate. Of the 189 introduced in the House, 176 of them passed and went on into the Senate and were all killed in the Senate. I thank you.

R. RIVERS: Mr. Chairman, I appreciate the sincerity and the persuasiveness of Mr. McNees's case. I wonder if the Senate did not kill those bills for changing the form of those state legislatures because it exceeded the constitutional authority of the legislature to change its own form. I would not know. The reason that I advocate staying with the bicameral system is largely a matter of representation. I think of the United States, as big as it is, having had through the years the heavy center of population east of the Mississippi River. I think of a one-house body based upon proportional representation which would absolutely dominate the whole United States. I think of the western states and the more sparsely populated area as not having any check on legislation, such as would be controlled under proportional representation in a one-legislature congress. The reason that our constitution was drawn to

give equal geographic representation to all the states, and that is in the form of two senators for each state, was that the highly populated area could not absolutely control and dominate the whole country without some check in behalf of the less populated area. The United States Senate sometimes shows as much liberality as the House of Representatives, at one time showed a little more with regard to statehood for Alaska. The Territory of Alaska, one-fifth as big as the United States, is a diversity of economies and could be several states if you want to look at it from the standpoint of size and also from the standpoint of industries and diversity of activities. Southeastern is as different with its forests and its fish from the Fourth Division with its mines and furs, as one state would be from another. Then westward, the Alaska peninsula, the Arctic, Nome, and the northern westward is so different that very few people in Southeastern Alaska have ever been up to see what it looks like. I used to be grateful when the First Division had headquarters with the capital and all the brains and all the influence used to "wag the whole dog around" and practically run the Territory of Alaska. The only safeguard in those days was that you had a Senate with two senators from the Second Division, two from the Fourth and two from the Third. Now conceivably as the golden heart of Alaska might be the great power with the big build-up in the future, that would be "wagging the dog", but I am not saying that it will. You have the example of the Third Division that now outstrips by population any other division by two at least, and you can visualize that a one-house legislature with straight proportional representation would place at the present stage of history a preponderance of strength in the hands of the Third Division. It is conceivable that in the course of events the First, with its forests and its development down there might again become strongly preponderant over any other part of the Territory. But nevertheless, we are so widely scattered, we have such a diversity of economies, there are so many people in the Second Division that have never spent any time in the First and so many in the First that have never spent any time in the Second or the Fourth or the Third, that don't know anything about the rest of the country, that I hesitate to see a unicameral legislature based entirely out of proportional representation. I feel that with a country as big as Alaska that you should have one body with equal geographic representation. I am not saying that we would be sticking to the four divisions as we have known them, but from the standpoint of economic areas based on widespread geographic locations, you would have something similar or comparable to the four divisions as far as districting for senate representation is concerned, so that is the primary reason for Alaska. Notwithstanding all the good arguments in favor of unicameralism which have been introduced by Mr. McNees, I favor the bicameral system for the State of Alaska.

MCNEES: Mr. Chairman, may I ask Mr. Rivers a question? Does he not consider this present group representative of the people

of Alaska, our 55 Delegates to the Convention?

R. RIVERS: Yes, I do consider this group representative for the purposes of writing a constitution. There is no great diversity of policy to be considered. We are not appropriating money or taking anything away from the taxpayers. We are not trying to "slice the pie" a little thinner for one group or thicker for the other. I have every respect for the fine widespread representation that exists in this body.

KILCHER: Point of information. If I am right, I am of the impression that the public was also invited to take the stand on the issue tonight, or am I wrong?

CHAIRMAN RILEY: I recall noting the story in the press, Mr. Kilcher. I don't know its source. I believe that if any member wishes to call on the public that he may ask for the privilege of the floor for that member of the public. Subject to correction, why that's the way I understand it.

KILCHER: In that spirit I would invite the public in general to do so. I have no personal acquaintances among them that I know would like to speak.

CHAIRMAN RILEY: Mr. Barr.

BARR: Mr. Barr, this Committee of the Whole was called for the purpose of airing the views of the different delegates. This matter of the one or two-house legislature is the business of the Legislative Committee. Our different committees hold public hearings and invite the public to take part, and I believe that is the time the public should state their views, when the Legislative Committee holds a public hearing.

CHAIRMAN RILEY: Mr. Doogan..

DOOGAN: Mr. Chairman, I may have to be corrected, but if I recall correctly when Mr. McCutcheon, the Chairman of the Committee that asked for this public hearing, he stated that the purpose was for the delegates and for the public to participate.

CHAIRMAN RILEY: Mr. Egan.

EGAN: Mr. Chairman, in order to attempt to clear the situation, I would put a motion on the floor and that would be that if there is any member of the audience who would desire to be heard before this Committee of the Whole on this question, that he be granted the privilege of coming before us and stating his opinions if he so desires. I would ask unanimous consent.

V. RIVERS: I would object temporarily until we have heard the delegates express their opinions. I think we should not invite

the public as a whole until after each member has had a chance to say what he has to say on this subject.

EGAN: Mr. Chairman, that would be acceptable, waiting until all the delegates who wish to speak on the subject have been heard.

DOOGAN: Second the motion.

CHAIRMAN RILEY: Mr. Doogan, would you withhold your second for a moment? Is there further discussion from the membership? Mr. Hurley?

HURLEY: Mr. Chairman, I rise to point out what appears to me to be an inconsistency (I may be wrong here) on the part of the people that support the unicameral legislature. I can't think of any way of organizing a unicameral legislature without by necessity diluting the area representation. I can see where they will get area representation coupled with population representation, but by nature I think it will reduce area representation over a two-house legislature. I wonder if those people, while advocating that dilution, will also demand of the United States Congress the seating of two Senators from Alaska which is purely on a basis of area representation. If they do, I think they would be inconsistent.

ARMSTRONG: I agree.

CHAIRMAN RILEY: Is there further discussion from the delegates? Mrs. Sweeney?

SWEENEY: Mr. Chairman, I would like to say a few words. In connection with Mr. McNees's statement concerning the three states which at one time had unicameral legislatures, he also mentioned that at the present time Nebraska was the only state. He failed to mention that Nebraska has a non-partisan legislature and attempts have been made at various time to return the legislature to a bicameral system. You might be interested to know, and I believe many of you do know, that there have been attempts made to have the unicameral system in Alaska. In 1945, House Joint Memorial No. 12 was introduced by Representative Chris Henning. This was introduced on the 33rd day and of course was sent to the Committee on Elections, Election Returns, and Mileage. It was reported out by the Committee the following day with a "do not pass" with one of the committee members not concurring. It was placed on the calendar then for a second reading. No one was interested enough in that House Joint Memorial to see that it was read or that action was taken on it until 17 days had elapsed. On the 51st day it was read for the second time. The rules were suspended, it was considered engrossed and was read for the third time and the question was asked -- "Shall the memorial pass?" and it failed. It failed by a narrow margin -- 11 to 12 and one absent.

Later in the day one of the representatives gave notice of reconsideration which was then taken up on the 52nd day, and during the night he was able to swing not only himself but another to the other side, and so the memorial passed. However, it was so late in the session that the Senate refused to accept it on a vote of three to thirteen. That was in 1945. In 1946, House Joint Memorial No. 4, also by Chris Henning, was introduced on the 13th day. It went to committee and reported out "do not pass", with three members of the committee, Stan McCutcheon, Andrew Hope and Mr. Taylor returning it "without recommendation." It went to second reading and was brought up for reading on the 19th day when there was a motion made to lay it on the table which carried eleven to nine and three absent. It was laid on the table. Absent at that time were Stanley McCutcheon, Mr. Taylor and Mr. Peterson, The following day the author moved to call the Memorial from the table, and the call was successful and then it was to be brought up on the 23rd of March for final consideration and second reading but it was delayed and not brought up until the 29th. At that time it was read the second time, the rules were suspended, it was considered engrossed, read the third time and the question asked, and it failed. Now I bring this out to show you that in '46 it failed in the House. In '45 it failed also, except that on a reconsideration vote it squeaked by. If someone were really interested in unicameral legislature it seems to me that the author at least would have seen to it that that memorial, since it had already come out of committee, would have been read. It was on the calendar. It would have been read and action would have been taken before it was too late to be received in the Senate without the necessary vote after the certain period when no bills or memorials could be received. I think that the most important consideration on this business of whether we are going to have a unicameral or bicameral legislature is whether we can get the approval of the citizens of Alaska and the members of Congress. Now Mr. Fischer has told us that we have been elected by the people. We are the people and that if we put in a unicameral system or any other system, that should be all right. We should accept it then as all right, but if that is the case, why are we putting the constitution before the people for approval? I believe this is not just something that is up to us entirely. I think we have to reckon with the fact that we must get approval of a unicameral legislature if that is what we put in the constitution and there is a question in my mind whether you can get that and whether you get it from the people of Alaska and Congress too, I am not sure, but I think we should be very careful. I feel very strongly about this, that we must have the constitution so good and so easy to get an approval on so that it will go through, and I hope that everyone will consider the importance of that. I think that if we do not go to Congress with some assurance that the unicameral legislature is going to work in Alaska, then we will find ourselves waiting, not to be the 49th state but the 50th state. The legislature

in Nebraska being a non-partisan legislature, is no criterion for success of the unicameral legislature in Alaska. We have a two-party system here. Since coming to the Constitutional Convention I recognize that there is even a third party on the way, and so with a three party or two party strong system in a unicameral legislature, we cannot say because it is successful in Nebraska, it will be successful here. Mr. Hinckel thinks we would get better representation under the unicameral system. I hardly think that is an argument for the unicameral system. I believe that the apportionment of delegates to the Senate and House of Representatives in the new State can be worked out so that all the areas will be properly represented. I can't go along with many of the arguments that Mr. McNeese stated. He would have you think that he has gone through a legislative session in both the House and the Senate, that it is very easy to get a bill through the House and the Senate, and I would grant you that that might be easy if you had a very simple bill such as the bill which was passed in this last session to designate Marie Drake's "Alaska Flag" as the song for Alaska. However, in the question of introducing a bill on which there is a great deal of question and the bill squeaks through one house on a majority of one, it is not as easy as he has made it appear. I think it is very important that where there is division of opinion that we should have the check of the other house. If you have a wide difference in a single house, even though those representatives were all elected by the people of the state, you would still have, maybe just one person throwing the bill into an act -- he tells you that the legislators will have greater prestige and dignity, there would be more distinguished legislators, more effective legislation, closer relationship between the legislature and the executive. It would reduce lobbying, it would facilitate publication or newspaper printing and save moneywise. How can he say that this is so? How does he know that we will have more distinguished representatives? How can he say that it will be more effective? We will we have a two-party house, if it is unicameral and we cannot go by and base it on the Nebraska legislature. I have a number of other things here that I would like to mention. There was something about better legislation but as I said before, I don't know how they figure they can have better legislation on the unicameral system. If our procedure under a two-house is not good enough, it is our own fault and it is our business to see that our legislators are doing a better job than they are. As I mentioned the other night, we are a republican form of government, and operating under democratic principles and under the republican form of government you have a system of checks and balances which gives us our executive, judiciary and the legislative branches. It is a system that has been in effect for centuries, and I feel with this experience that we should go along rather than to go on the untried unicameral system for which we have absolutely no basis of success.

CHAIRMAN RILEY: Mr. Victor Rivers.

V. RIVERS: Mr. Chairman, I have listened with a good deal of interest to the unicameral comments. When I came to this Convention I did not come here with any direction from the people whom I knew in our home country, to give deep consideration to unicameralism. I saw no one run on any ticket in which they came out and strongly advocated that we should have a unicameral legislature. I happen to know that there were three people in the Territory who advocated unicameralism and who were candidates for delegates and all three of these people were defeated. They are not here with us tonight. We have no mandate that says that we should give deep consideration or go to a unicameral type of legislature. I was a member of the Statehood Committee, and as such I am a great believer in presenting to the delegates all of the facts insofar as we possibly could. I was a strong advocate of the idea that we get the best theory that we could possibly get and that that theory then be presented to us in a form such that it was unbiased, present the theory from both sides of view, and we have done so with the work of the PAS. They have presented you as nearly as possible a balanced opinion on the questions that would come to this Convention. Along with that I have been a strong advocate, as you all know, of having with us the best theory we can get in the way of personal consultants. I want that theory. I want to know what the theorist thinks is the very best for us and then from that point we must take a hold and apply the long experience, the practical approach and the touch that we know that is best for the people of Alaska. We must apply the common sense touch that will be the answer to the problems of government for our people here. I have heard it said tonight by one of the delegates that it was not our problem to answer back to the people, or words to that effect, in regards to what we did here. We were their elected representatives and as such, were the people. However, I feel differently than that. I feel we are answerable to the people, and I feel we should come up with something that we know is not only the best for us and the best for them and also satisfactory and acceptable to them. I just wanted to read a little bit from the comments of the PAS in their handbook to us on this subject. On the one line they say, "The advocates of unicameralism can make, on paper at least, a very reasonable case." I want to read you this summary now of the two types of legislature. "There are no inherent reasons why either sort of legislature cannot work satisfactorily. The theoretical case for the unicameral body is good, yet only one state has adopted this form and no more are likely to in the near future, unless Alaska chooses the unconventional but not unprecedented course. As Dr. Graves observes, the opinions of the people who ought to know vary widely, in fact they are often diametrically opposite. A large majority of political scientists favor unicameralism while an overwhelming majority of persons with actual legislative experience are opposed to

it. Delegates to the Convention can weigh arguments, on the one side -- tradition, experience, the possibility of the double check, on the other side -- simplicity, economy, clear responsibility." I want to go into that matter just a little bit. We have had in the United States, as you know, through all history, with the exception of the first three states, Pennsylvania, Vermont and Georgia, the bicameral type of legislation, and on the other hand in Canada you have provinces all of which have unicameral legislature except the one of Quebec. Quebec has some 594,000 square miles, is the largest of the provinces and very similar to Alaska. However, I want to say that in Canada they did not have the separation of the legislative and executive powers. They have the governor general appointed by the Crown. The Crown appoints in each province a lieutenant governor. The lieutenant governor then is the governor of that particular province. They elect the representatives to their one house. From that one house then is chosen what is called the cabinet. The cabinet sits as the year around executives under the lieutenant governor. You really always have sitting a second legislature in the form of that cabinet who are from among the elected representatives in the one-house system. It is in no way comparable in my opinion to the problems of government in the United States. We have had a good chance to observe in the United States three states which have chosen to go from unicameralism to bicameralism -- Vermont, Pennsylvania, and Georgia. Now it is my opinion -- we were told otherwise by another delegate tonight -- it is my opinion that in all probability those states went from unicameralism to bicameralism at a time when communications were slow, travel was difficult. It is my opinion that the people in those states did not feel they had the proper check and balance. I have been in the legislature a number of times, as many of you know. It has been my experience that even though after careful weighing, careful consideration, the hearing of all arguments by each house or by the first house that handled a bill, that many times after that measure had passed the first house, that there were voices heard from different parts of the Territory, there were different issues brought into the picture, that radically changed the condition and the situation of the thinking, even of the people in one house who had sometimes passed the bill. I have had men come to me from one house and say "we did not find this out; we did not know this was something that affected the First Division, the Third Division, the Fourth Division; we did not have their voice so for that reason we wish you would change this matter in the Senate." I have had the same thing happen in the Senate where they did not have the complete details. Some people might say that we have a similarity between a one-house legislature and a city council. I want you to realize that in a city council, the people that the city council is serving are people living within a radius of perhaps five or ten miles. A city council sits every week. People can come to the city council and express their opposition, and they do frequently.

The next week if they haven't had their voice heard they can raise their voice again, but that does not compare to handling the area of a state as large as ours would be, 684,000 square miles, one-third of the area of the whole United States. It seems to me we must have this additional check and balance of the two house system in order to get a proper voice from the people in the more remote areas. I feel sure that the people who espouse this matter of a unicameral house are sincere. I feel certain by that they are honest, but it says here that the practical men in politics realize that the two-house system best serves the American system. It's so because in Canada your people are a different type of thinking people. They are not the driving, aggressive, energetic people, that we have in the United States, in many ways. At least that should be true in the matter of forcing legislation through their government. They don't pass as many laws, they don't seem to have as many lobbyists. We know it's a fact that our government --

CHAIRMAN RILEY: I'm sorry Mr. Rivers, I don't like to break in on you but the stenotypist is having a little difficulty. May we call a five-minute recess while the machine cools off and your time stands still?

RECESS

CHAIRMAN RILEY: The Convention will come to order. On recessing Mr. Barr asked that unanimous consent be allowed Mr. Rivers to extend his time two minutes for the interruption of trend of thought. Without objection, was there an objection?

V. FISCHER: I would like to object for the sake of saying this has given Mr. Rivers more chance to think. (Laughter) I withdraw my objection.

CHAIRMAN RILEY: Is there objection? Without objections, so ordered.

V. RIVERS: I want to say then I have watched this Territory prepare for statehood and in my small way have been a part in helping it prepare for statehood for many years. I want to say briefly that after the big depression of the '30's, Alaska was in dire circumstances. We had elected Tony Dimond to office and his first move, of course, was to try with the administration to help get a raise in the price of gold. We got it. The next thing, of course, was to try and stabilize and get temporary employment for people who were unemployed. That came through, and it became evident that Alaska was geographically very strategic and a strong defense program was organized. But at that time the military coming into Alaska saw the undeveloped condition of the Territory, and at that time it became more and more evident we should have a well developed economy functioning normally in order to have

the best defense. It seemed only logical to get such an economy functioning normally that we should have a state government, and as far back as '37 we talked about such things and began to prepare for it. And under the two-house legislature which we had, 16 members in the Senate and 24 in the House, it was changed, pardon me, in '41. However, under that we passed many things. First came Social Security, welfare department, public health. We instituted and established a highway patrol which was to be the nucleus of the state police. It was told us by members of one of the congressional hearings that we did not have a firm revenue program. Under our system of legislation we passed a firm revenue program. We have no bonded indebtedness. We have money in the treasury. We are paying our bills. Those things have all been done with our two-house legislature, and I for one want to say that it has worked successfully in the Territory of Alaska. I also want to concede that there are areas in which there should be better geographic representation. I think that is one of our duties here to get proper proportioning in the matter of representation in this legislature when we set up this constitution. I just want to read you again though one line here, but before I do I want to say that in this Constitutional Convention and in this constitution we draft, we have many hours of work by many people. We have many private dollars invested on trips to Washington and hearings before Congress. We have at stake here some \$300,000 of taxpayers' money who want to see us come up with a constitution which is acceptable, not only to the people of Alaska, but also to the members of Congress. I want to read a line to you again which I read before: "An overwhelming majority of persons with actual legislative experience are opposed to it." (Meaning the unicameral legislature). Now remember that if those men are opposed to it, the practical men with practical experience, those are the men who are going to have to approve the constitution for the State of Alaska and grant us statehood when it comes before Congress. I want to say again that I believe the people here are all honest and all sincere. Those who are favoring unicameralism -- I believe they are sincere in their beliefs, but I believe it is up to us and believe that if we did not adopt a bicameral legislature that we would be guilty of a great error in judgment, and I want to say that I hope and I will work hard for and continue to work hard for the establishment of the bicameral legislature or the two-house system of representation because I think for an area this large, where transportation and communications are apt to be delayed, it is the best system for Alaska. It has also proven to be, with our energetic, fast-moving, hard-pushing American people, I think it has also proven to be best for the states, or there would not be 47 states using it today. (Applause)

CHAIRMAN RILEY: Mr. Fischer.

V. FISCHER: Mr. Chairman, I would like to have permission to clarify a statement I previously made. Apparently it is being misunderstood or misinterpreted.

CHAIRMAN RILEY: You may proceed, Mr. Fischer.

V. FISCHER: I said before that among other things that we, the 55 delegates are the people. I did not mean in the least to imply that since we are the people that we are above the people, that we are not answerable to the people. What I meant to say is that we should not put ourselves in a separate category from the 200,000 Alaskans who sent us here. They are as intelligent as we are. If something makes sense to us, it will make sense to them, and therefore, we should not keep talking about them as something apart from us, something a group that we aren't sure will understand what we are talking about. In other words, what I meant to say was that as representatives, we reflect the thinking of Alaska. Certainly what we come up with is subject to a referendum approval. There is no question about that, and certainly we are answerable to the people.

CHAIRMAN RILEY: Miss Awes.

AWES: I would like to make just a few remarks prompted by statements made this evening.

CHAIRMAN RILEY: You may proceed.

AWES: We just had read to us the portion of the summary of the considerations of the two methods of two types of legislatures. I would like to fill out the picture by reading the last two sentences of that summary. "Alaska's relatively small population and the economy and simplicity of the unicameral legislature seem to argue in the favor of a single house. On the other hand, the apparent satisfaction with the two-house system in the Territorial legislature makes any departure from tradition difficult." That again places the final argument in favor of the two-house system on the basis of tradition. It seems to me that most arguments in favor of the two-house system so end. Now I am not opposed to tradition as tradition. However, I do not think we should follow it blindly but ever so often we should reconsider tradition in the light of present-day conditions. I did not run on the platform of the unicameral legislature. However, I did run on the platform that this body should seriously consider the unicameral legislature before deciding on which form it should adopt. As you can see, I was not defeated by running on that platform. There has been much talk tonight as to what the people want and putting in what the people want. I agree that we are here as representatives of the people, but I believe the people elected us to draft the best possible constitution. We have an opportunity that Alaskans have probably never had

before, in our opportunity to study the two types of legislature. I think we have the obligation to do that and to adopt the legislature we conclude is the best type, and if those reasons are sufficient to convince us, they will probably be sufficient to convince the people, if adequately presented to them.

HINCKEL: I have already spoken. May I speak again.

CHAIRMAN RILEY: You have not used your time, Mr. Hinckel. I believe you have several minutes left.

HINCKEL: I stated before I am on the Legislative Committee, and I ran for this body not on any particular platform of one type house or the other, but I did tell the people that I would try to see they got the best type of constitution that we were able to write for them. And I think that, as Miss Awes more ably stated, well in other words I concur with most of the things she said. I think there are some things we have forgotten on the apportionment. I know that from attending the committee meetings I not only attended our own meetings but I attended a lot of the other meetings, that it is quite possible to apportion the legislature so we will have better representation with a single house than we could hope to have with both. That is merely my opinion. The main thing I wanted to say when I got up this time was the constitution must be written for one type of house or the other, and the Committee in discussing it felt that the time to decide that was now. It is my opinion that a lot of the state legislatures, had I been sitting on them, I would have gone along with them just exactly the way they did and refused to change because they already had everything else set up for it. But the experts that have written all the data that has been submitted, both for our own and for the Hawaii constitution, they all tell us that the one-house system is the best but usually go back to the same answer that Miss Awes stated -- that it is a tradition that we have the other kind. If we are going to have two houses, why now is the time we have to know it because if we write a constitution for one house and then attempt to change to two, we are going to have to have a constitutional convention and rewrite the whole thing and make it work and vice versa. If we write it for the two, and then want to change to a one because all of a sudden everybody else thinks it better too and they all start changing, we are going to have to tear ourselves all apart and put it together again. It was the consensus of opinion in the Committee that those are things we ought to find out now so as to stop wasting time and get things rolling in all the committees. That is the reason that I have spoken in favor of it as poorly as I have done, but that was my idea in working for it that I think it should be considered very thoroughly, and if we are going to consider it at all, now is the time to do it and not later on.

CHAIRMAN RILEY: If the Chair may make an observation, Mr. Hinckel, I think your point is well taken in that it represents the thinking of the body in resolving itself into a Committee of the Whole because of the inter-relationship of the two questions. Is there further discussion? Mrs. Hermann?

HERMANN: I just wanted to add a little historical footnote to the remarks that Mrs. Sweeney made about the efforts to secure a referendum on the matter of a unicameral legislature. I am a little older than Mrs. Sweeney and I have probably been watching legislatures a little longer, but way back yonder in the '30's there were two attempts made to pass a referendum providing for a unicameral legislature. There was also a bill introduced to provide for a unicameral legislature, and it was killed in the House, not in the Senate, but in the House. Both of the bills providing for referenda on the matter -- one in one session and one the next session, were likewise killed, and it is my recollection that they were killed in the House and not in the Senate, so that the legislature of Alaska itself has written a considerable volume of history in regard to the unicameral legislature. I think Mr. Fischer's statement of comparison with the value of committee work as applied to this Convention is probably a little bit premature. His suggestion that it is working so well here might also have a footnote in a day or two when some of these committee reports are turned loose on the floor. I hope he will not have a rude awakening at that time. There is little to say as far as I am concerned in regard to the merits of unicameral or bicameral houses. I think the time to say it is on the floor when we finally are going to vote on this measure, but I do think that it is advisable that everybody here stand up and be counted on how they stand on the matter at the present time, so that the committees may have some idea on what sort of report to bring out in regard to that particular angle of their work, and I am perfectly willing to tell the world here and now and next week also, that I favor the bicameral system.

CHAIRMAN RILEY: Mr. Egan -- if I may correct the Chair and recognize Mr. Barr. While I had recognized Mr. Barr earlier, no time was charged against him.

BARR: Mr. Chairman, I yield to Mr. Egan for the time being.

CHAIRMAN RILEY: Mr. Egan.

EGAN: Mr. Chairman, I know that each delegate who is in favor of the unicameral system is absolutely sincere. I have talked to every one of those people who have spoken on that subject so far, and it has occurred to me and been my observation in my conversations with those delegates that one of their chief worries and one of their chief reasons for being for the unicameral system is that there has been a fear in their minds