

938 HJ

HB 678 - HB 723

8

P. O. Box 87
Sterling, AK 99672
Feb. 7, 1980

Mr. Hugh Malone
Juneau, Alaska

Dear Mr. Malone:

As a representative of the people of Alaska, I appeal to you to act for the good of your people in regard to the new bill being introduced having to do with marriage by contract. This bill violates Divine command and all the principles of marriage and the home. I beg of you to cast your vote against this bill, not in the name of religion but for the good of the society to which you are responsible.

Sincerely yours,



Villes Emmel, Pastor
Sterling Baptist Church

POSITION PAPER ON HOUSE BILL 678

The purpose of this House Bill 678 is to expand and maximize the freedoms of action available to partners in a marriage contract, and to more clearly identify their legal rights. This will serve significantly to strengthen the institution of marriage. Remember that marriage is both a spiritual and legal agreement.

The traditional marriage contract as provided in the law today and supported by religions, does not specify the duration of the marriage, but it is generally understood to be "till death do us part". Nor does the present law require a premarital written legal agreement dealing with the various legal rights of the partners in the properties and belongings of the partners acquired before marriage, and to be acquired during the marriage. This bill addresses those particular legal concerns in a marriage, but does not address the spiritual aspects of the marriage, nor does it affect the spiritual aspects of the marriage.

Today, when fully one-third of all marriages end in divorce; when domestic violence is at an all time high and no relief appears in sight; when illegitimate children cry for recognition; when the legal rights of women are practically ignored or receive only scant attention; when marriage counselors report that "being taken for granted" is the single, most loudly raised complaint by partners in a marriage; when contested and protracted divorce actions may

exhaust limited family financial resources; when abandonment of the family is selected by an increasing percentage of the partners as a solution to an intolerable marriage situation; when rape, alcoholism, child abuse, suicide and incest are all at record levels, then it would seem reasonable that a law that could provide relief to the married partners should be forthcoming. The law should require a clear understanding of the legal rights of the partners, and this should be in the form of a premarital written legal agreement completed at the time the marriage certificate is secured, and filed with and attached to the marriage certificate as a permanent part of the record.

For some couples, the traditional marriage maybe the only way to go. For others, a definite time limit on the marriage maybe most desirable. A lot of people just can't bear the thought of an unlimited time period as provided in the traditional marriage contract. These people may be unwilling or unable to marry under this condition, or for many other reasons. A time limit on the marriage encourages these people to enter into marriage. Presently, these people choose not to marry because of the legal difficulties they envision in terminating the marriage, preferring to live together in the unmarried state, in sin if you will, a trend that is increasingly more attractive to the younger people.

Marriage is the most serious contract one will ever sign, and yet it is the easiest to get into, and can be the most difficult to get out of. It frightens people

because the legal problems can be so difficult. And yet, there is no training or schooling or preparation or education required or given to most couples before they sign this contract and get married. By having written agreements on the legal aspects of the marriage, many problems can be avoided. Having a time limit on the marriage, so that the marriage automatically dissolves at a given moment unless renewed by the partners, should eliminate a great deal of the fear that many people today have of being trapped.

House Bill 678 is a sincere and serious effort to strengthen the institution of marriage by encouraging more people to marry as an alternative to their present situation. This proposal does not affect the spiritual aspect of marriage, only the legal.

House Bill 678 provides an automatic termination of marriage, unless the partners sit down and renegotiate the legal agreement, and file it with the court again. It can be the same legal agreement originally signed at the beginning of the marriage, or an entirely new one. But by requiring a written legal agreement before being married, we can eliminate most of the legal problems that weaken the marriage. Women's legal rights to properties are for the first time legally addressed and identified.

I would assume that the legislature would place a minimum time on the marriage such as one year, although most couples would probably prefer a longer term such as five years or 10 years. But no matter what time limit is put on

the marriage, when that time period is up, the marriage automatically terminates unless a new written agreement is reached. The indefinite postponement of negotiated solutions to marital problems is a evil seed that can grow and destroy the relationship. A time limit certain placed on the marriage encourages couples to sit down together and work out the differences, instead of indefinitely postponing the confrontation.

For religious reasons, in most traditional marriages, the couples periodically renew their marital vows. Under this House Bill 678, couples would be required to renew their legal vows, as well as their spiritual vows. If people really want to stay married, they will rewrite their agreement. In other words, a positive action is required on the part of the partners in order to stay married. So frequently people stay married because it is too much of a hassle to divorce, and this can be a negative action.

When partners are required to take this positive action to preserve their marriage, I believe they will be much more attentive to each other's needs, and we may even bring romance back into the marriage.

Let's not be afraid of a new idea. Divorce rates are steadily increasing in this country and no solution has been found. House Bill 678 could be a real solution, and is offered in good faith and in good conscience. No one else has the answer. Let's be strong enough to try a new idea.

Dr. M. F. "Mike" Beirne
Alaska State Representative

February, 1980

HB

682

HOUSE BILL NO. 682
Relating To Adoption And Relinquishment Procedures

Testimony
to
Judiciary Committee
Alaska House of Representatives

April 16, 1980

Presented on behalf of
Catholic Social Services, Inc.

by

Sister Mary Clare Ciulla, A.C.S.W., Director
Catholic Social Services
Anchorage, Alaska

Mr. Chairman and members of the House Judiciary Committee. I am Sister Mary Clare, Director of Catholic Social Services of Anchorage, Alaska. I am here to offer the views of Catholic Social Services on House Bill 682 which changes the current law regulating adoption and relinquishment procedures.

Catholic Social Services is the social service arm of the Archdiocese of Anchorage, Alaska. We operate on a budget of approximately \$200,000 and a paid staff of 10. On this staff we have one full-time and two part-time psychologists, and a consulting psychiatrist. I have a master's degree in social work. The remaining staff work in the adoption area under my direction. We provide family counseling, single-parent counseling and foster care, adoption services, refugee services, and a food and clothing distribution center for the poor. We have been in existence for 13 years. For most of that time we were the only private licensed adoption agency in the State. We place approximately 30-45 children per year in adoptive homes. Since 1967, we have placed nearly 450 children. We also provide assistance to single mothers who

decide to keep their babies. All placements are done with the complete consent of those involved and are provided on a completely nondiscriminatory basis without regard to race or creed.

House Bill 682 would radically change adoption procedures by eliminating the role of the agency in the taking of relinquishments and substituting the court system. Over the past 13 years we have had experience with the old Alaska law, the current Section 20.15.180 enacted in 1974 and the Federal Indian Child Welfare Act of 1978 which requires court relinquishments. In our experience the current Alaska law is by far the best method. Court relinquishments of agency adoptions add no positive benefits or protection to anyone. On the contrary, such procedures are detrimental to all involved - the agency, natural parents, child and adoptive parents. For this reason we strongly oppose the enactment of HB 682. I would like to discuss briefly the effect of this bill on the parties involved.

Effect on the Natural Parents

In most cases the parent who relinquishes is the natural mother although in some cases the father is also involved. Many cases involve young, unwed mothers and many are from outside of Anchorage in areas where there is no superior court. The adverse effects on such natural parents are in the following areas:

1. Privacy and inconvenience. Present law allows the agency to take a relinquishment in private before or after birth provided that the relinquishment can be withdrawn within 10 days after signing or birth, whichever is later. This bill requires a court petition and probable hearing after birth by the natural parent. This is done with the Indian Child Welfare Act. We generally find with the Federal Act that the mother does not want to go to court. It only adds potential embarrassment in a sensitive situation which is better handled by a sympathetic social worker from the agency rather than by the court. More-

over, having made the difficult decision to place her baby for adoption, the girl does not want to be delayed in resuming her normal life. Once discharged from the hospital she wants to go home and not wait around for a court hearing that can often be delayed due to a crowded calendar.

2. Choice. The giving of a relinquishment is a voluntary choice of the natural parent under present law. HB 682 removes that choice and places it with the court [subsection 180(f)]. Moreover, subsections 180(d) and (f) allow the court to place the child with a relative or agency even if the natural parent objects. There is no justification for such a limitation on parental choice nor any good reason why the court's wisdom should be substituted for the desires of the parent.

3. Delay. No time limit for termination is given by the bill. Given the delays normal in any court proceeding, the natural parent is left uncertain as to what her rights and obligations are for an abnormal length of time. This bill would add over 100 new hearings to the

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Anchorage court system alone at the present time. The resulting added burden will obviously mean more delay.

Effect on the Agency, Child and Adoptive Parents

In adoption matters time and costs are vital factors. We are dealing with human beings who need stable relationships. It is necessary to promptly place children with adoptive parents at cost which does not burden the agency or the parents. HB 682 would adversely impact the process in these two areas:

1. Delay in placement. Until termination no child is placed with adoptive parents. Ten days is now the time a child is kept in limbo with an uncertain future. HB 682 contains no time limit for termination. Obviously foster care will be greatly extended until the time a termination decree is entered. In Indian Child Welfare Act cases it is at least 20 days and usually longer. We all know that the trend in

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court proceedings of any kind is toward more delay. No child should be placed in this situation nor should the agency or the adoptive parents.

2. Added cost. Any court proceeding obviously involves cost. Under HB 682 two hearings occur not one. Legal fees will increase to handle this additional hearing. More staff time is involved for the agency as well as more foster care expense and living expense for the natural parent until termination, a cost sometimes necessary. Obviously public costs for the court increase also. Most of this added expense will fall on the adoptive parents, money that can obviously be better spent elsewhere.

Advantages to HB 682

There are no benefits to HB 682. No added protection is given to anyone not already provided by the present law. No one that Catholic

7.

Social Services deals with as a client including the natural or adoptive parents has expressed any desire for a change in current proceedings. In fact those subject to the Indian Child Welfare Act which is similar have expressed a dislike for its requirements.

The present law works well. No difficulty has been uncovered by our agency in its operation over the past 6 years. We, therefore, request that the present statute be retained and that HB 682 not be enacted.

Private Adoptions

HB 682 prohibits private adoptions. We understand that, in Anchorage at least, private, non-stepparent or relative adoptions are few in number. At a public forum sponsored last December by the League of Women Voters and the University of Alaska opposition to banning private adoptions was expressed on the grounds that it would

curtail the natural parents' right of choice, foreclose an avenue for adoptions by certain adoptive parents and be unworkable in remote areas. As a result those at the forum, contrary to a recent newspaper column declined to recommend the banning of private adoptions.

Catholic Social Services believes that agency-handled adoptions are in the best interest of all concerned in almost all cases. We recognize, however, the right of choice of those who do not wish to go to an agency to place their child for adoption. As long as these kinds of adoptions are relatively small in number and no pattern of abuse is shown we would not advocate a prohibition. Instead, the Committee should consider additional safeguards such as lengthening the time for filing the investigative report which is now a short 30 days, AS 20.15.-100(e). In addition, a court hearing could be required for all private, non-stepparent or relative consents to adoption. While this would raise the same problems as mentioned earlier it is more justified in private adoptions where trained social workers are not involved in the process.

LAW OFFICES

WOHLFORTH & FLINT

A PROFESSIONAL CORPORATION

900 WEST 5TH AVENUE, SUITE 505

ANCHORAGE, ALASKA 99501

ERIC E. WOHLFORTH
ROBERT B. FLINT
TIMOTHY G. MIDDLETON
PETER ARGETSINGER

W. J. PAT SORSBY

TELEPHONE
AREA CODE 907
276-6401

April 16, 1980

Representative Charles H. Parr
Chairman, House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: House Bill 682

Dear Representative Parr:

I am the President of the Board of Directors of Catholic Social Services, Inc., and the attorney for the agency. Sister Mary Clare, the Director of Catholic Social Services is testifying on House Bill 682 regarding the adverse affects of this proposed legislation on the agency. I wish to add my comments from an attorneys point of view.

As you know, Catholic Social Services opposes the revision of AS 20.15.180 which provides for relinquishment of parental rights. The present relinquishment of parental rights section has been used by the agency to the exclusion of other methods since its enactment in 1974. During this time I have handled approximately half of the adoptions from Catholic Social Services ranging from 15 to 20 per year. In no instance has there been any difficulty or objection arising out of the use of the non-judicial relinquishment forms. In each case the natural parent or parents are counseled and informed of their rights by representatives of the agency who are in a far better position to deal with such delicate matters than the court. The adding of another judicial hearing will provide absolutely no protection or benefit to anyone and would cause only added embarrassment, time and cost. Unless the proponents of the revision of Section 180 can point to specific wrongs or difficulties in the operation of that section with Catholic Social Services we strongly urge that it be retained. We have no objection to the creation of a new petition process in court as an option if anyone thinks that this is necessary. We however, request that the relinquishment section with which Catholic Social Services has been operating successfully be retained so that its important work can be continued

Representative Charles K. Parr
Page Two
April 15, 1980

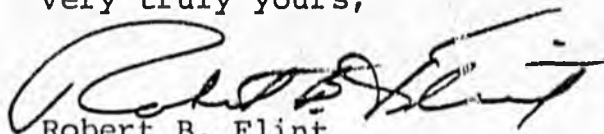
with the same confidentiality and success that it has had ever since that Section 180 was adopted.

It should be pointed out that the proposed bill in regard to the relinquishment section actually takes away the right of the natural parent to choose how the child shall be adopted. At the present time the natural parent may choose to relinquish to the State, an agency or directly consent to an adoption by a private party. Under the proposed change, voluntary relinquishment would be allowed only if the court decided where the child was to go, not the natural parent. If this bill were to be enacted in its present form, a parent desiring Catholic Social Services to place the child could never be sure that this request would be honored since the judge may ignore that request, and upon the representations of someone else, a relative or welfare, could refuse to allow Catholic Social Services the adoption.

Another reason given for the House Bill 682 is the granting of guardianship and custody in a more specific way which is alleged to be vague in section 180. From the viewpoint of Catholic Social Services this is an unnecessary concern. No trouble has arisen concerning this matter and in any event it seems quite obvious that a relinquishment of parental rights to an agency carries with it all aspects of those rights, including care and custody so that the agency stands in the place of the natural parent. Moreover, since it is the policy of Catholic Social Services to work swiftly though carefully, placement occurs as soon as possible after the ten day revocation period provided in the relinquishment. The child does not wait around and is not shifted from foster parent to foster parent while tedious and unnecessary legalities are sorted out before courts. Catholic Social Services considers that to be against the best interests of the child and the adopted parents under any set of circumstances. As a practical matter, therefore, there is no need to give the agency specific custody and control rights.

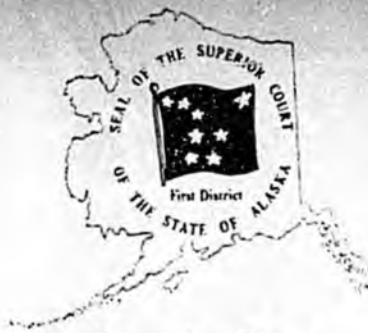
I respectfully urge the Committee to defeat House Bill 682.

Very truly yours,



Robert B. Flint

RBF/11



Superior Court

State of Alaska

FIRST JUDICIAL DISTRICT

415 MAIN STREET

KETCHIKAN, ALASKA

99901

February 27, 1980

Chambers of
THOMAS E. SCHULZ, Judge

Hon. Charles H. Parr
Chairman, Judiciary Committee
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Re: H. B. 682 & CSHB 532

Dear Mr. Parr:

I have had an opportunity to review the Committee Substitute for House Bill 532 relating to the videotaping of testimony of young victims in sexual assaults and sexual abuse cases. The Committee Substitute appears to allow this procedure to be employed prior to trial, and I believe it is an excellent idea. Frankly, I have seen a number of these cases involving young victims where the defendant held tough for a trial or delayed the proceedings as long as he could hoping that the young victim would ultimately refuse to testify. I am somewhat optimistic that if this videotaping procedure were available, these cases might be more speedily disposed of.

I have also had an opportunity to review H. B. 682 concerning adoption and relinquishment procedures. I think that Bill is a good piece of legislation and it tends to clear up some problems with the current legislation.

I would hope that both of these Bills can receive favorable action by the Legislature in this Session.

Very truly yours,

Thomas E. Schulz

Thomas E. Schulz
Superior Court Judge

TES:ri

POSITION PAPER

HOUSE BILL NO. 682

"An Act regulating adoption and relinquishment procedures; and providing for an effective date."

House Bill No. 682 adds four new sections to AS 20.15. These pertain to jurisdiction; custody and control of minor; petition to adopt; and termination of parent and child relationship. In addition, it repeals and re-enacts AS 20.15.180, "Relinquishment of Parental Rights and Responsibilities."

Section 20.15.025, concerning jurisdiction states the court does not have jurisdiction to accept or consider a petition to adopt a minor under the age of 10 years unless parental rights have been terminated and the department or agency approves the petition. While this section is reasonable, there is question as to the use of the age limit of 10 years. It would appear that such requirements should hold for any minor, regardless of age.

Section 20.15.033 clarifies that the department or agency which is responsible for a minor is entitled to place the child for temporary care or for adoption and that such placement may be terminated at any time before approval to file a petition has been granted. After a petition to adopt has been filed, a child could only be removed from an adoptive placement upon the approval of the superior court. As far as can be determined, this is the generally accepted procedure at the present time, so that the enactment of this Bill would make this practice mandatory.

There is a question regarding one of the subheadings in Section 20.15.175, which states that the parent and child relationship may not be terminated except "in an adoption proceeding under this chapter." It is unclear what this subheading means, since it would appear that parental rights can only be terminated voluntarily by relinquishment in AS 20.15.180 or involuntarily through AS 47.10.080(c)(3).

Section 20.15.180 as proposed would require relinquishments to be given before the superior court rather than before the representative of an agency taking custody. This is advisable because the court can then ascertain whether the relinquishing parent understands the meaning and consequences of relinquishment, and thus removes the potential cloud of coercion which can exist in relinquishments to agencies. This provision is also consistent with the Indian Child Welfare Act which requires that relinquishments occur "before a judge of a court of competent jurisdiction."

It is suggested that consideration be given to changing "may" to "shall" in Section 20.15.180(c), thus making hearings mandatory on petitions to relinquish. Since the question of relinquishment is such a serious decision, it appears important that the court determine whether the relinquishing parent truly understands the meaning and consequences of relinquishment.

In summary, the Department of Health and Social Services is in support of House Bill No. 682. It is suggested that consideration be given to changing the age in AS 20.15.025 (Page 1, Line 15) to include all minor children, and that the court be obliged to hold hearings on relinquishment petitions (20.15.180(c)). There is also a question raised as to the meaning in Section 20.15.175(1).

RECOMMENDED BY: Art Holmberg DATE: 8/12/80
Art Holmberg, Director,
Division of Social Services

APPROVED BY: Helen D. Beirne DATE: 5-3-80
Helen D. Beirne, Commissioner
Department of Health and Social Services

FISCAL NOTE

I. REQUEST

Bill/Resolution No. _____ House Bill No. 682
 Title regulating adoption and relinquishment procedures; providing for effective date
 Requested by _____ Date February 13, 1980

II. FISCAL DETAIL

Department of Health and Social Services
 Agency Affected _____
 Program Category Affected Social Services
 BRU, Program, or Subprogram(s) Affected Social Services
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Fund Source)	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

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

This Bill has no fiscal impact on the Department of Health and Social Services.

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

Prepared by: [Signature] Date: 2/25/80
 Division/XXXXX: Social Services PH: 465-3170
 Department of Health & Social Services

33-001 (Rev. 12/79)
 Modify by DHSS (11-28-79)

Approval DHSS Mgt. & Bdgt: [Signature] Date: 2/27/80

LA11 3390 16.25 JA01 0065 16.25 04/09/80

TO: REPRESENTATIVE PARR AND ALL MEMBERS OF THE HOUSE JUDICIARY COMMITTEE
FROM: JANA SHEDLOCK
ALASKAN REPRESENTATIVE FOR C.U.B. (CONCERNED UNITED BIRTH-PARENTS)
7105 SHOORESIN CIRCLE
ANCHORAGE 99504 333-2272

WE STRONGLY SUPPORT HB 682 AND ON ADOPTION. WE WOULD APPRECIATE YOUR
SUPPORT IN PASSING THESE BILLS.

#####

TO: REPRESENTATIVE PARR

FROM: JAMIE ROBINSON, 7129 SHOORESIN CIRCLE, ANC.99504 337-6735

MY FAMILY AND I STRONGLY SUPPORT THE TWO ADOPTION BILLS THAT ARE COMING UP ON APRIL 16.

#####

L.C.11 2907 15.14 JA01 0073 15.14 04/09/80

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TO REPS PARR, ANDERSON, BROWN, BARNES, BUCHOLDT, MALONE
MARTIN, O'CONNELL, PHILLIPS

FM REV V. A. AND JUNE CHRON
7202 OLD HARBOR ROAD 333 6750
ANCH 99504

WE STRONGLY SUPPORT THE TWO HOUSE BILLS ON ADOPTION THAT ARE OPENING
FOR DEBATE APRIL 16. WE WOULD APPRECIATE YOUR SUPPORT OF THESE BILLS.

HB

686

(9)

COMMITTEE REPORT

HOUSE

2/7/80

FURTHER:

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had HB 686

"An Act relating to donors of food to nonprofit organizations."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 686 same title
 new title
- and recommends Do Pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

[Signature]

[Signature]

[Signature]

[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature]

[Signature]
CHAIRMAN



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

April 3, 1980

LETTER OF INTENT

HOUSE JUDICIARY COMMITTEE

CS for HB 686

It is the intent of the House Judiciary Committee that this Act shall not limit or increase the liability of the nonprofit organization. The Committee intends that this Act shall have no effect on any questions arising about the liability of a nonprofit organization as that issue is not addressed in the Act.

A handwritten signature in cursive script, reading "Charles H. Parr".

Charles H. Parr
Chairman
House Judiciary Committee

FOOD BANK OF ANCHORAGE, INC.
813 W. Third Ave., Anchorage, 99501

The Food Bank of Anchorage, Inc. is a community based program to take care of surplus and unused food in the Anchorage area and make it available to non-profit agencies for distribution. Las Vegas, San Diego, Pasadena and Salt Lake City have very successful programs. We believe it will prove useful and necessary in Anchorage.

The Food Bank is designed to handle large quantities of surplus food quickly and to make it available without charge to agencies which deal with emergency needs of individuals and families, and which to choose to participate. This service is not intended to disrupt any existing contractual agreement between agency and supplier.

The Food Bank will specifically:

1. Serve as a coordinating site for cooperative action
2. Obtain nutritious food from wholesalers, retail stores, restaurants, farms and gardens, Fish & Game and other sources where such food is not marketable and requires immediate disposal.
3. Maintain a pickup service and a central warehouse for salvage and storage.
4. Make this food available for pickup by agencies which operate feeding programs.

Donations of food and funds from the community will be needed to supplement other sources. Donations will be tax exempt as Food Bank of Anchorage is incorporated as a non-profit organization in the State of Alaska. Health standards will be maintained, and a waiver of liability to donors will be prepared.

The organizing committee includes representatives from the following: W.H.E.A.T. Task Force, F.I.S.H., Salvation Army, Alaska Christian Conference Hunger Task Force, Bean's Cafe, Community Office of Food and Nutrition - Municipality of Anchorage, Board of Church And Society of Alaska United Methodist Church. Questionnaires are being sent to major suppliers and major helping agencies to get a more accurate picture of needs.

Mary Jane Landstrom, Convenor
telephone 277-2773



GLEANINGS*

*Great Land Education/Action News of Individual Needs,
Gathering & Sharing

No. 3

March 6, 1980

ANNUAL MEETING

of the Food Bank of Alaska was held on February 6. Elected to the Board of Directors were: Lynne Ballew, Gene Gustafson, Marlene Johnson, Jack Kleinkauf, Mary Jane Landstrom, Jean McHarg, Rosemary Schairer, James Smith, Jr., and Marjorie Wooster.

A drawing was held to determine the terms of the directors:

- 1 year - Lynne Ballew, Marlene Johnson, Marjorie Wooster
- 2 years - Jack Kleinkauf, Mary Jane Landstrom, Rosemary Schairer
- 3 years - Gene Gustafson, Jean McHarg, Jim Smith

The Annual Report was presented, and copies of the report are available on request.

The site review committee presented a report on a location for office and warehouse for final approval to be made by the Board of Directors. March 14 was set tentatively for an open house, pending the signing of the lease agreement.

Janie Krajnak was given an expression of appreciation for her work with the steering committee and the organizing committee.

MEMBERSHIP FEES for 1980

are now due! Individual membership is \$10, and organizational or agency membership is \$25. Make your check payable to Food Bank of Alaska, and mail it to

P.O. Box 3324

Anchorage, AK 99510.

Remember, *donations are tax deductible!!* Information brochures are available for the asking.

OFFICERS of the Board of Directors

- President - Mary Jane Landstrom
- Vice-President - Marjorie Wooster
- Secretary - Gene M. Gustafson
- Treasurer - Rosemary Schairer

FOOD BANK OFFICE AND WAREHOUSE

is at Space N8, 1025 Orca Street, in Anchorage! The lease was signed February 11, and the days since then have been busy as we are gathering equipment and getting settled. We need workers, and we are very appreciative of the volunteer help that has been given so far. Soon we shall begin an active search for a director.

Be sure to come out for the Open House on Friday, March 14. The phone number at the office is 276-4776. To start, hours of operation will be 10 to 2, Monday to Friday, though we hope to increase these hours as operations proceed and staff permits.

YES, WE "CAN" - FOOD DRIVE

to help stock the Food Bank with canned goods and nonperishable food items. The drive will be held from March 30 to April 6. Many local churches and community schools have already agreed to provide boxes for the collection of food during this week.

The Spring Food Drive will provide the Food Bank with a reserve of canned goods and staple food items to work with during the summer months when other donations are slow. Agencies will continue contacts through current sources and with food drives as scheduled for next fall and winter.

VISTA Anne McGarry and her committee have spent many hours planning the food drive. If you have questions or need more information about participating agents in your neighborhood, call Mary Jane Landstrom at 277-2773.

DONATIONS

from the Board of Global Ministries, United Methodist Church, Mission Priority on Hunger; many area churches; individual and group gifts; and donations of time, labor, and materials - all have helped the Food Bank to develop to its present status. To each one of you - THANK YOU!

EMERGENCY ASSISTANCE OFFICE

of the Salvation Army in Anchorage fills requests from individuals and families each day for food. The monthly average is about 350 requests, with most of them coming near the end of the month. The Christmas food drive by local schools, and donations from the community provide food items for each box or bag of food given.

Many of the requests are referrals from other agencies, including the Food Stamp office--agencies which do not have the type of help for immediate food needs of the day. Emergency food needs generally provide food sufficient for three to five days.

The office is located at 325 East Third Avenue. Volunteers may help the staff in assisting clients with forms and in making referrals to other agencies, including the employment offices.

CONTINUING REQUESTS

for speakers from the Food Bank, thus enabling us to share our project with community groups, are appreciated. Thank you for the invitations!

*When you give to the poor,
it is like lending to the Lord,
and the Lord will pay you back.*

--Proverbs 19:17 (TEV)

United Methodist Church of East Anchorage
1666 Patterson Drive
Anchorage, AK 99504

Food Bank of Alaska
cordially invites you to attend
a "bank warming"

OPEN HOUSE

Friday afternoon
March 14, 1980
one to five o'clock

Space N8, 1025 Orca Street
Anchorage, Alaska

*We look forward eagerly to seeing you at
Open House. (A "housewarming gift" of
can of food will help stock our shelves*

GLEANINGS

reports news of general interest about the needs of people and the efforts to meet these needs, particularly in the area of hunger concerns. Share with us, and we'll share with you!

We welcome copies of agency newsletters, and we would like suggestions and comments from you. Send us names of people you know who would like to receive Gleanings. (We will check our list for duplications.)

GLEANINGS

c/o Food Bank of Alaska
P.O. Box 3324
Anchorage, AK 99510

U.S. Postage Paid
Nonprofit Organization
Permit No. 7
Anchorage, AK

115

Food Bank of Alaska, Inc.
P.O. Box 3324
Anchorage, Alaska 99510

Description of Project

The concept of a food bank is simple, "there are hungry people and there is surplus food -- let's get the food to the people."

The Food Bank of Alaska will put the two together. The Food Bank is an organization which salvages or obtains food from whatever source and provides a means for redistribution to existing social agencies which have the resources to help people who are hungry.

Food Bank of Alaska will be located in Anchorage. We are organized as a non-profit organization with a charitable purpose. There is an elected Board of Directors. The Food Bank will have a building (warehouse type) for collecting, sorting, and distributing food items to the agencies which are involved in direct feeding programs and in emergency box programs.

The project is based on similar programs that have been in existence in other communities in the nation for over ten years. It is a local community based program dependant on the community for maintenance and staff, including volunteer workers.

Sources of food are many and varied from the farm to the local grocery store and including Fish and Game. When contacted the Food Bank will pick up donated food items, perishable and non-perishable, sort and care for the food, then make known to participating agencies that the food is available for their use. Active solicitation of food will be a part of the project, and policies for distribution will be established in fairness to all social agencies. The Food Bank cannot contact everyone, thus it will not be in competition with existing food collecting contacts. The Food Bank will not fully meet the food needs of any one agency, but it will be a supplement to the agency's present sources of food and a benefit to the community.

The Tax Reform Act of 1976 offers tax advantages to food donors to non-profit organizations. The Food Bank will be recognized as a recipient for donations. By handling food in quantity, perishable and non perishable items, the Food Bank can assure donors the food will be used by agencies with facilities to use the food properly.

Board of Directors

Mary Jane Landstrom, President
Gene M. Gustafson, Secretary-Treasurer
Marlene Johnson
Jack Kleinkauf
Janie Krajnak
James A. Smith, Jr.
Marjorie Wooster

file

JAN 21 1980



October 5, 1979

Dear Friends,

We are glad to share that progress toward a Food Bank for Anchorage is moving along slowly and steadily. The target date of opening in early November may still be within our reach. Incorporation processes have been completed for a nonprofit organization. The initial goal is to provide a central warehouse for salvaging food for use by nonprofit agencies. Food will be obtained from suppliers that presently do not contract with any agency. The Food Bank will serve several agencies and it will be able to handle perishable and nonperishable food.

Please note: A general meeting is set for Wednesday, October 24, 10:30 a.m., Community Center, 325 E. Third Avenue, first floor Conference Room. An up-to-date progress report will be made at that time.

On Monday, October 15, the Food Bank will be a part of the Interagency Forum at noon at the Pioneer Schoolhouse on Third Avenue. This forum will feature agencies which deal with food needs in the community.

The primary goals are the location of a building (1500 to 2000 sq. ft.) as a warehouse and storage space and fund raising for utilities and start up expenses. Donations may be sent to Food Bank, P.O. Box 3324, Anchorage. Membership fees for individuals are \$10 per calendar year.

Members of the Board of Directors are: Mary Jane Landstrom, president (277-2773); Gene M. Gustafson, secretary-treasurer; Marlene Johnson, Jack Kleinkauf, Janie Krajnak, James A. Smith, Marjorie Wooster.

Cooperating agencies are; FISH, Alaska Christian Conference Hunger Task Group, WHEAT Alaska Task Force, Board of Church and Society of the Alaska Missionary Conference for the United Methodist Church, Older Person's Action Group Interagency Council, Community Food and Nutrition Program, Native Outreach, the Salvation Army emergency assistance program, Suicide Prevention and Crisis Center, Cook Inlet Native Association social services, Order of Secular Franciscans, Yukon Presbytery, and Bean's Cafe.

Board member are willing to speak to groups, share plans, and answer questions. Contact any member or Mary Jane at the phone number above.

Thank you for your help and interest in seeing this project into operation.

Board of Directors

FOOD BANK OF ALASKA, INC.
P.O. Box 3324
Anchorage, Alaska 99510
(907) 276-2776

The Food Bank of Alaska, Inc. is a nonprofit, tax-exempt organization whose membership and Board of Directors are drawn from all sectors of the Anchorage community. The Food Bank's general goal is to salvage surplus food from various sources and distribute it to other nonprofit agencies which provide meals and groceries to the indigent. Specifically, we expect to provide foodstuffs from at least 15 commercial sources to at least 13 recipient agencies per month, and to salvage and distribute at least \$3000 worth of food each month.

Since its incorporation in 1979, the Food Bank has sought and received the cooperation of local groups which distribute food to infants, the needy, and the infirm. Workshops and consultations have been held to draw upon the expertise of those who operate successful food banks in the Lower 48. Contributions, grants, and membership dues have been received in the amount of approximately \$23,000. The Food Bank has recently rented warehouse and office space at 1025 Orca, #N8, has paid the first year's rent, and is now gathering equipment and supplies. As the attached budget shows, about \$13,000 in one-time capital funds will be required to purchase a van and other equipment for outfitting the operation. Finally, contacts are being made with wholesalers, retail stores, restaurants, farms and gardens, and other sources of surplus but unmarketable food (see attached Annual Report for 1979).

In March, 1980, the Food Bank will hire a Director, a part-time Secretary-Bookkeeper, and two half-time Warehouse Workers as its staff. The Board of Directors for 1980 includes Mary Jane Landstrom, President; Marjorie Wooster, Vice President; Gene Gustafson, Secretary; Rosemary Schairer, Treasurer; Marlene Johnson; Jack Kleinkauf; Lynne Ballew; James A. Smith, Jr., and Major Jean McHarg.

The Food Bank of Alaska respectfully requests a legislative appropriation for FY 1981 in the amount of \$50,000--\$40,000 for general operating expenses, and \$10,000 to purchase a van. We believe that this amount, together with the funds which we have raised to date and those contributions and in-kind donations we look forward to, will enable us to finish our first year of operation with significant success. At present we are making contacts with private foundations and local contributors for seed funding; federal and state nutrition programs and national and local religious organizations are being explored for longer-term funding.

Food Bank of Alaska, Inc.
PROPOSED BUDGET - FY 1981

<u>OPERATING EXPENSES</u>	<u>Requested</u>	<u>Donated</u>
<u>Personnel</u>		
Salaries		
Director (40 hrs./wk @ \$8/hr.)	\$16,640	
Sec'y/Bkpr (20 hrs./wk @ \$6/hr.)	6,240	
2 Warehouse workers (20 hrs./wk @ \$5/hr.)	<u>10,400</u>	
	33,280	
Benefits @ 18% (workmen's comp, ESC, health ins.)	5,990	
<u>Total Personnel</u>	<u>39,270</u>	
<u>Non-Personnel</u>		
Rent at 1025 Orca, #N8	12,050	6,300
Insurance (liability, vehicle)	800	
Utilities @ \$250/mo.	3,000	
Telephone (installation + \$35/mo.)	500	
Equipment rental and repair (\$100/mo.)	1,200	
Office supplies (\$50/mo.)	600	
Warehouse supplies (\$50/mo.)	600	
Mileage and vehicle maintenance	1,500	
Publicity/postage	1,000	
Dues and subscriptions	200	
Miscellaneous (fees, permits, etc.)	500	
<u>Total Non-Personnel</u>	<u>21,950</u>	
SUBTOTAL OPERATING EXPENSES	61,220	
Inflation/contingency rate @ 6%	3,780	
<u>TOTAL OPERATING EXPENSES</u>	<u>\$65,000</u>	

ONE-TIME CAPITAL EXPENDITURES

Vehicle (van)	\$10,000	
Refrigerators (5)		1,500
Freezers (3)		1,100
Sink (1)		100
Adding machine (1)		180
Shelving for food and supplies		200
<u>TOTAL CAPITAL EXPENDITURES</u>	<u>\$13,080</u>	

The Food Bank of Alaska respectfully requests a legislative appropriation for FY 1981 of \$50,000--\$40,000 for operating expenses, and \$10,000 for purchase of a van.

freedom
- my search

Wished to get
with Fred on
letter of intent.

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

ADDRESS CORRECTION REQUESTED



VICTORY IN SEATTLE

"Good Sam" Bill Passed

"THE SUN was bright and warm as I came out of the Capitol building in Olympia that Monday morning, March 22.

I had the thought that the sun may be shining everywhere in the state. It was not so. The House had just passed S.B. 100, the "Good Samaritan" food bill. The Senate had also passed it and signed it, and our bill was law.

It would not be to the day I asked Victor Lygaman, chairman of the Food Bank of Wallingford, why they had to try to buy good food. In his answer was the beginning of the "Good Samaritan"

ban" food bill.

"Because we're just as liable for what we might give away as for what we sell," he said.

"Okay, we'll get the law changed," I told him.

"JUST AFTER the "Good Samaritan" bill was passed, a group of like-minded people met at the home of the author's mother-in-law to discuss the bill. They were all discussing how to educate farm markets among the non-profit food groups."

"This sort of says something, doesn't it - sort of."

(From Wallingford Volunteer Food Committee Newsletter, Victor Lygaman, Pres.)

Editorial . . . (Cont'd from page 1)

Ben's inability to absorb the transportation cost necessary to get the available surplus merchandise . . .

We receive our present successes through additional financial support, and that the obvious potential of the Food Bank programs makes it necessary to encourage us to bring our programs to the attention of the public.

THE NATIONAL FOOD SALVAGE NETWORK, which could increase the monetary output of each existing Food Bank, is also insufficiently funded. We have all the necessary components for success: twenty-three existing Salvage Banks, an excellent distribution system, responsible management without costly overhead, and the offer of almost unlimited food to glean. So . . . how do we get the funds "to grease the wheels?"

Perhaps we should borrow the words of the not so immortal Joe Penner -- "Does anybody want to buy a duck?"

From Detroit . . .

Many thanks for hosting the 2nd National Food Bank Conference last week. You did a superb job and I learned more in that week than in all the past two years concerning food banks.

The word here is "Go Detroit" for the 3rd Conference next year. Late April or early May would be ideal. Anytime is alright with us, just so it does not conflict with the dates of the political conventions. Let us know what you decide and we will find a good place to have it.

Region No. 5 is tentatively planning a meeting for mid-April in Minneapolis. Will send more info when definite.

Keep up your wonderful work. Bob, Peace, Midge
(Community Food Bank, Inc.)

THE "GOOD SAM" BILL

It's a Good Bill, By George!

Be it enacted by the Legislature of the State of Washington, That Section . . .

Section . . .
There is added to chapter 69.04 RCW, a new section to read as follows:

(1) A person, including a farmer, processor, distributor, wholesaler, or retailer of food, who in good faith donates an item of food for use or distribution by a nonprofit organization and is not liable for civil damages or criminal penalties resulting from the nature, age, condition or packaging of the donated food, including any liability under the chapter or chapter 69.02 RCW. This section does not apply if the nonprofit organization sells or offers for sale the donated items of food.

(2) Nothing in this section is intended to limit any liability on the part of the donee nonprofit organization accepting food items under subsection (1) of this section.

(3) The department of agriculture shall maintain an information and referral service for persons and organizations that have notified the department of their desire to participate in the food donation program under this section.

(4) County health authorities are authorized to inspect donated food items upon request of the donee nonprofit organization.

(Don't Dump - Donate!)

Success comes in cans!

Failure in cans!

Vol. 3, No. 1 "Thought For Food!"
SPRING, 1979 Quarterly Newsletter

Published by Second Harvest, 819 N. 3rd St., Phoenix, Arizona 85004
(602) 254-7458; (602) 254-7463

Editor Rose Bradley

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

CACHE AND SHARE

DON'T WASTE FOOD



ANNUAL REPORT

1979

P. O. BOX 3324
ANCHORAGE, ALASKA 99510

FOOD BANK OF ALASKA

A FOOD BANK IS

The concept of a food bank is simple, "there are hungry people and there is surplus food -- let's get the food to the people." Food Bank of Alaska will put these two together.

Food Bank of Alaska will salvage or obtain food from a variety of sources, care for the food, and redistribute the food to helping agencies which have feeding programs or emergency box programs to aid the ill, the needy, or infants. The Food Bank cannot fully meet the food needs of any one agency, but it will supplement the agency's present sources of food. The Food Bank will seek to curb the waste of food and benefit the community by getting this food to individuals and families in need. The Food Bank will depend on the community for support of program and staff, including volunteer workers.

The Tax Reform Act of 1976 offers tax advantages to food donors (corporations) to give food to nonprofit organizations. The Food Bank will be recognized as a recipient for such food donations. By handling food in quantity, perishable and nonperishable items, the Food Bank can assure donors the food will be used by the agencies with facilities to use the food properly. As a tax exempt organization, other donations will also be tax deductible.

History

In August, 1976, WHEAT (World Hunger Education/Action Together) and Bread for the World members from across the state gathered in Anchorage to discuss world hunger and their response to this issue. During the time together, the food bank idea was shared as initiated and demonstrated by St. Mary's Food Bank of Phoenix. Participants discussed the idea and its potential to assist organizations which feed hungry people.

As the idea was shared, agencies reported: large donations of food and time spent in efforts to share this food with other agencies before the food spoiled, inadequate storage space, lack of food to meet requests, and food wasted because a donor did not know there was an agency that needed the food. These reports gave impetus to the formation of a planning committee, in April, 1979, to actively investigate a food bank for Anchorage.

Many meetings followed and the need was felt for additional information and assistance in organizational matters. Community Food and Nutrition Program made possible funding for a three day workshop, June 26-28, with Bob McCarty of Second Harvest and St. Mary's Food Bank as leader. Twenty-eight people participated in the workshop. The consensus was that the project would have value for this community.

After the workshop, a steering committee of five was named to investigate incorporation and organizational steps. This committee was increased to seven as articles of incorporation and bylaws were written.

In August, 1979, Articles of Incorporation as a nonprofit corporation were filed with the State of Alaska. In September, bylaws were adopted and a Board of Directors of seven were elected from the planning group of individuals and persons representing agencies interested in the food bank project. The name Food Bank of Alaska was chosen in recognition of the transportation hub in which Anchorage is located. From this location it is possible that the services of the project may be extended to neighboring communities and across the state.

The logo and motto including the food cache was selected unanimously in a general membership meeting. The drawing was a donation by a local resident. The food cache as used by Alaskans recognizes the need to store and care for food in the seasons of plenty, to have for those times when food may be in short supply. This is the goal of Food Bank of Alaska.

The visit of Roger Bowden, in early October, from the Spokane Food Bank and the Synod Hunger Task Force of the United Presbyterian Church gave another boost to the project. Roger's visit gave the Board an opportunity to clarify goals and direction.

In late October, Anne McGarry came to Anchorage as a VISTA to work with the Salvation Army in the Christmas can food drive through Anchorage schools. Using this experience as a guide, Anne will be working with volunteers to help launch the Food Bank's supply of food with a food drive in the community scheduled for March 30-April 6, 1980.

The Board has held meetings, almost weekly, since the June workshop. The dedication and hard work of the seven members of the organizing Board is appreciated as they struggled with week to week decisions of organizational tasks, speaking engagements, how money could be raised, and how the money would be spent to provide the desired program to benefit people needing assistance.

The first goal was a small bank account for initial expenses of leasing a warehouse. The next goal will be leasing a building and obtaining equipment. Follow-up contacts with agencies will be made and policies will be made for food solicitation and distribution to participating agencies. Continuing community contacts and information will be shared to keep everyone informed about the program and its needs. Descriptive brochures and a newsletter "Gleanings" have been printed and distributed.

This report would not be complete without a special tribute to Marjorie Wooster for her persistence and tireless efforts toward seeing this project to this point. Her strongly felt need for a food bank and her efforts to share and involve others in her dream will soon bring the Food Bank of Alaska from a goal into a reality.

Mary Jane Landstrom, Board President

*** **

Special thanks to the following organizations who have participated in the organizational work of FOOD BANK OF ALASKA.

Alaska Christian Conference, Hunger Task Group; Bean's Cafe; Board of Church and Society, Alaska Missionary Conference, United Methodist Church; Community Food and Nutrition Program; Cook Inlet Native Association, Social Services Department; FISH; Native Outreach; Older Persons' Action Group, Interagency Council; Presbytery of Yukon; The Salvation Army; Secular Order of Franciscans; Suicide Prevention and Crisis Center; WHEAT Alaska Task Force

Board of Directors

Mary Jane Landstrom
President
Gene M. Gustafson
Secretary-Treasurer
Marlene Johnson
Jack Kleinkauf
Janie Krajnak
James A. Smith, Jr.
Marjorie Wooster

Food Bank of Alaska
P.O. Box 3324
Anchorage, AK 99510

FOOD BANK OF ALASKA, INC.

Summary Budget - First Year of Operation

Expenses

Equipment

Office - desks, chairs, filing cabinet, typewriter, etc.
Warehouse - refrigerators, freezers, sinks, shelving,
work space, counters, etc.
Vehicle - van preferable
Miscellaneous hardware \$13,690*

Operations

Rent - warehouse & office space, approx. 2,000 sq. ft.
Utilities
Equipment repair and vehicle expense
Office supplies
Insurance 18,125

Public Relations, Information

Promotion - newsletters, TV spots, postage, brochures
Reference materials, dues and subscriptions 550

Miscellaneous

Supplies - no janitorial service, freezer wrap, etc.
Other items not in budget, recognition of volunteers 700

Personnel

General manager - \$15,000
Secretary/Bookkeeper - \$6,600 (part time)
Fringe benefits - insurance, workmen's compensation, etc. 24,408

Total \$57,473

*one time expense

Income

Local churches & church organizations
Service clubs and community organizations
Local businesses and foundations
Individual membership fees and donations
Other donations - surplus equipment, labor
Grant requests to:
American Lutheran Church (Development Assistance Program Committee)
United Presbyterian Church, USA (Hunger Fund)
United Methodist Church (National Division, Advance Special)
Lutheran Church in America
Community Food and Nutrition Program

October, 1979

FOOD BANK OF ALASKA

Treasurer's Report

February 6, 1980

Statement of Income and Expenses: 9/28/79 - 2/6/80

Income	\$22,915.00
Expenses	<u>292.30</u>
Fund Balance	\$22,622.70

Itemization of Expenses:

Check printing fee	\$52.06
Filing fee, Articles of Amendment	15.00
Stationery	53.55
Paper	26.70
Postage	51.34
Printing of brochures	72.00
Letterhead printing plate	15.70
Rubber stamp	<u>5.95</u>
	\$292.30

Expenses borne by WHEAT Alaska Task Force:

Post office box rental	\$44.00
Filing fee, Articles of Inc.	30.00
Newsletter printing plate	<u>15.25</u>
	\$89.25

FOOD BANK OF ALASKA, INC.

Thanks to the following supporters and contributors - 1979

Membership fees and Donations

Individual

Dorothy Lee
Marjorie Wooster
Rev. & Mrs. Roger Robison (2)
Gene M. Gustafson
James A. Smith, Jr.
Mary Jane Landstrom
Jack Kleinkauf
Annette Cole
Elizabeth Johnson
Mr. & Mrs. David Froula (2)
Rosemary Schairer
Virginia Banks
Robert O. Christofferson
Odessa Brown
Marlene Johnson
Melissa Newlin
Dorothea Williams
Elsie Oliver
Judith L. Moore
Barbara Dougherty
Sandra Wenzel
Rev. & Mrs. Ed Stanton (1)
Jean Donatello
Mr. & Mrs. James Powell (1)
Dr. & Mrs. Vernon Sture (2)
Evelyn Martin
Mr. & Mrs. John M. Johnson (2)
Jean Higgs
Rev. & Mrs. William Trudeau (2)
Robert Hall
Loralee Willis

Group

St. Mark Lutheran Church
Secular Order of St. Francis
Alaska Christian Conference,
Hunger Task Group

Financial Contributors

WHEAT In Alaska
Community Food & Nutrition Program
Synod of Alaska Northwest, UPCUSA
Hunger Task Force
All Saints Episcopal Church Women
Thanksgiving Offering
Trinity United Presbyterian Church
Turnagain United Methodist Church
Jewel Lake Parish
Anchorage Moravian Fellowship
Alyeska Pipeline Service Company
Pioneer Auxiliary No. 4

Other Supporters/Contributors

Rev. & Mrs. John Atwood
East Anchorage United Methodist
Church
Trinity United Presbyterian Church
Karl Ohls
Bob McCarty
Anchorage TIMES
KIMO-TV
KHAR
SENIOR VOICE
FISH
Janie Krajnak
Flo Mason
K. J. Parker
Steffe Jewell
Lynn Ballew
Gladys Thompson
Mary Bell
Alaska Missionary Conference,
United Methodist Church
Salvation Army
Pat Parnell
Jewell Berger
Rev. John Ericksen
Qwik-Stop
Dick Marx
Akeela House
Fourth & C Street Company
Kenny Wooster
Jamie Wooster
Sister Marilee Murphy
Older Person's Action Group,
Interagency Forum
Suicide Prevention & Crisis Center
Anchorage Daily NEWS
Yukon Presbytery, United Presby-
terian Church
Human Support Services,
Interagency Forum
Mrs. Roderick
Community Council Newsletter
Cook Inlet Native Association
Native Outreach
Spenard Rotary Club
First Presbyterian Church
Church Women United
Anchorage Fellowship of Churches
Anchorage South Rotary Club
SOURCELINE
Seventh Day Adventist Church
Barbara Smith
Johnson & Morgan, CPA
Anne McGarry
Bean's Cafe
Don Chemical Company

HB

723

COMMITTEE REPORT

(9)

HOUSE

2/12/80

FURTHER:

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had HB 723

"An Act relating to a constitutional convention; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 723 same title
 new title
- and recommends Do Pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

R. D. DE WILCOX - Do Pass
Walter B. Anderson
Buchholz
H. Malone
Charles H. ...

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

W. ...
Terry ...
...

Charles H. ...
CHAIRMAN

Proof read by Berch
Ready to go
5/14/80

THIS [] BILL [] RESOLUTION [] CITATION

has been prepared by the staff of the Legislative Affairs Agency in response to the request and at the direction of the sponsoring member or committee. The staff has attempted to place the document in proper legal and clerical form, subject to any special limitations or instructions of the requestor.

If we may be of further assistance in this matter, please contact the Director of Legal Services or the Director of Research Services, as appropriate.

Delivered to requestor 5-13-80

LA-L 40

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 723
 Title Relating to a constitutional convention
 Requested by House Judiciary Committee Date May 14, 1980

II. FISCAL DETAIL

Agency Affected Division of Elections
 Program Category Affected Elections
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY.84	FY 85
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

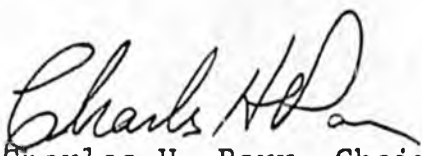
FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Fund Source)	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

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

IV. DATE May 14, 1980 PREPARED BY  Charles H. Parr, Chairman
 AGENCY House Judiciary Committee
 Original: Legislative Finance PHONE 465-3718
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)



Official Business

for Bill file
Alaska State Legislature

HB 723

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Legislative Affairs Agency

FROM: Margaret W. Berck, Staff

DATE: May 8, 1980

RE: Request for CS for HB 723.

Please provide the Committee with a CS for HB 723 in final version form that incorporates the Committee's intent as expressed in the attached mark-up.

Thank you.

Introduced: 2/12/80
Referred: Judiciary

By House Judiciary

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for
the Interim Committee on the
Constitutional Convention)

1 IN THE HOUSE

2 CS for HOUSE BILL NO. 723

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a constitutional convention; and
7 providing for an effective date."

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

9 * Section 1. AS 15.50.030 is amended to read:

10 Sec. 15.50.030. PLACING AMENDMENTS BY LEGISLATURE [PROPOSITION] ON
11 BALLOT. The lieutenant governor shall place the ballot title and pro-
12 position on the ballot for the next [STATEWIDE] general [, PRIMARY, OR
13 SPECIAL] election held after the amendment proposed by the legislature
14 [OR HELD 120 DAYS AFTER THE AMENDMENT PROPOSED BY A CONSTITUTIONAL
15 CONVENTION]. If there is insufficient time to permit the proposition to
16 be placed on the regular ballot by the lieutenant governor, the lieu-
17 tenant governor shall direct election officials to prepare the ballot
18 for the proposition.

19 * Sec. 2. AS 15.50.070 is amended to read:

20 Sec. 15.50.070. PLACING QUESTION OF CONSTITUTIONAL CONVENTION ON
21 BALLOT. If during any 10-year period a constitutional convention has
22 not [YET] been held, and the question of holding a constitutional con-
23 vention has not been placed before the voters, the lieutenant governor
24 shall place [THE QUESTION] on the ballot for the next regular statewide
25 general [OR PRIMARY] election the question: "Shall there be a Consti-
26 tutional Convention?" Provision shall be made for marking the question
27 "Yes" or "No".

28 * Sec. 3. AS 15.50 is amended by adding a new section to read:

29 Sec. 15.50.075. ELECTION PAMPHLET. No space in the election

1 pamphlet published under this title may be allocated to statements by
2 persons or organizations supporting or opposing the question placed on
3 the ballot under AS 15.50.070.

4 * Sec. 4. AS 15.50.080 is amended to read:

5 Sec. 15.50.080. CERTIFICATION OF VOTE. If a majority of the votes
6 cast on the question placed before the voters under AS 15.50.070 is
7 [ARE] in the affirmative, the lieutenant governor shall [SO CERTIFY AND
8 SHALL] issue the call for the constitutional convention under the pro-
9 visions of this chapter.

10 * Sec. 5. AS 15.50 is amended by adding new sections to read:

11 Sec. 15.50.091. ALASKA CONSTITUTIONAL CONVENTION COMMISSION.

12 Within 30 days after an affirmative vote on the question placed before
13 the voters under AS 15.50.070 or within 30 days after the legislature
14 has called a constitutional convention, the governor shall convene the
15 Alaska Constitutional Convention Commission.

16 Sec. 15.50.101. MEMBERSHIP OF COMMISSION. The commission consists
17 of nine members appointed without restrictions as follows:

18 (1) three members appointed by the president of the senate;

19 (2) three members appointed by the speaker of the house of
20 representatives;

21 (3) two members appointed by the governor; and

22 (4) one member appointed by the chief justice of the supreme
23 court.

24 Sec. 15.50.110. DUTIES OF THE COMMISSION. (a) The commission
25 shall compile information useful to the delegates, undertake studies and
26 research, collect and organize appropriate background materials, and
27 provide for the dissemination of the information it compiles so that the
28 constitutional convention may function expeditiously and efficiently.

29 (b) State agencies and departments shall assist the commission in

1 the performance of its duties.

2 (c) The commission may employ professional, legal and other staff
3 assistants and enter into contracts for goods and services.

4 (d) The commission may receive ~~gifts or~~ grants of funds, ser-
5 vices, or facilities from a federal ^{OR} state, ~~or private~~ source to assist
6 it in carrying out its functions.

7 Sec. 15.50.120. DURATION OF COMMISSION. (a) The commission shall
8 continue in existence for 30 days after the date on which the constitu-
9 tional convention meets.

10 ~~(b) The constitutional convention may by ordinance of the conven-~~
11 ~~tion adopted before the 30th day of the convention direct the commission~~
12 ~~to continue in existence to assist the lieutenant governor in submitting~~
13 ~~a revised constitution or amendments to the constitution to the voters~~
14 ~~of the state for ratification.~~

15 Sec. 15.50.130. EXPENSES, TRAVEL, AND PER DIEM. Members of the
16 commission are entitled to expenses, travel, and per diem allowances
17 provided by law for members of state boards and commissions.

18 Sec. 15.50.140. ELECTION OF DELEGATES. (a) If a majority of the
19 votes cast on the question put before the voters under AS 15.50.070 is
20 in the affirmative, a special election for the selection of delegates
21 shall be held on the third Tuesday of May following the vote on the
22 question.

23 (b) If the constitutional convention is called by the legislature,
24 the date of the election for the selection of delegates shall be speci-
25 fied in the call.

26 (c) Except as provided in this chapter or in a call, the election
27 of delegates shall be conducted under the provisions of AS 15 relating
28 to the election of members of the legislature.

29 Sec. 15.50.150. NUMBER OF DELEGATES. Sixty-five delegates shall

1 be elected to a constitutional convention. Sixty delegates shall be
2 elected under AS 15.50.160 and five delegates shall be elected at large.

3 Sec. 15.50.160. DELEGATE ELECTION DISTRICTS. Delegates to a
4 constitutional convention^{other than at large delegates,} shall be elected from the same districts and
5 in the same numbers as are elected to each house of the legislature
6 according to the apportionment schedule in effect at the time that the
7 election is held. (SEE ATTACHED LANGUAGE for this section)

8 Sec. 15.50.170. ~~NOMINATION OF DELEGATES.~~ (a) ~~A delegate to a~~
9 ~~constitutional convention is nominated by petition.~~

10 ~~(b) The petition shall be filed with the lieutenant governor by~~
11 ~~actual physical delivery in person at or before 5:00 p.m., prevailing~~
12 ~~time, February 15 of the year in which an election is held for the~~
13 ~~office, or by actual physical delivery by certified mail which is post-~~
14 ~~marked at or before 5:00 p.m., prevailing time, February 15, and re-~~
15 ~~ceived not more than 15 days after that date. If the postmark is il-~~
16 ~~legible, a dated receipt from the post office where the nominating~~
17 ~~petition was mailed is acceptable as evidence of mailing. If~~
18 ~~February 15 is a Sunday or holiday, the deadlines for postmarking and~~
19 ~~receiving a petition are extended 24 hours.~~

20 ~~(c) A petition for a delegate elected at large shall contain at~~
21 ~~least 100 signatures of qualified voters of the state. The petition of~~
22 ~~other delegates shall contain at least 25 signatures of qualified voters~~
23 ~~registered in the district from which the person seeks to be elected.~~

24 ~~(d) A petition shall be accompanied by a filing fee of \$30.~~

25 Sec. 15.50.180. ~~REQUIREMENTS FOR PETITION.~~ (a) ~~The petition~~
26 ~~shall state in substance~~ (SEE ATTACHED LANGUAGE FOR THIS SECTION)

- 27 (1) ~~the full name of the candidate,~~
28 (2) ~~the full residence address of the candidate,~~
29 (3) ~~the full mailing address of the candidate.~~

1 ~~(4) the election or senate district where the candidate is a~~
2 ~~resident if the candidacy is for the office of delegate from a state~~
3 ~~senate or state representative district,~~

4 ~~(5) the date of the election at which the candidate seeks~~
5 ~~election;~~

6 ~~(6) that the candidate meets or will meet the requirements of~~
7 ~~the office for which he is a candidate,~~

8 ~~(7) that the subscribers are qualified voters of the state or~~
9 ~~election or senate district in which the candidate resides,~~

10 ~~(8) that the subscribers intend to vote for the candidate at~~
11 ~~the election;~~

12 ~~(9) that the subscribers request that the candidate's name be~~
13 ~~placed on the ballot.~~

14 ~~(b) The nominating petition shall include a signed statement of~~
15 ~~the candidate accepting the nomination and agreeing to serve if elected.~~

16 ~~(c) Each voter signing a nominating petition shall include his~~
17 ~~residence address and mailing address.~~

18 Sec. 15.50.190. QUALIFICATIONS OF CANDIDATES. (a) A candidate
19 ^{other than an at large delegate}
20 for delegate shall be a registered voter of the state who has been a
21 resident of the state for the three years preceding and of the district
22 from which he seeks election for one year preceding the first day of the
convention.

(b) A candidate for an at large delegate shall be a registered voter
of the state who has been a resident of the state for the three years
preceeding the first day of the convention.

26 Sec. 15.50.200. PLACEMENT OF NAMES OF CANDIDATES ON SPECIAL ELEC-
27 TION BALLOT. The lieutenant governor shall place the name of the per-
28 sons who have been properly nominated for delegate on the special elec-
29 tion ballot.

1 Sec. 15.50.210. NONPARTISAN ELECTION. The election of the dele-
2 gates to a constitutional convention shall be nonpartisan.

3 Sec. 15.50.220. BALLOTS. A separate ballot shall be prepared for
4 each election district. The ballot shall contain the names of the
5 candidates from the house district, from the senate district, and the
6 candidates running at large.

7 Sec. 15.50.230. CERTIFICATION OF ELECTION. On completion of his
8 review of the votes, the lieutenant governor shall certify the person
9 receiving the largest number of votes for the office for which he was a
10 candidate as elected. The lieutenant governor shall issue to the
11 elected delegates a certificate of election.

12 Sec. 15.50.240. DELEGATE VACANCY. (a) If a vacancy occurs in
13 the office of delegate for any reason, the vacancy shall be filled by a
14 candidate not certified as elected who received the highest number of
15 votes among the candidates in the election district in which the vacancy
16 occurred.

17 (b) If there are no remaining candidates to fill a vacancy, the
18 convention shall fill the vacancy with a person qualified to be a dele-
19 gate from the district in which the vacancy occurred.

20 Sec. 15.50.250. PLACE AND TIME OF CONSTITUTIONAL CONVENTION. (a)
21 If a majority of the votes cast under AS 15:50.070(a) is in the affirma-
22 tive, the constitutional convention shall assemble at the University of
23 Alaska, College, Alaska at 10:00 a.m. or as soon as a quorum is present
24 on the second Monday in September following the special election or at a
25 time specified in the call for the purpose of considering amendments or
26 revisions to the Constitution of the State of Alaska.

27 (b) The constitutional convention shall meet for not more than 90
28 days but may, in its discretion, recess for 15 days or less for public
29 hearings on proposed amendments or revisions to the constitution.

(C) All meetings of the constitutional convention shall be held in accordance with AS 44.62.310-44.62.312.

1 Sec. 15.50.260. OPENING OF THE CONSTITUTIONAL CONVENTION. The
2 governor shall open the constitutional convention and shall preside
3 until temporary officers are selected.

4 Sec. 15.50.270. POWERS OF THE CONSTITUTIONAL CONVENTION. (a) The
5 constitutional convention is the judge of the qualification or election
6 of its members.

7 (b) The constitutional convention may by a majority vote of its
8 members choose officers, prescribe their functions, powers and duties,
9 and make rules for the conduct of its business.

10 (c) The constitutional convention may request and shall receive
11 assistance and information from any state department or agency.

12 (d) The constitutional convention may employ professional, legal,
13 and other staff assistants and enter into contracts for goods and ser-
14 vices.

15 (e) The constitutional convention has plenary power to amend or
16 revise the constitution subject only to ratification by the people.

17 Sec. 15.50.280. RATIFICATION OF AMENDMENTS OR REVISIONS. (a) If
18 the constitutional convention submits amendments or revisions to the
19 people for ratification, the lieutenant governor shall call a special
20 election for the purpose of ratifying the amendments or revisions not
21 less than 40 or more than 120 days after the adjournment of the consti-
22 tutional convention.

23 (b) The ratification election shall be conducted under the provi-
24 sions of AS 15.

25 ~~(c) An election pamphlet shall be published by the lieutenant~~
26 ~~governor for the ratification election. No statements supporting or~~
27 ~~opposing the amendments or revisions proposed by the constitutional~~
28 ~~convention shall be contained in the pamphlet.~~

29 Sec. 15.50.290. CALL. (a) Within 60 days after an affirmative

1 vote under AS 15.50.070(a) or after the legislature has called a con-
2 stitutional convention, if specific appropriations have not been made
3 for the special election to select delegates, to hold the constitutional
4 convention, ^{OR} ~~and~~ to conduct a special ratification election, the lieu-
5 tenant governor shall include in his call for the constitutional con-
6 vention an appropriation which he determines is adequate for the pur-
7 poses. He shall deliver a copy of the call to the commissioner of
8 revenue.

9 (b) When the commissioner of revenue receives the copy of a call
10 under (a) of this section, he shall establish special accounts within
11 the general fund from which funds for the purposes stated in (a) may be
12 drawn.

13 (c) The amounts appropriated for elections ^{to select delegates or} ~~under (a) of this~~ ^{to ratify}
14 ^{Amendments OR REVISIONS} ~~section~~ shall be spent and accounted for by the lieutenant governor.

15 (d) The amounts appropriated for the constitutional convention
16 shall be spent and accounted for by the constitutional convention.

17 Sec. 15.50.300. EXPENSES, TRAVEL, AND PER DIEM OF DELEGATES.
18 Delegates to the convention are entitled to expenses, per diem, and
19 travel allowances provided by law for legislators while the legislature
20 is in session. Delegates receive no salary for their services as dele-
21 gates.

22 Sec. 15.50.310. IMMUNITIES. Delegates to a constitutional conven-
23 tion may not be held to answer before any tribunal for any statement
24 made in the exercise of their duties as a delegate to the constitutional
25 convention while the convention is in session. Delegates attending,
26 going to or returning from convention sessions are not subject to civil
27 process and are privileged from arrest except for felony or breach of
28 the peace.

29 * Sec. 6. AS 39.50.020(b) is amended to read:

members of the commission,

1 (b) The governor, lieutenant governor, members of the legislature,
2 delegates to a constitutional convention, and candidates for these
3 offices, judicial officers, each commissioner, head or deputy head of,
4 or director of a division within, a department in the executive branch,
5 assistant to the governor or chairman or member of a commission or board
6 required to report under this chapter, shall file the statement with the
7 Alaska Public Offices Commission. Municipal officers, and candidates
8 for elective municipal office, shall file with the municipal clerk or
9 other municipal official designated to receive their filing for office.
10 All statements required to be filed under this chapter are public
11 records.

12 * Sec. 7. AS 39.50.200(1) is amended to read:

13 (1) "public official" means a judicial officer, a member of
14 the legislature or a constitutional convention, the governor, the lieu-
15 tenant governor, a person hired or appointed as the head or deputy head
16 of, or director of a division within, a department in the executive
17 branch, an assistant to the governor, chairman or member of a state
18 commission or board, and each appointed or elected municipal officer;

19 * Sec. 8. AS 39.50.200 is amended by adding a new paragraph to read:

20 (11) "candidate for state elective office" includes a candi-
21 date for election as a delegate to a constitutional convention.

22 * Sec. 9. AS 24.45.081 is amended to read:

23 Sec. 24.45.081. REPORTING PERIODS. (a) Reports required under
24 this chapter shall be filed during the calendar month following each
25 calendar month during any part of which the legislature was in session
26 and during the month following each calendar quarter when the legisla-
27 ture was not in session.

28 (b) If [HOWEVER, IF] a lobbyist registered under this chapter has
29 declared that he seeks only to influence administrative action and not

1 legislative action he need only file a report required under this
2 chapter for each calendar quarter. If a lobbyist registered under this
3 chapter has declared that he seeks to influence legislative action but
4 does not intend to influence legislative action at a constitutional con-
5 vention, he need only file the reports required under (a) of this sec-
6 tion. If a lobbyist registered under this section has declared that he
7 seeks to influence legislative action at a constitutional convention,
8 he need only file reports during the calendar month following each
9 calendar month during any part of which the constitutional convention
10 was in session.

11 (c) The period covered shall be the calendar month or the calendar
12 quarter, as applicable, and shall in any event cover the period from the
13 date of the last report filed under this chapter to the date of the end
14 of the calendar month or quarter, as applicable, for which the report is
15 being filed. The period covered shall not include any months covered in
16 previous reports filed by the same person. When total amounts are
17 required to be reported, totals shall be stated both for the period
18 covered by the statement and for the entire calendar year to date.

19 * Sec. 10. AS 24.45.161(a)(1)(B) is amended to read:

20 (B) who limits his lobbying activities to appearances
21 before public sessions of the legislature or a constitutional con-
22 vention, or their [ITS] committees or subcommittees, or to public
23 hearings or other public proceedings of state agencies;

24 * Sec. 11. AS 24.45.161(b) is amended to read:

25 (b) Nothing in this chapter may be construed as prohibiting or
26 affecting the rendering of professional services in drafting legislative
27 measures or in advising clients and in rendering opinions as to the
28 construction or effect of proposed or pending legislative or administra-
29 tive action when these professional services are not otherwise connected

1 with influencing or attempting to influence legislative or administra-
2 tive action. Nor does anything in this chapter prevent members of the
3 legislature or delegates to a constitutional convention from discussing
4 with constituents the advisability of passing legislation or proposals
5 for amendments or revisions then pending before, or proposed to be
6 presented to, the legislature or a constitutional convention.

7 * Sec. 12. AS 24.45.161(c) is amended to read:

8 (c) Either house of the legislature or a constitutional convention
9 [BY RESOLUTION, OR BOTH HOUSES OF THE LEGISLATURE BY CONCURRENT RESOLU-
10 TION,] may by appropriate resolution invite a person to appear to speak
11 before it [THE LEGISLATURE OR EITHER HOUSE] with reference to any
12 pending matter. A standing, special or interim committee of either
13 house of the legislature or of a constitutional convention may, upon the
14 concurrence of a majority of its members, extend an invitation to any
15 person to appear before the committee to give information in regard to,
16 or explain, any matter pending before the committee.

17 * Sec. 13. AS 24.45.171(7) is amended to read:

18 (7) "legislative action" means the preparation, research,
19 drafting, introduction, consideration, modification, amendment, ap-
20 proval, passage, enactment, defeat or rejection of any bill, resolution,
21 amendment, revision, motion, report, nomination, appointment or other
22 matter by the legislature or by a constitutional convention, or by a
23 standing, interim or special committee of the legislature or of a con-
24 stitutional convention, or by a member or employee of the legislature
25 or of a constitutional convention acting in his official capacity; it
26 includes, but is not limited to, the action of the governor in approving
27 or vetoing a bill or the action of the legislature in considering,
28 overriding or sustaining that veto and the action of the legislature in
29 considering, confirming or rejecting an executive appointment of the

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governor;

* Sec. 14. AS 15.50.090 and 15.50.100 are repealed.

* Sec. 15. This Act takes effect immediately in accordance with AS 01.10.070(c).

PAGE 1
TO Rep. Rogers
FROM Doug Pope

AMENDMENT A

HB 723

p. 4, lines 8-24

Delete proposed sec. 170 and replace with the following:

A.S. 15.50.170. Declaration and Withdrawal of Candidacy. (a) Any person who seeks to become a candidate in the special election for delegates to a constitutional convention election shall execute and file a declaration of candidacy. The declaration shall be executed under oath before an officer authorized to take acknowledgements and shall state in substance; (1) the full name of the candidate and the manner in which he wishes his name to appear on the ballot; (2) the full resident address of the candidate; (3) the full mailing address of the candidate; (4) the election or senate district of which the candidate is a resident. (5) the office for which the candidate seeks nomination; (6) that the candidate meets the specific residency requirements of the office for which he is a candidate; (7) that the candidate will meet the specific citizenship requirements of the office for which he is a candidate; (8) that the candidate is a qualified voter as required by law; (9) that the candidate will meet the specific age requirements of the officer for which he is a candidate; (10) that the candidate requests that his name be placed on the special election ballot; and (11) that the required fee accompanies the declaration.

(b) Notice of withdrawal of candidacy must be in writing over the signature of the candidate.

(c) A candidate's name will appear on the special election ballot unless notice of his withdrawal from the special election is received by the lieutenant governor at least 40 days before the date of the special election.

(d) The declaration shall be accompanied by a filing fee of \$30.00 unless the person files a notarized affidavit that the person is indigent.

Page 2 of 2
TO Rep. Rogers
FROM: Doug Pope

AMENDMENT B

HB 723

p. 4, line 25 through p. 5, line 17

Delete proposed sec. 180 and replace with the following:

A.S. 15.50.180. Manner and Date of Filing Declaration. (a) The declaration is filed by either

(1) the actual physical delivery of the declaration in person at or before 5:00 p.m., prevailing time, February 15 of the year in which the special election is held for the office, or

(2) the actual physical delivery by telegram of a copy in substance of the statements made in the declaration at or before 5:00 p.m., prevailing time, February 15 of the year in which the special election is held for the office and also the actual physical delivery of the declaration by registered mail which is postmarked at or before 5:00 p.m., prevailing time, February 15 of the year in which the special election is held for the office and received not more than 15 days after that time.

(b) If the postmark is illegible, a dated receipt from the post office where dispatched shall be acceptable as evidence of mailing. If February 15 is a Sunday or holiday, the deadlines for postmarking and receipt of the declaration shall be extended 24 hours in each instance.

(c) If the declaration filed under (a) of this section is not received within seven calendar days the candidate shall be notified of nonreceipt. The candidate shall have the opportunity to refile his declaration with proof that his previous declaration has been filed in a timely manner and in accordance with the law.

recd 2/12/80

STATE OF ALASKA THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 11, 1980

SUBJECT: Constitutional Convention
(~~Work Order Number 7675~~) HB 723

TO: Representative Brian Rogers

FROM: Richard A. Bradley
Legislative Counsel *B*

We have provided you with a bill responding to your request.

And I regret that it was not possible to deliver it to you earlier.

I promised to identify for you some problems I had in drafting the bill. A number will be of a constitutional dimension but some raise policy questions.

(1) The Alaska Constitutional Convention Commission is probably useful though it seems possible that it may identify issues that do not turn out to be of concern to the convention. Given a statutory period within which the convention must complete its work, the logic of establishing the commission may be reasonable.

(2) The draft called for the commission to continue in existence after the convention to assist the lieutenant governor in holding the election and putting the issues before the people. It seems that the lieutenant governor does not need any assistance in conducting an election and the convention should be responsible for selling its own product. Or, more to the point, perhaps, the members of the commission may have a vested interest in different things than does the commission. The commission and the convention itself should each be free to represent their constituencies without intruding into a different constituency's concern.

The bill submitted calls for the convention to decide within the first 30 days of its existence whether the commission will continue in existence. Sec. 15.50.120.

Representative Brian Rogers
Page 2
February 11, 1980

(3) The draft provisions on the nomination of delegates departs from the style and perhaps the substance of sec. 76 of the draft. My own solution to the question is to follow the model of existing state law now on the books; I used that portion of the election code concerned with the nomination of no-party candidates because the nonpartisan nomination of delegates is not dissimilar from the no-party nomination of candidates for the state legislature.

Thus, I have patterned the bill closely after AS 15.25.150 [new sec. 15.50.170(b)], AS 15.25.160 [new sec. 15.50.170(c)], and AS 15.25.180 [new sec. 15.50.180].

(4) The draft provided to you omitted a requirement of a filing fee. Consistently with your request, a filing fee of \$30 has been established. Sec. 15.50.170(d).

(5) The bill does not contain the requirement (suggested at sec. 76) that a voter not sign the petitions of more candidates for delegate than are being voted on in the district of the voter. Unless the director of elections computerizes the list of signatures on all nominating petitions, it would be difficult to enforce. It is also not a feature of existing law. And it seems unnecessary.

(6) Sec. 77 and 78 of the draft suggest some problems. Delegates are to be three-year residents of the state, one-year residents of the election district.

These are the required qualifications of legislators and as such they are constitutional. State v. Gilbert, 526 P.2d 1131 (1976). If they were established in the constitution, I would expect the logic of the Gilbert case to validate them. But the constitution itself established no qualifications for delegates and I am uncertain that the legislature possesses the power to restrict so substantially access to public office on its own. The legislature can clearly require that a delegate be a resident of the state and a qualified voter.

Notwithstanding these reservations, I have added the qualifications to the bill. Sec. 15.50.190(a).

The Federal disqualification may be infirm under similar logic. Sec. 15.50.190(b).

Representative Brian Rogers

Page 3

February 11, 1980

(8) The provision regarding the determination of nominations [suggested sec. 79] is conformed to the practices of the election code. See the discussion, supra, at item 3. Sec. 15.50.200 follows sec. 15.25.190.

(9) No section similar to suggested sec. 81 is added to the bill. I checked and no such provision is contained in existing law regarding multi-member seats. While AS 15.-25.100 addresses the general problem, the added features of sec. 81 do not appear in state law. Since the problem does not seem to exist, I saw no need to add such a provision only for delegates. Sec. 15.50.230 is modeled after sec. 15.-15.450.

(10) The section regarding "vacancies" is added. The general rule of the common law of elections is that candidates who come in below the number actually elected are considered to have been affirmatively rejected by the voters. Such individuals have no claim on an office in the event of a vacancy at common law and the cases where the claims of such individuals are rejected are legion.

Having said that, however, I can well recognize why such a formula may be useful for a constitutional convention where there is little time to reelect delegates and why a gubernatorial appointment is not desirable. The section is included in the bill. Sec. 15.50.240.

(11) The phrase used in the constitution for what it is that the convention may be doing is "amendment and revision;" I have used it in the bill.

The draft used the concept of an "ordinance" to achieve different things at the convention. See suggested sec. 85. Since that phrase is not used in the constitution, I have not used it in the bill. Failure to use the term in the bill in no way limits the authority of the convention.

(12) Sec. 271 of the bill provided to you fails to advise when the convention will meet. That point is clarified in the bill attached. Sec. 15.50.250(a).

(13) The concepts in suggested sec. 86 of the draft are reworked in the bill. The 1955 call contained a specific appropriation. Sec. 20, Chapter 46, SLA 1955. I believe that the formula in this bill [see the section entitled "Call" sec. 15.50.290] is constitutionally appropriate. Recognize, however, that if it has a defect it is that it

Representative Brian Rogers

Page 4

February 11, 1980

allows the lieutenant governor to determine what the budget ["appropriation"] for the convention will be. His decision may be reasonable or unreasonable but in the absence of an appropriation from the legislature [which under the bill would override the authority of the lieutenant governor to set these limits], his decision is final.

(14) Delegates receive no salary.

(15) I doubt the authority of the legislature to confer the immunities of legislators on delegates. The bill contains such a provision, however. Sec. 15.50.310.

(16) Consistently with your request, I have eliminated the statement in support and in opposition to ratification of proposals from a constitutional convention in a voter's pamphlet. See sec. 15.50.280(c). Note that the result, therefore, is that for constitutional amendments proposed by the legislature, statements are permitted; for amendments or revisions proposed by a constitutional convention, statements are not permitted. And see sec. 15.50.075, added by sec. 3 of the bill.

(17) The remaining provisions of the bill apply to conflict of interest [AS 39.50] and lobbying [AS 24.45] provisions to delegates. AS 15.13.130 already defines "candidate" to include a delegate to a constitutional convention and no amendment to that chapter is proposed.

RAB:ljb

Chapter 50. Constitutional Amendments and Conventions.

Article

- 1. Constitutional Amendments (§§ 15.50.010 — 15.50.060)
- 2. Constitutional Conventions (§§ 15.50.070 — 15.50.100)

Article 1. Constitutional Amendments.

Section

- 10. Preparation of proposition for constitutional amendment
- 20. Description of ballot title and proposition

Section

- 30. Placing proposition on ballot
- 40. Display of resolution
- 50. Certification of vote
- 60. Effective date

Sec. 15.50.010. Preparation of proposition for constitutional amendment. The lieutenant governor shall prepare a ballot title and proposition for each amendment to the state constitution proposed by the legislature or by a constitutional convention. Each amendment shall be confined to one subject. (§ 10.01 ch 83 SLA 1960)

Am. Jur., ALR and C.J.S. references. —
 11 Am. Jur., Constitutional Law, §§ 22 to 34.

Number of amendments that may be submitted under an initiative and referendum clause, 62 ALR 1350.

Proposition submitted to people as covering one or more than one proposed constitutional amendment, 94 ALR 1510.

16 C.J.S. Constitutional Law §§ 7 to 10.

Sec. 15.50.020. Description of ballot title and proposition. The ballot title shall, in not more than six words, indicate the general subject of the act. The proposition shall, in not more than 100 words, give a true and impartial summary of the amendment proposed. (§ 10.02 ch 83 SLA 1960)

Sec. 15.50.030. Placing proposition on ballot. The lieutenant governor shall place the ballot title and proposition on the ballot for the next statewide general, primary, or special election held after the amendment proposed by the legislature or held 120 days after the amendment proposed by a constitutional convention. If there is insufficient time to permit the proposition to be placed on the regular ballot by the lieutenant governor, the lieutenant governor shall direct election officials to prepare the ballot for the proposition. (§ 10.03 ch 83 SLA 1960)

Sec. 15.50.040. Display of resolution. The lieutenant governor shall provide each election board with 10 copies of the resolution proposing the constitutional amendment by the legislature or by the convention, and the election board shall display three copies of the resolution in a conspicuous place in the room where the election is held. (§ 10.04 ch 83 SLA 1960)

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Sec. 15.50.050. Certification of vote. If a majority of the votes cast on the proposition favor the amendment, the constitutional amendment is adopted, and the lieutenant governor shall so certify. (§ 10.05 ch 83 SLA 1960)

Sec. 15.50.060. Effective date. Unless otherwise provided in the amendment, it becomes effective 30 days after certification. (§ 10.06 ch 83 SLA 1960)

Article 2. Constitutional Conventions.

Section	Section
70. Placing question of constitutional convention on ballot	100. Certification of constitutional amendment by convention
80. Certification of vote	
90. Time and manner of selecting delegates	

Sec. 15.50.070. Placing question of constitutional convention on ballot. If during any 10-year period a constitutional convention has not yet been held, and the question of holding a constitutional convention has not been placed before the voters, the lieutenant governor shall place the question on the ballot for the next regular statewide general or primary election. (§ 10.51 ch 83 SLA 1960)

ALR reference. — Power of state legislature to limit the powers of a state constitutional convention, 158 ALR 512.

Sec. 15.50.080. Certification of vote. If a majority of votes cast on the question are in the affirmative, the lieutenant governor shall so certify and shall issue the call for the convention. (§ 10.52 ch 83 SLA 1960)

Sec. 15.50.090. Time and manner of selecting delegates. Delegates to the convention shall be elected at the next statewide general election in the number and manner prescribed in the call for the convention by the lieutenant governor or as provided by law. (§ 10.53 ch 83 SLA 1960)

Sec. 15.50.100. Certification of constitutional amendment by convention. The president of the constitutional convention shall certify to the lieutenant governor each proposed amendment to the constitution adopted by the constitutional convention. (§ 10.54 ch 83 SLA 1960)

(c) A person, other than an individual, who knowingly violates any provision of this chapter, whether acting for himself, on behalf of an employer or in concert with other persons, or who knowingly causes, participates in, aids, abets, ratifies or confirms any violation of a provision of this chapter is, upon conviction, punishable by a fine of not more than \$10,000 for each offense.

(d) A person who knowingly makes a false or misleading report or statement required under this chapter is, upon conviction, punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both. (§ 2 ch 167 SLA 1976)

Article 5. General Provisions.

Section

- 161. Exemptions
- 171. Definitions
- 181. Short title

Sec. 24.45.161. Exemptions. (a) This chapter does not apply to

(1) an individual

(A) who lobbies without payment of compensation or other consideration and makes no disbursement or expenditure for or on behalf of a public official to influence legislative or administrative action other than to pay his reasonable personal travel and living expenses; and

(B) who limits his lobbying activities to appearances before public sessions of the legislature, or its committees or subcommittees, or to public hearings or other public proceedings of state agencies;

(2) an elected or appointed state or municipal public officer or an employee of the state or a municipality acting in his official capacity or within the scope of his employment;

(3) any newspaper or other periodical of general circulation, book publisher, radio or television station (including an individual who owns, publishes or is employed by that newspaper or periodical, radio or television station) which publishes news items, editorials or other comments, or paid advertisements, which directly or indirectly urge legislative or administrative action if the newspaper, periodical, book publisher, radio or television station or individual engages in no further or other activities in connection with urging or advocating legislative or administrative action other than to appear before public sessions of the legislature, or its committees or subcommittees, or public hearings or other public proceedings of state agencies;

(4) a person who appears before the legislature or either house, or standing, special or interim committee, in response to an invitation issued under (c) of this section.

(b) Nothing in this chapter may be construed as prohibiting or affecting the rendering of professional services in drafting legislative measures or in advising clients and in rendering opinions as to the

construction or effect of proposed or pending legislative or administrative action when these professional services are not otherwise connected with influencing or attempting to influence legislative or administrative action. Nor does anything in this chapter prevent members of the legislature from discussing with constituents the advisability of passing legislation then pending before, or proposed to be presented to, the legislature.

(c) Either house of the legislature by resolution, or both houses of the legislature by concurrent resolution, may invite a person to appear to speak before the legislature or either house with reference to any pending matter. A standing, special or interim committee of either house of the legislature may, upon the concurrence of a majority of its members, extend an invitation to any person to appear before the committee to give information in regard to, or explain, any matter pending before the committee.

(d) An individual exempt from this chapter under (a)(1) of this section may, at his option, register and report under this chapter. (§ 2 ch 167 SLA 1976)

Sec. 24.45.171. Definitions. In this chapter

(1) "administrative action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by any state agency of any rule, regulation, order, decision, determination, or any other quasi-legislative or quasi-judicial action or proceeding whether or not governed by the Administrative Procedure Act (AS 44.62);

(2) "agency" means a state department, division, commission, board, office, bureau, institution, corporation, authority, organization, committee, council or board in the executive branch, or independent of the executive branch, of state government;

(3) "gift"

(A) means any payment to the extent that consideration of equal or greater value is not received;

(B) includes but is not limited to:

(i) a loan, loan guarantee, forgiveness of a loan, payment of a loan by a third party, or an enforceable promise to make a payment except when full and adequate consideration is received;

(ii) the purchase of tickets for travel or for entertainment events; and

(iii) the granting of discounts or rebates for goods or services not extended to the public generally;

(C) does not include:

(i) informational or promotional materials, including but not limited to books, reports, pamphlets, calendars or periodicals; however, payments for travel or reimbursement for expenses may not be considered "informational material";

(ii) food and beverages consumed in places of public accommodation;

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Amendment # 1

HB No. 723

p. 4, line 4

After "convention" add the following:

", other than at large delegates,"

Amendment # 2

HB No. 723

p. 8, line 4

After the first comma:

delete "and" and replace with "or"

Amendment # 3

HB No. 723

p. 8, lines 13 & 14

after "elections:"

delete "under (a) of this section" and replace
with "to select delegates or to ratify amendments or
revisions"

Amendment # 4

HB No. 723

p. 8, lines 22-28

delete proposed sec. 15.50.310

PAGE 7 lines 25-28 Delete (c)

Introduced: 2/12/80
Referred: Judiciary

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL (for
the Interim Committee on the
Constitutional Convention)

1 IN THE HOUSE

2 HOUSE BILL NO. 723 *Rogers, Holman*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a constitutional convention; and
7 providing for an effective date."

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

9 * Section 1. AS 15.50.030 is amended to read:

10 Sec. 15.50.030. PLACING AMENDMENTS BY LEGISLATURE [PROPOSITION] ON
11 BALLOT. The lieutenant governor shall place the ballot title and pro-
12 position on the ballot for the next [STATEWIDE] general [, PRIMARY, OR
13 SPECIAL] election held after the amendment proposed by the legislature
14 [OR HELD 120 DAYS AFTER THE AMENDMENT PROPOSED BY A CONSTITUTIONAL
15 CONVENTION]. If there is insufficient time to permit the proposition to
16 be placed on the regular ballot by the lieutenant governor, the lieu-
17 tenant governor shall direct election officials to prepare the ballot
18 for the proposition.

19 * Sec. 2. AS 15.50.070 is amended to read:

20 Sec. 15.50.070. PLACING QUESTION OF CONSTITUTIONAL CONVENTION ON
21 BALLOT. If during any 10-year period a constitutional convention has
22 not [YET] been held, and the question of holding a constitutional con-
23 vention has not been placed before the voters, the lieutenant governor
24 shall place [THE QUESTION] on the ballot for the next regular statewide
25 general [OR PRIMARY] election the question: "Shall there be a Consti-
26 tutional Convention?" Provision shall be made for marking the question
27 "Yes" or "No".

28 * Sec. 3. AS 15.50 is amended by adding a new section to read:

29 Sec. 15.50.075. ELECTION PAMPHLET. No space in the election

1 pamphlet published under this title may be allocated to statements by
2 persons or organizations supporting or opposing the question placed on
3 the ballot under AS 15.50.070.

4 * Sec. 4. AS 15.50.080 is amended to read:

5 Sec. 15.50.080. CERTIFICATION OF VOTE. If a majority of the votes
6 cast on the question placed before the voters under AS 15.50.070 is
7 [ARE] in the affirmative, the lieutenant governor shall [SO CERTIFY AND
8 SHALL] issue the call for the constitutional convention under the pro-
9 visions of this chapter.

10 * Sec. 5. AS 15.50 is amended by adding new sections to read:

11 Sec. 15.50.091. ALASKA CONSTITUTIONAL CONVENTION COMMISSION.
12 Within 30 days after an affirmative vote on the question placed before
13 the voters under AS 15.50.070 or within 30 days after the legislature
14 has called a constitutional convention, the governor shall convene the
15 Alaska Constitutional Convention Commission.

16 Sec. 15.50.101. MEMBERSHIP OF COMMISSION. The commission consists
17 of nine members appointed without restrictions as follows:

- 18 (1) three members appointed by the president of the senate;
19 (2) three members appointed by the speaker of the house of
20 representatives;
21 (3) two members appointed by the governor; and
22 (4) one member appointed by the chief justice of the supreme
23 court.

24 Sec. 15.50.110. DUTIES OF THE COMMISSION. (a) The commission
25 shall compile information useful to the delegates, undertake studies and
26 research, collect and organize appropriate background materials, and
27 provide for the dissemination of the information it compiles so that the
28 constitutional convention may function expeditiously and efficiently.

29 (b) State agencies and departments shall assist the commission in

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1 the performance of its duties.

2 (c) The commission may employ professional, legal and other staff
3 assistants and enter into contracts for goods and services.

4 (d) The commission may receive gifts or grants of funds, ser-
5 vices, or facilities from a federal, state, or private source to assist
6 it in carrying out its functions.

7 Sec. 15.50.120. DURATION OF COMMISSION. (a) The commission shall
8 continue in existence for 30 days after the date on which the constitu-
9 tional convention meets.

10 (b) ~~The constitutional convention may by ordinance of the conven-~~
11 ~~tion adopted before the 30th day of the convention direct the commission~~
12 ~~to continue in existence to assist the lieutenant governor in submitting~~
13 ~~a revised constitution or amendments to the constitution to the voters~~
14 ~~of the state for ratification.~~

15 Sec. 15.50.130. EXPENSES, TRAVEL, AND PER DIEM. Members of the
16 commission are entitled to expenses, travel, and per diem allowances
17 provided by law for members of state boards and commissions.

18 Sec. 15.50.140. ELECTION OF DELEGATES. (a) If a majority of the
19 votes cast on the question put before the voters under AS 15.50.070 is
20 in the affirmative, a special election for the selection of delegates
21 shall be held on the third Tuesday of May following the vote on the
22 question.

23 (b) If the constitutional convention is called by the legislature,
24 the date of the election for the selection of delegates shall be speci-
25 fied in the call.

26 (c) Except as provided in this chapter or in a call, the election
27 of delegates shall be conducted under the provisions of AS 15 relating
28 to the election of members of the legislature.

29 Sec. 15.50.150. NUMBER OF DELEGATES. Sixty-five delegates shall

1 be elected to a constitutional convention. Sixty delegates shall be
2 elected under AS 15.50.160 and five delegates shall be elected at large.

3 Sec. 15.50.160. DELEGATE ELECTION DISTRICTS. Delegates to a
4 constitutional convention, ^{other than at-large delegates} shall be elected from the same districts and
5 in the same numbers as are elected to each house of the legislature
6 according to the apportionment schedule in effect at the time that the
7 election is held.

8 Sec. 15.50.170. NOMINATION OF DELEGATES. (a) A delegate to a
9 constitutional convention is nominated by petition.

10 (b) The petition shall be filed with the lieutenant governor by
11 actual physical delivery in person at or before 5:00 p.m., prevailing
12 time, February 15 of the year in which an election is held for the
13 office, or by actual physical delivery by certified mail which is post-
14 marked at or before 5:00 p.m., prevailing time, February 15, and re-
15 ceived not more than 15 days after that date. If the postmark is il-
16 legible, a dated receipt from the post office where the nominating
17 petition was mailed is acceptable as evidence of mailing. If
18 February 15 is a Sunday or holiday, the deadlines for postmarking and
19 receiving a petition are extended 24 hours.

20 (c) A petition for a delegate elected at large shall contain at
21 least 100 signatures of qualified voters of the state. The petition of
22 other delegates shall contain at least 25 signatures of qualified voters
23 registered in the district from which the person seeks to be elected.

24 (d) A petition shall be accompanied by a filing fee of \$30.

25 Sec. 15.50.180. REQUIREMENTS FOR PETITION. (a) The petition
26 shall state in substance

- 27 (1) the full name of the candidate;
28 (2) the full residence address of the candidate;
29 (3) the full mailing address of the candidate;