

ALASKA LEGISLATIVE COUNCIL

1630 HJ HCR 55 - HJR 23

# Alaska State Legislature

Official Business



POUCH V  
JUNEAU, ALASKA 99811

Pouch V  
State Capitol  
Juneau, Alaska 99811

(907) 465-4766  
(907) 465-4767  
(907) 465-3718  
(season only)

## Members

Rep. Barnes, Chairman  
Rep. Anderson, Vice-Chairman  
Rep. Phillips  
Rep. O'Connell  
Rep. Freeman  
Rep. Meekins  
Rep. Buchholdt

## House of Representatives

### Committee on Judiciary

P.O. Box 3382  
Anchorage, AK 99510  
(907) 274-1432  
(907) 274-1441  
POUCH V  
JUNEAU, ALASKA 99811

February 9, 1982

Representative Joe Hayes, Speaker  
Alaska House of Representatives  
Pouch V  
Juneau, Alaska 99811

Re: HCR55

Dear Mr. Speaker:

The House Judiciary Committee has voted to pass out HCR55. Fiscal notes are attached from the Court System, Department of Law, Department of Public Safety and Department of Health and Social Services. There is no fiscal note from the Legislative Branch.

I assume that, once the resolution is enacted and the chairman of the committee is appointed, a budget will be submitted for your approval.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ramona L. Barnes".

Ramona L. Barnes  
Chairman, House Judiciary

RLB:jl

ii. FISCAL DETAIL

Agency Affected Alaska Court System  
 Program Category Affected Administration of Justice  
 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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

The establishment of a Joint Committee on Crime will not have a direct fiscal impact on the Alaska Court System. The Court System can respond to general requests from the Committee for statistics and other information with the existing court personnel. Any major research project, however, would need separate funding by the Committee.

IV. DATE 2/9/83 PREPARED BY Richard P. Barrier  
 AGENCY Alaska Court System  
 Original: Legislative Finance PHONE 264-0545  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

2/4/82  
Mick

FISCAL NOTE

I. REQUEST HCR 55  
 Bill/Resolution No. \_\_\_\_\_  
 Title Relating to creation of joint committee on crime  
 Requested by House Judiciary Committee Date February 2, 1982

II. FISCAL DETAIL Administration  
 Agency Affected \_\_\_\_\_  
 Program Category Affected \_\_\_\_\_  
 BRU, Program, Or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
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)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

HCR 55 will have no fiscal impact on the Department of Administration

IV. DATE February 2, 1982 PREPARED BY Robert L. Rehfeld  
 AGENCY Administration  
 PHONE 465-2200  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) Anderson  
 33-001 (Rev. 12/1982) of the Governor: Keith Specking

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Concurrent Resolution 55  
 Title Relating to creation of a joint committee on crime.  
 Requested by Rep. Barnes, House Judiciary Date 2/3/82

II. FISCAL DETAIL

Agency Affected Department of Law  
 Program Category Affected Administration of Justice  
 BRU, Program, Or Subprogram(s) Affected Prosecution  
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL		2.5				
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	2.5	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUNDS	0	2.5	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

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

Projected costs for travel of the Chief Prosecutor, or other representative of the Attorney General, to attend committee meetings are as follows:

Trips	Travel Cost	Per Diem	Cost
Juneau/Anchorage	\$292 x 2 = \$584	\$80 x 2 x 2 =	\$320
Juneau/Fairbanks	\$354 x 1 = \$354	\$90 x 2 x 1 =	\$180
Juneau/Bethel	\$562 x 1 = \$562	\$85 x 2 x 1 =	\$170

*Richard I. Pegues*

IV. DATE February 4, 1982

PREPARED BY

Richard I. Pegues, Director, Admin. Svcs.

AGENCY

Department of Law

PHONE

465-3672

Original: Legislative Finance  
cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Concurrent Resolution No. 55  
 Title Relating to creation of a Joint Committee on Crime  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Department of Public Safety  
 Program Category Affected Administration of Justice  
 BRU, Program, Or Subprogram(s) Affected nps Admin. Commissioner's Office  
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL	1.4	1.6				
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	1.4	1.6				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

The Commissioner of Public Safety will be an ex officio member of the Committee on Crime which will report to the Thirteenth Legislature on or before January 17, 1983. Participation will entail travel for meetings (2 days each):

	Airfare	Per Diem	Car Rental & Misc.	Total
2 Trips - Anchorage	650	560	200	1410
1 Trip - Fairbanks	300	315	100	715
1 Trip - Bethel	550	298	50	898
Totals	1,500	1,173	350	3,023

FY 82 costs include one trip each to Anchorage and Fairbanks.  
 FY 83 costs include one trip each to Anchorage and Bethel.

Airfare costs include estimated inflationary increases over the coming year. No costs are shown beyond FY 83, as the Commission is dissolved on January 17, 1983. (See below)

IV. DATE February 4, 1982 PREPARED BY Marcia Lynn McKenzie, Budget Analyst

Original: Legislative Finance AGENCY Department of Public Safety  
 cc: Budget and Management PHONE 465-4349

Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)

Special note: Because the meetings are not yet scheduled, funding for this travel should be appropriated in one lump sum lapsing on June 30, 1983.

POSITION PAPER

HOUSE CONCURRENT RESOLUTION NO. 55

"Relating to creation of a Joint Committee on Crime."

This Resolution calls for the creation of a Joint Committee on Crime consisting of three members of the House of Representatives and three members of the Senate for the purpose of examining deficiencies in the criminal justice system. The committee is charged with submitting a written report of its conclusions and findings to the first session of the Thirteenth Legislature, and with making recommendations to the Rules Committee, of either or both bodies of the Legislature, that legislation be introduced to address problems in the criminal justice system. The resolution requests the Governor to designate three ex-officio members representing the Department of Law, the Department of Public Safety, and the Department of Health and Social Services respectively.

The Department is supportive of the goal of this Resolution which is to identify and eliminate deficiencies or problems existing in the criminal justice system. The Department also supports the inclusion, as ex-officio members of the committee, representatives of the administrative agencies most intimately involved in the operation of the criminal justice system. It is suggested, however, that it would be appropriate to include as an additional ex-officio member of the committee a representative of the judiciary to be appointed by the Supreme Court.

Since the Department which provides both confinement and rehabilitative services on an institutional and community basis for adult and juvenile offenders, we feel departmental personnel should be included as resources in conducting the committee research. It is recommended that the Resolution be amended on Page 2, Lines 4 and 5 to read, "Further resolved that the joint committee shall make every effort to use the knowledge and skills of law enforcement personnel, adult and juvenile corrections personnel, and legal and judicial officials in the State in conducting its research."

RECOMMENDED BY: John R. Pugh  
John R. Pugh, Director  
Division of Family and  
Youth Services

DATE: 1/29/82

APPROVED BY: Helen D. Beirne  
Helen D. Beirne  
Commissioner

DATE: 2-1-82



THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE CONCURRENT RESOLUTION NO. 55  
Title "Relating to creation of a Joint Committee on Crime."  
Requested by Anderson Date \_\_\_\_\_

II. FISCAL DETAIL

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

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
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)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Source)	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

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

House Concurrent Resolution No. 55 has no fiscal impact on the Department of Health and Social Services.

IV. DATE 1/27/82 PREPARED BY John R. Pugh John R. Pugh, Director  
AGENCY Division of Family and Youth Services  
Original: Legislative Finance PHONE 465-8170  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)  
33-001 (Rev. 12/81)

JCC



Introduced: 1/25/82  
Referred: Judiciary

*Corrections*  
*Take lead*  
*Parlee*  
*FYS*  
*Joint paper*

1 IN THE HOUSE

BY ANDERSON

2 HOUSE CONCURRENT RESOLUTION NO. 55

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 Relating to creation of a Joint  
6 Committee on Crime.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS growth in the rate of crime has reached alarming levels in  
9 Alaska; and

10 WHEREAS this growth in the rate of crime seriously threatens Alaska's  
11 ability to maintain elementar' security and protection for individuals and  
12 society as a whole; and

13 WHEREAS some work has been done on this problem, including study and  
14 recommendations by a previous legislative task force, but many important  
15 topics remain to be studied by the legislature; and

16 WHEREAS deficiencies in the criminal justice system tend to negate the  
17 best efforts of police, prosecutors, judges, and correctional officers to  
18 ensure basic protection and security for society; and

19 WHEREAS issues such as procedures leading to indictment, pre-trial  
20 release, crime prevention, and rehabilitation of offenders are in need of  
21 close legislative study;

22 BE IT RESOLVED by the Alaska State Legislature that three members of the  
23 house of representatives, appointed by the speaker of the house, and three  
24 members of the senate, appointed by the president of the senate, comprise a  
25 Joint Committee on Crime, to examine deficiencies in the criminal justice  
26 system, including but not limited to procedures leading to indictment, pre-  
27 trial release, crime prevention, and rehabilitation of offenders; and be it

28 FURTHER RESOLVED that the legislature respectfully requests the governor  
29 to designate three ex-officio members of the Joint Committee on Crime, one to

1 represent the Department of Law, one to represent the Department of Public  
2 Safety, and one to represent the Department of Health and Social Services;  
3 and be it

4 FURTHER RESOLVED that the joint committee shall make every effort to use  
5 the knowledge and skills of law enforcement personnel and legal and judicial  
6 officials in the state in conducting its research; and be it

7 FURTHER RESOLVED that the joint committee may recommend to the Rules  
8 Committee of either or both bodies that legislation be introduced to correct  
9 problems in the criminal justice system; and be it

10 FURTHER RESOLVED that the joint committee shall prepare a written report  
11 of its conclusions and recommendations, if any, and submit this report to the  
12 First Session of the Thirteenth Legislature on or before January 17, 1983;  
13 and be it

14 FURTHER RESOLVED that the joint committee is authorized to meet during  
15 and between sessions of the legislature and terminates on January 17, 1983.  
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HJR

12

State Affairs Sub.

Introduced: 2/10/81  
Referred: State Affairs and  
Judiciary

BY HAYES, ABOOD, ANDERSON, BARNES,  
BEIRNE, BETTISWORTH, BYLSMA, CUDDY,  
HALFORD, HAUGEN, MARTIN, METCALFE,  
MONTGOMERY, O'CONNELL, PHILLIPS  
AND SUTCLIFFE

1 IN THE HOUSE

CS HOUSE JOINT RESOLUTION NO. 12

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the Consti-  
6 tution of the State of Alaska relat-  
7 ing to legislative sessions.

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

9 \* Section 1. Article II, sec. 8, Constitution of the State of Alaska is  
10 amended to read:

11 SECTION 9. SPECIAL SESSIONS. Special sessions may be called by  
12 the governor or by vote of two-thirds of the legislators. The vote may  
13 be conducted by the legislative council or as prescribed by law. At  
14 special sessions called by the governor, legislation shall be limited to  
15 subjects designated in his proclamation calling the session, to subjects  
16 presented by him, and the reconsideration of bills vetoed by him after  
17 adjournment of the last regular session. [SPECIAL SESSIONS ARE LIMITED  
18 TO THIRTY DAYS.]

19 \* Sec. 2. Article II, sec. 10, Constitution of the State of Alaska is  
20 amended to read:

21 SECTION 10. ADJOURNMENT. The legislature shall adjourn from  
22 regular session no later than one hundred twenty consecutive calendar  
23 days from the date it convenes for the regular session except that a  
24 regular session may be extended in increments of up to ten consecutive  
25 calendar days. Extensions of the regular session require <sup>only</sup> ~~a~~ <sup>an</sup> ~~vote~~ <sup>aberrantive</sup> of at  
26 least two-thirds of the membership <sup>of</sup> of each house of the legislature.

27 The legislature shall adjourn no later than thirty consecutive calendar  
28 days from the date it convenes in special session. Before the time  
29 specified in this section for adjournment, neither [NEITHER] house may

1 adjourn or recess for longer than three days unless the other concurs.  
2 If, before the time specified in this section for adjournment, the two  
3 houses cannot agree on a [THE] time of adjournment and either house cer-  
4 tifies the disagreement to the governor, he may adjourn the legislature  
5 before the time specified in this section for adjournment.

6 \* Sec. 3. The amendments proposed by this resolution shall be placed  
7 before the voters of the state at the next general election in conformity  
8 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election  
9 laws of the state.  
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LEGISLATIVE RULES STUDY

Prepared by: Common Sense for Alaska Research Committee

REFERENCE NUMBER	TREE CONFERENCE COMMITTEES	BILL CONTENT RULE	"GERMANE" DEFINITION	PUBLIC NOTICE OF COMMITTEE MEETINGS	JOINT COMMITTEE MEETINGS	RECOMMENDATIONS USED TO PASS BILL OUT OF CMTE	INTERIM COMMITTEES AUTHORIZATION	LIMITATION ON SESSION LENGTH	CODE OF ETHICS & DISCIPLINE	CONTRACTING PROCEDURES	LOBBYING LAWS	RULES REVIEW & ENFORCEMENT	LIMIT ON BILLS INTRODUCED	TIME LIMIT FOR CMTE TO PROCESS BILL	RULE WAIVER PROCEDURES	LEGISLATIVE OVERSIGHT
1(1)	NO	YES 3(1)	NO	NO 5(1)	YES 6(1)	YES 7(1)	YES 8(1)	YES 9(1)	YES 10(1)	NO 11(1)	YES 12(1)	YES 13(1)	YES 14(1)	YES 15(1)	YES 16(1)	NO 17(1)
1(2)	YES 2(2)	YES 3(2)	YES 4(2)	NO 5(2)	YES 6(2)	YES 7(2)	YES 8(2)	NO	NO	NO	YES 12(2)	NO	NO 14(2)	NO	YES 16(a)	NO
1(3)	YES 2(3)	YES 3(3)	YES 4(3)	YES 5(3)	YES 6(3)	YES 7(3)	YES 8(3)	NO	YES 10(3)	NO	YES 12(3)	YES 13(3)	YES 14(3)	YES 15(3)	YES 16(b)	YES 17(3)
1(4)	NO	YES 3(a)	NO 4(4)	YES 5(4)	YES 6(4)	YES 7(4)	YES 8(4)	YES 9(4)	NO	YES 11(4)	YES 12(4)	YES 13(4)	YES 14(4)	YES 15(4)	YES 16(b)	NO 17(4)
1(5)	YES 2(5)	YES 3(5)	YES 4(5)	YES 5(5)	YES 6(5)	YES 7(5)	YES 8(5)	NO	YES 10(5)	YES 11(5)	YES 12(5)	YES 13(5)	NO	YES 15(5)	YES 16(5)	NO
1(6)	YES 2(6)	YES 3(6)	NO	YES 5(6)	YES 6(6)	YES 7(6)	YES 8(6)	NO	NO 10(6)	YES 11(6)	YES 12(6)	YES 13(6)	NO	YES 15(6)	YES 16(b)	YES 17(6)
1(7)	NO	NO 3(7)	YES 4(7)	YES 5(7)	YES 6(7)	YES 7(7)	YES 8(7)	YES 9(7)	YES 10(7)	YES 11(7)	YES 12(7)	NO	YES 14(7)	YES 15(7)	YES 16(b)	YES 17(7)
1(8)	NO	YES 3(8)	NO	YES 5(8)	YES 6(8)	YES 7(8)	NO	YES 9(8)	YES 10(8)	YES 11(8)	YES 12(8)	NO	YES 14(8)	YES 15(8)	YES 16(b)	YES 17(8)
1(9)	NO	YES 3(9)	YES 4(9)	YES 5(9)	YES 6(9)	YES 7(9)	YES 8(9)	YES 9(9)	YES 10(9)	NO	YES 12(9)	YES 13(9)	YES 14(9)	YES 15(9)	YES 16(a)	YES 17(9)
1(10)	NO	YES 3(10)	NO 4(10)	YES 5(10)	NO	YES 7(10)	YES 8(10)	YES 9(10)	YES 10(10)	NO	NO	NO	NO	YES 15(10)	YES 16(1)	NO
1(11)	NO	YES 3(11)	NO	YES 5(11)	YES 6(11)	YES 7(11)	YES 8(11)	YES 9(11)	YES 10(11)	NO 11(11)	YES 13(11)	YES 13(11)	YES 14(11)	YES 15(11)	YES 16(11)	YES 17(11)
1(12)	NO	YES 3(12)	YES 4(12)	NO 5(12)	YES 6(12)	YES 7(12)	YES 8(12)	YES 9(12)	NO	NO	YES 12(12)	NO	NO	NO	YES 16(12)	YES 17(12)
1(13)	NO 2(13)	YES 3(13)	YES 4(13)	YES 5(13)	YES 6(13)	YES 7(13)	YES 8(13)	NO	YES 10(13)	NO 11(13)	YES 12(13)	NO	YES 14(13)	YES 15(13)	YES 16(b)	YES 17(13)
1(14)	NO	YES 3(14)	YES 4(14)	YES 5(14)	YES 6(14)	YES 7(14)	YES 8(14)	YES 9(14)	YES 10(14)	NO 11(14)	YES 12(14)	YES 13(14)	YES 14(14)	NO 15(14)	YES 16(14)	YES 17(14)
1(15)	YES 2(15)	YES 3(15)	YES 4(15)	YES 5(15)	YES 6(15)	YES 7(15)	YES 8(15)	NO	YES 10(15)	NO 11(15)	YES 12(15)	YES 13(15)	YES 14(15)	YES 15(15)	YES 16(15)	YES 17(15)
1(16)	NO	YES 3(16)	NO 4(16)	NO 5(16)	YES 6(16)	YES 7(16)	YES 8(16)	YES 9(16)	YES 10(16)	YES 11(16)	YES 12(16)	YES 13(16)	YES 14(16)	YES 15(16)	YES 16(16)	YES 17(16)
1(17)	YES 2(17)	YES 3(17)	YES 4(17)	YES 5(17)	YES 6(17)	YES 7(17)	YES 8(17)	YES 9(17)	YES 10(17)	YES 12(17)	YES 12(17)	NO	YES 14(17)	NO 15(17)	YES 16(17)	YES 17(17)
1(18)	NO	YES 3(a)	YES 4(18)	YES 5(18)	YES 6(18)	YES 7(18)	YES 8(18)	YES 9(18)	YES 10(18)	NO 11(18)	YES 12(18)	YES 13(18)	YES 14(18)	YES 15(18)	YES 16(18)	YES 17(18)
1(19)	NO	NO 3(19)	YES 4(19)	YES 5(19)	YES 6(19)	YES 7(19)	YES 8(19)	YES 9(19)	YES 10(19)	YES 11(19)	YES 12(19)	YES 13(19)	YES 14(19)	YES 15(19)	YES 16(b)	YES 17(19)
1(20)	YES 2(20)	YES 3(20)	YES 4(20)	YES 5(20)	YES 6(20)	YES 7(20)	YES 8(20)	YES 9(20)	YES 10(20)	YES 11(20)	YES 12(20)	NO	YES 14(20)	NO	YES 16(a)	NO
1(21)	NO	NO	YES 4(21)	YES 5(21)	YES 6(21)	YES 7(21)	YES 8(21)	NO	YES 10(21)	YES 11(21)	YES 12(21)	YES 13(21)	YES 14(21)	YES 15(21)	YES 16(21)	YES 17(21)
1(22)	NO	YES 3(22)	YES 4(22)	YES 5(22)	YES 6(22)	YES 7(22)	YES 8(22)	NO	YES 10(22)	NO 11(22)	YES 12(22)	YES 13(22)	NO	NO	YES 16(22)	YES 17(22)
1(23)	YES 2(23)	YES 3(23)	YES 4(23)	YES 5(23)	YES 6(23)	YES 7(23)	YES 8(23)	YES 9(23)	YES 10(23)	NO 11(23)	YES 12(23)	YES 13(23)	YES 14(23)	YES 15(23)	YES 16(a)	YES 17(23)
1(24)	NO	NO 3(24)	NO	YES 5(24)	YES 6(24)	YES 7(24)	YES 8(24)	YES 9(24)	NO 10(24)	NO	YES 12(24)	NO	YES 14(24)	YES 15(24)	YES 16(24)	YES 17(24)
1(25)	NO	YES 3(25)	YES 4(25)	YES 5(25)	NO	YES 7(25)	YES 8(25)	YES 9(25)	NO 10(25)	YES 11(25)	YES 12(25)	NO	YES 14(25)	NO 15(25)	YES 16(b)	NO
1(26)	YES 2(26)	YES 3(26)	YES 4(26)	NO 5(26)	YES 6(26)	NO 7(26)	YES 8(26)	YES 9(26)	YES 10(26)	NO	YES 12(26)	YES 13(26)	YES 14(26)	YES 15(26)	YES 16(26)	NO
1(27)	NO	YES 3(27)	NO 4(27)	YES 5(27)	NO 6(27)	YES 7(27)	YES 8(27)	YES 9(27)	NO	YES 11(27)	YES 12(27)	NO	YES 14(27)	YES 15(27)	YES 16(27)	YES 17(27)
1(28)	NO 2(28)	YES 3(28)	YES 4(28)	YES 5(28)	YES 6(28)	YES 7(28)	YES 8(28)	YES 9(28)	YES 10(28)	NO	YES 12(28)	NO	YES 14(28)	NO	YES 16(b)	YES 17(28)
1(29)	NO	YES 3(29)	YES 4(29)	YES 5(29)	YES 6(29)	YES 7(29)	YES 8(29)	NO	YES 10(29)	NO	YES 12(29)	NO	YES 14(29)	YES 15(29)	YES 16(b)	YES 17(29)
1(30)	YES 2(30)	NO	NO 4(30)	YES 5(30)	YES 6(30)	YES 7(30)	NO 8(30)	NO	YES 10(30)	NO 11(30)	YES 12(30)	YES 13(30)	NO	NO	YES 16(a)	YES 17(30)
1(31)	NO	YES 3(31)	NO	YES 5(31)	YES 6(31)	YES 7(31)	YES 8(31)	YES 9(31)	NO	NO 11(31)	YES 12(31)	NO	YES 14(31)	NO	YES 16(a)	YES 17(31)
1(32)	YES 2(32)	YES 3(32)	NO	YES 5(32)	YES 6(32)	YES 7(32)	NO	NO	YES 10(32)	YES 11(32)	YES 12(32)	NO	YES 14(32)	NO	YES 16(32)	YES 17(32)
1(33)	NO	NO	YES 4(33)	YES 5(33)	YES 6(33)	YES 7(33)	YES 8(33)	NO	YES 10(33)	NO 11(33)	YES 12(33)	YES 13(33)	YES 14(33)	YES 15(33)	YES 16(33)	YES 17(33)
1(34)	NO	YES 3(34)	YES 4(34)	YES 5(34)	YES 6(34)	YES 7(34)	YES 8(34)	YES 9(34)	NO	NO	YES 12(34)	YES 13(34)	YES 14(34)	YES 15(34)	YES 16(a)	YES 17(34)
1(35)	NO	YES 3(35)	YES 4(35)	YES 5(35)	YES 6(35)	YES 7(35)	YES 8(35)	NO	YES 10(35)	NO 11(35)	YES 12(35)	NO	YES 14(35)	NO 15(35)	YES 16(35)	NO 17(35)
1(36)	NO	YES 3(36)	YES 4(36)	NO	YES 6(36)	YES 7(36)	YES 8(36)	YES 9(36)	YES 10(36)	NO 11(36)	YES 12(36)	YES 13(36)	YES 14(36)	YES 15(36)	YES 16(b)	YES 17(36)
1(37)	NO	YES 3(37)	YES 4(37)	YES 5(37)	YES 6(37)	YES 7(37)	YES 8(37)	NO	YES 10(37)	YES 11(37)	YES 12(37)	NO	YES 14(37)	YES 15(37)	YES 16(37)	YES 17(37)
1(38)	NO	YES 3(a)	NO 4(38)	YES 5(38)	NO 6(38)	YES 7(38)	YES 8(38)	NO	YES 10(38)	NO	YES 12(38)	NO	NO	NO	YES 16(38)	NO 17(38)
1(39)	NO	YES 3(39)	YES 4(39)	YES 5(39)	YES 6(39)	YES 7(39)	NO	YES 9(39)	NO	NO 11(39)	YES 12(39)	NO	YES 14(39)	YES 15(39)	YES 16(39)	YES 17(39)
1(40)	YES 2(40)	YES 3(40)	YES 4(40)	YES 5(40)	YES 6(40)	YES 7(40)	YES 8(40)	YES 9(40)	YES 10(40)	NO	YES 12(40)	NO	NO	NO	YES 16(40)	NO
1(41)	YES	YES 3(41)	YES 4(41)	YES 5(41)	YES 6(41)	YES 7(41)	YES 8(41)	YES 9(41)	NO 10(41)	NO 11(41)	YES 12(41)	NO	YES 14(41)	YES 15(41)	YES 16(41)	YES 17(41)
1(42)	YES 2(42)	YES 3(42)	YES 4(42)	YES 5(42)	YES 6(42)	YES 7(42)	NO 8(42)	YES 9(42)	YES 10(42)	NO	YES 12(42)	YES 13(42)	YES 14(42)	YES 15(42)	YES 16(a)	NO
1(43)	NO	YES 3(43)	NO	YES 5(43)	YES 6(43)	YES 7(43)	YES 8(43)	YES 9(43)	YES 10(43)	YES 11(43)	YES 12(43)	NO	YES 14(43)	NO	YES 16(b)	NO
1(44)	NO	YES 3(44)	YES 4(44)	YES 5(44)	YES 6(44)	YES 7(44)	YES 8(44)	YES 9(44)	YES 10(44)	NO 11(44)	YES 12(44)	NO	YES 14(44)	YES 15(44)	YES 16(44)	NO 17(44)
1(45)	YES 2(45)	YES 3(45)	YES 4(45)	NO 5(45)	YES 6(45)	YES 7(45)	YES 8(45)	NO	NO	NO 11(45)	YES 12(45)	YES 13(45)	YES 14(45)	YES 15(45)	YES 16(45)	YES 17(45)
1(46)	NO	YES 3(46)	YES 4(46)	NO	YES 6(46)	YES 7(46)	YES 8(46)	YES 9(46)	NO 10(46)	NO	YES 12(46)	YES 13(46)	NO 14(46)	NO	YES 16(46)	YES 17(46)
1(47)	YES 2(47)	YES 3(47)	NO	YES 5(47)	YES 6(47)	YES 7(47)	YES 8(47)	YES 9(47)	YES 10(47)	NO	YES 12(47)	NO 13(47)	YES 14(47)	YES 15(47)	YES 16(b)	NO
1(48)	NO	YES 3(a)	YES 4(48)	YES 5(48)	YES 6(48)	YES 7(48)	YES 8(48)	YES 9(48)	NO	NO	YES 12(48)	YES 13(48)	YES 14(48)	YES 15(48)	YES 16(b)	YES 17(48)
1(49)	NO	YES 3(49)	YES 4(49)	YES 5(49)	YES 6(49)	YES 7(49)	YES 8(49)	NO	YES 10(49)	YES 11(49)	YES 12(49)	YES 13(49)	NO	NO 15(49)	YES 16(b)	YES 17(49)
1(50)	YES 2(50)	YES 3(50)	NO	YES 5(50)	YES 6(50)	YES 7(50)	YES 8(50)	YES 9(50)	NO	NO 11(50)	YES 12(50)	NO	YES 14(50)	NO	YES 16(a)	NO



LEGISLATIVE RULES STUDY

Prepared by: Common Sense for Alaska Research Committee

STATE	CONFERENCE COMMITTEES	FREE CONFERENCE COMMITTEES	BILL CONTENT RULE	"GERMANE" DEFINITION	PUBLIC NOTICE OF COMMITTEE MEETINGS	JOINT COMMITTEE MEETINGS	RECOMMENDATIONS TO PASS BILL OUT OF CHIEF	INTERIM COMMITTEES AUTHORIZATION	LIMITATION ON SESSION LENGTH	CODE OF ETHICS & DISCIPLINE	CONTRACTING PROCEDURES	LOBBYING LAWS	RULES REVIEW & ENFORCEMENT	LIMIT ON BILLS INTRODUCED	TIME LIMIT FOR CHIEF TO PROCESS BILL
ALABAMA.....	YES 1(1)	NO	YES 3(1)	NO	NO 5(1)	YES 6(1)	YES 7(1)	YES 8(1)	YES 9(1)	YES 10(1)	NO 11(1)	YES 12(1)	YES 13(1)	YES 14(1)	YES 15(1)
ALASKA.....	YES 1(2)	YES 2(2)	YES 3(2)	YES 4(2)	NO 5(2)	YES 6(2)	YES 7(2)	YES 8(2)	NO	NO	NO	YES 12(2)	NO	NO 14(2)	NO
ARIZONA.....	YES 1(3)	YES 2(3)	YES 3(3)	YES 4(3)	YES 5(3)	YES 6(3)	YES 7(3)	YES 8(3)	NO	YES 10(3)	NO	YES 12(3)	YES 13(3)	YES 14(3)	YES 15(3)
ARKANSAS.....	YES 1(4)	NO	YES 3(a)	NO 4(4)	YES 5(4)	YES 6(4)	YES 7(4)	YES 8(4)	YES 9(4)	NO	YES 11(4)	YES 12(4)	YES 13(4)	YES 14(4)	YES 15(4)
CALIFORNIA....	YES 1(5)	YES 2(5)	YES 3(5)	YES 4(5)	YES 5(5)	YES 6(5)	YES 7(5)	YES 8(5)	NO	YES 10(5)	YES 11(5)	YES 12(5)	YES 13(5)	NO	YES 15(5)
COLORADO.....	YES	YES 2(6)	YES 3(6)	NO	YES 5(6)	YES 6(6)	YES 7(6)	YES 8(6)	NO	NO 10(6)	YES 11(6)	YES 12(6)	YES 13(6)	NO	YES 15(6)
CONNECTICUT...	YES 1(7)	NO	NO 3(7)	YES 4(7)	YES 5(7)	YES 6(7)	YES 7(7)	YES 8(7)	YES 9(7)	YES 10(7)	YES 11(7)	YES 12(7)	NO	YES 14(7)	YES 15(7)
DELAWARE.....	NO 1(8)	NO	YES 3(8)	NO	YES 5(8)	YES 6(8)	YES 7(8)	NO	YES 9(8)	YES 10(8)	YES 11(8)	YES 12(8)	NO	YES 14(8)	YES 15(8)
FLORIDA.....	YES 1(9)	NO	YES 3(9)	YES 4(9)	YES 5(9)	YES 6(9)	YES 7(9)	YES 8(9)	YES 9(9)	YES 10(9)	NO	YES 12(9)	YES 13(9)	YES 14(9)	YES 15(9)
GEORGIA.....	YES 1(10)	NO	YES 3(10)	NO 4(10)	YES 5(10)	NO	YES 7(10)	YES 8(10)	YES 9(10)	YES 10(10)	NO	NO	YES 13(9)	NO	YES 15(10)
HAWAII.....	YES 1(11)	NO	YES 3(11)	NO	YES 5(11)	YES 6(11)	YES 7(11)	YES 8(11)	YES 9(11)	YES 10(11)	NO 11(11)	YES 13(11)	YES 13(11)	YES 14(11)	YES 15(11)
ILLINOIS.....	YES 1(12)	NO	YES 3(12)	YES 4(12)	NO 5(12)	YES 6(12)	YES 7(12)	YES 8(12)	YES 9(12)	NO	NO	YES 12(12)	NO	NO	YES 15(12)
INDIANA.....	YES 1(13)	NO 2(13)	YES 3(13)	YES 4(13)	YES 5(13)	YES 6(13)	YES 7(13)	YES 8(13)	NO	YES 10(13)	NO 11(13)	YES 12(13)	YES 13(14)	YES 14(14)	YES 15(13)
INDIANA.....	YES 1(14)	NO	YES 3(14)	YES 4(14)	YES 5(14)	YES 6(14)	YES 7(14)	YES 8(14)	YES 9(14)	YES 10(14)	NO 11(14)	YES 12(14)	YES 13(15)	YES 14(15)	YES 15(14)
IOWA.....	YES 1(15)	YES 2(15)	YES 3(15)	YES 4(15)	YES 5(15)	YES 6(15)	YES 7(15)	YES 8(15)	NO	YES 10(15)	NO 11(15)	YES 12(15)	YES 13(15)	YES 14(15)	YES 15(15)
KANSAS.....	YES 1(16)	NO	YES 3(16)	NO 4(16)	NO 5(16)	YES 6(16)	YES 7(16)	YES 8(16)	YES 9(16)	YES 10(16)	YES 11(16)	YES 12(16)	YES 13(16)	YES 14(16)	YES 15(16)
KENTUCKY.....	YES 1(17)	YES 2(17)	YES 3(17)	YES 4(17)	YES 5(17)	YES 6(17)	YES 7(17)	YES 8(17)	YES 9(17)	YES 10(17)	YES 12(17)	YES 12(17)	NO	YES 14(17)	NO 15(17)
LOUISIANA.....	YES 1(18)	NO	YES 3(a)	YES 4(18)	YES 5(18)	YES 6(18)	YES 7(18)	YES 8(18)	YES 9(18)	YES 10(18)	NO 11(18)	YES 12(18)	YES 13(18)	YES 14(18)	YES 15(18)
MAINE.....	YES 1(19)	NO	NO 3(19)	YES 4(19)	YES 5(19)	YES 6(19)	YES 7(19)	YES 8(19)	YES 9(19)	YES 10(19)	YES 11(19)	YES 12(19)	YES 13(19)	YES 14(19)	YES 15(19)
MARYLAND.....	YES 1(20)	YES 2(20)	YES 3(20)	YES 4(20)	YES 5(20)	YES 6(20)	YES 7(20)	YES 8(20)	YES 9(20)	YES 10(20)	YES 11(20)	YES 12(20)	NO	YES 14(20)	NO
MASSACHUSETTS..	YES 1(21)	NO	NO	YES 4(21)	YES 5(21)	YES 6(21)	YES 7(21)	YES 8(21)	NO	YES 10(21)	YES 11(21)	YES 12(21)	YES 13(21)	YES 14(21)	YES 15(21)
MICHIGAN.....	YES 1(22)	NO	YES 3(22)	YES 4(22)	YES 5(22)	YES 6(22)	YES 7(22)	YES 8(22)	NO	YES 10(22)	NO 11(22)	YES 12(22)	YES 13(22)	NO	YES 15(22)
MINNESOTA.....	YES 1(23)	YES 2(23)	YES 3(23)	YES 4(23)	YES 5(23)	YES 6(23)	YES 7(23)	YES 8(23)	YES 9(23)	YES 10(23)	NO 11(23)	YES 12(23)	YES 13(23)	YES 14(23)	YES 15(23)
MISSISSIPPI....	YES 1(24)	NO	NO 3(24)	NO	YES 5(24)	YES 6(24)	YES 7(24)	YES 8(24)	YES 9(24)	NO 10(24)	NO	YES 12(24)	NO	YES 14(24)	YES 15(24)
MISSOURI.....	YES 1(25)	NO	YES 3(25)	YES 4(25)	YES 5(25)	NO	YES 7(25)	YES 8(25)	YES 9(25)	NO 10(25)	YES 11(25)	YES 12(25)	NO	YES 14(25)	NO 15(25)
MONTANA.....	YES 1(26)	YES 2(26)	YES 3(26)	YES 4(26)	NO 5(26)	YES 6(26)	NO 7(26)	YES 8(26)	YES 9(26)	YES 10(26)	NO	YES 12(26)	YES 13(26)	YES 14(26)	YES 15(26)
NEBRASKA.....	NO 1(27)	NO	YES 3(27)	NO 4(27)	YES 5(27)	NO 6(27)	YES 7(27)	YES 8(27)	YES 9(27)	NO	YES 11(27)	YES 12(27)	NO	YES 14(27)	YES 15(27)
NEVADA.....	YES 1(28)	NO 2(28)	YES 3(28)	YES 4(28)	YES 5(28)	YES 6(28)	YES 7(28)	YES 8(28)	YES 9(28)	YES 10(28)	NO	YES 12(28)	NO	YES 14(28)	NO
NEW HAMPSHIRE...	YES 1(29)	NO	YES 3(29)	YES 4(29)	YES 5(29)	YES 6(29)	YES 7(29)	YES 8(29)	NO	YES 10(29)	NO	YES 12(29)	NO	YES 14(29)	YES 15(29)
NEW JERSEY....	YES 1(30)	YES 2(30)	NO	NO 4(30)	YES 5(30)	YES 6(30)	YES 7(30)	NO 8(30)	NO	YES 10(30)	NO 11(30)	YES 12(30)	YES 13(30)	NO	NO
NEW MEXICO....	YES 1(31)	NO	YES 3(31)	NO	YES 5(31)	YES 6(31)	YES 7(31)	YES 8(31)	YES 9(31)	NO	NO 11(31)	YES 12(31)	NO	YES 14(31)	NO
NEW YORK.....	YES 1(32)	YES 2(32)	YES 3(32)	NO	YES 5(32)	YES 6(32)	YES 7(32)	NO	NO	YES 10(32)	YES 11(32)	YES 12(32)	NO	YES 14(32)	NO
NORTH CAROLINA	YES 1(33)	NO	NO	YES 4(33)	YES 5(33)	YES 6(33)	YES 7(33)	YES 8(33)	NO	YES 10(33)	NO 11(33)	YES 12(33)	YES 13(33)	YES 14(33)	YES 15(33)
NORTH DAKOTA..	YES 1(34)	NO	YES 3(34)	YES 4(34)	YES 5(34)	YES 6(34)	YES 7(34)	YES 8(34)	YES 9(34)	NO	NO	YES 12(34)	YES 13(34)	YES 14(34)	YES 15(34)
OHIO.....	YES 1(35)	NO	YES 3(35)	YES 4(35)	YES 5(35)	YES 6(35)	YES 7(35)	YES 8(35)	NO	YES 10(36)	NO 11(35)	YES 12(35)	NO	YES 14(35)	NO 15(35)
OKLAHOMA.....	YES 1(36)	NO	YES 3(36)	YES 4(36)	NO	YES 6(36)	YES 7(36)	YES 8(36)	YES 9(36)	YES 10(36)	NO 11(36)	YES 12(36)	YES 13(36)	YES 14(36)	YES 15(36)
OREGON.....	YES 1(37)	NO	YES 3(37)	YES 4(37)	YES 5(37)	YES 6(37)	YES 7(37)	YES 8(37)	NO	YES 10(37)	YES 11(37)	YES 12(37)	NO	YES 14(37)	YES 15(37)
PENNSYLVANIA..	YES 1(38)	NO	YES 3(a)	NO 4(38)	YES 5(38)	NO 6(38)	YES 7(38)	YES 8(38)	NO	YES 10(38)	NO	YES 12(38)	NO	NO	NO
RHODE ISLAND..	NO	NO	YES 3(39)	YES 4(39)	YES 5(39)	YES 6(39)	YES 7(39)	NO	YES 9(39)	NO	NO 11(39)	YES 12(39)	NO	YES 14(39)	YES 15(39)
SOUTH CAROLINA	YES 1(40)	YES 2(40)	YES 3(40)	YES 4(40)	YES 5(40)	YES 6(40)	YES 7(40)	YES 8(40)	YES 9(40)	YES 10(40)	NO	YES 12(40)	NO	NO	NO
SOUTH DAKOTA..	YES 1(41)	YES	YES 3(41)	YES 4(41)	YES 5(41)	YES 6(41)	YES 7(41)	YES 8(41)	YES 9(41)	NO 10(41)	NO 11(41)	YES 12(41)	NO	YES 14(41)	YES 15(41)
TENNESSEE.....	YES 1(42)	YES 2(42)	YES 3(42)	YES 4(42)	YES 5(42)	YES 6(42)	YES 7(42)	NO 8(42)	YES 9(42)	YES 10(42)	NO	YES 12(42)	YES 13(42)	YES 14(42)	YES 15(42)
TEXAS.....	YES 1(43)	NO	YES 3(43)	NO	YES 5(43)	YES 6(43)	YES 7(43)	YES 8(43)	YES 9(43)	NO 10(43)	YES 11(43)	YES 12(43)	NO	YES 14(43)	NO
UTAH.....	YES 1(44)	NO	YES 3(44)	YES 4(44)	YES 5(44)	YES 6(44)	YES 7(44)	YES 8(44)	YES 9(44)	YES 10(44)	NO 11(44)	YES 12(44)	NO	YES 14(44)	YES 15(44)
VERMONT.....	YES 1(45)	YES 2(45)	YES 3(45)	YES 4(45)	NO 5(45)	YES 6(45)	YES 7(45)	YES 8(45)	NO	NO	NO 11(45)	YES 12(45)	YES 13(45)	YES 14(45)	YES 15(45)
VIRGINIA.....	YES 1(46)	NO	YES 3(46)	YES 4(46)	NO	YES 6(46)	YES 7(46)	YES 8(46)	YES 9(46)	NO 10(46)	NO	YES 12(46)	YES 13(46)	NO 14(46)	NO
WASHINGTON....	YES 1(47)	YES 2(47)	YES 3(47)	NO	YES 5(47)	YES 6(47)	YES 7(47)	YES 8(47)	YES 9(47)	YES 10(47)	NO	YES 12(47)	NO 13(47)	YES 14(47)	YES 15(47)
WEST VIRGINIA	YES 1(48)	NO	YES 3(a)	YES 4(48)	YES 5(48)	YES 6(48)	YES 7(48)	YES 8(48)	YES 9(48)	NO	NO	YES 12(48)	YES 13(48)	YES 14(48)	NO 15(48)
WISCONSIN.....	YES 1(49)	NO	YES 3(49)	YES 4(49)	YES 5(49)	YES 6(49)	YES 7(49)	YES 8(49)	NO	YES 10(49)	YES 11(49)	YES 12(49)	YES 13(49)	NO	NO 15(49)
WYOMING.....	YES 1(50)	YES 2(50)	YES 3(50)	NO	YES 5(50)	YES 6(50)	YES 7(50)	YES 8(50)	YES 9(50)	NO	NO 11(50)	YES 12(50)	NO	YES 14(50)	NO



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

21 - CONFERENCE COMMITTEES:

- (1) Presiding officer appoints 3 members in each house to committee, house of origin can veto. If no agreement same committee tries again. In actual practice, bill is dead after first attempt.
- (2) Rule 41 - Presiding officer of each house appoints three members.
- (3) Limited to points of disagreement only. Must be on members' desks 24 hours prior to voting.
- (4) J.R. Sec. 15 One body can request, other body shall comply.
- (5) J.R. 20 - three members from each house, with one who voted in minority. Can appoint three committees, with all new members.
- (7) Only one conference committee is appointed, votes yes or no, any action including amendments are by majority vote.
- (8) "We have no conference committees . . . this has not caused any major problems."
- (9) Report only on the differences between the two houses. No substance foreign to the bills before the conferees shall be included in the report. Seven day time limit. New conferees appointed. Must be read two days before vote. Only amendments can be recommended.
- (10) S.R. 161 - grants broad powers of conference.
- (11) Open to public. Reports must be on legislators' desks 24 hours prior to voting. Chairman of primary committee of referral is conference committee chairman; minority make-up in proportion. On Budget, Chairman of Finance and chairman of standing committees are involved. Authority of conference committee is limited solely to differences between House and Senate versions. Can not insert any new or unrelated material.
- (12) The chairman of appropriate standing committees will be among conferees. Amendments of disagreement are discussed. In practice, conference committees are used very infrequently, it is instead decided informally under a new bill.
- (13) Conference committee on appropriations: 1) report must sit on members desks 3 days before voting; 2) only subjects directly relating to differences referred to conference committee can be considered. Equal number of members from each house appointed to conference committee. Majority must agree on report. Time deadlines for final passage.
- (14) Report must be approved by minority and majority attorneys before vote. Report must be on legislators' desks 24 hours before voting. Unanimous consent of all conference committee members required. All amendments must be on legislators' desks 1 hour prior to voting.
- (15) Composed of 5 members, 1 majority, 2 minority.
- (16) Maximum of two conference committees appointed. If cannot agree, bill is dead. Can only consider "germane" matters. Members must have copy of conference committee report prior to voting. All meetings open to the public.
- (17) S.R. 43, H.R. 53 - The Committee on Committees shall select members for conference committees, three members from each house. Conference committee report shall limit itself to the matters in controversy. Second and subsequent conference committees may be appointed.
- (18) Appointees include: 1) Chairman of committee of referral; 2) Author of bill; 3) at large member. Changes must be explained to all members prior to floor vote.
- (19) J.R. 16 - appointed by President and Speaker, 3 members from each house. Committee has ten days to reach an agreement. Neither house has to accept.
- (20) Request for conference committee comes from house of origin. Three members to each committee, may be elected by ballot. S.R. 26, 59, 60, 61 H.R. 26, 59, 60, 61
- (21) Only matters of documented differences can be discussed. A second conference committee is permitted.
- (22) J.R. 8 - bill fails after two conference committees refuse to agree. J.R. 7 - confined to matters of difference only. Conference committee may recommend amendments if agreement reached affects other parts of bill.
- (23) S.R. 56 - Sponsors, those in favor of bill and standing committee members given priority (whenever practical). A subcommittee of rules appoints conferees. Committee is composed of 1 or 3 members - in practice, at least one minority member serves on each committee.
- (24) If conference committee is deadlocked, conferees will report back to floor and new conference committee is appointed. Conference committee reports can be amended by concurrent resolution.
- (25) J.R. 21 - composed of 3 members from each house, majority of each must sign.
- (26) Open to the public. Report must be on legislators' desks 24 hours prior to voting - exception to the final legislative day.
- (27) There are no conference committees since Nebraska has a unicameral system.
- (28) Two conference committees are the maximum number allowed - they have power to rewrite the bill.
- (29) H.R. 41 - non-germane amendment not allowed - defined as any subject matter not contained in either House or Senate bill. S.R. 43 - 24 hours required before action can be taken. J.R. 8 - bill fails if no agreement. Majority/minority representation as equal as possible. Unanimous vote of conferees required.
- (30) Conference (Reference Committees) rules have a variety of provisions for different situations occurring with different bills. Amendments are used to add information to make bills identical.
- (31) J.R. 3-1 - three members from each house appointed by presiding officers to attempt to agree upon amendments in dispute. In practice, conferees include: chairman of major committees involved and member of minority. If no agreement, the conference committee reports back. If neither house then reappoints conferees, bill is dead.
- (32) J.R. V, Sec. 1 - May be called by Speaker, President or by resolution. Members must include sponsor(s) of bill, committee chairman or designee, no limit to how many conference committees.

22 - CONFERENCE COMMITTEES (CONTINUED):

- (33) Only such matters as are in difference between the houses shall be considered and the conference report shall deal only with such matters. If conferees fail to agree, new conference committee can be appointed. Report must be on members' desks 24 hours prior to vote upon floor.
- (34) J.R. 6 - composed of five members from each house. Open to the public. Must confine recommendations to the stated differences between versions.
- (35) Three members appointed from each house by presiding officer. In practice, conferees include: 1) sponsor of bill; 2) chairman of committee of referral; 3) minority member. Several succeeding conference committees may be appointed, if no agreement - although this is rarely needed.
- (36) Only matters of disagreement between the 2 houses or matters germane to the bill. Sponsor of bill requests conference committee or accepts other house's amendment. Report must be on legislators' desks prior to consideration. If no agreement after one conference committee, bill is dead.
- (37) Amendment within scope of the houses. Another conference committee can be appointed in lack of agreement.
- (38) H.R. 40, S.R. 211 - Both rules state the conference committees are confined to considering only the differences between versions.
- (40) J.R. 4 - House proposing an amendment which is opposed by other house requests committee of conference be appointed and names its conferees. If conference committee fails to agree on any plan of settlement or if report is not concurred in by both houses it is lost. Conference committee can not insert any new matter nor can they add or delete any matter agreed upon by both houses.
- (41) Any member can have modification or amendments divided and the question of concurrence taken separately. Appointed by presiding officers of each house with members being "...representative of the decision..." under consideration."
- (42) In Senate, report must be on legislators' desks 24 hours prior to voting, except for last 2 days of session.
- (43) Authorized by each house and appointed by presiding officers. If conferees should go outside scope of conference committee, houses must pass concurrent resolution on each amendment.
- (44) J.R. 26 - New conference committee may be appointed unless either house votes to refuse further conference.
- (45) If first conference committee does not agree, second conference committee is formed. Bill is dead after second conference committee without both houses' concurrence.
- (48) Conference committee confined to matters under controversy. Chairman of Committee of Referral selects conferees, sponsor of bill is first choice. Two conference committees allowed - no powers of free conference, very specific. To pass, bill from conference committee must receive same recorded vote as required to pass bill.
- (47) J.R. 5 - House refusing to agree requests conference committee with concurrence of other house. S.R. 2 - President appoints members from Senate.
- (48) J.R. 3 - five members on committee. Only report subject matter of the amendment. If committee can not agree bill is dead. All meetings open to public.
- (49) J.R. 3 - three members from each house. Second conference committee can be formed if first committee can not reach agreement.
- (50) J.R. 2-1, 2-2, 2-3

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HJR

14

LARRY HAYDEN  
3604 East 18th Avenue  
ANCHORAGE, ALASKA 99504

March 25, 1982

House Judiciary Committee  
Ramona Barnes  
Charles Anderson  
Thelma Buchholdt  
Oral Freeman  
Russ Meekins, Jr.  
Randy Phillips  
Pat O'Connell

Pouch V  
Juneau, Alaska 99811

I urge you to vote a "DO PASS" on HJR 14, the Liberty Amendment Resolution.

Doing so will let the federal government and the other states know that Alaska is aware of the problems of bloated budgets and the resulting inflation.

There must be a starting point to pull in the reins on the federal government by reducing the money they have to spend. Let's have Alaska join the other nine states that have sent this message to Congress.

Best regards,

*Larry*

*TO: Rep. Randolph*

---

# PETITION

To: All members of  
U.S. CONGRESS and  
STATE LEGISLATURES:



WE, THE UNDERSIGNED SOVEREIGN CITIZENS, agree with millions of our fellow Americans that federal taxes are too high and must be reduced; excessive federal spending must be brought under control; America's greatness is due to rigid constitutional law that provides freedom from arbitrary governmental interference; and violation of that principle has resulted in thousands of federal corporate activities now competing with private enterprise of the American people. Such activities are costing billions of tax dollars.

Expensive giveaway programs, foreign and domestic, are wasting our substance and creating new problems without solving the old ones;

Our nation has prospered through individual initiative and work, not through bureaucratic red tape;

The federal government has empowered itself far beyond the limits set up in the U.S. Constitution;

In response to this outrage and in grave concern for our country, WE THEREFORE PETITION YOU to give full support to the proposed HOUSE JOINT RESOLUTION 23, popularly known as the "LIBERTY AMENDMENT," which has already been approved by the LEGISLATURES OF

WYOMING TEXAS, NEVADA, LOUISIANA, GEORGIA, SOUTH CAROLINA, MISSISSIPPI, ARIZONA, and INDIANA, and which provides that:

"Sec. 1. The Government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution.

"Sec. 2. The constitution or laws of any State, or the laws of the United States shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.

"Sec. 3. The activities of the United States Government which violate the intent and purposes of this amendment shall, within a period of three years from the date of the ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.

"Sec. 4. Three years after the ratification of this amendment the sixteenth article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates, and/or gifts."

(Please sign name legibly and print address.)

Name	Address	City	State	Zip	Date
1. Jeff & Amy	SR2 Box 7350	Chugiak	AK	99507	3/2/82
2. Sheryl S. Fuch	2221 Muldoon Rd	406 Anchorage	AK	99504	3/1/82
3. Patricia A. Hugg	SR2 Box 7350	Chugiak	AK	99507	5/13/82
4. Stella Gordon	Anchorage, Alaska		AK	99501	1280 E 17 <sup>th</sup>
5. Sheryl S. Fuch	Anchorage	AK	AK	99504	2221 Muldoon Rd
6. Ethel Fuch	2221 Muldoon Rd #40	Anchorage	AK	99504	3/24/82
7. Judy F. Hermann	Box 233	Gakona	AK	99586	3/24/82
8.					
9.					
10.					
11.					
12.					
13.					

PLEASE PRINT AND CIRCULATE COPIES OF THIS PETITION.

Date received at national office of YES ON 23.

IMPORTANT: Please return completed petitions promptly to: YES on 23, P.O. Box 2386, El Cajon, CA 92021. For additional copies of this petition, please send donation of \$1 for 8 copies, \$2 for 18 copies, \$9 for 100 copies.

## ORDER AND CONTRIBUTION FORM

To: YES ON 23, Box 2386, El Cajon, CA 92021

Please send the following materials to me:

1. Copies of this newspaper. I am donating:  \$1 for 4 copies;

Amount

8. CONSTITUTION COURSE, 10 lesson complete text in accompanying manual. Individual study.  \$78.95.....

**\*\*PLEASE NOTE\*\***

THE ORIGINAL FILE CONTAINS AN OVERSIZED DOCUMENT THAT  
IS UNSUITABLE FOR FILMING. PLEASE REFER TO THE ALASKA  
STATE ARCHIVES TO VIEW THE ORIGINAL.



**WILLIS E. STONE**

10001 East Bay Harbor Drive  
Miami Beach, Florida 33154

February 10, 1982

*get Stone  
VI A telegram  
on our schedule  
Hearing  
For 11/22*

Dear Rep. Metcalfe:

You are, I know, involved in a busy and troublesome session in which federal taxing and spending, and federal encroachments upon Alaskan sovereignty may be the most difficult.

The LIBERTY AMENDMENT pending before you as House Joint Resolution #14 was designed to resolve most such questions by simply restoring our Constitution to full force and effect again. A copy of its text is enclosed - and on the reverse side is a chart showing the frightening progress of events that can lead to our destruction if we fail to apply the brakes and get back to basic Constitutional Principles.

Your H.J.Res. #14 is a petition to the Congress to send this proposed Amendment (pending in Congress as H.J.Res. 23) to the people and the States for THEIR decision, as the Constitution provides.

Nine States - Wyoming, Texas, Nevada, Louisiana, Georgia, So. Carolina, Mississippi, Arizona and Indiana - have already approved this "Resolution" and it is now pending in a good number of other States.

The proposal is gaining tremendous public support. Over 8000 organizations have adopted Resolutions of support for it, and some three million Americans have thus far signed the "YES ON 23" Petition." It just might become the cardinal issue in the 1982 campaigns.

You will soon have hearings on your H. J. Res. #14 and I hope you will have the opportunity of meeting our National Chairman, Mr. Armin Moths, a truly great American and remarkably well informed. If there is any way in which I may be of service to you, please let me hear. With every good wish, I am

Sincerely



Willis E. Stone  
Founder/Chairman Emeritus  
Liberty Amendment Committee/USA

REC'D FEB 19 1982

A JOINT (OR CONCURRENT) RESOLUTION

Be It Resolved by the House of Representatives (or the Senate) of the State of -----, the Senate (or House of Representatives) concurring, that we respectfully request the Congress of the United States to propose to the people an amendment to the Constitution of the United States, as provided by Article V of the Constitution, an article providing as follows:

"ARTICLE \_\_\_\_\_

"Section 1. The Government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution.

"Section 2. The Constitution or laws of any State, or the laws of the United States shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.

"Section 3. The activities of the United States Government which violate the intent and purposes of this amendment shall, within a period of three (3) years from the date of ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.

"Section 4. Three (3) years after the ratification of this amendment, the sixteenth Article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates, and/or gifts."

Be It Further Resolved that a certified copy of this Resolution be forwarded by the Secretary of State to the President of the United States Senate, the Speaker of the House of Representatives, and to each member of Congress from the State of \_\_\_\_\_.

\_\_\_\_\_  
Speaker of the House of Representatives

\_\_\_\_\_  
Lieutenant Governor and President of the Senate

State  
Seal

IS GRAPHIC PROOF of the very urgent necessity to get our Constitution ON THE JOB to save our country, our economy, our dollars and our liberties - as the LIBERTY AMENDMENT provides. Here, in four columns of governments own statistics, is shown the enormity of the political plundering and destruction by those we have trusted with power through these last forty years, showing the status in each presidential election year from 1940 to 1980 of the CONSUMER INDEX, and the related PURCHASING POWER OF THE DOLLAR that we call INFLATION, plus the crazy spiral of INDIVIDUAL INCOME TAXES that is bleeding us white, and the fantastic growth of the GROSS FEDERAL DEBT that has been piled on top of taxes to pay for the insane thrust for political power imposed upon us in criminal violation of our CONSTITUTIONAL LAW.

Election Year of	Consumer Index	Buying Power of 1940 Dollar	Individual Income Tax Collections	Gross Federal Debt
1940	40.5	100 Percent	\$ 1.110 billion	\$50.7 billion
1944	53.6	76 "	20.179 "	204.1 "
1948	82.8	49 "	19,310 "	252.0 "
1952	88.6	46 "	27.310 "	259.1 "
1956	90.7	45 "	32.188 "	272.8 "
1960	94.9	43 "	40.741 "	290.9 "
1964	94.7	43 "	48.697 "	316.8 "
1968	102.5	40 "	68.720 "	369.8 "
1972	119.1	34 "	94.700 "	437.3 "
1976	183.0	22 "	131.600 "	631.9 "
1980	258.6 est.	16 "	238.700 " est.	892.8 " est.

How much can we stand - and how far will this go - before we stop it with the LIBERTY AMENDMENT pending in Congress as H.J.Res. 23?

## THE LIBERTY AMENDMENT!

There are many who, upon first acquaintance with the LIBERTY AMENDMENT, object to it contending that "the government needs the money." They very possibly feel that without that stipend taken right off the top of their pay check by the IRS, the government would surely go broke! But the government is already broke - even worse off than plain broke because all the fantastic taxes we manage to send to Washington is far too little to pay for all the corrupt and extravagant spending by those in government. That explains the half trillion dollar jump in the federal debt during this last decade!

SPENDING - unrestrained federal spending, on things in which the federal government has no legitimate interest, is the thing that has created our problems. There can be no solution to the tax or inflation problems until we control that spending, and again confine it to legitimate purposes.

That is exactly what the LIBERTY AMENDMENT IS DESIGNED TO DO - not by arbitrary slashes here and there, but by restoring our original Constitution to force and effect as the law of the land. That would eliminate thousands of the activities those in government have taken over and invaded in violation of our Constitution. Only then can we hope to cut taxes. Eliminating the costs of these illicit activities is the first purpose of the amendment. Here is how it all developed.

In 1944 Mr. Sewell Avery of Montgomery Ward Company was removed from his office by soldiers recruited to fight Axis tyranny abroad. U.S. Attorney General Biddle justified that act, saying: "The Government can do anything not specifically prohibited by the Constitution." This is exactly the opposite to the limited powers concept of the Constitution!

Many opposed Mr. Biddle's statement. A few tried to find an answer. Top Constitutional authorities were recruited to help. It was nine years before the language of the first three sections of the LIBERTY AMENDMENT were agreed upon, and Illinois approved in 1953 as follows:

1. "The Government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution.
2. "The Constitution or laws of any State, or the laws of the United States shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.
3. "The activities of the United States Government which violate the intent and purposes of this amendment shall, within a period of three years from the date of ratification of this amendment, be liquidated and the properties and facilities affected shall be sold."

All that deals with restoring the basic functions of government, divesting government of activities where it has no Constitutional authority for being, protecting the rights, powers and properties of the people, and protecting the country, the states and the people therein from such treaty laws as may abrogate our Constitution, and provide ample time for whatever period of transition that may be required.

This would restore economic liberty to the American people. In the studies that lead up to these three sections it became clear that the cut in the costs of government that would result might be gigantic! Recognizing that every dollar cut in the costs of government would reduce the tax requirement by a dollar, we were anxious to find out how great the cut in costs might be - and how it would affect the tax bite upon the people. So, rather than settling for what we had, the studies of governmental finances were greatly intensified.

Federal Budgets, Statistical Abstracts. Government Organization Manuals, the Hoover Reports, Treasury Reports and a wide variety of other official documents were studied, indexed, cross indexed and analyzed. The results were amazing - so much so that many could not believe it! It was discovered that by moving Government OUT of the areas in which it had no constitutional authority for being, the costs of government COULD BE CUT MORE THAN IN HALF! Unbelievable? Another research team, using entirely different techniques, made an entirely new study to discover where we had made errors, and what the truth might be. They came up with the same results!

From there on it was simple arithmetic. As the cuts in the costs of the federal government, with the Constitution restored under the terms of the LIBERTY AMENDMENT, FAR EXCEEDING THE TOTAL AMOUNT OF INDIVIDUAL INCOME TAXES COLLECTED, it follows that, with the LIBERTY AMENDMENT in force, the 16th Article of Amendments to the Constitution (the income tax) could be repealed. And as the individual citizens should themselves be the first beneficiaries - the fourth section was added:

4. "Three years after the ratification of this amendment, the sixteenth Article of Amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates, and/or gifts."

There is the background of all four sections of the LIBERTY AMENDMENT showing how each part was so carefully constructed and documented.

It is now pending in Congress as House Joint Resolution 23, introduced by Democrats and Republicans alike. It has been formally approved by the Legislatures of nine States - Wyoming, Texas, Nevada, Louisiana, Georgia, South Carolina, Mississippi, Arizona and Indiana. Several thousand organizations have adopted resolutions of support for it, and now people everywhere are signing the YES ON 23 Petitions in support of it.

BUT - to become a reality, and solve the dilemma of both the federal government and ourselves that evolves from the multitude of violations of our Constitution, it very much needs your help.

Sincerely



Willis E. Stone  
Founder/Chairman Emeritus  
Liberty Amendment Committee/USA

10001 E. Bay Harbor Dr.  
Miami Beach, Fla. 33154

Liberty Amendment  
P.O. Box 20888  
El Cajon, CA 92021

REC'D FEB 1 9 1982



This classic treatise on public spending is from the Foundation for Economic Education, reprinted from Life Lines

## Not Yours To Give

One day in the House of Representatives, a bill was taken up appropriating money for the benefit of a widow of a distinguished naval officer. Several beautiful speeches had been made in its support. The Speaker was just about to put the question when Crockett arose:

"Mr. Speaker — I have as much respect for the memory of the deceased, and as much sympathy for the sufferings of the living, if suffering there be, as any man in this House, but we must not permit our respect for the dead or our sympathy for a part of the living to lead us into an act of injustice to the balance of the living. I will not go into an argument to prove that Congress has no power to appropriate this money as an act of charity. Every member upon this floor knows it. We have the right, as individuals, to give away as much of our own money as we please in charity; but as members of Congress we have no right so to appropriate a dollar of the public money. Some eloquent appeals have been made to us upon the ground that it is a debt due the deceased. Mr. Speaker, the deceased lived long after the close of the war; he was in office to the day of his death, and I have never heard the government was in arrears to him.

"Every man in this House knows it is not a debt. We cannot, without the grossest corruption, appropriate this money as the payment of a debt. We have not the semblance of authority to appropriate it as a charity. Mr. Speaker, I have said we have the right to give as much money of our own as we please. I am the poorest man on this floor. I cannot vote for this bill, but I will give one week's pay to the object, and if every member of Congress will do the same, it will amount to more than the bill asks."

He took his seat. Nobody replied. The bill . . . instead of passing unanimously, as was generally supposed. . . received but few votes, and, of course, was lost.

Later, when asked by a friend why he had opposed the appropriation, Crockett gave this explanation:

"Several years ago I was one evening standing on the steps of the Capitol with some other members of Congress, when our attention was attracted by a great light over in Georgetown. It was evidently a large fire. We jumped into a hack and drove over as fast as we could. In spite of all that could be done, many houses were burned and many families made houseless, and besides, some of them had lost all but the clothes they had on. The weather was very cold, and when I saw so many women and children suffering, I felt that something ought to be done for them. The next morning a bill was introduced appropriating \$20,000 for their relief. We put aside all other business and rushed it through as soon as it could be done.

"The next summer, when it began to be time to think about the election, I concluded I would take a scout around among the boys of my district. I had no opposition there, but, as the election was some time off, I did not know what might turn up. When riding one day in a part of my district in which I was more of a stranger than any other, I saw a man in a field plowing and coming toward the road. I gauged by my gait so that we should meet as he came to the fence. As he came up, I spoke to the man. He replied politely, but, as I thought, rather coldly.

"I began: 'Well, friend, I am one of those unfortunate beings called candidates, and—'

"Yes, I know you; you are Colonel Crockett. I have seen you once before, and voted for you the last time you were elected. I suppose you are out electioneering now, but you had better not waste your time or mine. I shall not vote for you again."

"This was a sockdolager . . . I begged him to tell me what was the matter.

"Well, Colonel, it is hardly worthwhile to waste time and words upon it. I do not see how it can be mended, but you gave your vote last winter which shows that either you have no capacity to understand the Constitution, or that you are wanting in the honesty and firmness to be guided by it. In either case you are not the man to represent me. But I beg your pardon for pressing it in that way. I did not intend to avail myself of the privilege of the constituent to speak plainly to a candidate for the purpose of insulting or wounding you. I intend by it only to show that your understanding of the Constitution is very different from mine; and I will say to you what, but for my rudeness, I should not have said, that I believe you to be honest. . . . But if your understanding of the Constitution is different from mine I cannot overlook, because the Constitution, to be worth anything, must be held sacred, and rigidly observed in all its provisions. The man who wields power and misinterprets it is the more dangerous the more honest he is."

"I admit the truth of all you say, but there must be some mistake about it, for I do not remember that I gave any vote last winter upon any constitutional question."

"No, Colonel, there's no mistake. Though I live here in the backwoods and seldom go from home, I take the papers from Washington and read very carefully all the proceedings of Congress. My papers say that last winter you voted for a bill to appropriate \$20,000 to some sufferers by a fire in Georgetown. Is that true?"

"Well, my friend, I may as well own up. You have got me there. But certainly nobody will complain that a great and wealthy country like ours should give the insignificant sum of \$20,000 to relieve its suffering women and children, particularly with a overflowing Treasury, and I am sure, if you had been there, you would have done just as I did."

"It is not the amount, Colonel, that I complain of: it is the principle. In the first place, the government ought to have in its Treasury no more than enough for its legitimate purposes. That has nothing to do with the question. The power of collecting and disbursing money at pleasure is the most dangerous power that can be intrusted to man, particularly under our system of collecting revenue by tariff, which reaches every man in the country, no matter how poor he may be, and the poorer he is, the more he pays in proportion to his means. What is worse, it is levied upon him without his knowledge of where the weight cent falls for there is not a man in the United States who can ever get a notion of how much he pays to the government. So you see, that when you are contributing to relieve one, you are drawing it from thousands who are even worse off than he. If you had the right to give anything, the amount was simply a matter of discretion with you, and you had as much right to give \$20,000,000 as you had to give \$20,000. If you have the right to give to one, you have the right to give to all; and, as the Constitution neither defines charity nor stipulates the amount, you are at liberty to give to any and every thing which you may believe, or profess to believe, is a charity, and to any amount you may think proper. You will very easily perceive what a wide door you would open for fraud and corruption and favoritism, on the one hand, and for robbing the people on the other. No, Colonel, Congress has no right to give charity. Individual members may give as much of their own money as they please, but they have no right to touch a dollar of the public money for that purpose. If twice as many houses had been burned in this county as Georgetown, neither you nor any other member of Congress would have thought of appropriating a dollar

contributing each one week's pay, it would have made over \$13,000. There are plenty of wealthy men in and around Washington who could have given \$20,000 without depriving themselves of even a luxury of life. The congressmen chose to keep their own money, which, if reports are true, some of them spend not very creditably, and the people about Washington, no doubt, applauded you for relieving them from the necessity of giving by giving what was not yours to give. The people have delegated to Congress, by the Constitution, the power to do certain things. To do these, it is authorized to collect and pay money, and for nothing else. Everything beyond this is usurpation, and a violation of the Constitution.

"So you see, Colonel, you have violated the Constitution in what I consider a vital point. It is a precedent fraught with danger to the country, for when Congress once begins to stretch its power beyond the limits of the Constitution, there is no limit to it, and no security for the people. I have no doubt you acted honestly, but that does not make it any better, except as far as you are personally concerned, and you see that I cannot vote for you."

"I tell you I felt streaked. I saw if I should have opposition, and this man should go to talking, he would set others to talking, and in that district I was gone fawn-skin. I could not answer him, and the fact is, I was so fully convinced he was right, I did not want to. But I must satisfy him, and I said to him:

"Well, my friend, you hit the nail upon the head when you said I had not sense enough to understand the Constitution. I intended to be guided by it, and thought I had studied it fully. I have heard many speeches in Congress about the powers of Congress, but what you have said here at your plow has got more hard, sound sense in it than all the fine speeches I ever heard. If I had ever taken the view of it that you have I would have put my head into the fire before I would have given that vote; and if you will forgive me and vote for me again, if I ever vote for another unconstitutional law I wish I may be shot."

"He laughingly replied: 'Yes, Colonel, you have sworn to that once before, but I will trust you again upon one condition. You say that you are convinced that your vote was wrong. Your acknowledgment of it will do no more good than beating you for it. If, as you go around the district, you will tell people about this vote, and that you are satisfied it was wrong, I will not only vote for you, but will do what I can to keep down opposition, and, perhaps, I may exert some little influence in that way.'

"If I don't," said I, "I wish I may be shot; and to convince you that I am in earnest in what I say I will come back this way in a week or ten days, and if you will get up a gathering of the people, I will make a speech to them. Get up a barbecue, and I will pay for it."

"No, Colonel, we are not rich people in this section, but we have plenty of provisions to contribute for a barbecue, and some to spare for those who have none. The push of crops will be over in a few days, and we can then afford a day for a barbecue. This is Thursday; I will see to getting it up on Saturday week. Come to my house on Friday, and we will go together, and I promise you a very respectable crowd to see and hear you."

"Well, I will be here. But one thing more before I say good-bye. I must know your name."

"My name is Bunce."

"Not Horatio Bunce?"

"Yes."

"Well, Mr. Bunce, I never saw you before, though you say you have seen me, but I know you very well. I am glad I have met you, and very proud that I may hope to have you for my friend."

"It was one of the luckiest hits of my life that I met him. He mingled but little with the public, but was widely known for his remarkable intelligence and incorruptible integrity, and for a heart brimful and running over with kindness and benevolence, which showed themselves not only in words but in acts. He was the oracle of the whole country around him, and his fame had extended far beyond the circle of his immediate acquaintance. Though I had never met him before, I had heard much of him, and but for this meeting, it is very likely I should have had oppos-

now standing up in that subject under such a vote.

"At the appointed time I was at his house, having to conversation to every crowd I had met, and to every man I saw all night with, and I found that it gave the people an interest and confidence in me stronger than I had ever seen manifested by

"Though I was considerably fatigued when I reached his house, and, under ordinary circumstances, should have gone to bed, I kept him up until midnight, talking about the principles and affairs of government, and got more real, true knowledge of them than I had got all my life before."

"I have known and seen much of him since, for I respect — no, that is not the word — I reverence and love him more than any living man, and I go to see him two or three times every week, and I will tell you, sir, if every one who professes to be a Christian lived and acted and enjoyed it as he does, the religion of Christ would take the world by storm."

"But to return to my story. The next morning we went to the barbecue, and, to my surprise, found about a thousand people there. I met a good many whom I had not known before, and my friend introduced me around until I had got pretty well acquainted — at least, they all knew me."

"In due time notice was given that I would speak to the people. They gathered up around a stand that had been erected. I opened my speech by saying:

"Fellow-citizens — I present myself before you today in a new man. My eyes have lately been opened to the extent to which ignorance or prejudice, or both, had heretofore hindered you from my view. I feel that I can today offer you the ability to render you more valuable service than I have ever been able to render before. I am here today more for the purpose of acknowledging my error than to seek your votes. That I should make this acknowledgment is due to myself as well as to you. Whether you vote for me is a matter for your consideration only."

"I went on to tell them about the fire and my vote for appropriation and then told them why I was satisfied it was wrong. I closed by saying:

"And now, fellow-citizens, it remains only for me to tell you that the most of the speech you have listened to with much interest was simply a repetition of the arguments by which your neighbor, Mr. Bunce, convinced me of my error."

"It is the best speech I ever made in my life, but he is entitled to the credit for it. And now I hope he is satisfied with the result and that he will get up here and tell you so."

"He came up to the stand and said:

"Fellow-citizens — it affords me great pleasure to comply with the request of Colonel Crockett. I have always considered him a thoroughly honest man, and I am satisfied that he will faithfully perform all that he has promised you today."

"He went down, and there went up from that crowd such a shout for Davy Crockett as his name never called forth before."

"I am not much given to tears, but I was taken with a cold then and felt some big drops rolling down my cheeks. A man tell you now that the remembrance of those few words spoken by such a man, and the honest, hearty shout they produced in me, worth more to me than all the honors I have received and all the reputation I have ever made, or ever shall make, as a member of Congress."

"Now, sir," concluded Crockett, "you know why I was so taken with that speech yesterday."

"There is one thing now to which I will call your attention. You remember that I proposed to give a week's pay. There are in that House many very wealthy men — men who think nothing of spending a week's pay, or a dozen of them for a dinner or a party when they have something to accomplish by it. Some of these same men made beautiful speeches upon the great debt of gratitude which the country owed the deceased — a debt which could not be paid by money — and the insignificance and weakness of money, particularly so insignificant a sum of \$10,000, when weighed against the honor of the nation. Yet not one of them responded to my proposition. Money with them is not trash when it is to come out of the people. But it is the great thing for which most of them are striving, and many of them are willing to sacrifice honor, integrity and justice to obtain it."





Morgan  
© 1971 Chicago Sun-Times

"Sorry, lady. He's a licensed mugger."

A CONCURRENT RESOLUTION requesting the Congress to propose an amendment to the Constitution of the United States to abolish personal income, estate, and gift taxes and prohibit the United States Government from engaging in business in competition with its citizens.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA:

SECTION 1. The General Assembly of the State of Indiana requests the Congress of the United States to propose the following amendment to the Constitution of the United States:

"ARTICLE--

Section 1. The Government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution.

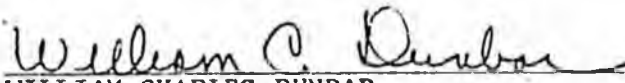
Section 2. The constitution or laws of any State or the laws of the United States shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.

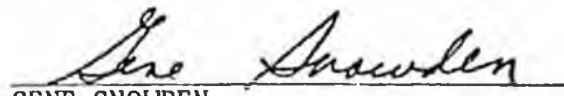
Section 3. The activities of the United States Government which violate the intent and purpose of this amendment shall, within a period of three years from the date of the ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.

Section 4. Three years after the ratification of this amendment the sixteenth article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates, or gifts."

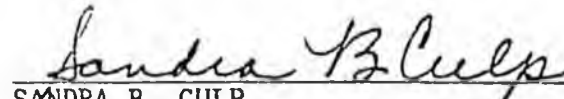
SECTION 2. The Secretary of the Senate is instructed to transmit a certified copy of this resolution to the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, the presiding officer of each chamber of each state legislature in the United States, and each member of the Indiana congressional delegation.

Adopted by voice vote this twenty-third day of April, 1981.

  
WILLIAM CHARLES DUNBAR  
State Senator

  
GENE SNOWDEN  
State Senator



  
SANDRA B. CULP  
Secretary of the Senate

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HJR 14  
 Title Urqing adoption of the "Liberty Amendment"  
 Requested by House Judiciary Date 3-22-82

II. FISCAL DETAIL

Agency Affected Department of Natural Resources  
 Program Category Affected NRMEC/Development  
 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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-				

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		-0-				
PART TIME		-0-				
TEMPORARY		-0-				

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

Although this Department receives Federal funding for various programs relating to forestry, geothermal development, geologic mapping, reclamation and water management, none of these would fall under the prohibition against "enterprise" activities described in Section One of the bill.

IV. DATE March 23, 1982 PREPARED BY Mark Wittow  
 AGENCY Dept of Natural Resources  
 Original: Legislative Finance PHONE 465-2400  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)

*Mark Wittow*

H J R

2 2

4

2 3

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD I AM RAMONA BARNES, STATE HOUSE OF REPRESENTATIVES, ANCHORAGE, DISTRICT 10.

AS YOU KNOW THIS RESOLUTION, HJR 22, IS NOT A NEW IDEA. SIMILAR LEGISLATION, HJR 6, WAS INTRODUCED LAST YEAR BY REPRESENTATIVE TERRY MARTIN, AND CO-SPONSORED BY MYSELF AND OTHER MEMBERS. IT HAS ALSO BEEN INTRODUCED IN THE OTHER HOUSE QUITE SOME YEARS AGO.

I BELIEVE THE REASONS FOR CHANGING THE PROCESS OF SELECTING THE ATTORNEY GENERAL ARE JUST AS VALID TODAY AS THEY WERE A YEAR OR TEN YEARS AGO. PERHAPS SOME ARE SATISFIED WITH THE GOVERNOR'S CHOICE FOR THAT OFFICE, BUT I THINK WE CAN AGREE THAT IF WE WERE NOT AND HAD GOOD CAUSE TO RECOMMEND HIS REMOVAL, IT WOULD RESULT IN A POWER STRUGGLE WITH THE ADMINISTRATION. THE RESULTS OF SUCH A STRUGGLE, NO MATTER WHAT THE OUTCOME, WOULD HAVE A NEGATIVE IMPACT ON OUR LABORS HERE IN THIS BODY.

I BELIEVE THAT THE ATTORNEY GENERAL SHOULD SERVE AS AN UNBIASED INTERPRETER OF THE LAW FOR THE CITIZENS OF THIS STATE, THEIR REPRESENTATIVES, AND OUR GOVERNOR. IT IS POSSIBLE, BUT HIGHLY IMPROBABLE, THAT THROUGH OUR PRESENT SYSTEM WE HAVE AN ATTORNEY GENERAL WHO ISN'T IN AGREEMENT

WITH THE POLITICAL PHILOSOPHIES OF THE PERSON WHO APPOINTED HIM. AND SINCE HE SERVES AT THE PLEASURE OF THAT PERSON, THERE IS FURTHER INCENTIVE FOR "POLITICAL LEANINGS" TOWARD ADMINISTRATIVE POLICY AND PHILOSOPHY.

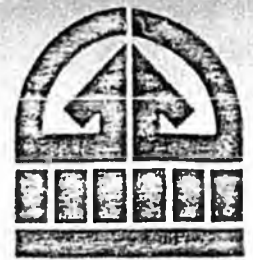
THIS IS NOT A TIME FOR POLITICS. I SINCERELY BELIEVE THAT WE, AS REPRESENTATIVES OF THE PEOPLE, HAVE TO ASK OURSELVES IF THEIR BEST INTERESTS ARE BEING SERVED BY THE PROCESS OF SELECTING OUR ATTORNEY GENERAL.

WHEN OUR CONSTITUTIONAL CONVENTION WAS IN PROGRESS AND THIS ISSUE WAS BEING ADDRESSED, THERE WERE THIRTY-EIGHT (38) STATES WHICH ELECTED ATTORNEY GENERALS. FOR THE RECORD, THERE ARE FORTY-FOUR (44) STATES THAT NOW USE THAT PROCESS. I USE THESE FIGURES TO DEMONSTRATE NOT A "TREND", BUT TO ALLEVIATE ANY DOUBT CONCERNING CITIZEN PREFERENCES OVER A GIVEN PERIOD OF TIME IN OTHER STATES.

LET ME SAY IN SUMMARY THAT I FEEL THAT THE ATTORNEY GENERAL SHOULD BE MOST ACCOUNTABLE TO THE PEOPLE OF THE STATE WHEN INTERPRETING THE LAW. WHILE HE IS NOT A JUDGE, HE DOES INTERPRET THE LAW WHICH GOVERNS PEOPLE, AND THAT CARRIES WITH IT A GREAT RESPONSIBILITY TO THE PEOPLE. SINCE WE ARE REPRESENTATIVES OF THOSE PEOPLE, OUR OBJECTIVE SHOULD BE TO ENSURE THAT THOSE LAWS ARE INTERPRETED BY SOMEONE OF THEIR CHOOSING.



# National Conference of State Legislatures



## AGENDA

ELECTION vs. APPOINTMENT OF THE ATTORNEY GENERAL  
ALASKA HOUSE JUDICIARY COMMITTEE  
April 15, 1981  
1:15-3:15 p.m. PST

- 1:15-1:25 p.m. Introduction and Welcome  
--Representative Fred Brown, Chairman, Alaska House Judiciary  
Committee  
--Andrea Wollock, NCSL, panel moderator
- 1:25-1:40 p.m. Conrad C.M. Arensberg, Special Deputy Attorney General,  
Pennsylvania (NOTE: The Pennsylvania Constitution was amended  
in 1978, providing for the election of the Attorney General.  
The present Attorney General was elected in November 1980.  
Both the Governor and Attorney General are Republicans.)
- 1:40-1:50 p.m. Questions and Answers for Mr. Arensberg
- 1:50-2:05 p.m. The Honorable J.D. MacFarlane, Attorney General, Colorado  
(NOTE: The Colorado Attorney General is elected. Both  
the Governor and the Attorney General are Democrats.)
- 2:05-2:15 p.m. Questions and Answers for Attorney General MacFarlane
- 2:15-2:30 p.m. Steven A. Merksamer, Special Assistant Attorney General, California  
(NOTE: The California Attorney General is elected. The  
Governor is a Democrat and the Attorney General is a Republican.)
- 2:30-2:40 p.m. Questions and Answers for Mr. Merksamer
- 2:40-3:15 p.m. General Questions and Answers and Discussion



R E S U M E

Richard Martland  
Assistant Attorney General  
State of California\*

Personal Data:

1955 - Graduate of Stanford University  
1961 - Graduate of U. C. Berkley (Boult Hall)

Work Experience:

Employed as head of the State Government Section, Civil Division, Attorney General's Office. 12 year employee.

- \* California's A.G. is presently involved in a lawsuit with the Governor of California over the powers of the A.G. Specifically, who does the A.G. represent; the Governor or the public.

# R E S U M E

J. D. MacFarlane

ATTORNEY GENERAL, STATE OF COLORADO

## Personal:

Residence: 2080 Bellaire, Denver, Colorado (303-377-0490)  
Business: 1525 Sherman, 3rd Floor, Denver, Colorado (303-866-3611)  
Date of Birth: October 4, 1933  
Birthplace: Pueblo, Colorado  
Married: December 28, 1962  
Wife: Janet Gertmenian (occupation: attorney and Ch. XIII  
Bankruptcy Trustee)  
Children: Jennifer, John Lewis, and Andrew Galt

## Education:

Pueblo Public Schools - graduated Centennial High, 1951  
Harvard College - A.B., 1955 - cum laude  
Field of concentration: American government  
Stanford Law School - LL.B., 1962  
Member, Board of Editors, Stanford Law Review, 1960-62,  
Managing Editor, 1961-62

## Experience:

Management Analyst, Air Staff, HQ U.S.A.F., Washington, D.C., 1955-57  
U.S. Army (drafted), 1957-59; served at Ft. Meade, Maryland and Hanau,  
Germany (air traffic controller)  
Deputy District Attorney, Pueblo, Colorado, 1962-64  
Private Law Practice, 1962-70; partner, McMartin & MacFarlane, 1965-68,  
all in Pueblo, Colorado  
State Representative, 1965-68, Pueblo, Colorado  
Member, Joint Budget Committee, 1965-68  
State Senator, 1969-70  
Chief Deputy State Public Defender for Colorado, 1971-74  
Colorado Attorney General, 1975-present

## Publications:

Shareholder Suits: Pecuniary Benefit Unnecessary for Counsel Fee Awards,  
13 Stan.L.Rev. 146 (1960);  
"Underwriter" Concept of Securities Act Extended to Pledgee, 13 Stan.  
L.Rev. 652 (1961)  
Timekeeping in the Public Law Office, Legal Economics (Mar.-Apr., 1980)  
State Government Law Offices, Working with Legal Assistants (proposed  
Volume II)

Associations:

American Bar Association  
Colorado Bar Association  
National Association of Attorneys General  
-- Immediate Past President  
Member, Administrative Conference of the United States

Activities:

High School -- Football, basketball, track, band, orchestra,  
National Honor Society, DeMolay, Key Club

College -- Track, Harvard University Band, Harvard-Radcliffe  
Orchestra, Harvard Club and University Scholarships

Law School -- Law Review; Resident Assistant, Law School Dorm;  
Assistant Librarian, Law School Library

Professional -- Denver Anti-Crime Council, 1973-74  
Colorado Commission on Criminal Justice  
Standards and Goals  
-- Co-chairman, Courts Task Force, 1975  
Chairman, Advisory Board, Colorado Law Enforcement  
Training Academy

LeROY S. ZIMMERMAN  
BIOGRAPHY

PERSONAL:

Born December 22, 1934, Harrisburg, Pennsylvania  
Married - Mary A. Jaymes  
Children -  
    Susan - 15 years  
    Mark - 14 years  
    Amy - 9 years

EDUCATION:

Legal - Dickinson School of Law  
Carlisle, Pennsylvania  
Juris Doctor Degree - June, 1959

Undergraduate - Villanova University  
Villanova, Pennsylvania  
Bachelor of Science Degree - June, 1956  
Major: Economics

MILITARY:

United States Air Force Reserves  
and Headquarters Staff, Pennsylvania  
Air National Guard - 1959-1965

Honorable Discharge with the rank  
of Airman Second Class

BAR ADMISSIONS:

Admitted Pennsylvania Supreme Court,  
November 14, 1960  
Admitted Pennsylvania Superior Court,  
November 14, 1960  
Admitted United States Supreme Court,  
March 1, 1966  
Admitted United States Court of Appeals  
for the Third Circuit, August 25, 1970  
Admitted United States District Court  
for the Middle District of Pennsylvania,  
1960  
Admitted United States District Court  
for the Eastern District of Pennsylvania,  
January 28, 1969

PROFESSIONAL  
POSITIONS HELD:

District Attorney of Dauphin County  
since appointment by the Dauphin County  
Court on April 20, 1965, to January 7, 1980

Assistant District Attorney of  
Dauphin County from May, 1963 to  
April 19, 1965

Managing Partner in the Harrisburg  
law firm of Hepford, Zimmerman &  
Swartz

PROFESSIONAL  
ASSOCIATIONS  
AND ACTIVITIES:

President - Pennsylvania District  
Attorneys' Association, 1970-1971

Member of the American, Pennsylvania,  
and Dauphin County Bar Associations

American Judicature Society

Pennsylvania Bar Association:

House of Delegates, 1973-1975;  
1979-1981

Member of the Judiciary Committee,  
1976 to present

Advisory Committee on Criminal  
Justice System, 1972 to present  
Vice-Chairman of the Bar, Bench,  
Press Committee, 1970

Court Rules and Regulations  
Committee, 1974 to present

Vice-Chairman of the Criminal  
Law Section, 1970-1978

Joint Council on Standards for  
Criminal Justice, 1970 to present

Judicial Retention Committee,  
1978-1979

Dauphin County Bar Association:

Chairman of the Dauphin County  
Young Lawyers, 1970

Faculty member, Pennsylvania College  
of the Judiciary, 1977

Pennsylvania Supreme Court Criminal  
Procedural Rules Committee, 1971  
to present

Judicial Planning Committee of the  
Pennsylvania Supreme Court, 1977  
to present

President, Central Pennsylvania  
Villanova University Club, 1979

Advisory Committee member to the  
Special Task Force on the Office  
of Elected Attorney General of  
Pennsylvania

Guest Lecturer:

Dickinson School of Law  
Villanova University School of Law  
Northwestern University School of Law  
Harrisburg Area Community College  
Pennsylvania State Police Academy  
District Justices

PUBLIC SERVICE  
AND COMMUNITY  
ACTIVITIES:

Central Pennsylvania Chapter March  
of Dimes, 1977 to present  
Member of the Board of Directors, Foreign  
Policy Association of Greater Harrisburg,  
1971  
Member, Board of Directors, Harrisburg  
Area Chapter of the American Red  
Cross, 1969-1971  
Chairman, Board of Directors, Harrisburg  
Area Chapter of the American Red  
Cross, 1971  
Member of the Advisory Committee of  
Harrisburg Area Community College,  
1977 to present  
Member of the Board of Directors of the  
Harrisburg Foundation  
Member of the Board of Managers,  
Harrisburg Hospital, 1971-1977  
Member of the Board of Directors,  
Harrisburg Police Athletic League,  
1962-1964  
Member of the Board of Directors,  
Harrisburg Area YMCA, 1968-1970  
Member of the Board of Managers,  
Harrisburg YMCA Central Branch,  
1977 to present  
Member, The Historical Society of  
Dauphin County  
Vice-President, Law Enforcement  
Education Foundation of Greater  
Harrisburg, 1970-1975  
Police Science and Administration  
Advisory Council, Harrisburg Area  
Community College, 1975-1976  
Member of the Regional Planning Council  
of the Pennsylvania Governor's Justice  
Commission, 1965-1976

Director, Safety Services Clinic,  
Harrisburg Area Chapter, American  
Red Cross, 1961-1969  
Advisory Board, Susquehanna Group Home,  
Inc., 1974-1977  
Member of the Board of Directors, Tri-  
County United Way, 1969-1971

SPECIAL AWARDS:

Accolade Award for "Outstanding Contributions  
to the Criminal Justice System of  
Pennsylvania" by the Pennsylvania Poly-  
graphers Examination Association, 1973  
"Boss of the Year Award" by the Keystone  
State Chapter of the American Business  
Women's Association, 1973  
"Outstanding Service Award" by the  
Dauphin County Young Democrats, 1973  
"Outstanding Leadership Award" by  
the Dauphin County Republicans,  
1964-1965  
Distinguished Service Award,  
Cosmopolitan Club, 1977  
Distinguished Service Award by  
the Crime Clinic of Greater  
Harrisburg, 1979  
Distinguished Service Award, Dauphin  
County Chiefs of Police Association,  
1977  
Distinguished Service Award, Junior  
Chamber of Commerce "Outstanding  
Young Man of 1963"  
"Mr. D.A." Award, Presented at Testimonial  
Dinner, December 5, 1979  
Pennsylvania Hall of Fame Award for  
"Outstanding Leadership" by the  
Young Republicans of Pennsylvania  
Pennsylvania Distinguished Law  
Enforcement Award by the Pennsylvania  
Deputy Sheriffs Association, 1979  
Public Service Award for Outstanding  
Leadership in the Field of Law  
Enforcement and Criminal Justice  
in Pennsylvania by the Pennsylvania  
County Detectives Association, 1974  
Red Cross Safety Service Award, 1970  
Special Award, Crime Clinic of Greater  
Harrisburg, 1972  
Special Award, F.B.I., 1977  
Special Award for "Dedicated Service  
to the Commonwealth and the Profession"  
by Justice Lodge, B'Nai B'Rith, 1978  
Special Recognition Award, River Rescue  
Inc., 1977  
YMCA Central Branch "Super Star Award", 1975



FRATERNAL  
ORGANIZATIONS:

Knights of Columbus, Harrisburg  
Council 869

Sons of Italy in America  
Capitol Lodge 272

PUBLICATIONS:

Annual Survey of Criminal Law for  
publication in the Pennsylvania  
Bar Association Quarterly, 1974-1980



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL  
HARRISBURG, PA. 17120

April 6, 1981

Ms. Andrea Wollock  
National Conference of State Legislatures  
1125 - 17th Street  
Suite 1500  
Denver, Colorado 80202

Dear Ms. Wollock;

Thank you very much for inviting this Commonwealth's participation in a panel discussion via telephone concerning the pros and cons of an elected Attorney General. I understand that the state of Alaska is contemplating changing its Constitution and that the House Judiciary Committee of the Alaska General Assembly wishes to hear the advice of other states.

I also understand that you have received copies of the final report of the Pennsylvania General Assembly concerning this Commonwealth's recent change to the elected Attorney General and copies of the implementing legislation which sets forth the powers and duties of the Attorney General. You may wish to send a copy of these materials to Alaska for their use.

I await your further advice as to the exact time and program of the panel discussion. Depending on the format, it may be possible for Attorney General LeRoy S. Zimmerman to make appropriate remarks. But, at any rate, I will make myself available for the entire discussion.

You indicated that you wished some background on Pennsylvania participants and to that end I enclose a full biography of Mr. Zimmerman with the further information that he is a Republican whose term began January 20, 1981, and he is, of course, the first elected Attorney General of this Commonwealth.

As to myself, I think it is sufficient by way of introduction to state briefly as follows:

Ms. Andrea Wollock  
National Conference of State Legislatures  
April 6, 1981  
Page Two

Educated - Harvard University  
(A.B. - 1965)

Dickinson School of Law  
(J.D. - 1971)

Deputy Attorney General, Department of Justice  
1973 - 1979

Private Practice, Harrisburg, Pennsylvania  
1979 - 1980

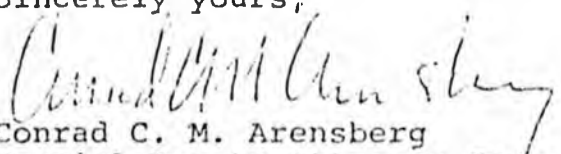
Special Deputy Attorney General  
Office of Attorney General  
1981 - Present

Commissioner, National Conference of Commissioners  
on Uniform State Laws  
1977 - 1979

American Law Institute  
Elected, 1979

If we may be of any assistance before the time of the panel  
discussion, please do not hesitate to call me at 717/783-3085.

Sincerely yours,

  
Conrad C. M. Arensberg  
Special Deputy Attorney General

CA/mm  
Enclosure



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y, State Capitol  
Juneau, Alaska 99811  
(907) 465-3991

March 27, 1981

MEMORANDUM

TO: Representative Fred Brown, Chairman  
House Judiciary Committee

ATTN: Pete Froehlich

FROM: Deb Pomeroy *DP*

RE: Election or Appointment of Attorneys General in Other States  
Research Request 81-91

You asked that we provide a breakdown of the 50 states showing which states elected their attorneys general, and which states appointed them.

According to the 1980-81 edition of Book of States (see attached table), 40 states have a constitutional provision requiring the public election of the attorney general. These states are listed below:

Alabama	Illinois	Missouri	Pennsylvania
Arizona	Iowa	Montana	Rhode Island
Arkansas	Kansas	Nebraska	South Carolina
California	Kentucky	Nevada	South Dakota
Colorado	Louisiana	New Mexico	Texas
Connecticut	Maryland	New York	Utah
Delaware	Massachusetts	North Carolina	Virginia
Florida	Michigan	North Dakota	Washington
Georgia	Minnesota	Ohio	West Virginia
Idaho	Mississippi	Oklahoma	Wisconsin

Three states, Indiana, Oregon and Vermont, have a statutory requirement that the attorney general be elected by the public.

Of the states that have appointed attorneys general, Hawaii, Wyoming and New Jersey require Senate approval of the Governor's appointment; New Hampshire requires Council approval; and, Alaska requires approval by both the House of Representatives and Senate.

Representative Fred Brown  
March 27, 1981  
Page 2

The remaining two states have a different requirement than public election or appointment by the Governor: Maine has a constitutional provision that the attorney general be elected by the legislature; and Tennessee requires, by statute, that the attorney general be elected by the state Supreme Court.

dp

Attachment

Table 18  
STATE ADMINISTRATIVE OFFICIALS: METHODS OF SELECTION\*

State or other jurisdiction	Governor	Lieutenant Governor	Secretary of state	Attorney General	Treasurer	Adjutant general	Administration	Agriculture	Banking	Budget	Civil rights	Commerce	Community affairs	Consumer affairs	Corrections	Data processing
Alabama	CE	CE	CE	CE	CE	G	...	CE	G	CS	...	...	...	(a-1)	B	CS
Alaska	CE	CE	(a-3)	GB	G	GS	A	A	A	A	G	GB	B	A	A	A
Arizona	CE	...	CE	CE	CE	G	GS	B	GS	L	A	G	...	A	GS	AG
Arkansas	CE	CE	CE	CE	CE	G	(b)	(a-9)	AG	AG	G	GS	G	(a-1)	GS	GS
California	CE	CE	CE	CE	CE	G	GS	G	GS	GS	...	G	GS	G	GS	G
Colorado	CE	CE	CE	CE	CE	G	GS	GS	A	(a-6)	A	A	...	(a-1)	GS	(a-7)
Connecticut	CE	CE	CE	CE	CE	G	GE	GE	GB	A	B	GE	(a-9)	GE	GE	A
Delaware	CE	CE	GS	CE	CE	GS	AG	GS	GS	GS	GS	AG	GS	AG	GS	A
Florida	CE	CE	CE	CE	CE	G	GS	CE	CE	A	...	GS	GS	GC	GS	A
Georgia	CE	CE	CE	CE	...	G	GS	CE	GS	G	...	B	G	B	B	(a-7)
Hawaii	CE	CE	(a-3)	GS	...	GS	...	GS	(g)	GS	...	(a-6)	...	GS	(a-2)	CS
Idaho	CE	CE	CE	CE	CE	G	GS	GS	GS	G	B	G	(a-16)	(a-1)	B	(a-22)
Illinois	CE	CE	CE	CE	CE	G	GS	GS	(b)	G	(a-1)	GS	GS	(a-1)	GS	(a-7)
Indiana	CE	CE	CE	SE	CE	G	G	(a-3)	G	G	(a-1)	GS	(a-3)	...	G	A
Iowa	CE	CE	CE	CE	CE	GS	...	SE	GS	CS	GS	GS	(a-6)	(a-1)	GB	CS
Kansas	CE	CE	CE	CE	SE	GS	GS	B	GS	CS	B	GS	...	A	GS	A
Kentucky	CE	CE	CE	CE	CE	G	G	CE	G	AG	B	G	G	A	AG	AG
Louisiana	CE	CE	CE	CE	CE	GS	G	CE	GS	CS	...	GS	GS	GS	GS	A
Maine	CE	...	CL	CL	CL	G	GLS	GLS	ALS	AG	B	(a-23)	G	ALS	AG	CS
Maryland	CE	CE	GS	CE	CL	GS	...	GS	AGS	GS	G	A	AG	A	AGS	...
Massachusetts	CE	CE	CE	CE	CE	G	G	G	G	AG	A	A	G	G	G	A
Michigan	CE	CE	CE	CE	GS	GS	GS	B	GS	CS	B	GS	...	A	B	CS
Minnesota	CE	CE	CE	CE	CE	G	GS	GS	BS	GS	GS	(n)	GS	GS	GS	A
Mississippi	CE	CE	CE	CE	CE	G	...	SE	G	B	...	B	(a-24)	B	A	B
Missouri	CE	CE	CE	CE	CE	GS	GS	GS	AS	A	B	B	(a-9)	(b)	A	A
Montana	CE	CE	CE	CE	A	G	GS	GS	G	G	G	G	GS	G	A	A
Nebraska	CE	CE	CE	CE	CE	G	GS	GS	GS	A	R	GS	G	A	GS	A
Nevada	CE	CE	CE	CE	CE	G	G	B	A	(a-7)	G	G	G(c)	A	B	A
New Hampshire	CE	...	CL	GC	CL	GC	GC	GC	GC	(a-7)	B	GDC	GOC	(a-1)	GOC	B
New Jersey	CE	...	GS	GS	GS	GS	...	BG	GS	GS	A	A	GS	GS	GS	A
New Mexico	CE	CE	CE	CE	CE	GS	GS	(b)	GS	G	G	GS	AG	(a-1)	A	(b)
New York	CE	CE	GS	CE	(f)	G	...	GS	G	GS	G	GS	GS	GS	GS	GS
North Carolina	CE	CE	CE	CE	CE	G	G	CE	BC	AG	G	G	A	A	G	AG
North Dakota	CE	CE	CE	CE	CE	G	(b)	CE	GS	A	...	G	A	A	GS	A
Ohio	CE	CE	CE	CE	CE	G	GS	GS	A	GS	GS	GS	GS	A	GS	A
Oklahoma	CE	CE	GS	CE	CE	GS	...	GS	GS	G	B	G	G	B	B	A
Oregon	CE	...	CE	SE	CE	G	GS	GS	AG	A	CS	GS	A	A	AG	A
Pennsylvania	CE	CE	GS	CE	CE	GS	G	GS	GS	G	GS	GS	GS	A	A	G
Rhode Island	CE	CE	CE	CE	CE	G	GS	CS	G	CS	B	GS	GS	BS	G	A
South Carolina	CE	CE	CE	CE	CE	CE	(a-16)	SE	B	B	B	GS	A	B	B	B
South Dakota	CE	CE	CE	CE	CE	GS	A	G	GS	G	GS	GS	CS	(a-1)	AG	A
Tennessee	CE	(o)	CL	SC	CL	G	G	G	G	A	B	G	(a-9)	A	G	A
Texas	CE	CE	GS	CE	CE	GS	...	SE	B	C	...	G	GS	A	B	A
Utah	CE	SH(h)	CE(k)	CE	CE	G	...	GS	GS	G	...	GS	...	A	HA	GS
Vermont	CE	CE	CE	SE	CE	SL	GS	GS	GS	GS	(a-1)	A	GS	(a-1)	GS	CS
Virginia	CE	CE	GB	CE	GB	GB	GB	B	A	GB	...	GB	A	(a-24)	GH	GH
Washington	CE	CE	CE	CE	CE	G	GS	GS	A	GS	B	GS	(a-6)	(a-1)	A	B
West Virginia	CE	...	CE	CE	CE	GS	GS	CE	GS	A	GS	GS	A	(a-1)	GS	A
Wisconsin	CE	CE	CE	CE	CE	G	GS	B	GS	CS	A	(d)	GS	(b)	A	CS
Wyoming	CE	...	CE	GS	CE	G	G	B	G	G	...	...	A	A	BG	A
Wyom.	CE	CE	...	GS	A	...	GS	GS	A	GS	...	GS	G	A	GS	G
Puerto Rico	CE	...	GB	GS	GS	GS	...	GS	(a-17)	G	G	G	A	GS	GS	...

\*For information for the officials listed in this table can be found in Table 17

- CE - Constitutional, elected
  - CS - Constitutional, elected by legislature
  - ST - Statutory, elected
  - SL - Statutory, elected by legislature
  - SE - Selected by legislature or one of its organs
  - SA - Statutory, elected by state supreme court
- Appointed by
- G - Governor
  - GS - Governor
  - GB - Governor
  - GH - Governor
  - GL - Governor
  - GLS - Governor
  - GLS - Governor
- Approved by
- ...
  - Senate
  - Both houses
  - Either house
  - Council
  - Departmental board
  - Appropriate legislative committee and senate

- Appointed by
- GOC - Governor and council or cabinet
  - LG - Lieutenant governor
  - AT - Attorney general
  - A - Agency head
  - AG - Agency head
  - AGC - Agency head
  - AS - Agency head
  - ALS - Agency head
  - AGS - Agency head
  - ASH - Agency head
  - B - Board or commission
  - BG - Board
  - BGC - Board
  - BS - Board and commission
- Approved by
- ...
  - ...
  - Board
  - Governor
  - Governor and council
  - Senate
  - Appropriate legislative committee and senate
  - Governor and senate
  - Senate president and house speaker
  - ...
  - Governor
  - Governor and council
  - Senate



TO: Judiciary Committee  
House of Representatives  
Alaska State Legislature

March 24, 1981

FROM: Burke Riley

Re: HJR 22 and HJR 23

I appreciate your invitation to appear before the Committee in its consideration of joint resolutions proposing the election of the Attorney General, and regret that absence prevents appearance in person.

The proposal must be viewed against the constitutional concept of the strong executive, one consciously adopted by the framers in recognition of the shortcomings of our then existing executive structure, as well as that of many of the States. By 1955 Alaska's executive authority was fragmented among numerous boards and commissions, a federally appointed governorship, four elective Territorial offices, and others appointive by the governor subject to legislative confirmation. It was a patchwork of divided loyalties that had evolved during the then 42 year span of the Territorial Legislature.

The Territorial governor's institutional strength was that of the incumbent's personality. He was as effective as the power that he might successfully assert. His basic statutory charge was "the interests of the United States Government that may arise within said district" (Alaska).

The framers were keenly aware of the Territory's Topsy-like, jerry-built executive mechanism and its resultant diffusion of authority. They responded by providing in eleven words for a strong executive, one charged with ultimate executive responsibility and alone (but for a running mate on a "ticket") made directly answerable to the people. So it was axiomatic that he be given the means to perform through the appointive power over the State's principal departments.

Thus, in striking contrast to Territorial government (as well as practice in many of the States) executive responsibility was explicitly pin-pointed in one official. As in the federal system, provision was made for the election of a chief executive and the means given him to effectuate his program through the appointing authority over key members of his Administration.

The framers knew their product to be a departure from long established precedent in many of the States, yet made that departure deliberately. They sought to establish a strong, cohesive executive branch to be characterized by the clear placement of responsibility and accountability in one office.

Certainly, 25 years ago no one foresaw the revolutionary social and economic changes then in early prospect for Alaska. Yet one need only review the major legislative issues since, and the major litigation to which the State has been party in recent years, to realize how essential to single policy direction is the relationship between the Governor and the Attorney General. The framers had been aware of an opposite condition (when the two

incumbents were often perceived in adversary roles) a situation better designed for headlines than for effective government. The executive article thus reflects the framers' belief that if the executive is to be the policy directing decision-maker the constitution contemplates, it is essential that he and the entire cabinet be committed to the program the voters endorsed in electing him. Over time and in practice the Attorney General has occupied a key role in effectuating that concept by virtue of his across-the-board counsel and representation.

My observations of both Territorial and State government lead to the personal conclusion that the existing arrangement is the correct one for achieving an effective, responsive executive branch. Similarly, yet of questionable relevance, I've favored the Legislature's providing itself with the means necessary to performance of its enlarged scope and function, such as adequate staff, the Legislative Affairs Agency and its Legal Services arm, the Legislative Auditor and the Legislative Ombudsman.

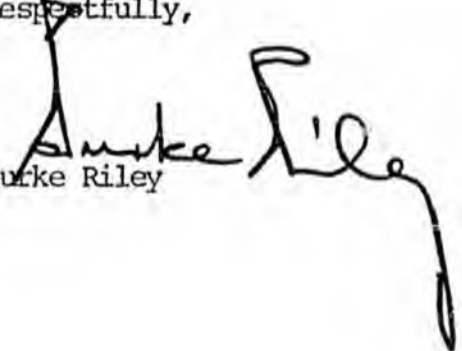
If within the cabinet an exception is made of the Attorney General - by making that office elective - the executive branch will have become something less than the article's opening declaration that "The executive power of the State is vested in the governor."

Thus the amendment proposed doesn't in so many words address the real issue for, whether stated or not, its effect would be to diminish the executive branch. We need only examine the experience of other States for confirmation.

The two resolutions under consideration reflect an age-old condition within democratic systems composed of coordinate branches when perceived imperfections in the political theory of equal and coordinate prompt the desire of one to curtail another. Whereas the executive article as adopted and ratified corrected the disarray that marked the Territory's executive branch, Statehood itself freed the Legislature of the restrictive Organic Act and its litany of thou shalt nots. Thus both branches entered on Statehood with roles clearly established in the classic pattern.

The expression "checks and balances" assumes differences, a characteristic of democratic government. Whatever the motivation, reshaping the structure without compelling cause can lead only to structural instability.

Respectfully,

  
Burke Riley

TESTIMONY ON HJR 22 AND 23

by Representative Dick Randolph

I am submitting this testimony in opposition to both HJR 22 and HJR 23 which would provide for popular election of the attorney general.

It has long been a general premise of American government that there should be three branches of government which balance each other in the course of the political process. Alaska state government has followed this concept with the executive, legislative and judicial branches of government.

CONTRADICTION:

44 state  
elect  
their  
Attorney  
Generals.  
now!

In my opinion, creation of an elected attorney general would, in fact, create a new and unnecessary fourth branch of government.

That fourth branch of government could easily become a new empire building element which is only remotely answerable to the other branches of government and which could end up as a competitive political entity not only to the legislature, but also to the governor. This added element of politics within our governmental system will only lead to more fragmented leadership, and be directed by political prowess and competition rather than the best interests of Alaska which depend on strong, united efforts in representing our sparsely populated and detached state. A good example of the problems which further fragmentation would cause can be visualized by considering how Alaska would have faced the D2 crisis with the added element of an independently elected attorney general who would be considering his own political strategy under such circumstances.

how did it fare under Cross - an appointed A.G.?

It should be considered how the budgeting process works in Alaska. Under the current system, although the legislature has the theoretical power to do what they want with the budgets of the executive and judicial branch, they will rarely use that budgetary power because of the separation of powers doctrine and the corresponding weapons which those other branches of government can use in return. The result has been a bloated judicial budget, a bloated executive branch budget, and a governor's office which has become a major department of state government. In exchange for this allowed independence the governor does not veto the legislative or judicial budget, and the judicial branch does not mess with the other branches' freedom to expand. Although the judicial budget is submitted with the executive budget, neither the executive nor the legislature will mess with it.

no reason  
on elected  
AG's budget  
should be any  
different  
from that  
of an  
appointed  
AG!

oh yeah?

not true

If a new independent attorney general becomes a fourth branch of government, with corresponding powers, the same budgetary empire building will begin to take place.

Rather than devoting his or her attentions exclusively to the accomplishment of justice in Alaska, an elected attorney general will have to devote a significant amount of time to his own reelection and future political plans.

no more than the appointed A.G. devoted  
now to reelection of the governor, probably!

It should be considered that the judicial branch of government is already constitutionally controlled by a trade union, that being the Bar Association which dominates qualifications and nominations of judges

← because the  
governor  
appoints  
the judges!

ough the Judicial Council. While many people feel the electorate has control of the judicial branch because the elected governor appoints judges the truth of the matter is that the governor can only appoint judges which the Bar Association places before him through the Judicial Council. In my opinion, the result of this is that an unelected and self-serving trade union controls the judicial (and most powerful branch) of state government.

By having an elected attorney general, attorneys and the Bar Association will increase their influence and control of government. With an elected attorney general, two out of four branches of government will be dominated by the Bar Association. For the similar reasons that may fer military dominance in executive branch government, I fear additional Bar Association and attorney dominance within our state government.

Bar Assn  
is against  
HR 22  
who would  
AG be  
dominated  
by them?  
not true in other  
states

It also appears to me that a definite amount of duplication would result from this proposal. While there would be an independent attorney general, the governor cannot act without substantial legal advice from his own sources that he or she can trust. Therefore, in addition to an independent attorney general, the governor would inevitably end up with a large legal staff of his own.

Consider the inefficiency and confusion which would result from the situation where a governor's policy with regard to a department of government conflicts with the subjective legal advice and determinations of a politically competitive attorney general. Such a situation will only result in political maneuvering rather than good government.

While some politicians may favor an elected attorney general because they see it as one more opportunity for personal political gain, it is not good for the people of Alaska.

for the people

The people of Alaska deserve the opportunity to vote for a governor who has the leadership and authority to accomplish his mandate in a unified manner. Otherwise, responsibility will be split and accountability will be lacking. When things go bad, the attorney general will blame the governor and the governor will blame the attorney general.

what they deserve is the right to decide if they would like to vote for their AG!

As it now stands, the governor is responsible for his attorney general and is accountable to the people for the operation of state government. Creating an elected attorney general will destroy single responsibility and accountability.

Under the present system, the people know that if they want a change in the direction of state government, they will have the opportunity to elect a new governor every four years or recall him sooner. With an elected attorney general a complete change in executive branch government could only occur once every 12 years at a single election and they would be stuck with the same political attorney general for six years. That is far too long to assure responsibility and accountability.

not true  
AG will  
be same  
4-year  
schedule to  
governor

Finally, I would propose, instead, the following basic changes to state government organization. There should be a Department of Criminal Justice which would be headed by a Commissioner responsible for all the elements of state government dealing with the criminal process except the judicial branch and the public defender.

and "jacket czar, all state police and all prosecutors and prisons"

separate attorney general's office would be responsible for civil law, advice to state departments and the governor, and the public defender agency. This reorganization would rightfully separate the responsibility within the executive branch of government between criminal justice and other legal functions. The criminal justice system could then be coordinated in a manner that would promote efficiency, accountability, and better justice. The governor would be responsible and accountable to the people every four years for both legal departments of state government. If the electorate was dissatisfied with his performance they could take care of the problem in one sweep every four years if necessary. The people of Alaska deserve that basic right to change their government decisively when it becomes necessary.

Please note that Representative Randolph has introduced HB 536 which is assigned to the Judiciary Committee and which relates to the role of the Attorney General.



referred to Miller:

## Duties of AG section —

• legal advisor of state officers

— same as present statute on A.G.  
so state officers same as in statute

No - 1st AG only gets  $2 + 4 = 6$  yrs.  
total  
possibility

Anyone can sue anyone. The  
question is who will prevail.



Who speaks for the people?

Is not the better question —

"Is not the ~~decision~~ decision ~~to~~  
to sue (oil companies & or anyone else,  
~~to~~ best made on legal grounds  
— not political ones ~~on~~ basis of  
the Governor's lies?"

As for putting criminals in jail — Claxson should  
realize that judges do that, not AG.

Judges only have to be  
residents for 5 years.

---

They do not trust the people on 2 counts:

1. To make a decision on this  
amendment.
2. To pick their own AG  
if it passes

only 35%

of 1500

attorneys

assessed

that pool



525

~~650~~

.71%

525  
3675

37275

373

lawyers against it  
how many now  
employed by ~~assessors~~  
AG?

~~1500  
- 35  
7500  
4500  
45075.00~~

235  
1500  
17500  
35  
17535

HJR22

Changes from HJR22 to CSHJR22.

- Section 28, line 16, page 2.

1. CS requires AG to:
  - a. Be at least 30 years old.
  - b. Be qualified Alaska voter.
  - c. Be 5 year resident.
  - d. Be U.S. citizen 7 years.
  - e. Be licensed to practice law in Alaska.
  
2. CS - nonpartisan general election where choice is between highest two after a nonpartisan primary. - Section 29, line 23, page 2.
  
3. In CS, AG's term is changed from 6 years to 4 years - see Section 34, line 18, page 3.
  
4. Section 34, sets four year term, beginning first Monday in December, for all elected state officials - including any office in the future.
  
5. Bill Section 5, line 3, page 4, is a new Section 5 of Article XIII of Constitution - sets term for first AG (1984 election) at 2 years; 4 years for next one (1986 election) and thereafter. Purpose? To put AG on same schedule as Governor, so he cannot keep that office while running for Governor.

March 17, 1982

WHAT WAS NOT PUT IN THE PRINTED C.S. THAT SHOULD HAVE BEEN?

(All references are to corrected C.S.)

Section 34 - line 18, p 3 - sets 4 year terms for all elected state officials, December to December 4 years later. Original bill has 5 year term for Attorney General.

Section 5 - line 3, page 4 - sets terms for 1st A.G. at 2 years, December 1984 - 1986. Thereafter, all AG's will be elected for 4 year terms. The reason for this? To prevent an AG from holding office and running for Governor at same time - people could change both offices at the same election!

WHAT WAS ERRONEOUSLY IN THE PRINTED C.S. THAT SHOULD NOT HAVE BEEN?

Section 30 on page 2 of original bill - setting AG's term at 6 years.

Old Section 5, page 3 of original bill - setting transitional measures.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HJR 22 (Judiciary) - "Proposing amendments to the Title Constitution of the State of Alaska relating to the Attorney General"  
Requested by House Finance Date 2/2/82

II. FISCAL DETAIL

Agency Affected Office of the Governor  
Program Category Affected Division of Elections  
BRU, Program, Or Subprogram(s) Affected Division of Elections  
(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

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

No additional fiscal impact would occur with the passage of CS HJR 22 (Judiciary).

IV. DATE 2/3/82

PREPARED BY Danith D. Arnoldt *Danith D. Arnoldt*  
AGENCY Office of the Governor/Division of Elections

Original: Legislative Finance PHONE 586-6181  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)





HOUSE JUDICIARY  
COMMITTEE MEETING  
AGENDA

DATE: 1-26-82

TIME: 1:15

- I. Call Meeting to Order
  - A. Note Committee Members Present
  - B. Welcome those Observing
  - C. Those wishing to testify, sign up. Remind those giving testimony to speak up and state their name.

II. Announce Legislation under consideration:

HSR 22      MARK-UP  
HB 578

Other notes or reminders:

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12-8-81

TK w/ Billy

Berrin, re: new

system on 730 of

Cart III, 2nd p. of

H15R22 — to send

draft to us.

Bill

November 3, 1981

A Proposal to Amend Section 5 of HJR22:

\*Sec.5 Article XIII, Constitution of the State of Alaska, is amended by coding a new section to read:

SECTION 5. SCHEDULE OF TRANSITIONAL MEASURES FOR AMENDMENTS RELATING TO NEWLY-CREATED STATE ELECTED OFFICES. The first election for any newly-created State elected offices shall be held at the first general election after such office has been created by constitutional amendment. Any statutory or constitutional position which was filled by appointment prior to said constitutional amendment shall continue to be so filled before that first general election after the amendment is created, in accordance with applicable statutes and the constitution.

The terms of office for officials elected to fill newly-created positions or positions changed from appointive to elective status shall begin at noon on the first Monday in December following the general election for that office, and shall expire four years later.

During the transition period after any change from appointive to elective status, appointments to such office, with any necessary legislative confirmation, shall continue in compliance with statutes and the constitution until the beginning term of the first elected office holder.

This section is inapplicable to the legislative and judicial branches of government.

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 2, 1981

SUBJECT: Constitutional Amendment Providing  
for an Elected Attorney General  
(Work Order No. 12-0811)

TO: Representative Ramona Barnes

FROM: John B. Chenoweth  
Legislative Counsel

I have altered the amendment proposed in this resolution from the form presented in HJR 6 (1979). The date of election of the first attorney general is moved from 1982 to 1984.

If this amendment is approved by the legislature and the voters in 1982, it would be certified in late November or early December, 1982, and take effect 30 days later, or about January 1, 1983. The first attorney general would not be elected for a period of about 24 months. It is not clear to me from the version presented as HJR 6 that the attorney general serving on the date that the changes made by these proposed amendment continues to hold office during all or a portion of that 24 month period. Also unaddressed, as I read HJR 6, was the question of the filling of a vacancy in the office after January 1, 1983 and before December, 1984: it is certain that the legislature has no confirmation power as to an appointment to fill a vacancy. The governor would have free rein to appoint virtually any attorney having the qualifications for the office prescribed by law, without concern for legislative confirmation. It occurred to me that you would not want this result, even for just a two year hiatus. I have tried to retain some measure of legislative participation through this two-year period by adding the material in \*Sec. 5, and hope that it meets with your approval. If it does not, or if other changes are required or desired, please contact me.

JBC:blg

Those (other) AG's

hire staff to run  
the office?

What does Rep Grossman  
think happens here?

---

the 'experienced jurist'

was that old Democrat

Tom Stewart.

What is the basis for proposition  
that other states enjoy in constitution?

Why don't they adopt it, then -

IT'S NO SACRED LAW!

Let the people decide if they want to  
change it.

add sent to Section 30


Provided, however, that the term of office of the Attorney General elected in the 1984 General Election shall be two years, expiring at noon on the first Monday in December, ~~1986~~ 1986, with each ~~attorney~~ the General Attorney General elected in the 1986 ~~gen~~ General Election, and each elected ~~there~~ thereafter, serving the full four year term of office.



Revisi Ord.

81-102

Nov 17, 1981

  
Nov Jan 6

1. Veterans  
2. tax payers



COMPARISON OF  
HOUSE RESOLUTION #'s 22 & 23

Section 23

HR 22: The Governor may make changes of executive branch organization or in the assignment of functions among it's units which he considers necessary for efficient administration.

(b) However, the Governor shall make no changes in the organization or function of any unit of the executive branch which is headed by the attorney general.

Where changes require the force of the law, they shall be set forth in executive orders. The legislature shall have 60 days of a regular session or a full session of shorter duration to disapprove these executive orders.

If the resolution is not disapproved by a majority of the members in joint session the orders become effective at a date thereafter to be designated by the governor.

HR 23: Same provisions

Section 24

HR 22: All principle departments shall be under the supervision of the governor except for a unit of the executive branch which is headed by the attorney general.

HR 23: Same provision

Section 25

HR 22: Each department head shall be a single executive unless otherwise provided by the law. He shall be appointed by the governor, subject to majority vote by joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the lieutenant governor and attorney general. Department heads shall be citizens of the United States.

HR 23: Same provision except secretary of state is added to paragraph directly following lieutenant governor and attorney general in line 9, page two.

Section 28

HR 22: Attorney General: Qualification. There shall be an attorney general. He shall be a citizen of the United States and of the State, and possess any additional qualifications prescribed by law.

HR 23: Contains no reference to additional qualifications as prescribed by law.

Section 29

HR 22: Provides for no election date (see section 5).

HR 23: Provides for election date, 1984.

Section 30

HR 22: Same provisions on term.

HR 23: Same provisions on term.

Section 31

HR 22: Same provisions on tenure

HR 23: Same provisions on tenure.

Section 32

HR 22: Same provisions for vacancy.

HR 23: Same provisions for vacancy.

Section 33

HR 22: Same provisions on salary.

HR 23: Same provisions on salary.

Section 34

HR 22: Same provisions concerning duties.

HR 23: Same provisions concerning duties.

HR 22: Contains a section 5 pertaining to article XIII of the constitution and the addition of a new section that reads, "Schedule of Transitional Measures For Amendments Relating to the Office of Attorney General."

HR 23: Contains no parallel provision.



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y, State Capitol  
Juneau, Alaska 99811  
(907) 465-3991

January 28, 1982

MEMORANDUM

TO: Representative Barnes

FROM: Leslie Longenbaugh *W*  
Research Staff

RE: Relationship of Elected and Appointed Attorneys  
General in Other States to Prosecuting Attorneys  
Research Request Number 82-9

Bill Cook of your staff asked that we report on the relationship between state attorneys general and state prosecuting attorneys. Specifically, Mr. Cook asked that we survey other states in regard to their election or appointment of attorneys general and prosecutors, and the degree to which prosecutors are independent of the attorneys general.

In most states, both the attorney general and the prosecuting attorneys are elected. Most attorneys general head their states' justice or law departments but have few or no statutory responsibilities concerning the prosecution of either criminal or civil cases. When they do have prosecutorial responsibilities, attorneys general in most states prosecute only appealed criminal cases. The attorney general is charged by statute (AS 44.23.020) with, among other duties, prosecuting violations of State law. The attorney general appoints regional district attorneys to fulfill these prosecutorial duties, and he may remove these appointees from office.

Ruth Blau of the National Association of Attorneys General<sup>1</sup> informed us that most attorneys general are elected; Alaska is among the six states that appoint, rather than elect, their attorneys general. In Maine, the legislature appoints the attorney general; in New Hampshire, the governor appoints with the aid of the Executive Council, made up of county representatives who are not in the state legislature; in Tennessee, the state Supreme Court makes the appointment; and in Wyoming and New Jersey the governor appoints the attorney general.

---

<sup>2</sup>Ruth Blau, Publications Director, National Association of Attorneys General, Washington, D.C.; telephone: (202) 624-5454.

Representative Barnes  
January 28, 1982  
Page 2

According to Ms. Blau, states that elect their attorneys general usually require that the candidates be lawyers and United States citizens; some require two to ten years' residency in their states, and some two-thirds of all states require that attorneys general be of a minimum age. In thirty-seven states, candidates for attorney general must have passed the state bar examination.

The method used in New Jersey in selecting attorneys general and district attorneys is closest to that used in Alaska. As in this state, both attorneys general and district attorneys are appointed rather than elected; the major difference in New Jersey is that the district attorneys are appointed by the governor, rather than by the attorney general, and are subject to approval by the state senate.

Voters in Pennsylvania recently amended their state constitution to allow election, rather than appointment, of their attorneys general. After the constitutional change, a committee of interested attorneys, legislators and other citizens was appointed to decide how best to make the change smoothly. The elected attorney general may serve two consecutive terms of four years each; the election is held in the middle of the gubernatorial term.<sup>2</sup> The constitutional change in Pennsylvania broadened the attorney general's prosecutorial powers. Also, Ray Zimmerman, the state's first elected attorney general, was a district attorney before his election as attorney general. The new attorney general has made a commitment to cooperating with locally-elected district attorneys in investigations and prosecutions. Like his counterparts in several other states, Mr. Zimmerman has established a special office that helps local prosecutors with their investigations.

In the eastern states of Delaware and Rhode Island, attorneys general are solely responsible for prosecution of all criminal and civil cases, just as is the Alaska attorney general. The National Association of Attorneys General presumes that the two states do not have separate local district attorneys because the states are so small.

The attorney general in Ohio has no prosecutorial duties at all, even in instances of appealed criminal convictions. The attorney general in Ohio thus has little contact with the district attorneys, who are elected locally.

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<sup>2</sup>Robert Gentzel, Assistant Press Secretary, Office of the Attorney General, Harrisburg, Pennsylvania; telephone: (717) 787-3391.

We also spoke with Tom Hinton of the National District Attorneys' Association<sup>3</sup>, who informed us that prosecuting attorneys in most states are elected from within the county, election district, or other area they serve. According to Mr. Hinton, only in Alaska, Connecticut, and New Jersey are district attorneys appointed rather than elected.

Several states make a distinction in jurisdiction between criminal and civil prosecutions. In Texas, for example, the elected "district attorneys" prosecute only criminal cases, while the also elected "county attorneys" may handle both civil and criminal prosecutions (felonies misdeemeanors).  
"Criminal Dist. Attorney" handles all in those counties w/ a C. D. A.  
Some of the minimum qualifications for elected prosecuting attorneys vary widely from one state to the next, although almost all states require that candidates be trained attorneys.

Mr. Hinton stated his belief that a change to an elected attorney general could compromise the integrity of the district attorneys in Alaska, if the attorney general remained charged with their appointment. An example of such a conflict is the possibility that district attorneys' prosecutions sometimes would become entangled with the attorney general's desire to win reelection. He suggested the following methods of selection, both of which he feels would maintain the prosecutors' integrity.

- gubernatorial appointment with approval by one or both houses of the state legislature, a method which would maintain control of prosecutors at the state level; and
- popular election within the regions they serve, a method which would offer the local citizenry more direct control over its prosecuting attorneys.

Mr. Hinton stated his conviction that California has the "most efficient" criminal justice system. The popularly-elected attorney general heads the state department of justice, which performs criminal justice planning and renders legal advice to state government agencies and officials. The attorney general usually has only incidental relations with the locally-elected county & district attorneys, who prosecute all civil and criminal cases during their four-year terms of office. The California attorney general and district attorneys may be impeached and removed from office by the state legislature.

---

<sup>3</sup>Tom Hinton, National District Attorneys' Association, Virginia; telephone: (703) 549-9222.

Representative Barnes  
January 28, 1982  
Page 4

Mr. Hinton has sent us a copy of his organization's 1979 review of all states' methods of selecting district attorneys. When these materials arrive we will forward them to your office.

Please call on us if we can be of further assistance.

LL:dlp



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y, State Capitol  
Juneau, Alaska 99811  
(907) 465-3991

March 27, 1981

MEMORANDUM

TO: Representative Fred Brown, Chairman  
House Judiciary Committee

ATTN: Pete Froehlich

FROM: Deb Pomeroy *DP*

RE: Election or Appointment of Attorneys General in Other States  
Research Request 81-91

You asked that we provide a breakdown of the 50 states showing which states elected their attorneys general, and which states appointed them.

According to the 1980-81 edition of Book of States (see attached table), 40 states have a constitutional provision requiring the public election of the attorney general. These states are listed below:

Alabama	Illinois	Missouri	Pennsylvania
Arizona	Iowa	Montana	Rhode Island
Arkansas	Kansas	Nebraska	South Carolina
California	Kentucky	Nevada	South Dakota
Colorado	Louisiana	New Mexico	Texas
Connecticut	Maryland	New York	Utah
Delaware	Massachusetts	North Carolina	Virginia
Florida	Michigan	North Dakota	Washington
Georgia	Minnesota	Ohio	West Virginia
Idaho	Mississippi	Oklahoma	Wisconsin

Three states, Indiana, Oregon and Vermont, have a statutory requirement that the attorney general be elected by the public.

Of the states that have appointed attorneys general, Hawaii, Wyoming and New Jersey require Senate approval of the Governor's appointment; New Hampshire requires Council approval; and, Alaska requires approval by both the House of Representatives and Senate.



Representative Fred Brown  
March 27, 1981  
Page 2

The remaining two states have a different requirement than public election or appointment by the Governor: Maine has a constitutional provision that the attorney general be elected by the legislature; and Tennessee requires, by statute, that the attorney general be elected by the state Supreme Court.

dp

Attachment

Table 18  
STATE ADMINISTRATIVE OFFICIALS: METHODS OF SELECTION\*

State or other jurisdiction	Governor	Lieutenant Governor	Secretary of state	Attorney General	Treasurer	Adjutant general	Administration	Agriculture	Banking	Budget	Civil rights	Commerce	Community affairs	Consumer affairs	Corrections	Date practicing
Alabama	CE	CE	CE	CE	CE	GB	...	CE	G	CS	...	...	...	(a-1)	B	CS
Alaska	CE	CE	(a-3)	GB	G	GB	A	A	A	A	...	GB	GB	A	A	A
Arizona	CE	...	CE	CE	CE	GB	GS	B	GS	L	AG	GB	...	A	GS	AG
Arkansas	CE	CE	CE	CE	CE	G	(b)	(a-9)	AG	AG	G	GS	G	(a-1)	GS	AG
California	CE	CE	CE	CE	CE	GS	(b)	G	GS	GS	...	G	GS	G	GS	G
Colorado	CE	CE	CE	CE	CE	G	GS	GS	A	(a-6)	A	A	...	(a-1)	GS	(a-7)
Connecticut	CE	CE	CE	CE	CE	GE	GE	GF	GB	A	B	GE	(a-9)	GE	GE	...
Delaware	CE	CL	GS	CE	CE	GS	AG	GS	GS	GS	GS	AG	GS	AG	GS	A
Florida	CE	CE	CE	CE	CE	GS	GS	CE	CE	A	...	GS	GS	GC	GS	A
Georgia	CE	CE	CE	CE	...	G	GS	CE	GS	G	...	B	B	C	B	(a-7)
Hawaii	CE	CE	(a-3)	GS	...	GS	...	GS	(g)	GS	...	(a-6)	...	GS	(a-2)	CS
Idaho	CE	CE	CE	CE	...	GS	...	GS	GS	G	B	G	(a-10)	(a-1)	B	(a-22)
Illinois	CE	CE	CE	CE	CE	G	GS	GS	(b)	G	(a-1)	GS	GS	(a-1)	GS	(a-7)
Indiana	CE	CE	CE	SE	CE	G	G	(a-3)	G	G	(a-3)	...	...	G	G	A
Iowa	CE	CE	CE	CE	CE	GS	...	SE	GS	CS	GS	GS	(a-6)	(a-1)	GB	CS
Kansas	CE	CE	CE	CE	SE	GS	GS	B	GS	CS	B	GS	...	A	GS	A
Kentucky	CE	CE	CE	CE	CE	GS	GS	CE	GS	AG	B	G	G	A	AG	AG
Louisiana	CE	CE	CE	CE	CE	GS	G	CE	GS	CS	...	GS	GS	GS	AG	A
Maine	...	CL	CL	CL	CL	G	GLS	GLS	ALS	AG	B	(a-23)	G	ALS	AG	CS
Maryland	CE	CE	GS	CE	CL	GS	...	GS	AGS	GS	G	A	AG	A	AGS	...
Massachusetts	CE	CE	CE	CE	CE	G	G	G	G	AG	A	A	G	G	G	A
Michigan	CE	CE	CE	CE	GS	GS	GS	B	GS	CS	B	GS	...	A	B	CS
Minnesota	CE	CE	CE	CE	CE	G	GS	GS	BS	GS	GS	(n)	GS	GS	GS	A
Mississippi	CE	CE	CE	CE	CE	...	...	SE	G	B	...	(a-24)	B	A	B	A
Missouri	CE	CE	CE	CE	CE	GS	GS	GS	AS	A	B	B	(a-9)	(L)	A	A
Montana	CE	CE	CF	CE	A	G	GS	GS	G	G	G	GS	GS	G	A	A
Nebraska	CE	CE	CE	CE	CE	G	GS	GS	GS	G	B	G	G	A	GS	A
Nevada	CE	CE	CE	CE	CE	G	G	B	A	(a-7)	B	G	G	(c)	A	B
New Hampshire	...	CL	CL	CL	CL	GC	GC	GC	GC	(a-7)	B	GOC	GOC	(a-1)	GOC	B
New Jersey	CE	...	GS	GS	GS	GS	...	TG	GS	GS	A	A	GS	CS	GS	A
New Mexico	CE	CE	CE	CE	CE	GS	GS	(b)	GS	G	G	GS	AG	(a-1)	A	(b)
New York	CE	CE	GS	CE	CE	G	...	GS	G	G	G	GS	GS	GS	GS	CS
North Carolina	CE	CE	CE	CE	CE	G	G	CE	BG	AG	G	G	A	A	G	AG
North Dakota	CE	CE	CE	CE	CE	G	(b)	CE	GS	A	...	G	A	A	GS	A
Ohio	CE	CE	CE	CE	CE	G	GS	GS	A	GS	GS	GS	GS	A	GS	A
Oklahoma	CE	CE	GS	CE	CE	GS	...	GS	GS	G	B	G	G	B	B	A
Oregon	CE	...	CE	SE	CE	G	GS	GS	AG	A	CS	GS	A	A	AG	A
Pennsylvania	CE	CE	GS	CE	CE	GS	G	GS	GS	G	CS	GS	GS	A	A	A
Rhode Island	CE	CE	CE	CE	CE	G	GS	CS	G	CS	B	CS	GS	BS	C	A
South Carolina	CE	CE	CE	CE	CE	CE	(a-16)	SE	B	B	B	GS	A	B	B	B
South Dakota	CE	CE	CE	CE	CE	GS	G	GS	A	G	GS	GS	CS	(a-1)	AG	A
Tennessee	CE	(a)	CL	SC	CL	G	G	G	G	A	B	B	G	(a-9)	A	A
Texas	CE	CL	GS	CE	CE	GS	...	SE	B	G	...	G	GS	A	B	A
Vermont	CE	SE(k)	CE(k)	CE	CE	G	...	GS	GS	G	...	GS	...	A	BA	CS
Virginia	CE	CE	GB	CE	GB	GB	GB	GB	B	GB	...	GB	A	(a-24)	GB	GB
Washington	CE	CE	CE	CE	CE	G	GS	GS	A	GS	B	GS	(a-6)	(a-1)	A	B
West Virginia	CE	...	CE	CE	CE	GS	GS	CE	GS	A	GS	A	(a-1)	(a-1)	GS	A
Wisconsin	CE	CE	CE	CE	CE	G	GS	B	GS	CS	A	(d)	GS	(b)	A	CS
Wyoming	CE	...	CE	GS	CE	G	...	B	G	G	...	...	A	A	BG	A
Guam	CE	CE	...	GS	A	...	GS	GS	A	GS	...	GS	G	A	GS	G
Puerto Rico	CE	...	GB	GS	GS	GS	...	GS	(a-17)	G	G	G	A	GS	GS	...

\*Salary information for the officials listed in this table can be found in Table 17.

- Legend:
- CE - Constitutional, elected
  - CL - Constitutional, elected by legislature
  - SE - Statutory, elected
  - SL - Statutory, elected by legislature
  - L - Selected by legislature or one of its organs
  - LC - Statutory, elected by state supreme court
- Appointed by:
- G - Governor
  - GA - Governor
  - GA - Governor
  - GA - Governor
  - GA - Governor
  - GA - Governor
  - GA - Governor
- Approved by:
- Senate
  - Both houses
  - Either house
  - Council
  - Departmental board
  - Appropriate legislative committee and senate

- Appointed by:
- GOC - Governor and council or cabinet
  - LG - Lieutenant governor
  - AT - Attorney general
  - A - Agency head
  - AB - Agency head
  - AG - Agency head
  - AGC - Agency head
  - AS - Agency head
  - ALS - Agency head
  - AGS - Agency head
  - ASH - Agency head
  - B - Board or commission
  - BG - Board
  - BGC - Board
  - BS - Board and commission
- Approved by:
- ...
  - Board
  - Governor
  - Governor and council
  - Senate
  - Appropriate legislative committee and senate
  - Governor and senate
  - Senate president and house speaker
  - ...
  - Governor
  - Governor and council
  - Senate

*To reconsider after more input*

Introduced: 3/2/81  
Referred: Judiciary and Finance

BY BARNES, ABOOD, ANDERSON, BEIRNE,  
BETTISWORTH, BYLSMA, CUDDY,  
HALFORD, HAUGEN, HAYES, MARTIN,  
METCALFE, MONTGOMERY, O'CONNELL  
AND SUTCLIFFE

1 IN THE HOUSE

2 HOUSE JOINT RESOLUTION NO. 22  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the Consti-  
6 tution of the State of Alaska re-  
7 lating to the attorney general.

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

9 \* Section 1. Article III, sec. 23, Constitution of the State of Alaska  
10 is amended to read:

11 SECTION 23. REORGANIZATION. (a) Except as provided in (b) of  
12 this section, the [THE] governor may make changes in the organization  
13 of the executive branch or in the assignment of functions among its  
14 units which he considers necessary for efficient administration. Where  
15 these changes require the force of law, they shall be set forth in  
16 executive orders. The legislature shall have sixty days of a regular  
17 session, or a full session if of shorter duration, to disapprove these  
18 executive orders. Unless disapproved by resolution concurred in by a  
19 majority of the members in joint session, these orders become effective  
20 at a date thereafter to be designated by the governor.

21 (b) The governor shall make no change in the organization or func-  
22 tion of any unit of the executive branch which is headed by the attorney  
23 general.

24 \* Sec. 2. Article III, sec. 24, Constitution of the State of Alaska is  
25 amended to read:

26 SECTION 24. SUPERVISION. Except for any unit of the executive  
27 branch which is headed by the attorney general, each [EACH] principal  
28 department shall be under the supervision of the governor.

29 \* Sec. 3. Article III, sec. 25, Constitution of the State of Alaska is

1 repealed and readopted to read:

2 SECTION 25. DEPARTMENT HEADS. The head of each principal depart-  
3 ment shall be a single executive unless otherwise provided by law. He  
4 shall be appointed by the governor, subject to confirmation by a major-  
5 ity of the members of the legislature in joint session, and shall serve  
6 at the pleasure of the governor, except as otherwise provided in this  
7 article with respect to the lieutenant governor and the attorney  
8 general. <sup>[SECRETARY OF STATE]</sup> The heads of all principal departments shall be citizens of  
9 the United States.

10 \* Sec. 4. Article III, Constitution of the State of Alaska is amended by  
11 adding new sections to read:

12 SECTION 28. ATTORNEY GENERAL: QUALIFICATIONS. There shall be an  
13 attorney general. He shall be a citizen of the United States and of  
14 the State, and possess any additional qualifications prescribed by law.

15 SECTION 29. ELECTION. The attorney general shall be chosen by  
16 the qualified voters of the State at a general election. The candidate  
17 receiving the greatest number of votes shall be attorney general.

18 SECTION 30. TERM OF OFFICE. The term of office of the attorney  
19 general is ~~six~~ <sup>four</sup> years, beginning at noon on the first Monday in December  
20 following his election and ending at noon on the first Monday in  
21 December ~~six~~ <sup>four</sup> years later.

22 SECTION 31. LIMIT ON TENURE. No person who has been elected  
23 attorney general for two full successive terms shall be again eligible  
24 to hold that office until one full term has intervened.

25 SECTION 32. VACANCY. In case of a vacancy in the office of  
26 attorney general for any reason, a successor shall be elected for the  
27 remainder of the unexpired term at the first general election occurring  
28 not less than 90 days after the office becomes vacant. The governor  
29 may appoint a qualified person to fill the office between the date it

1 becomes vacant and the date it is filled by election.

2 SECTION 33. COMPENSATION. The compensation of the attorney  
3 general shall be prescribed by law and shall not be diminished during  
4 his term of office, unless by general law applying to all salaried  
5 officers of the State.

6 SECTION 34. DUTIES. The attorney general shall be the legal  
7 adviser of the state officers, and shall perform other duties prescribed  
8 by law.

9 \* Sec. 5. Article XIII, Constitution of the State of Alaska, is amended  
10 by adding a new section to read:

11 SECTION 5. SCHEDULE OF TRANSITIONAL MEASURES FOR AMENDMENTS  
12 RELATING TO THE OFFICE OF ATTORNEY GENERAL. The first election of an  
13 attorney general shall be at the general election in 1984. Until the  
14 election of the first attorney general as provided by Section 29 of  
15 Article III the attorney general shall be appointed by the governor and  
16 confirmed by the legislature in accordance with Section 25 of Article  
17 III as that section read before its readoption. The term of office of  
18 the first attorney general elected in accordance with the provisions of  
19 Section 29 of Article III begins at noon, December 3, 1984.

20 \* Sec. 6. The amendments proposed by this resolution shall be placed be-  
21 fore the voters of the state at the next general election in conformity with  
22 art. XIII, sec. 1, Constitution of the State of Alaska, and the election  
23 laws of the state.

24  
25  
26  
28  
27  
28  
29

26 MAR 81 -

testimony

① Sen. Vic Fischer -  
wants own selected Atty General  
Humane of the Gov. + disruption.

② Mr Norman Gorsuch <sup>Marsden</sup> - Former Atty Gen. - Self -  
urges existing terms of concept

- ① tendency to separate the administration  
- bureaucracy.
- ② Role is to make some consistent interpretation
- ③ integrity
- ④ Ability to determine competency by the Gov.
- ⑤ Power to prosecute otherwise may lead to  
abuses

③ Judge Tom Stewart - Retain the existing system

Original sponsors: Barnes, Abood,  
Anderson, et al

Offered: 2/1/82  
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 22 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 Proposing amendments to the Consti-  
6 tution of the State of Alaska re-  
7 lating to the election of the attorney  
8 general and to procedures governing  
9 the election and term for state  
10 offices to be elected under the  
11 constitution.

12 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 \* Section 1. Article III, sec. 23, Constitution of the State of Alaska is  
14 amended to read:

15 SECTION 23. REORGANIZATION. (a) Except as provided in (b) of  
16 this section, the [THE] governor may make changes in the organization of  
17 the executive branch or in the assignment of functions among its units  
18 which he considers necessary for efficient administration. Where these  
19 changes require the force of law, they shall be set forth in executive  
20 orders. The legislature shall have sixty days of a regular session, or  
21 a full session if of shorter duration, to disapprove these executive  
22 orders. Unless disapproved by resolution concurred in by a majority of  
23 the members in joint session, these orders become effective at a date  
24 thereafter to be designated by the governor.

25 (b) The governor shall make no change in the organization or func-  
26 tion of any unit of the executive branch which is headed by the attorney  
27 general.

28 \* Sec. 2. Article III, sec. 24, Constitution of the State of Alaska is  
29 amended to read:



1 SECTION 24. SUPERVISION. Except for any unit of the executive  
2 branch which is headed by the attorney general, each [EACH] principal  
3 department shall be under the supervision of the governor.

4 \* Sec. 3. Article III, sec. 25, Constitution of the State of Alaska is  
5 repealed and readopted to read:

6 SECTION 25. DEPARTMENT HEADS. The head of each principal depart-  
7 ment shall be a single executive unless otherwise provided by law. He  
8 shall be appointed by the governor, subject to confirmation by a major-  
9 ity of the members of the legislature in joint session, and shall serve  
10 at the pleasure of the governor, except as otherwise provided in this  
11 article with respect to the lieutenant governor and the attorney general.  
12 The heads of all principal departments shall be citizens of the United  
13 States.

14 \* Sec. 4. Article III, Constitution of the State of Alaska is amended by  
15 adding new sections to read:

16 SECTION 28. ATTORNEY GENERAL: QUALIFICATIONS. There shall be an  
17 attorney general. He shall be at least thirty years of age and a quali-  
18 fied voter of the State. He shall have been a resident of Alaska at  
19 least five years immediately preceding his filing for office, and he  
20 shall have been a citizen of the United States for at least seven years.  
21 He shall be licensed to practice law in the State and shall possess  
22 additional qualifications prescribed by law.

23 SECTION 29. ELECTION OF ATTORNEY GENERAL. The attorney general  
24 shall be chosen by the qualified voters of the State on nonpartisan  
25 ballots. Candidates for attorney general shall file for the office as  
26 prescribed by law. The candidates receiving the greatest and the second  
27 greatest number of votes on a nonpartisan ballot at the primary election  
28 shall be candidates in the general election. The candidate receiving  
29 the greatest number of votes on a nonpartisan ballot at the general

*Changes  
in  
Committee*

*in Original Sec 30 was 6 year term  
for A.G. This is omitted from the C.S.  
This is covered in Sec. 34, not in  
original, but in the C.S.*

1 election shall be attorney general.

2 SECTION 30. LIMIT ON TENURE. No person who has been elected  
3 attorney general for two full successive terms shall be again eligible  
4 to hold that office until one full term has intervened.

5 SECTION 31. VACANCY. In case of a vacancy in the office of attor-  
6 ney general for any reason, a successor shall be elected for the remain-  
7 der of the unexpired term at the first general election occurring not  
8 less than 90 days after the office becomes vacant. The governor may  
9 appoint a qualified person to fill the office between the date it  
10 becomes vacant and the date it is filled by election.

11 SECTION 32. COMPENSATION. The compensation of the attorney  
12 general shall be prescribed by law and shall not be diminished during  
13 his term of office, unless by general law applying to all salaried  
14 officers of the State.

15 SECTION 33. DUTIES. The attorney general shall be the legal  
16 adviser of the state officers, and shall perform other duties prescribed  
17 by law.

18 SECTION 34. ELECTION AND TERM OF NEWLY ESTABLISHED ELECTED STATE  
19 OFFICES. The first election for a state office required by the consti-  
20 tution to be elected shall occur at the first general election occurring  
21 after the office is established under the constitution. If a vacancy  
22 occurs in the office before the first general election held after the  
23 office is established under the constitution, the office shall be filled  
24 under the law as it existed before the office was established under the  
25 constitution. Except as otherwise provided in the constitution, the  
26 term of office of a state office required by the constitution to be  
27 elected begins at noon on the first Monday in December following the  
28 general election for that office and it expires at noon on the first  
29 Monday in December four years later.

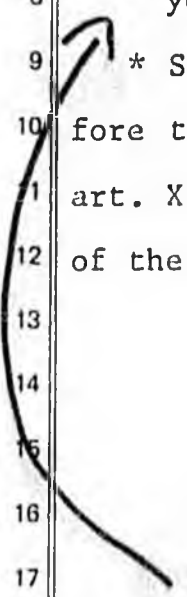
*In  
C.S. 1  
not  
in  
original*

*this section in C.S., not in original*

1 \* Sec. 5. Article XIII, Constitution of the State of Alaska, is amended  
2 by adding a new section to read:

3 SECTION 5. TERM OF ATTORNEY GENERAL ELECTED IN 1984. The term of  
4 office of the attorney general elected in the 1984 general election  
5 shall be two years and it expires at noon on the first Monday in Decem-  
6 ber, 1986. The attorney general elected in the 1986 general election  
7 and each attorney general elected after 1986 shall serve the full four-  
8 year term of office.

9 \* Sec. 6. The amendments proposed by this resolution shall be placed be-  
10 fore the voters of the state at the next general election in conformity with  
11 art. XIII, sec. 1, Constitution of the State of Alaska, and the election laws  
12 of the state.



*The ~~the~~ Sec 5 in original " Schedule  
of Transitional Measures " was omitted  
in C.S. — not needed, since this  
section and Sec. 34, page 3 ~~was~~  
was put in*

15 Apr 81 - Judiciary - Teleconference -  
HJR 22 & 23

① Pennsylvania - Mr. Zimmerman - Elected Atty Gen.  
Recent change of constitution in their state.  
Passed

- ① Feeling in Public at large  
high rate of indictments among members  
Public trust & awareness.
- \* Elected Atty Gen. non receptive to the public  
Manipulation of the Law for the Gov.  
Chief Law Enforcement Officer & Legal Officer  
To overcome bureaucracy of the Govt.

Political Consideration.

- ① Atty Gen. independent from Gov.
- ② Self policy to the Public & responsible to public
- ③

To serve the Gov. & the Public!

Suggest to our bill - Define duties of Atty Gen.

② John McFarland - Colorado - Elected Atty Gen.  
4 yr. duty . min. age - 25 yr.  
Age requirement

We have a firm system of Atty Gen. Power.  
Spell out the duties & position of the Atty Gen.  
Should have independence of Gov. or the  
legislature. - of political considerations!  
Legal Ethics vs. Politics!

Suggestion - Elect separately from the  
Governor's ticket.

③ Avrum Gross - AK former Atty Gen -  
Accountability of Governor & rest of the agencies  
that deal with him.

- 1. Advice civil agencies
- 2. Prosecution of all state laws
- 3. Counsel to the Gov.

Elected Atty Gen. will blame the Governor or  
Vice versa. - Who's real fault is it?