

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5100 HSTA HJR 26 - HJR 39

672

HJR

26

HOUSE COMMITTEE REPORT

(7)

Date referred: 4/3/87

FURTHER REFERRALS: Judiciary
Finance

DATE: 4-29-87
HJR 26

The State Affairs Committee has considered _____

Proposing an amendment to the Constitution of the State of Alaska relating to advisory opinions of the Supreme Court on the request of the governor or legislature.

RECOMMENDS:

- replace with _____
- attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

- the same title
- a new title

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
- zero fiscal note
- zero with analysis
- same as previous fiscal note published _____
- same as previous zero fiscal note published _____

SIGNING DO PASS:

W.A. Brubaker
Scott Munn
Terry Martin

SIGNING OTHER RECOMMENDATIONS:

James Hoff *Up Rec*
John Miller *No Rec*

W.A. Brubaker
 Chairman's signature

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: HJR 26
Publish Date:

Revision Date:
Title: Advisory opinions of the
supreme court

Agency Affected: Alaska Court System
BRU: Appellate Courts

Sponsor:
Requestor:

Components:

EXPENDITURES/REVENUES:		(Thousands of Dollars)				
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
Personal Services	40.3	40.3	40.3	40.3	40.3
Travel
Contractual
Supplies	1.9	1.9	1.9	1.9	1.9
Equipment	2.8	. . . .	. . . .	. . . .	. . . .
Land & Structures
Grants & Claims
TOTAL OPERATING	0.0	45.0	42.2	42.2	42.2	42.2
CAPITAL
REVENUE

FUNDING:		(Thousands of Dollars)				
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
General Funds	0.0	45.0	42.2	42.2	42.2	42.2
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	45.0	42.2	42.2	42.2	42.2

POSITIONS:						
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
Full-time	1.0	1.0	1.0	1.0	1.0
Part-time
Temporary

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: Karla Forsythe, General Counsel
 Division: Alaska Court System
 Phone: 264-8228
 Date: 4-30-87

Approved by: *Stephanie J. Cole*
 Agency: Alaska Court System
 Date: 4-30-87

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management & Budget
 - Impacted Agency(ies)
 - Senate Secretary

ALASKA COURT SYSTEM
HJR 26 - Fiscal Analysis

Personal Services:

	Salary	Benefits	Total
Law Clerk II, Range 15A, Anchorage, PFT - 12 months	\$30,372	\$9,966	\$40,338
Supplies			1,875
Equipment: (one-time cost)			
Desk, chair, typewriter, filing cabinet, statutes, and rules of court			2,823

Total First-Year Cost			\$45,036
			=====

Fiscal Analysis - HJR 26

It is difficult to predict with complete accuracy the number of advisory opinion requests which could be anticipated if this measure becomes law. Given the substantial number of constitutional issues which have concerned the legislature and the governor's office in recent years, this note is calculated based upon an assumption of 25 requests annually.

The primary impact on the supreme court would be in time spent researching, analyzing and drafting the opinions. The research and analysis function is performed by law clerks. Without a lower court ruling or appellate record for a law clerk to review, the appellate clerk indicates that at least two weeks will be expended preparing materials for the justices. As is the case in other appellate matters, law clerks will also proofread and check technical aspects of the opinion.

The appellate clerk estimates a total of 260 days of law clerk time spent on these requests. An additional law clerk III position would be required.

Although additional judicial and clerical support staff time will also be expended in these matters, it appears that existing resources are adequate to absorb the additional workload.

REPRESENTATIVE DAVE DONLEY

ALASKA STATE LEGISLATURE
DISTRICT ELEVEN - SPENARD

P.O. BOX V, JUNEAU 99811
(907) 465-3892



2

CHAIRMAN
LABOR AND COMMERCE
COMMITTEE

MEMBER
STATE AFFAIRS COMMITTEE
HEALTH, EDUCATIONAL
AND SOCIAL SERVICES COMMITTEE
INTERNATIONAL TRADE
SUB-COMMITTEE

April 14, 1987

TO: The Honorable Fran Ulmer, Chair
House State Affairs Committee

FROM: Representative Dave Donley *BD*

RE: HJR 26; Supreme Court Advisory Opinions

I am writing to request that the State Affairs Committee schedule a hearing on HJR 26 at your earliest convenience.

HJR 26 will authorize the Alaska Supreme Court to issue advisory opinions on questions of law submitted by the legislature or by the governor.

This measure could affect some of today's pressing issues such as bidder's preference, local hire and preference for local products. If we'd had more timely advice, these might already be in the works providing better economic stability for the state. In addition, HJR 26 will enable us to look at the innovative ideas we need right now, to provide jobs for Alaskans.

I have enclosed backup information which shows that legislation similar to this is currently in effect in nine other states.

If you have any questions or would like any additional information, please contact myself or my aide, Katy McHugh, at #3892.



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

JAN 16 1987

P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

January 16, 1987

MEMORANDUM

TO: Representative-Elect Dave Donley

FROM: Penelope Weyhrauch *PW*
Legislative Analyst

RE: Advisory Opinions from the State Supreme Court
Research Request 87.071

You asked for information on state legislatures which are allowed to ask for advisory opinions from their state supreme court. According to the National Center for State Courts, nine states allow their state legislatures to ask their state supreme courts for advisory opinions. Four of these states--Delaware, Maine, Massachusetts and Rhode Island--require their supreme court to respond to questions from the legislature. States which allow their supreme courts to respond to questions on a discretionary basis are: Alabama, Colorado, Louisiana, Michigan and New Hampshire.

I contacted Massachusetts, Colorado and New Hampshire to discuss the mechanism by which their legislatures request advisory opinions from their supreme courts. I did not contact the six other states listed above, because I believe that little new information would be gained by doing so.

The Massachusetts Supreme Judicial Court is required by its state constitution to give opinions at the request of the legislature or the governor. Jim Powers, with the Massachusetts Legislative Research Agency, said that this requirement is confined to "important questions of law and upon solemn occasions." The legislature usually asks the court constitutional questions of law, though other questions can also be asked. The court allows interested parties eight weeks to submit briefs on a question before it gives its opinion. Mr. Powers said that if the court does not wish to respond to a question, they may wait until the legislature acts on the issue and the question becomes moot. The court does not respond to political or frivolous questions.

The Colorado state constitution establishes that the state supreme court may respond to questions from the legislature, but according to Kim Morss, Legal Counsel and Legislative Liaison for the Colorado Judicial Council, it is not required to respond. According to Ms. Morss, the provision has rarely been used because the Colorado Judiciary and Legislature "don't like each other."

Representative-Elect Donley
January 16, 1987
Page 2

The New Hampshire supreme court may issue advisory opinions to the legislature, but it is not required to do so. The state constitution gives the supreme court discretionary authority to respond to questions. Tom Berry, staff member for the supreme court, said that the legislature frequently asks the supreme court for advisory opinions, usually relating to constitutional questions of law.

* * * *

I hope this information is helpful to you. I have attached copies of applicable sections of the state constitutions discussed in this memorandum. I have also attached court rules from Delaware and Michigan which establish advisory opinion authority for the supreme courts of those states. If you have any questions or would like additional information, please contact our agency.

PW

Attachments

ORIGINAL CONSTITUTION WITH AMENDMENTS Amend. Art. 87

§ 1

November and elections, for the choice of councillors, senators and representatives shall be held biennially on the Tuesday next after the first Monday in November.

Art. LXXXIII. The general court shall have full power and authority to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices in periods of emergency resulting from disaster caused by enemy attack, and to adopt such other measures as may be necessary and proper for insuring continuity of the government of the commonwealth and the governments of its political subdivisions.

Art. LXXXIV. Article LXII of the Amendments to the Constitution is hereby amended by striking out section 1 and inserting in place thereof the following section:—*Section 1.* The commonwealth may give, loan or pledge its credit only by a vote, taken by the yeas and nays, of two-thirds of each house of the general court present and voting thereon. The credit of the commonwealth shall not in any manner be given or loaned to or in aid of any individual, or of any private association, or of any corporation which is privately owned and managed.

Art. LXXXV. Article II of Chapter III of the Constitution of the commonwealth is hereby annulled and the following is adopted in place thereof:—

Article II. Each branch of the legislature, as well as the governor or the council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Art. LXXXVI. Names of candidates of political parties for the offices of governor and lieutenant-governor shall be grouped on the official ballot for use at state elections according to the parties they represent, and the voter may cast a single vote for any such group, which shall count as a vote for each candidate in such group, but may not cast a vote for only one of the candidates in such group.

Art. LXXXVII. SECTION 1. For the purpose of transferring, abolishing, consolidating or coordinating the whole or any part of any agency, or the functions thereof, within the executive department of the government of the commonwealth, or for the purpose of authorizing any officer of any agency within the executive department of the government of the commonwealth to delegate any of his functions, the governor may prepare one or more reorganization plans,

the individual claimants; that the controversy did not involve the rights or franchises of the people; nor the rights of the state in its sovereign capacity; and so the writ was denied. *People ex rel. Bentley v. McClees*, 20 Colo. 403, 38 P. 468, 26 L.R.A. 646 (1894).

III. OPINIONS.

A. General Consideration.

Cross reference. As to provisions for certification of questions of law by the supreme court, see Rule 21.1, C.R.C.P.

Law review. For article, "Limitations Upon Legislative Inquiries Under Colorado Advisory Opinion Clause", see 4 *Rocky Mt. L. Rev.* 237 (1932).

Original jurisdiction of supreme court enlarged. The constitutional amendment requiring the supreme court to answer questions propounded by the governor or by either branch of the general assembly is an enlargement of the original jurisdiction previously conferred upon that court by the constitution. In re House Bill No. 122, 12 Colo. 466, 21 P. 478 (1889).

Supreme court is not authorized to give advisory opinions other than pursuant to section. No provision of the law authorizes the supreme court to give advisory opinions to state agencies other than to the general assembly or to the governor when requested upon solemn occasions pursuant to this section. *Cameron v. Carroll & Co.*, 138 Colo. 432, 334 P.2d 748 (1959).

Provision is only exception to rule that no court may construe legislation until it has been adopted. The only exception to the rule that neither the supreme court, nor any other court, may be called upon to construe or pass upon a legislative act until it has been adopted is the constitutional provision authorizing the general assembly to propound interrogatories to the supreme court upon important questions upon solemn occasions. *City of Rocky Ford v. Brown*, 133 Colo. 262, 293 P.2d 974 (1956).

But, no jurisdiction to pass on constitutionality of proposed law. The courts do not have jurisdiction to pass upon the constitutionality of the substance of legislation prior to enactment or adoption. *CF & I Steel Corp. v. Buchanan*, 191 Colo. 570, 554 P.2d 1354 (1976).

Courts should not take jurisdiction to pass upon the constitutionality of a proposed law prior to its enactment or adoption. *Billings v. Buchanan*, 192 Colo. 32, 555 P.2d 176 (1976).

Judicial response to ex parte inquiry from executive department is inconsistent with separation of governmental powers. It must be admitted that the promulgation of a judicial opinion in response to an ex parte inquiry from the executive department of the government,

concerning the affairs of the legislative department, is anomalous and peculiar, and, apparently at least, inconsistent with the prevalent American system of separating the governmental powers into distinct departments. But it must be borne in mind that the same instrument which divides the powers of the government into distinct departments has been so amended by the voice of the people as to require the supreme court to "give its opinion upon important questions, upon solemn occasions, when required by the governor, the senate or the house of representatives". In re *Speakership of House of Representatives*, 15 Colo. 520, 25 P. 707, 11 L.R.A. 241 (1890).

Where there is no majority of supreme court as to either validity or invalidity of a statute which is the subject of interrogatories, no opinion respecting the interrogatories can be rendered under this section. In re *Interrogatories Propounded By McNichols*, 142 Colo. 188, 350 P.2d 811 (1960).

Answers by supreme court have effect of judicial precedents. The answer by the supreme court to questions are reported as are other opinions, and have the force and effect of judicial precedents; differing in this respect from the few analogous provisions elsewhere adopted. In re House Bill No. 122, 12 Colo. 466, 21 P. 478 (1889).

This section does not require wholesale exposition of all constitutional provisions relating to a given general subject. In re *Senate Resolution No. 2*, 94 Colo. 101, 31 P.2d 325 (1933). See In re *Senate Resolution*, 9 Colo. 620, 21 P. 470 (1886).

There is no constitutional requirement that reasons be given in answering questions upon the governor's request. In re *Senate Concurrent Resolution No. 10 of Forty-First Gen. Ass'y*, 137 Colo. 491, 328 P.2d 103 (1958).

Rule that every statute duly passed must be held constitutional unless contrary appears beyond reasonable doubt is not applicable to pending legislation when submitted to the supreme court for its opinion under this section. In re *Senate Resolution No. 2*, 94 Colo. 101, 31 P.2d 325 (1933).

Section as basis for jurisdiction. See In re *Senate Rule*, 9 Colo. 641, 21 P. 477 (1886); In re *Election of Dist. Judges*, 11 Colo. 373, 18 P. 282 (1888); In re *Leasing of State Lands*, 18 Colo. 359, 32 P. 986 (1893); In re *Relief Bills*, 21 Colo. 62, 39 P. 1089 (1895); In re *Internal Imp. Fund*, 24 Colo. 247, 48 P. 807 (1897); In re *Interrogatories of Governor on Chapter 118*, 97 Colo. 587, 52 P.2d 663 (1935); In re *Interrogatories by Governor*, 112 Colo. 294, 148 P.2d 809 (1944); In re *House Resolution No. 2*, 116 Colo. 18, 178 P.2d 415 (1947); In re *Senate Bill No. 95 of Forty-Third Gen. Ass'y*, 146

Colo. 233. 3
ories from
Colo. 76, 40
tory of Gov
(1967); In re
Colo. 113, 4
ories Prop
452 P.2d 38
Colo. State
(1969).

Applied in
F. Supp. 5
511, 57 S. C

F

Question
be propound
ess a pec
belonging t
executive
publici juris
with pendir
the constitu
ected ther
Lieutenant
811 (1913).

This sec
supreme co
questions p
ing from th
troversies
involved. I
466, 21 P. 4

Question
necessary
of our ext
section, th
cific. In re
P. 431 (189
Colo. 593,
School Fur
re Univers
(1893).

And part
considered
site require
appear tha
inquiry wil
eral assem
particular
sidered in
pointed out
Colo. 307,
Bill No. 16
re Loan of
273 (1893);
Colo. 166.

Thus, a
for its opin
out numer

legislative department, and, apparatus, and, apparatus, the prevalent the governing departments. But it the same instruments of the governor has been so he people as to "give its opinion on solemn occasion governor, the representatives". In re representatives. 15 . 241 (1890).

of supreme court of a statute interrogatories, no interrogatories can be In re Interrogatories, 142 Colo.

the effect of judgment by the supreme court as are other effect of judgment in respect from cases elsewhere . 122, 12 Colo.

require wholesale provisions relating. In re Senate Resolution, 31 P.2d 325 1909, 9 Colo.

requirement that questions upon Senate Concurrently-First Gen. 03 (1958).

passed must be contrary appears applicable to submitted to the court under this on No. 2, 94

tion. See In re 477 (1886); In Colo. 373, 18 P. State Lands, 18 e Relief Bills. In re Internal 7 (1897); In re Chapter 118.); In re Inter-olo. 294, 148 olution No. 2. ; In re Senate 1. Ass'y, 146

Colo. 233, 361 P.2d 350 (1961); In re Interrogatories from House of Representatives, 157 Colo. 76, 400 P.2d 931 (1965); In re Interrogatory of Governor, 162 Colo. 188, 425 P.2d 31 (1967); In re Interrogatories by Governor, 163 Colo. 113, 429 P.2d 304 (1967); In re Interrogatories Propounded by Senate, 168 Colo. 563, 452 P.2d 382 (1969); In re Interrogatories by Colo. State Senate, 168 Colo. 558, 452 P.2d 391 (1969).

Applied in *S. H. Kress & Co. v. Johnson*, 16 F. Supp. 5 (D. Colo.), aff'd mem., 299 U.S. 511, 57 S. Ct. 49, 81 L. Ed. 378 (1936).

B. Questions Submitted.

1. In General.

Question must relate to purely public rights, be propounded upon solemn occasion, and possess a peculiar or inherent importance not belonging to all questions of the kind; that executive questions must be exclusively publici juris, and legislative ones be connected with pending legislation, and relate either to the constitutionality thereof or to matters connected therewith of purely public right. In re Lieutenant Governorship, 54 Colo. 166, 129 P. 811 (1913).

This section has been construed by the supreme court as applying only to cases where questions publici juris are raised, thus excluding from this branch of its jurisdiction all controversies wherein private rights alone are involved. In re Senate Resolution, 12 Colo. 466, 21 P. 478 (1889).

Question submitted must be specific. As a necessary condition precedent to the exercise of our extraordinary jurisdiction, under this section, the question submitted must be specific. In re House Bill No. 107, 21 Colo. 32, 39 P. 431 (1895). See In re House Bill No. 165, 15 Colo. 593, 26 P. 141 (1890); In re Loan of School Fund, 18 Colo. 195, 32 P. 273 (1893); In re University Fund, 18 Colo. 398, 33 P. 415 (1893).

And particular section of constitution to be considered must be pointed out. One prerequisite required in such matters is that it must appear that the bill which is the subject of inquiry will likely pass the branch of the general assembly submitting the question, and the particular section of the constitution to be considered in connection therewith must be pointed out. In re Senate Resolution No. 10, 33 Colo. 307, 79 P. 1009 (1905). See In re House Bill No. 165, 15 Colo. 593, 26 P. 141 (1890); In re Loan of School Fund, 18 Colo. 195, 32 P. 273 (1893); In re Lieutenant Governorship, 54 Colo. 166, 129 P. 811 (1913).

Thus, a resolution asking the supreme court for its opinion under this section, that points out numerous particulars in which the bill may

conflict with provisions of the constitution, and involves a wholesale exposition of constitutional provisions relating to a general subject, will for that reason be refused consideration by the court. In re House Bill No. 99, 26 Colo. 140, 56 P. 181 (1899).

Questions, when propounded by executive, must relate to matters exclusively publici juris. In re Senate Resolution, 12 Colo. 466, 21 P. 478 (1889). See In re University Fund, 18 Colo. 398, 33 P. 415 (1893).

And when propounded by branch of general assembly, must be connected with pending legislation and relate either to the constitutionality thereof or to matters connected therewith of purely public right. In re Senate Resolution, 12 Colo. 466, 21 P. 478 (1889). See In re University Fund, 18 Colo. 398, 33 P. 415 (1893); In re Interrogatories of House, 62 Colo. 188, 162 P. 1144 (1916).

The question whether a bill proposing to increase the fees of district attorneys throughout the state will apply to district attorneys now in office does not come within the rule announced. In re Senate Resolution, 12 Colo. 466, 21 P. 478 (1889).

Department propounding question in first instance determines whether occasion exists which justifies its submission. In re Senate Resolution No. 10, 33 Colo. 307, 79 P. 1009 (1905). See In re Senate Resolution, 12 Colo. 466, 21 P. 478 (1889).

But what are "important questions upon solemn occasions" must be ultimately determined by the supreme court itself. In re Senate Resolution No. 2, 94 Colo. 101, 31 P.2d 325 (1933). See In re Appropriations by Gen. Ass'y, 13 Colo. 316, 22 P. 464 (1889); In re Senate Resolution, 12 Colo. 466, 21 P. 478 (1889); In re Penitentiary Comm'rs, 19 Colo. 409, 35 P. 915 (1894); In re Senate Bill No. 416, 45 Colo. 394, 101 P. 410 (1909); In re Lieutenant Governorship, 54 Colo. 166, 129 P. 811 (1913); In re Interrogatories of House, 62 Colo. 188, 162 P. 1144 (1916).

Questions propounded to the supreme court by the senate are limited to those specifically enumerated in this section of the constitution, and the court must determine whether or not questions so propounded are within the specifications. In re Interrogatories of Senate, 94 Colo. 215, 29 P.2d 705 (1934).

While the supreme court concedes to the governor full liberty to submit such questions as he may deem consistent with his executive powers, it reserves for itself the right to express its opinion freely, in whole or in part, or not at all, as it shall deem consistent with its judicial powers and constitutional obligation. In re Fire & Excise Comm'rs, 19 Colo. 482, 36 P. 234 (1894).

involved and complex legal problems and fundamental constitutional questions in proceedings under this section, although the state constitution seems to provide that it shall so do; however, the constitutional directive cannot be taken to mean that the supreme court should so act when possible prejudice may well result later to citizens whose rights are protected by both the state and federal constitutions. In re Interrogatories of Governor Concerning Senate Bill No. 34, 142 Colo. 188, 350 P.2d 811 (1960).

Were the supreme court, in an ex parte proceeding, to respond to interrogatories propounded by the general assembly with respect to the validity of a proposed statute, to the effect that such legislation is in all respects constitutional, such holding would be prejudicial to any citizen who at a future date might question its validity in the supreme court. In re Interrogatories Propounded by Senate, 131 Colo. 389, 281 P.2d 1013 (1955).

This court should not give ex parte opinion in relation to controversy that has already arisen, especially if actual litigation involving private rights is likely to arise from such controversy. In re Penitentiary Comm'rs, 19 Colo. 409, 35 P. 915 (1894).

Ordinance proposed by people. An ordinance proposed by the people under the laws of initiative and referendum is clothed with the presumption of validity and its constitutionality will not be considered by the courts by means of a hypothetical question, but only after enactment. *City of Rocky Ford v. Brown*, 133 Colo. 262, 293 P.2d 974 (1956).

The supreme court may not intrude upon the legislative powers of the people through an advisory opinion since the separation of governmental powers must be held inviolate. *City of Rocky Ford v. Brown*, 133 Colo. 262, 293 P.2d 974 (1956).

Section 4. Terms. At least two terms of the supreme court shall be held each year, at the seat of government.

Adopted November 6, 1962 — Effective January 12, 1965. (See Laws 1963, p. 1049.)

Cross reference. As to terms of the supreme court, see also § 13-2-101 and § 13-2-102.

Bill requiring corporations to pay their employees semi-monthly in lawful money of the United States, prohibiting contracts in violation thereof and providing penalties for its violation involves private rights and a question from the senate as to the constitutionality of such bill does not invoke the jurisdiction of the supreme court so as to require an opinion thereon under this section. In re Senate Bill No. 27, 28 Colo. 359, 65 P. 50 (1901).

A bill for an act to secure to laborers and others the payment of their wages in lawful money of the United States, and prescribing penalties for its violation, involves private rights of individuals and corporations, and is not a bill concerning matters publici juris such as will invoke the jurisdiction of the supreme court upon a question from the house of representatives as to its constitutionality under this section, authorizing the submission of questions to the court for its opinion. In re House Bill No. 99, 26 Colo. 140, 56 P. 181 (1899).

Rank of appropriation for administrative body not yet appointed. Under this section the court is not required to respond to a question as to the effect and rank of an appropriation for an administrative body not yet appointed. But to end doubt and controversy the court declared that an appropriation for the salary and expenses of the state tax commission was of the first class. In re Opinion of Justices, 55 Colo. 17, 123 P. 660 (1912).

Right of police commissioner to retain office after removal. The court will not, in an ex parte proceeding in response to an executive question, inquire into or determine the right of a police commissioner of Denver to retain his office after the governor has attempted to remove him. In re Fire & Excise Comm'rs, 19 Colo. 482, 36 P. 234 (1894).

C.J.S. See 21 C.J.S., Courts, § 148, 164, 165.

Section 5. Personnel of court - departments - chief justice. (1) The supreme court shall consist of not less than seven justices, who may sit en banc or in departments. In case said court shall sit in departments, each of said departments shall have full power and authority of said court in the determination of causes, the issuing of writs and the exercise of all powers authorized by this constitution, or provided by law, subject to the general control of the court sitting en banc, and such rules and regulations as the court may

Districts for registering of the major part of the divide the same into two ll appear necessary; each they enter upon the busi- faithfully to discharge the with sufficient sureties, in he punctual performance

The judicial power of a trial court of general ch lower courts as the t 2.

n Commissions; Judges val.] The tenure that their offices shall be ll judicial officers duly eir offices during good vision is made in this un- cuncil may remove any address of both houses e for removal shall be ll not be a cause which further that no officer portunity to be heard f the legislature.

Some printings of e failed to substitute for "president" in but there is evidence ion was intended by nvention of 1791-179 le. See 10 State Papers

of the New Hampshire Independence of B.J. 28 (July 1959).

Art. 74. [Judges to Give Opinions, When.] Each branch of the ture as well as the governor and council shall have authority to re the opinions of the justices of the supreme court upon important ions of law and upon solemn occasions.

HISTORY

Amendments—1958. Substituted "su- court" for "superior court".

ANNOTATIONS

Cited, 17
Dissent, 16
Effect of opinions, 15
Generally, 1
Timeliness of submission, 7
When court not required to give opinions, 9-14
Completed acts, 10
Pending matters, 9
Private rights, 12
Questions of law or fact, 13

When court not required to give opinions (cont.)
Questions to come before court, 11
Unnecessary answers, 14
Who may obtain opinion, 2-6
Generally, 2
Governor and council, 5
Legislature, 4
Private individuals, 3
State agencies, 6
Withdrawal of requests, 8

Generally
Supreme Court is limited by this in giving advisory opinions and ng them the justices act not as a but as the constitutional advisors of dy requiring the opinion; the bodies rized to thus obtain opinions are d to the branches of the Legisla- and the Governor and Council. Piper n of Meredith (1969) 109 NH 328, d 328.

expressing the belief that this was not a proper subject upon which the justices could render an opinion because it amounted to a quasi-judicial determina- tion of existing rights in a nonjusticiable matter. Opinion of the Justices (1944) 93 NH 478, 39 A2d 765.

Statute conferring jurisdiction on the upon petition and hearing to render aratory judgment as to a present r equitable right or title in advance y violation thereof is not in violation constitutional principle that courts, in cases permitted under this shall not give advisory opinions t notice and hearing. Faulkner v. (1931) 85 NH 147, 155 A 195.

Where in addition to special questions as to the constitutionality of proposed legislation the opinion of the court is requested as to whether such legislation violates the Constitution "in any respect" the court will not, where the bill presents no constitutional defects upon its face, speculate upon whether o'her constitu- tional issues might be raised. Opinion of the Justices (1957) 101 NH 518, 131 A2d 818.

Justices cannot avoid the duty upon them by this article to important questions of law by presuming that a statute providing personal expenses of legislators is onal and refusing to examine its or technical grounds. Opinion Justices (1949) 95 NH 533, 64 A2d

This article does not authorize advisory opinions on questions which the body asking the advice has determined not to consider. Re School-Law Manual (1885) 63 NH 574, 4 A 878.

2. Who may obtain opinion—Generally

By a majority of the justices rendered on an inquiry propounded to a governor and council concern- alldity of a statute imposing upon property owned by the minority opinion was rendered

The power of the Supreme Court to advise parties as to their rights and duties is limited by the common law to questions arising in the administration of property held in a fiduciary capacity, and by the Constitution to opinions given upon request of the legislature and the governor and council. Harvey v. Harvey (1904) 73 NH 106, 59 A 621.

Justices of Supreme Court have author- ity to give advisory opinions only when requested to do so by either branch of

d which being received there pursuant to § 1 h. 3), assuming so received the pending in the e subject, sub lier act, repeal clarifying that the as "necesses 1 of the publi 1 interrogator the premises in communicatio y to pass an ac mbarrassment nted, held, the ovisions of this tion No. 4, '4

ies to fund valid i given date is a ortance" and ver by the court propounded in nding of County P. 877 (1899)

of art. XXIV. nor was in doubt g the provisions d submitted cer of the supreme was regarded as he meaning and e Interrogatories P.2d 7 (1937)

staring vacancy in it before the pen ce of govern oduced declaring pparate the fraud was impossible to or contestee wa no person was ogatory from the t, asking whether legally adopt and ancy in the office tion which it is the nder this section 10, 33 Colo 40"

ement to hold off- id excise commu- the supreme court ve an opinion in plislative questions dice private rights the situation with tion as to what per hold the offices of

commissioner and excise commissioner of city of Denver at the present time required nature from the rule and an opinion upon is as submitted, without prejudice to the to show other or different facts. In re Fire Excise Comm'rs, 19 Colo. 482, 36 P. 234

3. Improper Questions.

Constitutionality of proposed legislation. Questions propounded by the governor as to constitutionality of a proposed legislative not introduced and which may never be posed, are premature. In re Interrogatories by or, 71 Colo. 331, 206 P. 383 (1922). See oposed Amendments to Constitution & Executive & Referendum Measures, 50 Colo. 114 P. 298 (1911).

Under the provisions of this section, questions of the executive concerning the constitutionality of proposed legislation are only to be answered when doubt as to the constitutionality is expressed. In re Interrogatories by Governor, 71 Colo. 331, 206 P. 383 (1922).

Constitutionality of legislation no longer pending. When both houses of the general assembly have taken a final vote on a bill, it is no longer pending legislation, and the court declines to respond to a question as to its constitutionality; nor will the court consider a question when presented at so short a time before the termination of the legislative session as to afford no opportunity for such investigation as the question requires. In re Senate Bill No 416, 45 Colo. 394, 101 P. 410 (1922).

This section does not authorize the supreme court to answer questions propounded by the members of representatives concerning the constitutionality of a measure passed by that body which is no longer before it for consideration. In re House Resolution No. 12, 88 Colo. 298 P. 960 (1931).

The supreme court is not at liberty in response to executive inquiry to pass upon the constitutionality of statutes. In re University Fund, 18 Colo. 398, 3: P. 415 (1893).

Questions of executive regarding legislation no longer pending. The jurisdiction conferred upon this court to answer executive and legislative questions, is extraordinary; the construction of statutes is within ordinary jurisdiction of the courts. One of the most common subjects of judicial consideration is the construction of legislative acts as they arise in due course of litigation. If we were to extend the extraordinary ex parte jurisdiction of this court to executive questions involving the construction of legislative statutes, it would be a most serious innovation. The tendency would be to transfer in a

great measure the management of our state institutions from the executive to the judicial department of the government. In re Penitentiary Comm'rs, 19 Colo. 409, 35 P. 915 (1894).

Questions referring to statutes of long standing, and requiring the determination of the right and duty of certain officials, are not to be determined ex parte. In re Interrogatories of House, 62 Colo. 188, 162 P. 1144 (1916).

The duty of the court in responding to legislative questions is limited to those which relate to proposed legislation. Completed legislation is not a subject of legislative inquiry. It is not within the province of the court to advise the general assembly as to whether existing legislation upon any subject satisfies the requirements of the constitution. All departments of government are of equal dignity. Neither can declare that another has not performed a duty imposed by the constitution. In re Senate Resolution No. 4, 54 Colo. 262, 130 P. 333 (1913).

Questions relating to desirability or policy of proposed legislation cannot be propounded. In re Senate Resolution, 12 Colo. 466, 21 P. 478 (1889).

Complex question of constitutional and statutory construction. In order to answer questions propounded by the governor the court would be obliged to construe at least three sections of the constitution and at least four sections of statutes. It appeared that there was a conflict between the specified constitutional provisions themselves as well as between the constitutional and statutory provisions, and a possible conflict between the statutory provisions, presenting a most difficult problem of constitutional and statutory construction requiring exhaustive research and most careful consideration. The questions propounded by the governor might all be the subject of litigation in which the parties to be affected will be afforded ample opportunity of presenting their causes, and then, and not until then, would it be the court's duty, on requested review, to give these important constitutional and statutory questions its exhaustive research and study. In re Interrogatories by the Governor, 126 Colo. 48, 245 P.2d 1173 (1952).

The supreme court should not prejudge involved legal problems and fundamental constitutional interpretations in ex parte proceedings, it being the policy of the supreme court to accommodate the general assembly only in such cases as are clear and where no prejudice will result to anyone in the future. In re Interrogatories Propounded by Senate, 131 Colo. 389, 281 P.2d 1013 (1955).

As a general proposition the supreme court seriously doubts the wisdom of prejudging

Pt. 2, Art. 74 CONSTITUTION OF NEW HAMPSHIRE

the Legislature or the Governor and Council. Opinion of the Justices (1969) 109 NH 366, 252 A2d 429.

3. —Private individuals

Advisory opinions of the Supreme Court cannot be given on the petition of private individuals. *State v. Harvey* (1965) 106 NH 446, 213 A2d 428.

It has been denied consistently that there is any right in courts to give advisory opinions to private litigants. *Piper v. Town of Meredith* (1969) 109 NH 328, 251 A2d 328.

4. —Legislature

This article authorizes the legislature, as well as the governor and council, to require the advice of the justices upon important legal questions pending in the body entitled to the advice, and awaiting the consideration and action of that body in the course of its legislative or executive duty. Opinion of the Justices (1906) 73 NH 625, 63 A 505, 6 Ann. Cas. 689.

Under this article either the House or the Senate has independent authority to request advisory opinions, and the duty of the justices to return their answers does not depend upon consent or approval of the other branch, whose request that no answer be returned may be disregarded. Opinion of the Justices (1959) 102 NH 80, 150 A2d 813.

A question of law necessary to be determined by one branch of the legislature in the performance of its duties furnishes the basis for a proper request to the court for its opinion. Opinion of the Court (1881) 60 NH 585.

The reasons of one branch of the legislature for refusing to concur in the request of the other for the opinion of the justices are not subject to judicial scrutiny. Opinion of the Justices (1959) 102 NH 80, 150 A2d 813.

The fact that no suit can be maintained against the state affords the legislature a proper occasion for requiring the advice of the justices as to the validity of a contract entered into on behalf of the state by the governor, with the advice and consent of the council. Opinion of the Justices (1903) 72 NH 661, 54 A 950.

The justices will give an opinion on an inquiry propounded to them by the legislature concerning the power of the legislature to convene itself without approval of the governor and council, even though the legislative session has ended, since such an opinion might be of

benefit to future legislatures. Opinion of the Justices (1944) 93 NH 474, 37 A2d 478.

Questions propounded to the justices by the house of representatives which do not directly involve the powers and duties of that body do not require an answer by the justices. Opinion of the Justices (1949) 95 NH 557, 66 A2d 76; Opinion of the Justices (1892) 67 NH 600, 43 A 1074.

5. —Governor and council

An advisory opinion may be sought where the powers of the governor and council are in question. Opinion of the Justices (1959) 102 NH 183, 152 A2d 870.

A request for an opinion by the governor and council is proper where the question propounded relates to action awaiting the consideration of the governor and council in the course of their executive duties. Opinion of the Justices (1950) 96 NH 517, 83 A2d 738; Opinion of the Justices (1908) 74 NH 606, 68 A 873.

Questions concerning the executive duties of the governor and council are proper subjects upon which to base a request for an opinion of the justices since such opinion would assist the governor and council in the performance of the duties legally imposed upon them by statute. Opinion of the Justices (1949) 96 NH 513, 68 A2d 859.

The governor and council may properly request the opinion of the justices on the validity of a statute which provides for re-organization plan of the state government where it is necessary that the validity of the statute be determined so that the governor will know whether or not to call the legislature into special session and submit to them such a plan. Opinion of the Justices (1950) 96 NH 517, 83 A2d 738.

Under a statute which imposes upon the governor the duty to provide by contract for railroad transportation of certain public officers, if the governor is in doubt as to what public officers are included in the meaning of the statute he, with advice and consent of the council, may require the opinion of the justices on the question. Opinion of the Justices (1908) 74 NH 606, 68 A 873.

While it is the duty of the justices, when requested by the governor and council, to give their opinions upon important questions of law and upon solemn occasions, it first must appear to the justices that their answer to any question so presented will be of assistance to the

Pt. 2, Art. 75 CONSTITUTION OF NEW HAMPSHIRE

tant question of law necessary to be determined by the body making the inquiry. Opinion of the Justices (1892) 67 NH 600, 43 A 1074.

12. —Private rights

This article does not authorize the legislature or the governor and council to require advice from the justices on a question affecting private rights alone on which interested persons are entitled to be heard, and justices will refuse to give advice when such questions are propounded. Opinion of the Justices (1949) 95 NH 557, 66 A2d 76; Opinion of the Justices (1883) 62 NH 704.

The justices will decline, as far as possible in the performance of their advisory duties imposed by this article, to express their views upon questions involving private rights, or to make any answer unless the official power or official duty of the body making the inquiry is clearly involved by the question submitted. Opinion of the Justices (1911) 76 NH 597, 79 A 490.

13. —Questions of law or fact

Opinions of the justices are to be given on questions of law only and not upon questions of fact in any form, and the court in such opinions will not weigh the evidence with any view of settling disputed questions the decision of which depends upon evidence alone. Opinion of the Justices (1864) 45 NH 607.

Generally, this section does not permit the supreme court to advise the legislature as to the meaning and scope of existing statutes. Opinion of the Justices (1959) 102 NH 187, 152 A2d 872.

This provision does not apply to constitutional questions involving existing laws. Opinion of the Justices (1955) 99 NH 24, 113 A2d 542.

14. —Unnecessary answers

The court will not undertake to answer the second of two questions submitted as

to the constitutionality of proposed legislation, where the answer to the first will serve the present legislative purpose, and adjournment of the legislature is impending. Opinion of the Justices (1959) 102 NH 240, 154 A2d 184.

15. Effect of opinions

In giving an opinion on a question propounded to them by the legislature the justices do not act as a court, but as the constitutional advisors of either branch of the legislature requiring their opinion, and it is not essential that the question proposed should be such as might come before them in their judicial capacity. Opinion of the Court (1881) 60 NH 585; Opinion of the Justices (1906) 73 NH 625, 63 A 505, 6 Ann. Cas. 689; Opinion of the Justices (1911) 76 NH 597, 79 A 490.

An opinion of the justices on proposed legislation is not binding upon the court in case the proposed legislation should become law and a case should arise requiring its construction. Opinion of the Justices (1852) 25 NH 537.

An opinion of the justices does not amount to a judicial decision. *Re School-Law Manual* (1885) 63 NH 574, 4 A 878; Opinion of the Justices (1911) 76 NH 597, 79 A 490.

16. Dissent

Where the opinion of one or more justices is opposed to the opinion expressed by the majority of the justices on a question submitted to them it is the duty of the minority to express their opinion in the same manner as that of the majority. Opinion of the Justices (1915) 77 NH 611, 93 A 311.

17. Cited

Cited in *Wyman v. De Gregory* (1957) 101 NH 171, 157 A2d 512; Opinion of the Justices (1958) 101 NH 549, 137 A2d 726.

[Art.] 75. [Justices of Peace Commissioned for Five Years.] In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail in discharging the important duties of his office with ability and fidelity, all commissions of justice of the peace shall become void at the expiration of five years from their respective dates, and upon the expiration of any commission, the same may if necessary be renewed or another person appointed as shall most conduce to the well being of the state.

Delaware. Laws, statutes, etc.

KFD
30
1953
A24
V. 16

DELAWARE CODE
" **ANNOTATED**

REVISÉD 1974

With Provision for Subsequent Pocket Parts

Prepared under the Supervision of
The Delaware Code Revisors

JOSEPH WHITMORE MAYBEE AND DANIEL F. WOLCOTT, JR.

by

The Editorial Staff of the Publishers

Under the Direction of

D. P. HARRIMAN, A. D. KOWALSKY
AND A. E. ESTES

VOLUME 16

1981 Replacement Volume

*Including Legislation Enacted Through December 31, 1981
by the 131st General Assembly and annotations taken from
Atlantic Reporter 2d through Volume 432 (p. 327)*

THE MICHIE COMPANY

Law Publishers

CHARLOTTESVILLE, VIRGINIA

1001

GATED

safety

ide

Civil Defense

es

s

nd Waters

nd Occupations

usements

ment

DELAWARE CODE
ANNOTATED

—
REVISED 1974
—

1984 Cumulative Supplement
—

Prepared under the Supervision of
The Delaware Code Revisors

JOSEPH WHITMORE MAYBEE AND DANIEL F. WOLCOTT, JR.

by

The Editorial Staff of the Publishers

Under the Direction of

ADRIAN D. KOWALSKY, CLIFTON W. ANDERSON, DENNIS DOUGHERTY
AND ALICE E. ESTES

—
VOLUME 16

1981 REPLACEMENT
—

*Including Legislation Enacted
Through December 31, 1984
by the 132nd General
Assembly*
—

Annotated through 478 A.2d 226. For complete scope of annotations,
see preface in supplement to Volume 1.

—
THE MICHIE COMPANY

Law Publishers

CHARLOTTESVILLE, VIRGINIA

1984

RULE 44.

ADVISORY OPINIONS UPON REQUEST FROM THE GOVERNOR OR FROM THE GENERAL ASSEMBLY

(a) **Request for an Opinion.** A request from the Governor or from the General Assembly shall be regarded as confidential for a period of 5 days after receipt thereof, or until the request becomes public information, whichever first occurs.

(b) **Briefing and Oral Argument.** The request shall be docketed with the Clerk of the Court and, after designation of counsel, shall be processed through briefing and argument in the same manner as an appeal or as an original proceeding in the Supreme Court. Correspondence between the Governor, or the Speaker of the House and the President Pro Tempore of the Senate, as the case may be, and the Justices about the request shall be included in the docket which is public information.

(c) **Delivery and Publication.** After the opinions are prepared, they shall be hand-delivered to the Governor or to the Speaker of the House and the President Pro Tempore of the Senate, as the case may be, and shall be regarded as confidential for a period of 5 days thereafter, or until the Governor or the Speaker of the House and the President Pro Tempore of the Senate, as the case may be, has released them, whichever first occurs.

(Amended, effective Dec. 15, 1983.)

Commentary. The rule amendment implements recent legislation amending § 141 of title 10 to permit the General Assembly as well as the Governor to request advisory opinions of the Supreme Court.

Effect of amendment. — The 1983 amendment, effective Dec. 15, 1983, added "or from the General Assembly" in the title of the rule, inserted "or from the General Assembly" in paragraph (a), substituted "5" for "10" in that paragraph, inserted "or the Speaker of the

House and the President Pro Tempore of the Senate, as the case may be" in the second sentence of paragraph (b), and in paragraph (c), deleted "the office of" following "hand-delivered to," inserted "or to the Speaker of the House and the President Pro Tempore of the Senate, as the case may be" and substituted "5" for "10" and "or the Speaker of the House and the President Pro Tempore of the Senate, as the case may be, has released" for "releases."

PART V. ATTORNEYS

Subpart A — Board of Bar Examiners

RULE 52.

ADMISSION TO THE BAR — GENERAL

(a) **Requirements for Admission.** Except as to persons admitted under Rule 53, no person shall be admitted to the Bar unless he shall have qualified by producing evidence satisfactory to the Board:

(5) That he has been regularly graduated with a baccalaureate degree or its equivalent from a law school which at the time of conferring such

degree was listed on the A: schools.

(6) That he has been examined in law, equity, legal ethics and Professional Responsibility and has been admitted to the Bar in its discretion and shall be held to the same scoring standard to be produced.

(7) That he is a domiciliary of this State if he passes the examination for admission, either his domicile or his principal office.

(8) That he has served as a law clerk for at least 5 months.

(i) In the office of or under the supervision of a Preceptor, or under the supervision of a member of the Bar or the Board of Bar Examiners and has been in practice for at least 5 months.

(ii) As a law clerk in the office of a State or of a United States District Court.

(iii) In the office of a law firm, the United States At-Law Society, or the Legal Aid Society, Institution approved by the Board of Bar Examiners or of a member of the Board of Bar Examiners certified by the Board of Bar Examiners.

(9) That he has satisfied the requirements of instruction called by the Board of Bar Examiners or the Court or the Board shall have satisfied the instruction for those see Rule 53, § 75 to the Clerk of the Board of Bar Examiners.

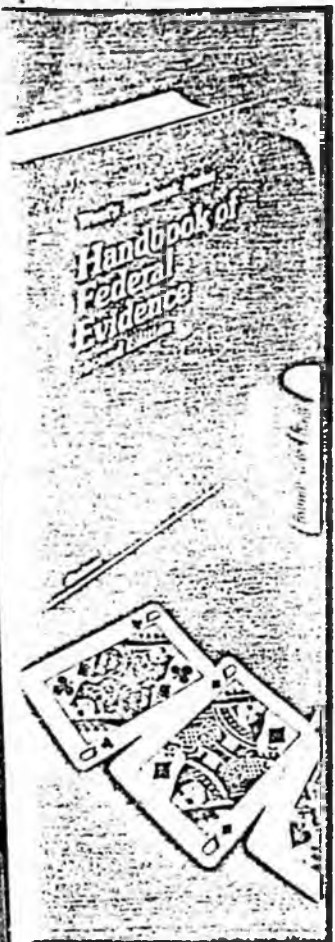
(c) **Clerkship.** No person shall be admitted to the Bar unless he has served a satisfactory clerkship for at least 5 months under this rule. The 5-month period of this rule shall qualify unless the applicant shall have matriculated at a law school as provided in paragraph (a) of this rule. The applicant desiring to qualify for admission shall have practical experience to be admitted to the Bar. Prior to the admission of the applicant and his Preceptor shall have completed the required list of references.

(d) **Certification.** Upon completion of the admission to the Bar, the Board of Bar Examiners shall certify of his qualification for admission to the Bar.

An applicant for admission to the Bar shall include as part of his application for admission, including evidence of his domicile or his principal office.

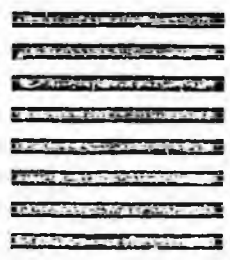
473
AG
1986

MICHIGAN RULES OF COURT: 1986 STATE



With Amendments
Received Through April 15, 1986

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



ST. PAUL, MINN.
WEST PUBLISHING CO.
1986

Library
National Center for State Courts
300 Newport Ave.
Williamsburg, VA 23187-8793

200 66
200 66

Rule 7.219 MICHIGAN COURT RULES—1985

(5) 50c per page for a copy of an opinion; however, one copy must be given without charge to each party in a case.

A person who is unable to pay a filing fee may ask the court to waive the fee by filing a motion and an affidavit disclosing the reason for the inability.

(H) Rule Applicable. Except as provided in this rule, MCR 2.625 applies generally to taxation of costs in the Court of Appeals.

(I) Violation of Rules. The Court of Appeals may impose costs on a party or an attorney when in its discretion they should be assessed for violation of these rules.

[Amended January 31, 1985.]

Note

MCR 7.219 is based on GCR 1963, 822.

Subrules (F) and (G) carry forward the provisions of GCR 1963, 822.2 and 822.3 regarding the fees and expenses that may be collected and taxed. The fee for a copy of a Court of Appeals opinion is changed to 50c per page, to conform with MCL 600.321(4); MSA 27A.321(4).

New subrules (A)-(E) provide the procedure for taxation of costs, formerly covered by reference to the rule governing taxation of costs in trial courts. See GCR 1963, 822.1.

Subrule (I) adds explicit authorization for the Court of Appeals to impose costs on a party or attorney for violation of the rules.

SUBCHAPTER 7.300 SUPREME COURT

RULE 7.301 JURISDICTION

The Supreme Court may:

(1) review a Judicial Tenure Commission order recommending discipline, removal, retirement, or suspension (see MCR 9.223-9.226);

(2) review by appeal a case pending in the Court of Appeals or after decision by the Court of Appeals (see MCR 7.302);

(3) review by appeal a final order of the Attorney Discipline Board (see MCR 9.122);

(4) give an advisory opinion (see Const 1963, art 3, § 8);

(5) respond to a certified question (see MCR 7.305);

(6) exercise superintending control over a lower court or tribunal (see, e.g., MCR 7.304);

(7) exercise other jurisdiction as provided by the constitution or by law.

Colorado
Art 6-33
Mass - Chap 3 part 2 Art 2
New Hamp - Part 2 Art 74

MCR 7.301

RULE 7.

(A) What copies of:

(1) an a

(2) a co

(3) a su

(4) a co
relevant to

(5) a co
review of a

(6) a no
submitted t
days after

(7) proo
parties, the

(8) the f

One copy must
decision of the
Appeals clerk
Supreme Cour

(B) Ground

(1) the is
legislative a

(2) the is
or against t
against an c
the officer's

(3) the is
state's juris

(4) in an
final adjudi

(5) in an
decision is c
decision con
of the Cour

(6) in an
is erroneous



Alaska State Legislature House of Representatives

P.O. BOX 783
GIRARDWOOD, ALASKA 99587
(907) 783-2905

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-2693/2719

REPRESENTATIVE
JIM ZAWACKI
DISTRICT 7

April 29, 1987

MEMBER
COMMUNITY & REGIONAL
AFFAIRS COMMITTEE
LEGISLATIVE BUDGET &
AUDIT COMMITTEE
FINANCE SUBCOMMITTEE

Rep. Fran Ulmer, Chair
State Affairs Committee

Dear Fran,

You will note that there is a fairly substantial list of co-sponsors on House Concurrent Resolution 15, which is before you. That represents a confidence on the part of those members that the voters were serious when they passed the constitutional amendment to which it refers.

I happen to disagree with the Attorney General's opinion which holds the capital projects provision of that amendment invalid at present budget levels. It still remains that the people of Alaska did say by their vote, in very substantial numbers, that they see a need for responsible capital projects.

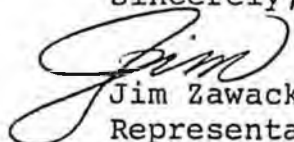
Those capital projects will help stabilize the economy of many communities right now when it is needed the most. This resolution would only express the interest of the Legislature in doing whatever little we can to help bolster the economy through some capital expenditure on capital projects.

The construction industry, the labor and crafts unions, and the general public in many communities would benefit. Passage of this resolution would, of course, have no legal effect, but it could create an awareness which might help to pass some of the capital bills which are before us.

It would also demonstrate to the people who passed the constitutional amendment -- and who elected us -- that we are paying attention to their wishes.

I hope you can see fit to support the Resolution. It is, at the very least, an expression of confidence in the past, present and future of Alaskans.

Sincerely,


Jim Zawacki
Representative

.JZ:p-m

HJR

30

Alaska State Legislature

P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-2828



DISTRICT 10
2600 Denali, Suite 501
ANCHORAGE, ALASKA 99503
(907) 276-7943

MEMBER
Community and Regional
Affairs
Special Committee
on Telecommunications
Finance Sub-Committee
for Labor

Anchorage Caucus,
House Chair

Representative Virginia M. Collins

*for staff
FYI*

April 15, 1987

Honorable Fran Ulmer, Chair
House State Affairs Committee
P.O. Box V
Juneau, Alaska 99811

Re: HJR 30, Urging the League of Women Voters to
consider Anchorage as a site of a Presidential debate
sponsored by the League.

Dear Rep. Ulmer,

Just a brief note thanking you and your staff, Dennis and
Judy, for your help in moving HJR 30 promptly out of committee.

Your help has greatly improved the chances of having the
resolution pass out by May 1--the deadline by which the League
of Women Voters of Alaska must submit its proposal.

Cordially,


Rep. Virginia Collins

Alaska State Legislature

P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-2828

DISTRICT 10
2600 Denali, Suite 501
ANCHORAGE, ALASKA 99503
(907) 276-7943



MEMBER
Community and Regional
Affairs
Special Committee
on Telecommunications
Finance Sub-Committee
for Labor
Anchorage Caucus,
House Chair

RECEIVED APR 8 1987 Representative Virginia M. Collins

April 8, 1987

The Honorable Fran Ulmer, Chair
House State Affairs Committee
P.O. Box V
Juneau, Alaska 99811

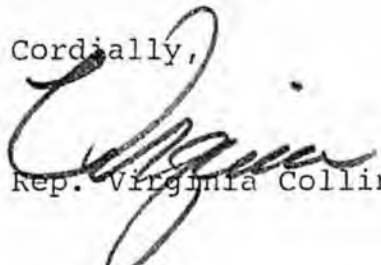
Re: HJR 30, Urging the League of Women Voters to consider Anchorage as a site of a Presidential debate sponsored by the League.

Dear Representative Ulmer,

Thank you for co-sponsoring the above resolution. Because the site selection deadline for the 1988 Presidential General Election Debates is May 1, 1987, I respectfully request that a hearing be scheduled for this resolution as soon as possible.

Again, thank you for your support.

Cordially,


Rep. Virginia Collins

cc: Gay Leslie, President, League of Women Voters of Alaska
Charlotte Fox, President, League of Women Voters of Anchorage

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE ULMER

NAME: GAY I. LESLIE, PRESIDENT
TITLE: LEAGUE OF WOMEN VOTERS OF ALASKA
ADDRESS: 4620 SOUTHPARK BLUFF DRIVE
CITY: ANCHORAGE ZIP: 99516
PHONE: N/A-
BILL NO: HJR 30

SUBJECT: ANCHORAGE; 1988 PRESIDENTIAL DEBATE
MESSAGE: I URGE YOU TO SCHEDULE A HEARING ON HJR30 AS SOON AS POSSIBLE. THE LEAGUE OF WOMEN VOTERS OF ANCHORAGE MUST SUBMIT ITS PROPOSAL TO HOST A 1988 PRESIDENTIAL DEBATE TO THE NATIONAL LEAGUE BY MAY 1, 1987. A HOUSE RESOLUTION WOULD DEMONSTRATE CONSIDERABLE SUPPORT FOR SUCH A PROPOSAL.

POMID: 03163134
DATE: 04/10/87
TIME: 16:31:34
LIONAME: ANCHORAGE LIO

05/10/87

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE ULMER

NAME: GAY I. LESLIE, PRESIDENT
TITLE: LEAGUE OF WOMEN VOTERS OF ALASKA
ADDRESS: 4620 SOUTHPARK BLUFF DRIVE
CITY: ANCHORAGE ZIP: 99516
PHONE: N/A-
BILL NO: HJR 30
SUBJECT: ANCHORAGE; 1988 PRESIDENTIAL DEBATE
MESSAGE: THANK YOU FOR CO-SPONSORING HJR30. YOUR SUPPORT IS A VITAL PART OF OUR
BID TO HOLD ONE OF THE LEAGUE OF WOMEN VOTERS 1988 PRESIDENTIAL DEBATES IN
ANCHORAGE.

POMID: 03154949
DATE: 04/10/87
TIME: 15:49:49
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

GRUSSENDORF
BARNES
BOUCHER
COTTEN
DONLEY
ELLIS
FURNACE
HANLEY
HUDSON
MENARD
PEARCE
PETTYJOHN
PHILLIPS
TAYLOR
ZAHACKI
BROWN
POURCHOT
CATO
NAVARRE

HOUSE COMMITTEE REPORT

(7)

Date referred: 4/8/87

FURTHER REFERRALS:

DATE: 4-15-87

The State Affairs Committee has considered HJR 30

Urging the League of Women Voters to consider Anchorage as a site of a Presidential debate sponsored by the League.

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Grant M... ..

Frank

Richard

Terry

SIGNING OTHER RECOMMENDATIONS:

Grant M...

 Chairman's signature

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: HJR 30
Publish Date: 4/8/87

Revision Date: _____
Title: Urging the League of Women
Voters...Anchorage Presidential
Sponsor: Collins, Gruenberg, etc.
Requestor: Rep. Collins

Agency Affected: Office of the Governor
BRU: Executive Office
Components: Executive Office

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0				
FEDERAL FUNDS					
OTHER					
TOTAL	0				

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS : (Attach a separate page if necessary)

This bill urges the League of Women Voters to consider Anchorage, Alaska as the site for one of the scheduled Presidential debates in 1988. This resolution cites no state government funding to be required for the debate and offers no financial support. No fiscal impact is anticipated by the Office of the Governor.

Prepared by: Michael A. Nizich, Director Phone: 465-3616
Division: Division of Administrative Services Date: 4/14/87

Approved by Commissioner: Carol P. Kastelic Date: 4/14/87
Agency: Office of the Governor

Distribution (by preparer):

- Legislative Finance
- ✓ Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary



Official Business

Alaska State Legislature

House

P.O. BOX V
State Capitol
Juneau, Alaska 99811

STATE AFFAIRS COMMITTEE
HOUSE JOINT RESOLUTION 30
FILE CONTENTS

1. HJR 30: URGING THE LEAGUE OF WOMEN VOTERS TO CONSIDER ANCHORAGE AS A SITE OF A PRESIDENTIAL DEBATE SPONSORED BY THE LEAGUE
2. LETTER FROM GAY LESLIE TO REPRESENTATIVE COLLINS, DATED APRIL 9, 1987
3. LETTER FROM NANCY NEUMAN TO PRESIDENTS OF STATE AND LOCAL LEAGUES, DATED FEBRUARY 6, 1987
4. LETTERS OF SUPPORT
5. LETTER OF SUPPORT FROM ALASKA LEAGUE OF WOMEN VOTERS
6. LETTER FROM GOVERNOR COWPER TO CHARLOTTE FOX, DATED APRIL 9, 1987

FISCAL NOTE

- A. OFFICE OF THE GOVERNOR, EXECUTIVE OFFICE: -0-



4620 Southpark Bluff Dr.
Anchorage, Alaska 99516
April 9, 1987

Rep. Virginia M. Collins
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Rep. Collins:

The League of Women Voters of Anchorage is in the process of assembling information to demonstrate the ability to meet the site selection criteria for the 1988 Presidential Debates. Permit me to address those criteria.

1. Strong support from the local League and community leaders. The League has elicited expressions of support at several levels. I was informed today that the letter from Mayor Knowles will be signed yet today or tomorrow. The Municipal Assembly has already passed a resolution (AR 87-85), which will be available on Monday. The Chamber of Commerce will take up the item at their board meeting next week. Congressman Young has written in support of the proposal. The Governor's Office is preparing a letter of support. The Anchorage Convention and Visitors Bureau (ACVB) is actively supporting the proposal and lining a proposal packet including letters of commitment from the hotels and the Egan Center. Other letters of support or resolutions are expected.
2. A minimum of 300 volunteers. The Anchorage League, itself, has 125 members upon which it can draw as well as some of the other 325 League members throughout the state. Other community groups are lining up in support. The ability of Fur Rendezvous and the Anchorage Olympic Organizing Committee to draw on large numbers of volunteers demonstrates that the League will have no difficulty meeting this criterion.
3. Commitment to assist with fundraising. Members of the private sector in Anchorage have assured us that we will have no difficulty raising \$250,000 for this purpose. The League is committed to raising this money through the private sector without assistance from the Municipality or the State.
4. Adequate facilities including a theater with a minimum of 1,000 seats, broadcast facilities, room for 1,000 working press, and rooms

1988 PRESIDENTIAL DEBATE

LEAGUE OF WOMEN VOTERS

3

SITE SELECTION CRITERIA FOR 1988 PRESIDENTIAL DEBATES

1. Strong support from the local League(s) and community leaders in hosting a general election debate.
2. A minimum of 300 volunteers readily accessible to the host city is required to assist with the tasks related to the debate.
3. Commitment of the local League leadership to assist the LWVEF with fundraising for the Presidential Debates in their local/regional area. (In 1984, \$250,000 was required at each site).
4. Adequate facilities for holding the debate. Facility should have:
 - a. a theater with a minimum of 1000 seats (past debate theaters have ranged from 1000 to 4000) capacity, excellent acoustics, state of the art sound and lighting, space for at least 7 television cameras, adequate power for live broadcast needs, dressing room facilities.
 - b. Adjacent (same building preferable) space for up to 1000 working press.
 - c. Several rooms for use as debate offices.
5. Excellent transportation facilities, e.g., a large airport with major airline service and easy access from other parts of the country, especially Washington, DC.
6. Adequate hotel space to accommodate up to 1200 (LWVEF staff and board, traveling press, campaigns, secret service, debate guests, etc.)

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**



4620 Southpark Bluff Dr.
Anchorage, Alaska 99516
April 9, 1987

Rep. Virginia M. Collins
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Rep. Collins:

The League of Women Voters of Anchorage is in the process of assembling information to demonstrate the ability to meet the site selection criteria for the 1988 Presidential Debates. Permit me to address those criteria.

1. Strong support from the local League and community leaders. The League has elicited expressions of support at several levels. I was informed today that the letter from Mayor Knowles will be signed yet today or tomorrow. The Municipal Assembly has already passed a resolution (AR 87-85), which will be available on Monday. The Chamber of Commerce will take up the item at their board meeting next week. Congressman Young has written in support of the proposal. The Governor's Office is preparing a letter of support. The Anchorage Convention and Visitors Bureau (ACVB) is actively supporting the proposal and is assembling a proposal packet including letters of commitment from the hotels and the Egan Center. Other letters of support or resolutions are expected.
2. A minimum of 300 volunteers. The Anchorage League, itself, has 125 members upon which it can draw as well as some of the other 325 League members throughout the state. Other community groups are lining up in support. The ability of Fur Rendezvous and the Anchorage Olympic Organizing Committee to draw on large numbers of volunteers demonstrates that the League will have no difficulty meeting this criterion.
3. Commitment to assist with fundraising. Members of the private sector in Anchorage have assured us that we will have no difficulty raising \$250,000 for this purpose. The League is committed to raising this money through the private sector without assistance from the Municipality or the State.
4. Adequate facilities including a theater with a minimum of 1,000 seats, broadcast facilities, room for 1,000 working press, and rooms

for debate offices. The ACVB is working on the response regarding these criteria. The Egan Center is now considered the primary site for the debate and work space for the press. If the Performing Arts Center is available at the time, we would probably switch the debate there and continue to use the Egan Center for the press corps and office space. Adequate seating for the debate will be available at either the Egan Center or the Performing Arts Center.

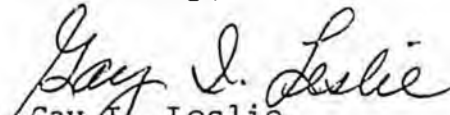
5. Excellent transportation facilities. Anchorage International Airport has major airline service from all parts of the country via Chicago, Minneapolis, Salt Lake City, and Seattle.

6. Adequate hotel space to accommodate up to 1,200. It is being proposed that a debate be scheduled in Anchorage within the window of September 23-26 or October 7-10, 1988. Both of those time frames are outside the peak tourist season. The positive response of the hotels to the ACVP indicates that we will be able to assure adequate hotel space.

Although not addressed directly in the criteria established by the League of Women Voters Education Fund, we consider our excellent broadcast capabilities and our time zone to be plusses in establishing our case for Anchorage as a host city. The same arguments that worked to the advantage of the Anchorage Olympic bid would work to the advantage of the Anchorage League's bid to host a Presidential Debate.

I hope this information answers some of the questions about the League's proposal. If I can provide further information, please call (345-2935 home; 261-4424 work).

Sincerely,


Gay I. Leslie
President

1988 PRESIDENTIAL DEBATE

LEAGUE OF WOMEN VOTERS

SITE SELECTION CRITERIA FOR 1988 PRESIDENTIAL DEBATES

1. Strong support from the local League(s) and community leaders in hosting a general election debate.
2. A minimum of 300 volunteers readily accessible to the host city is required to assist with the tasks related to the debate.
3. Commitment of the local League leadership to assist the LWVEF with fundraising for the Presidential Debates in their local/regional area. (In 1984, \$250,000 was required at each site).
4. Adequate facilities for holding the debate. Facility should have:
 - a. a theater with a minimum of 1000 seats (past debate theaters have ranged from 1000 to 4000) capacity, excellent acoustics, state of the art sound and lighting, space for at least 7 television cameras, adequate power for live broadcast needs, dressing room facilities.
 - b. Adjacent (same building preferable) space for up to 1000 working press.
 - c. Several rooms for use as debate offices.
5. Excellent transportation facilities, e.g., a large airport with major airline service and easy access from other parts of the country, especially Washington, DC.
6. Adequate hotel space to accommodate up to 1200 (LWVEF staff and board, traveling press, campaigns, secret service, debate guests, etc.)

1988 PRESIDENTIAL DEBATES

LEAGUE OF WOMEN VOTERS

February 6, 1987

This is going on DPM

TO: Presidents of State and Local Leagues and ILO's

FR: Nancy Neuman

RE: Site Selection for 1988 Presidential General Election Debates
Deadline: May 1, 1987

The League of Women Voters Education Fund is planning to sponsor up to four presidential debates in the fall of 1988. As we have done in past debate years, we are seeking Leagues and cities interested in hosting a 1988 debate and willing to assist the LWVEF with the multitude of tasks that go into staging the debate. If your League plans to submit a proposal, please send it by May 1, 1987 to the LWVEF's Presidential Debates Office. Guidelines for preparing and submitting proposals are as follows:

1. A cover letter from the local League president must be included with the proposal. If we receive proposals from non-LWV entities, we will immediately notify them that they must work through League channels in order to be considered. This is to ensure that each proposal has the full support and commitment of League leaders and volunteers who will be responsible for meeting LWVEF's requirements.
2. Site selection criteria are attached. Please be as specific as possible in addressing each point. All supportive materials will be reviewed. Beyond these criteria, there are other items the LWVEF must weigh in making the final decision: factors such as geographic distribution of sites and political considerations (for example, we try to avoid siting debates in the home states of the nominees).
3. Flexibility and adaptability are very important characteristics of Presidential Debates work. Please make sure everyone involved in developing the proposal is willing to shift gears at a moment's notice! For example, if your League is offering one site, and it's already booked for all but two days in September or October 1988, you'll need to look for some alternatives.

(over)

Municipality of Anchorage



OFFICE OF THE MAYOR

P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6
(907) 264-4431

TONY KNOWLES.
MAYOR

April 10, 1987

League of Women Voters of Anchorage
Presidential Debates
P. O. Box 101345
Anchorage, Alaska 99510-1345

Dear League Members:

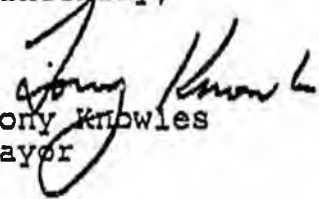
As Mayor of Anchorage, Alaska, it's a pleasure for me to let you know of my wholehearted support of the League of Women Voters of Anchorage's proposal that Anchorage host one of the 1988 presidential debates to be sponsored by the National League's Education Fund. Anchorage has more than adequate facilities necessary to host one of the debates, and the hotel space to accommodate all those in attendance. We have excellent transportation facilities, and our time zone would make it possible for the event to be broadcast live to the rest of the country.

Alaska, with its vast acres of federally-owned land, its vital military installations and proximity to the Soviet Union, is a logical place to stage a debate in which the presidential candidates certainly will be discussing national issues such as land management, the defense budget and foreign relations.

Hosting a debate of such historical significance would be an honor for Anchorage and its residents. There's no question that the Anchorage League could provide easily the volunteer assistance necessary to ensure that all tasks related to the debate would be accomplished with speed and competence. Please do not hesitate to contact my office if you have any questions, or if you need additional information to assist you in considering the proposal.

We hope to see you here in 1988, and we're looking forward to it.

Sincerely,


Tony Knowles
Mayor

DON YOUNG
CONGRESSMAN FOR ALL ALASKA

WASHINGTON OFFICE
2331 RAYBURN BUILDING
TELEPHONE 302/245-8785

COMMITTEES:
INTERIOR AND INSULAR
AFFAIRS
MERCHANT MARINE AND
FISHERIES
POST OFFICE AND
CIVIL SERVICE



Congress of the United States
House of Representatives
Washington, D.C. 20515

April 2, 1987

DISTRICT OFFICES

701 C STREET, BOX 3
ANCHORAGE, ALASKA 99513
TELEPHONE 907/271-6978

BOX 10, 101 12TH AVENUE
FAIRBANKS, ALASKA 99701
TELEPHONE 907/456-0210

401 FEDERAL BUILDING
P.O. BOX 1247
JUNEAU, ALASKA 99802
TELEPHONE 907/586-7400

501 FEDERAL BUILDING
KETCHIKAN, ALASKA 99902
TELEPHONE 907/225-6880

RT. 1, BOX 1805
KENAI, ALASKA 99611

BOX 177
KODIAK, ALASKA 99615

P.O. BOX 1860
NOME, ALASKA 99762

Charlotte Fox
President
League of Women Voters of Anchorage
P.O. Box 101345
Anchorage, Ak. 99510

Dear Ms. Fox,

I wholeheartedly endorse your commendable efforts to have the National League of Women Voters consider Anchorage as a site for presidential debates in 1988. I have looked at the site selection criteria you sent and for my part, feel that Anchorage would pass each one with flying colors.

Obviously, the debates would give Anchorage and all of Alaska an excellent opportunity to be spotlighted across the Nation. It is truly exciting to think that millions of Americans might see and judge the candidates while they were in our state. I wish you the best of luck in your endeavors. If there is anything I can do to help you, please let me know.

Best wishes,

Sincerely,

DON YOUNG
Congressman for all Alaska

DY:cjzv



4620 Southpark Bluff Dr.
Anchorage, AK 99516
March 23, 1987

Nancy Neuman, Chair
LWV Education Fund
1730 M Street NW
Washington, DC 20036

Dear Nancy:

It gives me great pleasure to write to you on behalf of the League of Women Voters of Alaska (LWVAK) to express our support for the proposal of the League of Women Voters of Anchorage to host one of the 1988 Presidential General Election Debates. The Anchorage League's proposal was received enthusiastically by the LWVAK board at our February 28 meeting and has our strong support.


I am pleased to note that this proposal has also been received enthusiastically by individuals and groups in the Anchorage community and throughout Alaska. This response is typical of Alaska's can-do spirit - the same spirit that won the right to represent the United States in competing to host the 1992 and 1996 Winter Olympics.

Anchorage can offer modern hotel and convention facilities, an international airport, a sophisticated communications network, and a cadre of volunteers. In addition, the League has excellent working relations with the local government, the media, and the local business community.

Fall is off-season in Alaska - midway between the summer tourist season and winter sports festivals. Thus facilities and accommodations designed for peak-season use would be available for the debate and the entourage associated with it.

The state and local Leagues would welcome a site survey to enable us to show you what Anchorage has to offer as a potential debate site.

Sincerely,


Gay I. Leslie
President

(4)



Box 874589
Wasilla, AK 99687
April 6, 1986

Nancy Neuman, Chair
LWV Education Fund
1730 M Street NW
Washington, DC 20036

Dear Ms Neuman,

The members of the Matanuska-Susitna League of Women Voters endorse the proposal from the League of Women Voters of Anchorage to be one of the host sites for the 1988 Presidential general election debates.

We feel that Alaska affords unique opportunities in terms of its geopolitical location and its Pacific Rim oriented economy to focus national voter attention on issues relating to land-based defense systems and to foreign trade development.

More importantly, we believe that it is incumbent on the League of Women Voters to ensure regional variety in debate site location and to address the concerns and interests of voters in less densely populated states. As you are aware, there is no substitute for an up-close look at a candidate; the opportunity for an Alaskan voter to see and hear the candidate does not come often. We urge you in the strongest possible terms to consider Anchorage as one of the debate sites. Although there are those who would argue that our distance from the East Coast and the time zone changes militate against us, we submit to you that a politician can reach just as many voters from Anchorage via television as he/she can from New York City via television. Anchorage offers all the amenities of a large city and of a smaller town.

We urge you to "Look West" for one of the debate sites and then to "Look North" for the best site !

Sincerely,

Mary Margaret Snyder
President, Matanuska Susitna League of Women Voters



AKPIRG
ALASKA PUBLIC INTEREST RESEARCH GROUP
Post Office Box 1093 / Anchorage, Alaska 99510 / (907) 278-3661

Charlotte Fox
League of Women Voters of Anchorage
Box 10-1345
Anchorage, AK 99510-1345

30 March 1987

Dear Ms. Fox,

AKPIRG is wholeheartedly supportive of your effort to host one of the presidential debates here in Anchorage. It is clear from the criteria that we have all the things needed to present a first-rate program to the public around the country and it would be a very meaningful place for the candidates themselves to be present. Alaska's long history of political activism and our current attention to campaign issues on a wide variety of fronts all demonstrate our respect for and interest in the political process.

As you know, AKPIRG is a leader in a wide range of consumer, government and public policy matters. I feel confident that we could assist in some of the logistic aspects of conducting the debate if that were necessary.

We applaud your effort and we stand ready to assist in whatever way we can.

Sincerely,

Jeffrey R. Bohman
Executive Director

The Republican Party of Alaska



Jim Crawford
Chairman

Marilyn Paine
National Committeewoman

Eldon Ulmer
National Committeeman

Jack Wilbur
Vice Chairman

Gail Phillips
Secretary

Tim McKeever
Treasurer

Charlot Thicketun
Asst. Secretary

Lloyd Hames
Asst. Treasurer

Dava Harbour
Finance Chairman

Cliff Grah
Legal Counsel

750 E. Fireweed Lane, Suite 102
Anchorage, Alaska 99503
(907) 276-4467

April 6, 1987

Charlotte Fox
President, League of Women Voters - Anchorage
P.O. Box 101345
Anchorage, AK 99510

Dear Ms. Fox:

Thank you for your letter asking for comment from me about holding a Presidential candidates' debate in Anchorage during the 1988 campaign. I believe that having the national candidates here in Anchorage for a debate would be a superlative idea. I heartily endorse it.

As you know, both the national Democratic and Republican parties are considering jointly sponsoring the Presidential debates in 1988. If that does become the case, I truly hope that your organization will support the idea of having one of those debates here in Anchorage.

The Alaskan issues we face: revitalizing our economy, soundly accessing our natural resources, encouraging tourism and creating new jobs are very important. Given the importance of the federal government as the owner and landlord of much of Alaska, I know you will agree with me that Alaskan issues deserve support from all who run for President, whether they are Republican or Democratic.

I appreciate the opportunity to add my name to the list of those who support Anchorage as a site for a Presidential debate.

With best regards,


Jim Crawford
Chairman, Republican Party of Alaska

AMENDED AND APPROVED

Date 4-7-87

For Reading:
ANCHORAGE, ALASKA
AR 87-85

A RESOLUTION OF THE ANCHORAGE ASSEMBLY URGING THE LEAGUE OF WOMEN
VOTERS EDUCATION FUND TO CONSIDER ANCHORAGE AS THE SITE OF A 1988
PRESIDENTIAL DEBATE OR VICE PRESIDENTIAL DEBATE

THE ANCHORAGE ASSEMBLY RESOLVES:

WHEREAS, the League of Women Voters of the United States
has a strong and consistent record of providing
open and fair opportunities for the American voters
and Vice Presidential
to view prospective Presidential/candidates; and

WHEREAS, the League of Women Voters Education Fund has
proposed a schedule of four presidential/^{and Vice Presidential}debates
for the 1988 Presidential election; and

WHEREAS, western states in general, and Alaska in
particular have not benefitted directly from
or Vice Presidential
previous presidential/debates; and

WHEREAS, Anchorage has all of the facilities, volunteers,
transportation networks and access to electronic
media to host a successful presidential/^{or Vice Presidential}debate; and

WHEREAS, hosting one of the 1988 Presidential/^{or Vice Presidential}debates would
be great benefit to the image of Alaska and
Anchorage both at home and abroad;

NOW THEREFORE BE IT RESOLVED, that the Anchorage Assembly
supports the League of Women Voters Education Fund schedule
and Vice Presidential
of 1988 Presidential/debates; and THEREFORE ALSO BE IT
RESOLVED, that the Anchorage Assembly urges the League of
Women Voters Education Fund to consider Anchorage as the site
for one of the scheduled debates.

ATTEST:

Ruby E. Waldkamp
Municipal Clerk

James W. Baker
Chairman

(18)



5

April 1987

Among the legislation you are considering is House Joint Resolution 30. This expresses support to the League of Women Voters of the United States for designating Anchorage as a site of a presidential debate for the 1988 election.

Naturally the League of Women Voters of Alaska supports this resolution.

The debate would be hosted by the Anchorage League of Women Voters who are very enthusiastic about conducting the debate.

The national League has set specific criteria for choosing debate sites including hotel and meeting facilities, financial support, and volunteer labor. The Anchorage League is assured that these criteria can be met.

The Anchorage Assembly has passed a supportive resolution. The Anchorage Visitors Bureau is actively in support of the project. These groups have said that raising the necessary funding entirely from the private sector will be no problem.

The League realizes this is a long shot. Travel time to Anchorage from the Lower 48 may be the prohibitive factor at a time in campaigning when candidates prize every spare minute.

Nonetheless the League of Women Voters of Alaska thinks it's at least possible that Anchorage could be chosen and we see this as potentially producing many benefits for the state.

We therefore urge you to vote in support of HJR 30.

April 9, 1987

Ms. Charlotte Fox
President
League of Women Voters of Anchorage
Presidential Debates
P.O. Box 101345
Anchorage, AK 99510-1345

Dear Charlotte,

I am pleased to hear of the League's plan to attempt to host one of the national presidential debates in Alaska. I heartily endorse your campaign and lend my personal support as well as that of my office to the effort.

Alaska is an excellent site for a presidential debate. As you know, our state is on the leading edge of several national issues certain to be raised during the up-coming presidential campaign including the use of new technologies, international trade and energy. In addition, other issues in which Alaska plays a direct role including development of new oil reserves on the North Slope and the national trade balance, will be a part of the presidential campaign.

Logistically, Alaska is perfectly situated for such an event. With our time four-hour difference, a late afternoon debate in Alaska could be broadcast live across the rest of the country in prime time.

Our largest city is well equipped to host such an event and has done so successfully in the past. In 1981, Anchorage was visited by the Pope and in 1985, the city won praise from the 1,200 participants in the U.S. Conference of Mayors convention. Downtown Anchorage alone boasts 2,200 hotel rooms, many fine restaurants and two brand new convention centers featuring state-of-the-art communications technology. For the weary participants afterwards, some of the world's best outdoor recreation is only minutes away.

Alaska also has something no other state can offer - the warm hospitality and great enthusiasm of those of us who live on the "Last Frontier." I believe that is the key ingredient to what could be one of the best remembered presidential debates in history.

SLD/K/cor

011907

Ms. Charlotte Fox

-2-

April 9, 1987

I remain at your service to do what we can to have Alaska selected as the site of the one of the debates.

Sincerely,

S/S Steve Cowper

Steve Cowper
Governor

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

A

REQUEST: _____

Bill Version: HJR 30
Publish Date: 4/8/87

Revision Date: _____
Title: Urging the League of Women
Voters...Anchorage Presidential
Sponsor: Collins, Gruenberg, etc.
Requestor: Rep. Collins

Agency Affected: Office of the Governor
BRU: Executive Office
Components: Executive Office

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS						
OTHER						
TOTAL		0				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This bill urges the League of Women Voters to consider Anchorage, Alaska as the site for one of the scheduled Presidential debates in 1988. This resolution cites no state government funding to be required for the debate and offers no financial support. No fiscal impact is anticipated by the Office of the Governor.

Prepared by: Michael A. Nizich, Director Phone: 465-3616
Division: Division of Administrative Services Date: 4/14/87

Approved by Commissioner: Carol P. Kastelic Date: 4/14/87
Agency: Office of the Governor

Distribution (by preparer):

- Legislative Finance
- ✓ Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

HJR

31



Alaska State Legislature



COMMITTEES:

CHAIR:
Community and
Regional Affairs

VICE-CHAIR:
Transportation

MEMBER:
Resources

REPRESENTATIVE DISTRICT 23 HEINRICH "Henry" SPRINGER

HOME
P.O. Box 172
NOME - AK 99762
907-444-2874

4/29/87

WHILE IN OFFICE
P.O. BOX 1
NOME - AK 99762
907-405-4789-4984

To Committee on State Affairs
Rep. Fran Ulmer, Chair.

Subj: HJR 31 - Siberian Crossing and
cultural exchange

Attached is correspondence from the City of
Little Diomedea, Gambeli Native Corporation
and City of Nome on this subject for your
information.

I appreciate the opportunity to testify
before this committee.

H. Springer

DIOMEDE CITY COUNCIL
DIOMEDE, ALASKA VIA NOME 99762
698-8001

March 20, 1987

General Secretary Mikhail S. Gorbachev
U.S.S.R., Moscow, Soviet Union

Dear General Secretary Gorbachev:

We, the people of Little Diomedé, Alaska, your closest neighbors of United States citizens, send greetings of goodwill and friendship to you and the peoples of the Soviet Union.

Recently, Yuri Rytkeu, visited many of the elders living in Nome, he read a list of elders names, and many of us recognized the familiar names of Siberian Eskimos. We know that Yuri grew-up in the village of Uelen, East Cape, in the past we have visited this village.

Today, in hope, we ask you to give permission to our peoples and the Siberians living so close, to visit one another this July, 1987. To celebrate with our performers the many songs and dances, that once we danced and song together. We invite you and the Siberians to land on Little Diomedé in mid-July 1987. We will ask President Reagan, as well.

We hope that this will be an annual event that will bring our two great nations together. In the spirit of peace and friendship, we have erected a peace sign facing our friends and neighbors in Siberia.

We have posted this letter by mail, and our children send this letter by balloons, hoping that the winds of Peace, blowing from us to you across the Bering Strait will reach you in Moscow.

Sincerely,

Patrick A. Conant Sr.
The Mayor of Little Diomedé
and the people of Little Diomedé

April 21, 1987

The Honorable Mitch Abood, Chairman
Senate State Affairs Committee
P.O. Box V
Juneau, Alaska 99811

Re: SJR 41, Siberian Cultural Exchange

Dear Senator Abood:

It has come to our attention that a resolution sponsored by Sen. Willie Hensley, SJR 41, relating to a Siberian Cultural Exchange, is in the Senate State Affairs committee.

We are writing to you in support of SJR 41 and urge quick passage by your committee.

As you may know, we the people of St. Lawrence Island had in the past visited and traded with our friends and relatives across the Bering Straits in Siberia. We speak the same language and live similar lifestyles although we have been separated by our two countries.

We hope to re-open our relationship this summer by having them visit us. We hope too that it will be a start in a peaceful relationship between our two countries.

Thank you for your consideration.

Sincerely,



Edna Apatiki, President
Sivuqaq, Inc.

cc: Senator Willie Hensley
Representative Henry Springer
Dixie Belcher, Juneau
Savoonga Native Corporation
Jim Stimple, Nome
Jenny Alowa, Anchorage
Kawerak, Inc., Caleb Pungowiyi, President
Pat Omiak, Sr., Diomede



CITY OF NOME

P.O. BOX 281 - NOME, ALASKA 99762
TELEPHONE (907) 443-5242

March 27, 1987

The Honorable Henry Springer
Alaska House of Representatives
P.O. Box V
Juneau, Alaska 99811

APR 2 1987

Dear Representative Springer, *Henry*

At their regular meeting of March 23, 1987, the Nome Common Council adopted the enclosed resolution:

"Resolution No. R-87-3-5, A Resolution Recognizing Nome's Close Proximity to Siberia, U.S.S.R., and the Unique Opportunities that are Presented to Us."

The resolution extends greetings of goodwill and friendship to our Siberian neighbors.

R-87-3-5 was presented to the Council for their consideration by Jim Stimpfle who is a member of the advisory board of the Alaska Performing Artists for Peace and the Nome Welcome Group for the Soviet/Alaska Cultural Exchange.

Mr. Stimpfle and several other Nome citizens also requested that the Council allow the display of the "Welcome Siberians" sign on City of Nome property. The Mayor and Council agreed to permit the display during the month of March 1987.

The sign was drawn by Alvin Aningayou of Gambell, St. Lawrence Island, Alaska, and is apparently similiar to signs seen in the Soviet Union by Alaskan Native performing artists who toured the Soviet Union last summer.

Thank you.

Sincerely yours,

Linda

Mrs. Linda E. Conley
City Clerk

enc. 2

RESOLUTION NO. R-87-3-5

A RESOLUTION RECOGNIZING NOME'S CLOSE
PROXIMITY TO SIBERIA, U.S.S.R., AND THE
UNIQUE OPPORTUNITIES THAT ARE PRESENTED TO US.

WHEREAS, the City of Nome is less than 200 miles
from the Siberian coastline and now has the Port of Nome; and,

WHEREAS, plans are now being made for an historic
crossing of Siberians composed of elders, young people and
performers in July of 1987; and,

WHEREAS, these cultural events may be planned every
year thereafter, bringing Siberians and Soviet citizens to the
Port of Nome during the ice free months; and,


WHEREAS, these cultural visits may lead to educational
exchanges with the Anadyr Teachers Training College; and,

WHEREAS, health and medical ventures are being planned
by Dr. Ted Mala to take a medical research vessel from the Port
of Nome to Provideniya this October 1987; and,


WHEREAS, the City of Nome can extend goodwill and
friendship by the posting of this painting to encourage commerce
and tourism to Nome as an entry into Siberia;

NOW, THEREFORE, BE IT RESOLVED that the Nome Common
Council extends greetings of friendship and goodwill to our
Siberian friends to the West, and we here in Nome, say "There's
no place like Nome!"

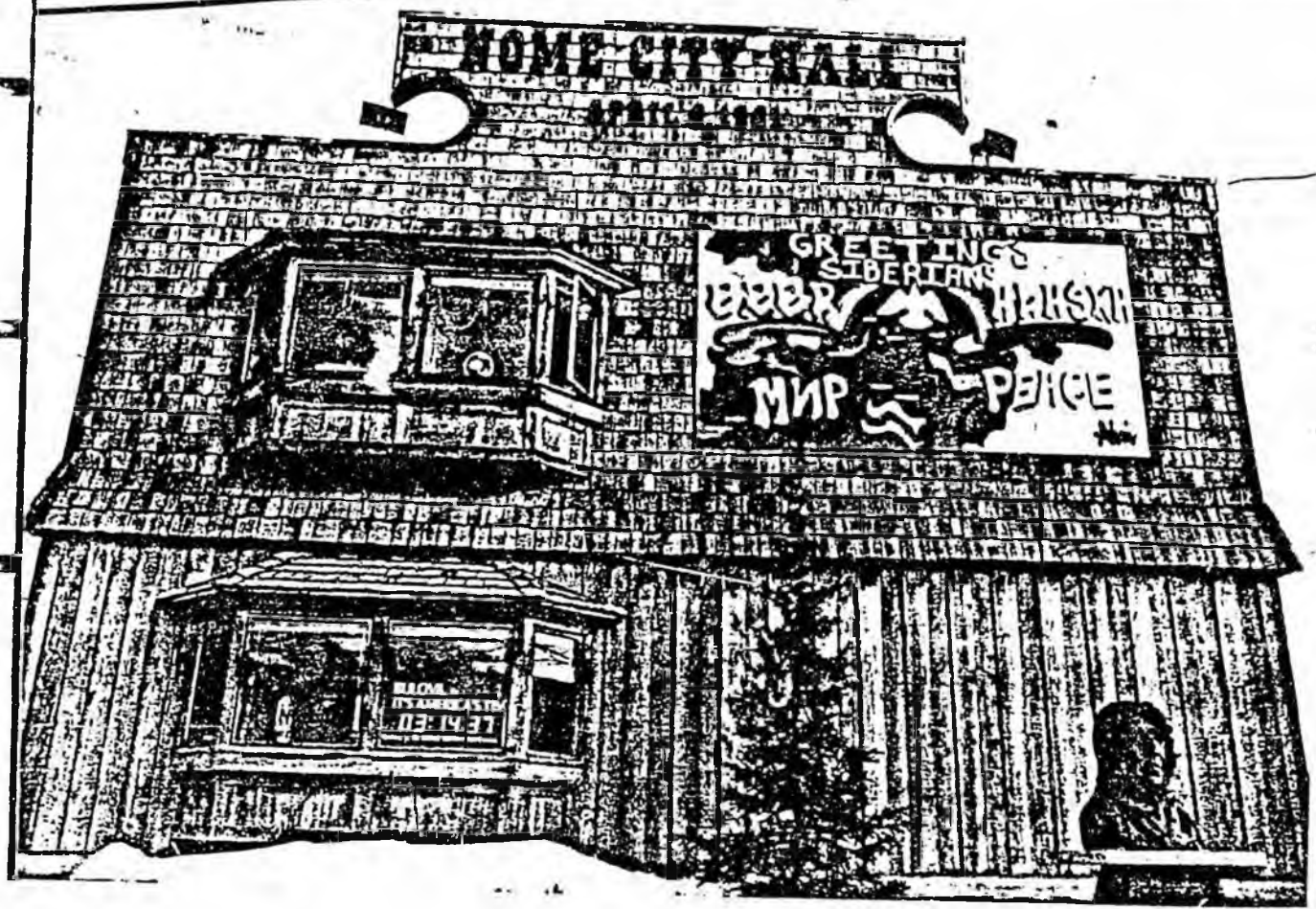
APPROVED and SIGNED this 23rd day of September, 1987.


John K. Handeland, Mayor

ALSO:


Linda L. Conley, City Clerk

Directed to: President Reagan; Hon. Gen. Gorbachev; Sen. Ted
Stevens; Sen. Frank Murkowski; Rep. Don Young,
Gov. Cowper; Ed Salazar, Dept. of State; Gennady
Gerasimov; Mr. Tabea;



**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

A

REQUEST: _____

Bill Version : HJR 31
Publish Date : 4-15-87

Revision Date: _____
Title: Relating to a Siberian Crossing
and Cultural Exchange
Sponsor: Rep. Springer, et al
Requestor: _____

Agency Affected: NONE
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Brenda Bruce, Administrative Assistant Phone: 465-3789
Division: Rep. Henry Springer Date: 4-23-87

Approved by ~~Commissioner~~ Rep. Henry Springer Date: 4-28-87
Agency: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

HOUSE COMMITTEE REPORT

(7)

Date referred: 4/15/87

FURTHER REFERRALS:

DATE: 4-29-87

The State Affairs Committee has considered HJR 31
Relating to a Siberian crossing and cultural exchange.

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

W. B. Brouder

Scott McManus

James [unclear]

[unclear]

Richard Dooly

Larry [unclear]

SIGNING OTHER RECOMMENDATIONS:

[Handwritten Signature]

Chairman's signature

37

HJR

HOUSE COMMITTEE REPORT

(7)

Date referred: 1/11/88

FURTHER REFERRALS: Judiciary

DATE: 4-11-88

The State Affairs Committee; considered HJR 37

Proposing amendments to the Constitution of the State of Alaska relating to sessions of the legislature.

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

[Handwritten signatures]

SIGNING OTHER RECOMMENDATIONS:

[Handwritten signature: Cliff Davidson]

[Handwritten signature: David Douley]

[Handwritten signature]

Chairman's signature

Alaska State Legislature

P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-2828

DISTRICT 10
3111 C Street, Suite 410
ANCHORAGE, ALASKA 99503
(907) 561-2040



Representative Virginia M. Collins

MEMBER
Community and Regional
Affairs

Special Committee
on Telecommunications
Finance Sub-Committee
for Labor

Anchorage Caucus,
House Chair

JC
for
HJR 37

To: All House Members
From: Rep. Virginia Collins *VMC*
Re: Judge Shortell's decision on the length of
legislative sessions
Date: March 24, 1988

Attached please find:

- 1) Memo from Tam Cook on the length of legislative sessions;
- 2) The March 22, 1988 Decision by Judge Brian Shortell;
- 3) 1984 General Election results on Ballot No. 2 (on the length of legislative sessions) --
YES -- 150,999
NO -- 46,099
- 4) HJR 37 -- relating to sessions of the legislature (and referenced in Tam Cook memo).

Please note that due to the Judge Shortell's decision, the deadline for this session is May 10 and not May 9 as listed on all our calendars.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

MAR 23 1988

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

MEMORANDUM

March 23, 1988

SUBJECT: Length of legislative session
TO: Representative Virginia M. Collins
FROM: Tamara Brandt Cook ^{TBC}
Director
Division of Legal Services

You have asked several questions regarding the length of the legislative session.

(1) Does Judge Shortell's recent decision imply that the legislative session lasts 121 days?

Judge Shortell's decision in Alaska Christian Bible Institute v. State, No. 3AN-86-7052 Civil, Superior Court, Third Judicial District, March 22, 1988 holds that a regular legislative session is 121 days in length. This is the position that our office has consistently taken on this issue.

(2) Does this year's session end on midnight, May 10, 1988 rather than on May 9, 1988?

Yes, not counting a possible extension.

(3) Does the language in HJR 37 limit the session to 120 days?

Yes, not counting a possible extension.

(4) Based upon Judge Shortell's reference to West Virginia law, should HJR 37 be amended to include, ". . . computed from and including the first day the legislature convenes."?

This is not necessary. (See Judge Shortell's other references to constitutions that do not contain that language -- Georgia, Minnesota and Washington).

TBC:gc
WKG2:070

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT

ALASKA CHRISTIAN BIBLE INSTITUTE,)
))
 Plaintiff,))
))
 vs.))
))
STATE OF ALASKA, et al.,))
))
 Defendants.))

Case No. 3AN-86-7052 Civil

DECISION

There are two issues now before the court. The first involves the manner of computing the length of Alaska's legislative session under Article II, Section 8. The second question is whether legislative clockstopping is a constitutionally valid practice.¹

The first question at issue is whether the 1986 Alaska legislature, which was convened on January 13, 1986, was legally authorized to be in session on May 13, 1986, or whether it was required to adjourn one day earlier, on May 12.

Article II, Section 8 of the Alaska Constitution says, in part:

The legislature shall adjourn from regular session no later than one hundred twenty consecutive calendar days from the date it convenes. . . .

¹ Because of the resolution reached on the first issue it shall not be necessary to reach or discuss the second.

Twenty seven states in addition to Alaska have constitutional limitations on the length of regular legislative sessions. None use the same wording as Art. II, Sec. 8. In some states, such as California, the constitution specifies a calendar date for adjournment. See, California Constitution, Art. IV, Sec. 3.

Many state constitutions limit session length to a specified number of days. The Georgia constitution says that the legislature may "continue in session for a period of no longer than 40 days in the aggregate each year." Georgia Constitution, Sec. IV, para. 1, Minnesota's constitution says that the legislature "shall meet. . . for not exceeding a total of 120 legislative days. "Minnesota Constitution, Art. IV. Sec. 12. In the State of Washington, "the regular session shall not be more than one hundred five consecutive days". Washington Constitution, Article II, Sec. 12. In West Virginia, the regular session "shall . . . not exceed sixty calendar days computed from and including the second Wednesday of February", West Virginia Constitution, Article VI, Sec. 22.

As the language of other state constitutions differs from that of Alaska, no cases from these jurisdictions offer appropriate guidance in interpreting the specific constitutional language at issue.

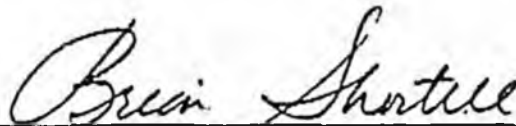
However, AS 01.10.080 states:

Computation of time. The time in which an act provided by law is required to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.

This statute merely states the common law rule for computation of time, used in Alaska before and after statehood. See, Lowe v. Hess, 10 Alaska 174 (1941); Wade v. Dworkin, 407 P.2d 587 (Alaska 1965); David v. Sturm Ruger & Co., Inc., 557 P.2d 1133 (Alaska 1976); Foltz-Nelson Architects v. Koblyk, Ak. Op. No. 3273, February 19, 1988.

The common law rule codified in AS 01.10.080 is consistent with a correct reading of Article II, Section 8. The plain language of Article II, Section 8 allowed the 1986 legislature validly to be in regular session on May 13, 1986. As the day the legislature convened must be excluded from the computation, May 13 was exactly one hundred twenty consecutive days from the date the 1986 legislature convened. The State's motion for judgment on the pleadings is, therefore, granted, and this case is dismissed with prejudice.

DATED at Anchorage, Alaska this 22 day of March, 1988.



BRIAN SHORTELL
SUPERIOR COURT JUDGE

State of Alaska

Official Returns

By

Election Precinct

General Election

November 6, 1984



Bill Sheffield
Governor

Stephen A. McAlpine
Lt. Governor

BALLOT MEASURE NO. 2

Constitutional Amendment

LIMITING LENGTH OF REGULAR LEGISLATIVE SESSIONS (SCS CS HJR 2)

SUMMARY

(As it will appear on the November 6, 1984 General Election Ballot)

This amendment to article II, section 8, of the Alaska Constitution adds a limit on the length of regular sessions of the state legislature. The legislature must adjourn no later than 120 consecutive calendar days after the date it convenes in regular session each year. If at least two-thirds of each house of the legislature votes to extend the regular session, the session may be extended once for up to 10 calendar days. The legislature will adopt deadlines for scheduling session work in keeping with these provisions.

BALLOT FORM:

A vote "FOR" adopts the amendment.
A vote "AGAINST" rejects the amendment.

FOR
AGAINST

VOTES CAST BY MEMBERS OF THE 13TH STATE LEGISLATURE ON FINAL PASSAGE

Senate	(20 members):	Yeas 18	Nays 2	Absent or Not Voting 0
House	(40 members):	Yeas 33	Nays 6	Absent or Not Voting 1

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

This proposal for a constitutional amendment would limit the length of a regular session of the legislature to 120 consecutive calendar days from the date the session convenes. There may be one extension for up to 10 consecutive calendar days if the extension is approved by at least two-thirds of the membership of each house. The legislature is required to adopt, as part of the uniform rules of procedure, deadlines for scheduling session work to control the length of the session.

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT

(Italics represent material to be added)

SECTION 8. REGULAR SESSIONS. The legislature shall convene *in regular session* each year on the fourth Monday in January, but the month and day may be changed by law. *The legislature shall adjourn from regular session no later than one hundred twenty consecutive calendar days from the date it convenes except that a regular session may be extended once for up to ten consecutive calendar days. An extension of the regular session requires the affirmative vote of at least two-thirds of the membership of each house of the legislature. The legislature shall adopt as part of the uniform rules of procedure deadlines for scheduling session work not inconsistent with provisions controlling the length of the session.*

STATEMENT IN FAVOR OF BALLOT MEASURE NO. 2

The setting of goals is necessary for success in business, a profession and in our personal lives. Once a goal is set, a timetable must be established to meet the goal.

Despite good intentions in the recent past, there has been no legislative timetable, and results have proven a need for a limit to the length of legislative sessions.

Until 1970, no session had exceeded 95 days. In the past few years they have lengthened to between 140 and 165 days, and each day of the session now costs the state over \$50,000.

33 states have imposed a legislative session limit. They range between 20 and 140 days, with an average of 76. While major complicated issues face our Legislature every session, I believe they can be addressed within 120 days as proposed by this amendment.

Some may argue that a session limit will diminish the Legislature's power in favor of the Administration and the Legislature's ability to address complicated issues. However, the Constitution still provides for the Legislature to call itself into special session at any time it deems necessary to address issues which may require additional study or which may arise unexpectedly.

The proposal also allows one ten-day extension by a 2/3 vote of the Legislature to address critical matters which may not be resolved at the last minute. These are adequate safeguards to protect the Legislature's power.

The Legislature has voluntarily attempted to work within a 120-day limit and set guidelines. But such attempts have not succeeded and will not succeed unless both bodies collectively work toward that goal or are forced to meet a goal.

Approval of this amendment will set a 120-day goal. Additionally, it will require the Legislature to set a timetable for conducting business from introduction of bills to budget negotiations within that 120 days.

If we are to retain the concept of a citizen Legislature, we must be able to attract more than just persons who are retired, independently wealthy or employed in seasonal industries. There must be some assurance that citizens who undertake public service will be able to return to private sector jobs and families in a reasonable amount of time. Establishing a limit will bring that assurance.

120 days is more than sufficient time for a Legislature to address the issues which face Alaska each year. Passage of the proposed limit will produce a goal-oriented atmosphere in the Legislature which will be to the benefit of all Alaskans.

—Joe L. Hayes,
Speaker of the House

STATEMENT OPPOSING BALLOT MEASURE NO. 2

Not too many years ago, when we, as a state, literally didn't know where the next nickel was coming from, sessions much shorter than the 120-day session proposed by Ballot Measure No. 2 were commonplace. After the September 1969 Prudhoe Bay sale, when we received slightly more than 900 million dollars cash, we went from rags to riches overnight and we've been waddling in dough ever since. I think the record will reflect that, as a general rule, as our income has increased, the length of the sessions has correspondingly kept pace.

Life was admittedly simpler then; each session saw essentially the same number of bills, excepting bills pertaining to finances, become law. The only significant impact of our vast largess has been upon those legislators who serve on the respective Finance Committees. Always the work horses of the legislative process, those dedicated people have seen their duties expand in direct proportion to income received. There is so much more to be examined, so much more to be considered in the budgetary process, so much more to analyze in terms of what makes economic sense, that it becomes abundantly clear that the Finance Committee members put in a great deal more time than the average member of the Legislature who doesn't serve on either Finance Committee. Moreover, when you look at the structure of the membership of these two committees, you will note that many members chair other committees, thereby guaranteeing additional time will be required if they are going to do their non-financial homework in a proper manner.

Although I suspect this measure will pass handily, and although I realize my stance may be unpopular, I think it's unwise to curtail the length of legislative sessions. After all, we're conducting the business of a multi-billion dollar corporation, and to tell legislators, as members of the board of directors of that corporation, so to speak, that we only have "x" amount of days within which to conduct our business in an orderly fashion may very well do more harm than good.

Finally, members of the Legislature are now paid a flat salary; per diem is a thing of the past. The amount of per diem payments was one of the main reasons for the submission to the voters of Ballot Measure No. 2. It seems to me that issue has now been rendered moot.

—Robert H. Ziegler, Sr.,
State Senator

STATE OF ALASKA - GENERAL ELECTION NOVEMBER 6, 1984 - STATEWIDE BALLOT MEASURES

PAGE NUMBER

MEASURE	YES	NO
305262	213173	70
70	145258	53548
145258	91171	98855
53548	150999	46099
91171	116891	78663
98855		
150999		
46099		
116891		
78663		

T O T A L S #### 305262 213173 70 145258 53548 91171 98855 150999 46099 116891 78663

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HJR 37
PUBLISH DATE: 1/11/88

FISCAL NOTE

REQUEST:

Revision Date: 1/25/88
Title: Constitutional amendments
relating to legislative sessions.
Sponsor: COLLINS
Requestor: House State Affairs

Agency Affected: Office of the Governor
BRU: Division of Elections
Components: II - Primary & General
Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0	2.2*	0	0	0	0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CL. IMS						
MISCELLANEOUS						
TOTAL OPERATING	0	2.2*	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	2.2*	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

* Costs included cover 2 to 3 additional pages in each Official Election Pamphlet, for printing and typesetting, and costs estimated to cover computer programming requirements for vote (cont.)

Prepared by: Linda Edgeworth Phone: 465-4611
Division: Elections Date: 1/22/88

Approved by Commissioner: [Signature] Date: 2/1/88
Agency: Office of the Governor, Division of Elections

Distribution (by preparer): 2/1/88
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HJR 37

counting purposes. However, these costs are based on the assumption that all candidates and issues will fit on three ballot cards, which is the norm. It should be noted, however that should the inclusion of this issue require a 4th ballot to be printed, the cost increase would have to be calculated at 16 cents per ballot x approximately 320,000 voters. The total cost of printing the additional ballot card would be \$51.2.

Under these circumstances the fiscal note would be:

53.4

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907.465.3800

LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HSA

4-11-88

3:00 p.m.

HJR

39

HOUSE STATE AFFAIRS COMMITTEE

NEXT COMMITTEE: JUDICIARY

BILL: HJR 39

CURRENT VERSION:

SCHEDULED: APRIL 29, 1988

SPONSOR: MARTIN

PHONE NO: 3782

CONTACT FILE: _____

BILL SUBJECT: REAPPORTIONMENT OF THE LEGISLATURE

SPONSOR BACKUP: IN FILES

AFFECTED AGENCIES:

<u>DEPARTMENT</u>	<u>CONTACT/PHONE</u>	<u>COMMENT</u>
-------------------	----------------------	----------------

ELECTIONS	LINDA EDGEWORTH/4600	
-----------	----------------------	--

FISCAL NOTES

<u>AGENCY</u>	<u>REQUESTED</u>	<u>DATED</u>	<u>FY 88 AMT</u>	<u>FY 89 AMT</u>
ELECTIONS		4/28/88	-0-	\$2,200

ACTION

<u>DATE</u>	<u>COMMENT</u>
-------------	----------------

4/29/88	HEARING: PASSED FROM HOUSE STATE AFFAIRS
---------	--

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House State Affs:

4/29/88

REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
RUSSIAN JACK SPRINGS
NUNAKA VALLEY
ELMENDORF A.F.B.
CREEKSIDE
EAST ANCHORAGE



HOME
3960 REKA DRIVE-B6
ANCHORAGE, AK 99508
PHONE 333-6990

DURING SESSION
P. O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE 465-3783

Alaska House of Representatives

M E M O R A N D U M

DATE: January 13, 1988
TO: All House Members
FROM: Representative Terry Martin *JM*
SUBJ: HJR 39 - REAPPORTIONMENT OF THE LEGISLATURE

Alaska's history of apportionment/reapportionment has been one of much concern to all Alaskans.

Since statehood, decisions on mal-apportionment made by past Reapportionment Boards and Governors have been challenged in court 5 times. In all cases, the plaintiff has been upheld by the Supreme Court, thus achieving the worst record of any state in the nation on reapportionment. In the past the court did reapportion the state, but more frequently it told the Governor to do it again and again and again until they get it right or until the public runs out of money, patience or time to fight the system.

If you believe in representative democracy as I do, then we must periodically evaluate our condition to ensure that the majority of Alaska's citizens are being represented proportionately. HJR 39 is the vehicle that we need to begin this process.

For your information, I have attached a copy of "Alaska: A History of Unequal Representation". I hope that this report gives you a better understanding of the history behind "representative government" and how that term applies to Alaska.

If you would like additional information on HJR 39, please contact Lydia Jones of my staff at 3782.

Thank you for your time and consideration.

/laj
attachments

cc: Sen. Rick Halford



STATE OF ALASKA THE LEGISLATURE

HOUSE STATE CAPITAL
BUREAU ALASKA 72811
907 463 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

June 8, 1987

SUBJECT: Availability of Federal Remedies to Correct
Malapportionment of a State Legislature
(Work Order No. 15-1307)

TO: Representative Terry Martin

FROM: George Utermohle *GU*
Legislative Counsel

You have asked whether there are federal remedies available to a citizen seeking reapportionment of a state legislature.

A qualified voter may challenge the constitutionality of a state's apportionment of seats in its state legislature in a federal court. A claim may be asserted under the equal protection clause of the Fourteenth Amendment that the right to vote of certain citizens was effectively impaired by the malapportionment of the legislature. Baker v. Carr 369 U.S. 186, 7 L.Ed 2d 663, 82 S. Ct. 691 (1962). The federal court may declare that the apportionment of the state legislature is unconstitutional under the Fourteenth Amendment and may issue an injunction restraining the state from conducting further elections under the apportionment. Id.

Legislative apportionment is primarily a matter for the state. Judicial intervention is appropriate only when a legislature fails to comply with federal constitutional requirements in a timely manner after having had an opportunity to do so. The U.S. Supreme Court has sustained intervention by federal courts in cases where there has been repeated judicial attempts to secure legislative reapportionment. Reynolds v. Sims, 377 U.S. 533, 12 L.Ed 2d, 84 S. Ct. 1362 (1964). Where the apportionment scheme for a state legislature has been found unconstitutional and the state has failed to adopt a constitutionally acceptable apportionment, the court may enjoin further elections under the invalid apportionment, may order the state to reapportion the legislature on a constitutional basis within a specified time, and if the state fails to take action, may proceed to reapportion the legislature under a plan adopted by the court. Id.

If I may be of further assistance, please contact me.

GU:csh
20/052

"ALASKA"

A History of Unequal Representation

by

REPRESENTATIVE TERRY MARTIN

On the evening of September 17, 1787, as the delegates emerged from Independence Hall, the anxiety of the people was apparent. A resident of Philadelphia approached Benjamin Franklin, "Well Doctor," she asked, "What have we got, a republic or a monarchy?" "A republic," Franklin replied, "if you can keep it."

Representative government was not easy to achieve at the Constitutional Convention. It is easy to understand how the small states feared being annihilated by the large states. They had become accustomed to the Articles of Confederation and the rules of the convention, under which the smaller states subjected the whole country to their wimphs. The delegates were much at each others throats on this issue, to the point where they needed correcting and calming of nerves through the fatherly wisdom of Ben Franklin.

What our modern U.S. Supreme Court advocates today and what most states implemented in their colonial constitutions is what the majority of the delegates wanted and had experienced in their state elections during the 1600 and 1700's. Delegate James Wilson of Pennsylvania explained it this way, "all authority" was derieved from the people, that "equal numbers of people ought to have equal number of representatives and different numbers of people different numbers of representatives." He continued, "This principle had been improperly violated in the Confederation owing to the urgent circumstance of the time." And if persons were the measure of suffrage, not property, then "are not the citizens of Pennsylvania equal to those of New Jersey? Does it not require 150 of the former to balance 50 of the latter?"

Do you not see the relevancy of this principle today in Alaska's mal-apportionment? Should the people of Bethel and the Koskokwim communities have larger proportionate representation than those of the Matanuaska-Susitna Borough because it is said their distance is greater? Should the people of Southeast Alaska have higher proportionate representation than the people of Kenai-Soldotna because of a so-called "traditional" representation which has been ruled as unconstitutional by the U.S. Supreme Court?

By the 1980 census, there was no justification for six representatives in Southeast Alaska. By the 1982 apportionment, Anchorage was cheated out of fair representation which today, based on the 1980 statistics should have 18 representatives and 9 senators. By the 1984 reapportionment, the "doughnut district" was created which further exaggerated the unfair representation of Kenai Peninsula residents and has been ruled to be unconstitutional by the Alaska State Supreme Court. But our state Supreme Court offers no relief for this grievance even though they are charged under the Civil Rights Act of 1965 to do so.

The people have been and may always be injured at the pleasure of any reapportionment board. "Without the ability of redress, 'the rights of suffrage', said James Wilson, there will always be misuse of powers to apportion." No one knows what the people want except through fair and equal apportionment of a representative legislature. Only through this method can a legislature evaluate what is right and necessary for the whole of the people.

Alaska - A History of Unequal Representation

Page 3

As a matter of democratic principle, it is simply not fair that a handful of state legislators representing sparsely populated areas can routinely frustrate the will of a clear majority of the people. Any popular government must, at bottom, be bound by the majority rule.

James Madison, often referred to as the "Father of our National Constitution", in the debates of and for a republican form of government said..."the great difficulty lies in the affair of representation; and if this could be adjusted, all others would be surmountable."

Article IV, Sec. 4, U.S. Constitution:

The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them...

The term "republic" comes from the Latin meaning of "the people's affair or thing." The republican model of the Constitution demands continuous public control such as regular votes on representation, or on initiatives or referendums to provide concurrence on a concept. James Madison tells us in the Federalist #51 that, "In the republican government, the legislative authority necessarily predominates over the Executive and Judicians." The legislature then is the touchstone of the republican form of government.

For Alaskans and those interested in fair apportionment and a republic form of government, it is important to know that much of Article VI of the Alaskan Constitution on

legislative apportionment is obsolete. The Alaska Supreme Court has been obliged to rewrite provisions of our constitution under mandates received from the U.S. Supreme Court. The Alaska Supreme Court has invited the legislature to propose conforming amendments several times in its reapportionment decisions in 1966, 1974 and as late as 1983. The legislature refuses to act or to allow the people to vote on these necessary constitutional changes if we are to be in conformity with the U.S. Constitution and the Civil Rights Act of 1965 and if we are to have at least some resemblance of fair and equal representation.

Have you ever thought or perhaps asked a friend, "Why doesn't the majority of the legislature listen to the majority voice of the people and act on their behalf?" As these charts demonstrate, the majority of the legislature does not represent the majority of the citizens.

Alaska, although a young state--less than 30 years old--has a traumatic history of reapportionment. All six times the state has been reapportioned, the plans have been successfully challenged in the State's Supreme Court. One would think a state with the smallest population in the Union (400,000 in the 1980 census) and with the smallest House of Representatives of any state, (40 members), it would be easy to divide 40 into the census figure and come up with equal election districts.

Today Alaska must be the most mal-apportioned state in the nation. Our system of reapportionment, although

Alaska - A History of Unequal Representation

Page 5

considered by some as "modern and a model for other states to emulate", has proven to be a disaster in upholding the U.S. Supreme Court principle of "one person-one vote". The charts I have before you and in your packets show the unacceptable disparity by registered voters. Alaska has a very high rate of registered voters due to our Permanent Fund Dividend program, which is used to verify residency. Thus, percentage wise, the disparity of equality between districts can be acceptable whether using a population count or registered voters with the former being weaker due to out-dated census tracks.

Throughout the history of apportionment, the majority of testimony given to reapportionment boards during public hearings was in support of single member districts for state and local elections. The 1981 reapportionment board made major strides toward this goal, but it needs to be completed. The 1983 reapportionment board constantly expressed a preference for single member districts, but found adequate excuses or rationale why a particular multi member district should not be divided into a single member districts.

Be aware that the whole State of Alaska is under the Civil Rights Act of 1965. However, it has not benefited the majority of the citizens when considering fair and/or equal representation. "WHEN THE WHOLE SYSTEM FAILS TO PROTECT THE PEOPLE'S RIGHTS--WHAT IS LEFT OF DEMOCRACY?"

Our State Supreme Court has recommended and forwarded to the State Legislature, necessary changes in our Constitution and Statutes to insure compliance with the U.S. Supreme Court decision of one person-one vote. The Legislature has virtually ignored these recommendations.

Alaska - A History of Unequal Representation

Page 6

Legislation has been introduced to have our Constitution amended to conform with the Civil Rights Act of 1965, but a majority of Alaska legislators have refused to pass an initiative to be placed on the ballot for voter approval. In 1984, the ex-governor of Alaska recommended waiting until after the Supreme Court acted on current cases--particularly the doughnut district. Now, 3 1/2 years later, they rule the "Doughnut District" unconstitutional but refuse relief for the people. "IF THE SYSTEM FAILS AND ALL ALTERNATIVES HAVE BEEN TRIED, STOPPED OR BLOCKED, WHAT DO WE HAVE?"

The 1984 plan was also contested by the Metlakatla Indians under the Civil Rights Act: to the U.S. Justice Department. It didn't take them long to realize how costly it is for a citizen or group of minorities to defend their voting rights. Obstinate, they withdrew their case because they did not have the finances to pursue litigation for what they felt had been their unjustifiable removal from their adjacent neighbors living across the river in Ketchikan which forced them to choose a representative 600 miles away. You must become aware, in Alaska the average citizen is not protected by our Attorney General's office. It has become quite clear over the years that the major purpose of the Department of Law and the appointed Attorney General is to protect the Governor and his Administration. In this case it is widely speculated that considerable pressure was exerted on the leaders of the Metlakatla Indians to withdraw their complaint from the office of the Governor as well as the Attorney General's office. The issues raised by the Metlakatla Indians are still very valid and many feel that the U.S. Justice Department should have continued the suite on behalf of this small Indian tribe.

Alaska - A History of Unequal Representation

Page 7

The people of Alaska have suffered under two elections of the 1984 plan and is about to suffer a third. It has not benefited the public at large to be under the protection of the 1965 Civil Rights Act.

The cost to the citizens, both public and private in contesting the 1984 reapportionment is well above \$500,000, with no end in sight. Many have given up, with hope that the new 1990 census with fair election block boundary tracks may be established. Do not give in. Ask your local government to pass a resolution to go directly to the U.S. Justice Department under the Civil Rights Act to seek justice in fair representation for the remainder of this decade. Do you want three more elections under the very bad apportionment plan of 1984?

The most important role of an elected official is to constantly be on guard to protect the freedom of the citizens one represents. This principle, I believe is too often taken for granted. We have some major decisions that will be made in the upcoming session. Will your voice be heard? Should the legislature reinstate the personal income tax or start a statewide sales tax? What about equal representation of the people? Should a simple majority of the legislators impose a tax on the majority of the people they do not represent?

If you believe in representative democracy, then you must periodically evaluate if the majority voice of the State's citizenry is being represented proportionately. I have concluded Alaska is not well, democratically speaking. The majority of the legislators do not represent the majority of the citizens or registered voters.

Alaska - A History of Unequal Representation

Page 8

A good citizen involved in the daily battles of defending democracy at all levels of government is just as important to the freedoms that we all take for granted, as the American soldier who over the past 214 years has given his life to free the people from the tyranny of an oppressive government.

The purity of democracy that exists in Alaska is limited, expanded or stopped in direct proportion to the peoples faith in the system and their direct involvement.

I believe the republic/democratic form of government has a bright future in Alaska. I am reminded of the statement of Dr. Benjamin Franklin upon signing the Constitution of the United States, he said..."I have the happiness to know that democracy is a rising and not a setting of the sun." In Alaska this is very true, but WE MUST ALWAYS STAND ON GUARD.