

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5101 HSTA HJR 39 - HJR 51

673

20

19 REGISTERED VOTERS
(IN THOUSANDS)

18

17

16

15

14

13

12

11

10

9

8

7

6

5

4

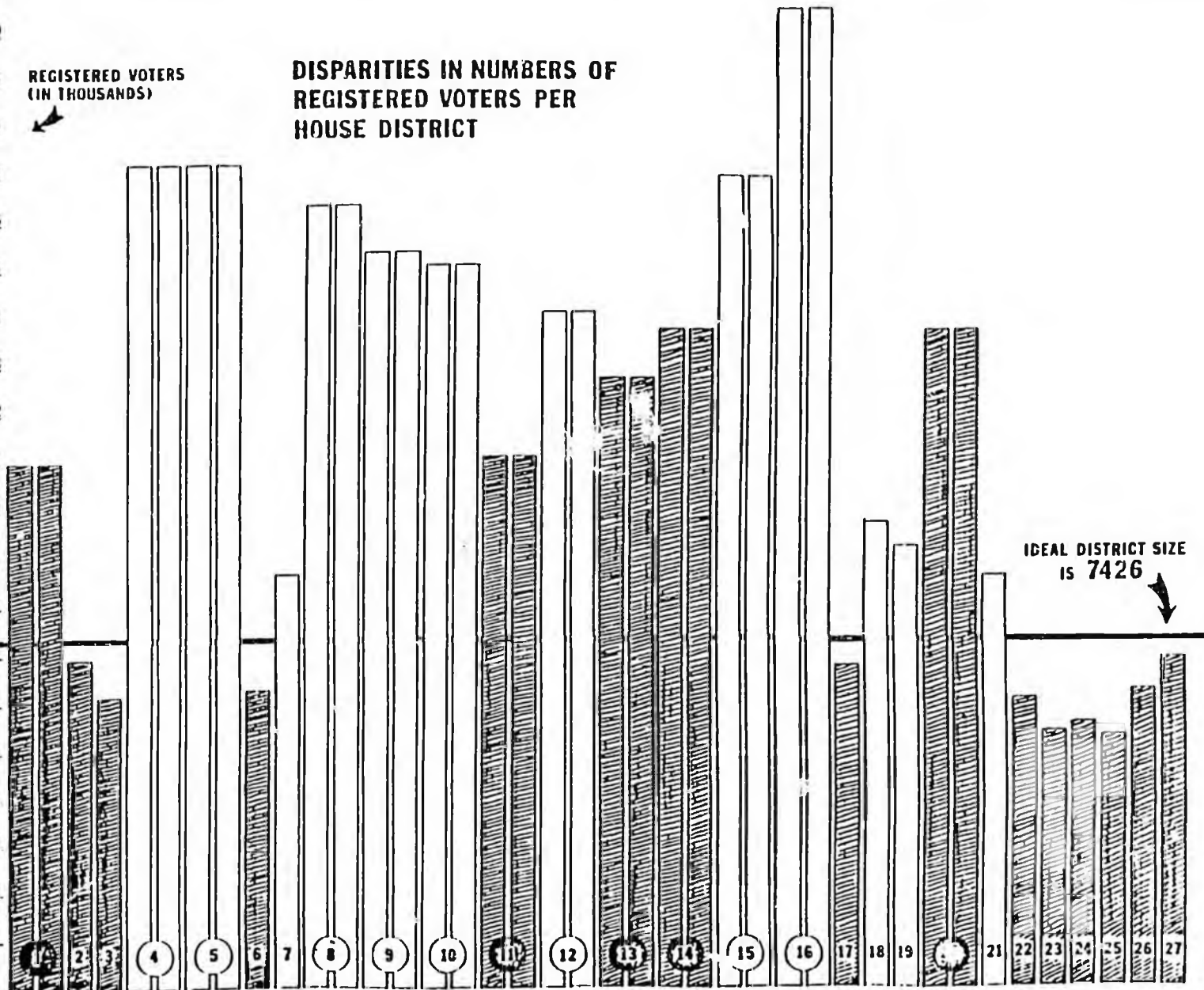
3

2

1

DISPARITIES IN NUMBERS OF REGISTERED VOTERS PER HOUSE DISTRICT

IDEAL DISTRICT SIZE IS 7426



HOUSE DISTRICTS

APRIL 1987

DISTRIBUTED FOR YOUR INFORMATION BY REP. TERRY MARTIN

MUNICIPAL LEAGUE ASSOCIATION

1986 MUNICIPAL AND LOCAL POPULATION STATISTICS

<u>AREA</u>	<u>POPULATION</u>	<u>REPRESENTATION</u>
Municipality of Anchorage	248,263	13-1/2 Members
Fairbanks/North Star Borough (City of Fairbanks = 25,511/North Pole = 1,640)	74,176	5-3/4 Members
Kenai Peninsula Borough	38,913	3 Members
Matanuska-Susitna Borough	44,230	3-1/2 Members
City and Borough of Juneau	<u>29,370</u>	<u>2-1/4 Members</u>
TOTAL	435,008	33 Members of the House
North Slope Borough	8,308	(Barrow = 3,075)
Northwest Arctic Borough	6,696	(Kotzebue = 3,594)
Kodiak Island Borough	13,952	
Ketchikan Gateway Borough	14,314	(City of Ketchikan = 8,414)
Haines Borough	1,847	
Bristol Bay Borough	1,271	
City and Borough of Sitka	8,221	
Valdez	3,687	
Seward	2,279	
Cordova	<u>2,520</u>	
Subtotal	63,095	
	+ 30,000	maximum of all other villages
TOTAL	93,095	7 Members of the House

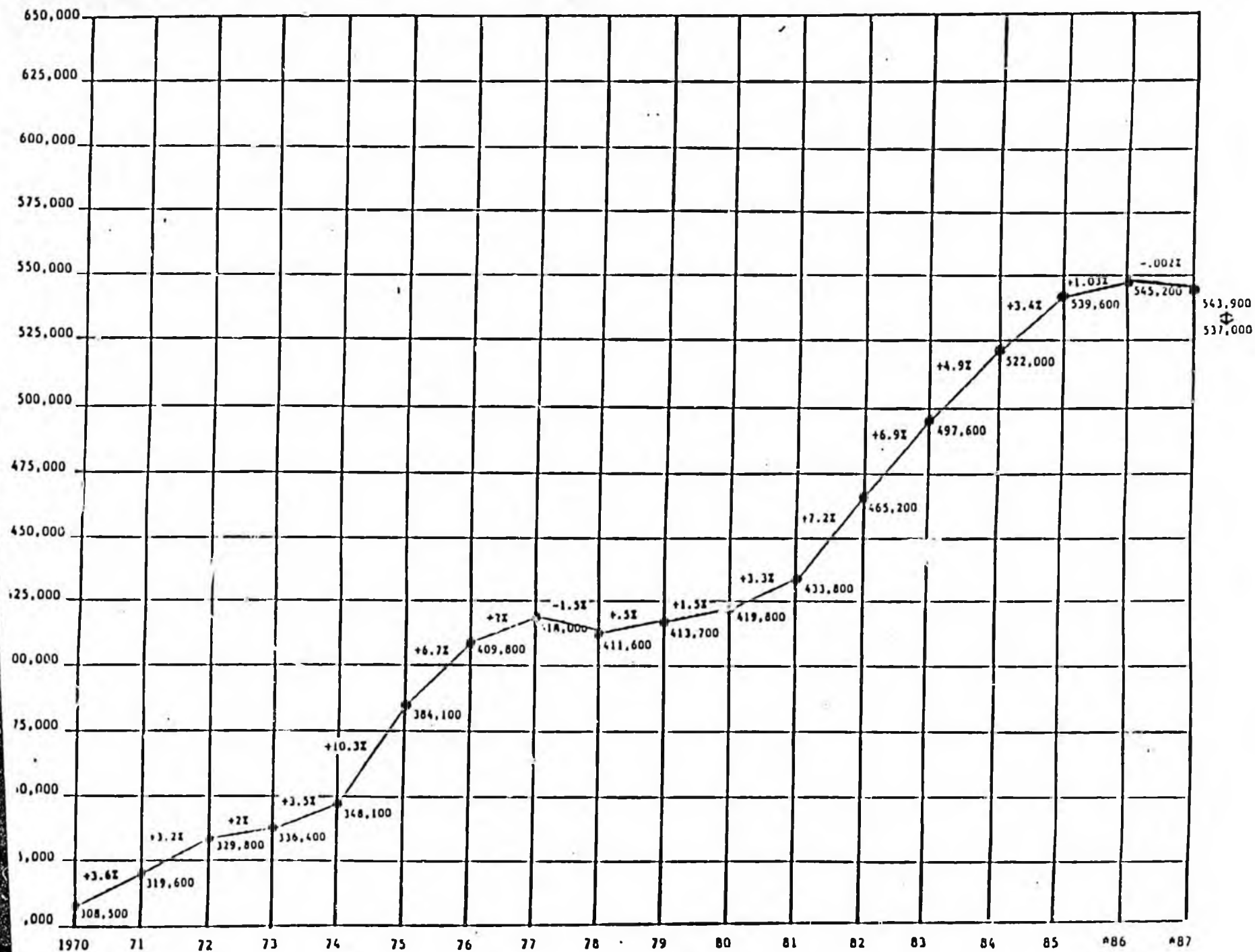
Equal representation should be for 1986: 13,386 per House Seat (535,479 divided by 40 = 13,386. Next divide what the population of the area should be, if they had proper population, i.e., Southeastern - 6 Representatives x 13,386 = 80,316, this area would be lucky to have 58,000.

Per call to Department of Revenue they received 362,655 adult permanent fund applications and 167,612 child application for 1986-Total 530,267. If these figures can be used as a indicator of the true verifiable population in the State of Alaska, then these figures can be compared to the total number of registered voters and local municipal tabulations. It is interesting to note that there are approximately 65,600 less registered voters than the total adults who have received permanent fund dividend checks! Why? When verification of residency is so important.

POPULATION GROWTH IN ALASKA
1970 - 1987

TOTAL % OF GROWTH
1970 - 1987 = 58.5%

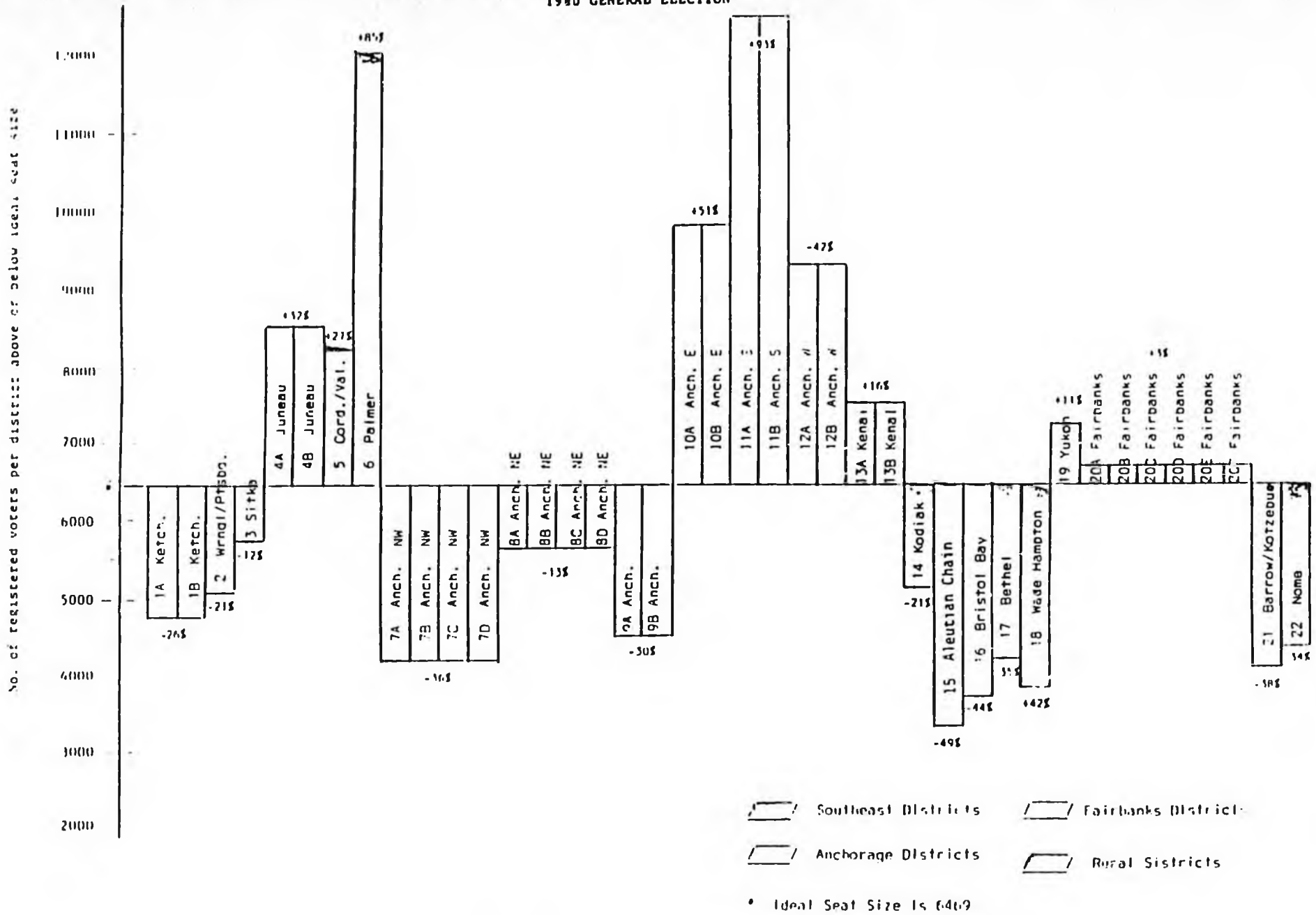
% OF GROWTH
1979 - 1987 = 28.2%



PREPARED AND DISTRIBUTED BY REPRESENTATIVE TERRY MARTIN

*PROJECTED

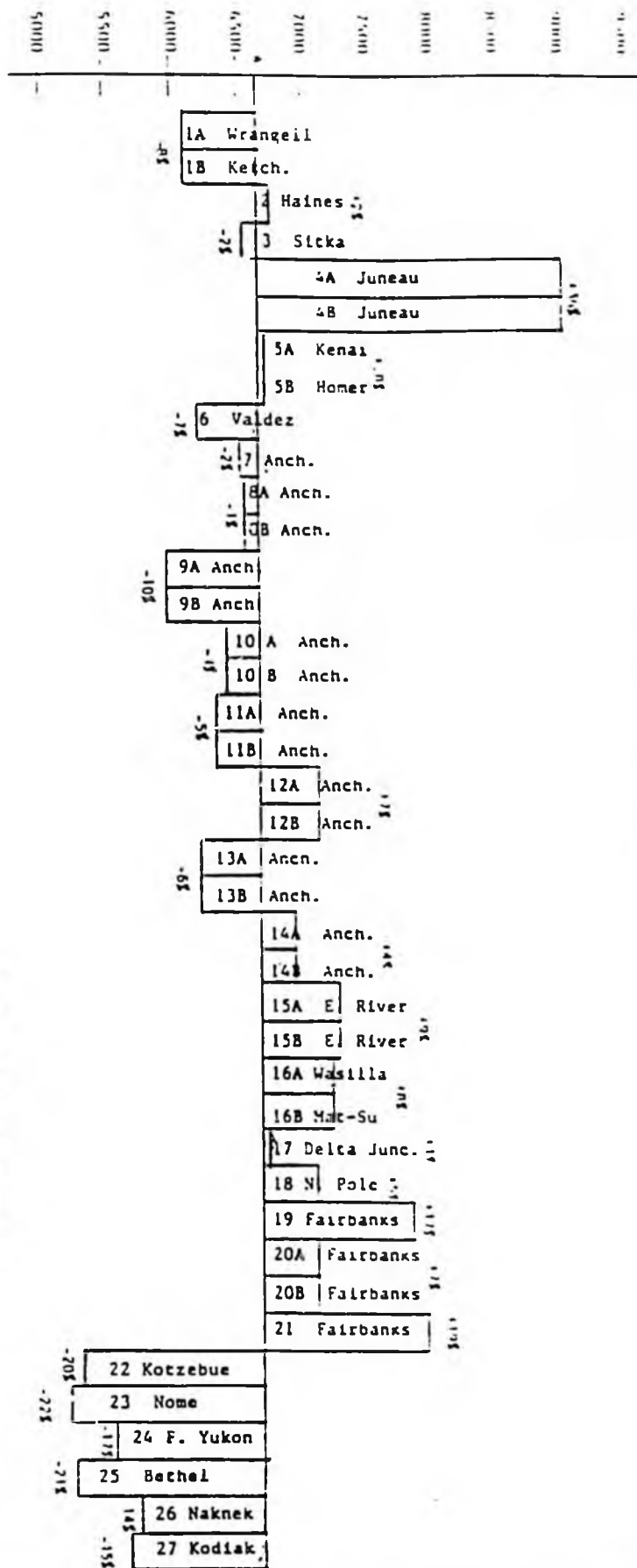
DISPARITIES IN NUMBER OF REGISTERED VOTERS PER HOUSE SEAT
1980 GENERAL ELECTION



Average positive variance is 8530 (+32%)

Average negative variance is 4606 (-29%)

No. of registered voters per district above 1982 General Election



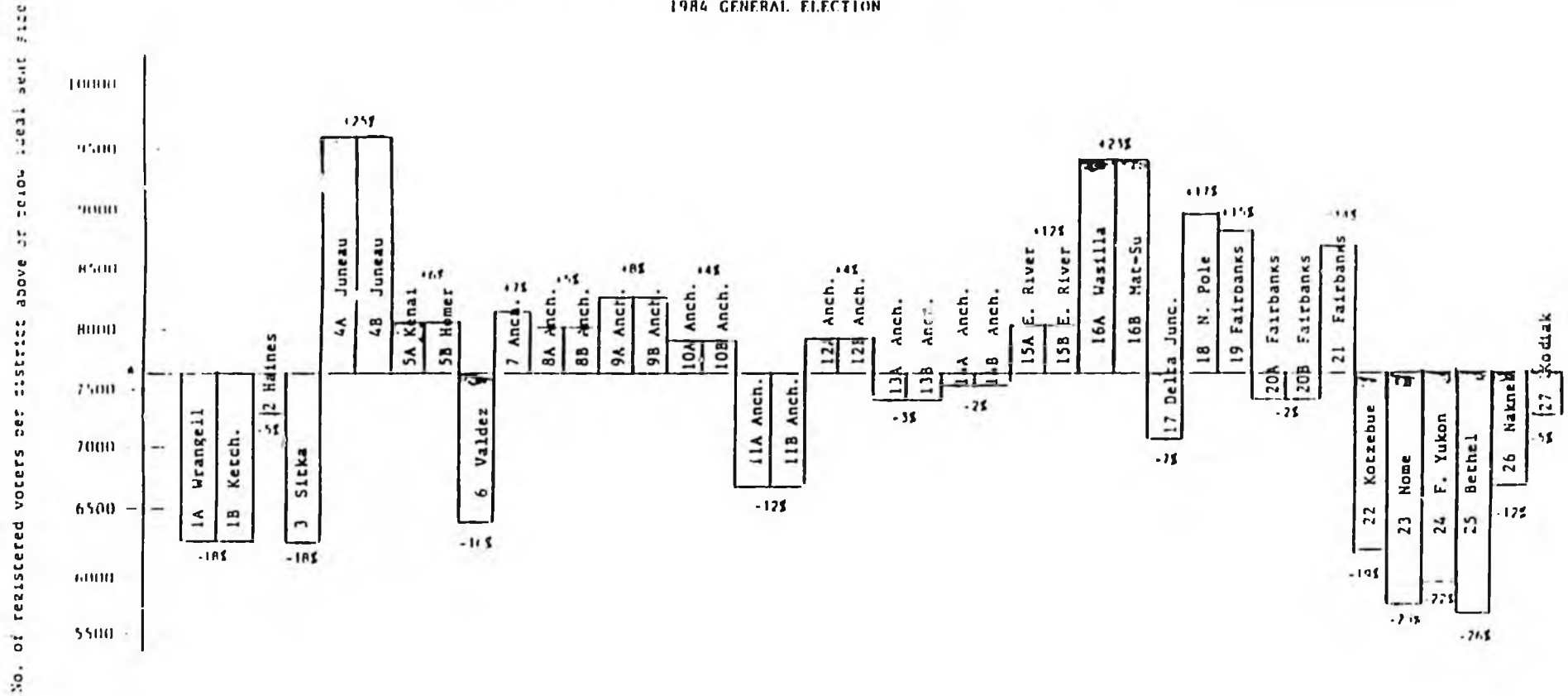
DISPARITIES IN NUMBER OF REGISTERED VOTERS PER HOUSE SEAT
1982 GENERAL ELECTION

Average positive variance is 7315 (+10%)

Average negative variance is 6057 (-9%)

- Southeast Districts
- Anchorage Districts
- Fairbanks Districts
- Rural Districts
- Ideal Seat Size is 6655

DISPARITIES IN NUMBER OF REGISTERED VOTERS PER HOUSE SEAT
1984 GENERAL ELECTION



- Southeast Districts
- Anchorage Districts
- Fairbanks Districts
- Rural Districts

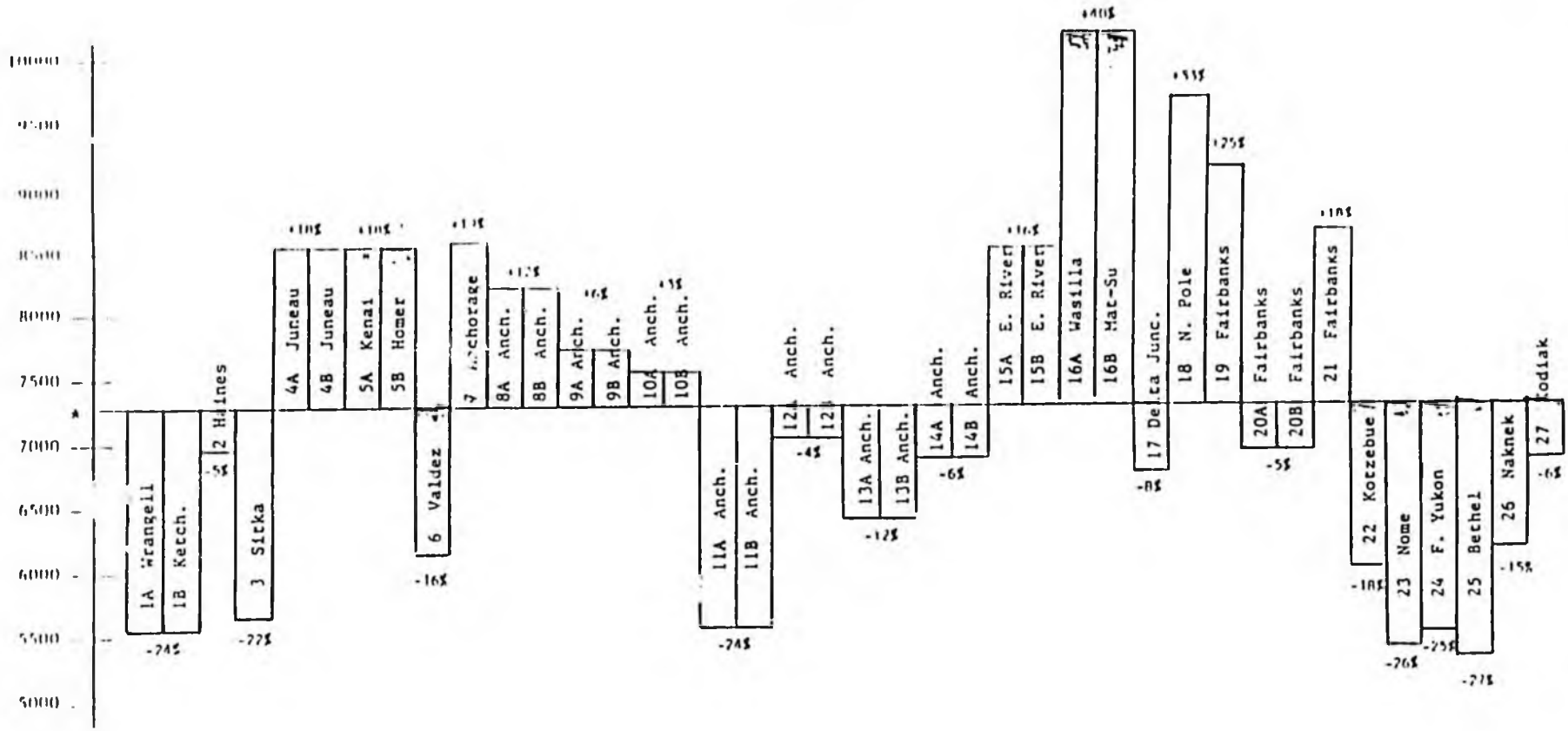
* Ideal Seat Size Is 7632

Average positive variance is 8501 (+11%)

Average negative variance is 6762 (-11%)

DISPARITIES IN NUMBER OF REGISTERED VOTERS PER HOUSE SEAT
1986 GENERAL ELECTION

No. of registered voters per district above or below ideal seat size



- Southeast Districts
- Anchorage Districts
- Fairbanks Districts
- Rural Districts

* Ideal Seat Size Is 7307

Average positive variance is 8588 (+18%)

Average negative variance is 6259 (-14%)

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HJR 39
PUBLISH DATE: 1/11/88

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Relating to reapportionment of the State.
Sponsor: Martin & Menard
Requestor: House State Affairs

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached

Prepared by: Linda Edgeworth
Division: Division of Elections

Phone: 465-4611
Date: 4/28/88

Approved by Commissioner: [Signature]
Agency: Office of the Governor

Date: 4/28/88

Distribution (by preparer): 4/23/88
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HJR 39

* 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 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.

** After FY89, the fiscal impact of this bill would be contingent on the passage of the constitutional amendment by the voters in the 1988 General Election. If the constitutional amendment were to pass there would be "one-time" costs incurred at the time of reapportionment after the 1990 Census which would directly impact the Division of Elections. (FY82 costs incurred by the Division for reapportionment came to 128.1 with additional costs expended in FY83. These costs were in addition to FY81 funding of 314.2 to the Office of the Governor.) The Division would require funding to cover:

Temporary staffing for programming and data entry to realign precincts, inputting gifts, cross-REAA/CRSA district alignments and voters on VREMS.

Printing and postage for new voter ID cards to affected voters (approximately \$290/M).

Statewide advertising.

Mapping services (cartography and reproduction).

Rewrite of district and precinct legal boundary descriptions.

Additionally, passage of the constitutional amendment would result in an increase in the overall costs of Primary and General Elections to accommodate extra printing charges and computer count programming for 13 additional House Districts.

2.5 per district x 13 districts x 2 elections (Primary and General): 65.0

Ballot printing and rotation plates

Primary: 13 districts with average of 3 candidates (39 plates): 6.2

General: 13 districts with average of 2 candidates (26 plates): 4.2

75.4

STATE OF ALASKA



REPRESENTATIVE
FRAN ULMER

HOUSE OF REPRESENTATIVES

P.O. Box V
JUNEAU, ALASKA 99811
(907) 465-4947

January 18, 1988

HJR

41

Susan King
1050 Salmon Creek Lane, #B-201
Juneau, AK 99801

Dear Susan:

Thank you for your Public Opinion Message regarding HJR 41, the Alaska Airlines Logo. I agree that the legislature has many more pressing issues and I have made the needs of children my top priority.

Please keep in touch regarding those issues that are important to you. I will continue to work to address these pressing needs.

Sincerely,

Fran Ulmer
Representative

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE ULMER

NAME: SUSAN KING
TITLE: N/A
ADDRESS: 1050 SALMON CREEK LN #B-201
CITY: JUNEAU ZIP: 99801
PHONE: N/R-
BILL NO: HJR 41

SUBJECT: ALASKA AIRLINES LOGO
MESSAGE: I FEEL THERE ARE EXTREMELY SERIOUS ISSUES FACING ALASKA. PLEASE DO NOT TAKE PRECIOUS TIME DISCUSSING ALASKA AIRLINES LOGO. FOR EXAMPLE THERE ARE RUN-A-WAY CHILDREN ON THE STREETS BECAUSE FOR YEARS THIS ISSUE HAS BEEN HANGING IN THE LEGISLATIVE HALLS UNRESOLVED.

POMID: 00154257
DATE: 01/13/88
TIME: 15:42:57
LIONAME: JUNEAU LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

ADAMS	BARNES	ABOOD
BOUCHER	BOYER	BINKLEY
BROWN	CATO	COGHILL
COLLINS	COTTEN	DUNCAN
DAVIDSON	DAVIS	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FRANK	FURNACE	FAIKS
GOLL	GRUENBERG	FANNING
GRUSSENDORF	HANLEY	FISCHER
HERRMANN	HOFFMAN	HALFORD
HUDSON	KOPONEN	HENSLEY
LARSON	MARTIN	JONES
MENARD	MILLEP	JOSEPHSON
NAVARRE	PEARCE	KELLY
PETTYJOHN	PHILLIPS	KERTTULA
POURCHOT	RIEGER	RODEY
SHULTZ	SPRINGER	STURGULEWSKI
SUND	SWACKHAMMER	SZYHANSKI
TAYLOR	WALLIS	UEHLING
ZAWACKI		ZHAROFF

JR
for response pls?

HJR

43

HOUSE STATE AFFAIRS COMMITTEE

NEXT COMMITTEE: JUDICIARY

BILL: HJR 43

CURRENT VERSION:

SCHEDULED: APRIL 29, 1988

SPONSOR: MARTIN

PHONE NO: 3782

CONTACT FILE: _____

BILL SUBJECT: AMENDING ALASKA CONSTITUTION AUTHORIZING USE OF INITIATIVE TO AMEND CONSTITUTION

SPONSOR BACKUP: IN FILES

AFFECTED AGENCIES:

<u>DEPARTMENT</u>	<u>CONTACT/PHONE</u>	<u>COMMENT</u>
<u>ELECTIONS</u>	<u>LINDA EDGEWORTH/4611</u>	

FISCAL NOTES

<u>AGENCY</u>	<u>REQUESTED</u>	<u>DATED</u>	<u>FY 88 AMT</u>	<u>FY 89 AMT</u>
<u>ELECTIONS</u>		<u>2/1/88</u>	<u>-0-</u>	<u>\$2,200</u>

ACTION

<u>DATE</u>	<u>COMMENT</u>
<u>4/29/88</u>	<u>PASSED FROM HOUSE STATE AFFAIRS</u>

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

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

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

HOUSE COMMITTEE REPORT

(7)

Date referred: 1/15/88

FURTHER REFERRALS:

Judiciary

DATE: 4-29-88

The State Affairs Committee has considered HJR 43

Proposing amendments to the Constitution of the State of Alaska authorizing the use of the initiative to amend the Constitution of the State of Alaska.

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:

Terry Martin

SIGNING OTHER RECOMMENDATIONS:

W.A. Bouchard (no rec)
John Helmer (no rec)

John Helmer

 Chairman's signature

SPONSOR STATEMENT
HJR 43 - AMENDING THE STATE CONSTITUTION

This resolution would place amendments to the Constitution of the State of Alaska before the voters. These amendments would allow the Constitution of the State of Alaska to be amended by the "initiative" process.

Currently amendments to the constitution can only be proposed by a two-thirds vote of the legislature or by a constitutional convention. In any case, a majority vote of the states citizens is required to adopt an amendment to the states constitution. Amendment by "initiative" would allow the people to propose amendments to the constitution.

/laj

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HJR 43
PUBLISH DATE: 1/15/88

FISCAL NOTE

REQUEST:

Revision Date: 1/25/88
Title: Constitutional amendments authorizing the use of the initiative to amend the Constitution.
Sponsor: MARTIN /
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, CLAIMS						
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: Jr Lind Edgeworth
Division: Elections

Phone: 465-4611
Date: 1/22/88

Approved by Commissioner: [Signature]
Agency: Office of the Governor, Division of Elections

Date: 2/1/88

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

CORRECTION

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

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HJR 43
PUBLISH DATE: 1/15/88

FISCAL NOTE

REQUEST:

Revision Date: 1/25/88
Title: Constitutional amendments authori-
zing the use of the initiative to amend
Sponsor: MARTIN / the Constitution.
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, CLAIMS						
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
Division: Elections

Phone: 465-4611
Date: 1/22/88

Approved by Commissioner: [Signature]
Agency: Office of the Governor, Division of Elections

Date: 2/1/88

Distribution (by preparer): 2/1/88

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agencies

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HJR 43

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

HJR

44

HOUSE STATE AFFAIRS COMMITTEE

NEXT COMMITTEE: JUDICIARY

BILL: HJR 44

CURREN. VERSION:

SCHEDULED: 2/8/88

SPONSOR: BROWN

PHONE NO: 3784

CONTACT FILE: _____

BILL SUBJECT: PROPOSING AMENDMENT TO THE CONSTITUTION OF THE STATE OF ALASKA RELATING TO OPEN MEETINGS

SPONSOR BACKUP: IN FILE

AFFECTED AGENCIES:

<u>DEPARTMENT</u>	<u>CONTACT/PHONE</u>	<u>COMMENT</u>
LEGISLATIVE AFFAIRS		PAM STOOPS/3852
ELECTIONS		LINDA EDGEWORTH/4611

FISCAL NOTES

<u>AGENCY</u>	<u>REQUESTED</u>	<u>DATED</u>	<u>FY 88 AMT</u>	<u>FY 89 AMT</u>
ELECTIONS		1/26/88	-0-	2.2

ACTION

<u>DATE</u>	<u>COMMENT</u>
1/29	HEARING CANCELLED -- LACK OF QUORUM
2/8/88	PASSED FROM HOUSE STATE AFFAIRS

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

FOUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

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 Affrs:

2/8/88

Alaska State Legislature

Committees:

Chair-State Affairs
V. Chair-Judiciary
Telecommunications
Special Ethics
Legislative Council
Finance Subcommittee
for the University of Alaska
Joint Committee
on Economic Recovery



P.O. Box V
Juneau, Alaska 99811
(907) 465-4947

REPRESENTATIVE FRAN ULMER

February 26, 1988

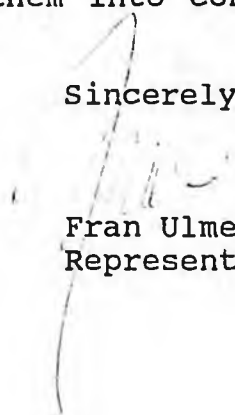
Chris D'Arcy
Executive Director
State Council on the Arts
619 Warehouse Avenue, #220
Anchorage, AK 99501

Dear Chris:

First of all, thank you for all the information you provided on Joanne Townsend for poet laureate. As you probably heard, it was enough to get the resolution out of House State Affairs Committee in near record time. HCR 44 is scheduled for floor action today.

Also, thanks for sending us the regulations on Arts Council grants. We took the liberty to pass them on to local groups. Some concerns have been expressed by Perseverance ^{the} about the Season Support regulations. These concerns are ^{quite} intimate and we hope you will take them into consideration before final adoption of the regulations.

Sincerely,


Fran Ulmer
Representative

Handwritten notes at the bottom of the page, including "District 4B - Juneau" and other illegible text.
District 4B — Juneau

HOUSE COMMITTEE REPORT

(7)

Date referred: 1/15/88

FURTHER REFERRALS: Judiciary

DATE: 2-8-88

The State Affairs Committee has considered HJR 44

Proposing an amendment to the Constitution of the State of Alaska relating open meetings.

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:

Scott Munnich
 Cliff Davidson

SIGNING OTHER RECOMMENDATIONS:

John Walker No Rec
Donna Jolley No Rec
Terry Martini No Rec

John Walker
 Chairman's signature

Cited in *Boehl v. Sabre Jet Room, Inc.*, 2710 (File Nos. 6833, 7080), P.2d
Sup. Ct. Op. No. 3 (File No. 17), 349 P.2d (1983).
585 (1960); *Kuhn v. State*, Sup. Ct. Op. No.

Collateral references. — 2 Am. Jur.2d, Effect of court review of administrative
Administrative Law, §§ 553 to 775. decision, 79 ALR2d 1379.
73 C.J.S., Public Administrative Law
and Procedure, §§ 172 to 271.

Article 6. Agency Meetings Public.

Section

310. Agency meetings public
312. State policy regarding meetings

Sec. 44.62.310. Agency meetings public. (a) All meetings of a legislative body, of a board of regents, or of an administrative body, board, commission, committee, subcommittee, authority, council, agency, or other organization, including subordinate units of the above groups, of the state or any of its political subdivisions, including but not limited to municipalities, boroughs, school boards, and all other boards, agencies, assemblies, councils, departments, divisions, bureaus, commissions or organizations, advisory or otherwise, of the state or local government supported in whole or in part by public money or authorized to spend public money, are open to the public except as otherwise provided by this section. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. This section does not apply to any votes required to be taken to organize the bodies specified in this subsection.

(b) If excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that come within the exceptions contained in (c) of this section shall be determined by a majority vote of the body. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session.

(c) The following excepted subjects may be discussed in an executive session:

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- (3) matters which by law, municipal charter, or ordinance are required to be confidential.

- (d) This section does not apply to
- (1) judicial or quasi-judicial bodies when holding a meeting solely to make a decision in an adjudicatory proceeding;
 - (2) juries;
 - (3) parole or pardon boards;
 - (4) meetings of a hospital medical staff; or
 - (5) meetings of the governing body or any committee of a hospital when holding a meeting solely to act upon matters of professional qualifications, privileges or discipline.
- (e) Reasonable public notice shall be given for all meetings required to be open under this section.
- (f) Action taken contrary to this section is void. (§ 1 art VI (ch 1) ch 143 SLA 1959; am § 1 ch 48 SLA 1966; am § 1 ch 78 SLA 1968; am § 1 ch 7 SLA 1969; am §§ 1, 2 ch 98 SLA 1972; am § 2 ch 100 SLA 1972; am § 1 ch 189 SLA 1976)

NOTES TO DECISIONS

The scope of subsection (a) of this section is not limited to decision-making bodies only. *University of Alaska v. Geistauts*, Sup. Ct. Op. No. 2691 (File Nos. 6749, 6771), 666 P.2d 424 (1983).

Section applies to local university tenure committee. — The local tenure committee of the University of Alaska comes within the ambit of the public meetings statute. *University of Alaska v. Geistauts*, Sup. Ct. Op. No. 2691 (File Nos. 6749, 6771), 666 P.2d 424 (1983).

Subsection (c)(2) of this section, which provides that closed executive sessions may be held to discuss "subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion," is applicable to tenure committee meetings. *University of Alaska v. Geistauts*, Sup. Ct. Op. No. 2691 (File Nos. 6749, 6771), 666 P.2d 424 (1983).

Tenure committee meetings are not "quasi-judicial" proceedings, and thus do not come within the exception to the public meeting requirements found in subsection (d)(1) of this section. *University of Alaska v. Geistauts*, Sup. Ct. Op. No. 2691 (File Nos. 6749, 6771), 666 P.2d 424 (1983).

Organizational meetings of legislature. — Public meetings law generally applies to votes on the floor of either house of the legislature, but exempts organizational votes taken there, such as removal of the speaker, from its coverage. *Malone v. Meekins*, Sup. Ct. Op. No. 2553 (File Nos. 6429, 6436), 650 P.2d 351 (1982).

Notice of reorganization of legislature. — There is no judicially enforceable requirement of subject matter notice with respect to a vote concerning the organization or reorganization of one house of the state legislature. *Malone v. Meekins*, Sup. Ct. Op. No. 2553 (File Nos. 6429, 6436), 650 P.2d 351 (1982).

Private caucuses. — The statute has no application to private caucuses and there is thus no reason to exempt from the statute organizational votes which take place in such caucuses. *Malone v. Meekins*, Sup. Ct. Op. No. 2553 (File Nos. 6429, 6436), 650 P.2d 351 (1982).

Discussing characteristics of city manager applicants. — A city council was authorized by subsection (c)(2) of this section to meet in executive session while discussing the personal characteristics of city manager applicants. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op. No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

A meeting of the board of governors of the Alaska Bar Association in Hawaii in 1978 was not subject to the requirements of this section. *Horowitz v. Alaska Bar Ass'n*, Sup. Ct. Op. No. 2059 (File Nos. 4310, 4311), 609 P.2d 39 (1980).

Implied notice requirement. — Since the sole purpose of a notice requirement under subsection (c)(2) of this section is to afford the employee with an opportunity to request a public discussion, the University of Alaska was under the implied statutory obligation to inform the faculty member of

the time and place of all meetings in which his application for tenure would be considered and to inform him that he had the right to request that the meetings be open to the public. *University of Alaska v. Geistauts*, Sup. Ct. Op. No. 2691 (File Nos. 6749, 6771), 666 P.2d 424 (1983).

Effect of university's failure to comply. — Since a violation of this section was found and the tenure committee recommendation was therefore void, the university had to begin anew its review of the faculty member's tenure application as if the flawed consideration had never taken place, the faculty member was entitled to all the benefits of ongoing employment up until the time of a new consideration, and

the faculty member should be entitled to update his tenure file with recent academic accomplishments. *University of Alaska v. Geistauts*, Sup. Ct. Op. No. 2691 (File Nos. 6749, 6771), 666 P.2d 424 (1983).

Applied in *Alaska Community Colleges' Fed'n of Teachers, Local 2404 v. University of Alaska*, Sup. Ct. Op. No. 2779 (File No. 6676), 677 P.2d 886 (1984).

Quoted in *Hammond v. North Slope Borough*, Sup. Ct. Op. No. 2499 (File Nos. 5550, 5558), 645 P.2d 750 (1982).

Cited in *Anchorage Independent Longshore Local 1 v. Municipality of Anchorage*, Sup. Ct. Op. No. 2752 (File No. 6717), 672 P.2d 891 (1983).

Collateral references. — 2 Am. Jur. 2d, Administrative Law, §§ 281, 282.
73 C.J.S., Public Administrative Law and Procedure, §§ 106, 107.

Validity, construction, and application of statutes making public proceedings open to the public, 38 ALR3d 1070.

Sec. 44.62.312. State policy regarding meetings. (a) It is the policy of the state that

(1) the governmental units mentioned in AS 44.62.310(a) exist to aid in the conduct of the people's business;

(2) it is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly;

(3) the people of this state do not yield their sovereignty to the agencies which serve them;

(4) the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know;

(5) the people's right to remain informed shall be protected so that they may retain control over the instruments they have created.

(b) AS 44.62.310(c)(1) shall be construed narrowly in order to effectuate the policy stated in (a) of this section and avoid unnecessary executive sessions. (§ 3 ch 98 SLA 1972)

Cross references. — See note under AS 44.62.310.

Editor's notes. — AS 44.62.312(a) is based on Cal. Gov't C.A., sec. 54950.

NOTES TO DECISIONS

Public disclosure of applications. — Strong public interest in the disclosure of the affairs of government generally, and in an open selection process for high public officials in particular requires public disclosure and inspection of applications for

posts having substantial discretionary authority. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op. No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

Quoted in *Hammond v. North Slope Borough*, Sup. Ct. Op. No. 2499 (File Nos. 5550, 5558), 645 P.2d 750 (1982); *Alaska Community Colleges' Fed'n of Teachers*.

Local 2404 v. University of Alaska, Sup. Ct. Op. No. 2779 (File No. 6676), 677 P.2d 886 (1984).

January 29, 1988
House State Affairs Committee
The Alaska Legislature

Testimony of the League of Women Voters of Alaska

HJR 44: Proposing an Amendment to the Constitution of the State of Alaska relating to open meetings.

Madame Chair, Members of the Committee:

My name is Eve Reckley. I represent the League of Women Voters of Alaska. You have before you House Joint Resolution number 44 proposing to amend the Constitution of the State of Alaska to mandate that the business of the Legislature and thus, the business of the people of Alaska, be conducted in open meetings. The resolution is simple and straight forward. It requires the Legislature to abide by the open meetings law it enacted. And it provides the legal framework within the constitution for the courts to enforce it.

In short, the League, advocating in the public interest, is asking legislators to stand up and be counted on this issue. The League has done so, by taking its case for open meetings of all legislative bodies to the Supreme Court of the State of Alaska. Our belief is strong that the deliberations and the decision-making of the Legislature and its constituent groups must be done in full public view. Our resolve is strong that we will advocate for a guarantee that the public has access to the legislative process.

An amendment to the Constitution of the State of Alaska expressly mandating this right of public access, is the only way to secure this guarantee. It provides the courts the legal justification for enforcement. Without it, the Open Meetings Act has little meaning.

The League and its co-appellants claimed in Superior Court that closed meetings by members of the House and Senate Finance committees at various times in formulating the 1987 budget, violated the open meetings act. While that claim was upheld by the Superior Court, the Supreme Court reversed it on the grounds that there "is no implied right of public access to legislative committee or caucus meetings under the Alaska Constitution." Under the separation of powers doctrine in the Constitution, the Supreme Court held it had no legal basis to enforce the laws and procedures under which the Legislature governs itself.

The League now asks you to give the courts the power to enforce the Open Meetings Act and guarantee the right of public access to legislative deliberations. The League does not make this request lightly. We consider a constitutional amendment so important that we will continue to work with other interested groups to launch an initiative campaign, if the Legislature fails to act.

The proposed constitutional amendment before you does not broaden the open meetings act, nor change existing law permitting an executive session for matters requiring confidentiality. Nor is the amendment intended to prevent the free flow of ideas among legislators or their participation in public forums, community events, or social events.

Thomas Jefferson, framer of our national constitution, noted that as democratic institutions develop and mature, changes would occasionally be necessary to guarantee for all citizens the right of full participation. I am paraphrasing a quote inscribed in marble on the Jefferson Memorial in Washington, D.C.: As a man, I would not expect to wear the clothes that fitted as a boy, and so democratic institutions must grow and change as circumstances dictate.

We are a young state, under 30 years of age, and we are maturing in our democratic processes. The League believes that the Alaska legislative system should be "responsive, representative, accessible, efficient, and accountable."

Constitutionally mandating open meetings is vital to making the legislative process accessible and accountable to the people of Alaska.

As you know, this amendment requires a two thirds vote of both the House and the Senate and the signature of the Governor to place it on the ballot for a vote of the people in November.

This process will provide an opportunity for public date and then for voters to say whether they believe public access to legislative meetings should be quaranteed in the Constitu-tion of the State of Alaska.

The League asks you to give the people of Alaska the opportunity to make that decision. Thank you.

BY BROWN, ELLIS, FRANK,
DAVIS, COTTEN, NAVARRE,
POURCHOT AND BOYER

1 IN THE HOUSE

2

HOUSE JOINT RESOLUTION NO. 44

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

Proposing an amendment to the Constitu-

6

tion of the State of Alaska relating to

7

open meetings.

8

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

9

* Section 1. Article I, Constitution of the State of Alaska, is amended

10

by adding a new section to read:

11

SECTION 23. MEETINGS OPEN. The deliberations of each house of

12

the legislature and the deliberations of the committees and subcommit-

13

tees and of each committee of the whole shall be open to the public

14

unless the legislative body is meeting in executive session to con-

15

sider matters authorized by law. If a matter is appropriate to a

16

particular legislative body, private and substantive deliberation on

17

the matter by a quorum of that legislative body is a violation of this

18

section. Caucuses of the legislature may meet in private to consider

19

matters of procedure, organization, or strategy.

20

* Sec. 2. (a) The purpose of the amendment to art. I, Constitution of

21

the State of Alaska, proposed in sec. 1 of this resolution is to make

22

openness in government the rule and secrecy the exception. The amendment

23

ensures that the public is not excluded during the substantive deliberative

24

and decision-making stages of the budgetary and lawmaking process.

25

(b) The existing open meetings law, AS 44.62.310 and 44.62.312,

26

complies with this constitutional amendment and the amendment provides a

27

basis for judicial enforcement of that law, notwithstanding art. II,

28

secs. 6 and 12, Constitution of the State of Alaska.

29

(c) The existing open meeting law requires that votes be conducted in

1 a manner that allows the public to know how members voted. For executive
2 sessions, it requires that meetings first be convened as public meetings
3 and the question of holding an executive session be determined by a ma-
4 jority vote of the body. Reasonable public notice is required for open
5 meetings. ?

6 (d) Under existing law, a legislative body may use an executive
7 session only to discuss

8 (1) matters, the immediate knowledge of which would clearly have
9 an adverse effect on the finances of the government;

10 (2) subjects which tend to prejudice the reputation and charac-
11 ter of any person, provided the person may request a public discussion; and

12 (3) matters which by law, municipal charter, or ordinance are
13 required to be confidential.

14 (e) This amendment is not intended to prevent the free flow of ideas
15 among legislators or their participation in public forums, community
16 events, or social events. Meetings of less than a quorum of the
17 legislative body that have the purpose or effect of circumventing the open
18 meetings law would also be a violation of this section.

19 (f) In the preparation of its neutral summary under AS 15.58.-
20 020(6)(C), the Legislative Affairs Agency shall consider the statement of
21 legislative intent contained in (a) - (e) of this section.

22 * Sec. 3. The amendment proposed by this resolution shall be placed
23 before the voters of the state at the next general election in conformity
24 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
25 tion laws of the state.



February 8, 1988
House State Affairs Committee
The Alaska Legislature

Testimony on HJR 44: Proposing an
Amendment to the Constitution of the
of the State of Alaska relating to
open meetings.

Madame Chair, Members of the Committee:

My name is Eve Reckley. I represent the League of Women Voters of Alaska. You have before you House Joint Resolution number 44 proposing to amend the Constitution of the State of Alaska to mandate that the business of the Legislature and thus, the business of the people of Alaska, be conducted in open meetings. The resolution is simple and straight forward. It requires the Legislature to abide by the open meetings law it enacted. And it provides the legal framework within the constitution for the courts to enforce it.

In short, the League, advocating in the public interest, is asking legislators to stand up and be counted on this issue. The League has done so, by taking its case for open meetings of all legislative bodies to the Supreme Court of the State of Alaska. Our belief is strong that the deliberations and the decision-making of the Legislature and its constituent groups must be done in full public view. Our resolve is strong to advocate for a guarantee that the public has access to the legislative process.

An amendment to the Constitution of the State of Alaska expressly mandating this right of public access, is the only way to secure this guarantee. It provides the courts the legal justification for enforcement. Without it, the Open Meetings Act has little meaning.

The League and its co-appellants claimed in Superior Court that closed meetings by members of the House and Senate Finance committees at various times in formulating the 1986 budget, violated the open meetings act. While that claim was upheld by the Superior Court, the Supreme Court reversed it on the grounds that there "is no implied right of public access to legislative committee or caucus meetings under the Alaska Constitution." Under the separation of powers doctrine in the Constitution, the Supreme Court held that it had no legal basis to enforce the laws and procedures under which the Legislature governs itself.

The League now asks you to give the courts the power to enforce the Open Meetings Act and to guarantee the right of public access to legislative deliberations. The League does not make this request lightly. We consider a constitutional amendment so important that we will continue to work with other interested groups to launch a campaign for an advisory vote of the people if the Legislature fails to act on its own.

The proposed constitutional amendment before you does not broaden the open meetings act, nor change existing law permitting an executive session for matters requiring confidentiality. Nor is the amendment intended to prevent the free flow of ideas among legislators or their participation in public forums, community events, or social events.

Thomas Jefferson, framer of our national constitution, noted that as democratic institutions develop and mature, changes would occasionally be necessary to guarantee for all citizens the right of full participation in their government. I am paraphrasing a quote inscribed in marble on the Jefferson Memorial in Washington, D.C.: As a man, I would not expect to wear the clothes that fitted as a boy, and so democratic institutions must grow and change as circumstances dictate.

We are a young state, under 30 years of age, and we are maturing in our democratic processes. The League believes that the Alaska legislative system should be "responsive, representative, accessible, efficient, and accountable." Constitutionally mandating open meetings is vital to making the legislative process accessible and accountable, as well as more responsive to, and presentative of the people of Alaska.

As you know, this amendment requires a two thirds vote of both the House and Senate, and the signature of the Governor to place it on the ballot for a vote of the people in November. This process will provide an opportunity for public debate and then for voters to say whether they believe public access to legislative meetings should be guaranteed in the Constitution of the State of Alaska.

The League of Women Voters of Alaska asks you to give the people of Alaska the opportunity to make that decision.

Thank you.

RECEIVED
 JAN 26 1988

**STATE OF ALASKA
 1988 LEGISLATIVE SESSION**

**DIRECTOR OF ELECTIONS
 FISCAL NOTIONS**

BILL VERSION: HJR 44
 PUBLISH DATE: 1/15/88

REQUEST:

Revision Date: 1/22/88
 Title: Constitutional Amendment
relating to open meetings.
 Sponsor: BROWN
 Requestor: 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, CLAIMS						
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: 1/26/88
 Agency: Office of the Governor, Division of Elections

Distribution (by preparer):

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

SECTIONAL ANALYSIS OF HJR 44

Proposing an amendment to the Constitution
of the State of Alaska relating to open meetings.

SECTION 1 amends Article 1, Declaration of Rights, of the Constitution of the State of Alaska, by adding a new Section 23:

The deliberations of each house of the Legislature, and its committees and subcommittees, shall be open to the public, unless the legislative body is meeting in executive session to consider matters authorized by law.

If a matter is appropriate to a particular legislative body, private and substantive deliberation on the matter by a quorum of that body is prohibited.

Caucuses of the legislature may meet in private to consider matters of procedure, organization or strategy.

SECTION 2 Expresses legislative intent and summarizes provisions in the existing open meetings law.

Subsection (f) provides that the Legislative Affairs Agency will consider the statement of legislative intent expressed in (a) through (e) when preparing its neutral summary for the election pamphlet.

SECTION 3 Provides that the amendment will be placed before the voters at the next general election.

Prepared by:
Rep. Kay Brown
January 29, 1988

By Brown, Ellis, Frank, Davis, Cotten,
Navarre, Pourchot, Boyer, Koponen,
Boucher, Davidson, and Menard

**HJR 44: Proposing an amendment
to the Constitution of the State of Alaska
relating to open meetings**

HJR 44 proposes to amend the State Constitution by:

- mandating legislative adherence to the Open Meetings Act
- providing for court enforcement in the instance of a violation
- requiring that legislative deliberations be open unless the body is meeting in executive session to consider matters authorized by law
- prohibiting a quorum of a legislative body (committee, subcommittee, etc.) from engaging in private and substantive deliberation on a matter appropriate to that body
- allowing legislative caucuses to meet in private to consider matters of procedure, organization or strategy

HJR 44 includes intent language making it clear that this amendment is not intended to prevent the free flow of ideas among legislators or their participation in public forums, community meetings, or social events.

The proposed language is the work of a number of individuals who began meeting together shortly after the Supreme Court issued its ruling last September.

Prepared by:
Rep. Kay Brown
January 29, 1988

CORRECTION

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

RECEIVED
 JAN 26 1988
 DIRECTOR OF ELECTIONS
 FISCAL NOTIONS

**STATE OF ALASKA
 1988 LEGISLATIVE SESSION**

BILL VERSION: HJR 44
 PUBLISH DATE: 1/15/88

REQUEST:

Revision Date: 1/22/88
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relating to open meetings.
 Sponsor: BROWN
 Requestor: 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, CLAIMS						
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
 Division: Elections

Phone: 465-4611
 Date: 1/22/88

Approved by Commissioner: [Signature]
 Agency: Office of the Governor, Division of Elections

Date: 1/26/88

Distribution (by preparer):

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

Maw

1/26/88

RECEIVED
JAN 26 1988
DIRECTOR OF ELECTIONS

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HJR 44

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

SECTIONAL ANALYSIS OF HJR 44
Proposing an amendment to the Constitution
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Prepared by:
Rep. Kay Brown
January 29, 1988

By Brown, Ellis, Frank, Davis, Cotten,
Navarre, Pourchot, Boyer, Koponen,
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**HJR 44: Proposing an amendment
to the Constitution of the State of Alaska
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HJR 44 includes intent language making it clear that this amendment is not intended to prevent the free flow of ideas among legislators or their participation in public forums, community meetings, or social events.

The proposed language is the work of a number of individuals who began meeting together shortly after the Supreme Court issued its ruling last September.

Prepared by:
Rep. Kay Brown
January 29, 1988

Opinion

The question of the public conduct of the public's business is one of the questions before the Alaska Legislature in its new session. A resolution proposed by Sen. Arliss Sturgulewski and Rep. Kay Brown would put before the state's voters a constitutional amendment to require that all legislative meetings be public except certain exemptions.

The proposal grows out of last year's lawsuit against the Legislature by the League of Women Voters and The Daily News. It transpired that the Legislature never argued about breaking the rules. However, the court ruled that it had no jurisdiction or constitutional basis for requiring the Legislature to follow its own rules.

By
the
rules

That decision essentially told the Legislature it could do whatever it pleases, and the public be damned. The proposal by Sturgulewski and Brown, two among a minority of legislators who have actually resisted the Legislature's general secretive inclinations, is an attempt to make the Legislature live by its rules. That's all.

The proposed amendment would leave legislators the same exemptions as the Legislature provided when it adopted the state's Open Meetings Act. It would also allow party caucuses to meet privately "to consider matters of procedure, organization, or strategy."

That's plenty of leeway for any responsible legislator. The public should call on its legislators to support the Sturgulewski-Brown proposal.

Elements of the Alaska Legislature have gone out of their way in recent years to make important budget decisions in secret - in ad hoc sessions, in caucuses, in, well, who knows?

If legislators balk at the Sturgulewski-Brown proposal, they invite a question: Have you stopped doing the public's business in secret? It's a fair question, and it requires the admission they cannot avoid.

MY TURN

Open Meetings: The need for a constitutional amendment.

By KAY BROWN and
ARLISS STURGULEWSKI

When the Alaska Supreme Court issued its opinion on the open meetings lawsuit brought against the Alaska Legislature by the League of Women Voters and two Alaska newspapers, the ruling brought to light a crucial flaw in our state Constitution. The court ruled that it had no jurisdiction in the open meetings dispute and accordingly could not force the legislature to comply with the state Open Meetings Act.

It is now clear that this flaw can only be corrected by an amendment to the state Constitution which expressly protects the public's right to openness in the legislative process.

No Dispute over Violations: In the League v. the Alaska Legislature case there was no argument over the charge that the legislature held secret budget meetings during the 1986 session in violation of the Open Meetings Act. Nor was there any argument that these meetings violated the legislature's own Uniform Rule 22, which also requires open meetings of legislative bodies.

Neither of these claims was contested by the lawyers defending the legislature. As noted by the court: "The facts of this case are not in dispute. ... The Legislators do not deny that these meetings occurred, or that they conducted the business and

made the decisions that the League alleges." So, if everyone agrees that the meetings were in violation of the Open Meetings Act and Rule 22, what happened?

Courts Powerless to Enforce Law: The Supreme Court based its ruling on interpretations of the state Constitution. Although no one disputed that open meeting violations had occurred, the court ruled that it lacked authority to force the legislature to obey the open meetings law it has enacted. Further, because the Alaska Constitution currently does not expressly provide for open meetings, and because the Constitution gives the legislature the authority to establish its own rules, the Supreme Court determined it could not enforce the Open Meetings Act.

The court did not find the legislature innocent of violating open meeting requirements. Rather, the court decision stated that "because the Constitution commits to the legislature the authority to provide for its own rules of procedure ... we regard the question of whether the legislators have violated the Open Meetings Act or Uniform Rule 22 to be nonjudicial." The court concluded it is not the function of the judicial system to require the legislature to follow its own rules.

The court also addressed the assertion that the public has an "im-

plied" constitutional right of access to the conduct of legislative business. Although it is noteworthy that Supreme Court Justice Compton dissented, and argued forcefully that the court did have jurisdiction in the case, the majority of justices disagreed.

The Need for an Amendment: The crucial issue in the open meetings lawsuit concerned the right of the press and the public to know and understand the deliberations of their elected representatives. The need for access to legislative deliberations has never been more critical than at present. Decisions made in Juneau are of vital interest to all Alaskans as the state comes to terms with declining oil revenues.

In response to the Supreme Court's decision, one legislative leader characterized the ruling as giving legislators "a blank check." In essence, the Alaska Supreme Court found that the legislature's conduct is above the law that requires other state and local officials to conduct the public's business in the open. A constitutional amendment requiring open meetings of the legislature is the only way to remedy this deficiency.

Proposed Constitutional Amendment: Before the Supreme Court ruling, it had been our belief that the public was entitled to open legislative meetings; we now know that a constitutional amendment is needed. With that goal in mind, we have introduced an identical Joint Resolution in both the House and the Senate that would amend the Alaska Constitution and specifically provide for open meetings by the legislature.

The proposed amendment language is the work product of a number of individuals who began meeting shortly after the Supreme Court issued its ruling, including representatives of the League of Women Voters and several news organizations. In trying to draft suitable language with the help of this ad hoc group, we knew that it was essential to develop both realistic and workable standards. Such standards must fundamentally ensure openness by the legislature but also not prevent the free exchange of ideas among legislators which is essential to a legislator's ability to represent his or her constitu-

ents. At the same time, we felt that the legislature, as the state's only bicameral legislative body, elected along partisan lines, must have the flexibility to exercise that partisanship.

With these standards in mind, our proposed amendment requires that legislative deliberations be open unless, as presently provided by the Open Meetings Act, the body is meeting in a properly convened executive session to consider matters expressly authorized by law. The amendment also states that if a matter is appropriate to a particular body (which includes committees and subcommittees), then "private and substantive deliberation of the matter by a quorum of the legislative body" is prohibited. The proposed amendment also recognizes the unique role of legislative caucuses and specifically allows caucuses to meet in private, but only to consider "matters of procedure, organization, or strategy."

We recognize, of course, that our amendment draws a fine line of distinction between a discussion that would be prohibited as "private and substantive" and a discussion that would be permissible as a matter of caucus "strategy." In the final analysis, however, it is our feeling that it will be incumbent upon all legislators to police themselves as a group and for individual members to insist when appropriate, as we have, that the public's right to know must be protected and that the public's substantive business be conducted openly.

Finally, we believe that the proposed amendment provides both a realistic and workable set of standards by which the legislature can conduct legislative business in an open manner while still providing legislators an opportunity to participate in confidential partisan activities. Without a constitutional amendment to provide for the public's right of access, the legislature will continue to be free to meet at will behind closed doors in clear violation of the Open Meetings Act, but beyond the reach of the courts.

Rep. Kay Brown and Sen. Arliss Sturgulewski both represent Anchorage in the Alaska Legislature.

HJR

47

HOUSE STATE AFFAIRS COMMITTEE

NEXT COMMITTEE: FINANCE

BILL: HJR 47

CURRENT VERSION:

SCHEDULED: 2/12/88

SPONSOR: CATO

PHONE NO: 4858

CONTACT FILE: _____

BILL SUBJECT: RELATING TO FEDERAL INCOME TAX EXEMPTION FOR MINORS FOR INCOME EARNED ON REINVESTED PF DIVIDENDS

SPONSOR BACKUP: REQUESTED 2/3/88

AFFECTED AGENCIES:

<u>DEPARTMENT</u>	<u>CONTACT/PHONE</u>	<u>COMMENT</u>
N/A		

FISCAL NOTES

<u>AGENCY</u>	<u>REQUESTED</u>	<u>DATED</u>	<u>FY 88 AMT</u>	<u>FY 89 AMT</u>
N/A	2/3/88	2/8/88	-0-	-0-

ACTION

<u>DATE</u>	<u>COMMENT</u>
2/17/88	PASSED COMMITTEE SUBSTITUTE FOR HJR 47 (SA) FROM COMMITTEE

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 Affrs:

2/17/88

Alaska State Legislature

Committees:

Chair-State Affairs
V. Chair-Judiciary
Telecommunications
Special Ethics
Legislative Council
Finance Subcommittee
for the University of Alaska
Joint Committee
on Economic Recovery



P.O. Box V
Juneau, Alaska 99801
(907) 465-4947

REPRESENTATIVE FRAN ULMER

M E M O R A N D U M

TO: House State Affairs Committee
FROM: Fran Ulmer, Chair
RE: HJR 47
DATE: February 19, 1988

After checking with the offices of the Alaska Congressional Delegation, State Affairs Committee staff has determined that there is no pending legislation addressing the intent of HJR 47-federal income tax exemptions for minors for income earned on reinvested permanent fund dividends. The delegation has been working on an amendment to a future tax bill which would accomplish this purpose. Because there is nothing currently pending, page 2, line 5 of HJR 47 (SA) appears appropriate and should not be amended.

At Representative Hoffman's suggestion, I have requested a Committee Substitute (CS HJR 47-SA) which includes Senator Lloyd Bentsen, Chairman of the Senate Finance Committee, as a recipient of the resolution along with our Congressional Delegation. As noted above, once a tax bill has been amended to include the exemption, the first committee of referral will be that chaired by Senator Bentsen.

CC: Representative Betty Cato

(7)

HOUSE COMMITTEE REPORT

Date referred: 1/22/88

FURTHER REFERRALS: Finance

DATE: 2-17-88

The State Affairs Committee has considered HJR 47

Relating to a federal income tax exemption for minors for income earned on reinvested permanent fund dividends.

RECOMMENDS:

- replace with CS HJR 47 (SA) 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:

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature]

 Chairman's signature

Original sponsors: Cato, Gruenberg,
Davidson, et al.

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 47 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 Relating to a federal income tax ex-
6 emption for minors for income earned on
7 reinvested permanent fund dividends.

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

9 WHEREAS the interest of national leaders has recently turned to pro-
10 grams to provide assistance to families facing the increasing financial
11 burden of college education for their children; and

12 WHEREAS state law requires parents or guardians of minors in Alaska to
13 submit applications for permanent fund dividends on behalf of their minor
14 children, and

15 WHEREAS present and projected estimates of the permanent fund dividend
16 payable to minors suggest that the cumulative annual dividends, and income
17 earned from the careful reinvestment of them, may prove a significant
18 source of financial assistance to families facing costs of postsecondary
19 education; and

20 WHEREAS the Tax Reform Act of 1986 (P.L. 99-514) makes extensive
21 changes in the tax treatment of income-producing assets transferred to
22 minors and may require the minor to pay taxes on at least a portion of the
23 net unearned income received at the top tax rate payable by the minor's
24 parents; and

25 WHEREAS the recent tax change is particularly detrimental to minors
26 who choose to save or invest permanent fund dividends they receive in order
27 to meet anticipated expenses of postsecondary education, only to see the
28 earnings on these investments taxed at rates comparable to rates payable by
29 their parents; and

1 WHEREAS federal tax policy should be amended to take into account the
2 efforts of minors to arrange their financial affairs in order to assist in
3 meeting the ever-increasing costs of postsecondary education;

4 BE IT RESOLVED by the Alaska State Legislature that the Alaska con-
5 gressional delegation is urged to introduce and support passage of legis-
6 lation providing a federal income tax exemption to minors for income earned
7 on reinvested permanent fund dividends, and to the parents or guardians of
8 minors for income earned on permanent fund dividends reinvested on behalf
9 of the minors.

10 COPIES of this resolution shall be sent to the Honorable Lloyd
11 Bentsen, Chairman of the Senate Committee on Finance; and to the Honorable
12 Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the
13 Honorable Don Young, U.S. Representative, members of the Alaska delegation
14 in Congress.

1 IN THE HOUSE

BY CATO AND GRUENBERG

2

HOUSE JOINT RESOLUTION NO. 47

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

Relating to a federal income tax ex-

6

emption for minors for income earned on

7

reinvested permanent fund dividends.

8

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

9

WHEREAS the interest of national leaders has recently turned to pro-
grams to provide assistance to families facing the increasing financial
burden of college education for their children; and

12

WHEREAS state law requires parents or guardians of minors in Alaska to
submit applications for permanent fund dividends on behalf of their minor
children; and

15

WHEREAS present and projected estimates of the permanent fund dividend
payable to minors suggest that the cumulative annual dividends, and income
earned from the careful reinvestment of them, may prove a significant
source of financial assistance to families facing costs of postsecondary
education; and

20

WHEREAS the Tax Reform Act of 1986 (P.L. 99-514) makes extensive
changes in the tax treatment of income-producing assets transferred to
minors and may require the minor to pay taxes on at least a portion of the
net unearned income received at the top tax rate payable by the minor's
parents; and

25

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who choose to save or invest permanent fund dividends they receive in order
to meet anticipated expenses of postsecondary education, only to see the
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8 minors for income earned on permanent fund dividends reinvested on behalf
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10 COPIES of this resolution shall be sent to the Honorable Ted Stevens
11 and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don
12 Young, U.S. Representative, members of the Alaska delegation in Congress.

Handwritten: - send copies to [unclear] [unclear]

Handwritten: Other committees
Loo

Handwritten: → Probb: Darius
↳ [unclear] [unclear]
[unclear] [unclear] [unclear]

Alaska State Legislature



House of Representatives

REPRESENTATIVE
BETTE CATO
DISTRICT 6
BOX 775
VALDEZ, ALASKA 99686
(907) 835-4568
WHILE IN JUNEAU
P O BOX V
JUNEAU, ALASKA 99811
(907) 465-4858
(907) 586-2660

COMMITTEES
CHAIRMAN
HOUSE TRANSPORTATION
MEMBER
COMMUNITY AND
REGIONAL AFFAIRS
LEGISLATIVE COUNCIL
TRANSPORTATION
BUDGET SUBCOMMITTEE

MEMORANDUM

TO: HOUSE STATE AFFAIRS COMMITTEE

FROM: REPRESENTATIVE BETTE CATO *BC*

DATE: 5 FEBRUARY, 1988

RE: HJR 47

I've introduced this resolution because I am concerned about inequities in the federal tax laws, particularly as they affect our children. Many families save their children's permanent fund dividends in a savings account or invest the dividend to establish a "college fund" to help send their kids to school. University tuitions are continually on the rise, our own student loan program is more and more expensive to use; in short, the costs of a postsecondary education today astronomical. It is natural to desire to send Alaskan youths to school, and individual families saving the Child's dividend is a logical step in that process.

Unfortunately, the new tax law makes it difficult for a child to save her dividends for school. As the federal law reads now, unearned income over and above \$1000 is taxed at their parent's rate. As dividends continue to grow and interest accrues on past dividends, children who are saving their dividends for school are finding the federal government chewing away at their principal by treating them as their parents. If Billy's mom is a doctor in a 40% tax bracket, then Billy's dividends and interest over \$1000 is taxed at mom's rate.

This resolution urges the congressional delegation to seek a caveat in the 1986 tax reform law for Alaskan minors on income received from Permanent Fund dividends or reinvestment of the dividends.

We are fortunate enough to have had leaders with the foresight to provide Alaskans with the dividend program. I urge you to have the foresight to help protect our children's dividends from exorbitant taxes, and to assist Alaskan families with meeting the significant costs of a college education through the careful savings and investments of their child's Permanent Funds.

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

REQUEST: House State Affairs

Bill Version : HJR 47
Publish Date : _____

Revision Date: _____

Agency Affected : N/A
BRU : N/A

Title : Relating to the reinvestment of
Permanent Fund Dividends

Sponsor : Rep. Cato
Requestor : _____

Components : N/A

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary) This resolution urges the Congressional delegation to seek a caveat in the 1986 tax reform law for minors who choose to save or reinvest their permanent fund dividends.

Prepared by : Rep. Cato Phone : 465-4858
Division : _____ Date : 2/8/88

Approved by Commissioner : *Butte* Date : _____
Agency : _____

Distribution (by preparer) :

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

HJR

48

HOUSE STATE AFFAIRS COMMITTEE

NEXT COMMITTEE: JUDICIARY

BILL: HJR 48

CURRENT VERSION:

SCHEDULED: FEBRUARY 17, 1988

SPONSOR: ULMER

PHONE NO: 4947

CONTACT FILE: _____

BILL SUBJECT: AMENDMENT TO CONSTITUTION RELATING TO INCOME FROM PERMANENT FUND

SPONSOR BACKUP: IN FILES

AFFECTED AGENCIES:

<u>DEPARTMENT</u>	<u>CONTACT/PHONE</u>	<u>COMMENT</u>
ELECTIONS	LINDA EDGEWORTH/4611	
REVENUE	ROYCE WELLER/2300	

FISCAL NOTES

<u>AGENCY</u>	<u>REQUESTED</u>	<u>DATED</u>	<u>FY 88 AMT</u>	<u>FY 89 AMT</u>
ELECTIONS		2/1/88	-0-	2.2
REVENUE				

ACTION

<u>DATE</u>	<u>COMMENT</u>
2/17/88	PASSED FROM HOUSE STATE AFFAIRS COMMITTEE

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

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

May, 1988

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Mary Van Nimwegen

House State Affs:

2/17/88

HOUSE COMMITTEE REPORT

(7)

Date referred: 1/22/88

FURTHER REFERRALS:

Judiciary
Finance

DATE: 2-17-88

The State Affairs Committee has considered HJR 48

Proposing an amendment to the Constitution of the State of Alaska relating to income from the permanent fund.

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:

[Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature] [Signature]

[Signature] NO REC -

[Signature] - No meaningful work was done on bill

[Signature] (no rec)

[Signature]

Chairman's signature

why not list amendment on Cons. Education?

1 IN THE HOUSE

BY ULMER AND HUDSON
BY REQUEST

2 HOUSE JOINT RESOLUTION NO. 48

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Constitu-
6 tion of the State of Alaska relating to
7 income from the permanent fund.

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

9 * Section 1. Article IX, sec. 15, Constitution of the State of Alaska
10 is amended to read:

11 SECTION 15. ALASKA PERMANENT FUND. (a) At least twenty-five
12 percent of all mineral lease rentals, royalties, royalty sale
13 proceeds, federal mineral revenue sharing payments and bonuses
14 received by the State shall be placed in a permanent fund, the
15 principal of which shall be used only for those income-producing
16 investments specifically designated by law as eligible for permanent
17 fund investments. [ALL INCOME FROM THE PERMANENT FUND SHALL BE
18 DEPOSITED IN THE GENERAL FUND UNLESS OTHERWISE PROVIDED BY LAW.]

19 * Sec. 2. Article IX, sec. 15, Constitution of the State of Alaska is
20 amended by adding new subsections to read:

21 (b) Income from the permanent fund shall be used to provide for
22 the payment of annual dividends to residents of the state, to offset
23 the effects of inflation on the principal, and to provide for the
24 operating costs of the fund and dividend program.

25 (c) Income from the permanent fund may be used to increase the
26 principal and to appropriate for any extraordinary public expenses
27 which may from time-to-time arise.

28 (d) Notwithstanding Section 14 of Article II and Section 1 of
29 Article XI, an appropriation under (c) of this section for any

*Article 27
Sec 26 - 10
Article 10
Revised 10/88*

Editorial Note: Section 15, Article IX, Constitution of the State of Alaska, as amended by HJR 48, is effective 10/1/88.

1 extraordinary public expense shall be placed on the ballot by the
2 lieutenant governor for the next general or special election and may
3 not take effect unless approved by a majority vote. Unless otherwise
4 provided in the law, the appropriation becomes effective thirty days
5 after certification of the election returns by the lieutenant gover-
6 nor.

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

UCIOW * CIV NOT REQUIRED BY LAW
3/1/80

THE HAMMOND AMENDMENT

by Robert E. Newton

November 2, 1976 marked a redletter day for the Alaska public. Authorized by a popular vote taken in a state general election, the Alaska Permanent Fund was formally chartered on that date in the state constitution. This investment fund was created to hold a minimum of twenty-five percent of the state's royalty income from the petroleum industry in a public trust for all state residents. All told this investment has included approximately ten percent of total state revenue since 1976. In addition to the constitutionally mandated contributions, extra deposits, approximately doubling the size of the fund, have been made at the option of various governors and state legislatures. The size of the fund today reflects a continuous, lively sense of responsibility on the part of elected state officials to cooperate with the spirit as well as the letter of the state constitution.

The original permanent fund amendment was designed to counter the tide of excessive state spending which had already commenced in 1969 when the state received \$900 million as a result of the initial state

Dr. Newton is a publicist on legal and state governmental issues. A Phi Beta Kapp^l laureate from Iowa University (1956), he served in the legislature of that state in 1969-70. He earned a Ph.D. in political science from the Catholic University of America in 1965. He has resided in Juneau for the past seventeen years.

lease purchases by the petroleum companies before the pipeline was constructed and oil production began. A consensus gradually developed during the construction years (1969 - 1978) to the effect that abuses in state spending would unavoidably and markedly accelerate after petroleum production did begin. It was also known that over a relatively brief period (five to seven years) of bonanza-level production the volume of oil produced would commence to seriously decline. Proportionately state revenue receipts would also decline. The permanent fund was designed to provide one sure way to safely retain a portion of the short-term wealth from the years of peak production for future generations of Alaskans. Over the years since the permanent fund was chartered more than \$9 billion has been deposited into its principal. At the present time it is one of the largest trust funds in the world. It is the corporate property of the people of Alaska.

Jay Hammond was Alaska's governor (1974 - 1982) when the original permanent fund amendment was framed and adopted. Safeguarding and shepherding the public's petroleum heritage represents the finest achievement of his career in Alaska public life. Not his idea alone, Hammond placed a high priority on the fund's speedy adoption in the early years of his first term. As governor he consistently supported permanent fund deposits in excess of the minimum which is mandated by the state constitution. In his retirement years since 1982, Hammond has returned frequently to the limelight in order to foster and to protect the fund, and to focus public attention on issues affecting it. Several recent proposals--all of them perfectly legal and constitutional--to divert permanent fund income toward defraying routine, recurring state governmental expenditures have not only been opposed

The Hammond Amendment, Robert E. Newton, p. 3

attention. He has responded with a proposal for additional constitutional safeguards to protect the income as well as the principal of the permanent fund. Hammond's original concern when he was governor, and that of others who assisted him, was directed toward setting the money aside, protecting the principal with ironclad prohibitions against spending it for any purpose, and providing for its prudent investment in order to bring about a maximum return of interest income. The achievement of this goal has far exceeded the best hopes and expectations of many of the fund's early advocates.

Sound management and regular annual increases to the permanent fund's principal have produced the result of the fund's income averaging over \$500 million during the past five years. The continuation of current policies will likely, if not certainly, guarantee further increases in the future. Do we need, therefore, to concern ourselves at the present time with questions as to how the permanent fund income should be spent? The Hammond Amendment answers this question with a resounding Yes! The bonanza petroleum revenue years are over. Moderate, declining production, and new fields which might-- or might not--guarantee sustained, moderate production for the decades ahead can now be anticipated. The public and its elected policy-makers should understand that adjusting state spending to this post-boom circumstance is now the issue confronting Alaskans. The bonanza years cannot be recaptured by manipulating the income account of the permanent fund. The Hammond Amendment calls public attention back to its original purpose.

The Hammond Amendment provides a constitutional mandate to the governor and to the state legislature to regularly use permanent fund income

for three purposes only. They must, first of all, pay annual dividends from the fund income to Alaska residents. This means all permanent state residents will continue to enjoy and to participate on an equal basis in a share of the income produced by their money. The dividend program, honest in its original conception and kept that way over the years since it was inaugurated, is not a governmental "give away" program. It represents an honest acknowledgement of the existence of the rights of the people who actually own the permanent fund. It also serves as a stern reminder of this fact and a tacit restraint upon anyone who might be tempted to curtail these rights.

Second, the Hammond Amendment directs the governor and the state legislature to use fund income to safeguard the fund from the adverse effects of inflation. Always a potential danger to any invested resource, inflation can, and regularly does, affect diversified investment funds in many different ways. Unavoidable and unpredictable, inflationary problems present themselves on a daily basis. Managers of trust funds respond to inflationary problems by holding a portion of their undistributed income in constant reserves where it is ready to offset inflationary losses when and where they occur. This promptly restores the total of the principal each time inflation depletes it in any manner.

A third constitutional mandate in the Hammond Amendment directs the governor and the state legislature to defray all operating costs from fund income. These costs include the salaries of the permanent trustees, professional help for their employees, their housing, maintenance, travel, and all other necessary expenses. The amount of these costs is determined by the state legislature and is subject to the approval of the permanent trustees.

from other state administration, prevents the intermingling of fund income with other state income, and effectively requires all fund operations to be self-supporting.

The Hammond Amendment allows the governor and the state legislature two options in the use of permanent fund income. It reserves the judgment to them as to when sufficient income surpluses have accrued to warrant transfers to the principal of the fund. With this provision surpluses can be readily transferred to principal as often as they accumulate.

A second optional spending clause in the Hammond Amendment allows the governor and the state legislature to appropriate from fund income "for any extraordinary public expenses which may from time to time arise." Such appropriations, however, "must be approved by a majority of the voters of the state in a general or special election." This clause can be invoked at any time. It imposes no cumbersome procedures on the governor and the state legislature. It acknowledges the lively possibility that permanent fund income could be needed at any time for many different purposes. But it gives the Alaska public the last word in approving any such expenditures. It ensures that the money will always be available as a genuine emergency fund or as a source of public support for any bona fide need which could actually gain the approval of the voters. It effectively prohibits creative depletion of fund income through resorts to the whole range of subterfuges--multiplication in their number and kind--for the unaccountable spending of public money.

Your help needed protecting fund



Jay Hammond
bushrat'lings

Having tried my hand as both political newsmaker and muckraker, I have empathy for both rakers and rakees. Sometimes I marvel that reporters capture what they do of a story's complexities. At others, I share the dismay of all who have served in public office with the media's frequent failure to convey accurately what I REALLY meant to say.

Accordingly I understand frustration of state senators which prompted their newsletter "end run" around the media, just as I can understand the media's affront with the Senate's effort to elevate itself through disparagement of media credibility. I can understand; but totally agree with neither.

Considering the skepticism in which most hold politicians, small wonder praise they heap upon themselves is considered simply propaganda. On the other hand, have you ever seen a news story in which you played a role which was completely accurate?

Rather than berate the Senate for its flyer, far better for media to ferret out what errors, if any, it contained and just as critically examine its own efforts to assure accuracy and fairness.

These reflections are prompted by a recent news conference at which I, I. At-

tempted to hold Mayor-elect Tom Fink's feet to the fire of his campaign commitment to first seek a public vote before trying to tap permanent fund earnings; and 2. Explained why I invested my dividend check in Sen. Rick Halford's re-election.

Something got lost in translation. In one news story I appeared instead to kiss Tom's feet and reward Halford for something I oppose: a constitutional amendment dividing earnings 30 percent for dividends, 30 percent for inflation proofing and 40 percent for the legislature. Actually I support Halford in spite of his co-sponsorship of that bill, since I am assured that at the time it was designed primarily to counter efforts to break into those earnings with even less constraint and no public vote whatsoever.

Sen. Halford was singled out because I believe no one

more accurately reflects my views on the permanent fund and can more likely assure they are legislatively accommodated.

Last year I urged the legislature to place before voters a constitutional amendment stipulating that fund earnings would be used only for payments of dividends, inflation proofing or as otherwise provided by law ratified by a majority of the voters. Sen. Halford introduced legislation to do this. It was that, not 30-30-40, which "won" him my dividend and warrants support of all who believe that earnings of the fund need more protection.

Subsequently a group in Juneau, including highly esteemed economist Dr. George Rogers, sought my approval for what they wished to term "The Hammond Amendment." This, in somewhat different language, also would accomplish my objective. Despite fear such a label might prove a talant, I gave them my approval.

The legislature must have some firm guidelines as to how, if, and when those earnings may be used. Those guidelines should be drawn up by the people, not the politicians. If you agree, I strongly urge you to instruct your legislators to support SJR No. 25 sponsored by Halford and Szymanski.

Please don't put it off! Do it now! Many have encouraged me to continue efforts to safeguard the permanent fund. Certainly I'll continue them; but as never before I need your help.

Happily, among those who now assert they would require a public vote before the motherlode of fund earnings could be dug into is one previously trying hardest to dig into them: Mayor Tom Fink.

Mr. Fink has been credited by most with two prime commodities: fiscal conservatism and integrity. While the former recently came into question through his proposal to "jump start" our economy by jolting it with simply more of the same state subsidies which caused much of our economic short circuiting in the first place, few question Tom's integrity.

Now that Tom has laid aside his pick, shovel and jumper cables and given his word that he's on board supporting a public vote, I sleep much better. After all, most everyone will tell you Tom Fink is an honorable man whose word is gold. And honorable men do not salt their claims — at least not with iron pyrite.

Jay Hammond was governor of Alaska from 1974-1982.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HJR 48
PUBLISH DATE: HJR 48

FISCAL NOTE

REQUEST:

Revision Date: 1/29/88
Title: Constitutional amendment relating to income from the permanent fund.
Sponsor: ULMER
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, CLAIMS						
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
Division: Elections

Phone: 465-4611
Date: 1/22/88

Approved by Commissioner: [Signature]
Agency: Office of the Governor, Division of Elections

Date: 2-1-88

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 48

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

HJR

51

HOUSE STATE AFFAIRS COMMITTEE

NEXT COMMITTEE: RULES

JILL: HJR 51

CURRENT VERSION:

SCHEDULED: FEBRUARY 22, 1988

SPONSOR: GRUENBERG

PHONE NO: 3718

CONTACT FILE: _____

BILL SUBJECT: RELATING TO HUMAN RIGHTS IN THE SOVIET UNION _____

SPONSOR BACKUP: IN FOLDER _____

AFFECTED AGENCIES:

<u>DEPARTMENT</u>	<u>CONTACT/PHONE</u>	<u>COMMENT</u>
N/A		

FISCAL NOTES

<u>AGENCY</u>	<u>REQUESTED</u>	<u>DATED</u>	<u>FY 88 AMT</u>	<u>FY 89 AMT</u>
N/A		2/17/88	-0-	-0-

ACTION

<u>DATE</u>	<u>COMMENT</u>
2/22/88	TELECONFERENCE HEARING - HELD FOR FURTHER CONSIDERATION
2/24/88	PASSED FROM HOUSE STATE AFFAIRS

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JANEAU, 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:

2/24/88

HOUSE COMMITTEE REPORT

(7)

Date referred: 2/1/88

FURTHER REFERRALS:

DATE: 2-24-88

The State Affairs Committee has considered HJR 51

Relating to human rights in the Soviet Union.

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:

Dave Doolittle
Terry Markish
C. J. ...
Jim ...

SIGNING OTHER RECOMMENDATIONS:

Cliff ... (no rec)
Jim ...

Jim ...
 Chairman's signature

THE WHITE HOUSE

WASHINGTON

December 4, 1987

I am pleased to acknowledge and applaud the efforts of the "Campaign to the Summit" on behalf of Soviet Jewry.

Peacefully yet forcefully, in true democratic spirit, you are making your cause known not only to the Soviet leadership but to the world at large. Your cause has always had our undivided support -- the struggle of Soviet Jews for freedom of emigration and the right to practice their religion without fear of persecution. Their valiant quest for freedom exemplifies the cause of liberty for all mankind.

The Soviet leadership has taken some limited, but positive, steps on the issue of human rights. We welcome these actions, but they are far from enough. There are more recent signs of stagnation, but I have high hopes for new, forward steps by the Soviets. I shall press for them in my talks with General Secretary Gorbachev in the coming days -- for the release of all refuseniks, for full freedom of emigration, and for complete freedom of religion and cultural expression. We shall not be satisfied with less.

We -- you and I -- cannot relax our vigil. Let me say to all of you and to those who wait in the Soviet Union -- if freedom is won through faith, dedication, and perseverance, I have no doubt that your efforts will ultimately prevail. God bless you all.

Ronald Reagan