

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT AT FAIRBANKS

FILED in the Trial Courts
State of Alaska, Fourth District

JUL 10 2019

By _____ Deputy

STANLEY ALLEN VEZEY ,)
)
 Plaintiff,)
 vs.)
)
 BRYCE EDGMON, Speaker of the)
 Alaska State House of Representatives,)
 and CATHERINE A. GIESSEL,)
 President of the Alaska State Senate,)
 individually,)
)
 Defendants.)
)

CASE NO. 4FA-19- 02233 CI

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

COMES NOW Plaintiff, by and through his attorney of record, The Law Offices of William R. Satterberg, Jr., and hereby complains against Defendants as follows:

1. At all times relevant to this cause, Plaintiff has been a resident of Fairbanks, Alaska in the Fourth Judicial District. Plaintiff has served six years in the Alaska Legislature and, furthermore, has resided in Alaska for over 40 years.

Venue is properly situated in Fairbanks.

2. Plaintiff is a public interest claimant for the protection and enforcement of a constitutional claim pursuant to AS 09.60.010(c).

3. This Complaint is timely filed because, prior to July 8, 2019, any

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assertions by Defendants as to convening the legislature in Juneau, Alaska were nothing more than political rhetoric. However, on July 8, 2019, the Defendants, as presiding officers of their respective bodies, attempted to convene a session of the legislature in Juneau, Alaska in contempt of the constitutionally ordained mandate to comply with Governor Dunleavy's executive proclamation. The assembly of legislators in Juneau was not and is not (as of this date) a legally constituted legislative session. The assembling of legislators in Juneau, Alaska is nothing more than a gathering of members of the legislature. This gathering was and is instigated through the President of the Alaska State Senate and the Speaker of the Alaska State House of Representatives by virtue of their ex officio authority.

4. Governor Dunleavy's executive proclamation of June 13, 2019, was timely as it was issued less than one hour after the adjournment of one house of the legislature and while the other house was still in session for the First Special Session of the Thirty-First Legislature. AS 24.05.100(a)(1)(C) and (D).

5. Defendant, Catherine Giessel, is the President of the Alaska State Senate and has presiding authority over a duly convened session of the Alaska State Senate.

6. Defendant, Bryce Edgmon, is Speaker of the Alaska State House of Representatives and has presiding authority over a duly convened session of the Alaska State House of Representatives. Defendants' ex officio authority gives them the ability to assemble members of the legislature.

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7. On or about June 13, 2019, Governor Michael Dunleavy issued an Executive Proclamation calling into special session the Alaska Legislature to address issues relating to the Alaska Permanent Fund dividend. A true and correct copy of the Executive Proclamation is attached as Appendix 1.

8. The special session proclamation issued by Governor Dunleavy specifically provided for the Alaska Legislature to meet in Wasilla, Alaska. This authority is granted to the governor by the Alaska Constitution in Art. III, § 17 and by the legislature, signed into law by the then governor, and codified as AS 24.05.100.

9. A prior special session had been held by the Alaska Legislature in Juneau, Alaska, but this special session took place prior to the exercise of vetoes by Governor Dunleavy of certain items of the Alaska state budget.

10. By law, once the governor has exercised vetoes of budgetary items, at the next special session called by either the governor or the legislature, the Alaska Legislature must reconsider a veto by the fifth day of the date called for special session. Otherwise, the vetoes will stand as entered.

11. On or about July 8, 2019, Senate President Giessel and House Speaker Edgmon attempted to convene a special session of the Alaska Legislature in Juneau, Alaska. This attempt was contrary to law and in violation of not only the Alaska State Constitution, Art. II, § 9, but also AS 24.05.100 insofar as only the governor had the legal authority to designate the location of the special session

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that the governor called into existence. Governor Dunleavy's executive proclamation for a special session specifically provided that the special session would be held in Wasilla, Alaska.

12. The gathering of a majority of legislators in Juneau is not a duly constituted session of the legislature, but merely a meeting of elected officials subject to AS 24.60.027, the legislature's Open Meeting Guidelines.

13. Wasilla, Alaska, is a location much more central to the State of Alaska and provides greater access to far more citizens in the State of Alaska to attend the special session rather than Juneau, Alaska, or many other locations in Alaska.

14. The standoff currently taking place between the legislators in Juneau and the legislators in Wasilla does absolutely nothing to advance the legitimate interests of the citizens of Alaska, and it is fiscally wasteful and irresponsible, and must cease immediately.

15. The Alaska Legislature is not without a remedy. Rather, the Alaska Legislature, pursuant to law, has its own ability to convene its own special session by an affirmative vote of at least 40 legislators who agree to hold a special session. Under such a circumstance, the Alaska Legislature has the ability to hold the special session at any location which it may choose. However, the Alaska Legislature has failed to utilize its own ability to call a special session. The legislature does not have the authority to ignore a special session called by the

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governor. Furthermore, there is no law that mandates that legislative sessions must be held in Juneau, Alaska.

16. The constitutional authority of the legislature to call itself into special session does not grant the legislature the authority to nullify the governor's constitutionally-called special session of the legislature. Alaska Constitution, Art. III § 17.

17. Accordingly, the meeting which is currently being held in Juneau, Alaska, is not a constitutionally authorized special session of the legislature, was convened without legislative authority, is contrary to law, and is essentially an illegal attempt to hijack the governor's designation of location. As such, the legislators lack authority to pass legislation or to override vetoes. However, because a majority of the legislators are present in Juneau and conducting meetings, the meetings are still subject to AS 24.60.037, the legislature's Open Meeting Guidelines.

18. If allowed to stand, the legislature's actions would allow for the legislature to ignore the Alaska statutes in general, and AS 24.60.037 in particular, and to convene the legislature literally at any location of its choosing. Accordingly, the legislature could conceivably choose to meet anywhere in the world. The governor, however, is constrained by AS 24.05.100 to proclaiming a special session only in the State of Alaska. In the event this action by the legislature is allowed to stand, the legislature could ex officio exempt itself from

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any statutory requirement.

19. The legislators assembled in Juneau have forsaken their constitutional duty to consider action on the governor's vetoes and the legislature's authority to do so will expire at midnight on Friday, July 12, 2019.

20. The legislators assembled in Juneau have forsaken their constitutional duty to address the Permanent Fund dividend called for in the governor's executive proclamation.

21. The legislators assembled in Juneau have forsaken their constitutional duty to prepare a capital budget as called for by the governor's amended proclamation.

22. The legislators assembled in Wasilla in accordance with the governor's executive proclamation are unable to conduct business due to a lack of a quorum.

23. The legislators assembled in Juneau have an obligation under the Constitution to assemble in Wasilla as ordained in the governor's executive proclamation.

24. The legislature should immediately convene in Wasilla pursuant to the Governor's Executive Proclamation before the fifth day of the Special Session to address veto issues as well as the other important business at hand including also those items in paragraphs 19, 20, and 21, *supra*.

WHEREFORE, Plaintiff seeks an order of the court as follows:

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(1) for a declaratory judgment that the purported legislative special session attempted to be convened in Juneau, Alaska, is convened without proper legislative authority and is not a legal session of the legislature but merely a gathering of elected officials and that all actions taken at this meeting, purported to be a special session, are null and void, *ab initio*; and

(2) for an affirmative injunction compelling the President of the Senate and the Speaker of the House to convene the Alaska Legislature in Wasilla, Alaska; pursuant to Governor Dunleavy's proclamation of June 13, 2019. The agenda of the second special session of the Thirty-First Alaska State Legislature shall include those subjects addressed in the governor's executive proclamation, including supplemental subjects properly added to the proclamation; and

(3) for an order enjoining any and all actions taken at the purported special session in Juneau, Alaska from being implemented or enforced due to said actions being void *ab initio* and contrary to law; and

(4) for a declaration that the meeting of a majority of legislators in Juneau is subject to AS 25.60.037, the legislature's Open Meeting Guidelines; and

(5) for an order of the court granting Plaintiff his full costs and attorney's fees in bringing this litigation in the interests of the citizens of the State of Alaska.
AS 09.60.010(c).

DATED this 10th day of July, 2019.

THE LAW OFFICES OF WILLIAM R. SATTERBERG, JR.

By: ~~_____~~

William R. Satterberg, Jr.
Alaska Bar No. 7610126
Attorney for Stanley Allen Vezey

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STATE OF ALASKA



Executive Proclamation by *Governor Michael J. Dunleavy*

Under the authority of Article II, Section 9, and Article III, Section 17, Constitution of the State of Alaska and in the public interest, I call the Thirty-First Legislature of the State of Alaska into its second special session in Wasilla, Alaska, at 1:00 p.m., on July 8, 2019, at the recommended venue of Wasilla Middle School, to consider passage of bills on the following subject:

An appropriation bill that transfers the amount authorized under AS 37.13.145 (b) from the earning reserve account (AS 37.13.145) to the dividend fund (AS 43.23.045 (a)) for the payment of permanent fund dividends and for administrative and associated costs for the fiscal year ending June 30, 2020.

Dated this 13th day of June, 2019.

Time: 11:00 (a.m./p.m.).



A handwritten signature of Michael J. Dunleavy in black ink.

Michael J. Dunleavy, Governor
who has also authorized the seal of the State
of Alaska to be affixed to this proclamation.