

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

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. )  
)

FILED in the Trial Courts  
State of Alaska Fourth District  
JUL 16 2019  
By \_\_\_\_\_ Deputy

CASE NO. 4FA-19-02233CI

**MEMORANDUM IN SUPPORT OF**  
**MOTION FOR DECLARATORY JUDGMENT**  
**AND PRELIMINARY INJUNCTION**  
**AND HEARING REQUEST**

Plaintiff is bringing his suit to address an issue of law which likely will be recurrent unless and until the legislature amends the Alaska statutes. Furthermore in this suit, Plaintiff takes no position on the controversial budget issues and the legislative infighting which has occurred, except that the standoff must stop with the session to be convened in Wasilla. To this end, Plaintiff seeks legal guidance from the court so that the legislature can end its substantially counterproductive standoff and get down to the important business at hand.

Plaintiff expects that the court will agree that the Alaska Constitution and the Alaska statutes clearly indicate that Governor Dunleavy's proclamation to call

LAW OFFICES  
WILLIAM R. SATTERBERG, JR.  
ATTORNEY AT LAW  
709 FOURTH AVENUE  
FAIRBANKS, ALASKA 99701  
(907) 452-4454  
FAX (907) 452-3988  
office@satterberg.net

the special session in Wasilla, Alaska is authorized under the current law. Plaintiff also submits that the appropriate location for the special session is in Wasilla, Alaska. Arguably, if the legislators all convene in Wasilla, at a minimum, the special session could be quickly adjourned to another location or the legislature could call its own special session in Juneau pursuant to AS 24.05.100(a)(2), assuming the legislature has sufficient support as specified in the statute.

Either way, this fractured legislature, in waiting for the clock to run out, serves no public purpose. The veto override issue apparently died during the standoff, but issues concerning the Permanent Fund dividend and the capital budget still remain and are quite time sensitive. If Alaska does not pass its capital budget during the second special session, significant federal funding for capital improvement projects will be in significant jeopardy or possibly lost entirely, all while two groups of legislators engage in a stubborn, prolonged, and costly stalemate. Regardless of how one feels with respect to the vetoes and the various budgetary and Permanent Fund issues, the sad fact of the matter is that the legislature has obviously placed itself into a standoff during the second special session. Because of the standoff, no business is being conducted in Alaska.<sup>1</sup>

There is a statement that says, "Politics is the art of waiting long enough so that the decision makes itself." What is happening here is that, in the standoff that

---

<sup>1</sup> As a practical matter, the veto override issue is apparently no longer an issue because, on Wednesday, July 10, 2019, the Juneau group failed to gather the requisite 45 votes to override the governor's vetoes to

is taking place, our legislators are simply engaging in a proverbial stare-down while the ship leave port. The important economic future of Alaska should not be decided on technical procedural grounds. Rather, the law is clear that the governor has selected the location and the date of the second special session. The legislature should be called to order accordingly in Wasilla and then, if the assembled body elects to relocate itself pursuant to whatever legal mechanisms exist, it may do so. But, the important thing is to get on with the business of running this state and quit squabbling.

Specifically, the second special session of the legislature was timely called by Governor Michael Dunleavy on June 19, 2019, with the date for commencement to be Monday, July 8, 2019, at 1:00 p.m. in Wasilla, Alaska. Governor Dunleavy's call of the special session was pursuant to the Alaska Constitution, Art. II § 9. In addition, Governor Dunleavy, pursuant to AS 24.05.100, specified that the location for the special session would be in Wasilla, Alaska and furthermore specified the commencement date. A copy of Governor Dunleavy's proclamation is attached as Appendix 1 to both the Complaint and to this Memorandum.

Following the issuance of the proclamation for the special session by Governor Dunleavy, infighting began to develop in the legislature. One group of approximately 40 legislators announced that it would not be meeting in Wasilla

---

the State operating budget and a reconsideration was taken off the "agenda" for June 11, 2019, assuming

LAW OFFICES  
WILLIAM R. SATTERBERG, JR.  
ATTORNEY AT LAW  
709 FOURTH AVENUE  
FAIRBANKS, ALASKA 99701  
(907) 452-4454  
FAX (907) 452-3988  
office@satterberg.net

but, instead, in Juneau, Alaska, which is where the Defendants in this matter, State Senator Catherine Giessel and State Representative Bryce Edgmon, chose to meet. The other group of approximately 20 legislators went to Wasilla.

Defendant Catherine Giessel is the President of the Senate and has the authority to convene the Senate. Defendant Bryce Edgmon is the Speaker of the House of Representatives and has the authority to convene the House. Citing various concerns, both defendants decided to call the meeting in Juneau, Alaska, as opposed to in Wasilla.

As indicated, at this time, approximately 40 legislators have traveled to Juneau, Alaska to attend the purported special session attempting to be called by Defendants Giessel and Edgmon.

The other approximately one-third of the legislators, to the contrary, have traveled to Wasilla, Alaska, pursuant to the governor's proclamation to be on hand for the commencement of the special session in Wasilla on July 8, 2019.

And, nothing got done. And, nothing is still getting done. Rather, for the past several days, both sides have been simply stationed in their respective locations, waiting for the other to blink. The sad fact of the matter is that the citizens of Alaska all suffer.

By not meeting in Wasilla, Alaska, those legislators who have chosen to travel to Juneau, Alaska and, more specifically, the Speaker of the House and the

---

even that the Juneau meeting qualifies as a special session.

LAW OFFICES

WILLIAM R. SATTERBERG, JR.

ATTORNEY AT LAW

709 FOURTH AVENUE

FAIRBANKS, ALASKA 99701

(907) 452-4454

FAX (907) 452-3988

office@satterberg.net

President of the Senate, have abrogated their responsibilities to the Alaskan public in not calling the session as proclaimed by the governor.

This does not mean that the Alaska Legislature cannot convene its own special session. Clearly, it can. But that requires 40 legislators to vote on convening the special session. Furthermore, if the legislators choose to convene a special session, they can convene that session anywhere in Alaska. AS 24.05.100(b). And, as another option, the legislature could come to order in Wasilla and then adjourn to another location.

However, as pointed out in the Complaint in this matter, if the legislature chooses to completely ignore the governor's proclamation for a special session, one could argue that the legislature's defiance of the law would mean that it could call a special session anywhere in the world, since, apparently, the laws which Alaska's legislature, itself, have passed are apparently not applicable to the legislature unless the legislature so chooses. This form of legislative disobedience of the laws which it has passed should not be tolerated.

Plaintiff hereby requests this court to expeditiously issue a declaratory judgment ordering that the special session be held pursuant to the governor's proclamation in Wasilla, Alaska. As indicated, once the legislature has properly convened itself in that location, actions can then be taken within the boundaries of the law to address other issues, to possibly include a move to a different venue, if legally permissible. However, if the legislature continues in this injurious standoff

LAW OFFICES

WILLIAM R. SATTERBERG, JR.

ATTORNEY AT LAW

709 FOURTH AVENUE

FAIRBANKS, ALASKA 99701

(907) 452-4454

FAX (907) 452-3988

office@satterberg.net

which currently exists, the net effect will be that the citizenry of the State of Alaska ultimately will be the ones to suffer.

Accordingly, Plaintiff requests that an affirmative injunction be issued by the court, ordering House Speaker Edgmon and Senate President Giessel to immediately travel to Wasilla, Alaska and to convene the second special session of the Alaska Legislature for the Thirty-First Legislature.

A hearing is requested.

DATED this 16 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

ajs

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was mailed/hand-delivered to Glenn E. Smith and mailed a email and faxed to Edgmon

This 16 day of July, 2019

LAW OFFICE OF WILLIAM R. SATTERBERG, JR.

By: \_\_\_\_\_

LAW OFFICES

WILLIAM R. SATTERBERG, JR.

ATTORNEY AT LAW

709 FOURTH AVENUE

FAIRBANKS, ALASKA 99701

(907) 452-4454

FAX (907) 452-3988

office@satterberg.net

#3

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

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-19-02233CI

ORDER

IT IS HEREBY ORDERED that Plaintiff's Motion for Declaratory Judgment be and is hereby GRANTED and that the proper venue for the second special session of the Thirty-First Alaska State Legislature be, and shall be in Wasilla, Alaska.

IT IS FURTHER ORDERED that the Defendants are to immediately convene said special session without any delay.

DATED: \_\_\_\_\_  
Superior Court Judge

jjs

LODGED  
JUL 16 2019

LAW OFFICES  
WILLIAM R. SATTERBERG, JR.  
ATTORNEY AT LAW  
709 FOURTH AVENUE  
FAIRBANKS, ALASKA 99701  
(907) 452-4454  
FAX (907) 452-3988  
office@satterberg.net