

SJR

13

COMMITTEE REPORT

SENATE

2/24/82

FURTHER: None

Date: March 1, 1982

Mr. President:

The Committee on JUDICIARY has had SJR 13  
ratification of an amendment to the Constitution of the United States

under consideration and (a majority of the committee) (the committee)  
reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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CHAIRMAN

blyman holding office at the time the change takes effect is not affected by that change.

(b) The regular term of office begins on the first Monday following certification of the election, unless a different date is prescribed by borough charter or ordinance.

(c) This section applies to home rule and general law boroughs. (§ 2 ch 118 SLA 1972; am § 13 ch 118 SLA 1972; am § 4 ch 83 SLA 1979; am § 11 ch 128 SLA 1980)

**Effect of amendments.** — The 1979 amendment rewrote the second sentence of present subsection (a).

The 1980 amendment restructured the section into present subsections (a) — (c), added the present second sentence of subsection (a), and substituted "unless a different date is prescribed by borough charter or ordinance" for "the current term of incumbent assemblymen may not be altered under this section" at the end of subsection (b).

**Editor's notes.** — Section 26, ch. 83, SLA 1979, provides that the terms of borough assemblymen elected or appointed to dual borough assembly-city council seats are not effected by the amendment made to AS 29.23.040 by sec. 4, ch. 83, SLA 1979 until reapportionment of the assembly is required or proposed under AS 29.23.020 or under AS 29.23.021 — 29.23.025.

**Sec. 29.23.060. Procedure.** (a) The assembly shall meet at least once every month, unless otherwise provided by ordinance. All meetings shall be public meetings. Special meetings may be held on the call of the chairman, the presiding officer, or one-third of the members, upon not less than 24 hours written or oral notice communicated to each member. In an emergency a special meeting shall be a legal meeting if all members are present or there is a quorum and all absent members have waived in writing the required notice. A waiver may be either before or after the time of the meeting. The waiver shall be attached to and made a part of the journal for that meeting.

(b) The assembly shall elect from among its members a presiding officer and a deputy presiding officer to serve at its pleasure, except that in manager plan boroughs the borough mayor serves as presiding officer. If the presiding officer is not present or disqualifies himself, the deputy presiding officer shall preside.

(c) The assembly shall determine its own rules and order of business and provide for keeping a journal of its proceedings. The assembly is the judge of the election and qualification of its members and, with the concurrence of two-thirds of its members, may expel a member for a conviction of a felony or misdemeanor described in AS 15.56.010 — 15.56.130 as a corrupt practice. The assembly shall consider a conviction of a member for a felony or misdemeanor described in AS 15.56.010 — 15.56.130 as a corrupt practice at its first meeting following the final determination of the conviction.

(d) A majority of the membership authorized by law constitutes a quorum. In the absence of a quorum, any number less than a quorum may recess or adjourn the meeting to a later date. Actions of the assem-

bly are adopted by a majority. All assemblymen present on a question in which he has an interest.

(e) The final vote on a motion is a recorded "yes" if it is necessary only so to

(f) Repealed by § 16 ch

(g) Repealed by § 16 ch

(h) Repealed by § 16 ch

(i) Repealed by § 16 ch

(j) Repealed by § 16 ch  
§ 16 ch 118 SLA 1972; am

**Cross references.** — As to action from official action when there is an interest, see AS 29.23.555.

## Article 2. Borough

### Section

#### 130. Power generally

**Sec. 29.23.130. Power** adopted a manager plan, power is vested in an elected manager. If a borough has adopted a manager plan, the appointed manager and the mayor who has the same powers as a manager-plan city under AS 29.

(b) A borough voter is eligible to vote in a borough election may by ordinance establish a borough mayor not exceeding

(c) The borough mayor's term of office shall be until a successor is elected on the first Monday following certification of the election. The mayor may provide by ordinance for the term of office, except that the current term may be altered.

(d) A borough may adopt a manager plan as provided in AS 29.23.410 — 29.23.415. The manager has all the powers and duties of a chief administrative officer. The manager is the chief executive.

(e) A borough adopting a manager plan may, as a city, enter into a contract pr

within the borough to serve also as borough manager. A city adopting a manager plan may, by agreement with a borough, enter into a contract providing for the manager of a borough within which the city is located to serve also as city manager. Appointment and service of the manager shall be as otherwise provided for managers in AS 29.23.130 — 29.23.150 and AS 29.23.450 — 29.23.470 Nothing in this subsection affects the authority of the assembly or council to provide for other dual officeholding if the dual offices held are compatible or otherwise to appoint officers and employees in accordance with law.

(f) The assembly, with the concurrence of two-thirds of its members, may remove the borough mayor from office for a conviction of a felony or misdemeanor described in AS 15.56.010 — 15.56.130 as a corrupt practice. The assembly shall consider a conviction of the borough mayor of a felony or misdemeanor described in AS 15.56.010 — 15.56.130 as a corrupt practice at its first meeting following the final determination of the conviction. (§ 2 ch 118 SLA 1972; am § 1 ch 6 SLA 1975; am § 1 ch 63 SLA 1976; am §§ 5, 6 ch 83 SLA 1979; am § 210 ch 100 SLA 1980)

Effect of amendments. — The 1975 amendment added subsection (e).

The 1976 amendment added the second sentence of subsection (b).

The 1979 amendment substituted "certification of the mayor's election" for "his election, which is held the first Tuesday of October, unless a different date of election is provided by ordinance" at the end of the

first sentence of subsection (c) and deleted the former fourth sentence of subsection (d), which read: "If the manager plan is adopted, it becomes effective following certification of the result of the first regular election occurring at least six months after adoption of the plan."

The 1980 amendment added subsection (f).

Article 3. City Council.

Section

200. Composition, eligibility, election and term

210. Procedure

Sec. 29.23.200. Composition, eligibility, election and term. (a) Each first class city has a council of six members elected by the voters at large. Each second class city has a council of seven members elected by the voters at large. The council of a first or second class city may by ordinance provide for election of members other than on an at-large basis for all members.

(b) A city voter is eligible to hold office as a member of the council. The council may by ordinance establish residence requirements for council members not exceeding three years. A council member who ceases to be eligible to be a city voter immediately forfeits that office.

(c) Councilmen are selected for three-year terms and until their successors are elected and have qualified. The regular term of office begins on the first Monday following certification of the election. The

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council may provide by ordinance for different terms not to exceed four years, except that the current term of incumbent councilmen may not be altered. (§ 2 ch 118 SLA 1972; am § 2 ch 63 SLA 1976; am § 7 ch 83 SLA 1979)

Effect of amendments. — The 1976 amendment, in subsection (b), substituted "office as a member of the council" for "the office of councilman" at the end of the first sentence, added the present second sentence, and substituted "that office" for "his office" at the end of the third sentence.

The 1979 amendment, in subsection (c),

substituted "Councilmen are selected" for "An election is held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance, to choose councilmen" at the beginning of the first sentence and inserted "certification of" in the second sentence.

Sec. 29.23.210. Procedure. (a) The council shall meet at least once every month, unless otherwise provided by ordinance. Special meetings may be held on the call of the mayor or two councilmen upon not less than 24 hours written or oral notice communicated to each member. In an emergency, a special meeting called on less than 24 hours notice is a legal meeting if all members are present or there is a quorum and all absent members have waived in writing the required notice. A waiver may be made either before or after the time of the meeting. The waiver shall be attached to and made a part of the journal for that meeting.

(b) The council shall determine its own rules and order of business and provide for keeping a journal of its proceedings. The council is the judge of the election and qualification of its members and, with the concurrence of two-thirds of its members, may expel a member for a conviction of a felony or misdemeanor described in AS 15.56.010 — 15.56.130 as a corrupt practice. The council shall consider that conviction during its first meeting following final determination of the conviction.

(c) Four councilmen constitute a quorum. Four affirmative votes are required for the passage of an ordinance, resolution, or motion.

(d) The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote. All councilmen present shall vote unless the council, for special reasons, permits a member to abstain. (§ 2 ch 118 SLA 1972; am § 8 ch 83 SLA 1979; am § 211 ch 100 SLA 1980)

Cross references. — As to abstaining from official action when there is a conflict of interests, see AS 29.23.555.

Effect of amendments. — The 1979

amendment added the third, fourth and fifth sentences of subsection (a).

The 1980 amendment added the second and third sentences in subsection (b).

Article 4. City Executive and Administrator.

Section

- 250. Election and term of mayor
- 255. Removal from office

Sec. 29.23.250. Election and term of mayor. (a) A voter of a home rule or general law city is eligible to hold the office of mayor, except that a home rule city may prescribe additional residency requirements by charter. The council, for all other cities, may by ordinance establish residence requirements for candidates for mayor not exceeding three years.

(b) The mayor of a first class city is elected at large for a term of three years and until a successor is elected and has qualified. The council may provide by ordinance for a different term not to exceed four years, except that the current term of an incumbent mayor may not be altered.

(c) The mayor of a second class city is elected by and from the council for a term of one year and until a successor is elected and has qualified.

(d) The mayor's regular term begins on the first Monday following certification of the mayor's election. The council of a second class city shall meet on the first Monday after certification of the regular election and elect a mayor who takes office immediately. (§ 2 ch 118 SLA 1972; am § 3 ch 63 SLA 1976; am §§ 9, 10 ch 83 SLA 1979)

Effect of amendments. — The 1976 amendment added the second sentence of subsection (a).

The 1977 amendment substituted "of one year and until a successor is elected and has qualified" for "equal in length to a councilman's term" at the end of subsection (c), and in subsection (d), substituted

"certification of the mayor's election" for "his election, which is held on the first Tuesday of October, unless a different date of election is provided by ordinance" in the first sentence and "certification of the regular election" for "the regular election date" in the second sentence.

Sec. 29.23.255. Removal from office. The council may, with concurrence of two-thirds of its members, remove the mayor from office for a conviction of a felony or misdemeanor described in AS 15.56.010 — 15.56.130 as a corrupt practice. The council shall consider the conviction during its first meeting following final determination of the conviction. (§ 212 ch 100 SLA 1980)

Article 5. School Boards.

Sec. 29.23.310. Election.

NOTES TO DECISIONS

Quoted in *Tunley v. Municipality of Anchorage School Dist.*, Sup. Ct. Op. No. 2160 (File Nos. 4796, 4797, 4826), 617 P.2d 490 (1980).

Section

- 440. Adoption

Sec. 29.23.5

assembly or resolution

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Effect of an amendment in subsection (a).

Section

- 530. Salaries of
- 540. Prohibition
- 560. Reports

Sec. 29.23

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Official Business

# Alaska State Legislature

## Senate

### Judiciary Committee

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

MARCH 1, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

#### Legislation Before Committee:

SJR 6 - Proposing an amendment to the Constitution of the State of Alaska relating to sessions of the legislature.

SB 167 - "An Act relating to election campaigns and to the composition and responsibilities of the Alaska Public Offices Commission; and providing for an effective date."

SCI 37 - Relating to the use of computers and telecommunication systems.

SJR 13 - Relating to the ratification of an amendment to the Constitution of the United States defining Congressional representation and voting rights for residents of the District of Columbia.

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:40 P.M. Committee members present were: Senators Rodey, Parr, and Ray. Senator Bennett was absent.

The first item brought before the committee was SB 167. Senator Rodey introduced the new amendment and gave an explanation of its intent.

Senator Parr introduced a second amendment to SB 167 and gave an explanation to the Committee.

Senator Ray suggests that the Committee put a definition section in giving a definition of "knowingly", and "reasonably complete report".

Shari Holmes, Alaska Public Offices Commission, testifies in favor of SB 167. In reference to Senator Rays suggestion of including a definition section, she stated that there should not be a definition section included so that the court could make its own determination.

Senator Parr expresses his objection to leaving the decisions to others, such as the court.

Senator Rodey offered language for "reasonably complete report" which is as follows: "reasonably complete report" means a report which accurately reflects the campaign contributions and expenditures of the candidate and which is free from significant omissions which are known to the candidate. There was no objection and the language was adopted.

Senator Ray moved that "knowingly" have the same definition as it does in the criminal code. There was no objection to its adoption.

Senator Ray moved that paragraph (a) and paragraph (b) of the committee substitute be reversed. There was no objection and the amendment was adopted.

Senator Ray moved that on page 11, line 14, "knowingly" be inserted between the words "or" and "falling".

Senator Parr suggested that after the word office, add "except State Legislature". The motion failed, Parr voted yea, Rodey and Ray voted nea.

Senator Ray moved that SB 167 be moved from committee. Senator Parr objected. As a result, Senator Rodey laid SB 167 on the table until Senator Bennett could be present for a majority vote.

Chairman Rodey next brought SCR 37 before the committee.

After a brief explanation of the bill by Senator Parr and a brief discussion, Senator Parr moved that the bill be passed from committee. There was no objection and the bill was passed with a unanimous do pass vote.

Chairman Rodey next brought SJR 13 before the committee.

Susan Clark, representing Alaska Association of University Women, testified in favor of SJR 13.

Paula Ziegler, League of Women Voters, came before the committee and testified in favor of SJR 13.

Senator Bennett entered the room for the vote of SB 167. Chairman Rodey excused Ms. Ziegler for the purpose of voting on SB 167.

Senator Ray again moved that SB 167 be passed from committee. Senators Rodey, Ray, and Bennett voted yea. Senator Parr voted nea. The bill was passed from committee with individual recommendations. Senator Parr signed do not pass, Senator Bennett signed no recommendation, Senators Ray and Rodey signed do pass.

Senator Bennett left to attend to his Finance Committee duties.

Chairman Rodey asked Ms. Ziegler to join the committee members and resume her testimony.

After brief discussion, Senator Rodey moved that SJR 13 be passed from committee. There was no objection. Senator Parr and Ray signed no recommendation, Senator Rodey signed do pass.

Chairman Rodey adjourned the meeting at 3:05 P.M.



Official Business

# Alaska State Legislature

## Senate

Pouch V  
State Capitol  
Juneau, Alaska 99811

### MEMORANDUM

TO: Nancy Groszek  
FROM: Bruce Weyhrauch  
DATE: February 18, 1982  
SUBJECT: Persons invited to testify at State Affairs

#### SJR 13

Jim Wakefield  
Susan Clark  
Paula Ziegler  
Rep. Mike Miller  
Bob Manners

AFL-CIO  
American Ass'n. of University Women  
League of Women Voters  
NEA - Alaska

#### SJR 62

Brigadier General William Sharrow  
Jessie Dodson  
Senator Sackett  
Representative Rogers  
Gen Dickey  
Jack Quisenberry  
Lorraine Eide

Dept. of Military Affairs  
Governor's Office

Senator Murkowski  
Senator Stevens  
Representative Young

#### SJR 75

Ted Paprocki  
Stan Borucki



District of Columbia  
(voting rights)

SENATE JOINT RESOLUTION NO. 13, by Senators Stimson and Fischer. Resolves that the Twelfth Alaska Legislature ratifies the proposed amendment to the U. S. Constitution establishing representation in Congress for residents of the District of Columbia and confirming the right of the residents of D. C. to vote for the election of President and Vice President of the United States.

Introduced February 3 and referred to State Affairs and Judiciary.

U of A Board of Regents  
(const. am. term of office)

SENATE JOINT RESOLUTION NO. 14, by Senator Ferguson, Sturgulewski, Colletta, Hohman and Stimson. Proposes an amendment to the Alaska Constitution limiting the term of office of members of the U of A Board of Regents to five years. Seeks to amend Art. VII, Sec. 3, "BOARD OF REGENTS OF UNIVERSITY," by adding: "The term of office of a regent may not exceed five years." Provides that proposed amendment be placed before the voters of the state at the next general election. (See SB 152, page 112)

Introduced February 4 and referred to Health, Education & Social Services and Judiciary.

Pope's Visit to Alaska

SENATE CONCURRENT RESOLUTION NO. 7, by the Rules Committee. Resolves that the Alaska Legislature, on behalf of the people of Alaska, "extends to Pope John Paul II a warm welcome and a wish for safe and pleasant travels." Further resolves that the members of the Alaska legislative delegation to greet the Pope personally deliver the resolution to the Pope during his visit in Anchorage on February 26, 1981. (Note: passed this week, see page 120.)

Introduced February 4 and referred to Rules.

Uniform Rules  
(amendments to)

SENATE CONCURRENT RESOLUTION NO. 8, by the Rules Committee. Does not propose major substantive changes in the Uniform Rules. Makes several changes which are more clarifications or codifications of existing practice. Makes the Rules more truly "uniform" with regards to the required votes on the various procedural questions. Where a majority vote of the full membership is required, the Rules are amended throughout to read "a majority vote of the full membership" rather than "a majority vote of the members of the house" and other imprecise wordings. Similarly amends Rule for two thirds, three fourths, and one fifth votes of full membership. Where a certain proportion of those present is required for passage, the Rules are amended to specifically state this. Rules amended in the above manner are: 1(b); 3(a); 9; 14(a); 16; 17; 18(a); 22(c); 23(a); 23(b); 26(b); 28; 29(a); 31(a) 33(a); 34; 38; 40; 41; 47(a); 47(c); 48; 50; 52; and 53.

Amends Rule 20(a) (jurisdiction of the Labor & Commerce Committees) to read: "the programs and activities of the Department of Labor and other matters relating to labor-management relations, . . . and workers' [WORKMEN'S COMPENSATION]. . ." (underlined material added, bracketed material deleted).

Amends Rule 29(e) relating to reconsideration to read: "Calling up reconsideration on the next legislative day automatically places the question to be reconsidered again before the body in third reading if the question is adoption of a measure for which three readings are required and opens the question for debate."



# NEA - ALASKA

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February 18, 1982

TO: Chairman Fischer  
Senate State Affairs Committee

FROM: NEA-Alaska, Inc.

RE: SENATE JOINT RESOLUTION NO. 13

NEA-Alaska supports and strongly encourages passage of SJR No. 13.

The Constitutional establishment of full voting rights for the residents of the District of Columbia with appropriate and meaningful Congressional representation is a fundamental principle of justice which must be done now.

Hopefully the apparent inadvertent disenfranchisement of nearly three-quarters of a million of our citizens will be immediately corrected by ratification by the States.

The provision that Congress have exclusive jurisdiction over its surroundings is clearly compatible with full voting representation for the residents therein. Full voting representation does not intrude into Congressional authority nor in any way compromise the basic principles and rights of Statehood.

Residents of the District of Columbia enjoy no exemption from the obligation of taxation and have been equally distinctive with all citizens throughout the Nation in every war since the War for Independence.

Retrocession is not a viable option if we are to maintain the basic concepts and principles of one person, one vote. Politically, such a situation would seem to be intolerable as well.

Thank you for your consideration of our concern.

Respectfully submitted:

Robert Manners  
Executive Secretary

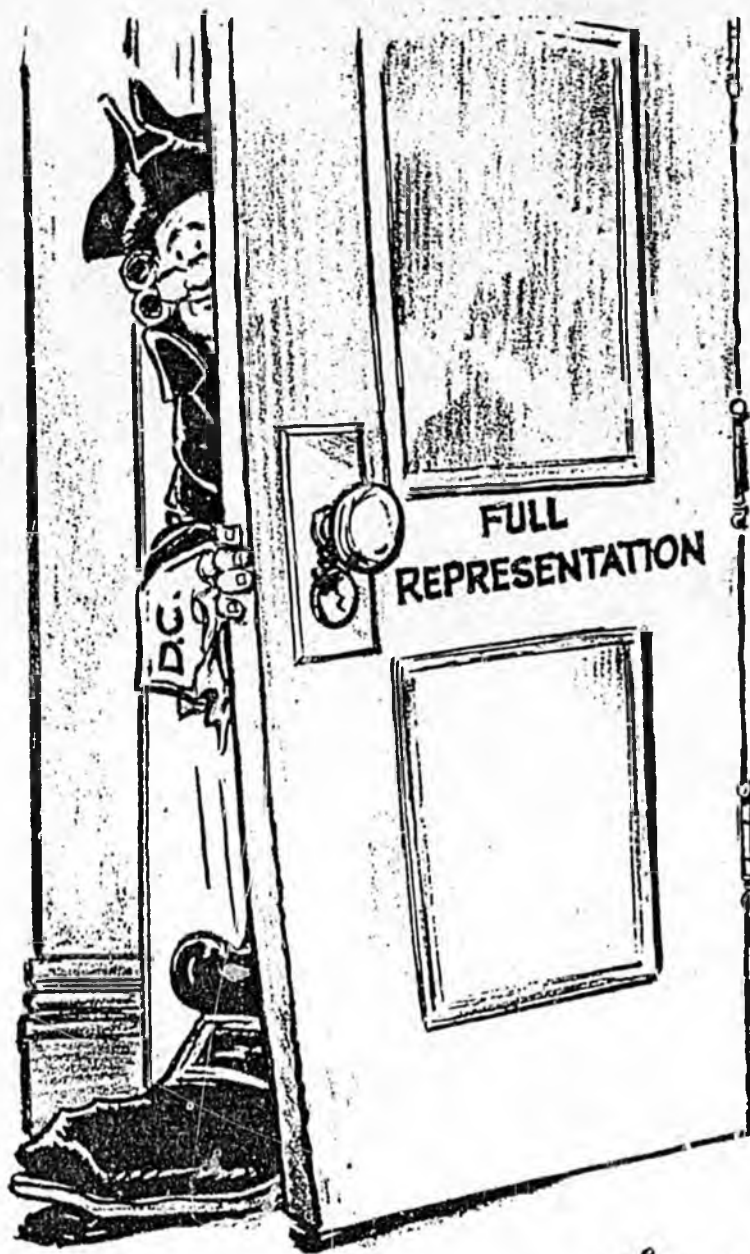
"... THAT ALL MEN ARE CREATED EQUAL...

16 10.925 #8

"WITH LIBERTY AND JUSTICE FOR ALL" — Pledge of Allegiance

# AFTER 200 YEARS, END TAXATION WITHOUT REPRESENTATION FOR THE DISTRICT OF COLUMBIA

State legislatures are now being asked to confirm the action of Congress; to ratify an amendment to the Constitution giving equal representation to the "Last Colony", the nation's capital district. Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford and Carter all endorsed national representation for District residents and the amendment passed both the Senate and the House of Representatives by more than a two-thirds majority with strong bipartisan support.



GIB CROCKETT  
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November, 1980

THE RIGHT OF REPRESENTATION IN THE LEGISLATURE. "Declaration of Independence

THE PROPOSED D.C. AMENDMENT  
to the  
CONSTITUTION OF THE UNITED STATES

"Section 1. For the purposes of representation in the Congress, election of the President and Vice President, and Article V of the Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.

"Section 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

"Section 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.\*

"Section 4. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

THE CASE FOR FULL VOTING REPRESENTATION  
IN THE U. S. CONGRESS  
FOR THE CITIZENS OF THE DISTRICT OF COLUMBIA

HISTORY

The Constitution of the United States provides that Congress shall exercise exclusive legislative authority over the seat of government.

When the Constitution was being debated in Philadelphia, there was no capital. But in 1783 Pennsylvania refused to call out the state militia to protect the Congress from a band of unruly discharged soldiers. With this sour taste of the past in mind, the new Congress planned that the national assembly should never again depend on a state government for vital services. It would be sole master of its permanent home. But the Founding Fathers had no intention of denying to the thousands of American citizens the right to the democratic representation which they themselves had just fought a revolution to win.

In 1790 the site of the capital was finally chosen, a large swampy piece of land along the Potomac River which was ceded to the federal government by acts of the Maryland and Virginia state legislatures. In 1800, there were about 14,000 people living in the area, too few to warrant a representative of their own. Most of them were temporary residents, living in the new city for the few months that the Congress was in session each year and returning to their home states to vote.

The District of Columbia has changed from a rural farming area into a national capital with over 635,000 people (1980 census). It now has more inhabitants than Alaska, Delaware, Vermont and Wyoming. Each of these states sends senators and representatives to the U.S. Congress; the District of Columbia none. In 1972 D.C. was granted one non-voting Delegate to the House of Representatives to speak, but not to vote, for almost three-quarters of a million Americans.

For the citizens of our nation's capital the struggle to end taxation without representation has never ended. Since Congress came to town in 1800 there have been organized efforts in the District to rectify this gross injustice and to give the residents the same democratic representation that all other Americans enjoy. In 1978 the House of Representatives and the Senate of the United States voted by more than a two thirds majority to approve a constitutional amendment to provide full representation for these citizens. Now this amendment needs the approval of 38 state legislatures to bring the rights of democracy to those American citizens living in the federal district. The responsibilities and burdens of all citizens are already borne by these people.

WHAT THE AMENDMENT WILL DO

The proposed amendment does not alter the relationship between the federal government and the District of Columbia. It simply provides that District citizens will have votes in the actions of Congress, the election of the U.S. President and ratification of constitutional amendments equal to those of all other Americans. It does no damage to the constitutional provisions for a federal district and leaves the exclusive legislative authority over the District in the hands of Congress.

The U.S. is the only country in the free world that denies representation to the residents of its capital city, even in those designated as federal districts. Only one military regime denies such citizens equal representation -- Brazil -- and the Brazilian legislature is waiting for the 1980 census figures to determine if Brasilia has a large enough resident population to be accorded representation. Rio de Janeiro, the former federal district, has been represented in their legislature for over 100 years.

D. C. RESIDENTS ARE HEAVILY TAXED

**FEDERAL:** There is a common misconception that the citizens of the District of Columbia have no vote and pay no taxes. The fact is that D.C. is one of the most heavily taxed localities in the country. According to Library of Congress research, the residents of D.C. paid \$1.8 billion in federal taxes in fiscal year 1979, more than in 10 states. On a per capita basis, D.C. residents paid \$2,684 or \$600 over the national average. This was more per capita than any state except Alaska. Thus, residents bear the responsibility of taxation without the right of representation.

**LOCAL:** With regard to local taxes, D.C. residents also pay among the highest in the nation. Comparing the District of Columbia per capita total local tax burden in 1979 with the total per capita state and local taxes in all states, the Bureau of the Census found that residents of only two states (Alaska and New York) paid more than D.C. residents. The D.C. average was \$1,336.07 compared with the national average of \$933.74.

**THE FEDERAL PAYMENT:** The annual federal payment to the District is not a device to free D.C. citizens from paying local taxes. It is an amount that the Congress thinks appropriately compensates for the federal tax-exempt presence in the District of Columbia. There is a great difference of opinion about how much that payment should be. The D.C. Department of Finance and Revenue estimates the total District revenue loss because of the federal presence for FY 1981 to be \$640.5 million. Congress currently authorizes \$300 million federal payment but the actual appropriation to date has always been less than this. For FY 1981, it is expected to be about \$296 million. This is not a gift. It represents partial payment of a federal obligation.

**LIMITATIONS AND RESPONSIBILITIES:** There are special responsibilities in relation to the federal government which place burdens on the local government. The D.C. Department of Finance and Revenue reports show the federal government owning 42.6% of the potentially taxable land area in D.C. and an additional 7.3% consisting of foreign holdings, national non-profit organizations headquarters, etc., which are tax-exempt in D.C. Thus 50.4% of the real estate in D.C. is tax-exempt because of the federal government's presence. Yet, police, fire, street maintenance and other services must be provided for all these places out of the District's resources.

Acts of Congress have placed severe limitations on revenue sources for the District including restrictions on the height of buildings, and a ban on taxation of income earned within the city by non-residents. Every state with an income tax has reciprocal agreements with other states enabling the collection of income taxes from those who live outside the state but earn their income within its borders. D.C. cannot tax the incomes of non-residents who make up 60% of those who work in the District, resulting in a \$323.7 million loss of revenue.

The U.S. Congress gave the citizens of the District of Columbia the right to elect their own Mayor and Council in 1973. Limited powers and legislative authority were delegated to the new government but budget control was not. That power is still maintained by the Congress,

\* The 23rd Amendment allows D.C. residents to choose electors for President and Vice-President, but only as many as "the least populous state."

where representatives of every other jurisdiction in the country except the District of Columbia may have a voice in setting budget and revenue priorities for the Federal district.

"THE DISTRICT SHOULD BE REPRESENTED IN CONGRESS,  
BUT..."

Many opponents of the proposed amendment accept the principle of D.C. representation in Congress but advocate alternatives to the amendment. But ...

... JUST AND EQUAL REPRESENTATION MEANS IN BOTH HOUSES.

Our nation's legislature is composed of two houses. Besides having functions in common, such as enacting legislation, declaring war and conscripting soldiers, the Senate and the House of Representatives have separate functions. The House originates all revenue measures. The Senate ratifies all treaties, and advises and consents to the appointments of all cabinet members, ambassadors, federal judges, and local D.C. judges. Thus representation in one House and not the other would not provide equity for District residents.

Some have argued that the District should be granted representation in the House but not in the Senate because the Constitution says that "no state without its consent, shall be deprived of its equal suffrage in the Senate." However, a wide range of constitutional scholars testify before the House Judiciary Subcommittee on Civil and Constitutional Rights found no problem with Senate representation for the District of Columbia via a constitutional amendment. And Charles Alan Wright, Professor of Law at the University of Texas said:

The clear purpose of that clause was to ensure that the Great Compromise would not be undone; and that representation in the Senate would not be put on the basis of population. That purpose is not compromised by allowing the District to have two Senators any more than it is when a new state is admitted.

Two senators for the District would not impinge on the equal treatment of any state vis-a-vis the other states. There were 26 senators when the nation was founded. During the last 200 years, 37 states and 74 senators have been added without disturbing the fabric of government.

... NOT THROUGH ANOTHER STATE'S BALLOT BOXES

One of the most frequent arguments raised is that the District should be given back or retroceded, to Maryland and thus be represented by Maryland's congressional delegation. Proponents say retrocession could take either of two forms, full or partial retrocession. Full retrocession would mean that the District of Columbia would be divided into two parts: a federal enclave including key federal installations would be carved out while the rest including most of the residential property would become part of Maryland. With partial retrocession, the District of Columbia would remain the District of Columbia as it exists today, but its citizens would be allowed to vote for Maryland Senators and Representatives.

Inasmuch as state boundaries cannot be changed without "the consent of the legislatures of the states concerned as well as the Congress" according to Article IV, Sec. 3 of the Constitution, full retrocession would need such consent. District citizens have shown no desire for this solution, representatives from Maryland have indicated they would oppose it, and the United States Congress has shown it is not receptive to the idea either. Furthermore, it is doubtful that the people of this country, who feel a proprietary interest in their nation's capital, would support a plan to put a large part of the present federal district under the control of any state.

Partial retrocession would require the same kind of consent as full retrocession. In addition, partial retrocession creates other problems. The Constitution says that senators and representatives shall be chosen by the people of the states in question. But District residents are not "people of Maryland." They are District people residing in and paying taxes to the District of Columbia. Furthermore, residents of the District could not vote in the

Maryland state elections and, therefore, would have no voice in setting election district lines or filling congressional vacancies. This would not be equal representation in Congress for the citizens of the District. Partial retrocession seems to create more problems than it solves.

... NOT NECESSARILY BY BECOMING A STATE

Statehood has been proposed as an alternative to achieve D.C. representation in Congress. On November 4, 1980, an initiative to begin the statehood process was approved by the voters of the District. The favorable vote was fueled largely by the frustration of District voters at not having national representation and control over local affairs. Recent history has shown that statehood is a lengthy process, requiring over 40 years for Alaska and over 50 years for Hawaii. There is no reason to suppose that Congress would pass a statehood act for the District of Columbia any more speedily, especially since Congress would be giving up the budgetary authority and veto power over District legislation which it now exercises.

The idea of statehood has been used as a diversionary tactic by those opposed to the amendment in some state legislatures. However, at this time, there is no indication of wide support for statehood for D.C. in the nation as a whole. In 200 years the citizens of the states have developed a possessive attitude toward the District as the nation's capital. It is doubtful that many would accept shrinking the capital to a small federal enclave of monuments and federal installations as proposed by statehood proponents.

Under the proposed constitutional amendment the District of Columbia as the capital of the nation would still remain a geographically distinct entity as the Founding Fathers apparently intended. The amendment appears to be the most feasible method of achieving equal political rights for D.C. citizens in the foreseeable future.

THE DISTRICT IS ALREADY TREATED AS A STATE FOR MANY PURPOSES

Some people have objected that the District is not a state and, therefore, not entitled to senatorial representation. The Constitution does not forbid representation for the District of Columbia, however. It is silent on this matter, and the District is often treated as though it were a state. All recent federal legislation which applies to states, including grant legislation, includes the phrase "for the purposes of this legislation the term 'state' shall include the District of Columbia."

There are parts of the Constitution itself which have been interpreted to include the District as though it were a state. For example, Article I, Section 2 of the Constitution says that "direct taxes shall be apportioned among the several states which may be included within this Union." In 1820, the Supreme Court considered whether Congress had authority to directly tax the residents of the District of Columbia; the Court ruled that Congress did have this authority. Thus District residents have always borne the same federal tax responsibilities as citizens of the states. In 1889, the Supreme Court upheld a ruling that Congress had the authority to regulate commerce across District borders even though Article I, Sec. 8 of the Constitution says that Congress has the power to regulate "commerce... among the several states." In 1960, the Twenty-third Amendment to the Constitution gave the District the right to vote for President and Vice-President of the United States "as if it were a State."

... AND IS NOT MERELY A CITY

Objections are also made on the premise that the District of Columbia is a city, and if it were granted representation, other large cities would then seek senators of their own. There is, of course, no other city in the country that is not already represented by two senators and at least one representative.

The District, however, is more than a city. It is the federal district provided in the Constitution. Its government serves city, county and state functions. One estimate by city officials indicates that 67% of the District government functions are non-municipal.

THE STEREOTYPED IMAGE OF WASHINGTON

There are more arguments, of course, aimed at threatening other people's self-interest. The District is seen as "too black, too liberal, too urban, too devoted to the federal interests." Some people have a stereotyped view of "Washington," assuming that all people who live in D.C. work for the federal government and are interested in making "big government" bigger. (Paying the very high per capita federal taxes they do, it seems possible that the opposite might be true). In fact, less than one-third of the District's total work force is employed by the federal government and more than half of working D.C. residents work for the private sector. Representatives from the District of Columbia would also represent small businessmen, the construction industry, bankers, lawyers, doctors, teachers, the elderly. All of these would be citizens who are required to obey federal laws, although they have had no vote in enacting these laws, and whose relatives or themselves may have fought and died in American wars -- especially the Vietnam war when District casualties ranked fourth among the fifty states on a proportional basis.

THE RATIFICATION PROCESS FOR THE D.C. AMENDMENT

The Constitution is not amended easily or lightly. The procedure requires a two thirds majority of both Houses of Congress, which it has now received, and ratification by three-fourths (38) of the state legislatures within seven years. On September 11, 1978, New Jersey became the first state to ratify the proposed amendment.

In the ratification process, as in the campaign for passage of the proposed amendment by the Congress, the D.C. League of Women Voters will continue to work with the League of Women Voters of the U.S. and the 50 state and 1300 local Leagues, which played a key role in the House and Senate victories. Since 1924, Leagues all across the country have worked together to achieve full democracy for D.C. residents. Leagues are and will be in leadership roles in the states, and the D.C. League thanks them and pledges to do all it can to help them.

THE COALITION -- D.C. SELF DETERMINATION/  
D.C. AMENDMENT RATIFICATION CAMPAIGN

In 1971 many organizations that had long supported self-determination for the District of Columbia formed a coalition to support and advance this cause by coordinating their efforts and activities. There are now more than 60 local and national organizations which are members of the Ratification Campaign Committee which will be working in the states.

Among the groups are NAACP, ACLU, AFL-CIO, AFSCME, American Federation of Teachers, American Jewish Committee, American Veterans Committee, B'nai B'rith Women, Catholic

Archdiocese of Washington, Common Cause, D.C. Bar, D.C. Republican Central Committee, Delta Sigma Theta, Democratic National Committee, Episcopal Church, Friends Committee on National Legislation, Greater Washington Board of Trade, Leadership Conference on Civil Rights, League of Women Voters, NAACP, National Conference of Christians and Jews, National Women's Political Caucus, National Education Association, Newspaper Guild, the Ripon Society, UAW, U.S. Jay Cees, United Methodist Church Board of Church and Society, United Presbyterian Church, and the United Steelworkers.

SPECIAL INTERESTS ARE OPPOSING RATIFICATION

Opposition to the amendment is well-funded and well-organized. By equating the citizens of the District with big government and over-regulation they raise fears of "oppressive" influence if the District had congressional representation. Speculation by these and other interest groups that the new members of Congress would oppose their views may motivate others to be fearful of D.C. representation.

Groups actively in opposition include the American Conservative Union, the Conservative Caucus, Young Americans for Freedom, the American Legislative Exchange Council, Americans for the Right to Keep and Bear Arms, Heritage Foundation and the Liberty Foundation.

A prompt mailing following Senate passage of the measure produced a spate of columns and editorials deriding the effort to create a second state of Washington and similar misconceptions. At the annual meeting of the American Legislative Exchange Council in Washington, a unanimous resolution including the statement "Whereas, the proposed amendment would award full statehood rights to the District of Columbia..." in clear and obvious contradiction to the text of the amendment.

Opponents admit the justice of full representation for D.C. citizens but argue that the amendment is not the way to provide it. Congress, however, considered and rejected the alternatives they suggest. The amendment is, at present, an acceptable, viable way to correct this injustice.

Their arguments are not germane to the principle of representation. There is no argument anywhere that can justify D.C.'s present colonial status. It violates the basic principles of democracy for some people to be more equal than others.

WILL RATIFICATION OF THE D.C. AMENDMENT BE DECIDED ON THE BASIS OF SELF-INTEREST OR AS A MATTER OF SIMPLE JUSTICE?

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# League of Women Voters of Alaska

February 11, 1982

## SJR 13

Mr. Chairman and members of the committee, I am Paula Ziegler, president of the League of Women Voters of Alaska. I would like to speak in favor of SJR 13, by which Alaska would ratify the amendment to the United States Constitution defining Congressional representation and voting rights for the residents of the District of Columbia.

Support for allowing those who live in the nation's capital to have their own representation has been on the League's agenda for 60 years. The process has at last reached the stage where approval by 38 state legislatures is all that is needed. To date, ten states have ratified; the League would like Alaska's name added to the list.

The argument in favor of ratification is clear and simply stated: there are 635,000 American citizens, residing in the continental United States, who have no voting voice in Congress, just because they happen to live in something of a "no-man's land" as far as traditional thinking is concerned--not in a city, not in a state, but in the District of Columbia. Over the last 200 years, through Constitutional amendment or other means, we have gradually accommodated those other Americans who originally had no representation, among them women, blacks, <sup>native Americans</sup> ~~Indians~~ and those who didn't own property. It is high time we accommodated the last group: residents of the District of Columbia.

This idea does take some getting used to because it presents a departure from the current representational scheme. Constitutional experts who appeared before Congress when the amendment was passed there did not feel that this departure was in any way prohibited by the Constitution. The Framers in 1789 had no way to foresee that hundreds of

thousands of people would be disenfranchised as a result of living in the then newly-created federal district. Most of those Framers had just risked their lives to overthrow a system of taxation without representation. <sup>Presumably,</sup> They would not knowingly have turned around and imposed such a system on anyone else. The ratification process we are involved in now reflects the fact that these men realized change in the Constitution would be needed from time to time. The League believes that voting representation for the District of Columbia is one of these needed changes.

The arguments opposing the notion of voting representation are based somewhat on constitutional interpretation but largely, unfortunately, they are based on fear. Fear of something different and fear that a District Senator and/or Representative would vote "on the other side." From Alaska's standpoint, at the present time when we are not exactly aligned with east coast interests, this might be true. However, that completely misses the point, ~~and seems just a bit narrow~~. The issue is one of fairness. Giving District residents voting representation is fair; how those representatives might or might not vote on any ~~one~~ given matter is irrelevant.

The constitutional <sup>opposition</sup> arguments center around the fact that the District of Columbia is not a state and therefore is not entitled to representation. But it is treated in all other respects as if it were a state. Residents pay federal taxes; they are subject to the draft; <sup>residents fight in those wars just mentioned</sup> their commerce across state lines is regulated by the ICC. All <sup>relevant</sup> federal laws which apply to states contain this clause: "For the purpose of this legislation, the term 'state' shall include the District of Columbia."

This amendment would not make the District into a state. It would only

grant three state rights: voting representation in both houses of Congress, power to ratify or not constitutional amendments, and electoral college representation (which exists now in a limited form). Its current status as a unique federal district would not change. Congress would still have authority over District activities. The only difference is that the District would have its proportional share of authority over Congressional activities.

Statehood, however, is ~~not very much~~ on District residents' minds. A constitutional convention is meeting there now, working on another approach to achieve parity with the rest of us. The League's position on the statehood movement is that it and the ratification effort are two means toward the same end, but the League prefers the amendment. It is simpler, more clearly defined, makes fewer basic changes in the District of Columbia's status, and it is here and now. The statehood process, as Alaskans know, can take half a century or more. It can also be stopped cold by Congress. If ratification had progressed through the states more quickly, the statehood drive might not have developed at all. The fact that it has only emphasizes how much District residents desire representation and how desperate they are to get it. Because they have embarked on this other course does not mean the ratification effort should cease.

A last consideration regarding states is <sup>the argument</sup> that the District of Columbia should become part of another state, notably Maryland, and share their Congressional representation. This idea has no support in the District of Columbia, and Congress dismissed it. It defeats the purpose of the Framers in creating an enclave separate from any state and is tantamount to suggesting that Alaska should have become part of Washington state in order to have a voice. Maryland, by the way, has ratified <sup>the</sup> ~~this~~ amendment, which gives you an idea of how they feel about the idea.

In summary, there is one final point to make. For Alaskans, it has not been all that long since we shared this second-class status with the District of Columbia. More than any other group of Americans, Alaskans should sympathize and be willing to help. Alaskans rankled for years, and still do, about federal control of our affairs. Consider this: representatives of every jurisdiction in the United States except the District of Columbia vote on the annual budget for the District of Columbia. Alaska ranks first in per capita payment of federal taxes; second on the list is the District of Columbia. Almost every argument used to oppose statehood for Alaska is being used to oppose representation for the District of Columbia. Alaska, after 50 years or so of trying, now has three votes in Congress. The District of Columbia still has none, in spite of the fact there are half again as many people living there than here. Alaska, by ratifying this amendment, can help to correct <sup>this</sup> ~~such~~ inequity. The League of Women Voters of Alaska urges that we do so. Thank you.

Paula Ziegler  
President  
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