

HJR

19

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 3, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: _____

The STATE AFFAIRS Committee recommends that:

HOUSE JOINT RESOLUTION NO. 19

[COMPENSATION FOR MEMBERS OF U.S. CONGRESS]

Ratifying an amendment to the Constitution of the United States concerning the compensation of members of the United States Congress.

[] be replaced with _____ [] the same title
[] a new title

[] have attached amendment(s)

- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent


ATTACHES NEW FISCAL NOTE(S):

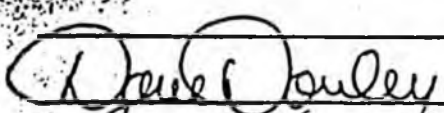
- fiscal impact
- zero fiscal note ^{HSA}
- zero with analysis

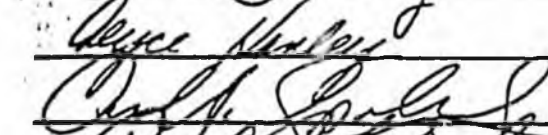
APPROVES PREVIOUS:

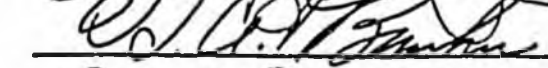
- fiscal note(s) published: _____
- zero fiscal notes(s) published: _____

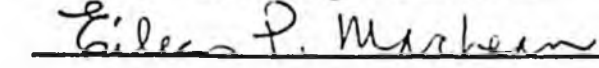
SIGNING DO PASS:



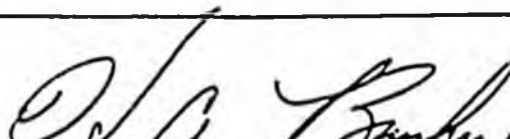








SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)


Chairman's signature

REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
RUSSIAN JACK SPRINGS
NUNAKA VALLEY
ELMENDORF A.F.B.
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HOME
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PHONE 333-6990

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

Alaska House of Representatives

April 11, 1989

Rep. Peter Goll, Co-Chair
Rep. Max Gruenberg, Co-Chair
House Judiciary Committee
P.O. Box V
Juneau, Alaska 99811

Dear Reps. Goll and Gruenberg:

I am pleased to inform you that HJR 19, relating to pay raises in the U.S. Congress, was reported out of the State Affairs Committee this morning (a copy of the committee report is attached for your information).

Although this issue has died down in the wake of the vociferous public disapproval of the Congress's attempt to raise their compensation earlier this year, it is safe to say that the issue will return. Alaska should go on record now, by ratifying the Madison amendment.

I hope you will schedule the resolution for a committee hearing at the earliest possible date. I have prepared and attached a packet of basic background materials for use by the committee staff; however, if you would like more information, please contact my office at 465-3782.

Sincerely yours,

A handwritten signature in cursive script that reads "Terry Martin".

Rep. Terry Martin

/jwm
attachment



CURRENT STATUS OF CONGRESSIONAL PAY AMENDMENT
OF 1789

"Article the second...No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

In order to become the 27th Amendment, the proposal must be ratified by three-fourths (3/4) of the legislatures of the several states. With fifty (50) states currently in the Union, this means that thirty-eight (38) must approve the measure.

Thus far, here is the progress:

1. Maryland on December 19, 1789;
2. North Carolina on December 22, 1789;
3. South Carolina on January 19, 1790;
4. Delaware on January 28, 1790;
5. Vermont on November 3, 1791;
6. Virginia on December 15, 1791;
7. Ohio on May 6, 1873;
8. Wyoming on March 3, 1978;
9. Maine on April 27, 1983;
10. Colorado on April 18, 1984;
11. South Dakota on February 21, 1985;
12. New Hampshire on March 7, 1985;
13. Arizona on April 3, 1985;
14. Tennessee on May 23, 1985;
15. Oklahoma on July 10, 1985;
16. New Mexico on February 13, 1986;
17. Indiana on February 19, 1986;
18. Utah on February 25, 1986;
19. Arkansas on March 5, 1987;
20. Montana on March 11, 1987;
21. Connecticut on May 13, 1987;
22. Wisconsin on June 30, 1987;
23. Georgia on February 2, 1988;
24. West Virginia on March 10, 1988; and
25. Louisiana on July 6, 1988.

In the following states, ratifying resolutions passed one (1) chamber of the legislature:

1. Idaho (passed Senate in 1987);
2. Illinois (passed House of Representatives in 1988);
3. North Dakota (passed House of Representatives in 1987); and
4. Texas (passed House of Representatives in 1987).

REP. TERRY MARTIN

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

Alaska House of Representatives

February 20, 1989

Rep. Red Boucher, Chairman
House Committee on State Affairs
P.O. Box V
Juneau, Alaska 99811

COPY

Dear Chairman Boucher:

I have attached a copy of a James J. Kilpatrick column from yesterday's Anchorage Times, in which he urges the adoption by the state legislatures of a 200 year-old amendment to the U.S. Constitution. The amendment was proposed by James Madison, and would disallow any congressional pay raises from taking effect until after an intervening election. It needs ratification by only 12 more states before it would become part of the Constitution.

Ratification of this amendment is the subject of HJR 19, which now rests in your committee, and on which I hope you will take expeditious action.

We in Alaska are given the opportunity - the honor, really - of participating in an historical moment: the completion of the U.S. Constitution, as it was proposed by our founding fathers. I suspect that, as the eldest member of the legislature, you would have a keen sense of the significance of this proposed amendment. While the most recent pay raise for Congress has been squelched by wide public outcry, I think we would do well to take Madison's advice and install this provision in the Constitution.

I would request that you schedule HJR 19 for a hearing as soon as it may be done. Thank you, and if you have any questions about the resolution, please contact me or my staff at 465-3782.

Sincerely yours,

Handwritten signature of Terry Martin in cursive script.

Rep. Terry Martin

TM/jwm
enclosure



Congressional pay has been hot topic for 200 years

By LAWRENCE L. KNUTSON
Associated Press

WASHINGTON — The public outcry over the proposed 51 percent pay increase for members of Congress should hardly be surprising.

Americans have been objecting to congressional pay raises for nearly all of the 200-year history of the Senate and House of Representatives.

Alexis de Tocqueville, a close observer of American life, offered an explanation in his 1835 study, "Democracy in America."

His conclusion: Democracies are far more stingy than other forms of government when it comes to paying high-ranking officials.

Part of the reason, de Tocqueville wrote, is that a salary level which seems inadequate to the official receive

Analysis

ing it "appears enormous to him whose wants do not extend beyond the necessities of life."

"When he reflects on own humble dwelling and the small earnings of his hard toil, he remembers all he could do with a salary which you judge insufficient, and he is startled and almost frightened at the view of so much wealth," he said.

More than 150 years later, little has changed.

"We have never had a satisfactory method for setting compensation for high government officials," says Senate Majority Leader George Mitchell, D-Maine. "We still do not.

"If contemporary public opinion

were the sole determinant, the pay of members of Congress today would be the same as it was in 1789."

The root of the problem is in the Constitution.

Article I, Section 6 provides: "Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States."

That sounds well enough in theory.

But in practice it leaves the question of congressional pay levels up to Congress itself, posing an always sensitive, uncomfortable and sometimes politically explosive problem.

Some of the framers of the Constitution thought it would give members of Congress a license to steal. Others argued that pressure from incensed constituents would rein in greedy impulses.

The issue has always been approached gingerly at best.

"Bringing up the pay raise issue is about as welcome in a legislative body as a skunk is at a Sunday school picnic," says Sen. Charles E. Grassley, R-Iowa.

The first major American squabble over a proposal to raise the pay of members of Congress arose in 1816 and it set back the early political career of Daniel Webster, who later was to become a famous orator, senator, and secretary of state.

From the convening of the 1st Congress in 1789 until 1816, a 27-year span, members of Congress were paid at the rate of \$6 a day — with attempts made from time to time to dock the pay of absentees.

In 1816 Congress ended the day-by-day payments and adopted an annual

salary of \$1,500 a year.

The result: public outrage.

Nine members of Congress resigned and several were defeated in the 1816 elections.

Webster was one of those ousted in the pay-raise revolt.

It took him until 1822 to persuade the voters to send him back to Capitol Hill.

The present congressional salary \$89,500.

The proposal by an independent commission: Increase it to \$135,000 to more nearly approach the compensation offered in the private sector to lawyers, corporate executives and others with similar responsibilities.

The Senate has already rejected the raise, 95-0.

The prospects — as usual — are highly uncertain.

Distribution

To: All members of the State Affairs Committee
From: Representative Terry Martin
Date: February 8, 1989
Subject: HJR 19 - Ratifying an amendment to the United States Constitution concerning compensation to members of the United States Congress



James Madison

James Madison (1751-1836) was the eldest son of a Virginia planter who had a large plantation now known as Montpelier in Orange County, Virginia. Madison's educational advantages were excellent, both in depth and in breadth. He entered Princeton in 1769 and came under the discipline of its president, the Reverend John Witherspoon, who primed the scholarly mind of Madison much as George Wythe had done to Jefferson. Unfortunately, however, he was frail in health, and the long and intensive studies left their mark. In addition to the usual classics of Greek and Latin, Madison spent a year studying Hebrew in order to better understand the Old Testament. For a while he seriously considered the possibility of entering the ministry, but changed his mind and began preparing for the legal profession and public life.

By this time, the conflict with England began to loom large on the horizon and Madison applied for membership in the state militia. However, he was rejected because of his physical disabilities and therefore took no active part in the Revolutionary War. Nevertheless, in 1774 he

was appointed a member of the Committee of Public Safety for Orange County, and in 1776 he was elected a delegate to the convention which framed the constitution of Virginia. He succeeded in providing a clause in the Virginia Bill of Rights guaranteeing the "free exercise of religion."

Jefferson considered James Madison and James Monroe the two young intellectuals who had the greatest promise in promoting the principles of the new American republic. Probably no Virginian was more helpful to Jefferson in getting his reforms of the civil and criminal law implemented than James Madison.

While still under 30, he was chosen as a delegate to the Continental Congress, and gained the reputation of being the most able political leader in attendance at that time. He opposed the issuance of paper money by the states, argued mightily for the right of Congress to tax imports, and supported the right of the states to navigate the Mississippi. He argued for a stronger central government that could enforce its decrees and raise the funds to maintain itself. Because a delegate could serve only one term, he returned to Virginia in 1784 and was immediately elected to the state assembly. With Washington's support, he succeeded in arranging a conference between Virginia and Maryland to settle disputes over fishing rights and ports of entry. This led to the Annapolis Convention in 1786. Thereafter Madison joined with Hamilton to get Congress to authorize the Constitutional Convention in 1787.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Compensation for Members
of US Congress
Sponsor: Martin Gruenberg
Requestor: _____

Agency Affected: _____
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: House State Affairs Committee

Phone: 465-4963

Division: _____

Date: April 7, 1989

Approved by Commissioner: Rep. E.A. "Red" Foucher

Date: April 7, 1989

Agency: _____

Distribution (by preparer):

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