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HOUSE COMMITTEE ON STATE AFFAIRS

**RECAP OF
HJR 19**

Compensation for Members of US Congress

Received February 3, 1989
by Reps. Martin and Gruenberg

Heard April 11, 1989

Passed Out of Committee April 11, 1989
5 Do Pass

TABLE OF CONTENTS

HJR 19: Compensation for Members of US Congress

- Item 1:** HJR 19 by Martin and Gruenberg
- Item 2:** Fiscal Note
- Item 3:** Letter from Rep. Martin, February 20, 1989
- Item 4:** Anchorage Times Article by James Kilpatrick

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:

[Signature]

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

[Signature]

 Chairman's signature

Item 2

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-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

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" Loucher

Date: April 7, 1989

Agency: _____

Distribution (by preparer):

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



James Madison, 1792, by Charles Willson Peale

Best wishes to my friend
Reel Boucher.
James Madison

Item 3

REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
RUSSIAN JACK SPRINGS
NUMAKA VALLEY
ELMENDORF A.F.B.
CREEKSIDE
EAST ANCHORAGE



HOME
3966 REKA DRIVE-B6
ANCHORAGE, AK 99508
PHONE 333-6990

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 99801

Dear *Red* 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,

Terry

Rep. Terry Martin

TM/jwm
enclosure



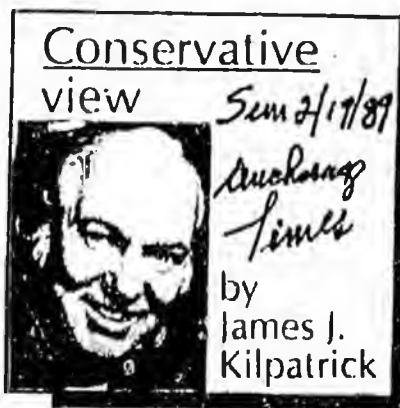
And Iowa makes 26 and the march goes on!

WASHINGTON — James Madison is in his grave, but a constitutional amendment he sponsored in 1789 goes marching on. The event went almost wholly unreported in the news, but on Feb. 7, Iowa became the 26th state to ratify the "put off the pay raise" amendment.

This is beginning to get exciting. To recapitulate a story that most of the country knows nothing about, Congress in September 1789 approved 12 proposed amendments to the Constitution. By 1791, 10 of them had been ratified by the states; we know them as the Bill of Rights. Two of the proposals failed of ratification at that time. One dealt with apportionment of the House of Representatives and is of no current interest.

This was the forgotten 12th: "No law varying the compensation for the services of the senators and representatives shall take effect until an election of representatives shall have intervened."

It is marvelously simple, is it not? Thirty states have similar provisions affecting their own state legislatures. If the amendment had been part of the Constitution a few weeks ago, members of Congress might have voted a substantial raise in their compensation — but they could not have received it until after the congressional elections of



1990.

All but one constitutional amendment since the 18th Amendment of 1919 has carried a kind of statute of limitation: The article would be inoperative unless it were ratified within seven years of submission to the states. Madison's proposed amendment of 1789 carried no such limitation.

It is a nice constitutional question if the 200-year-old proposal is still validly before the states. In what is known as the Dillon case of 1921, the Supreme Court approved the power of Congress to fix a seven-year period for ratification. In the process the court threw cold water on the idea that resolutions of amendment could stay alive forever. That view, said Justice Van Devanter for a unanimous court, is "quite untenable." These comments were dicta, not relevant to the question before the court, which had

to do with the 18th (Prohibition) Amendment.

The matter came up again in 1939 in the case of *Coleman v. Miller*. The case involved an open-ended amendment to prohibit child labor, submitted to the states by Congress in 1924. Was it still subject to ratification in 1937? This time the court backed away from the digressive pronouncements in *Dillon*. The viability of a constitutional amendment, said Hughes for the majority, is a political question, not a judicial question.

Thus the constitutional question is very much alive. My thought is that the amendment itself is also alive. Six states (Maryland, North Carolina, South Carolina, Delaware, Vermont and Virginia) ratified between December 1789 and December 1791. Ohio suddenly came to life and ratified in 1873. Wyoming came along in 1978.

Then the forgotten amendment picked up steam. Maine ratified in 1983, Colorado in 1984. Five states joined the parade in 1985: South Dakota, New Hampshire, Arizona, Tennessee and Oklahoma. The following year saw three more: New Mexico, Utah and Indiana.

The movement toward ratification now is rolling steadily along. Arkansas, Montana, Connecticut and Wisconsin ratified in 1987; Georgia, West Virginia and Louisiana gave their consent in

1988. And on Feb. 7 Iowa shouted its approval by 440 in the state Senate, 86-2 in the House of Representatives.

Thirty-eight states must ratify an amendment in order for it to become part of the Constitution. Iowa is No. 26. Idaho is virtually certain to make the count 27 (the proposition was approved in a state referendum last November). If the magic number of 38 is attained it will be up to someone — or some body — to declare the amendment officially promulgated. That could be the archivist of the United States, on advice of the attorney general. Congress itself apparently has no more say-so in the matter.

My own thought is to whoop it up for the necessary 38. Madison in 1789 defended the measure: "There is a seeming impropriety in leaving any set of men without control to put their hand into the public coffers, to take out money to put in their pockets. There is a seeming indecorum in such power, which leads me to propose a change."

A seeming impropriety? A seeming indecorum? In the past month the American people have spoken in unmistakable language to the point. No raise without an intervening election! And thank you, Mr. Madison.

James J. Kilpatrick is a conservative of thought and a conservator of language.

Item 4

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*Red - I agree
Schedule HJR 19
Carm
HJR 19
Thank
MAY*

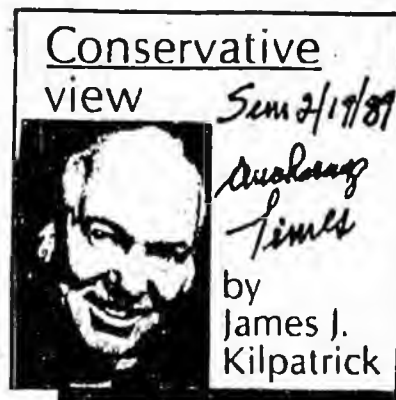
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