

S J R

38

SENATE STATE AFFAIRS COMMITTEE

BILL NUMBER SJR 38

SPONSOR Coghill

BILL TITLE Const. amendment - terms of legislators

DATE REFERRED 3-23-89

HEARING SCHEDULED 4-24-89

FISCAL NOTE PREPARED ✓

SPONSOR CONTACTED

✓ Shelly 4797

INTERESTED PARTIES CONTACTED

Linda Edgeworth, Elections (F/N)

1/10/90 Sen Fin

OTHER

Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Falks, Vice Chairman
Sen. Al Adams
Sen. Tim Kelly
Sen. Rick Uehling



P.O. Box V
State Capitol
Juneau, Alaska 99811

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: Senate State Affairs Committee Members
FROM: Senator Pat Pourchot, Chairman
RE: April 24 Committee Meeting
DATE: April 24, 1989

Today at 1:30 in the Beltz Room the Senate State Affairs Committee will hear the following bills:

SJR 38, Proposing an amendment to the Constitution of the State of Alaska relating to terms of legislators

SJR 38 would, by Constitutional amendment, limit tenure in the Legislature to eight consecutive years. After serving eight years a person would again be eligible to seek legislative office at the second biennial election. SJR 38 would go before the voters at the next general election and, if approved, would take effect at the 1992 election.

Article III, sec. 5 of the Constitution limits governors to two full successive terms. After the two terms a person is not eligible to seek the governor's office until one full term has intervened.

SB 284, An Act relating to certain revenue from mineral sources and to the oil and gas properties production tax

SB 284 would amend the Economic Limit Factor of the state's oil severance tax structure in the same manner the Senate Judiciary CS for HB 118 (the "ELF bill") would. The additional tax revenue would effectively be deposited in the Permanent Fund through increasing from 25% to 43% the statutory percentage of mineral proceeds deposited in the fund. The increase would apply only to payments received by the state after July 1, 1989 from mineral leases issued prior to December 1, 1979.

It is my intent that the State Affairs Committee focus its attention on SB 284's impact on the Permanent Fund, rather than on the ELF provisions. According to the Permanent Fund Corporation, passage of SB 284 would result in the fund principal being \$1.3 billion larger in the year 2000, net income being \$115 million larger, per capita dividends being \$73 larger, and the inflation proofing transfer being \$66 million larger. The projections prepared by the corporation are attached.

SB 295, An Act relating to transfers to the dividend fund

SB 295 would exclude potential revenue from the State v. Amerada Hess case from the Permanent Fund earnings available for distribution as dividends. The fund's legally mandated share of money awarded after trial would be credited to the principal of the fund at the time of receipt. Income earned on that money could not be distributed to the dividend fund.

SB 295 is intended to eliminate certain due process arguments currently advanced by the defendants. Standard Alaska Petroleum, Exxon, and Chevron USA filed suit in federal court to prevent the case from being tried in Alaska on the grounds that any judge and jury would be biased because they have a financial stake (through the Permanent Fund Dividend) in the outcome. The U.S. District Court ruled in the State's favor; the matter is currently under appeal to the Ninth Circuit Court of Appeals.

Trial in the Amerada Hess case is scheduled for April 4, 1990. If the State prevails, we could receive from \$400 million to \$2.6 billion.

HB 34, An Act establishing durational residency requirements, not to exceed two years, for receipt of the permanent fund dividend and receipt of benefits under the longevity bonus program

HB 34 would increase the durational residency requirement for the permanent fund dividend program from 6 months to 2 years, and for the longevity bonus program from 1 year to 2 years. The bill provides that if a court rules the 2-year requirement invalid, the requirement is one year; if a court rules 1-year invalid, the requirement is the longest duration permitted by law. Current recipients would be "grandfathered in".

HB 34 raises constitutional questions. The Department of Law fiscal note (\$30,000) anticipates legal challenge of the bill. The Department of Administration fiscal note indicates annual savings based on fewer persons being eligible.

Recent court rulings on Alaska's residency requirements include the Vest decision which struck down the Longevity Bonus requirement of residency since statehood, the Zobel decision which struck down the Permanent Fund Dividend disbursement mechanism based on number of years of residency, and the Andress decision which upheld the Alaska Student Loan requirement of residency for 2 years.

A summary of current statutory residency provisions is attached.

SR38POOP.TXT
4/24/89

SJR 38 CONSTITUTIONAL LIMIT ON LEGISLATORS' TERMS

TO TESTIFY

SEN. COGHILL, SPONSOR (SHELLY)

F.Y.I.

COGHILL ADVOCATED DURING CONSTITUTIONAL CONVENTION AND LOST.

ANY INFORMATION ON WHAT OTHER STATES DO?

GOVERNOR, PRESIDENT LIMITED TO 8 YEARS.

→ Jwd

Pat - no rec

Falks - do pass

Adams - dnp

FISCAL NOTE

REQUEST:

Revision Date: 4/3/89
 Title: Proposing an amendment relating to terms of legislators.
 Sponsor: Coghill
 Requestor: Coghill

Agency Affected: Office of the Governor
 BRU: Division of Elections
 Components: II-Elections
Primary & General Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	-0-	-0-	2.2*	-0-	-0-	-0-
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	2.2*	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	2.2*	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	2.2*	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

* Costs included cover 2 to 3 pages in each Official Election Pamphlet, for printing and typesetting, and costs estimated to cover computer programming requirements for vote (Continued)

Prepared by: Linda Edgeworth Phone: 465-4611
 Division: Elections Date: _____
 Approved by Commissioner: *Larry Carls* Date: 4/3/89
 Agency: Division of Elections

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SJR 38

counting purposes. However, these costs are based on the assumption that all candidates and issues will fit on three ballot cards, which is the norm. It should be noted, however that should the inclusion of this issue require a 4th ballot to be printed, the cost increase would have to be calculated at 16 cents per ballot x approximately 320,000 voters. The total cost of printing the additional ballot card would be \$51.2.

Under these circumstances the fiscal note would be:

53.4



Alaska State Legislature

SENATE


FORM 10

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

To: Senator Pat Pourchot
Senate State Affairs Committee

From: Senator Jack Coghill 

Re: SJR 38

Date: April 4, 1989

I would like to request the Senate State Affairs Committee to hold a public hearing on SJR 38, "Proposing an amendment to the Constitution of the State of Alaska relating to the terms of legislators."

The Constitutional amendment would limit tenure in the Legislature to eight consecutive years. After the eight years, a person would not again be eligible to seek office as a member of the Legislature until the second biennial election after the member leaves office.

As a member of our Constitutional Convention, I was a strong advocate of limiting the terms of legislators when the Alaska State Constitution was being written. I feel that members of Legislature should be citizen legislators, and not professional legislators.

I introduced a similar piece of legislation during the 15th Alaska State Legislature, however, it was referred to the Senate Judiciary Committee and never received a public hearing. It is my hope that the 16th Legislature will allow the concept of limited legislative terms to receive public hearings and ultimately let the general public make the final decision.

If you have any questions, please feel free to contact my office.

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITOL
JUNEAU ALASKA 99801
907 465 3000

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 21, 1989

SUBJECT: Terms of legislators
(Work Order No. 6-1052)

TO: Senator Jack Coghill

FROM: Richard A. Bradley *RB*
Legislative Counsel

After we talked this morning, I started to draft the section. You had suggested: A legislator may not serve more than eight consecutive years as a member of the legislature without retiring for four consecutive years.

As I reviewed the language, several problems that I had not earlier considered seemed to present problems.

A transitional section seems necessary; the amendment, if adopted, would seem to have immediate application and cut short existing terms of many members of both the House and the Senate who may be expected to be in the legislature on the effective date of a constitutional amendment ratified by the people at the general election in 1990. Since that seems illogical, I have addressed the matter.

Let me say that I have considered it "illogical" because if their terms are cut short on the effective date of the amendment, after the 1990 election, then a majority of the senate would be appointed by the governor. While I have not come up with the numbers in the house, a sizeable number of those members also would be affected.

The amendment would affect each present member of the senate by 1992 except Senator Jones. But at the effective date of the amendment (if the resolution contains no special effective date), about January 1, 1991, all of the members of the Senate who started continuous service in 1982 or before would be affected. Those whose service started in 1984 or later include you and Senators Binkley, Frank, Jones, Pearce, and Pourchot. Representatives who started

P. 1,
20-21

Senator Jack Coghill
Page 2
March 21, 1989

legislative service from the election in 1982 or earlier (and who would therefore be subject to the amendment at its adoption) include: Cato (80), Davis, M. (82), Furnace (82), Grussendorf (80), Koponen (82), Larson (82), Martin (78), Miller (82), Pettyjohn (82), Phillips (76), and Shultz (82). Representative Cotten goes back to the election of 74 if a four year retirement is required, he failed reelection only in 1982. Additional members subject to the provision by the election of 1992 (because they were elected in 84) include Boucher, Collins, Gruenberg, Hanley, Navarre, Rieger, Taylor, and Wallis.

Thus I have proposed the transitional provision, Sec. 2 of the resolution, to have it take effect at the elections in 1992.

Concerning the language of the amendment itself, as I considered your suggestion regarding "retirement", I reviewed the language of the similar provision of art. III concerning the governor: section 5. You will recognize the language.

Let me point out that as written, the amendment permits senators whose term extends beyond the eight year limitation to serve out their terms, to serve ten years. While you might not want a member of the house after six years in that body to seek a four years term in the senate, assuming that was practical, that situation is not the only way that the problem arises. Note that reapportionment has frequently cut existing senate terms to two years, throwing a member of the senate off from a neat four year rotation; reapportionment will be occurring simultaneously with the adoption of your proposal. And following my "logic" above, it seems better to permit an elected member to serve out the term rather than cut it short and either have a special election, a possibility (but that would introduce a further complication into the amendment), or have the governor fill the vacancy.

It was for these latter reasons that I have suggested a departure from the language of art. III, sec. 5 that a person is not "again eligible to hold that office"; the draft attached uses the phrase "not again eligible to seek that office".

The art. III language ("until one full term has intervened") doesn't work in the legislative analogy; the phrase "until four years has intervened" also doesn't work because the prohibition is on "seeking office" rather than art. III's

Senator Jack Coghill
Page 3
March 21, 1989

phrase of "holding office". My solution is "until the second biennial election after leaving office."

I believe this formula works and, even, is consistent with your request.

If I may be of further assistance, please advise.

RAB:kb:mi
wkk3/029

3a

Saturday, February 6, 1988

Coghill seeks term limit for legislators

JUNEAU (AP)—Sen. Jack Coghill lost the first debate 33 years ago, but he has returned to try again.

The Nenana Republican was a delegate to the state constitutional convention in 1955 when a proposal to limit legislators' terms was defeated.

Coghill now is proposing a constitutional amendment to limit legislative service to eight consecutive years.

"It was never designed for legislators to be professionals," he said Friday.

New legislators bring with them new ideas and fresh approaches to old problems, Coghill said. Lawmakers with too much seniority can get too attached to the laws they helped write and often may resist change, he said.

He proposes an eight-year limit on House or Senate service, or any combination of the two. His proposal would allow a legislator to sit out a term and then return for another eight years.

Finances are another reason Coghill proposes a limit on legislative service. The senator favors higher salaries for legislators, but until that happens House and Senate members must depend on other jobs for income.

A break in service would allow a lawmaker to return to a private sector job "to build up his reserves so he could come back and afford to do this," Coghill said.

By law, legislators get a base annual salary of \$22,500 a year, varying amounts of per diem and \$4,000 for office expenses.

Coghill does not believe that a short return to private sector employment would be a temptation for influence peddling. "I don't subscribe to the fact that under every tree is somebody trying to buy a vote in the Legislature."

The senator said Alaska gov-

ernors are limited to eight years in office, as is the president. He said he favors a similar limit for Congress.

Another benefit, Coghill said, would be to take many legislators out of re-election contests and the necessary "political mode," and place them in the "statesman mode" at the end of their eight years.

If the law were in effect this year, five House members would be over the limit by the end of the year. Half of the 20-member Senate would be out now or at the end of the year. He's hoping for passage of the resolution (SJR60) in time to put the question on the 1990 ballot.

Coghill was elected to the territorial House in 1952 and 1956 and to the territorial Senate in 1958. He was elected to the state Senate in 1960 and 1962, then took a long break before returning in 1984.

2-17-88 ANC. TIMES

Eight years is enough

IF THERE'S one thing on which legislators don't want the people to vote, it's a proposal to set a limit on the number of terms a person can serve as a lawmaker.

So don't expect much action on a proposed constitutional amendment submitted last week by veteran Republican state Sen. Jack Coghill.

Mr. Coghill, from Nenana, is one of the surviving delegates who helped write the Alaska Constitution back in the winter of 1955-56. He's the only one still serving in the legislature.

And he now believes the time has come to limit a person's service in the legislature to eight consecutive years — in either the House or the Senate, or in any combination of the two.

IT'S NOT a new thought for Sen. Coghill. He believed in a constitutional limit back when the matter was argued at the convention, 32 years ago. But he couldn't convince a majority of the delegates that he was right.

We've long been convinced of the merit of a limit on such terms, however, and enthusiastically embrace

Mr. Coghill's resolution. We join him in urging his fellow lawmakers to approve the measure so that the issue can be placed on the ballot for a final decision by the people.

But don't bet that will happen. The legislators have a vested interest in not placing any limitation on their service. They like the job, they like the pay and want more, and they love the benefits — including the rich retirement payments offered to legislators. And the longer they stay in, the more they will earn.

But as Mr. Coghill says, "It was never designed for legislators to be professionals."

THE PEOPLE, we're convinced, will agree.

But they'll probably never have a chance to prove it — because no constitutional amendment can reach the ballot unless the legislature puts it there.

This one won't make it — unless the voters of the state, this election year, apply some very hot coals to the feet of their legislators in Juneau.

THE FOLLOWING DOCUMENT MAY NOT FILM
LEGIBLY BECAUSE OF THE POOR QUALITY OF THE
ORIGINAL

MAR 24 1988

Therese Johnson
1102 Box 7246
Palmer, Alaska 99575

February 25 1988

Senator Jack Cochill
Alaska State Legislature
P.O. Box 7 (MS 3100)
Juneau, Alaska 99811

Dear Senator Cochill

I am writing concerning the proposed constitutional amendment to limit legislative service (LTRA/C).

Several other people and I had recently been discussing a petition concerning this very issue. Now this will not be necessary.

But there were some other concerns we felt must be addressed at the same time.

You are right legislative service should not be allowed to become a career. Eight years total in a lifetime is enough but the chances of passing something like that is slim. Therefore, there should be at least 2 or more terms required as a break.

It would be great to raise the pay to a better level if the pension would be completely eliminated once the time of service is limited.

Lawmakers could be fairly compensated while in office and depend upon private professions

Page Two
Sen. Coghill

for their retirement. This is very important
and must be included.

Those legislators that already served 2 years
should only be allowed to serve one more term
if they are re-elected. We have some good
legislators who could run for some other type
of office once their time was up.

I am pleased to bring this to the
attention of the other legislators. I know
so many people who feel it's high time for
this to be done.

If I could be of any assistance to you in
this matter, please let me know.

Sincerely,

Duane Jensen

wedbush
securities, inc.

4300 B STREET, STE. 105
ANCHORAGE, ALASKA 99503
(907) 563-4300

MEMBER NEW YORK STOCK EXCHANGE, INC. AND OTHER PRINCIPAL EXCHANGES

February 19, 1988

Senator Jack Coghill
Pouch V
Juneau, AK 99811

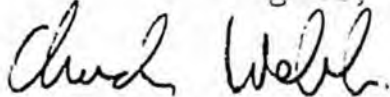
Dear Senator Coghill,

As followup to our conversation yesterday, I reaffirm my support for your term limiting bill. I realize the current difficulty in passing such a bill.

If and when you decide the initiative approach is needed, I would certainly like to be involved in any organizing efforts. I only urge you to move rapidly to an initiative if your bill fails, as I believe the timing is excellent. For my part, I will be questioning several legislators as to their opinion over the coming days.

Thank you for your return call and good luck in your efforts.

Best Personal Regards,



Chuck Webb

Home: (907) 766-2471
Business: (907) 766-2160
Magistrate: (907) 766-2801

Maj. Carl W. Heinmiller, Ret.
Indian Arts and Crafts Specialist

SJK
leo

P.O. Box 271
Haines, Alaska 99827

Exec. Director: "Chilkat Dancers"

FEB 22 1988
Feb. 22 1988

The Hon. Jack Coghill
Senator
Pouch V
Juneau, Ak. 99811

Dear Jack:


Enjoyed having dinner with you in Juneau last Thursday. You mentioned the bill you have limiting Legislative service to two terms and I would like to add another view.

House members to serve for 4 yeras, with only two successive terms. Senators to serve six years with two terms in succession.

I've been trying to get some of my represenatives there.. Goll and Eliason to fund a new Public Safety Building here with offices for the Troopers, Fish and Game, Parks, Forestry etc. Also about a dozen of more cells for some 6 to 12 months term prisoners, which would be put to work in the Parks and reforestration program. The City Police department could operate the jail facilities. We have a 24 hrs dispatcher system.

Again, hope to see you again before the term is over (whenever that is).

Best regards,


Carl W. Heinmiller

CWH/p

STEVE McCUTCHEON

Box 190144 • Anchorage, Alaska USA 99519-0144

Tel. 907 344-1370

Senator John Coghill
Fouch V
Juneau Alaska 99811.

FEB 6 Feb 1988

My Dear Senator:

Your introduction of a measure to limit terms of legislators to 8 years has awakened memories of arguments we had during the Constitutional Convention. I'm sure you recall that I was Chairman of the committee on the "Legislative Branch. When our section report came to the floor of the full convention I remember the effort you made to have a limitation on tenure included to match the limitation on the Governors tenure imposed by the Committee on the Executive Branch chaired by Senator Victor Rivers. At that time the full convention sided with our committee and limitation of tenure was left out. I doubt that today the vote would have been the same.

I must say after watching the legislatures since statehood, my opinion of limitation of tenure has reversed. Your argument 30 years ago-- new people, new ideas, new approaches is certainly more valid today than ever.

Alaska does not need "professional " legislators.

I for one sincerely hope your measure is ultimately added to our State Constitution.

Best wishes,

Steve McCutcheon
Steve McCutcheon.