

SJR

20

SENATE COMMITTEE REPORT  
FIRST COMMITTEE OF REFERENCE

DATE: 2/25/91

FURTHER: Finance

Date of 5-Day Notice: 2/20/92  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2/26/92

Judiciary Committee considered SJR 20

Amendment to the Constitution of the State of Alaska relating to terms of legislators.

and recommended:

- replace with TUD CS SJR 2  same title
- attached amendment(s)  new title
- \_\_\_\_\_ letter of intent adopted
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to Finance

ATTACHES NEW FISCAL NOTE(S):

- |   |  |
|---|--|
| <input type="checkbox"/> fiscal note(s) _____ Dept/Date | <input type="checkbox"/> zero fiscal note(s) _____ Dept/Date |
| <u>Elections 1/13/92</u>                                | <u><del>State</del></u>                                      |
| <input type="checkbox"/> appropriation-no fiscal note   | <input type="checkbox"/> Governor's bill w/fiscal note       |

SIGNING DO PASS:

[Signature]

[Signature]

[Signature]

OTHER RECOMMENDATIONS:

Al Lidon - Do NOT Pass

\_\_\_\_\_

\_\_\_\_\_

[Signature]  
Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA

BILL 1. SJR 20

1992 LEGISLATIVE SESSION

Revision Date: 01/13/92 Department Affected: Office of the Governor-Elections  
 Title: Amendment to the Constitution RE: Limit Terms of Legislators BRU: Division of Elections  
 Component: 11-Primary and General Elections  
 Sponsor: Senate Rules Committee by Request of the Governor  
 Requestor: Senate Judiciary Committee

COMPONENT SERIAL NO.

0	0	2	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2*	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.) \* This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be: 53.4.

Prepared by: Elizabeth Ziegler, Deputy Director Phone: 465-4611  
 Division: Elections Date: 01/13/92  
 Approved by Commissioner: *Charles E. Hickel*  
 Agency: Office of the Governor Date: 01-13-92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

WALTER J. HICKEL  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 6, 1992

The Honorable Rick Halford  
Chairman, Senate Judiciary Committee  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Re: SJR 20, Relating to Terms of Legislators

Dear Senator Halford:

Senate Joint Resolution 20 has been in the Judiciary Committee, the first committee of referral, since the Governor requested introduction. Please, at your earliest convenience, schedule this proposed amendment to the constitution for a public hearing in your committee.

Thank you for your consideration of this measure.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Fuhs".

Paul Fuhs  
Senior Legislative Liaison

WALTER J. HICKEL  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 25, 1991

The Honorable Richard I. Eliason  
President of the Senate  
P.O. Box V  
Juneau, AK 99811

Dear President Eliason:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting to you a joint resolution amending the Alaska Constitution. If adopted by you and the voters of the state, this resolution will limit legislators to serving not more than two full consecutive terms as a senator, or four full consecutive terms as a representative. I believe that this limitation would strengthen the legislature by providing a mechanism for introducing to legislative office new people with fresh approaches to serving the needs of their constituencies. I do not intend that my support of this concept be interpreted as a criticism of any specific legislator who has enjoyed a long tenure. I believe that the reasons for the limit in art. III, sec. 5, of the Alaska Constitution on the number of terms that may be served by the governor are equally valid reasons for limiting consecutive terms of legislators. The reasons for that limitation were well thought out by the framers of the Alaska Constitution.

I urge you to favorably consider passage of this joint resolution.

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Hickel".

Walter J. Hickel  
Governor

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

240 Main Street, Suite 500  
Juneau, Alaska 99801-2101

### MEMORANDUM

February 13, 1992

**SUBJECT:** Term Limit for Legislators (SJR 20)

**TO:** Senator Rick Halford  
Chair, Senate Judiciary Committee

**FROM:** Tamara Brandt Cook *TBC*  
Director

You have supplied me with a copy of a letter from Mr. Jim Baldwin, Assistant Attorney General, regarding SJR 20 introduced by the governor. In the letter Mr. Baldwin concludes that the transition provision would be applied so that past terms served by legislators would be considered in determining whether incumbents could serve after 1994. He also suggests that the treatment accorded to incumbents should be clarified.

I agree with this suggestion. The language in Section 2 of the resolution as drafted is ambiguous with respect to whether terms served prior to 1995 are to be considered for purposes of applying the new term limitation. I strongly suggest that the committee consider the issue and reword the provision so that it is clear one way or the other.

Mr. Baldwin also states that ". . . nothing would prevent a legislator from, for example, serving three full terms as a representative and then two full terms as a senator. . ." I disagree with that statement. Although that may have been the goal of the language, I do not believe that it actually achieves that result. Note, for example, the following statement as it appears in the resolution: ". . . a senator who has served for two full consecutive terms in the legislature is not again eligible to seek office as a member of the legislature. . ." Under that language, as a literal matter, a person who served, consecutively, one term as a representative and one term as a senator would be precluded from seeking office in either the House or Senate the following term. If this is not the desired result, the section needs to be rewritten.

TBC:gc  
92-127.glc

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

STEVE COWPER, GOVERNOR

REPLY TO:

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ANCHORAGE, ALASKA 99501-1994  
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- KEY BANK BUILDING  
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FAIRBANKS, ALASKA 99701-4679  
PHONE: (907) 452-1568  
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- P.O. BOX K— STATE CAPITOL  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3600  
FAX: (907) 463-5295

February 12, 1992

The Honorable Senator Rick Halford  
Chairman  
Senate Judiciary Committee  
Alaska State Senate  
Room 103, Capitol Building  
P. O. Box V  
Juneau, AK 99811

Re: SJR 20 relating to terms of  
legislators

Dear Senator Halford:

You requested this office to construe the provisions of SJR 20 for the purpose of advising the judiciary committee as to how transition would occur if the resolution is adopted. We presume you are concerned whether the resolution would have some retrospective effect. We believe that, if adopted, the term limit would apply to incumbent legislators with enough past service to disqualify them from running for office at the first general or primary election for which term limits would apply; i.e., the 1994 primary and general elections.

It is possible that an incumbent legislator could claim that the amendment so applied would have an invalid retroactive effect in violation of Art. I, Sec. 15 of the Alaska Constitution and AS 01.10.100(b). However, legal arguments can be made in support of the contention that the resolution does not retroactively extinguish a prior vested right. To prevail, an incumbent legislator would need to show that he or she had a vested right to run for reelection.

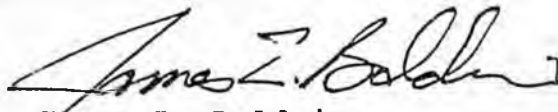
The committee could strengthen the resolution by clarify the treatment accorded to incumbents during the transition period. An amendment could be drafted to section 2 of the resolution to remove any doubt concerning the treatment of incumbents during the first election. The committee may wish to amend the resolution to provide for a transition that either makes the limit apply to terms of incumbents served before adoption of the amendment or only to terms accrued after the amendment is adopted. Either of the foregoing approaches would be legally valid.

I should point out that, under the resolution as presently drafted, nothing would prevent a legislator from, for example, serving three full terms as a representative and then two full terms as a senator (resulting in a possible total of 14 consecutive years of service). In addition, serving a partial term as an appointee filling a vacancy for an unexpired term could result in service for more than eight years if the legislator was subsequently elected and reelected to the maximum number of consecutive terms. It was not the governor's intent to attempt to limit legislative service under the foregoing situations. If you desire to change that meaning, you should amend the resolution to accomplish your intent.

I hope that you will find these comments helpful during your consideration of this resolution.

Sincerely yours,

CHARLES E. COLE  
ATTORNEY GENERAL

By:   
James L. Baldwin  
Assistant Attorney General

JLB:ck

**CS FOR SENATE JOINT RESOLUTION NO. 20 (JUDICIARY)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A RESOLUTION**

**1 Proposing an amendment to the Constitution of the State of Alaska relating to terms of  
2 legislators, governors, and lieutenant governors.**

**3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**4 \* Section 1. Article II, sec. 3, Constitution of the State of Alaska, is amended to read:**

**5 SECTION 3. ELECTION AND TERMS. Legislators shall be elected at general  
6 elections. Their terms begin on the fourth Monday of the January following election unless  
7 otherwise provided by law. The term of representatives shall be two years, and the term of  
8 senators, four years. One-half of the senators shall be elected every two years. A representative  
9 who has served for four full consecutive terms or a senator who has served for two full  
10 consecutive terms in the legislature is not again eligible to seek office as a member of the  
11 legislature until after the next general election following the expiration of the member's  
12 final consecutive term.**

**13 \* Sec. 2. Article III, sec. 5, Constitution of the State of Alaska, is amended to read:**

**14 SECTION 5. LIMIT ON TENURE. No person who has served as [BEEN ELECTED]  
15 governor for one [TWO] full term [SUCCESSIVE TERMS] shall be again eligible to hold the  
16 [THAT] office of governor. No person who has served as lieutenant governor for one full**

1 term shall again be eligible to hold the office of lieutenant governor [UNTIL ONE FULL  
2 TERM HAS INTERVENED].

3 \* Sec. 3. Article XV, Constitution of the State of Alaska, is amended by adding a new section to  
4 read:

5 SECTION 29. LIMITING TENURE OF LEGISLATURE, GOVERNOR, AND  
6 LIEUTENANT GOVERNOR. The 1992 amendment to Section 3 of Article II and to Section  
7 5 of Article III, limiting tenure in the legislature, office of governor, and office of lieutenant  
8 governor shall first apply to the 1994 primary and general elections.

9 \* Sec. 4. The amendments proposed by this resolution shall be placed before the voters of the state  
10 at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and  
11 the election laws of the state.

**ENSR**

Formerly ERT

**ENSR Consulting  
and Engineering**

750 West Second Avenue  
Suite 100  
Anchorage, AK 99501  
(907) 276-1302

February 14, 1992

Senator Rick Halford  
Chairman, Senate Judiciary Committee  
Room 103, State Capitol  
Juneau, Alaska 99801-1182

Re: SJR-20

Dear Rick:

I have attached a copy of my statement concerning the above resolution which was given via teleconference on February 13, 1992. Please see that it is made a part of the formal record of comments on SJR-20.

Thanks for your efforts in finally getting this vital issue to a hearing.

Regards,



R. C. Gardner

Attachment

February 13, 1992

**STATEMENT OF ROBERT C. GARDNER**

**IN FAVOR OF SJR-20 LIMITING TERMS OF STATE LEGISLATORS**

Good afternoon. My name is Robert Gardner. I am an 18-year resident of Alaska and am here today to declare my support for SJR-20, a resolution which would limit terms of Alaska State Legislators.

The Alaska State Constitution mandates a citizen legislature. While there may be some disagreement over the precise meaning of this term, I submit that it was never intended to condone employment as a full-time career legislator which is all too common in both the House and Senate today. Several changes need to be made to return the legislature to the citizens, including term limits and shorter sessions. The present situation encourages career politicians, enhances the influence of power brokers, and further estranges the legislative process from the ordinary citizen.

Numerous public opinion polls have shown that Alaskans overwhelmingly support term limits. If our state Constitution allowed amendment by initiative, term limits would have been a reality a long time ago. Personally, I am glad we cannot amend by initiative as it has prevented untold numbers of poorly crafted special interest issues from cluttering up every

ballot, such as is the case in California these days. The downside is that there is no recourse open to the public to address a lack of responsible legislative action on matters that have broad citizen support. Such is the case with term limit legislation. Powerful incumbents have consistently buried this legislation fearing an erosion of their power and perhaps an end to the only employment some of them have ever had.

At a bare minimum, the issue of term limits merits public debate and input. I urge you to favorably report SJR-20 so this matter can get the exposure it deserves. Continuing to bury the issue in committee by those in the legislature who are afraid to see it come to a floor vote (this issue has been introduced 19 times in the last 23 years) only serves to further erode public confidence in the legislative process.

Unfortunately, there are those in both houses of the legislature who do not care a whit about public confidence in the legislative process, but rather are primarily concerned about the perpetuation of their esteemed political careers. It will not be long before these everlasting squatters in public office will be on the trail of campaign contributions and re-election. I can assure all of you that your position on the issue of term limits will receive extensive public exposure during your bid for re-election.

Thank you.

T/C NO: 92-02-045  
DATE: 02-13-92  
SPONSOR: (S) JUDICIARY  
SUBJECT: SB109/254, SJR23/20  
MODERATOR: ROSETTA  
SITE: ANCHORAGE

PARTICIPANT LIST

*Same list - one person added*

\*\*\*\*\*  
TESTIFIER

NAME/REPRESENTING	ADDRESS	PHONE	BILL NO.
1. EDDIE BURKE	3413 COLLATE 99501	277-7424	SJR20 SJR23
2. GORDON (SMOKEY) CORBEIL	3307 BONIFACE SP50 99504	338-3931	SJR20
3. ART JACOB			SJR20 SJR23 SJR20
4. BOB BELL/AFLA			SJR20
5. BONNIE JACK			SJR20
6. R.C. GARDNA	<i>Robert Gardner</i>		SJR20
7.			