

SJR

32

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/28/96

DATE TURNED INTO OFFICE: 3-8-96

The Finance Committee considered SJR 32

Relating to the constitutional defense council.

REPORTED OUT OF
SFC 3/8/96

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

- same title
- new title
- House Bill:**
- same title
- technical change
- new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Roll & O'Connell</i>	✓	<i>Steve Klein</i>	✓		
<i>Sen. Noyes</i>	✓	<i>Walter Donley</i>	✓		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

<i>Gov.</i>	<i>2/27/96</i>		<i>2.2</i>

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. 1

Bill Version: SJR 32

(S) Publish Date: 2/28/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 2/27/96 Dept. Affected: Office of the Governor
 Title: Constitutional Amendment relating to the BRU: Elective Operations
constitutional defense council. Component: General and Primary Elections
 Sponsor: Senators Taylor, Frank, Green...
 Requester: Senator Taylor COMPONENT SERIAL NO. 22

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.2					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.2	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	2.2					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	2.2	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

ANALYSIS: (Attach a separate page if necessary)

This figure includes the cost of providing information about this issue in the Official Election Pamphlet as required by AS 15.58, and the programming costs for counting votes cast on the measure. However, only four measures can be printed on a single ballot card. If this measure requires printing an additional ballot card, the costs will increase by \$53.4.

Prepared by: Dana LaTour Phone: 465-5347
 Division: Division of Elections Date: 2/27/96

Approved by
 Commissioner: Lt. Governor Fran Ulmer Date: 2/27/96
 Agency: Office of the Lt. Governor

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SJR32

Revision Date: 2/27/96 Dept. Affected: Office of the Governor
 Title: Constitutional Amendment relating to the BRU: Elective Operations
constitutional defense council. Component: General and Primary Elections
 Sponsor: Senators Taylor, Frank, Green...
 Requester: Senator Taylor COMPONENT SERIAL NO. 22

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.2					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
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TOTAL OPERATING	2.2	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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This figure includes the cost of providing information about this issue in the Official Election Pamphlet as required by AS 15.58, and the programming costs for counting votes cast on the measure. However, only four measures can be printed on a single ballot card. If this measure requires printing an additional ballot card, the costs will increase by \$53.4.

Prepared by: Dana LaTour *Dana LaTour* Phone: 465-5347
 Division: Division of Elections Date: 2/27/96

Approved by
 Commissioner: Lt. Governor Fran Ulmer *John Ambrose* Date: 2/27/96
 Agency: Office of the Lt. Governor

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SJR 32

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...amendments to the Constitution...relating to BRU: Civil Division
the constitutional defense council." Component: General Legal Services
 Sponsor: Senator Taylor
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This joint resolution will have no fiscal impact for the Department of Law.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/23/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/23/96
 Agency: Department of Law

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Alaska State Legislature

Chairman,
Judiciary Committee

Vice Chairman,
Transportation Committee

Member,
Resources Committee
Western Legislative Forestry Task Force



Senator Robin L. Taylor

State Capitol
Juneau, Alaska 99801-1152
(907) 465-2573
Fax: (907) 465-3922

352 Front Street
Ketchikan, Alaska 99901
(907) 225-8055
Fax: (907) 225-0713

Sponsor Statement

Senate Joint Resolution No. 32

SJR 32 would establish a Constitutional Defense Council in the legislative branch of state government. This nine member panel would have the authority to bring actions or to intervene in actions involving questions of State or federal constitutional law.

The CDC that would be established if the voters of Alaska approve this amendment to our Constitution would similar to Constitutional Defense Councils already in existence in Utah and Arizona. The major difference is that while the Utah and Arizona councils are advisory in nature, the Alaska CDC would have the power to litigate.

Arizona established its CDC to "restore, maintain and advance state sovereignty and authority over issues that affect Arizona and the well being of its citizens by taking any legal action it deems appropriate against the federal government".

Alaska's CDC would be composed of the presiding officers of each legislative body, the governor, the attorney general and five public members. One public member is appointed by the governor and two each are appointed by the presiding officers.

SPONSOR STATEMENT

Sponsor Statement
SJR 32

Under our present system, the legislative branch cannot bring or intervene in litigation. Passage of SJR 32 and its approval by the voters would provide for a "second opinion" on controversial issues currently decided only by the governor in consultation with his or her attorney general.

SJR 32 would add a check and balance provision to our Constitution that would enable the council to act if the council and the administration disagree on the best course of action on a constitutional issue. Reasonable people can disagree. SJR 32 would enable us to see those disagreements to final resolution instead of empowering one individual with the authority to decide how to proceed.



WESTERN STATES COALITION

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Mark Kilham-AZ
Gail Phillips-AK

Co-Founders:

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Met Johnson-UT

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Dub Williams-NM

Commissioners Advisory Board:

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Yvonne Culverwell-NV
Lynise Linton-UT
Stirling Spencer-NM

February 21, 1996

Dear Legislator:

I am enclosing a copy of a bill sponsored by Senator Rod Johnson of Oregon. Even though we have sent copies of Utah's and Arizona's, this is a shortened version, really clean, and to the point. It may help.

Good luck with your legislative session and I'm looking forward to seeing you in Casper.

Sincerely,

Met Johnson
Executive Director
WESTERN STATES COALITION

Senate Bill 1061

Sponsored by Senator JOHNSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Creates Constitutional Defense Council. Creates Constitutional Defense Council Revolving Fund. Appropriates moneys for activities of council.

A BILL FOR AN ACT

1
2 Relating to the Constitutional Defense Council; and appropriating money.

3 Be It Enacted by the People of the State of Oregon:

4 **SECTION 1.** (1) The Constitutional Defense Council is established consisting of the Gov-
5 ernor or a designee of the Governor, a person appointed by the President of the Senate and
6 a person appointed by the Speaker of the House of Representatives. Members of the council
7 shall serve for a term of two years and are eligible for reappointment. Members are not eli-
8 gible for compensation but may receive actual and necessary travel and other expenses as
9 provided in ORS 292.495 (2).

10 (2) The purpose of the council is to restore, maintain and advance the state's sovereignty
11 and authority over issues that affect this state and the well-being of its citizens by taking
12 any action the council deems appropriate.

13 (3) Meetings of the council may be called by any member, and decisions of the council
14 shall be made by a majority vote of the members.

15 (4) The council may hold meetings or hearings regarding any of the following:

16 (a) Federal mandates.

17 (b) Court rulings.

18 (c) The authority granted to, or assumed by, the Federal Government.

19 (d) Laws, regulations and practices of the Federal Government.

20 (e) Any other activity deemed appropriate given the purposes of the council.

21 (5) The council may require the Attorney General or a designee of the Attorney General
22 to provide testimony on potential legal actions that would enhance the state's sovereignty
23 or authority on issues affecting this state and the well-being of its citizens.

24 (6) By majority vote, the council may initiate and prosecute any action that the council
25 determines will further its purposes.

26 (7) The council may select and employ attorneys to implement the purposes of this sec-
27 tion. The Attorney General may assist any council attorney in any manner deemed appro-
28 priate by the Attorney General to best serve the purposes of the council. When requested
29 by the council, agencies and departments of this state shall provide reasonable personnel and
30 resources to assist in any matter pursued by the council. The council shall not hire perma-
31 nent staff.

NOTE: Matter in boldfaced type in an amended section is new; matter (*italic and bracketed*) is existing law to be omitted. New sections are in boldfaced type.

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 1/18/96

FURTHER: Finance

Date of 5-Day Notice: 2-22-96
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-27-96

The Judiciary Committee considered SJR 32

Relating to the constitutional defense council.

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:
- same title
 - new title
- House Bill:
- same title
 - technical title
 - new: SCR# _____

EM

SIGNING, DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	<input checked="" type="checkbox"/>				
<i>Lynne Green</i>	<input checked="" type="checkbox"/>	<i>Carl Coats</i>		<input checked="" type="checkbox"/>	
CHAIR: <i>Christ Taylor</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Elections</i>	<i>2/27/96</i>	<input checked="" type="checkbox"/>	<i>2.2</i>

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill