

SJR

27

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. SJR27

Revision Date/Time (Note if correction) _____ Dept. Affected _____ Office of the Governor _____
 Title Constitutional Amendment: Revisions to the BRU Elective Operations
state constitution Component Elections
 Sponsor Senator Donley
 Requester Senate Judiciary Committee Component No. 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1.5	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	1.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

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. However, only six measures can be printed on an 8-1/2 by 14 inch ballot. If this measure requires printing an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by: Gail Fenumiai Phone 465-3935
 Division Division of Elections Date/Time 1/13/00 12:46 PM
 Approved by: Lt. Governor Fran Ulmer Date 01/13/2000
 Agency Office of the Lieutenant Governor

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SENATE COMMITTEE REPORT

DATE: 5/14/99

FURTHER: Finance

Date of 5-Day Notice: ^{1/13/00} ~~24-hour rule in effect~~
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 1/21/00

Judiciary Committee considered

SENATE JOINT RESOLUTION NO. 27

Proposing amendments to the Constitution of the State of Alaska relating to revisions of the state constitution and providing that a court may not change language of a proposed constitutional amendment or revision.

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# _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

170Y. Div. of Elect.	1/13		1.5

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

**SPONSOR STATEMENT
FOR SJR 27
AMENDING THE STATE CONSTITUTION
TO PROTECT ALASKAN'S RIGHT TO AMEND THEIR CONSTITUTION**

Senate Joint Resolution 27 amends Article XIII, sec. 1 of the Alaska State Constitution by making it possible for the legislature place constitutional *revisions* as well as *amendments* before Alaskans for a vote. SJR 27 also adds a new section to Article XIII which would prohibit a court from changing the wording of constitutional amendments or revisions proposed by the legislature or constitutional convention.

The Alaska Supreme Court's August 17, 1999 final decision in Bess v. Ulmer, Case No. 5167, severely weakened the rights of the people of Alaska to amend Alaska's State Constitution. This decision badly unbalances the constitutional separation of powers in Alaska and destroys a fundamental element in the success of American democracy—the right of the people to amend their constitution. The Bess v. Ulmer decision sets up the members of the Alaska Supreme Court as an elitist oligarchy of lawyers who can dictate to the Alaskan public what constitutional issues they can and cannot vote on.

The Bess v. Ulmer decision, for the first time in Alaska, created a distinction between amendments to the state constitution and revisions to the constitution. An amendment may be proposed by vote of two-thirds of the legislature and take effect after approval by a majority of voters (Art. XIII, sec. 1). An amendment may also be proposed at a constitutional convention and take effect after voter ratification (Art. XIII, sec. 4). A revision may only be proposed by a constitutional convention and take effect after ratification by the voters (Art. XIII, sec. 4). The court, in Bess v. Ulmer, dictated that amendments can only be constituted of changes that are 'few and simple and independent', whereas revisions are whatever else the members of the court say they are.

Vice-Chair, Senate Finance Committee • Chair, Capital Budget Subcommittee • Co-Chair, Anchorage Caucus
Member: Senate Judiciary Committee • Senate Labor & Commerce Committee • Legislative Council

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Alaskans have been understandably been reluctant to call a constitutional convention due to the uncertainty of what would result. But Alaskans have voted in favor of 24 amendments since statehood. Several of which clearly do not even meet the vague test the court adopted in Bess v. Ulmer. The Bess v. Ulmer decision is an outrageous abuse of judicial process. The ultimately decided issues of revision and the court's power to change the wording of a proposed amendment were not noticed as a point on appeal or even briefed. The failure of the members of the court to ensure such fundamental fairness in their decision process is truly an outrage.

The ambiguous nature of these definitions allows the members of the court tremendous latitude as to what constitutional issues Alaskans can and cannot vote on. By usurping the elected legislators' power to decide whether an amendment is appropriate for the ballot, they actually can and have removed amendments from the ballot, thus taking the power away from the people to amend the people's constitution.

The members of the Alaska Supreme Court have also taken it upon themselves to actually change the wording of constitutional proposals. This is an incredibly dangerous and terrible public policy and the worst kind of political power grab. Under the Alaska State Constitution, the unelected and unconfirmed judges of Alaska do not have the power to make policy, but by altering ballot propositions that is exactly what they now claim the power to do.

This creates a situation where a small group of elitist lawyers, who are not elected by the people or confirmed by the people's elected representatives, are dictating whether the people get to vote on constitutional amendments and even deciding what ballot propositions say and mean.

Senate Joint Resolution 27 addresses this unacceptable, un-American situation by putting *revisions* in Article XIII, sec. 1 alongside *amendments* and making it impossible for the courts to alter or change the language of constitutional amendments or revisions proposed by the legislature or constitutional convention. This would restore the true meaning of these sections of Alaska's State Constitution and return these powers to the people of Alaska.