

SCOMM

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Legislative Research Agency

Alaska State Legislature



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Phone: (907) 465-3991
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September 1, 1993

MEMORANDUM

TO: Representative Gail Phillips

FROM: Gordon S. Harrison, Director 

RE: **Constitution Revision Commissions**
Research Request 94.014

You asked for a brief overview of the use of constitutional revision commissions in the United States. This memorandum offers a cursory survey of these bodies; we have material at hand to provide more historical and analytical information on constitutional commissions if you or members of the Alaska House Constitution Revision Task Force would like a more detailed treatment of the subject.

Constitutional revision commissions, also called constitutional study commissions, are composed largely (but not exclusively) of private citizens appointed by legislative leaders, the governor and occasionally judges. They are strictly *advisory* bodies; except for an unusual situation in Florida (discussed below), constitutional commissions do not have the authority to propose constitutional change directly to the voters. They have no affect on the amendment process specified in state constitutions. Thus, commissions do not diminish the traditional power of the legislature to propose amendments to the people or to call a constitutional convention.

In states feeling pressure for constitutional change, a citizen commission is appealing because it removes, preliminarily, the issue of amendment from the legislative arena. This can be helpful because legislatures typically do not have the time to contemplate complex and often tedious points of constitutional philosophy, doctrine and legal phraseology. The consideration of these matters should be calm, unhurried and to some extent detached from the passions of momentary controversy, conditions seldom attainable in any legislative setting. Also, legislatures have their own direct interest in many constitutional issues. Thus, a blue-ribbon study commission may produce recommendations that a legislative body might not, and the recommendations of a commission, even those identical to ones that a legislative body would have produced, are likely to attract broader public support because they are untainted by the appearance of a conflict of interest.

An impartial, fairly constituted commission with sufficient time and resources to do the job assigned it is unlikely to have any serious ill consequences. At worst, it will have consumed public money and the time and patience of its members without advancing the cause of constitutional revision or amendment. Indeed, this has been the outcome of many constitutional study commissions; recommendations are not infrequently rejected by the legislature or by the electorate. The possible disadvantage of a commission is that a poorly constituted one may do more harm than good in the way of finding solutions to problems and educating the public about the issues at stake. A commission could well muddy the waters of constitutional change if, for example, it were too small or too partisan to be regarded as legitimate by mainstream political groups; if it were so large as to be unwieldy and to dilute the role of individual members; if it were handicapped with internal procedures that biased the outcome of its deliberations; or if it labored with inadequate staff and insufficient funds for hearings and other forms of public involvement.

Historically, constitutional revision commissions have tended to be used when a total rewrite of a state constitution is contemplated, rather than selective amendments. During the 1960s and early 1970s there was considerable interest in state constitutional revision around the country, and commissions were common. In recent years the constitutional reform movement has lost momentum (in large part because its work was accomplished), and only a few commissions can be found today. Thus, the 1972-73 edition of the *Book of the States* reported fourteen commissions in existence during 1971; the 1992-93 edition reported only two commissions operating in 1991.

Although the usual charge to a commission is to prepare (by a specific date) the draft of a whole new constitution, commissions may well be formed to examine a specific article or a specific constitutional issue. Indeed, the Alaska House Constitutional Revision Task Force is a type of limited constitutional study commission (and it will probably be noted as a commission in operation during the biennium 1992-93 in the forthcoming edition of the *Book of the States*). In 1988 a special commission, the Taxation and Budget Reform Commission, was created in Florida to examine the state's revenue needs, budgetary practices, and tax structure. The unique feature of this commission was not its limited focus on fiscal matters but its power to place constitutional amendments directly on the state ballot.¹

¹The commission was created by constitutional amendment; it follows the precedent of the Florida Constitutional Revision Commission (CRC), also a constitutional body. The CRC is a nonelected body with authority to place proposed constitutional amendments directly on the ballot. In 1988 the Florida constitution was amended to remove fiscal matters from the purview of the CRC and place them in the hands the Taxation and Budget Reform Commission. See Donna Blanton, "The Taxation and Budget Reform Commission: Florida's Best Hope for the Future," *Florida State University Law Review*, Vol. 18 (Winter, 1991), pp. 437-465.

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The Utah Constitutional Revision Commission, one of the two commissions operating in 1991, is noteworthy because it is the only commission with a permanent existence. Originally created in 1969 with a life of six years, the commission was made permanent in 1977 (it remains subject to periodic sunset review). The commission is directed to make a "comprehensive examination" of the constitution of the state of Utah and to make recommendations for change at least 60 days before the convening of the legislature. The commission has over the years studied the Utah constitution one article at a time and brought forth proposed amendments limited to the subject of each article. During its life, the Utah commission has advanced 41 proposals. Of these, 18 were rejected by the legislature, and of the 23 approved by the legislature, 20 were ratified by the voters.

Commissions are usually created by the legislature in statute. However, they have also been created by legislative resolution, by action of a legislative committee (the Kentucky commission was created by a committee roughly equivalent to the legislative council in this state, for example) and by executive order. Ideally, constitutional study commissions are created by statute and report directly to the legislature, as governors have no role or only a peripheral role in the amendment process in most states. Commissions vary widely in size, composition and method of selecting members. However, most seek a balance of partisan interests, include some ex-officio legislative and executive members, and draw the balance of their members from the ranks of private citizens and elected municipal officials.

I hope this introductory information is useful. If we can be of further assistance, please call.

Legislative Research Agency

Alaska State Legislature



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September 27, 1993

MEMORANDUM

TO: House Constitutional Revision Task Force

FROM: Gordon S. Harrison, Director

A handwritten signature in cursive, appearing to read "GSH", enclosed in a circle.

RE: **Notes on Three Books Dealing with the Initiative in the United States**

A request was made at the first meeting of the task force for copies of three books dealing with the initiative and similar direct democracy mechanisms in the United States. These books are either out of print or startlingly expensive. However, they are available in Juneau from the University of Alaska Southeast library, and presumably they are available in one or more libraries in Anchorage. Below are complete citations for the books, as well as a brief discussion of the contents of each.

David B. Magleby, *Direct Legislation: Voting on Ballot Propositions in the United States*, Johns Hopkins University Press, 1984, 270 pages.

Although the preface suggests this work was undertaken as an open-minded investigation of the initiative and its recent surge in popularity, Magleby's book is not an even-handed analysis of the initiative. The author is critical of it for several reasons and makes a case against the initiative with a great deal of opinion survey data, election results and various political science studies. His main complaint is that the initiative is not the *vox populi* its proponents make it out to be. For example, Magleby argues that initiative measures are written and promoted by single-interest, activist groups; initiative measures do not deal with issues that opinion surveys show that the voters are most concerned about; voters often fail to understand the complexity of initiative propositions; poorly educated, lower socio-economic groups without the resources or knowledge to mount an initiative campaign are excluded from the process; voters must vote yes or no on measures that usually represent extreme positions on an issue, with no opportunity to support a middle-ground compromise; and long and complicated ballots discourage people from voting.

Furthermore, Magleby believes the initiative undermines the party system and institutions of representative democracy. Deliberation, give-and-take among groups of different points of view, accommodation and compromise: these and other important characteristics of

representative government do not result from the workings of direct, participatory democracy through the initiative, according to Magleby.

David D. Schmidt, *Citizen Lawmakers; The Ballot Initiative Revolution*, Temple University Press, 1989, 345 pages.

Schmidt's book celebrates the initiative as a means for the common people to assert their political sovereignty ("The overriding lesson . . . of the Ballot Initiative Revolution for all Americans, is that ordinary individuals, even in this age of monstrous bureaucracies and larger-than-life celebrities, can change this nation's laws to make government more accountable.") It argues for a federal initiative, and it ends with a set of practical instructions on how to get an initiative on the ballot and run a winning campaign. Most of the book is devoted to case studies of two successful initiatives.

Whereas Magleby emphasizes the basic strengths and virtues of representative institutions, Schmidt dwells on their short-comings in making his case for the initiative. He argues that the hundreds of laws passed each year by state legislatures often fail to reflect the needs or desires of the people. He cites several reasons "why legislatures should never be entrusted with sole lawmaking authority": the dependence of legislators on special interests and PACs for campaign contributions, the captivating power of lobbyists, gerrymandered electoral districts, "logrolling and pork barrel legislation," the unrepresentative nature of elected officials (e.g., the predominance of white, middle-aged attorneys), "legislators' arrogance," and the arbitrary power of committees and committee chairmen over bills. Schmidt does not suggest that participatory democracy is a substitute for representative democracy, but rather that the initiative is a valuable and effective supplement to it.

Thomas E. Cronin, *Direct Democracy; The Politics of Initiative, Referendum, and Recall*, Harvard University Press, 1989; 289 pages.

Of the three books on the initiative, this is calmest and most scholarly. It presents a good theoretical overview of representative government in the United States and the role of direct citizen action in this system. On balance, the author is supportive of the initiative, referendum and recall. While he recognizes problems with the initiative (particularly the tendency in recent years for it to be dominated by large, well-financed organizations and special interests), he concludes that its salutary effects on the political process and established political institutions compensate for its problems. Cronin admits that initiatives may not always produce the best laws, but then neither do the legislatures. In this vein he observes, for example:

Closely examined, the competence of both the ballot issue voter and the legislature can be questioned. As a practical matter, the competence and

rationality levels of both can stand improvement. The charge, however, that voters are not competent enough to decide on occasional issues put before them is usually exaggerated.

Similarly, no more so than at the hands of legislators have the people through the initiative adopted reactionary and selfish legislation. To the allegation that initiatives are unfailingly hostile to minority rights, Cronin writes:

When compared with the work of the nation's legislatures, the outcomes of initiative and referendum campaigns can be characterized as equally tolerant of minority rights.

The author concludes the book with several recommendations for strengthening and safeguarding the initiative process. Some of these seem rather dubious (for example, requiring the legislature to hold hearings on initiative measures around the state); others Alaska already has (mandatory official statement and summary of the petition's contents; mandatory financial disclosure); and some we do not (restriction of all initiative measures to the general election ballot, stiff penalties for deceptive petitioning and "false advertising" in campaigns; drafting advice from the attorney general's office).

If you would like more information about these publications or ideas discussed in them, please call.

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MEMORANDUM

November 9, 1993

SUBJECT: Constitutionality of legislation barring sponsors' payment to persons to collect signatures on initiative petitions (Work Order No. 8-LS1356A)

TO: Representative Fran Ulmer

FROM: Jack Chenoweth
Legislative Counsel 

You have asked about the probable constitutionality of state legislation barring sponsors from making payments to persons in order to collect signatures on initiative petitions.

A statutory prohibition against making payments to obtain signatures on measures would almost certainly be found to be unconstitutional as a violation of the sponsors' rights to engage in political speech as guaranteed by the First and Fourteenth Amendments to the United States Constitutions. The question arose in conjunction with a Colorado statute, Colo. Rev. Stat. § 1-40-110:

Any person, corporation, or association of persons who directly or indirectly pays to or receives from or agrees to pay to or receive from any other person, corporation, or association of persons any money or other thing of value in consideration of or as an inducement to the circulation of an initiative or referendum petition or in consideration of or as an inducement to the signing of any such petition commits a . . . felony

In Meyer v. Grant, 486 U.S. 414, 100 L.Ed.2d 425, 108 S.Ct. 1886 (1988), the United States Supreme Court unanimously concluded that the state's statutory bar to

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payment of petition circulators abridged the petitioners right to engage in political speech. ^{1/}

On appeal, since a fundamental right of the appellants was at issue, the Court subjected the statute to strict scrutiny analysis, observing

The circulation of an initiative petition of necessity involves both the expression of a desire for political change and a discussion of the merits of the proposed change. Although a petition circulator may not have to persuade potential signatories that a particular proposal should prevail to capture their signatures, he or she will at least have to persuade them that the matter is one deserving of the public scrutiny and debate that would attend its consideration by the whole electorate. This will in almost every case involve an explanation of the nature of the proposal and why its advocates support it. Thus, the circulation of a petition involves the type of interactive communication concerning political change that is appropriately described as "core political speech."

Meyer, 486 U.S. at 421 - 442, 100 L.Ed.2d at 434 - 435. At the same time, it rejected the state's assertion that the constitution permitted the imposition of some burden on First Amendment expression when other avenues of expression remain available:

That appellees remain free to employ other means to disseminate their ideas does not take their speech through petition circulators outside the bounds of First Amendment protection. Colorado's prohibition of paid petition circulators restricts access to the most effective, fundamental, and perhaps economical avenue of political discourse, direct one-on-one communication. That it leaves open "more burdensome" avenues of communication does not relieve its burden on First Amendment expression. . . . The First Amendment protects appellees right not only to advocate their cause but also to select what they believe to be the most effective means for so doing.

486 U.S. at 424, 100 L.Ed.2d at 436 (citations omitted). The Court concluded that the state had failed to meet its burden of justifying the statutory prohibition. ^{2/}

^{1/} The case was brought under 42 U.S.C. 1983 against state elections officials and other state officers, seeking a declaration that the statutory payment prohibition violated the petition circulators' rights.

^{2/} Said the Court:

(continued...)

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Accordingly, the Court affirmed the Tenth Circuit's earlier invalidation of the statute.

I have no doubt that a comparable enactment in Alaska would reach the same end.

*

This memo does not address the separate question of the state's authority to set limits on payments to people as consideration for signing a petition.

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2/ (...continued)

We agree with the [Tenth Circuit] Court of Appeals' conclusion [reported at 828 F.2d 1446] that the statute trenches upon an area in which the importance of First Amendment protections is "at its zenith." For that reason the burden that Colorado must overcome to justify this criminal law is well-nigh insurmountable.

...

"[L]egislative restrictions on advocacy of the election or defeat of political candidates are wholly at odds with the guarantees of the First Amendment." Buckley v. Valco, 424 U.S. at 50. That principle applies equally to "the discussion of political policy generally or advocacy of the passage or defeat of legislation." Id., at 48. The Colorado statute prohibiting the payment of petition circulators imposes a burden on political expression that the State has failed to justify.

486 U.S. at 425, 428, 100 L.Ed.2d at 437, 439.

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November 30, 1993

MEMORANDUM

TO: Representative Gail Phillips, Chair
House Constitutional Revision Task Force

FROM: Gordon S. Harrison, Director *gsh*

RE: **Membership and Method of Appointment to Constitution Revision Commissions in the United States**
Research Request 94.071

Members of the task force requested information about the composition of constitution revision commissions in other states. Attached to this memorandum is a table that summarizes this information for 20 commissions in 17 states that were created between 1963 (California) and 1993 (also California). With the exception of the Utah commission, which became a permanent body, these commissions had a limited life. Typically, they were given a year or two to complete their work. The California commission created in October of this year must submit its report to the governor and legislature by August 1, 1995 (the statute creating the commission is repealed January 1, 1997).

One of the proposals before the Alaska task force is a commission with authority to place directly on the ballot those of its recommended constitutional amendments that are not acted upon by the legislature. Florida is the only state that has empowered a constitutional commission to place a proposal directly on the ballot. In fact, it has empowered two such commissions: a general constitutional revision commission and a specialized commission to focus on fiscal and budgetary issues (the latter is to recommend statutory changes to the legislature as well as constitutional changes directly to the electorate). Unlike the proposed scheme before the task force, the Florida commissions are not required to give the legislature an opportunity to consider an amendment before deciding whether to place it on the ballot.

Because the Florida experience may be especially relevant to the deliberations of the task force, I have attached to this memorandum an excerpt from a report issued by the tax and budget reform commission that gives some background information on the two Florida commissions. The tax and budget reform commission has completed its work, and I am told by observers in Florida that it was a considerable disappointment. The failure of the commission is attributed in part to the procedural constraints imposed upon it: to propose a constitutional amendment, the commission had to have a two-thirds majority vote of the full commission *and* a concurrent majority vote of each of three groups of members--those appointed by the governor, speaker and president.

Please call if you would like additional information about any of these commissions.

Attachments

ATTACHMENT A
State Constitutional Study and Revision Commissions

State Constitutional Study and Revision Commissions (1)
Membership and Method of Appointment
1963 - 1993

State	Commission Name	Year/Method of Creation	Duties	Report To	Membership and Method of Appointment
Alabama	Alabama Constitutional Commission	1969 Statute	consider and investigate the necessity for and the extent and nature of amendments to or general revision of the constitution and procedures for submission and adoption	Legislature, Governor	21 members 14 appointed by governor senate president 2 senators appointed by senate president house speaker 3 representatives appointed by house speaker
California	Constitutional Revision Commission	1963 Statute	provide Joint Committee and legislature with facts and recommendations relating to the revision of the constitution	Joint Committee on Legislative Organization	Not less than 25 nor more than 50 citizens who are appointed by the Joint Committee on Legislative Organization; citizen members must be broadly representative of various political, and economic and social groupings of the state. 3 senators appointed by Senate Rules Committee, no more than 2 of which are from the same party 3 assembly members appointed by speaker, no more than 2 of which are from the same party ex officio members -- members of Joint Committee on Legislative Organization
	California Constitution Revision Commission	1993 Statute	examine budget formulation process; examine state governance structure; examine state and local government duties, responsibility, priorities and fiscal relations of state and local governments examine feasibility of integrating community resources into service delivery mechanisms to reduce duplication and increase efficiency	Legislature, Governor	23 members; none of which may be lobbyists 10 appointed by governor, no more than 6 of which from same party; no more than 1 may be legislator 5 appointed by assembly speaker, no more than 3 from the same party, 2 appointed in consultation with assembly minority caucas; no more than 1 may be legislator 5 appointed by senate committee on rules, no more than 3 from same party, 2 appointed in consultation with senate minority caucas; no more than 1 may be legislator California chief justice, or designee Legislative analyst or designee Finance director or designee

State Constitutional Study and Revision Commissions (1)
Membership and Method of Appointment
1963 - 1993

State	Commission Name	Year/Method of Creation	Duties	Report To	Membership and Method of Appointment
Delaware	Delaware Constitutional Revision Commission	1967 Statute	draft new constitution or proposed amendments to present constitution	General Assembly	15 members; no more than 8 from the same party receiving the largest gubernatorial vote in last election 5 appointed by governor, 1 from Sussex County, 1 from Kent County, 1 from Wilmington City, 2 from New Castle County outside of Wilmington 5 appointed by senate president, 1 from Sussex County, 1 from Kent County, 1 from Wilmington City, 2 from New Castle County outside of Wilmington 5 appointed by house speaker, 1 from Sussex County, 1 from Kent County, 1 from Wilmington City, 2 from New Castle County outside of Wilmington
Florida	Constitution Revision Commission	1968 Constitution	examine constitution except for matters relating directly to taxation or budgetary process and file with secretary of state proposals for constitutional revision	Electorate	37 members attorney general 15 appointed by governor 9 appointed by house speaker 9 appointed by senate president 3 appointed by supreme court justice
	Taxation and Budget Reform Commission	1988 Constitutional Amendment	examine state budgetary process, revenue needs, expenditure processes, tax structure appropriateness and government productivity and efficiency; review policy relating to state and local government ability to tax and fund government operations and capital facilities; determine methods favored by citizens to fund state needs, including alternative methods for raising sufficient revenues determine measures that could be instituted to gather funds from existing tax sources examine constitutional tax and expenditure limitations at state and local level review planning, budgeting and needs assessment process to determine whether information supports strategic decisionmaking process	Legislature for statutory change; electorate for constitutional change	25 voting and 4 nonvoting ex officio members 11 appointed by governor, none may be current legislators 7 appointed by house speaker none of whom are current legislators 7 appointed by senate president none of whom are current legislators 4 nonvoting legislators are ex officio members; 2 minority party members appointed by house speaker, 2 minority party members appointed senate president

State Constitutional Study and Revision Commissions (1)
Membership and Method of Appointment
1963 - 1993

State	Commission Name	Year/Method of Creation	Duties	Report To	Membership and Method of Appointment
Georgia	Select Committee on Constitutional Revision	1972 House Resolution	act as overall policy committee in directing and coordinating continuing study and revision of constitution; appoint individual study committees for revision of constitution articles decide constitutional articles to be studied for revised and the general election at which such articles are submitted review study committees' progress and establish times for completion of each article's revision	Legislature	11 members governor lieutenant governor attorney general house speaker house speaker pro tempore house judiciary chair senate president senate judiciary committee chair supreme court chief justice appeals court chief judge trial judge appointed by judicial council
Idaho	Idaho Commission on Constitutional Revision	1965 Statute	conduct thorough study and review of constitution recommend proposed constitutional revisions or amendments to be considered by legislature	Legislature; Governor; Constitutional Convention if approved by voters	15 members 5 appointed by governor 5 appointed by supreme court chief justice 5 appointed by legislative council members must be qualified electors with education, experience and knowledge of Idaho government to serve in such office. Consideration given to geographic areas and principal economic and other interests within state. No member may be elected as delegate to constitutional convention
Kentucky	Special Advisory Committee on the Kentucky Constitution	1978 Legislative Concurrent Resolution	make recommendations for amending constitution in orderly comprehensive manner	Legislature	24 members 4 representatives 2 senators chief justice lieutenant governor 16 citizens

State Constitutional Study and Revision Commissions (1)
Membership and Method of Appointment
1963 - 1993

State	Commission Name	Year/Method of Creation	Duties	Report To	Membership and Method of Appointment
Kentucky (cont.)	Legislative Research Commission Special Commission on Constitutional Review	1987 Legislative Research Commission Resolution	review constitution section by section and recommend changes	Legislative Research Commission	41 members Appointed by Leg. Research Commission Co-Chairs 2 senators; 1 from each party 2 representatives; 1 from each party 2 mayors 2 county judges/executives 3 business representatives 3 labor representatives 3 press/media representatives 14 citizen appointees Appointed by Kentucky College of Law Deans 1 Chase faculty member 1 U. of L. faculty member 1 U.K. faculty member Appointed by Supreme Court Justice 1 district judge 1 circuit judge 1 court of appeals judge Co-Chairs of Elections and Constitutional Amendments Task Force Ex officio members -- Co-Chairs of Legislative Research Commission

State Constitutional Study and Revision Commissions (1)
Membership and Method of Appointment
1963 – 1993

State	Commission Name	Year/Method of Creation	Duties	Report To	Membership and Method of Appointment
Louisiana	Louisiana Constitutional Revision Commission	1970 Statute	prepare a revision of the constitution in total or in part for submission to the legislature	Legislature	48 members house speaker or designee senate president or designee house appropriations committee chair senate finance committee chair 8 representatives; 1 from each congressional district elected by district's house delegation 6 senators, 2 from each public service district elected by district's senate delegation 5 representatives appointed by house speaker from remaining house membership 5 senators appointed by senate president from remaining senate membership 1 appointed by state bar association president and confirmed by bar association 1 appointed by Law Institute 1 faculty member appointed jointly by deans of 4 law universities 1 each appointed by the following organizations: Louisiana AFL – CIO; Louisiana Teachers Association; Louisiana NAACP; Police Jury Association; Louisiana Municipal Association; League of Women Voters; Farm Bureau; Board of Education; University board of supervisors; Louisiana School Boards Association; Wildlife Federation; Jointly by State Chamber of Commerce, Forestry Association and Manufacturer's Association; Jointly by Public Affairs Research Council, Council for a Better Louisiana and Louisiana Organization for State Legislation; Jointly by Louisiana Press Association and Louisiana Broadcaster's Association; and Louisiana Jaycees ex officio – clerk of house, secretary of senate

State Constitutional Study and Revision Commissions (1)
Membership and Method of Appointment
1963 – 1993

State	Commission Name	Year/Method of Creation	Duties	Report To	Membership and Method of Appointment
Minnesota	Constitutional Study Commission	1972 Statute	study the constitution and propose revisions and a revised format as may appear necessary in preparation for a constitutional convention if called or as a basis for further revision	Legislature; Governor; Chief Justice	21 members 6 representatives appointed by house speaker 6 senators appointed by committee on committees 1 appointed by supreme court justice 8 citizens, including chairman, appointed by governor
Montana	Montana Constitution Revision Commission	1969 Statute	study constitution; compile factual data on whether constitution impairs effective state government; compare constitution with those of other states	Legislature	16 members 4 representatives appointed by house speaker, no more than 2 from same party 4 senators appointed by committee on committees, no more than 2 from same party 4 appointed by governor; no more than 2 from same party 4 appointed by supreme court; no more than 2 from same party members are appointed for 2-year terms with consideration being given to geographic, economic and other pertinent factors
Nebraska	Nebraska Constitutional Revision Commission	1969 Statute	study constitution to determine changes to be made. Emphasis on simplifying and condensing the constitution for the purpose of giving legislature broad powers rather than numerous individual amendments	Legislature through the Executive Board of the Legislative Council	12 members 6 named by legislature; 3 may be acting legislators; 1 legislator and 1 nonlegislator residing in each congressional district 3 appointed by governor; 1 from each congressional district 3 appointed by supreme court; 1 residing in each congressional district
New Hampshire	Constitutional Convention Task Force	1983 Statute	determine whether constitutional amendments are needed; recommend such amendments to next constitutional convention	Constitutional Convention	10 members 3 appointed by house speaker 3 appointed by senate president 2 appointed by governor 2 appointed by supreme court

State Constitutional Study and Revision Commissions (1)
Membership and Method of Appointment
1963 - 1993

State	Commission Name	Year/Method of Creation	Duties	Report To	Membership and Method of Appointment
Ohio	Ohio Constitutional Revision Commission	1969 Statute	study constitution; promote an exchange of experiences and suggestions respecting changes; consider problems pertaining to amending constitution; recommend constitutional amendments; if constitutional convention is called, report to general assembly its recommendations with respect to convention organization and report to convention its recommendations for constitutional amendment	Legislature; Constitutional Convention if called	22 members 12 general assembly members 3 appointed by senate president pro tem 3 appointed by house speaker 3 appointed by senate minority leader 3 appointed by house minority leader These 12 members will meet, organize and elect 2 co-chairs from different political parties every two years. By majority vote, these 12 members will then appoint 20 nonlegislative members.
Rhode Island	Preparatory Commission	1988 Joint Resolution	assemble information on constitutional questions for the electors Issues to be considered include 4-year terms for elected officials; legislative pay; elimination of obsolete constitutional language; selection method of general officers; other issues it sees fit to consider	Governor House Speaker Senate Majority Leader House and Senate Minority Leaders Public, through news media	13 members 4 house members appointed by the house speaker, no more than 3 from the same political party 3 senators appointed by the senate majority leader, no more than 2 from the same political party 6 public members, none of whom is a member of a political committee or holder of any elective public office 2 appointed by the house speaker 1 appointed by the house minority leader 2 appointed by the senate majority leader 1 appointed by the senate minority leader
South Dakota	South Dakota Constitutional Revision Commission	1969 Statute	provide for and enter into a comprehensive study of the constitution to determine ways and means to improve and simplify the constitution	Legislature	13 members 3 senators appointed by the senate presiding officer, no more than 2 from the same political party 3 representatives appointed by the house presiding officer, no more than 2 from the same political party 3 appointed by governor; no more than 2 from the same political party 2 appointed by supreme court presiding judge from bar associations; 1 of whom may be judge of state court of record Chair of Department of History and Political Science at South Dakota State University Chair of Department of Government at University of South Dakota

State Constitutional Study and Revision Commissions (1)
Membership and Method of Appointment
1963 – 1993

State	Commission Name	Year/Method of Creation	Duties	Report To	Membership and Method of Appointment
Utah	Utah Constitutional Revision Study Commission	1969 Statute	comprehensively examine the constitution and amendments; recommend specific proposed amendments advise the governor and legislature on any proposed constitutional amendment or revision	Legislature, Governor	16 members 3 representatives appointed by the house speaker; no more than 2 from the same political party 3 senators appointed by the senate president; no more than 2 from the same political party 3 appointed by the governor; no more than 2 from the same political party 6 members appointed by the above 9 members with consideration given to achieving representation from major geographical areas and equal bipartisan representation ex officio member – legislative research director
Vermont	Constitutional Commission	1967 Statute	study the constitution to recommend amendments	Legislature	11 members 3 appointed by governor; at least 1 from opposite political party 3 senators appointed by senate committee on committees; at least 1 from minority political party 3 representatives appointed by house speaker, at least 1 from minority political party Ex officio members – supreme court justice and attorney general

(1) Table excludes commissions created by executive order which report to the governor and commissions created to prepare for a constitutional convention

Prepared by the Legislative Research Agency, November 1993 (94.071).

ATTACHMENT B
"A Program for Reform of Florida Government,"
February 1991

A Program for Reform of FLORIDA Government

A report of the
Florida Taxation and Budget Reform Commission
Tallahassee, Florida

February, 1991

The Taxation and Budget Reform Commission

FLORIDA relies upon citizen participation in many of its governmental processes. Perhaps most significantly, the people of Florida have the authority and responsibility to periodically review and propose changes to the State Constitution. Florida is alone among the 50 states in subjecting its constitutional design to the periodic, formal scrutiny of non-elected citizens.

In the 1968 Constitution, the voters of Florida created the Constitutional Revision Commission to conduct constitutional assessments every 20 years. In 1988 (10 years after the first Constitutional Revision Commission), the Florida Legislature saw the need for a more frequent citizen review in one particular area: the state's policies toward taxation, spending and budgeting. By the late eighties, it was clear that short-term solutions proposed by elected leaders were not working. The state needed a new and comprehensive approach to examining the way Florida government collects, budgets, and expends taxpayer dollars.

Responding to the growing belief that the financial situation needed examination, the Legislature turned to and expanded the concept of the Constitutional Revision Commission. It proposed a Constitutional amendment creating Section 6 of Article XI of the State Constitution. In Novem-

ber 1988, more than 2.1 million Floridians (57%) voted to create the Florida Taxation and Budget Reform Commission. The Constitutional amendment directs the Commission to

More than 2.1 million Floridians (57%) voted to create the Florida Taxation and Budget Reform Commission.

conduct a comprehensive investigation of taxation and spending policy in the state.

More generally, the amendment transferred the authority to review matters relating to state and local taxation and budgetary processes from the Constitutional Revision Commission to the newly created Taxation and Budget Reform Commission. While the two commissions are similar in many ways, the Taxation and

Budget Reform Commission is unique in significant respects.

First, a Taxation and Budget Reform Commission will be established every 10 years instead of 20 years for the

Constitutional Revision Commission. The shorter cycle is recognition of the fundamental character of taxation and spending in the contemporary state. The basis of such policy can change

rapidly. Sweeping economic and demographic developments alter the presuppositions of policy and must be addressed anew. Both the demand for and support of government can change. The pace of technological change and fluidity of social consensus work to undermine taxation and spending policy. In a Florida churning with change, 20 years is a long time.

Second, the new amendment allows for a more delib-

Summary

- The Taxation and Budget Reform Commission was created in 1988 as an amendment to the Florida Constitution.
- The Commission has established four working committees to do the job entrusted to it by the people.
- The Commission and its committees met frequently during the last half of 1990 and early 1991 to complete the first steps in a reform agenda.

**Table 5: Taxation and Budget Reform Commission
Ten Constitutional Responsibilities**

Substantive Requirements

The Commission shall:

1. Examine the state budgetary process.
2. Examine the revenue needs of the state.
3. Examine the expenditure processes of the state.
4. Examine the appropriateness of the tax structure of the state.
5. Examine governmental efficiency and productivity.
6. Review policy as it relates to the ability of state and local government to tax and adequately fund governmental operations and capital facilities required to meet the state's needs during the next ten year period.
7. Determine the methods favored by the citizens of the state to fund the needs of the state, including alternative revenue raising methods for raising sufficient revenues for the needs of the state.
8. Determine measure that could be instituted to effectively gather funds from existing tax sources.
9. Examine constitutional limitations on taxation and expenditures at the state and local level.
10. Review the state comprehensive planning, budgeting and needs assessment processes to determine whether the resulting information adequately supports a strategic decision making process.

erative process. The Taxation and Budget Reform Commission has up to 27 months in which to discuss issues and formulate recommendations before it must file proposed constitutional revisions with the Secretary of State: May 7, 1992 for the first Commission. The Constitutional Revision Commission, at least as previously implemented, must do its work in under 11 months. This extended period for deliberation may reflect a recognition of the complexity of the issues involved in reforming the state's taxation and budgeting laws. It

also may consider the expanded charge of reviewing statutory as well as Constitutional provisions relating to this topic.

Third, there is a substantial difference between the Taxation and Budget Reform Commission and the Constitutional Revision Commission in their relationship with the Governor and the Legislature. Unlike the Revision Commission, the Taxation and Budget Reform Commission is charged with evaluating not only the Constitutional provisions relating to taxation and budgetary processes, but also the statutory laws

governing these processes. The Commission is asked to make recommendations for statutory change as it deems necessary. Still, direct legislative involvement in Commission activities is restricted; no sitting legislator may be appointed as a voting member of the Commission.

There is a final, significant difference between the two Commissions. The Taxation and Budget Reform Commission may only place proposed constitutional amendments before the people if they are first approved by an extraordinary, concurrent majority of the Commissioners eligible to vote. Proposed constitutional amendments must carry concurrent majorities of the members appointed by the Governor, President, and Speaker and be approved by two-thirds of the voting membership. These are constitutional provisions. There is no such provision for the Constitutional Revision Commission. In 1978, the Constitutional Revision Commission used a simple majority to forward its proposals to the ballot. The Taxation and Budget Reform Commission uses this method for recommended statutory changes that are forwarded to the Governor and the Legislature for consideration and implementation.

The Constitution requires the Commission to be established in 1990 and every 10 years thereafter. The Commission has 11 gubernatorial appointees (all voting members) and 18 legislative appointees (7 voting by the Senate President; 7 voting by the Speaker of the House; 2 non-voting Senators; and 2 non-voting Representatives). Then Governor Bob

Table 6: Differences Between the Taxation and Budget Reform Commission and the Constitutional Revision Commission

Florida has established two mechanisms for citizen revision of the state Constitution. The differences between the Constitutional Revision Commission and the Taxation and Budget Reform Commission are highlighted below:

Constitutional Revision Commission

Appointment of the Chair

1. The Chair is appointed by the Governor.

Nature of Appointments

1. The Revision Commission has 37 members, including the Attorney General, 15 members appointed by the Governor, 9 appointed by the President of the Senate, 9 appointed by the Speaker of the House of Representatives, and 3 appointed by the Chief Justice of the Florida Supreme Court.
2. Sitting legislators can be appointed and serve as voting members of the Revision Commission.

Time Period for Deliberation

1. The Revision Commission is established within 30 days after the adjournment of the regular session of the Legislature in the 20th year following the 1978 Constitutional Revision Commission.
2. The Revision Commission must file proposed revisions to the Constitution with the Secretary of State no later than 180 days prior to the next general election after it has been convened.
3. These two provisions allow for no more than 13 months deliberation by the Revision Commission.

Role for Legislative Initiatives

1. The Revision Commission is not directed to suggest statutory changes or make a report to the Legislature.

Scope of Inquiry

1. Prior to the Constitutional amendment in 1988, the Revision Commission was to examine the entire Florida Constitution.
2. The amendments in 1988 excluded matters relating directly to taxation or state budgetary processes from the purview of the Revision Commission and gave them to the Taxation and Budget Reform Commission.

Voting Requirements

1. The Revision Commission can propose constitutional revisions with a majority vote.

Taxation and Budget Reform Commission

Appointment of the Chair

1. The Chair is elected by the members at the first meeting.
2. Absent a designated Chair, there is not a specific way to convene the first meeting.

Nature of Appointments

1. The Reform Commission has 29 members, 11 members appointed by the Governor, 9 appointed by the President of the Senate (including 2 Senators), 9 appointed by the Speaker of the House of Representatives (including 2 Representatives).
2. Sitting legislators appointed to the Reform Commission serve as non-voting members.

Time Period for Deliberation

1. The Reform Commission has up to 27 months for deliberation before it must file proposed constitutional revisions with the Secretary of State.

Role for Legislative Initiatives

1. The Reform Commission is asked to make statutory recommendations.

Scope of Inquiry

1. The Constitutional amendment in 1988 specifically assigned matters relating directly to taxation or state budgetary processes to the Taxation and Budget Reform Commission.
2. "Taxation" and "state budgetary processes" are not defined in the Constitution. However, the following sections of the Constitution are covered by the Reform Commission:
 - a. Article III, ss. 8 and 12;
 - b. Article IV, ss. 4 and 9;
 - c. Article VII, ss. 1-17, inclusive;
 - d. Article VIII, ss. 1 and 2;
 - e. Article IX, s. 6; and
 - f. Article XII, ss. 2, 8, 9, and 15.

Voting Requirements

1. The Reform Commission can propose constitutional revisions only if it has both a two-thirds majority of the full Commission and concurrent majorities of the members appointed by the Governor, President, and Speaker.
2. The Reform Commission's rules allow statutory changes to be recommended with a majority vote.

**Table 7: Taxation and Budget Reform Commission
Formal Constitutional Requirements**

Formal Requirements

1. The Commission must be established in 1990 and each tenth year thereafter.
2. The Commission is composed of 25 voting non-legislative members and 4 non-voting legislative members.
 - a. Eleven (11) voting members appointed by the Governor
 - b. Seven (7) voting and 2 non-voting members appointed by the President of the Senate. One of the non-voting legislative members must be from the minority party.
 - c. Seven (7) voting and 2 non-voting members appointed by the Speaker of the House of Representatives. One of the non-voting legislative members must be from the minority party.
3. The Commission shall elect a non-legislative member at its first meeting to serve as Chairman.
4. The Commission shall adopt rules of procedure at its first meeting.
5. The Commission shall hold public hearings as it deems necessary.
6. The Commission shall issue a report of the results of the review it carries out.
7. The Commission shall propose to the Legislature recommended statutory changes related to the taxation or budgetary laws of the state.
8. Not later than 180 days prior to the general election in the second year following the year in which the Commission is established, the Commission must file with the Secretary of State its proposal, if any, for a revision to the Constitution dealing with taxation or the state budgetary process (May 7, 1992).
9. Any revision of the Constitution proposed by the Commission requires:
 - a. An affirmative vote of two-thirds of the full Commission (or 17 members), and
 - b. The concurrence of a majority of the members appointed by the Governor (6 members), the Speaker of the House of Representatives (4 members) and the President of the Senate (4 members).
10. Members of the Commission are exempt from the prohibition on dual office holding established in Section 5 (a), Article II of the Constitution.

sentatives Tom Gustafson introduced their appointees to the Commission. The members were then sworn in by The Honorable Raymond Erlich, Chief Justice of the Florida Supreme Court.

The Commission elected Mr. Tom Rankin as its Chairman and adopted temporary rules at the first meeting. The operational structure of the body was incorporated into final rules subsequently approved. Specifically, the commission established four substantive committees to carry out its charge. The committees are:

1. Governmental Services;
2. Planning and Budgetary Processes;
3. Procedures and Structure; and
4. Finance and Taxation.

Each of these committees has six voting members, plus the Commission

Martinez, Senator Bob Crawford, President of the Senate, and Representative Tom Gustafson, Speaker of the House of Representatives, appointed the members of the first Taxation and Budget Reform Commission in January 1990.

Organization

The inaugural meeting of the Taxation and Budget Reform Commission was held April 16, 1990 in the Senate Chambers of the Old Capitol in Tallahassee. Governor Martinez, President of the Senate Bob Crawford, and Speaker of the House of Repre-

chair (as an ex officio non-voting member) and one legislative member (non-voting). The charge of each committee is established in the Commission's rules.

The Governmental Services Committee is charged with studying the revenue needs of state and local governments,

THE COMMISSION

evaluating the demand for government services and capital facilities, determining the level of service provided, identifying the current financing of those services and

projecting changes in costs of the services over the next ten years. The Committee also reviews constitutional limitations on and non-discretionary demands for

expenditures at the state and local levels.

The function of the Committee on Planning and Budgetary Processes is to identify and assess financial planning, needs

assessment processes, and budgeting systems used by state and local government. It also must identify statutory and constitutional constraints on

efficiency and productivity. It seeks to identify techniques used to improve cost effectiveness in the delivery of services, assess the impact of these

techniques and determine measures that could be instituted to realize additional revenues from existing tax sources.

The Com-

mittee also looks at the existing pattern of governance and the division of responsibilities between state, regional, and local governments to determine if these factors promote govern-

The Commission established four substantive committees to carry out its charge. They are:

1. *Governmental Services;*
2. *Planning and Budgetary Processes;*
3. *Procedures and Structure; and*
4. *Finance and Taxation.*

efficient operation of the state's planning and budgetary processes.

The Procedures and Structure Committee is charged with examining governmental

**Table 8: Members of the 1990
Florida Taxation and Budget Reform Commission**
(appointing authorities indicated)

Mr. Hugh A. Anderson (Senate) of Ft. Lauderdale is president of Anderson Realty in Ft. Lauderdale.

Mr. Elliott B. Barnett (Senate) of Ft. Lauderdale is a senior partner in the law firm Ruden, Barnett, McClosky, Smith, Schuster & Russell.*

Mr. Hoyt R. "Barney" Barnett (Governor) of Lakeland is the executive vice president of Publix Supermarkets.

Ms. Martha W. Barnett (Governor) of Tallahassee is a partner with the Holland and Knight law firm.

Dr. James A. Bax (Senate) of Long Boat Key is chairman of the board of ACSI, Inc., a national professional testing company.

Mr. Jacob C. Belin (Governor) of Port St. Joe is the chairman and chief executive officer of the St. Joe Paper Company.

Mr. F. Philip Blank (House) of Tallahassee is president of F. Philip Blank, P.A., a law firm based in Tallahassee.

Mr. R. Mark Bostick (Senate) of Winter Haven is president of Comcar Industries, Inc., of Auburndale.

Mr. Bill L. Bryant, Jr. (Governor) of Tallahassee is a partner in the law firm of Foley & Lardner.

Ms. Linda W. Chapin (House) of Orlando is chairman of Orange County.

Mr. Miles C. Collier (Governor) of Naples is the managing partner of Collier Enterprises, a financial asset management, land development, and agricultural firm.

Mr. Andrew L. Duda (Governor) of Oviedo is the executive vice president of A. Duda and Sons, an agricultural and land development firm.

(continued)

**Table 8 (continued): Members of the 1990
Florida Taxation and Budget Reform Commission**
(appointing authorities indicated)

Mr. David W. Dunbar (Governor) of Dunedin is the owner of Dunbar Corporation, a financial consulting and development firm in Palm Harbor.

Mr. Homer Hooks (Senate) of Lakeland is chairman of The Hooks Group, Inc., a communications consulting firm.

The Honorable Bob Johnson (R) of Sarasota is currently serving his second term in the Florida Senate and had been a member of the House of Representatives for four terms.

Mr. Seth P. Joseph (Senate) of Ft. Lauderdale is a partner in the corporate/public finance department at the law firm Ruden, Barnett, McClosky, Smith, Schuster & Russell of Ft. Lauderdale and Miami.*

Mr. Allan J. Katz (House) of Tallahassee is the managing partner of Katz, Kutter, Haigler, Alderman, Davis, Marks & Rutledge law firm.

Mr. Charles E. LeCroy (Governor) of Winter Park is president of Southeastern Capital Group, Inc., an investment banking firm in Orlando.

The Honorable Joseph R. "Randy" Mackey (D) of Lake City was first elected to the Florida House of Representatives in 1986.

The Honorable Carrie Meek (D) of Miami is currently serving her third term in the Florida Senate and had previously been a member of the House of Representatives for two terms.

Mr. Peter W. Mettler (Governor) of Palm Beach is a partner in the law firm of Mettler and Gilson.

Mr. H. Lee Moffitt (House) of Tampa is former speaker of the Florida House of Representatives and currently managing partner of the Tampa office of the Akerman, Senterfit, Eidson, and Moffitt law firm.

Ms. Marta Prado (House) of Plantation is vice president of marketing and business development for EMSA Limited Partnership.

Mr. Thompson L. Rankin (Senate) of Tampa is the chairman of the board, president, and chief executive officer (CEO) of Lykes Bros., Inc.; chairman and CEO of 7L Corporation and Lykes Energy, Inc.; director and vice-chairman of First Florida Banks, Inc.; and chairman of the board, president, and CEO of Shore Management, Inc. Mr. Rankin was elected as chair of the Commission by the members at the first meeting.

The Honorable Debby P. Sanderson (R) of Fort Lauderdale has served as a member of the Florida House of Representatives since 1982.

Mr. Tom H. Slade (Governor) of Orange Park is president of Dozier and Gay Paint Company in Jacksonville.

Mr. Arthur E. Teele, Jr. (Governor) of Miami is a partner with the law firm of Adorno and Zeder. He also is a member of the Dade County Commission.

Mr. Parker Davidson Thomson (House) of Miami is the senior partner of the law firm Thomson, Muraro, Bohrer & Razook, P.A.

Mr. Pat Tornillo (Senate) of Miami is the president of the Florida Education Association United, executive vice president of the United Teachers of Dade and vice president of the American Federation of Teachers.

Mr. Steven J. Uhlfelder (House) of Tallahassee is with the law firm of Steel, Hector and Davis.

* Mr. Elliott Barnett resigned in November 1990. Senator Bob Crawford appointed Mr. Seth Joseph to take over Mr. Barnett's responsibilities on the Commission.

THE COMMISSION

mental efficiency and the adequate funding of government operations and capital facilities. Finally, this Committee must identify and evaluate any constitutional and statutory constraints impeding the use of efficiency and productivity techniques.

The charge to the Finance and Taxation Committee is to evaluate the current tax structure of state and local governments, investigating how government activities are funded and how the existing tax structure is projected to function over the next ten years. It seeks to assess the methods favored by the citizens of

Florida to fund the levels of service identified by the Governmental Services Committee. The Committee also must examine the constitutional and statutory limitations on state and local finance and taxation.

The Commission's Coordinating Committee oversees the activities of the Commission and its substantive committees. It also sets the agenda for the full Commission and handles procedural issues when they arise. This Committee is comprised of the chairs and vice-chairs of the substantive committees and is chaired by the chair of the Commission.

Table 9a: Commission Meeting Schedule

1990

April 16	Tallahassee
June 27	Tallahassee
July 24	Tallahassee
September 26	Tallahassee
October 2*	Tampa
October 3*	Miami
November 8	Tallahassee
December 5	Tallahassee

1991

January 10	Tallahassee
January 18	Tallahassee
February 6	Tallahassee

*Public hearings.

Table 9b: Taxation and Budget Reform Commission Committee Meeting Schedule

1990

April 24	Budget Committee
May 7	Budget Committee
June 12	Rules & Planning Committee
June 27	Coordinating Committee Governmental Services Planning & Budgetary Processes Procedures & Structure Finance and Taxation
July 24	Coordinating Committee
July 25	Governmental Services Procedures & Structure Finance & Taxation
August 27	Coordinating Committee Governmental Services** Planning & Budgetary Processes** Procedures & Structure**
September 25	Governmental Services Planning & Budgetary Processes Procedures & Structure Finance & Taxation
September 26	Coordinating Committee
October 2	Procedures & Structure
October 25	Planning & Budgetary Processes
November 7	Governmental Services Planning & Budgetary Processes Procedures & Structure Finance & Taxation

November 8	Coordinating Committee
November 26	Finance and Taxation
November 27	Procedures & Structure
November 29	Planning & Budgetary Processes
December 4	Governmental Services Planning & Budgetary Processes** Procedures & Structure** Coordinating Committee
December 5	Coordinating Committee
December 12	Planning & Budgetary Processes
December 18	Procedures & Structure

1991

January 9	Governmental Services Planning & Budgetary Processes Procedures & Structure Finance & Taxation Coordinating Committee
January 17	Governmental Services Planning & Budgetary Processes** Procedures & Structure** Finance & Taxation Coordinating Committee
February 5	Governmental Services Planning & Budgetary Processes** Procedures & Structure** Finance & Taxation Coordinating Committee

**Joint committee meetings.

Meetings

By and large, the Commission meets monthly. The months following the initial meeting were largely devoted to developing rules, recruiting and hiring staff, and orienting the membership to the issues facing the state, particularly as they relate to finance, taxation, and governmental services. In October 1990, the Commission held two public hearings to solicit a broad range of perspectives: one in Tampa (Oct. 2) and one in Miami (Oct. 3). More than 55 speakers addressed the Commission in those two days on a variety of issues and concerns. The testimony and discussion from the hearings was transcribed for an accurate record of the proceedings. The proposals aired at these meetings were summarized and recorded for distribution to the Commission members.

Of course, all Commission meetings and those of its committees have been open to the public. The committees take testimony at their committee meetings. It is Commission policy to solicit comments, suggestions, and criticisms from experts and constituent groups, particularly when considering proposals at full Commission meetings.

Whenever possible, meetings of the Commission and its committees are noticed in the Florida Administratively Weekly. Draft meeting agendas are sent to more than 700 interested individuals and organizations. When meeting dates, times, and places change unexpectedly, the Capital Press Corp, representing the major print media throughout the state, is notified of the change.

Table 10: Committee Structure and Membership

Governmental Services Committee

Lee Moffitt (Chair)
Miles Collier (Vice-Chair)
Jacob Belin
Senator Bob Johnson (non-voting)
Seth Joseph
Charles LeCroy
Marta Prado
Tom Rankin (ex officio)

Procedures and Structure Committee

Tom Slade (Chair)
Arthur Teele, Jr. (Vice-Chair)
Hugh Anderson
Martha Barnett
Representative Randy Mackey (non-voting)
Tom Rankin (ex officio)
Pat Tornillo
Steven Uhlfelder

Planning and Budgetary Processes Committee

Hoyt (Barney) Barnett (Chair)
Homer Hooks (Vice-Chair)
Bill Bryant, Jr.
Linda Chapin
Allan Katz
Tom Rankin (ex officio)
Representative Debby Sanderson (non-voting)
Parker Thomson

Finance and Taxation Committee

R. Mark Bostick (Chair)
Peter Mettler (Vice-Chair)
James Bax
F. Philip Blank
Andrew Duda
David Dunbar
Senator Carrie Meek (non-voting)
Tom Rankin (ex officio)

Coordinating Committee

Tom Rankin (Chair)
Tom Slade (Vice-Chair)
Barney Barnett
R. Mark Bostick
Miles Collier
Homer Hooks
Peter Mettler
H. Lee Moffitt
Arthur Teele, Jr.



Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

InterOffice Memo

To: Rep. Gail Phillips
From: Rep. Fran Ulmer
Date: September 30, 1993
Subj: Constitution Revision Task Force
Ombudsman Selection Committee

The Constitutional Revision Subcommittee on the legislative process met and discussed the memo I shared with you regarding procedural reform. We came up with some recommendations and asked Tam Cook to draft them into a proposed rule change. It will be available by the time the full committee meets on the 14th, and we can discuss it at that time. I think we were able to make some progress and will have some ideas for the full group to consider.

On another matter, let me ask about your intention for public hearings on the ombudsman selection proceedings. I have received a couple of inquiries from individuals who are not interested in applying themselves, but do want to make comments to the committee about the ombudsman's office. Is it your intention to set aside some time for public participation when the committee meets again, or should people submit their comments in writing? Please advise so that I might let others know.

Thanks.

FU/bvh



Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

InterOffice Memo

To: Judge Thomas Stewart and Representative Eldon Mulder
Constitution Revision Commission Subcommittee

From: Rep. Fran Ulmer, Chair
Subcommittee on Legislative Process

Date: September 27, 1993

Subject: Ideas for Discussion

In preparation for our subcommittee meeting on September 28, I would like to offer some suggestions for us to discuss. They follow up on the recommendations made by Senator Donley to find ways to improve the process for legislative review of proposed constitutional amendments.

1. The legislature could create a special committee which would review constitutional amendments. This could be a joint House/Senate committee and should be required by the rules to meet at the beginning of each session and hold hearings on all of the amendments.
2. The rules should require an interim hearing between the first and second session for all constitutional amendments to be held in Anchorage, Fairbanks and Juneau. I would suggest that the process be a hearing on all amendments at one time to allow the public to comment on all those that have been introduced, and others that they might recommend.
3. The rules could require that all constitutional amendments be introduced by the third week of the second session in order to assure that adequate scrutiny be given to any constitutional amendment. One could argue that the amendment should be introduced before the end of the first session to provide for adequate scrutiny during the interim. However, the interim hearing process may give rise to some good suggestions and the first three weeks of the session would allow those to be introduced and then acted on during the second session.

cc: Rep. Gail Phillips

Mr. Kenneth Jacobus



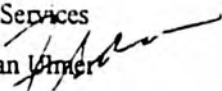
Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

InterOffice Memo

To: Tam Cook, Legal Services
From: Representative Fran Ulmer 
Date: September 16, 1993
Subject: Legislative Process Subcommittee of the Constitution Revision Commission

The Constitution Revision Commission is considering changes to legislative rules which might allow for a more systematic and thoughtful review of proposed constitutional amendments for the legislature. If you have any suggestions, based on other states' processes, I would appreciate receiving them.

The next subcommittee meeting of the Constitution Revision Commission will be teleconferenced on September 30 at 10:00 AM from my office in the Dimond Court Building (Room 601). If you have any ideas, please let me know before our scheduled meeting. If not, I wonder if you would be willing to assign someone to join us at that subcommittee teleconference. That person could either join me and Judge Stewart in my office, or my secretary could conference the call to his or her's office. Please let me know if this is possible.

Thank you very much.

