

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672  
5846 HOUSE JUDICIARY

TITLE X.  
OPEN MEETINGS

SECTION 36. Article IV, section 7 of the state Constitution is amended to read:

Sec. 7. (a) Each house shall choose its officers and adopt rules for its proceedings. A majority of the membership constitutes a quorum, but a smaller number may recess from day to day and compel the attendance of absent members.

(b) Each house shall keep and publish a journal of its proceedings. The rollcall vote of the members on a question shall be taken and entered in the journal at the request of 3 members present.

(c) (1) The proceedings of each house and the committees thereof shall be open and public except as provided by statute or. However, closed sessions may be held solely for any of the following purposes:

(A) To consider the appointment, employment, evaluation of performance, or dismissal of a public officer or employee, to consider or hear complaints or charges brought against a Member of the Legislature or other public officer or employee, or to establish the classification or compensation of any employee of the Legislature.

(B) To consider matters affecting the safety and security of Members of the Legislature or its employees or the safety and security of any buildings and grounds used by the Legislature.

(C) To confer with, or receive advice from, its legal counsel regarding pending or reasonably anticipated, or whether to initiate, litigation when discussion in open session would not protect the interests of the house or committee regarding the litigation.

(2) A caucus of the Members of the Senate, the Members of the Assembly, or the Members of both houses, which is composed of all members of the same political party, may meet in closed session.

(3) The Legislature shall implement this subdivision by concurrent resolution, when such resolution is adopted by a two-thirds vote of the members of each house, provided, that if there is a conflict between such a statute and concurrent resolution, the law adopted shall prevail adopted by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, or by statute, and shall prescribe that, when a closed session is held pursuant to paragraph (1),

reasonable notice of the closed session and the purpose of the closed session shall be provided to the public. If there is a conflict between a concurrent resolution and statute, the last adopted or enacted shall prevail.

(d) Neither house without the consent of the other may recess for more than 10 days or to any other place.

TITLE XI.  
GENERAL PROVISIONS

SECTION 37. Amendments

(a) The provisions of Section 81012 of the Government Code governing legislative amendments to the Political Reform Act of 1974 shall apply to the provisions of this measure.

(b) It is the will of the people that Sections 9 through 24 of this measure should be interpreted to harmonize with and not to supercede any provision of any law enacted in calendar year 1990, including any provision of any other measure passed at the same election as this act, that imposes more stringent restrictions on the activities or interests of elected officers that might conflict with the proper discharge of their duties and responsibilities.

SECTION 38. Construction

This measure shall be liberally construed to accomplish its purposes.

SECTION 39. Severability Clause

If any provision of this measure or the application thereof to any person or circumstances is held invalid, the remainder of this measure, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those as to which it was held invalid, shall not be affected thereby, and to this end, the provisions of this measure are severable.

SECTION 40. Effective Date

The provisions of this measure shall go into effect January 1, 1991, except that Sections 30 through 33 shall go into effect immediately.

ATTACHMENT E  
Colorado Initiative

Second Regular Session

Fifty-seventh General Assembly

LLS NO. \*90 0334/1

STATE OF COLORADO

STATE AFFAIRS

By SENATORS Considine, Owens, Brandon, Allard, Powers,  
and Winkler;

*failed  
to  
Succeed*

SENATE CONCURRENT RESOLUTION 90- 4

1 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO  
2 AN AMENDMENT TO ARTICLES IV, V, AND XVIII OF THE  
3 CONSTITUTION OF THE STATE OF COLORADO, CONCERNING  
4 POLITICAL REFORM TO MAKE GOVERNMENT MORE REPRESENTATIVE  
5 OF AND RESPONSIVE TO THE CITIZENS OF COLORADO BY  
6 PROVIDING FOR A LIMITATION ON THE NUMBER OF TERMS WHICH  
7 CAN BE SERVED BY ELECTED STATE AND FEDERAL OFFICIALS,  
8 COMPETITIVE ELECTION DISTRICTS, AND SUBMISSION OF  
9 REAPPORTIONMENT PLANS TO THE VOTERS.

---

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Limits the number of consecutive terms which can be served by elected state and federal officials.

Requires that congressional district boundaries and one-half of the state legislative district boundaries be drawn so that a candidate of either political party has a fair opportunity to be elected.

Allows the people to initiate reapportionment plans for congressional and state legislative districts, and provides that, if such plans are initiated, they will be placed on the ballot along with the plan enacted by the general assembly, in the case of congressional districts, or the plan of the reapportionment commission, in the case of state legislative

districts.

---

1        Be It Resolved by the Senate of the Fifty-seventh General  
2        Assembly of the State of Colorado, the House of  
3        Representatives concurring herein:

4        SECTION 1. At the next general election for members of  
5        the general assembly, there shall be submitted to the  
6        registered electors of the state of Colorado, for their  
7        approval or rejection, the following amendment to the  
8        constitution of the state of Colorado, to wit:

9        Section 1 of article IV of the constitution of the state  
10       of Colorado is amended to read:

11       Section 1. Officers - terms of office. (1) The  
12       executive department shall include the governor, lieutenant  
13       governor, secretary of state, state treasurer, and attorney  
14       general, each of whom shall hold his office for the term of  
15       four years, commencing on the second Tuesday of January in the  
16       year 1967, and each fourth year thereafter. They shall  
17       perform such duties as are prescribed by this constitution or  
18       by law.

19       (2) NO GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF  
20       STATE, STATE TREASURER, OR ATTORNEY GENERAL SHALL SERVE MORE  
21       THAN TWO CONSECUTIVE TERMS IN ANY SUCH OFFICE. THIS  
22       LIMITATION ON THE NUMBER OF TERMS SHALL APPLY TO TERMS OF  
23       OFFICE BEGINNING ON OR AFTER THE SECOND TUESDAY OF JANUARY,  
24       1991. ANY PERSON WHO SUCCEEDS TO THE OFFICE OF THE GOVERNOR  
25       OR IS APPOINTED OR ELECTED TO FILL A VACANCY IN ONE OF THE

1 OTHER OFFICES NAMED IN THIS SECTION, AND WHO SERVES FOR AT  
2 LEAST ONE-HALF OF A TERM OF OFFICE, SHALL BE CONSIDERED TO  
3 HAVE SERVED A TERM IN THAT OFFICE FOR PURPOSES OF THIS  
4 SUBSECTION (2).

5 Section 3 of article V of the constitution of the state  
6 of Colorado is amended to read:

7 Section 3. Terms of senators and representatives.

8 (1) Senators shall be elected for the term of four years and  
9 representatives for the term of two years.

10 (2) IN ORDER TO BROADEN THE OPPORTUNITIES FOR PUBLIC  
11 SERVICE AND TO ASSURE THAT THE GENERAL ASSEMBLY IS  
12 REPRESENTATIVE OF COLORADO CITIZENS, NO SENATOR SHALL SERVE  
13 MORE THAN TWO CONSECUTIVE TERMS IN THE SENATE, AND NO  
14 REPRESENTATIVE SHALL SERVE MORE THAN FOUR CONSECUTIVE TERMS IN  
15 THE HOUSE OF REPRESENTATIVES. THIS LIMITATION ON THE NUMBER  
16 OF TERMS SHALL APPLY TO TERMS OF OFFICE BEGINNING ON OR AFTER  
17 JANUARY 1, 1991. A PERSON APPOINTED OR ELECTED TO FILL A  
18 VACANCY IN THE GENERAL ASSEMBLY AND WHO SERVES FOR AT LEAST  
19 ONE-HALF OF A TERM OF OFFICE SHALL BE CONSIDERED TO HAVE  
20 SERVED A TERM IN THAT OFFICE FOR PURPOSES OF THIS SUBSECTION  
21 (2).

22 Article XVIII of the constitution of the state of  
23 Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

24 Section 18. U.S. senators and representatives -  
25 limitation on terms. In order to broaden the opportunities  
26 for public service and to assure that members of the United  
27 States congress from Colorado are representative of its

1 citizens, no person elected to the office of United States  
2 senator or United States representative from the state of  
3 Colorado shall serve consecutive terms amounting to more than  
4 twelve years of service in the house of representatives or  
5 twelve years of service in the senate. The people of the  
6 state of Colorado hereby state their support for efforts to  
7 adopt a nationwide limitation of this type and instruct their  
8 public officials to use their best efforts in working for such  
9 a limitation. The people of Colorado also declare that the  
10 provisions of this section shall be deemed to be severable and  
11 that their intention is that federal officials elected from  
12 Colorado will continue voluntarily to observe the wishes of  
13 the people as stated in this section in the event any  
14 provision thereof is held invalid.

15 Section 44 of article V of the constitution of the state  
16 of Colorado is amended to read:

17 Section 44. Representatives in congress. The general  
18 assembly shall divide the state into as many congressional  
19 districts as there are representatives in congress apportioned  
20 to this state by the congress of the United States for the  
21 election of one representative to congress from each district.  
22 When a new apportionment shall be made by congress, the  
23 general assembly shall divide the state into congressional  
24 districts accordingly. TO THE EXTENT PRACTICABLE,  
25 CONGRESSIONAL DISTRICT BOUNDARIES SHALL BE DRAWN SO THAT A  
26 CANDIDATE OF EITHER MAJOR POLITICAL PARTY HAS A FAIR  
27 OPPORTUNITY TO BE ELECTED. WHETHER OR NOT A CANDIDATE HAS A

1 FAIR OPPORTUNIT. TO BE ELECTED SHALL BE DETERMINED IN THE  
2 MANNER PROVIDED IN SECTION 47 OF THIS ARTICLE FOR STATE SENATE  
3 AND REPRESENTATIVE DISTRICTS.

4 Section 47 of article V of the constitution of the state  
5 of Colorado is amended BY THE ADDITION OF A NEW SUBSECTION to  
6 read:

7 Section 47. Composition of districts. (4) To the  
8 extent practicable, the boundaries of at least one-half of the  
9 senate districts and one-half of the representative districts  
10 shall be drawn so that a candidate of either major political  
11 party has a fair opportunity to be elected. Whether or not a  
12 candidate has a fair opportunity to be elected may be  
13 determined by reference to whether the registration of  
14 electors in the district from both major political parties is  
15 approximately equal; but voter registration need not be the  
16 sole measure of a fair opportunity to be elected. In case of  
17 conflict the criterion specified by this subsection (4) shall  
18 prevail over all other criteria for districts as set forth in  
19 subsections (1) to (3) of this section.

20 Section 48 of article V of the constitution of the state  
21 of Colorado is amended BY THE ADDITION OF A NEW SUBSECTION to  
22 read:

23 Section 48. Revision and alteration of districts -  
24 reapportionment commission - submission to the people.  
25 (2) (a) The reapportionment plan adopted pursuant to  
26 subsection (1) of this section and the reapportionment plan  
27 for congressional districts adopted pursuant to section 44 of

1 this article shall be in effect for the election of members of  
2 the state senate, the state house of representatives, and the  
3 United States house of representatives at the first general  
4 election following each federal census.

5 (b) Reapportionment plans for state senatorial, state  
6 representative, and United States representative districts may  
7 also be initiated and submitted to the registered electors of  
8 the state at the first general election following each federal  
9 census in accordance with section 1 of this article. If no  
10 reapportionment plan for districts in the state senate, state  
11 house of representatives, or United States house of  
12 representatives is initiated, the plan of the reapportionment  
13 commission or the general assembly, as the case may be, for  
14 districts for such body shall stand. If one or more  
15 reapportionment plans for districts in the state senate, state  
16 house of representatives, or United States house of  
17 representatives is initiated, all plans for each such body,  
18 including the plan of the reapportionment commission or the  
19 general assembly, as the case may be, shall appear on the  
20 ballot so that an elector may vote for only one plan for each  
21 such body.

22 (c) If more than one reapportionment plan is submitted  
23 for the state senate, the state house of representatives, or  
24 the United States house of representatives, to the registered  
25 electors of the state at the first general election following  
26 the federal census, the plan for such body having the most  
27 votes shall be adopted for the period until the general

1 election following the next federal census; except that, if no  
2 reapportionment plan receives a majority of the votes cast  
3 thereon, the two plans receiving the most votes shall be  
4 submitted to the registered electors of the state at a special  
5 election to be held within thirty days after the general  
6 election, and the plan receiving the most votes at such  
7 special election shall be adopted.

8 SECTION 2. Each elector voting at said election and  
9 desirous of voting for or against said amendment shall cast  
10 his vote as provided by law either "Yes" or "No" on the  
11 proposition: "An amendment to articles IV, V, and XVIII of  
12 the constitution of the state of Colorado, concerning  
13 political reform to make government more representative of and  
14 responsive to the citizens of Colorado by providing for a  
15 limitation on the number of terms which can be served by  
16 elected state and federal officials, competitive election  
17 districts, and submission of reapportionment plans to the  
18 voters."

19 SECTION 3. The votes cast for the adoption or rejection  
20 of said amendment shall be canvassed and the result determined  
21 in the manner provided by law for the canvassing of votes for  
22 representatives in Congress, and if a majority of the electors  
23 voting on the question shall have voted "Yes", the said  
24 amendment shall become a part of the state constitution.

ATTACHMENT F  
Oklahoma Initiative  
and Background Information



**Oklahomans for  
Legislative Reform**

Suite 612  
324 Main Mall  
Tulsa, Oklahoma 74103

March 29, 1990

**LLOYD NOBLE II, TULSA**  
Chairman

**RAYMOND GARY, MADILL**  
Former Governor  
State of Oklahoma  
Honorary Chairman

**Advisory Council**

**JACK ABERNATHY, OKLAHOMA CITY**

**J.W. BATES, JR., TULSA**

**BILL CALVERT, TULSA**

**MARK L. CANTRELL, EL RENO**

**MICHAEL CAWLEY, ARDMORE**

**SEN. RALPH CHOATE, HENNESSY**

**SEN. TOM COLE, MOORE**

**KENT FRATES, OKLAHOMA CITY**

**DICK FREEMAN, TULSA**

**JACK GRAVES, TULSA**

**SKIP HEALEY, DAVIS**

**JIM HEWGLEY, TULSA**

**H.C. "LADD" HITCH, JR., GUYMON**

**BOB KELLEY, ARDMORE**

**REP. CHARLES KEY, OKLAHOMA CITY**

**JOHN KIRKPATRICK, OKLAHOMA CITY**

**ED LAWSON, TULSA**

**SAM NOBLE, ARDMORE**

**REP. WANDA JO PELTIER, OKLAHOMA CITY**

**JOHN SNODGRASS, ARDMORE**

**REP. LEONARD SULLIVAN, OKLAHOMA CITY**

**LEROY THOMAS, TULSA**

**JAMES R. TOLBERT, III, OKLAHOMA CITY**

**Legal Committee**

**SEN. GARY GARDENHIRE, NORMAN**

**JOHN SUBLETT, TULSA**

**WILSON WALLACE, ARDMORE**

**Campaign Directors**

**BETTY BRAKE, OKLAHOMA CITY**

**JACK EDENS, OKLAHOMA CITY**

**Research Director**

**TERRY HAMMONS, OKLAHOMA CITY**

Dear Lolo -

Please forgive the tardiness!

Enclosed is the petition with copy of the proposed Constitutional Amendment, a copy of the poll and a few news articles. We received

205,418 signatures 17% more than needed. Also

highlight number on any District Petition is Oklahoma History. It has been certified by the Sec of State + Akla. Governor. Gov. Cant. The Governor will call a special election in 90 days.

Sincerely,  
Lyle

Call if you need anything else!

State Question No. 6

# "WARNING"

Initiative Petition No. 34

It is a felony for anyone to sign an initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the measure, or to sign such petition when he or she is not a legal voter.

## INITIATIVE PETITION

**FILED**

SEP 19 1989

OKLAHOMA SECRETARY  
OF STATE

TO THE HONORABLE HENRY BELLMON,  
GOVERNOR OF OKLAHOMA:

We, the undersigned citizens and legal voters of the State of Oklahoma, respectfully order that the following proposed amendment to the Constitution shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the next regular general election, or at a special election to be held on such a day as the Governor shall proclaim, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence and post office are correctly written after my name. The time of filing this petition expires ninety days from September 19, 1989. The question we herewith submit to our fellow voters is:

Shall the following proposed amendment to the Constitution be approved?

### BALLOT TITLE

This measure amends Article 5, Section 17 of the Oklahoma Constitution by adding Section 17A. It provides that any member of the Legislature elected to office after the effective date of this Amendment would be allowed to serve no more than 12 years. Years served need not be consecutive and service in either House of the Legislature shall be counted. Time served by a member elected or appointed to serve less than a full term shall not be counted. No member who has completed a 12-year term shall be allowed to serve a partial term. Members serving on the effective date or who have been elected or appointed to serve are allowed to serve an additional 12 years. The measure shall become effective on the 1st day of the year following its approval.

SHALL THE PROPOSED CONSTITUTIONAL AMENDMENT BE APPROVED?

- ( ) YES - For the Amendment
- ( ) NO - Against the Amendment

Be it Enacted by the People of the State of Oklahoma that Section 17 of Article 5 of the Oklahoma Constitution be amended by adding an additional paragraph numbered 17A, to read as follows:

SECTION 17A. Any member of the Legislature who is elected to office after the effective date of this amendment shall be eligible to serve no more than 12 years in the Oklahoma State Legislature. Years in Legislative office need not be consecutive and years of service in both the Senate and the House of Representatives shall be added together and included in determining the total number of Legislative years in office. The years served by any member elected or appointed to serve less than a full Legislative term to fill a vacancy in office shall not be included in the 12-year limitation set forth herein; but no member who has completed 12 years in office shall thereafter be eligible to serve a partial term. Any member who is serving a Legislative term in office or who has been elected or appointed to serve a term in office on the effective date hereof shall be entitled to complete his or her term and shall be eligible to serve an additional 12 years thereafter. This amendment shall be effective on the 1st day of the year following its adoption.

## SIGNATURES

The gist of the proposition is as follows:

This measure amends Article 5, Section 17 of the Oklahoma Constitution by adding Section 17A. It provides that any member of the Legislature elected to office after the effective date of this Amendment would be allowed to serve no more than 12 years. Years served need not be consecutive and service in either House of the Legislature shall be counted. Time served by a member elected or appointed to serve less than a full term shall not be counted. No member who has completed a 12-year term shall be allowed to serve a partial term. Members serving on the effective date or who have been elected or appointed to serve are allowed to serve an additional 12 years. The measure shall become effective on the 1st day of the year following its approval.

A "yes" vote is a vote in favor of this measure. A "no" vote is a vote against this measure.

1.	Signature of Legal Voter	Residence	City	ZIP	County
2.	Signature of Legal Voter	Residence	City	ZIP	County
3.	Signature of Legal Voter	Residence	City	ZIP	County
4.	Signature of Legal Voter	Residence	City	ZIP	County
5.	Signature of Legal Voter	Residence	City	ZIP	County
6.	Signature of Legal Voter	Residence	City	ZIP	County
7.	Signature of Legal Voter	Residence	City	ZIP	County
8.	Signature of Legal Voter	Residence	City	ZIP	County
9.	Signature of Legal Voter	Residence	City	ZIP	County
10.	Signature of Legal Voter	Residence	City	ZIP	County
11.	Signature of Legal Voter	Residence	City	ZIP	County
12.	Signature of Legal Voter	Residence	City	ZIP	County
13.	Signature of Legal Voter	Residence	City	ZIP	County
14.	Signature of Legal Voter	Residence	City	ZIP	County
15.	Signature of Legal Voter	Residence	City	ZIP	County
16.	Signature of Legal Voter	Residence	City	ZIP	County
17.	Signature of Legal Voter	Residence	City	ZIP	County
18.	Signature of Legal Voter	Residence	City	ZIP	County
19.	Signature of Legal Voter	Residence	City	ZIP	County
20.	Signature of Legal Voter	Residence	City	ZIP	County

**INSTRUCTIONS FOR CIRCULATORS:** Circulators must be registered to vote in Oklahoma and must personally witness all signatures. All petition signers must be registered to vote in Oklahoma. After each signer signs, turn this sheet over and print the name only in the corresponding numbered space provided. When all signatures have been obtained, fill out the circulator's affidavit on the back of this sheet in the presence of a notary public.

RETURN THIS PETITION TO:

Lloyd Noble, II 2249 N.W. 39 Okla. City, OK 73112 405-525-0322	OR	Lloyd Noble, II 819 S. Denver Tulsa, OK 74119 918-582-8033
-------------------------------------------------------------------------	----	---------------------------------------------------------------------

**AFFIDAVIT**

STATE OF OKLAHOMA )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, being first duly sworn say:

That I am a qualified elector of the State of Oklahoma and that the following persons signed this sheet of the foregoing petition, and each of them signed his or her name thereto in my presence:

- |           |           |
|-----------|-----------|
| 1. _____  | 11. _____ |
| 2. _____  | 12. _____ |
| 3. _____  | 13. _____ |
| 4. _____  | 14. _____ |
| 5. _____  | 15. _____ |
| 6. _____  | 16. _____ |
| 7. _____  | 17. _____ |
| 8. _____  | 18. _____ |
| 9. _____  | 19. _____ |
| 10. _____ | 20. _____ |

I believe that each has stated his or her name, post office, and residence correctly, and that each signer is a legal voter of the State of Oklahoma and the County of his or her residence as stated.

\_\_\_\_\_  
Circulator's Signature

\_\_\_\_\_  
Post Office Address

\_\_\_\_\_  
City Zip Code

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1989.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Post Office Address

My Commission Expires:

\_\_\_\_\_  
City Zip Code

\_\_\_\_\_

(SEAL)

NOTICE

FILED

JAN 29 1990

NOTICE OF FILING OF  
INITIATIVE PETITION NUMBER 346 OKLAHOMA SECRETARY  
STATE QUESTION NUMBER 632 OF STATE

NOTICE is hereby given that on or before the 19th day of September, 1989 Initiative Petition Number 346, State Question Number 632 was filed in the Office of the Secretary of State for the purpose of causing to be submitted to the legal voters of the State of Oklahoma a proposed amendment to the Oklahoma Constitution.

The title of the amendment proposed is "THIS MEASURE AMENDS ARTICLE 5, SECTION 17 OF THE OKLAHOMA CONSTITUTION BY ADDING SECTION 17A. IT PROVIDES THAT ANY MEMBER OF THE LEGISLATURE ELECTED TO OFFICE AFTER THE EFFECTIVE DATE OF THIS AMENDMENT WOULD BE ALLOWED TO SERVE NO MORE THAN 12 YEARS. YEARS SERVED NEED NOT BE CONSECUTIVE AND SERVICE IN EITHER HOUSE OF THE LEGISLATURE SHALL BE COUNTED. TIME SERVED BY A MEMBER ELECTED OR APPOINTED TO SERVE LESS THAN A FULL TERM SHALL NOT BE COUNTED. NO MEMBER WHO HAS COMPLETED A 12-YEAR TERM SHALL BE ALLOWED TO SERVE A PARTIAL TERM. MEMBERS SERVING ON THE EFFECTIVE DATE OR WHO HAVE BEEN ELECTED OR APPOINTED TO SERVE ARE ALLOWED TO SERVE AN ADDITIONAL 12 YEARS. THE MEASURE SHALL BECOME EFFECTIVE ON THE 1ST DAY OF THE YEAR FOLLOWING ITS APPROVAL."

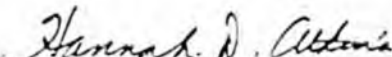
That said initiative petition was, on the 16th day of January, 1990 delivered to the Supreme Court of Oklahoma. The Supreme Court, by order entered in cause number 74,783 styled in RE: Initiative Petition No. 346, State Question No. 632, has determined the numbers of presumptively valid signatures on said petition is two hundred five thousand, four hundred and eighteen (205,418).

Pursuant to Article 5, section 2 of the Oklahoma Constitution and the certification from the State Election Board establishing that the office receiving the highest number of votes was that of Presidential Elector, for which the total votes cast were 1,171,036, I, Hannah D. Atkins, Secretary of State, determine that 175,656 is 15%, of the vote and is the number of signatures required to bring an amendment to a vote of the people and the number required of this petition.

From examination of the initiative petition by the undersigned Secretary of State and based upon the determination by the Supreme Court of the number of signatures, I find and proclaim, that the Initiative Petition Numbered 346, State Question Numbered 632 is sufficient to cause the amendment proposed thereby to be submitted by the Honorable Henry Bellmon, Governor of Oklahoma, to the legal voters of the State of Oklahoma as the Governor shall direct, for approval or rejection.

Notice is hereby given that any citizen or citizens of Oklahoma may file a protest to the petition or an objection to the signature count made by the Court by a written notice to the Clerk of the Supreme Court of Oklahoma, and an identical notice to Lloyd Noble II, Chairman Oklahomans for Legislative Reform, Suite 612, 324 Main Mall, Tulsa, Oklahoma 74103, which protest may be filed within the ten (10) days following the date of publication of this notice. Any citizen or citizens who shall file an objection to the count of signatures as made by the Court shall additionally give notice, as required by the provisions and intent of 34 O.S. 1981, section 8, and Supreme Court Rule 42, of the filing of such objection to any other person or persons, if any, who shall have timely filed a protest in the Supreme Court.

DATED THIS 29TH DAY OF JANUARY, 1990.

  
Hannah D. Atkins  
Secretary of State

A SURVEY OF VOTER ATTITUDES  
IN THE  
STATE OF OKLAHOMA

JUNE 1989

A Confidential Summary of a Survey  
Prepared for  
LLOYD NOBLE  
by  
COLE HARGRAVE SNODGRASS AND ASSOCIATES, INC.

## SURVEY OVERVIEW

Cole Hargrave Snodgrass and Associates is pleased to present a summary of the results of this survey to Lloyd Noble. This section outlines the research techniques used in gathering the information presented in this report. The project directors for this study were Sharon Hargrave and Deby Snodgrass, with design and analytical support from Dr. Thomas J. Cole. General staff support was provided by Sandi James and Dan Storie.

This report contains the results of a telephone survey of 500 registered voters throughout the state of Oklahoma. Responses to this survey were gathered June 26-30, 1989.

All respondents interviewed in this study were part of a fully representative sample based on the latest voter registration figures in the state. The confidence interval associated with a sample of this type is such that 95% of the time results will be within  $\pm 4.5\%$  of the "true values" where "true values" refer to the results obtained if it were possible to interview every voter in the state.

Interviewing was conducted by Cole Hargrave Snodgrass and Associates' instructed personnel from the company's own telephone bank in Oklahoma City, Oklahoma. The interviews lasted approximately 7 minutes.

Editing, coding and computer processing of the data was done at the headquarters of Cole Hargrave Snodgrass and Associates. The computer tabulations were produced by SPSS PC+, a statistical software package copyrighted by SPSS, Inc.

Cross tabulations for all questions by a variety of subgroups have been presented to Lloyd Noble in a separate and more complete report. This information can be made available to interested parties at the direction of Mr. Noble.

SURVEY SUMMARY

Hello, Mr/Mrs \_\_\_\_\_? I'm \_\_\_\_\_ of CHS & Associates, a regional research firm. We're talking with people in Oklahoma today about public leaders and issues facing us. . . (DO NOT PAUSE)

1. Do you feel that things in Oklahoma are generally going in the right direction, or that things have pretty seriously gotten off on the wrong track?

Right track . . . . . 32.3%  
Wrong track . . . . . 42.6%  
Undecided . . . . . 24.6%

2. Do you think that the Oklahoma State Legislature is generally doing an excellent, good, only fair, or poor job in dealing with Oklahoma's problems?

Excellent . . . . . 0.2%  
Good . . . . . 16.3%  
Fair . . . . . 47.0%  
Poor . . . . . 31.0%  
Don't know (DO NOT READ). 5.0%

3. Some people say the longer an individual serves in the state legislature, the more effective he becomes. Others think that if elected officials serve too long, they lose touch with the voters. Do you believe longer service makes someone more effective or that longer service causes them to lose touch?

More effective . . . . . 18.2%  
Lose touch . . . . . 63.6%  
Don't know (DO NOT READ) 18.2%

4. Would you support an amendment to the Oklahoma constitution to limit the number of years someone could serve in the state legislature?

Yes . . . . . 70.0%  
No . . . . . 17.6%  
Undecided/depends  
(DO NOT READ) . . . . . 12.4%

5. (ONLY IF YES ON QUESTION 4)

How long do you think someone should be allowed to serve in the state legislature?

Eight years. . . . . 50.0%  
Ten years. . . . . 12.0%  
Twelve years . . . . . 9.1%  
Sixteen years. . . . . 0.6%  
Other (DO NOT READ). . . 25.4%  
Don't know (DO NOT READ) 2.9%

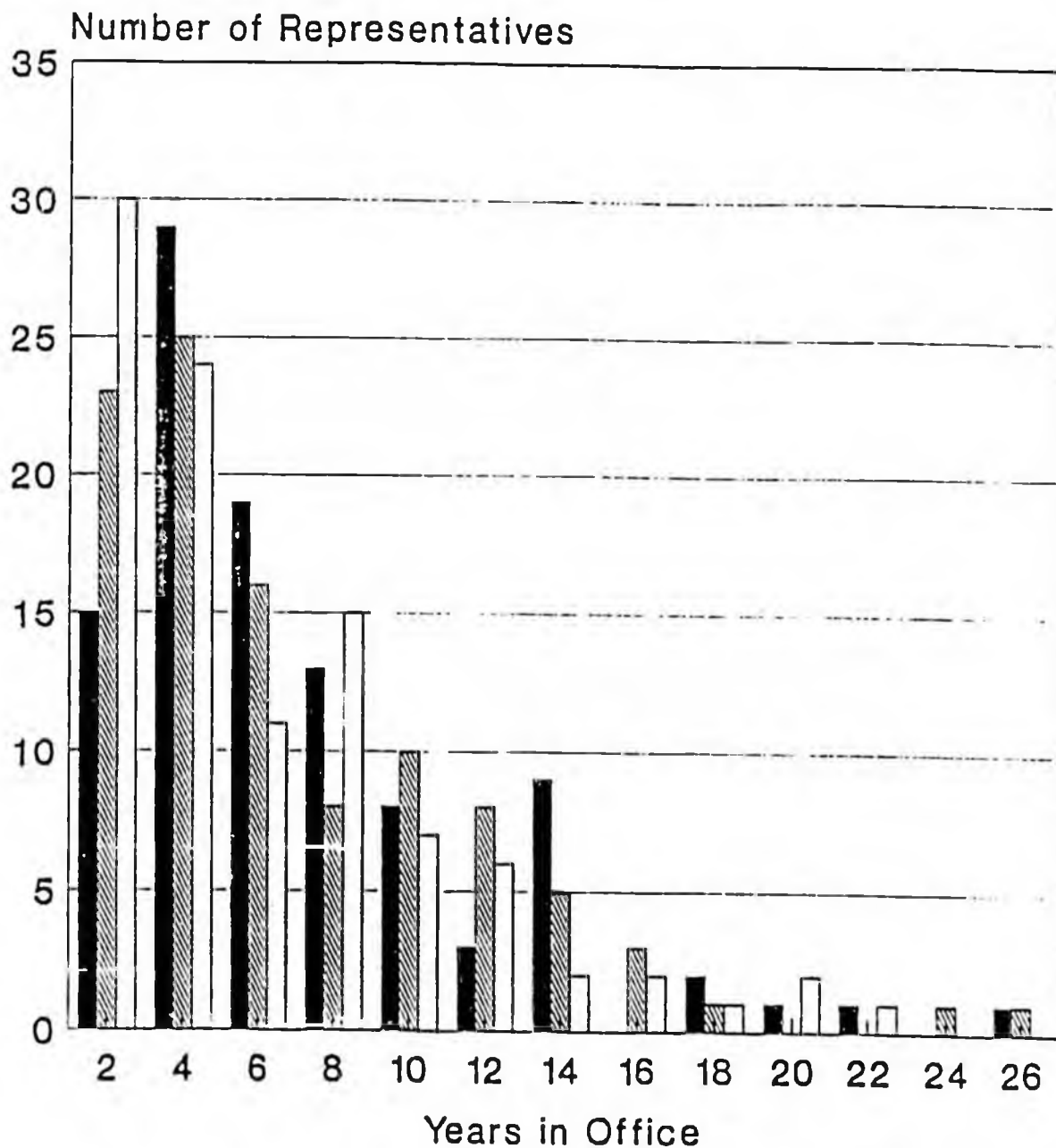
6. (ONLY IF NO ON QUESTION 4)

Would it change your mind if you knew Oklahoma legislators earn \$32,000 a year and can retire on full pay after 20 years?

Yes . . . . .	.28.4%
No . . . . .	.60.2%
Don't know (DO NOT READ)	.11.4%

# Oklahoma House of Representatives

## Total Years in Office



1977-78
  1983-84
  1989-90

Comparison of three sessions

## SURVEY ANALYSIS

The chief purpose of this survey was to gage public support for a constitutional amendment to limit the terms of state legislators. To test the electorate's underlying attitude on this issue, voters were asked several questions.

The first two questions were designed to measure public opinion of the current state legislature. Voters were asked if they thought things were on the right track in Oklahoma. Only one voter in three felt positive about the direction in which the state was moving. When specifically asked about the job performance of the state legislature, only 17% of the voters rated it either excellent or good. Almost half of the voters (47%) rated the legislature's job performance as "only fair" and almost one-third (31%) considered it poor. The generally negative attitude of the electorate toward both the "state of the state" and the legislature suggests that voters would be very receptive to proposals to change the current system.

This conclusion is reinforced by the public's strong rejection of the notion that longer service in the state legislature makes individuals more effective legislators. Fewer than one voter in five (18.2%) thought lengthy service in the state legislature made legislators more effective. Conversely, over three times as many voters (63.6%) felt that longer service caused legislators to lose touch with the public.

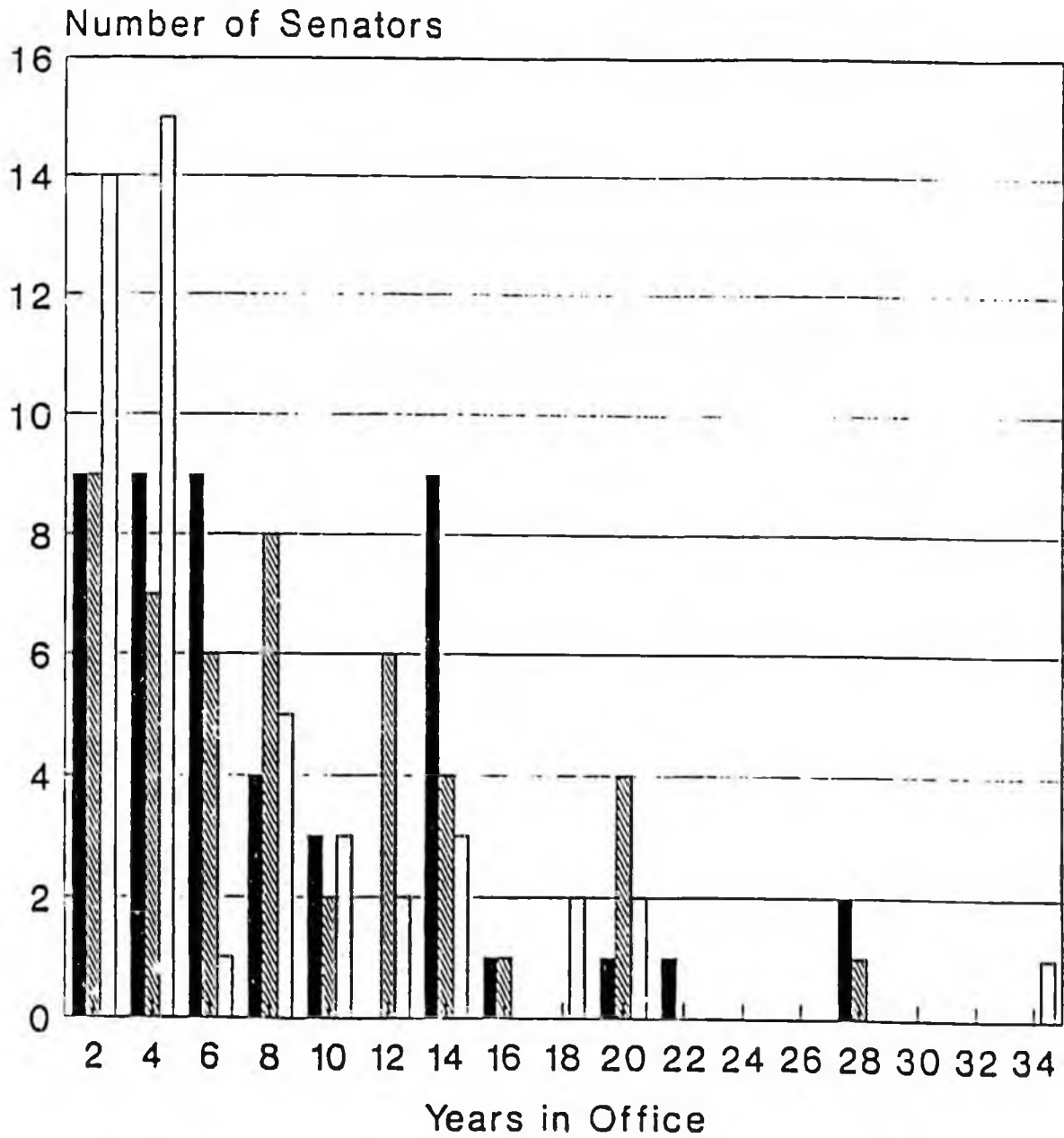
When specifically asked if they would support a constitutional amendment to limit the number of years someone could serve in the state legislature, voters were overwhelmingly favorable. Fully 70% of the public favored limiting terms and only 17.6% was opposed -- a margin of almost four to one. All demographic groups, every ideological category, every region of the state, and members of both political parties were strongly in favor of limiting the terms of state legislators. Moreover, of those opposing such a limitation, over one-fourth (28.4%) were willing to consider changing their position upon learning of the salary and retirement benefits enjoyed by legislators.

Of those who desired to limit terms, half (50.0%) favored making the maximum eight years. Virtually no one favored allowing legislators to serve longer than twelve years. Once again, there was little variation in these sentiments between different subgroups within the survey sample.

It seems likely that if a constitutional amendment limiting legislative terms could be placed on the ballot, it would pass easily. Given their obvious conflict of interest and their low approval ratings, the state's elected leaders would be poorly positioned to block such an effort. Getting the signatures needed to force a vote on such an issue and beating back possible legal challenges, however, would be formidable tasks.

# Oklahoma Senate

Total Years in Office



■ 1977-78    ▨ 1983-84    □ 1989-90

Comparison of three sessions

File # 100-100000  
To: C. ... England  
From: ... David  
Re: ... by the Proposed Twelve Year Limit on  
... Terms

My reaction to the proposed 17A amendment to the Oklahoma Constitution is decidedly negative. I am opposed to limiting Oklahoma legislators to twelve years for the same reasons I oppose the 22nd amendment to the U.S. Constitution which limits presidential tenure.

My reasons for opposing 17A are as follows:

1. IT'S UNDEMOCRATIC: The length of a legislator's tenure is essentially a matter between the legislator and the electorate. The proposed amendment is thus a slap at the electorate's common-sense and judgment. It assumes that the popular will is to be feared as untrustworthy and unwise. Voters should not be denied an opportunity to retain a legislator made more effective by experience. Popular sovereignty should limit government not an a priori and arbitrary rule.

Similarly, elections serve to check adventurism. If, at some defined point, a legislator cannot run again, he or she may take financial or policy risks that they would avoid if they had explain it to the voters. This flies in the face of the argument that honesty is better served by stopping the rascals before they have the time to get into too much mischief.

2. CHANGING HORSES IN THE MIDDLE OF THE STREAM: Legislators must serve major public purposes continuously. This is because legislative victories occur within the constraints of "the times," public opinion, group support, and political leadership rather than the constraints of individual deadlines. Thus the wise injunction against "changing horses in the middle of the stream" applies to 17A. A legislator may just be reaching his or her full effectiveness when they are forced out of office.

It should be added that constitutions generally favor flexibility over rigidity. Among other reasons, this allows current decision-makers some latitude to respond to circumstances or "streams" that were not foreseeable when the constitution was framed. What is foreseeable in Oklahoma is the continued shift toward more evenly matched political parties. The voter's choice between two viable alternatives should serve to increase the competitiveness of elections rather than a constitutional provision which precludes the strongest candidates from running.

3. LAME DUCKS ARE FOOF BROTHERS: In 1896 William Plumer

of New Hampshire wrote the following:

It seems now to be agreed that Mr. Jefferson  
is a candidate at the next Presidential  
election. The disclosure of this fact, this early,  
is unnecessary and imprudent letting down of his  
importance. Most men seek the rising rather than  
the setting sun. (1)

As this quote applies to 17A, legislators entering their  
last 12 months or so of tenure would begin to lose their  
effectiveness since their "sun" would be setting. If  
ever so slightly, they would not be around to  
carry on, no one would pay much attention to them. This would  
create a strata of "lame ducks" in every legislative session,  
because those legislators who would otherwise be the most  
secure politically and thus the freest to address critical  
issues would also be those on their way out. That, in turn,  
would weaken the legislature's role in Oklahoma government.  
Perhaps some would welcome that, including some serious  
advocates of executive leadership. But 17A will result in  
the loss of some legislative initiative and influence whether  
that is judged as good or ill.

1  
Clinton Rossiter, The American Presidency, revised ed.  
(New York: Harcourt, Brace & World, Inc., 1960), p. 133.

## Arguments opposing limit on legislative tenure:

Certainly the most basic objections to an automatic universal limit on legislative tenure is that it also constitutes an automatic universal limit on democratic choice. The people's right to freely choose their legislators is a fundamental right, and like all such rights should be restricted only for reasons of surpassing importance. The arguments of those who would advocate restricting legislative tenure fail to justify this attack on the citizen's freedom to choose. Let us briefly address several of these arguments.

Perhaps the core argument for tenure limitations is that it will promote the "citizen legislator" as opposed to the "professional legislator." The implication of this argument is that the professional legislator is somehow less representative and responsive to the people. He either has his own agenda as a "professional legislator" or is bound up with "special interests." Simply limiting the tenure of legislators does not assure that they will be responsive to citizens or free of the influence of organized interests. Indeed, making legislators less interested in reelection may well make them less responsive to citizens and more free to pursue their own agendas. Moreover, a legislature of relative neophytes is more, rather than less, likely to be dependent on the expertise and information of (and subject to manipulation by) the experienced "pros" representing special interests. There may well be a bias in the present representation system, but limiting the tenure of legislators is not an appropriate "fix" for this problem.

A second argument is that legislators are presently almost "automatically" reelected due to the advantages inherent in incumbency. Privileges in mailing and traveling and the system of seniority in selecting legislative leadership are central to producing this effect. Voters realize that more senior legislators are more powerful and thus can be more influential in representing them. There is certainly a problem with the "incumbency effect," but the obvious solution is in reforming the legislative privileges and leadership selection rules rather than the electoral process. Why attack the right of citizens to choose when the problem lies in the legislature itself?

A similar response can be made to those who worry that seniority results in a bias of influence toward districts and citizens who have senior legislators. Limiting tenure without changing the seniority leadership selection rule will merely shorten the cycle of relative advantage. Rather than falling from influence only when a representative dies or retires, a district will start over every twelve years. It still is in the district's interest to return a legislator faithfully for the maximum time. Competitive districts, that tend to switch legislators every two to four years, would remain at a relative disadvantage to non-competitive ones. The impact on bias in the system of representation would be minimal and hardly worth the price of a limitation on a fundamental right of the citizenry. This is especially true given that a more effective and less costly reform would focus on the actual cause of the problem - the seniority system itself.

Finally, advocates of tenure limitation suggest that it will make the legislator more responsive and accountable to the people and reduce the influence of the bureaucracy and special private interests. This

argument disingenuously suggests that we can improve the quality of democratic representation by reducing the democratic choice of the citizen. It is not only disingenuous but wrong in both its claims.

In fact, such limitations are likely to make legislators less responsive and accountable. Elections and electoral choice are designed to assure responsiveness and accountability. Fear of defeat at the polls is the central element disciplining office holders. Reducing their fear of defeat at the polls by making exit from office a certainty can only make them less accountable and responsive. Indeed, no politician is more free than he who has nothing (or little) left to lose. With each year that passes automatic tenure limitations serve to place politicians increasingly in this state of relative freedom vis a vis the electorate.

Moreover, even that majority of legislators that may choose to be responsive and responsible will be reduced in their effectiveness. As "lame ducks" their influence in the legislative process will be reduced due to the certainty that they will not be around to deliver legislative rewards or punishments to others in subsequent sessions.

Tenure limitations are also likely to increase rather than decrease the power of special interests and the bureaucracy. Limiting the experience level of the legislature will only make them still more dependent on the expertise and information of the non-elected officials and the private interests. In a system in which information and the savvy derived from experience are the primary power resources, career bureaucrats, legislative staffers, and lobbyists are further advantaged by tenure limitations. Thus, tenure limitations not only weaken citizen participation by limiting choice, but also tends to weaken the influence of the elected officials they choose relative to the non-elected officials. The balance of power is tilted still further toward those least accountable through democratic elections and participation of the average citizen.

Ultimately, the desire for tenure limitations stems not from a desire for a "citizen legislator" or from a concern for equal representation, responsiveness or accountability. Instead, calls for tenure limitations reflect a profound distrust in the wisdom and judgment of the people. Of course, the people make mistakes and bad choices in elections. They may even fail to recognize their mistakes. Frustrated, advocates of tenure limitations would seek to substitute an anti-democratic procedural "fix" for the failings of the electorate. In a democracy, the proper response to error on the part of the people is more, not less, democracy. Rather than limiting the citizen's right to choose, those who object to long tenure for legislators should themselves seek to convince the people that frequent turnover is a good thing and that they should vote accordingly. If the proponents of this plan are truly interested in improving the character of democratic representation, educating the public rather than reducing their democratic privileges is the appropriate course of action.

Dr. Dave Billeaux  
Assistant Professor  
Oklahoma State University

# Legislative Limit Petition Launched

DAILY OK 9-15-80



Lloyd Noble announces plans for a petition drive.

By John Greiner  
Staff Writer

A Tulsa businessman launched an initiative petition drive Thursday to limit Oklahoma legislators to 12 years of service in the Legislature.

Lloyd Noble II filed his petition with the secretary of state.

He must get 175,636 signatures of registered voters by Dec. 13 to get the issue put on an election ballot, the secretary of state's officials said.

Noble said supporters hope to obtain more than 200,000 signatures.

He said that Oklahomans for Legislative Reform, which will circulate the petition, will have a \$250,000 budget.

"We're within reaching it," he said when asked if the money had been raised.

Noble said if the proposal is adopted, current legislators will be able to serve 12 more years.

He said a poll conducted last July on limiting terms showed that a majority of Oklahomans did not have confidence in the Legislature and believed a legislator lost touch as length of service increased.

Several hundred Oklahomans were surveyed, Noble said. He did not say who conducted the poll.

He said he has received calls of support from people from both political parties.

Many interests in Oklahoma with the resources to help in this constitutional amendment haven't offered to help, he said.

"But these interests will spend substantial

amounts of money to help lobbyists buy expensive meals for legislators pour whiskey to legislators and provide entertainment to legislators," he said. "Is that what a democracy is about?"

Noble said Oklahoma has been good to his family since his great-grandfather opened a hardware store in Indian Territory during the 1890s.

"We believe in trying to return to Oklahoma some of what we received. This is my way of contributing to allow more people to serve the state in the Oklahoma Legislature," he said.

Noble said the framers of the Oklahoma Constitution took many things for granted, including that the Legislature would be a legislature.

See PETITION, Page 2

## Petition

From Page 1  
citizens, not full-time politicians.

This was obvious in the fact they met for only two to three months every other year and received nominal pay, he said.

The concept of the citizen legislator was destroyed when legislative salaries were raised to \$22,000, Noble said.

Those salaries were raised in 1968 by a legislative compensation commission whose members are appointed by the governor, House speaker and Senate president pro tempore.

Noble was asked to give an example of any problem relating to a legislator being in office more than 12 years.

He cited Sen. Gene Stipe, a McAlester Democrat, who has served since the late 1940s.

"Look at the number of Oklahomans on food stamps

... the percentage of the population in his district is substantially above the state average. So he's had all these years with all this power and influence to bring jobs to his district, instead he's put them on the taxpayers," Noble said.

When a reporter pointed out that food stamps are based on poverty, Noble said:

"Well, he's had the opportunity to bring jobs to his district. If he had the jobs there, they wouldn't have to be on food stamps."

Food stamps are paid for by the federal government.

The program is administered by the U.S. Department of Agriculture which contracts with states for certification of recipients, the issuance of

food stamps and the accountability of them.

State legislators have nothing to do with passage of the federal program.

When this was pointed out to Noble in reference to his statements about Stipe, Noble replied:

"It's very simple ... a disproportionate amount of state money going to his district."

Noble said the group pushing this constitutional amendment is bipartisan.

Honorary chairman is former Democratic Gov. Raymond Gary of Madill, Noble said.

However, the group has several current and former Republican officials on the advisory council.

Gov. Henry Bellmon said he isn't involved but did meet with Noble.

*leg.  
Term of office*



# THE DAILY OKLAHOMAN

The State Newspaper Since 1807

OKLAHOMA CITY, OK

THURSDAY, AUGUST 10, 1989

40 PAGES

## Tulsa Oil Man Wants to Limit Legislative-Careers to 12 Years

By Paul English  
Staff Writer

Tulsa businessman Lloyd Noble II said Wednesday he is considering initiating a petition drive aimed at limiting legislators to 12 years in office.

"We are no longer getting representative government," Noble said. "We are getting a government of career politicians."

Noble said a poll conducted at his request showed 70 percent of the 500 people surveyed favored limiting the terms of state lawmakers.

The independent oil man said he

wants to kick off the initiative petition drive in late August, to coincide with county fairs and other large meetings.

"A lot of money and manpower will have to be pledged in the next several days" to start the drive in August, he said.

A petition drive probably would cost \$200,000, he said.

The secretary of state's office said the petition calling for a statewide vote on the proposed constitutional amendment would require 175,636 valid signatures.

"This is something that I have

### ■ The Oklahoma Report

personally felt needed to be done for a long time," Noble said.

As a legislator stays in office he tends to be re-elected by "bringing a disproportionate amount of taxpayer dollars to their district," he said.

"Less tenured representatives and senators have far less power than those who have been there longer," he said.

Noble said his poll indicated that

about 64 percent of the people he believes that the longer a legislator is in office the more he loses touch with his constituents.

Only 18 percent believe a legislature becomes more effective through office longevity, Noble said.

Noble said the poll results led him to select a 12 year maximum. Of those favoring a limit on legislative service, 50 percent wanted the limit to be eight years, he said.

Another 12 percent favored a 10 year limit, and 91 percent were for a 12 year ceiling, he said.

The 12 year maximum would apply to total service in the Legislature, Noble said.

The proposal is being drafted "not to impact all that are there right now, either by grandfathering those who are there currently or by starting the clock running 12 years after date of passage," he said.

Noble said he started thinking about a petition drive in June after Gov. Henry Bellmon's consultation

revision study commission discussed a proposal to limit legislative terms.

Noble said he talked with Andrew Terrington, Bellmon's chief of staff, who was a member of the study group.

"Andrew told me that he personally favored this and that the governor favored it and Andrew brought it up and then various legislators went thumbs down on it," he said.

Noble said former Gov. Raymond Gary already has endorsed his proposal.



**Muskogee Daily Phoenix**  
Page 9—Section A  
Saturday, August 12, 1989

### Limited terms could improve the Legislature

There's a fellow in Tulsa who wants to hold a statewide petition drive to limit the terms of legislators.

Lloyd Noble II, an independent oilman, thinks 12 years is long enough for anyone to serve in the Oklahoma Legislature.

The campaign has merit. The only question is why 12 years? Why not less?

Noble has a head on his shoulders when he says Oklahomans are no longer getting representative government. Career politicians are more often identified with progress than they are experienced hands adept at fixing errors.

The public evidently shares our pessimism. Sixty-four percent of the people Noble surveyed said they believe the longer a legislator is in office, the more he loses touch with constituents.

We don't have to look far to come up with powerful long-time legislators who take pride in their long careers. Although Oklahoma industry is only nominally unionized, right-to-work bills are routinely killed before reaching the floor of the Legislature. Workers' compensation reform is continually blocked by senators who earn millions each year on such cases in their private practices.

The longer legislators stay in office the better the chances for re-election. The more powerful they become, the more likely they earn for their districts or organizations time and money. State money to your would-be ally will get you votes in November.

Because of Oklahoma's restricted fiscal system, long-term legislators have far less power. So no matter what their constituents petition their hands are tied when they walk out the capital.

Before that old Governor Bellmon's constitutional revision study commission closed shop—and dissolved—a proposal to limit legislative terms. That's a shame. Maybe the next petition drive will catch on and do what needs to be done to bring some sunshine into state government.

# The Tulsa Tribune

MONDAY, AUGUST 14, 1989

TULSA, OKLAHOMA, THURSDAY, AUGUST 10, 1989

## Petition drive considered

OKLAHOMA CITY (AP) — A Tulsa businessman who says he is concerned about "professional politicians" is considering a petition drive to limit legislators to 12 years in office.

"We are no longer getting representative government," Lloyd Noble II said Wednesday. "We are getting a government of career politicians."

Noble, an independent oil man, said he would like to kick off the initiative petition drive this

To do so, however, he said "a lot of money and manpower will have to be pledged in the next several days."

A poll conducted at his request showed that 70 percent of the 500 people surveyed favored limiting the terms of lawmakers, he said.

Noble said that as legislators stay in office they tend to be re-elected because they bring "a disproportionate amount of taxpayer dollars to their districts."

"Less tenured representatives and senators have far less power

## Too long in office

Tulsa oilman Lloyd Noble II got the kind of results he wanted in a privately conducted poll which showed that Oklahomans like the idea of limiting legislators to a maximum of 12 years in office. Translating opinions into a successful initiative petition would be a formidable task, however.

Aside from the numbers required — more than 175,000 signatures — there is a quirk in the American political psyche that shouldn't be discounted. Voters and Con-

gressmen and representatives to office. Somehow, it is always somebody else's congressman or state senator who needs to be bounced.

Noble hits the mark when he says politicians who stay in office too long accumulate too much power. Limiting their tenure is a good idea, not just in the Legislature but also in Congress. But as long as it is the politician down the hall who has too much about, efforts to change the system will be

A Noble Idea

OKLAHOMA business- man Lloyd Noble II has come up with a great idea — limit state legislators to 12 years in office.

The problem is there are a few hurdles that must be overcome before the people would have an opportunity to vote on that proposal as a constitutional amendment.

First, a sufficient number of citizens' signatures — 175,656 — must be obtained on an initiative petition to put the issue on a statewide ballot. The cost of a petition drive is estimated at \$300,000.

It is unfortunate that Gov. Henry Bellmon and his constitutional revision commission did not include the Noble proposal in their list of initiative petitions now being circulated for signatures. It could have ridden piggy-

back at a great cost saving.

But since it wasn't, Noble needs the volunteers and the financial support to kick off an initiative petition drive. He wants it to coincide with county fairs and other large meetings and gatherings.

If Noble can get it off the ground, there's little doubt he can obtain a sufficient number of signatures. And chances are great the issue would be approved if the people are given an opportunity to vote on it.

The proposal should limit total legislative service to 12 years, but not apply to any service prior to passage of the amendment.

Passage would address a major fault of the Legislature — control by old-guard politicians who perpetuate themselves in office by obtaining a disproportionate share of tax dollars for their districts.

Legislators terms should be limited

Oklahomans may be getting one more initiative petition in the near future which would limit the number of years a state legislator can serve to 12.

Apparently the idea is popular with most Oklahomans, according to a survey conducted by Tulsa oilman Lloyd Noble, who found 70 percent of those responding favored limiting the terms of legislators.

Of course, it won't have a major impact on most State Capitol occupants as most legislators usually leave after only a few terms either on their own or at the urging of the voters.

While 12 years would be a fine limit for those in Washington — terms of U.S. Senators are 6 years — there's no reason to use that figure in Oklahoma City.

A limit of eight years would be better — this would give a state Representative up to four terms in the House or a Senator two terms in the Senate or any combination between the two.

Eight years is plenty. If they haven't accomplished their major objectives in that time, then its doubtful they ever will.

TULSA WORLD

Tulsa, Oklahoma Saturday, August 12, 1989

Tulsans Would Limit Legislators' Terms

By Mike Kimball  
Lead Staff Writer

The longer a state legislator remains in office, the more he loses contact with his constituents, says Tulsa businessman Lloyd Noble.

Noble would put an end to that by limiting the amount of time anyone can serve as a state legislator to 12 years.

He's serious enough about it to propose an amendment to the state Constitution to that effect.

Noble's proposed 12-year limit applies to both state houses.

If someone served three 3-year terms in the House of Representatives and then won election to the Senate, he would only be able to serve one and a half 6-year terms, Noble said.

We had 70 percent of the 500 Oklahomans contacted in a private survey favored an amendment to the Oklahoma Constitution limiting the length of total legislative service.

Of those who favored limiting legislative terms, 84% favored an eight-year limit and 16% favored 12 years or less, according to a summary of the survey's results.

Noble agreed that partying up on the number of years a legislator can serve limits the good legislators as well as the bad.

But it's a greater effort to see that in a House 3 years or 6 years, and in a Senate 6 years or 12 years, that there isn't another generation of old-guard politicians.

Nothing is stopping anyone from running for any office in Oklahoma. Noble said he has filed a petition for an initiative petition with the State Board of Equalization.

Other states, nor other countries in the free world, has a policy that limits the number of years or terms that can be served by legislators.

He said treatment of outgoing legislators hasn't been decided.

Supporters of the proposal have expressed making them exempt from the constitutional amendment or starting the 12-year limit would apply to the term of office from the date the proposal is passed.

FRIDAY

Monday August 22, 1989

Should we limit tenure of legislators to 12 years?

LLOYD NOBLE II, of the prominent Noble oil family in Oklahoma, is going all out to launch a petition drive for a vote to limit terms of Oklahoma legislators to 12 years.

A statewide poll was taken and 70% of those surveyed favored the idea. This result is not surprising as most Oklahomans use their own legislators but are not so enamored with the legislature as a general body as other folks, say a union.

If enough signatures can be obtained to call an election, such as this, almost certainly would pass.

The idea does have merit, if viewed objectively. There has long been a problem of old-guard politicians, including among many legislators themselves, that those who enact the laws and make our taxes should be required to go back into the world and live under the conditions they created. And it should know in advance they will have to do just that.

Twelve years is long enough to ensure enough continuing experience as new legislators take office and do a better job under the proposal's provisions. A dozen years between all the experience factor counts.

One of the important advantages of such a change would be if it would have or might have a "grandfather" clause, which would allow the incumbent legislators to serve out their terms. If the new leadership would be allowed to take long enough to get the job done, it would not have long to do so.

More important, it would be to see that the people have a say in the way their government is run. It is a good idea to have a say in the way the government is run.



OKLAHOMA

TULSA — Oilman Lloyd Noble II hopes to launch statewide petition drive to limit state legislators to 12 years in office. He says 70% of people responding to survey favor limiting terms. ...

Handwritten signature

# Limit Legislative Service? Hogwash

By David Averill  
Editorial Writer

Legislator bashing always has been a popular American sport, and never more than now. That's not surprising; who could love people who, as a class, are interested mostly in levying taxes?

The abuse heaped on legislatures and legislators usually is verbal. Sometimes it takes the form of proposals aimed at curbing legislators' power, authority or influence.



David Averill

One such idea that bubbles to the surface every now and then is that a limit should be placed on length of service in the Legislature.

Lloyd Noble II, a Tulsa independent oil man, is the latest, but certainly not the first, to suggest that length of service in the Oklahoma Legislature be limited. Noble favors 12 years. A poll conducted on his behalf, he said, revealed that 70 percent of 500 people surveyed agreed with such a limit.

Noble has tried to stir up interest in a petition drive to put his proposal to a vote of the people.

The argument in favor of limiting legislative service goes something like this: "Professional politicians" are bad. They

don't truly represent the voters who keep electing and re-electing them. The longer they serve, the more influence they gain. Ergo, legislators should not be permitted to serve long enough to become influential "professionals."

Even if the professional-politicians-are-evil argument weren't hogwash, it's difficult to see what good it would do to limit legislative tenure.

Had a 12-year limit been in force at the start of the last legislative session, it would have affected eight of the 100 members of the House, seven Democrats and one Republican. That number would have included the speaker and two members of his leadership team who were deposed in a revolt by younger members during the session. Four of the eight were not part of the leadership and are members who are not reputed to have unusual or undue influence in the House.

The Senate, where members are elected to four-year terms instead of two-year terms as in the House, is generally thought to be the senior body. Still, a 12-year cap on service last session would have affected only nine of the 48 members. That number would have included the president pro tempore and two members of his leadership team, plus the Republican floor leader. At least three of the nine are highly respected members. Four are not known to be particularly influential.

Length of service is not an indicator of quality, power or influence. A 12-year limit on service would cost the Legislature some good members and some bad ones, some influential ones and some who wield little influence. There is no guarantee that their replacements would be any better, or different. Observers who pay close attention to the process are struck by the consistency

that voters from the various parts of the state display in choosing their representatives.

Lack of turnover is not a problem in the Oklahoma Legislature. In fact, relatively rapid turnover, especially among urban members, is characteristic. More than half of the current House members (53 of 100) are in their first or second terms, they have served four years or less. A whopping 68 percent of the Senate members (29 of 48) have served four years or less.

Finally, there is this: If limiting legislative service is a good idea, why isn't it done elsewhere? No state places a limit on legislators' tenure. (A petition calling for such a limit is being circulated in California.) The United States Constitution does not limit congressional service. In fact, one would be hard pressed to name a country in the Western world that so restricts legislative or parliamentary service.

The populist framers of Oklahoma's Constitution were fearful of the powers of government, business and other institutions. They included many limits on that power. If they were worried about "professional politicians" serving in the Legislature, it isn't reflected in the lengthy, restrictive, document they produced.

Voters may turn out of office any lawmaker they don't like. The fact that some legislators are re-elected time and again indicates that their constituents, while they may gripe about the Legislature as a whole, are pretty well pleased with their own representatives.

When critics argue that the Legislature is no good, that voters can't be trusted to elect quality lawmakers, what they really are saying is that they can't accept the results of democracy.

Leg. Affairs

# Proposal to Limit Legislators' Terms Called Vote

By John Greiner  
Staff Writer

A proposal to limit legislators' terms may shift more power to the executive branch, making it easier for a handful of influential people to control future governors, an Enid legislator says.

"I think if people know their right to vote is being restricted, they will get out and vote against this constitutional amendment," Rep. Gary Maxey said of a proposal being circulated by Tulsa businessman Lloyd Noble II.

Noble announced Sept. 14 that an initiative petition would be circulated to amend the constitution to limit Oklahoma legislators to no

more than 12 years in office.

If the people adopt the proposal, legislators in office now would be allowed to serve 12 more years after their current terms expire, Noble said.

Maxey, a Democrat, said he speculates that a possible motive for limiting legislator's terms would be that "it is a lot easier to control the executive branch than 101 members of the House of Representatives."

In many cases it takes years for a legislator to gain the experience to become effective, he said.

"He (Noble) would rather limit that and shift power to the executive branch, where a few wealthy

people can control the man or woman in the governor's mansion," Maxey said.

Noble disagreed.

"The power that is in the Legislature will remain in the Legislature but will be equally distributed among all legislators," Noble said.

Maxey is serving his first term after upsetting an incumbent legislator in 1988.

"I am speaking from a voter's standpoint... whether I am in office or not, I want the right to send someone down there," Maxey said.

He said he is offended by the proposal.

"Our democracy is based on the

fact that if someone gets experience, I have a right to send him down there," Maxey said.

Limiting terms restricts this right, he said.

The belief that this proposal would restrict the power of the people to make their own choices is shared by a man who has been involved in Republican Party politics for years in Oklahoma.

Drew Mason, former aide to Gov. Henry Bellmon and a political science professor, said limiting terms of state legislators would not accomplish anything.

In a letter to *The Oklahoman*, Mason said Noble's proposal is "clearly undemocratic."

"Our constitutions, federal and

state, place the power of choice in the hands of the people, not government," Mason wrote. "I should we give away our power to elect those whom we deem worthy for as long as we wish to them as our representatives?"

## Your Views Amendment Would Limit Our Choices

Daily OK 9-21-89

TO THE EDITOR:

In Oklahoma, it seems, Legislature bashing has achieved a status almost equal to that of talking about OU football. Sam Noble's recent announcement that he is sponsoring an initiative petition to limit the terms of legislators is just the latest attack in this popular pastime of thoughtless people.

In the first place, Noble's approach to finding a solution for a problem which he is unable to define except in vague terms of Gene Stipeisms, is terribly misguided and quite likely to result in unintended consequences. He wishes to make it a law that legislators may serve only 12 years. Currently, our legislators are only serving 5.3 years on the average. If a legislator is limited to 12 years, the voters will, if experience is any indicator, develop a tendency to confer upon their representatives the full 12 years.

Only eight members of the House and eight members of the Senate have been re-elected by their constituents for more than 12 years. These are hardly the dimensions of a serious problem. Perhaps it indicates that the voters are shrewd enough to retain those they wish to keep in service and discharge the rest. If such is the case, we don't need a constitutional amendment to ratify the general good sense of the electorate.

In the second place, Noble's plan is clearly undemocratic. Our constitutions, federal and state, place the power of choice in the hands of the people, not the government. Why should we give away our power to elect those whom we deem worthy, for as long as we wish to have them as our representatives? It is a difficult chore to persuade competent people to run for elected office. Once we have them in place it seems only prudent that we keep them there as long as they do a good job. If they fail to meet our standards we may then resort to

# ■ Metro Thoughts

Do 10-16-87

*A Tulsa man has filed a petition seeking an election to limit a legislator's term in office to 12 years. What do you think about this? Do you think it should be decided by a statewide vote?*



**Patty Cohenour**  
Postal Worker

"Yes, I think it is a great idea. I think it will end a lot of corruption in government. People should be allowed to choose whether they want to limit legislators' terms."



**Tim Degluzzi**  
Lawyer

"I think people should be allowed to vote on it. But I don't agree with it. I think it takes time to develop the kind of expertise legislators need. I think the proposal would exclude a lot of experienced and qualified people from that job."



**Calhryn Carr**  
Mission Supervisor

"I think they should limit their terms in office, because otherwise you have professional politicians. I think the legislators need to be out in the mainstream doing some other kind of work and finding out what is going on. Yes, I think the people should be allowed to vote on it."



**Ellen Harlman**  
Office Manager

"The petition takes away the right of the voter. We may not like the person in office, but it's up to the people in his or her district to decide who they want in office. It is not up to us to limit their terms. That is the way our country works. Why change it?"



**Loyd R. Neal**  
Cattle Hide Dealer

"Sure, people should be allowed to vote on it. I think 12 years is enough. If they are good ones, they can be voted back into office. But if they're bad eggs, you can't seem to get them out."



**Eldon Hydr**

"I think it should be allowed to vote on it. I haven't decided how I feel about it. I haven't decided."

*Leg. Term*

# Limit legislative terms?

Editor, The Tribune:

Oklahomans for Legislative Reform has been organized for the purpose of amending the Oklahoma Constitution, by initiative petition, to limit the tenure of Oklahoma legislators to 12 cumulative years.

For the most part, we no longer have citizen-legislators providing representative government, as our founding fathers envisioned. Instead, we have career politicians advocating bigger, costly government. The pay of Oklahoma legislators, \$32,000 a year, makes them the eighth highest paid in the nation. And frankly, Oklahoma taxpayers don't think they are getting their money's worth.

A scientific survey, commissioned this summer, showed over 75 percent of Oklahomans would support a constitutional amendment to limit the years state legislators may serve to 12. Limitation of terms is not new; governors' terms are limited to eight years.

Despite the overwhelming support among Oklahoma voters, this reform will not be accomplished without time, effort and money from all who want to see this enacted.

LLOYD NOBLE II  
Chairman, Oklahomans  
for Legislative Reform

Editor, The Tribune:

The proposed constitutional amendment to limit legislative service strikes at the heart of representative government, which holds that the people are best able to choose their own legislators.

The Legislature is the most important of the three branches of government. It makes the basic decisions, determines policies, and appropriates funds to carry them out. Twelve years may be long enough to master Roberts Rules of Order, but is not long enough to develop the statesmen needed to keep the Ship of State on a true course.

If applied to Congress, the 12-year rule would force Sen. David Boren to quit just as he has reached the period of his greatest service to state and nation. Had it been in effect in England, Winston Churchill could not have returned as prime minister to defend Britain and the Free World against Hitler. On a smaller scale, there are now some in our Legislature whose future service will become apparent in the years to come, if not forced out prematurely.

The proposed amendment is not so much an attack upon individual legislators as it is upon the sovereign right of the people to make their unrestricted choice. This is a right won over the centuries in only a few Western democracies, and it should not be given un-

## People's forum

*The Tribune welcomes letters and will publish as many as space permits. But no letter will be used unless it is signed with correct name and address. The Tribune reserves the right to edit all letters. Letters may be mailed to People's Forum, P.O. Box 1770, Tulsa, Okla. 74102. Contributors with access to a fax machine may transmit their letters by phoning 514-1037.*

lives of people. Only experience begets wisdom. We are not born with it, nor does it come automatically with a diploma from law school.

If certain groups want to get rid of a handful of legislative committee chairmen, let them support superior candidates for those jobs; but in any event, the people should be allowed to make a free choice. This meat-ax attack upon our legislative branch is not in the public interest.

Oklahoma City L.D. MELTON

Legislative  
Term of Office

Leg. T of

# 2-Year Limiting Plan Irks Legislators

## Tulsa Senator Questions Motives of Businessman Lloyd Noble II

Ron Jenkins  
Associated Press Writer

OKLAHOMA CITY — Veteran Oklahoma legislators say they are used to dodging political brickbats, but are growing weary of the Legislature being used as a political whipping

In 1989, voters overwhelmingly adopted a constitutional change to shorten the length of legislative sessions, despite opposition from the leaders of the Democratic majority.

Now some veteran lawmakers, both Democratic and Republican, say they are incensed by another proposed constitutional amendment to limit the number of years a state House and Senate member can serve.

Sen. Charles Ford, R-Tulsa, questioned the motives of Tulsa businessman Lloyd Noble II, who is leading an initiative petition drive aimed at limiting legislative service to 12 years.

Ford said revenge may be a factor in Noble's efforts. He said Noble, formerly of Ardmore, ran for the Legislature several years ago and lost to veteran state Rep. Duke D-Ardmore.

Ford charged that Noble has been angry at the Legislature since that loss.

Ford said he wants Noble to single out who in the Legislature he feels is "self-serving and needs to be replaced."

Through the years, some politicians have made a career out of running against the Legislature — including some legislators themselves.

In modern times, holding legislative leadership posts has not proven to be a big plus in running for statewide offices.

Only two former House speakers — Red Phillips and Alfalfa Bill Murray — have been elected governor. And that was in the 1930s.

Raymond Gary is the only former president pro tempore of the Senate to be elected to the top state elective position.

Among the notable House and Senate leaders who tried for higher office and failed was Clem McSpadden, who had won a spot in the U.S. House before opting for an unsuccessful race for governor.

The person who beat him in the Democratic runoff for governor in 1974 was David Boren, who moved up to chief executive from the statehouse.

Boren was a back-row legislator who took positions often at odds with the leadership.

He later was elected to the U.S. Senate and is generally regarded as the state's most popular politician.

"The Legislature has always been unpopular as a group and probably always will be," said Senate President Pro Tempore Bob Cullison, D-Skiatook.

Cullison also denounced the proposed constitutional amendment, saying he did not think it is right for the people in a district to be thwarted in re-electing someone voters feel is doing a good job.

"If the incumbents are not doing a good job they are defeated. If they are, they are elected. That's our process and I don't think it should be changed," Cullison said.

Cullison and Ford also disputed the contention that it is inordinately difficult to defeat an incumbent.

"That's ridiculous," said Ford as he ticked off the names of several veteran legislators who have been defeated at the polls in recent years, including two former Senate president pro tems and an appropriations chairman.

In the Senate alone, there was a turnover of 29 members over a two-year period that included the 1986 and 1988 elections and Ford said Noble's amendment is unnecessary.

Ford also said it is not true that long-time legislators tend to dominate the top House and Senate leadership posts.

# Petition to Limit Legislators Filed

## 12-Year Maximum Term Sought

By Chuck Ervin  
World Capitol Bureau

OKLAHOMA CITY — An initiative petition seeking to limit state legislators to 12 years in office was filed with the secretary of state Monday.

Tulsa's Lloyd Noble II, who sponsored the petition, said it contains signatures of some 201,000 Oklahomans who want to submit the issue to a vote of the people. Noble said an additional 10,000 names of petition signers would be filed before the end of the day.

Sponsors of the petition need about 175,000 valid signatures to bring the proposal to a statewide vote.

Secretary of State Hannah Atkins will count the signatures and send the petition to the Supreme Court. The court will have to certify that a sufficient number of registered voters signed the petition before a state question goes on the ballot.

Noble said some \$100,000 has been contributed to support the petition drive.

Andrew Tevington, Gov. Henry Bellmon's attorney, recommended a similar limit on legislative tenure to a Bellmon task force that proposed changes in Oklahoma's Constitution.

The task force did not adopt Tevington's proposal. Tevington

has denied encouraging Noble's petition drive, and Noble said he came up with the idea on his own.

Noble, a member of a prominent Ardmore family, is a former unsuccessful Republican candidate for the Oklahoma House of Representatives from Carter County.

He initially was unable to name his representative or senator, when asked by reporters.

"I don't know," Noble said. "I can get that information, if you like."

He later correctly identified his legislators as Sen. Penny Williams, D-Tulsa, and Rep. John Bryant, R-Tulsa.

Critics of the proposal to place a 12-year constitutional limit on legislative careers have charged that it is undemocratic and would deny residents the right to choose the individual they want to represent them in the Legislature.

"The people are going to vote on this petition," Noble said Monday. He said voters still would be able to select their representatives from other eligible persons in their Senate and House districts.

"It's not democratic when politicians perpetuate themselves at the taxpayers' expense," he said.

He said his proposal would eliminate "career politicians" and encourage more people to seek office.

## Petition —

From Page 1  
Supreme Court.

The court will recount the signatures and then establish a period for anyone wishing to file a protest. If the petition survives the protest period, it will be considered valid and then the governor can set an election date for it.

If a special election isn't set on this issue, it will go on the ballot at the next general election.

Noble said he got the idea for the petition after reading about discussions of a similar proposal before the governor's Constitution Revision Study Commission.

Andrew Tevington, a commission member and chief of staff for Bellmon, proposed limited legislative terms to the commission, but the commission rejected it.

Noble said the budget for circulating the petitions throughout the state was about \$200,000.

More than \$100,000 was donated to the petition drive, he said.

However, there were lots of volunteers who circulated petitions for no pay, he said.

His biggest disappointment, he

Leg. Term of  
office

# A democratic exercise

Tulsa 10-5-87

Tulsa oilman Lloyd Noble II is beginning to draw some negative reaction to his campaign to limit legislators to no more than 12 years in office. The oxen are getting restless.

Recently, Drew Mason, former aide to Gov. Henry Bellmon, and a long-time political insider, called the idea "clearly undemocratic." Mason knows better.

What could be more democratic than a petition drive and a vote on Noble's idea? Is it democratic when legislators stay in office so long that they have ceased to be effective or, worse, so long that they no longer care?

Rep. Gary Maxey, D-Enid, says the right to vote will be restricted if 12-year veterans no longer can appear on the ballot. How about governors who have served the limit of two terms or, for that matter, U.S. presidents?

Noble's petition drive isn't inspired by radical thought. Proposals to limit congressional terms surface now and then only to disappear. But a campaign to trim the power of legislators is possible, thanks to the simplicity of initiative petition. Maybe that's what scares the politicians. It can be done.

## Enid lawmaker disputes need for limiting legislative terms

Legis.  
To O

OKLAHOMA CITY (AP) — An Enid lawmaker says a proposal to limit lawmakers to 12 years in the state Legislature is an effort to restrict voter rights and to shift power to the executive branch.

Rep. Gary Maxey, D-Enid, spoke out over the weekend against a proposed state constitutional amendment to put a 12-year cap on legislative terms.

"I think if people know their right to vote is being restricted, they will get out and vote against this constitutional amendment,"

Maxey said.

"I am speaking from a voter's standpoint . . . Whether I am in office or not, I want the right to send someone down there," Maxey said.

Tulsa businessman Lloyd Noble II announced a petition drive Sept. 14 for the proposed constitutional amendment.

Maxey's view is supported by Drew Mason, a former aide to Gov. Henry Bellmon and a political science professor.

He called Noble's proposal

"clearly undemocratic."

"Our constitutions — federal and state — place the power of choice in the hands of the people, not the government," Mason said in a letter to The Daily Oklahoman.

Maxey also speculated that Noble's motive for making the proposal may have to do with control.

"It is a lot easier to control the executive branch than 101 members of the House of Representatives," he said.

# Petition to Limit Terms Of Legislators Is Filed

By Jim Myers  
World Capital Bureau

7-9-25-79

already.

OKLAHOMA CITY — Tulsa oilman Lloyd Noble II filed an initiative petition Thursday to limit lawmakers' tenure to 12 years.

Noble and the group he leads, Oklahomans for Legislative Reform, have 90 days to gather the approximately 175,000 signatures needed to put the petition on the state ballot.

Meanwhile, Gov. Henry Bellmon said he remained undecided on the issue but said he would probably sign the petition if asked.

Bellmon, who chose not to seek a third six-year term in the U.S. Senate in 1980, said such a limit for members of Congress might be in order.

During his regular daily press conference, the governor told reporters of the late U.S. Sen. John McClellan of Arkansas, who, Bellmon said, had "served past his prime" and then became chairman of the powerful Senate Committee on Appropriations.

He said McClellan, whom he admired in other ways, could not keep up during appropriations meetings.

"He didn't know which page (of a bill) we were on," Bellmon said.

McClellan died in 1977 at age 81, after serving 38 years in Congress.

At his press conference earlier, Noble said his organization will need about \$250,000 to fund the project and is nearing that goal

He said less than a third of that money will come out of his own pocket.

Calling the project a bipartisan effort, Noble said former Democratic Gov. Raymond Gary, of Madill, will serve as its honorary chairman, noting that incumbent and former lawmakers from both parties have agreed to be on the advisory council.

All but one of the lawmakers he listed are Republicans.

"Oklahoma's favorite son, Will Rogers, once said, 'We have the best government money can buy.' Now, here we are many years later, that is not the case," Noble said in a statement to be delivered at press conferences in Oklahoma City, Tulsa, Ardmore, Enid and Lawton.

"Oklahoma now has the eighth highest-paid legislators in the nation. Yet Oklahoma schoolteachers are among the lowest paid. What kind of representative government is that?"

He said last year's vote by an independent board raising legislative pay from \$20,000 to \$32,000 annually prompted him to begin the petition drive.

Noble said that pay increase destroyed the concept of a citizen-legislator.

"Now we have professional politicians with the ability to buy votes with taxpayer money by passing out 'pork barrel' projects," he said.

Leg.  
Term of Office

Legis. Term of  
Office

# Legislative term curb is sought

9.15-89

Tribune Capital Bureau

OKLAHOMA CITY — Tulsa oilman Lloyd Noble II Thursday filed an initiative petition to limit Oklahoma legislators to 12 years in office.

Noble wants to amend the state constitution and has 90 days to gather more than 175,656 signatures to place the question on a statewide ballot. Oklahoma voters would decide whether legislators' terms should be limited.

Noble, chairman of a group which he formed, Oklahomans for Legislative Reform, said the petition drive would not affect current legislators. They would be limited to 12 years after the amendment is passed, regardless of how many years they already had served, he said.

The amendment would limit lawmakers to a total of 12 years in all legislative offices. A House or Senate member whose 12 years expired could not switch to the other body.

A poll paid for by Noble and conducted in July showed "a large majority of Oklahomans did not have confidence in the Legislature and also felt a legislator lost touch as length of service increased."

When asked whether the amendment would squash the democratic process by limiting voters who preferred to send a legislator to the Capitol for more than 12 years, Noble said he had "never heard any complaints" about the limits on terms set for the governor and lieutenant governor.

In May 1966, Oklahomans overwhelmingly passed a constitutional amendment to allow the governor to serve two terms rather than one as previously stipulated. The amendment also allowed the secretary of state, state auditor and state treasurer to succeed themselves.

## Term Limit Called 'Undemocratic'

July 26-89  
power to elect those whom we deem worthy, for as long as we wish to have them as our representatives?"

Maxey also speculated that Noble's motive for making the proposal may have to do with control.

"It is a lot easier to control the executive branch than 101 members of the House of Representatives," he said.

In many cases it takes a few years for a legislator to gain the experience to become effective, he said.

"He (Noble) would rather limit that and shift power to the executive branch, where a few wealthy people can control the man or women in the governor's mansion," Maxey said.

12-year limit on the number of years a legislator may serve.

Tulsa businessman Lloyd Noble II announced the petition drive Sept. 14. Noble said the change is aimed at distributing power equally among all members of the Legislature.

Maxey described the proposal as an effort to restrict voter rights and to shift power to the executive branch.

"I am speaking from a voter's standpoint... whether I am in office or not, I want the right to send someone down there," Maxey said.

"Our constitutions, federal and state, place the power of choice in the hands of the people, not the government," Mason said.

"Why should we give away our

OKLAHOMA CITY (AP) — A proposal to impose a limit on the number of years legislators can serve has been labeled "clearly undemocratic" and a restriction on voter rights by two opponents of the measure.

"I think if people know their right to vote is being restricted, they will get out and vote against this constitutional amendment," Rep. Gary Maxey, D-Enid, said during the weekend.

Drew Mason, a former aide to Gov. Henry Bellmon and a political science professor, called the proposal "clearly undemocratic."

A petition drive is under way to collect signatures for a statewide vote on a proposal to change the Oklahoma Constitution to place a

## Initiative Petition Refiled

DOA-2394

An initiative petition to limit legislators' terms had to be refiled this week because the original didn't meet the statutory specifications, Lloyd Noble II, the petition's principal architect, said Friday.

Noble, a Tulsa businessman, said the size type on the first petition didn't meet specifications required by law. A second petition was filed Tuesday.

It contains the identical proposition that was in the first petition which is to amend the constitution to limit state legislators to no more than 12 years in office.

Noble must get 175,656 signatures of registered voters by Dec. 18 to get the proposal on a ballot.

## Legislative Tenure Subject of Petition

A Tulsa-based group is undertaking a petition drive to limit the tenure of Oklahoma legislators to 12 years.

Lloyd Noble II, a Tulsa oil producer and chairman of Oklahomans for Legislative Reform, said the petition will be filed today with the Oklahoma Secretary of State. News conferences are scheduled in Oklahoma City, Tulsa, Lawton, Ardmore and Enid, he said.

The petition calls for an amendment to the Oklahoma Constitution that would limit an individual to serving 12 years in either the Oklahoma Senate or House of Representatives, or a combination of both.

The years would not have to be consecutive, and if a person was appointed to fill the remainder of an unexpired term that time would not count against the 12-year limit.

However, no member who had completed 12 years in office would be allowed to serve a partial term, the petition said.

## Around the State

### Term Limit Would Help Keep Process Working for People

OKLAHOMA editorial writers have expressed their views on topics including:

#### The Daily Ardmorelle

Lloyd Noble has launched his initiative petition campaign to clamp a 12-year lid on the length of time anyone can serve in the Oklahoma Legislature. The effort has its good points as well as its bad, but overall has merit as a way of keeping the political process working as it should for the people.

There have been examples of meritorious, honest service to the people for periods well past the 12-year limit Noble has proposed, just as there have been instances

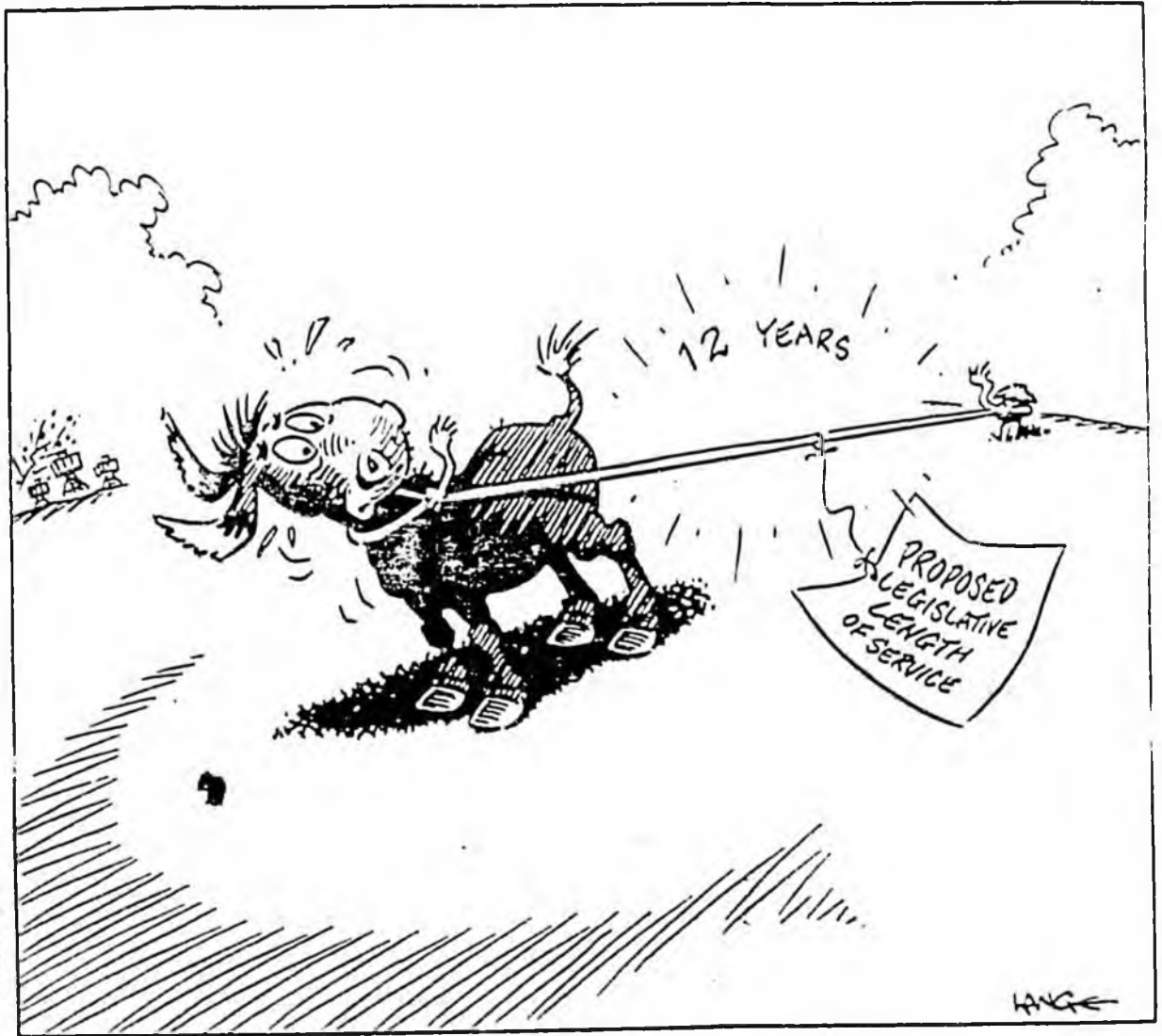
of almost immediate corruption when the wrong person is sent to the Legislature.

It makes sense to limit service to 12 years in order to eliminate the possibility that a lawmaker can become entrenched, and become more valuable to lobbyists or special interests than to the public at large.

If the initiative petition drive is successful and the proposal someday appears on the ballot, voters will have to decide whether the same, or similar, standards that now apply to the presidency and the governorship (two 4-year terms) should also apply to their elected representatives in the Legislature.

A Noble Goal

209-1889



Other...

Key:  
Term of Office

Legis.  
Terms of Office  
DO  
9-21-89 2416

Every Little Bit Helps



N 'Can We Make It Retroactive?'

1. 1  
sk. ws  
he ut  
9  
8  
7  
6  
5  
4  
3  
2  
1



Leg. To O

HJR

66

House Finance  
Fiscal Policy Subcommittee

Report No. 3

Representative Kay Brown, Chair  
Representative C.E. "Swack" Swackhammer  
Representative Steve Rieger

January 10, 1990

fully close the budget gap, the Subcommittee recommended that annual revenues be increased by \$300 - \$500 million. The April report also reported on the public information process.

On October 16-17, 1989 the Subcommittee met for briefings on the Prudhoe Bay production decline, OMB's mid-October Fiscal Review, the status of DNR's Oil and Gas Lease Sales, and the first in a series of Fiscal Policy Papers entitled "The Alaska Fiscal Gap" by the Institute of Social and Economic Research. In a public hearing October 16th, the Subcommittee heard testimony on state participation in economic development efforts with an emphasis on the identification of criteria for the Legislature to use in evaluating the merits of state participation in specific economic development proposals.

This report, as well as previous reports of the Fiscal Policy Subcommittee, reflect the general consensus of the subcommittee members but not necessarily unanimity of opinion on each specific point.

#### EXECUTIVE SUMMARY

Alaska is confronted with an impending fiscal crisis as a result of an inevitable "gap" between general fund revenues and present state spending. Current levels of state spending cannot be sustained.

Even assuming significant additional new oil and gas development and strong growth in the state's non-petroleum sectors, the decline in production from Prudhoe Bay will eventually necessitate substantial reductions in the state budget. The Executive Branch and legislative response to the looming fiscal gap will influence the severity of the

PREFACE

The Fiscal Policy Subcommittee of the House Finance Committee was formed early in 1989 to address issues arising from the state's critical financial circumstances. The subcommittee members are Representative Kay Brown, Chair; Representative C.E. Swackhammer and Representative Steve Rieger. In the course of developing its recommendations, the Subcommittee has been assisted by an informal fiscal policy Working Group which includes Representatives Larson, Hoffman, Ulmer, Finkelstein, Boucher, Cotten, Koponen, Boyer, Goll, Davidson, Navarre, Grussendorf, Davis, Leman, and Miller.

The Subcommittee's initial report, published February 7, 1989, includes:

- potential budget reduction scenarios for FY 90;
- an approach for identifying specific reductions; and
- information about alternative revenue options.

As part of its initial effort, the Subcommittee also promoted a bi-partisan information effort that included a series of public workshops and a statewide survey sponsored by the Governor and the leadership of both the House and the Senate.

By early April, 1989 when the Subcommittee's Second Report was published, a new revenue forecast by the Department of Revenue narrowed the anticipated budget gap for FY 90 to approximately \$250 - \$300 million. In order to address the projected budget gap and put the state budget on a sustainable, recurring revenue basis, the Subcommittee recommended spending be reduced over four years to achieve an annual budget of about \$1.9 billion. Additionally, in recognition that these budget reductions alone would not

economic impacts associated with the decline in state revenues.

The House Finance Fiscal Policy Subcommittee recommends that the Legislature:

- adopt a target spending level of \$1.9 billion (1989 \$) to be achieved by FY 1995;
- enact a constitutional amendment to reduce spending by 3-5% each year over the next 4 years in order to achieve the target spending level;
- where realistic and likely to create new employment opportunities, pursue measures to strengthen and expand the state's private economy; and
- identify and develop new sources of recurring revenue with a priority on "user fees" that will allow recovery of the cost of providing public services directly from the beneficiaries of those services.

#### INTRODUCTION

While the Alaska Department of Revenue's most recent short-term "mid-case" forecast (\$ 2.25 billion) projects sufficient revenue to support a "maintenance level" budget for the coming fiscal year (FY 91), over the long term state revenues are expected to deteriorate rapidly with the production decline of Prudhoe Bay.

Petroleum revenues already have fallen to just half of what they were in the peak revenue years of the early 1980's. If real (inflation-adjusted) oil prices remain in their current

range, oil revenues will drop by half again by the year 2000.

If annual state General Fund spending were held at present levels of approximately \$2.3 billion (1989 \$), the projected "fiscal gap" between expenditures and revenues likely would be several hundred million dollars a year in the early 1990s and more than \$1 billion annually after the turn of the century.

The decline in Prudhoe Bay will compel a reduction in state spending. Even if one were to assume that a decision was made to deplete the entire Permanent Fund, state spending can not be maintained at current levels.

All credible analysis leads to the same conclusion: the current state spending level of approximately \$2.3 billion (in 1989 \$) cannot be sustained. The state budget will have to be reduced, not as a matter of choice, but as a matter of necessity. The only substantial point of policy debate concerns how deeply to cut the budget and how soon substantial reductions should be made.

Even assuming substantial new oil and gas development in Alaska and significant expansion of the state's non-petroleum economic sectors, the decline of Prudhoe Bay, North America's largest oil field, will have a dramatic impact on the Alaska economy.

The Executive Branch and legislative response to the inevitable decline in state spending and the type of action taken (or not taken) to reduce state spending over the next few years will have a significant influence on magnitude and severity of the economic impacts associated with the downturn in petroleum revenues.

The most important issue confronting the Governor and the legislature is how to manage the transition to a smaller, sustainable state budget in order to minimize the adverse economic impacts that will necessarily attend the reduction in available revenues. Recognizing that a failure to take decisive action in the near-term will only result in unnecessarily harsh economic impacts in the long-term, the Fiscal Policy Subcommittee recommends that the Legislature adopt a "target spending level" of \$1.9 billion (1989 \$) to be achieved within 5 years.

In order to realize these spending reductions in an orderly manner, the Subcommittee recommends that a constitutional spending limit be enacted that will enforce a gradual and orderly reduction in state spending of about 3-5% per year to achieve the \$1.9 billion (1989 \$) "target" budget level.

#### THE NECESSITY TO REDUCE SPENDING

In a recent analysis of the state's impending budget gap, the University of Alaska's Institute for Social and Economic Research (ISER) developed and evaluated four possible fiscal policy scenarios. Without endorsing or recommending any particular policy scenario, ISER developed the options in order to describe a broad range of fiscal choices (see The Alaska Fiscal Gap, ISER Fiscal Policy Papers No. 1, August 1989). The four scenarios can be briefly summarized briefly as follows:

##### Scenario 1: "Stumble from Year-to-Year"

This case assumes an effort is made to maintain current spending levels for as long as possible drawing on all available reserves (i.e., Railbelt Energy Fund, Earnings

Reserve Account) except the principal of the Permanent Fund. No new tax measures would be enacted. In this scenario, declining revenues would force significant budget cuts by 1992 with a cut of approximately 18 percent that year. Expenditures in the year 2000 would be \$1.2 billion (1989 \$), equal to revenues collected that year.

Approximately 26,000 public and private jobs would be lost over the next decade as state general fund expenditures were cut roughly in half.

#### **Scenario 2: "Deplete the Permanent Fund"**

The most drastic scenario developed would be to use the entire \$10 billion in the Permanent Fund (Earnings Reserve, Inflation-Proofing and, eventually, the corpus of the Fund) to sustain the current spending level. No new tax measures would be enacted. Draws on the Permanent Fund would begin in 1992 and the Permanent Fund would be depleted by the year 2003. At that point, the budget would collapse to a level of about \$1 billion.

While Alaska employment would increase in the near term, severe economic and a recession would start in 2003. Approximately 30,000 public and private jobs would be lost over a two year period. (By comparison, job loss during the 1985-1988 recession was about 25,000.)

#### **Scenario 3: "Freeze the Budget/Spend Permanent Fund"**

Under this scenario, the budget is held constant in nominal terms (i.e., not adjusted for inflation) and the entire \$10 billion Permanent Fund would be spent to maintain this level of spending. The effect of this scenario would be to reduce the "purchasing power" of the budget by the annual rate of inflation (estimated at 5% annually). No new tax measures

would be enacted. By 1998 the budget would be reduced to a level of \$1.5 billion (1989 \$). This scenario assumes that after 1998 the budget would be held constant at \$1.5 billion (1989 \$). The Permanent Fund would be depleted shortly after the year 2010 and further major reductions in spending would be required thereafter.

This scenario would result in the gradual loss of about 20,000 public and private jobs over the next decade. After 2010, when spending was sharply curtailed upon depletion of the Permanent Fund, a "shock wave" of reduced employment would travel through the economy.

#### Scenario 4: "Cut Spending and Raise Taxes"

This scenario calls for meeting the projected fiscal gap through a combination of spending cuts and the establishment of new recurring revenues. This scenario contemplates a 25% cut in the General Fund budget over a 10-year period to \$1.7 billion (1989 \$), coupled with action to increase sustainable recurring revenues by \$650 million annually. Under this scenario it is assumed that the personal income tax is reimposed (\$250 million/year) in 1991 and Permanent Fund earnings currently used for dividends (\$400 million/year) are diverted to support general public services in 1995. This scenario indicates that a General Fund budget level of \$1.7 billion/year could be sustained through the 1990s and beyond into the following decades. After the year 2000, expenditures could be maintained at the target level indefinitely. This scenario also would require near-term budget cuts even while state revenues are still on the increase over the next few years.

About 12,000 public and private jobs would be lost as spending cuts were made. Another 3,000 would be lost as the

income tax was reimposed and 5,000 more when the Permanent Fund dividend program was terminated.

#### ECONOMIC IMPACTS OF ALTERNATIVE FISCAL SCENARIOS

In comparing these fiscal scenarios, it is evident that state spending must be reduced. While these reductions can be avoided in the near term, eventually they must be confronted. Even if the personal income tax were reimposed and revenues now used for PFDs were diverted to support basic government services, the ISER analysis concludes that state general fund spending still would have to be cut by approximately 25% in order to achieve an indefinitely sustainable budget level of \$1.7 billion (1989 \$).

Accordingly, even if substantial new taxes were imposed and/or there was support for use of the Permanent Fund for basic services, significant cuts in state spending still would be inescapable. The only significant point of policy debate concerns how deeply to cut the budget and how soon substantial reductions should be made.

Further, it is apparent from the ISER analysis that the fiscal policy choices made in the near-term by the legislature will have a significant influence on the nature and extent of the eventual economic impacts experienced by the state economy as spending declines.

Gradual reductions in state spending would have the least traumatic effect as measured in total job loss while also allowing for maximum state-supported employment over the long term. By contrast, the avoidance or forestalling of budget cuts in the near-term eventually will lead to a larger total job loss when spending reductions become unavoidable, as well as a lower overall, long-term level of state-supported employment.

In summary, the near-term actions taken (or not taken) by the Governor and the legislature to reduce state spending will significantly influence the eventual severity and extent of the public and private sector employment supported by state spending. If the public policy objective were to maximize Alaska employment, the ISER analysis indicates that the scenario assuming a combination of budget reductions and new revenue measures (i.e., Scenario 4: "Cut Spending and Raise Taxes") would result in the lowest total job loss attributable to reduced revenues while also yielding the highest overall sustainable level of Alaska employment in the long term.

---

**SUMMARY OF EMPLOYMENT IMPLICATIONS  
ALTERNATIVE FISCAL SCENARIOS**

Stumble Along

- 33,000 public and private jobs lost by 2010
- state-supported jobs in 2010: 26,000
- wage/salary employment 2010<sup>(1)</sup>: 236,000

Deplete Permanent Fund

- 35,000 public and private jobs lost by 2010
- state-supported jobs in 2010: 23,000
- wage/salary employment 2010<sup>(1)</sup>: 233,000

Freeze/Spend Permanent Fund

- 21,000 public and private jobs lost by 2010
- state-supported jobs in 2010: 38,000\*
- wage/salary employment 2010<sup>(1)</sup>: 249,000\*

(\* about 2015, state-supported employment would experience a dramatic drop as the Permanent Fund was exhausted)

Cut Spending & Raise Taxes

- 19,000 public and private jobs lost by 2010
- state supported jobs in 2010: 40,000
- wage/salary employment 2010<sup>(1)</sup>: 247,000

---

**Note:**

(1) exclusive of military and self-employed

Source: Goldsmith, S., "The Alaska Fiscal Gap," Institute of Social and Economic Research, University of Alaska Anchorage (August 1989) and personal communication.

---

POLICY PRINCIPLES TO GUIDE THE TRANSITION

In the view of the Fiscal Policy Subcommittee, several fundamental principles should be used to guide decision-making as the Legislature undertakes the effort to make the transition to a smaller annual state budget based on annually recurring revenue streams. During recent hearings information was provided to the subcommittee concerning work of the Council on Economic Policies established by former Governor Jay Hammond. Several of the following principles are derived from the Council's work.

Principal No. 1: The State should separate subsidies from investments.

Investments are those that are projected to yield a return of principal and interest directly to the State treasury, through the imposition of taxes or user fees. Subsidies, on the other hand, are State expenditures that support a given project or service which has some broad public purpose, but provides less than a market financial return to the State treasury. Subsidies should be explicit, and should be budgeted. Apart from special projects, it is important to remember that in the absence of a broad-based tax structure, all households and all businesses, with the exception of oil and gas producers, are being subsidized by the state because they are not paying the full cost of the services and facilities they require.

Principle No. 2: The State should have in place a tax structure that captures a portion of the wealth attributable to economic growth.

Increased economic activity generates additional needs for governmental services and infrastructure, as the resulting

population increases. However, the tax mechanisms commonly found in other states needed to support these additional expenditures (such as the income tax or sales tax) are not currently in place. Therefore, additional growth means increasing deficits in terms of industry paying its own way. Unless economic growth includes payment for required services, the state finds itself in the position of subsidizing the creation of jobs and then subsidizing the services that these new jobholders require.

Principal No. 3: The State should not engage in purely speculative development of infrastructure.

The state should evaluate speculative infrastructure development proposals very carefully as the risk is high and the experience of other developing countries that have attempted this approach, as well as Alaska's own experience, has been abysmal. The state must ensure that its money is spent wisely on the most needed development projects that have the greatest chance of facilitating private sector development. State involvement in the case of infrastructure development for economic development should be conditioned on a clear commitment by private parties to share in the cost and responsibility for project development.

#### MANAGING THE TRANSITION

Although the need to reduce state spending clearly is recognized by the Legislature, widely different budget priorities among the many regions of the state and the availability of "surplus revenues" during the recent past have frustrated recent attempts to reduce spending.

Constitutional Limit on State Spending

In recognition of the inevitability of general fund reductions and the need to ensure an orderly reduction in spending that minimizes adverse economic impacts, the Subcommittee recommends enactment a constitutional amendment to compel spending reductions.

This amendment would

- target a spending level of \$1.9 billion (1989 \$) within 4 years; and
- reduce spending by 3-5% each year over that period in order to achieve the target spending level by FY 1995;

The proposed constitutional amendment would limit appropriations to \$2.2 billion or a maximum equal to appropriations of the previous fiscal year, whichever are less, with certain exceptions as stipulated. These exceptions would include:

- appropriations to the Permanent Fund
- appropriations for Permanent Fund Dividends
- appropriations of revenue bond proceeds
- appropriations for payment of General Obligation bonds
- appropriations of non-state "pass-through" funds
- appropriations to meet a state of disaster declared by the Governor as prescribed by law

A partial exception to this "spending cap" would be allowed if inflation were determined to be above 6%. If, in the session following a given fiscal year appropriation, inflation was determined to be in excess of 6%, an appropriation above the cap would be allowable -- but only

to the extent necessary to offset the effects of inflation above 6% -- and then subject to a two-thirds vote of the membership of the Legislature.

Existing language in the state constitution concerning the allocation of appropriations between operating and capital expenditures would be repealed.

The appropriation limit would be in effect for four years and expire at the end of Fiscal Year 1995 (i.e., June 30, 1995).

#### Fiscal Effect of Spending Limit

Capping spending at \$2.2 billion would have the effect of reducing the budget (in terms of effective purchasing power) by the rate of inflation, estimated at approximately 5% per year. Still further reductions would be required under a \$2.2 billion cap in order to "absorb" the cost increases driven by formula program increases (e.g., additional students in the foundation formula, increased power consumption under the Power Cost Equalization program, additional applicants for the Longevity bonus) absent "cost containment" changes to these formula programs. Also, increased federal program responsibilities (e.g., welfare reform) without increased federal funding would necessitate further cutbacks to existing state services or programs.

Although there is no consensus at the present time regarding an appropriate level of state spending, it is clear that current levels can not be sustained. The proposed constitutional amendment would substantially reduce the budget to a level of approximately \$1.9 billion (1989\$) by the end of FY 1995 when the amendment would expire.

Although current analysis indicates that even this substantially lower level of spending is not supportable without new or increased recurring revenues, the "fiscal gap" will have been significantly reduced and the general public, the Governor and the legislature will be able to reassess the state's fiscal condition at that time.

#### Windfalls Off the Table

Whether or not the effort to enact a constitutional amendment is successful, it will be imperative for the Legislature to take action to take "windfall" revenues such as one-time litigation settlements "off the table."

Several proposals have been advanced toward this end. These proposals include:

- re-establishment of a budget reserve fund;
- appropriation to provide "forward funding" of education;
- use of near-term surplus revenues to pay off the state's General Obligation bonded indebtedness; and
- appropriation to the Permanent Fund.

Regardless of what specific mechanism is chosen, action should be taken either to "save" these surplus revenues for future spending or commit them to a purpose that will preclude their use in a way that will frustrate the long-term objective of reducing state spending in a gradual and orderly fashion. Passage of the proposed constitutional amendment would accomplish this goal.

Expanding the Private Economy

Although it is widely accepted that there are no realistic opportunities available to replace Prudhoe Bay as the state's dominant source of revenue, it is still imperative to support the continued exploration and development of Alaska's oil and gas resources in an environmentally responsible manner with particular emphasis on the prevention of future oil spills through the rigorous regulation and enforcement of the state's oil pollution control laws.

At the same time, while recognizing the limited contribution to be made from the non-petroleum sector of the state economy relative to the oil industry (see summary of the Alaska State Chamber of Commerce "Export Model" below), there are actions that the Legislature can and should take to expand and strengthen the state's non-petroleum economy.

In particular, efforts should be focused on expanding the state's tourism economy; strengthening our fishing industry; capitalizing on Alaska's global geopolitical location as part of the worldwide transportation and distribution industry; encouragement of new international and domestic investments in Alaska through changes to the state's unitary tax law; facilitating development of a state information industry; and continued efforts to expand international trade.

An economic development legislative agenda developed by the House Majority Economic Development Working Group is attached as Appendix A.

---

EXPORT MODEL OF THE ALASKA ECONOMY  
(in millions)

Oil and Gas		\$ 4,000
Fishing		300
Timber		200
Minerals		100
Coal		25
Travel/Tourism		500
Defense	1,600	
Other Federal	<u>1,300</u>	
	2,900	
Less Federal Taxes	(2,000)	900
Permanent Fund Dividend		300
<b>Total Estimated Value</b>		<b>\$ 6,325</b>

---

Source: Alaska State Chamber of Commerce (January 1988)

Budget Reduction Strategies and New Revenue Options

The Fiscal Policy Subcommittee addressed the issue of potential budget reductions and new revenue options in its previous reports.

No significantly new information is available to modify the Subcommittee's earlier findings.

APPENDIX A

HOUSE MAJORITY ECONOMIC DEVELOPMENT WORKING GROUP

Premise: Expansion of the private sector economy should be enhanced by specific actions taken by the Legislature.

ECONOMIC DEVELOPMENT STRATEGIES

■ Continue to develop the most viable and promising existing resource extraction industries -- which include oil and gas, coal, minerals, and timber.

■ Double the number of visitors to Alaska by the year 2000.

Maintain support for domestic marketing program. Increase emphasis on independent and highway travelers, fall-winter-spring seasons.

Initiate expanded, multi-year international tourism marketing program.

Fund tourism infrastructure projects, such as

- \* State park repairs, maintenance/expansion of basic facilities
- \* Ship Creek re-development
- \* Denali development
- \* Girdwood water/sewer system
- \* Project 92 (50th anniversary of Alaska Highway)
- \* Juneau cruise ship port development

Pass legislation (SB 213/HB 290) to facilitate the leasing of state land for recreational facilities.

■ Expand the management capability and marketing of Alaska's fisheries resources.

Undertake assessment of fisheries that could be more intensely harvested consistent with the sustained yield principle.

Target and support enhancement programs to compliment commercial and sport fisheries expansion.

Increase management capability so that adequate information and enforcement efforts can maximize economic harvest.

- Expand transportation/distribution industry (capitalize on Alaska's strategic geographic location).

Maintain port and airport facilities; expand facilities to accommodate viable economic activity.

Support DOTPF effort to establish a Statewide Port and Harbor Development Program.

- Encourage international and domestic capital investments in Alaska.

Support unitary tax change (HB 281/SB119).

- Encourage development of an information industry.

Undertake assessment of public and private efforts to develop this industry and prepare a strategic plan for implementation, including actions such as establishing a University Center for Information Technology.

Support university programs generally.

- Continue efforts to expand international trade.

Expand Pacific Rim language courses in the state school system (HB 6) and the university.

#### CAPITAL SPENDING PROPOSAL

To implement several of the strategies identified above, to protect prior investments, and to fulfill statutory and constitutional responsibilities, continue to make capital investments in maintenance and public infrastructure.

- Goals:

Meet highest statewide and regional priorities.

Enhance development of the private sector economy.

- Criteria:

Will the project serve a public purpose? Is it a constitutional or statutory responsibility?

Is there evidence of public and local community support?

Is the project ready for development?

Will the project provide for the basic maintenance of an existing capital investment; what are the long-term O&M cost implications?

Will the project leverage non-state investment?

Will the project generate a direct return to the state treasury in terms of new revenues?

Will the project will have a quantifiable positive economic benefit for the state, or a region of the state, considering all costs and benefits (such as jobs created, royalties and taxes captured, and ancillary economic or other benefits)?

Is the project compatible with maintenance of environmental quality; does it enhance, or at least not degrade, the quality of life for those directly affected?

Will the project enhance the development of private enterprises?

**Proposed total capital budget:**

\$250 million.

**Funding sources:**

\$125 million GF and \$125 million RBEF.

**Proposed allocation:**

\$125 million -- Governor's capital budget (statewide projects, agency capital projects, roads, schools, repairs, etc.)

\$125 million -- Railbelt economic development projects

**Process:**

Orderly process and consideration of projects on merit and criteria.

1/30/90  
Rep. Kay Brown

TESTIMONY

HJR 66 - Constitutional Spending Limit  
House Judiciary Committee

The Fiscal Policy Subcommittee of the House Finance Committee was formed early in 1989 to address issues arising from the state's long-term financial circumstances. The subcommittee's third report, in the committee packets, addressed long-term fiscal policy and recommended the constitutional amendment now before the committee.

While the Alaska Department of Revenue's most recent short-term "mid-case" forecast (\$ 2.25 billion) projects sufficient revenue to support a "maintenance level" budget for the coming fiscal year (FY 91), over the long-term state revenues are expected to deteriorate rapidly with the production decline of Prudhoe Bay.

Petroleum revenues already have fallen to just half of what they were in the peak revenue years of the early 1980's. If real (that is, inflation-adjusted) oil prices remain in the range where they have been for the past few years, oil revenues will drop by half again by the year 2000.

If annual state General Fund spending were held at present levels of approximately \$2.3 billion (1989 \$), the projected "fiscal gap" between expenditures and revenues likely would be several hundred million dollars a year in the early 1990s and more than \$1 billion annually after the turn of the century.

The decline in Prudhoe Bay will compel a reduction in state spending. Even if one were to assume that a decision was

made to deplete the entire Permanent Fund, state spending can not be maintained at current levels.

The most important issue confronting the Governor and the legislature is how to manage the transition to a smaller, sustainable state budget in order to minimize the adverse economic impacts that will necessarily attend the reduction in available revenues.

Briefly, the Fiscal Policy Subcommittee has concluded that

- although there is no consensus at the present time regarding an appropriate level of state spending, it is clear that current spending levels can not be sustained;
- while reductions may be avoided in the near-term, eventually they must be confronted (even assuming significant additional new oil and gas development, strong growth in the state's non-petroleum sectors, substantial new taxes, or use of the Permanent Fund for basic services, significant cuts in state spending are inescapable);
- actions taken -- or not taken -- by the Governor and the legislature to reduce state spending will influence the eventual severity and extent of the economic impacts associated with the decline in state revenues; and
- gradual reductions in state spending would have the least traumatic effect on the state economy as measured in total job loss while also resulting in maximum employment over the long-term (the avoidance of budget cuts in the near-term will eventually lead to a larger

total job loss when spending reductions become unavoidable, as well as a lower overall, long-term level of state-supported employment).

In light of these findings the House Finance Fiscal Policy Subcommittee recommends that the Legislature:

- adopt a target spending level of \$1.9 billion (1989 \$) to be achieved by FY 1995;
- enact a constitutional amendment to reduce spending by 3-5% each year over the next 4 years in order to achieve the target spending level;
- where realistic and likely to create new employment opportunities, pursue measures to strengthen and expand the state's private economy; and
- identify and develop new sources of recurring revenue with a priority on "user fees" that will allow recovery of the cost of providing public services directly from the beneficiaries of those services.

#### Proposed Constitutional Amendment

The proposed constitutional amendment would limit appropriations to \$2.2 billion or a maximum equal to appropriations of the previous fiscal year, whichever are less, with certain exceptions as stipulated.

These exceptions would include:

- appropriations to the Permanent Fund
- appropriations for Permanent Fund Dividends
- appropriations of revenue bond proceeds

- appropriations for payment of General Obligation bonds
- appropriations of non-state "pass-through" funds
- appropriations to meet a state of disaster declared by the Governor as prescribed by law

A partial exception to this "spending cap" would be allowed if inflation were determined to be above 6%. If, in the session following a given fiscal year appropriation, inflation was determined to be in excess of 6%, an appropriation above the cap would be allowable -- but only to the extent necessary to offset the effects of inflation above 6% -- and then subject to a two-thirds vote of the membership of the Legislature.

Existing language in the state constitution concerning the allocation of appropriations between operating and capital expenditures would be repealed.

The appropriation limit would be in effect for four years and expire at the end of Fiscal Year 1995 (i.e., June 30, 1995).

#### Fiscal Effect of Spending Limit

Capping spending at \$2.2 billion would have the effect of reducing the budget (in terms of effective purchasing power) by the rate of inflation, estimated at approximately 5% per year. Still further reductions would be required under a \$2.2 billion cap in order to "absorb" the cost increases driven by formula program increases absent "cost containment" changes to these formula programs. Also, increased federal program responsibilities without increased federal funding would necessitate further cutbacks to existing state services or programs.

Although it is clearly not popular to propose cutting the budget in a time of an apparent budget surplus, the Fiscal Policy Subcommittee feels that it is imperative for the legislature to adopt a longer time horizon than just one or two years. Just in the same way anyone, as an individual, would manage their personal finances if it were apparent that he or she were going to experience a significant loss of income, the legislature should adopt a longer term planning horizon.

While oil prices will continue to remain volatile and in any one year we may experience higher than anticipated revenues, the long term trend of production is inescapable. The longer action is forestalled to contain spending in the near-term, the more severe will be the long-term fiscal impacts.

# MEMORANDUM

State of Alaska  
*Office of the Governor*  
*Division of Policy*

TO: House Judiciary Committee

DATE: January 31, 1990

FROM: Brad Pierce *BP*  
Senior Analyst

PHONE: 465-3568

SUBJECT: HJR 66 Tables

Table 1 is my interpretation of the provisions embodied in HJR 66 as written and their effect on real government spending for the FY 92 - FY 95 period. I have assumed FY 91 appropriations of \$2.32 billion subject to the spending limit. This was computed from the Governor's Proposed General Fund Budget of \$2.42 billion minus \$95.6 million in General Obligation debt. Table 2 provides the same information, with a \$2.3 billion base for the spending limitation. Table 3 provides detail on historical and projected growth in formula programs and other categories of state spending.

Table 1

## Projected Fiscal Impact of HJR 66

FY 1992 - FY 1995  
(Millions of Nominal Dollars)

<b>Revenues</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>
Fall Forecast Unrestricted General Fund Revenue	2,416.1	2,435.2	2,460.7	2,375.8
<b>Expenditures</b>	<b>(2,200.0)</b>	<b>(2,200.0)</b>	<b>(2,200.0)</b>	<b>(2,200.0)</b>
<b>Reserve Balance</b> (in General Fund)	224.7	487.3	797.4	1,044.1
Real Spending (FY 91 dollars)	(2,095.5)	(1,996.0)	(1,901.2)	(1,810.9)
Percent Change in Real Spending From Previous Year	(9.8%)	(4.8%)	(4.8%)	(4.8%)
Cumulative Four Year Change in Real Spending From Gov's Proposed FY 91 Budget	(22.1%)			

Notes: Reserve balance earns 8% interest.

Inflation assumptions are based on the DOR Fall Revenue Forecast mid-case scenario.

FY 91 appropriations subject to the limit = \$2,323.7.

Office of the Governor, Division of Policy.

1/31/90

Table 2

## Projected Fiscal Impact of HJR 66 With \$2.3 Billion Limit

FY 1992 - FY 1995  
(Millions of Nominal Dollars)

<b>Revenues</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>
Fall Forecast Unrestricted General Fund Revenue	2,416.1	2,435.2	2,460.7	2,375.8
<b>Expenditures</b>	<b>(2,300.0)</b>	<b>(2,300.0)</b>	<b>(2,300.0)</b>	<b>(2,300.0)</b>
<b>Reserve Balance</b> (in General Fund)	120.7	271.0	459.8	575.4
Real Spending (FY 91 dollars)	(2,190.8)	(2,086.7)	(1,987.6)	(1,893.2)
Percent Change in Real Spending From Previous Year	(5.7%)	(4.8%)	(4.8%)	(4.8%)
Cumulative Four Year Change in Real Spending From Gov's Proposed FY 91 Budget	(18.5%)			

Notes: Assumes reserve balance earns 8% interest in general fund.

Inflation assumptions are based on the DOR Fall Revenue Forecast mid-case scenario.

FY 91 appropriations subject to the limit = \$2,323.7.

Office of the Governor, Division of Policy.

1/31/90

Table 3

**Five Year Fiscal Plan Detail**  
**FY 91 - 95**  
(Millions of Nominal Dollars)

Budget (\$Millions)	FY 88	Actual FY 89	Authorized FY 90	Proposed FY 91	Projected FY 92	Projected FY 93	Projected FY 94	Projected FY 95
Operating Subtotal	1,911.3	1,991.5	2,036.7	2,170.9	2,253.6	2,309.9	2,376.0	2,449.1
Education	454.3	470.8	490.8	558.8	586.0	606.1	629.5	659.9
School Debt Retirement	109.5	109.5	107.8	107.8	131.5	131.5	131.5	123.8
Longevity Bonus	50.6	53.3	56.5	59.4	62.6	65.8	69.0	72.4
H&SS Transfer Payments	106.0	115.0	133.2	166.5	198.1	229.8	267.6	312.7
Power Cost Equalization	15.0	16.8	19.4	18.4	20.8	21.4	22.4	23.5
Municipal Asst. & Revenue Sharing	96.9	96.9	91.0	91.1	91.0	91.0	91.0	91.0
Other Senior Tax Relief, Shared Taxes	20.5	23.6	32.1	31.7	26.4	27.1	27.8	28.6
University	137.6	154.2	159.4	163.2	163.2	163.2	163.2	163.2
Courts	37.9	39.0	39.5	40.3	40.3	40.3	40.3	40.3
Legislature	26.7	29.5	30.8	31.2	31.2	31.2	31.2	31.2
Operating Agencies	856.3	882.9	876.2	902.5	902.5	902.5	902.5	902.5
General Obligation and Other Debt	147.9	135.5	132.5	107.7	68.2	59.7	33.9	23.1
Capital Projects	173.4	127.1	132.8	100.0	100.0	100.0	100.0	100.0
Loans	22.6	17.5	10.0	13.7	17.0	17.0	17.0	17.0
Special Appropriations - Oil Fund			32.0	27.0				
<b>Total Unrestricted General Funds</b>	<b>\$2,255.2</b>	<b>\$2,271.6</b>	<b>\$2,344.0</b>	<b>\$2,419.3</b>	<b>\$2,438.8</b>	<b>\$2,486.6</b>	<b>\$2,526.9</b>	<b>\$2,589.2</b>

Notes: Under the Operating Budget subtotal, the Education entry includes formula distributions only. The Other category includes Fisheries Enhancement Tax distributions (\$10.5 million in FY 90), Shared Taxes (\$18.6 million) and Senior Tax Relief (\$3 million).  
FY 90 budget totals include only authorized expenditures, they do not include supplementals.

Sources: Division of Budget Review and various state agencies.

## CSHJR 66(FIN)

Proposing an amendment to the Constitution of the State of Alaska relating to the budget reserve fund; depositing into the budget reserve fund, except for money deposited into the permanent fund, all money received by the state after July 1, 1990, as a result of the termination, through settlement or otherwise, of an administrative proceeding or of litigation in state or federal court involving mineral lease bonuses, rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments or bonuses, or involving taxes imposed on mineral income, production, or property; allowing an appropriation from the fund only if the amount available for appropriation for a fiscal year is less than the amount appropriated for the previous fiscal year or upon the affirmative vote of three-fourths of the members of the legislature in joint session.

PRIME SPONSOR: FINANCE COMMITTEE

CURRENT STATUS: Tabled (H)

STATUS DATE: 05/07/90

JRN-DATE	JRN-PG		ACTION
01/10/90	2035	(H)	READ THE FIRST TIME - REFERRAL(S)
01/10/90	2035	(H)	FINANCE
01/19/90	2142	(H)	JUD REFERRAL ADDED, PRECEDING FINANCE
03/28/90	2963	(H)	JUD RPT CS(JUD) NEW TITLE 5NR
03/28/90	2964	(H)	-FISCAL NOTE (ELECT) 3/28/90
03/28/90	2964	(H)	-ZERO FISCAL NOTE (GOV) 3/28/90
04/17/90	3302	(H)	PUBLIC HEARING NOTICE WAIVED, RULE 23(A)
04/17/90	3302	(H)	Y24 N13 X1 A2
05/04/90	3885	(H)	FIN RPT CS(FIN) NEW TITLE SDP 2NR
05/04/90	3885	(H)	-PREVIOUS FN (ELECT) 3/28/90
05/05/90		(H)	RULES TO CALENDAR 5/5/90
05/05/90	4016	(H)	MOVED TO BOTTOM OF CALENDAR
05/05/90	4030	(H)	READ THE SECOND TIME
05/05/90	4031	(H)	FIN CS FAILED Y12 N28
05/05/90	4032	(H)	JUD CS FAILED Y11 N29
05/05/90	4032	(H)	BOTTOM OF CALENDAR
05/05/90	4036	(H)	AMENDMENT NO 1 BY PHILLIPS OBJECTED TO
05/05/90	4038	(H)	RESCIND FAILURE TO ADOPT CS(FIN) UNAN
05/05/90	4038	(H)	FIN CS ADOPTED UNAN CONSENT
05/05/90	4038	(H)	ADVANCED TO THIRD READING UNAN CONSENT
05/05/90	4038	(H)	HELD IN THIRD READING TO 5/6/90
05/06/90	4095	(H)	MOVED TO BOTTOM OF CALENDAR
05/06/90	4098	(H)	READ THE THIRD TIME CSHJR 66(FIN)
05/05/90	4098	(H)	PASSED Y38 N2
05/06/90	4099	(H)	NAVARRE NOTICE OF RECONSIDERATION
05/07/90	4167	(H)	RECON TAKEN UP - IN THIRD READING
05/07/90	4167	(H)	MOTION: RETURN TO SECOND FOR AM 1
05/07/90	4167	(H)	RETURN MOTION ADOPTED UNAN CONSENT
05/07/90	4167	(H)	AMENDMENT NO 1 BY ULMER
05/07/90	4168	(H)	AM NO 1 ADOPTED Y20 N17 X3
05/07/90	4168	(H)	...CHANGES TITLE OF LEGISLATION
05/07/90	4168	(H)	MOTION: RETURN TO SECOND FOR AM 2
05/07/90	4168	(H)	RETURN MOTION ADOPTED UNAN CONSENT

05/07/90	4168	(H)	AMENDMENT NO 2 BY BROWN
05/07/90	4169	(H)	AM NO 2 ADOPTED UNAN CONSENT
05/07/90	4169	(H)	...CHANGES TITLE OF LEGISLATION
05/07/90	4169	(H)	MOTION: RETURN TO SECOND FOR AM 3
05/07/90	4169	(H)	RETURN MOTION ADOPTED UNAN CONSENT
05/07/90	4169	(H)	AMENDMENT NO 3 BY PHILLIPS
05/07/90	4170	(H)	AM 1 TO AM 3 BY BARNES
05/07/90	4171	(H)	AM 1 TO AM 3 ADP Y23 N14 X3
05/07/90	4172	(H)	AM 2 TO AM 3 BY BOYER
05/07/90	4172	(H)	AM 2 TO AM 3 ADP Y23 N14 X3
05/07/90	4173	(H)	RESOLUTION Tabled UNAN CONSENT

## HJR 67

Encouraging the United States Congress to override President Bush's veto of HR 2712, the Emergency Chinese Adjustment of Status Facilitation Act.

PRIME SPONSOR: DAVIS, H.

CO-SPONSORS: KOPONEN, DONLEY, GRUENBERG, FINKELSTEIN, WALLIS, ULMER

CURRENT STATUS: (H) STA

STATUS DATE: 01/16/90

JRN-DATE	JRN-PG		ACTION
01/16/90	2101	(H)	READ THE FIRST TIME - REFERRAL(S)
01/16/90	2101	(H)	STATE AFFAIRS
01/17/90	2120	(H)	CO-SPONSORS ADDED: KOPONEN, DONLEY,
01/17/90	2120	(H)	GRUENBERG, FINKELSTEIN
01/18/90	2136	(H)	CO-SPONSOR ADDED: WALLIS
01/22/90	2159	(H)	CO-SPONSOR ADDED: ULMER

## HJR 68

Urging the permanent appointment of an Alaskan to the U.S. Court of Appeals for the Ninth Circuit.

PRIME SPONSOR: JUDICIARY COMMITTEE

CURRENT STATUS: LEGIS RESOLVE 96

STATUS DATE: 07/07/90

JRN-DATE	JRN-PG		ACTION
01/19/90	2142	(H)	READ THE FIRST TIME - REFERRAL(S)
01/19/90	2142	(H)	STATE AFFAIRS, JUDICIARY
02/02/90	2262	(H)	STA RPT 4DF
02/02/90	2262	(H)	-ZERO FISCAL NOTE (H.STA) 2/2/90
02/22/90	2503	(H)	JUD RPT 6DP
02/22/90	2503	(H)	-PREVIOUS ZERO FISCAL NOTE (H.STA) 2/2
02/23/90		(H)	RULES TO CALENDAR 2/23/90
02/23/90	2535	(H)	READ THE SECOND TIME
02/23/90	2536	(H)	ADVANCED TO THIRD READING UNAN CONSENT
02/23/90	2536	(H)	READ THE THIRD TIME HJR 68
02/23/90	2536	(H)	PASSED Y28 H- X6 A6
02/23/90	2540	(H)	TRANSMITTED TO (S)
02/26/90	2584	(S)	READ THE FIRST TIME - REFERRAL(S)
02/26/90	2584	(S)	JUDICIARY
05/02/90	3806	(S)	JUD RPT 3DP
05/02/90	3806	(S)	PREVIOUS H ZERO FN (H STA)
05/05/90	3927	(S)	RULES TO CALENDAR 5/5/90
05/05/90	4001	(S)	READ THE SECOND TIME

# HOUSE COMMITTEE REPORT

(7)

Date Referred: January 19, 1990

FURTHER REFERRALS:

FINANCE

Date of Committee Action: 3-26-90

The JUDICIARY Committee considered:

HJR 66

HOUSE JOINT RES. NO. 66

APPROPRIATION LIMIT

Proposing amendments to the Constitution of the State of Alaska relating to an appropriation limit.

**RECOMMENDATIONS:**

- be replaced with CS HJR 66 (JUD)  the same title
- a new title
- have attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Date/Dept)

- fiscal impact Elections  fiscal note(s) \_\_\_\_\_
- zero fiscal note Elections  zero fiscal note(s) \_\_\_\_\_
- zero with analysis Gov. Elections  zero fn/analysis \_\_\_\_\_

**SIGNING DO PASS:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SIGNING:**  
(check approp. column)

	Do Not Pass	No Rec	Amend
<u>Peter Jones</u>		X	
<u>Michael...</u>		X	
<u>H. Ellis</u>		X	
<u>Terry...</u>		X	
<u>...</u>			

Peter Jones / ...  
Chairman's Signature

## FISCAL NOTE

**REQUEST:**

Revision Date: 1/31/90  
Title: Relating to the appropriation limit.  
Sponsor: Finance Committee  
Requestor: Finance Committee

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

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.2*	-0-	-0-	-0-	-0-	-0-
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>2.2*</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING:** (Thousands of Dollars)

GENERAL FUND	2.2*	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>2.2*</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

The fiscal impact for FY 90 is -0-.

\* Costs included cover 2 to 3 pages in each Official Election Pamphlet, for printing and typesetting, and costs estimated to cover computer programming requirements for vote counting purposes.

Prepared by: Linda Edgeworth  
Division: Division of Elections

Phone: 465-4611  
Date: 1/31/90

Approved by Commissioner: [Signature]  
Agency: Division of Elections

Date: 1.31.90

**Distribution (by preparer):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. HJR 66

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

Under these circumstances the fiscal note would be:

53.4