

HJR

57

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HJR57

Revision Date (Note if correction) _____	Dept. Affected <u>Office of the Governor</u>
Title <u>Const. Amend: Prohibiting federal courts</u>	BRU <u>Elective Operations</u>
from ordering state to increase/impose taxes _____	Component <u>General and Primary</u>
Sponsor <u>Representative Green</u>	
Requester <u>House Judiciary Committee</u>	Component Serial No. <u>#22</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual	3.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	3.0	0.0	0.0	0.0	0.0	0.0

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

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	3.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	3.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This figures includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58, and the programming costs for counting votes cast on the measure. However, only four measures can be printed on a single ballot card. If this measure requires printing an additional ballot card, the costs will increase by \$56.0.

Prepared by <u>Gail Fenumita</u> <i>Gail Fenumita</i>	Phone <u>465-3935</u>
Division <u>Division of Elections</u>	Date <u>2/20/98</u>
Approved by C <u>Lt. Governor Fran Ulmer</u> <i>Fran Ulmer</i>	Date <u>2/20/98</u>
Agency <u>Office of the Lieutenant Governor</u>	

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 57

Revision Date (Note if correction) _____	Dept Affected <u>Law</u>
Title <u>"An Act relating to cruelty to animals"</u>	BRU <u>Criminal Division</u>
	Component <u>1st-4th Judicial Districts</u>
Sponsor <u>Representative Grussendorf</u>	<u>OSPA</u>
Requester <u>House Judiciary Committee</u>	Component Serial No <u>2198-99/2261/79/01/13</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time	0	0	0	0	0	0
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 11.61.140(a) relating to cruelty to animals by lowering the legal standard of conduct from one who acts intentionally to one who acts knowingly and inflicts severe physical pain or prolonged suffering on an animal. Similarly, the bill lowers the legal standard of conduct from one who acts recklessly to one who acts with criminal negligence and neglects an animal and, as a result of that neglect, causes the death of the animal or causes severe physical pain or prolonged suffering of the animal. These changes have the effect of making cruelty to animal cases easier to prove and, may result in more of such cases referred for prosecution. We do not anticipate any fiscal impact at this time. However, if significant numbers of such cases are referred for prosecution, it could have a fiscal impact on the department and we would seek to reassess our budget position at that time.

Prepared by Joan M. Kasson
 Division Attorney General's Office
 Approved by Commissioner Bruce M. Botelho, Attorney General
 Agency Department of Law

Phone 465-5370
 Date 2/9/98
 Date 2/9/98

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ARTICLE V.

Amendment of the Constitution. The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendment to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

Alaska State Legislature

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DEVELOPMENT
ALASKA COURT SYSTEM

Representative Joe Green
District 10

Sponsor Statement

HJR 57 - Amending the U.S. Constitution prohibiting courts from imposing taxes

HJR 57 requests Congress to exercise the power granted to them in Article 5 of the U.S. Constitution, and prepare and present to the legislatures of all fifty states an amendment to the US Constitution that would prohibit federal courts from ordering a state or political subdivision to increase or impose taxes.

This effort is, at least partially, in response to a decision by the U.S. Supreme Court (*Missouri v. Jenkins*, 110 S. Ct. 1651 (1990)) which upheld the right of a Federal District Court to order a property tax increase in Kansas City, Missouri. Last year in Rockford, Illinois, U.S. District Court Magistrate P. Michael Mahoney ordered property tax assessments increased by 12 percent.

During the Convention of Virginia, in Richmond, in 1805, James Madison noted "I believe there are more instances of the abridgment of freedom of the people by gradual and silent encroachment of those in power, than by violent and sudden usurpations." The Court's decision in *Missouri* is a usurpation of power by the federal court, and a violation of one of the principles on which our country was founded -- no taxation without representation. If we do not act, Madison will be proven right.

I believe that the power to tax should rest solely with the legislative branch, as the founders of our country clearly intended. The 19th Alaska Legislature approved a resolution similar to HJR 57. Ten other states have passed such resolutions. I urge your vote in favor of HJR 57.