

SB

307

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/16/98

FURTHER:

Date of 5-Day Notice: 2-26-98
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3-2-98

Judiciary Committee considered

SENATE BILL NO. 307

"An Act relating to conditions for filling vacancies in the office of United States senator; and providing for an effective date."

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	<input checked="" type="checkbox"/>	<i>Mark Powell</i>	<input checked="" type="checkbox"/>		
CHAIR: <i>Adrian I. Taylor</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Gov's Office/Execut	3-2-98	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 1
Bill Version: SB307
(S) Publish Date: 3/3/98

Revision Date (Note if correction) _____ Dept. Affected Office of the Governor
 Title Filling vacancies in the office of United BRU Elective Operations
 States senator _____ Component Elections
 Sponsor Senator Halford
 Requester Senate Judiciary Committee Component Serial No. #21

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						
----------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

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: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by Gail Fenumiai *Gail Fenumiai* Phone 465-3935
 Division Division of Elections Date 3/2/98
 Approved by C Lt. Governor Fran Ulmer *Fran Ulmer* Date 3/2/98
 Agency Office of the Lieutenant Governor

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

DRAFT

Appointments to fill vacancies in the the United States Senate. A historical perspective.

SB 135 (SLA 1967 Ch. 139) was introduced on February 21, 1967 by the late Senator John Butrovich. The original version of this bill *repealed* the requirement that a person appointed to fill a congressional vacancy be a member of the same party as the successor. On February 23, 1967 the Senate State Affairs Committee amended the bill, limiting it to appointments to fill vacancies to the United States Senate. The U.S. House of Representatives requires that vacancies be filled by special elections. Procedures for those elections are determined by individual states.

On March 28, 1967 the senate adopted SB 135 by a vote of 14-6. Immediately after passage of SB 135 the Senate recessed to meet in a joint session with the House to hear an address by U.S. Senator E.L. (Bob) Bartlett.

On March 30, 1967 the House State Affairs Committee approved SB 135. The bill came before the House on April 3, 1967. It was adopted by a vote of 25-15.

SB 135 was transmitted to Governor Hickel on April 5, 1967. On April 25, 1967 Governor Hickel informed the Senate that he had allowed SB 135 to become law without his signature.

On December 24, 1968 State Representative Ted Stevens (R-Anchorage) was appointed to fill the vacancy caused by the death of U.S. Senator E.L. Bartlett (D-Alaska).*

*While being treated for a serious illness in a Cleveland, Ohio hospital Senator Bartlett told his physicians that they had a special responsibility to keep him alive because the Republicans in Alaska had passed a law which would allow them to replace him with a Republican. From Senator E.L. (Bob) Bartlett of Alaska, Claus Naske (1980 University of Washington Press)



Official Business

Alaska State Legislature

Senate

**RICK
HALFORD**

State Capitol
Juneau, Alaska
99801-1182
Phone (907) 465-4958
Fax (907) 465-4928

P.O. Box 670190
Chugiak, Alaska 99567
Phone (907) 694-4958
Fax (907) 694-0549

600 E. Railroad Avenue
Wasilla, Alaska 99654
Phone (907) 376-4958

Sponsor Statement

Senate Bill 307

"An Act relating to conditions for filling vacancies to the office of United States senator"

Under current law, when a United State senate seat becomes vacant before the term is served, there is no requirement that the vacancy be filled by a person of the same party of the previous occupant. As a result, a governor may appoint whomever they choose, without regard to the position expressed by the voters in the previous election.

Passage of SB 307 would establish a requirement that the person appointed by the governor to fill a vacancy in the office of United States senator shall be of the same political party as that which nominated the predecessor in office. This amendment to AS 15.40.010 would bring the conditions for filling a vacancy for the office of United States senator in line with the requirements for filling vacancies for the offices of the state representative and state senator.

By changing this statute we can; as the states of Hawaii, Arizona and Utah have already done; ensure that the will of the voters, as expressed in the previous election, would not be subverted through the appointment of a person of a different party and philosophy than the individual the appointee is replacing.