

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES,

1993-1994

1245

319

estate and access problems. Under his evaluation, the land in the reconstituted trust is worth \$566 million to which he adds the \$200 million cash for a grand total of \$766 million for the settlement. He did not perform the same calculations for the original trust lands, and it is important not to compare that number to \$1.9 billion because the numbers are based on different assumptions.

No one provided the court with a breakdown of the \$1.9 billion valuation so that Mr. Erickson's approach could be applied to obtain a value of the original mental health trust lands. In order to provide the best comparison possible with the limited data available to the court, the court has taken the Interim Mental Health Trust Commission's valuation of the original trust lands (which with Dr. Metz' revised mineral valuation totals \$2.0 billion) and applied the approach. The results are found in the chart attached as Appendix A.⁵⁸ Applying Mr. Erickson's discounts to the Interim Commission's values and assuming that one-half of the lands were under DNR lease, the discounted value of original trust lands is \$921.5 million.⁵⁹

Using these figures, the comparison is between \$921.5 million with a reduction for the risks of litigation versus a land package

⁵⁸The court has used the aggregate percentage discounts as set out in Exhibit 4 (evidentiary hearing) prepared by Mr. Erickson.

⁵⁹Of course this number could be very inaccurate if the values used in the Chapter 66 valuation which totalled \$1.9 billion are very different from the Interim Commission's values. Additionally, as shown in Appendix A, if less than one-half of the lands were under DNR lease, the reduced value of the original trust lands is much smaller.

worth \$566 million, a cash component of \$200 million and other benefits of the settlement. Under this approach the settlement is within the range of possible approval.

The final approach on which the court has received testimony comes from Samuel Smith, chief of the Division of Mining in DNR. Mr. Smith has analyzed the mineral value of lands which will not be returned to the trust. He starts with Dr. Metz's⁶⁰ calculation for mineral values on lands which will not be returned, \$620 million. Mr. Smith has discounted that number for three of four factors on which he believes Dr. Metz erred. His revised value is \$130 million. In light of the fact that mineralized land forms the bulk of everyone's valuation of original trust land, Mr. Smith's calculations, though partial and preliminary, would suggest that this settlement is within the range of acceptable settlements.

In summary, it is too soon for the court to determine what is the best valuation of the trust, but using consistent rules in any approach suggests that this settlement is within the range of acceptable settlements. However, several assumptions have been made which may be in error. The court expects to look at this issue carefully at the final approval stage.

It is important that the class considers the importance of cash to them. In essence this settlement trades some land which might be returned to the trust for cash. Risk averse individuals

⁶⁰Dr. Metz was hired by plaintiffs to do valuations on the mineral estate of original trust lands.

stress the importance of having cash now against the possibility of earning money in the future. Those willing to take more risks may regard cash as a bad trade for the possibility of earning much larger amounts later. This philosophical difference is part of the conflict between plaintiffs' attorneys.

2. Trial

A trial would be extremely expensive, lengthy, and complex, probably involving defendant classes as well as the plaintiff class.⁶¹ A defendant class of third-party holders of interests in state land could contain thousands of members and require several separate subclasses. The cost to all parties in time and money would be enormous. The cost is not, perhaps, of significant interest to the class, since fees are paid by the State. However, delay should be significant. It could be years before the litigation is resolved if the case is not settled. The improvements to the mental health program and the reconstitution of the trust could be delayed for many years.

3. Discovery

While plaintiffs have not received access to all DNR records concerning agricultural parcels that contain original trust land,

⁶¹Weiss and AMHA already have filed motions to certify defendant classes for municipal and coal-lessee defendants. See Motion to Certify Class of Municipal Defendants (March 29, 1994); Motion to Certify Class of Coal Lessee Defendants (July 14, 1994).

they know much more about the original trust lands and potential trust lands than they did in 1991 when Chapter 66 was passed. At this point plaintiffs' attorneys seem to have sufficient information about original trust lands and state lands in general to adequately evaluate the current proposal of a mixed land and cash settlement.

4. Opposition

The amount of opposition within the class cannot be fully evaluated by the court until the fairness hearing after the class has notice. Therefore the court can draw no conclusions at this time with regard to opinions of the class regarding the fairness and adequacy of the proposed settlement agreement.

5. Collusion

Weiss and AMHA imply that counsel for H.L. and Bosel negotiated a settlement favorable to the State in order to encourage the State to withdraw from the Chapter 66 settlement, which H.L. and Bosel opposed. Weiss Opp. to Prelim. Appr., at 11. Weiss and AMHA contend that H.L. and Bosel negotiated outside the parameters of what they had agreed the settlement should contain. Despite Weiss and AMHA's claims to the contrary, the court concludes there was no collusion during the negotiations.

In summary, based on this preliminary examination, the court concludes that this settlement is within the range of possible

final approval.

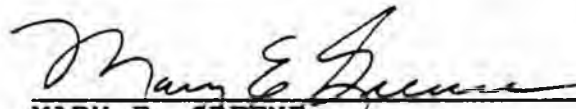
VI. CONCLUSION AND ORDER

The HB 201 settlement appears to provide sufficient benefits to the class to justify preliminary approval. The negotiations apparently were serious, informed, and noncollusive. Deficiencies in the settlement are not sufficiently serious to warrant disapproval at this preliminary stage. There is no disparate treatment of any of the major groups of plaintiff class members. There are problems presented; some of them may be resolved by the time of the final approval hearings. There are also risks presented which need to be carefully evaluated by the class. However, the requirements for preliminary approval have been met.⁶²

Thus,

IT IS HEREBY ORDERED that the court grants preliminary approval to the settlement filed June 10, 1994.

DATED at Fairbanks, Alaska this 29th day of July, 1994.



MARY E. GREENE
Superior Court Judge

I certify that on 7-29-94
a copy of this form was sent
to: Walker Gottstein Jesse
Volland Bjorkquist Johannsen
~~Morford~~ Rubini Koester
Machentanz Jorgensen Rehbock
Mason
Clerk: KS H

⁶²Preliminary approval does not mandate final approval if class comments or other evidence at hearings shows that the HB 201 settlement is not in the best interests of the class or does not meet the standards for final approval.

Erickson Discount Calculations

Applied to Interim Mental Health Trust Commission Value Estimates

| | <u>Oil & Gas</u> | <u>Timber</u> | <u>Surface</u> | <u>Coal</u> | <u>Mineral Land Under DNR Lease¹</u> | <u>Mineral not un- der DNR Lease</u> | <u>Total</u> |
|------------------------------------|--------------------------|---------------|----------------|-------------|---|--|---------------------------|
| Value (in millions) \$ | .5 | 36 | 666.5 | .4 | 650 | 650 | \$2,000 |
| Erickson Aggregate Discounts | 20% | 69% | 64% | 0% | 19% | 78% | |
| Amount of Discount | .1 | 25.8 | 426.5 | 0 | 123.5 | 143 | 718.9 |
| Remaining Value \$ | .4 | 11.2 | 240 | .4 | 526.5 | 143 | <u>\$921.5</u> million |

¹This chart assumes that 50% of mineralized land was under DNR lease. If none was under DNR lease the reduced value of the land is \$538 million. The court believes that the actual amount of mineralized land under DNR lease is very small.

WALTER J. HICKEL
GOVERNOR



SB 382
SB 383
P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

September 26, 1994

The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a substantive bill and an appropriation bill that relate to the mental health trust, the mental health trust income account, and the mental health trust litigation, Weiss v. State, 4FA-82-2208 Civil. These bills do not, however, change the substance of the proposed settlement already enacted. While enactment of these bills may not be absolutely necessary for the court to grant final approval of the proposed settlement, they will clarify and implement certain provisions in the proposed settlement. This will significantly improve the probability of final court approval.

The bills have three main components: (1) corrections to the lists of land designated as mental health trust land or removed from the trust; (2) clarifying the funding sources for the \$200,000,000 appropriation to capitalize the mental health trust fund and for certain other mental health operating and capital appropriations; and (3) clarifying and amending legal deadlines to remove obstacles to the settlement actually taking effect.

With regard to the first of these components, corrections made by the substantive bill would add certain parcels to and delete certain parcels from the lists of land designated as mental health trust land under ch. 5, FSSLA 1994. This provision also would amend the list of land identified as removed from the trust under ch. 5, FSSLA 1994. (Although this second change is not legally required, it will serve to prevent any ambiguity.) The most significant correction relates to approximately 116,000 acres near Salcha, the mineral estate of which is designated as trust land. That land is included within a federal military land withdrawal and may never become available for designation to the trust. Accordingly, the parties have agreed to replace that land with other land of similar character and income producing potential. The other corrections

The Honorable Rick Halford
September 26, 1994
Page 2

are technical and address problems discovered after the legislature adjourned from the first special session this year.

In granting preliminary approval of the settlement, the trial court encouraged the parties to find solutions to the problems with the land lists, especially the federal military withdrawal of the Salcha land. The court also warned that the court and beneficiaries would be forced to examine the degree of risk posed by those problems and the impact on the settlement if no solutions are found. The substantive bill provides the solution to these problems.

The second component addresses a change in conditions affecting the funding sources of the \$200,000,000 appropriation to capitalize the mental health fund. It now appears there may be a shortfall from one or more of the funding sources for that appropriation. Therefore, the appropriation bill provides that shortfalls may be made up through additional amounts from the mental health land revenue on deposit in the general fund and the mental health trust income account. In addition, there is ambiguity as to the funding source for \$33,000,000 of the \$200,000,000 appropriation to capitalize the mental health trust fund and certain other mental health appropriations. The \$33,000,000 was appropriated from the mental health trust income account (AS 37.14.011), but that account was repealed on June 24, 1994, (secs. 39 and 52, ch. 5, FSSLA 1994). To resolve the ambiguity, the substantive bill revives the mental health trust income account (AS 37.14.011(a)) retroactive to June 24, 1994. It also provides for the repeal of the account when it is no longer needed to finance appropriations enacted by law. Finally, because the revenues that previously went into the account (AS 37.14.011(b) and (c)) now go into the general fund, the appropriation bill also provides that the general fund is to cover any shortfall in funding appropriations from the account. (And, to distinguish it from the mental health trust income account that will be repealed once it is no longer necessary, the name of the new account into which trust income will be deposited and from which the Mental Health Trust Authority will fund grants and contracts is changed to the "mental health trust settlement income account.")

In granting preliminary approval, the trial court identified the potential shortfall in the \$200,000,000 appropriation as a problem. As with the land lists, the trial court encouraged the parties to find a solution. The court further warned that it and the beneficiaries would be forced to examine the degree of risk posed by the funding source problem and the impact on the settlement if no solution is found. Provisions in the substantive and appropriation bills take care of these potential problems.

Finally, the bills modify the requirement for dismissal of the mental health trust litigation for the settlement to become effective. First, they provide that the deadline

The Honorable Rick Halford
September 26, 1994
Page 3

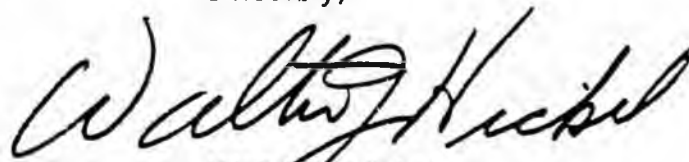
only applies to dismissal of the case by the superior court. This modification will preclude any person or party from unilaterally preventing the settlement from taking effect simply by appealing the dismissal to a higher court. In the unlikely event the superior court's dismissal is reversed on appeal, the settlement provisions are repealed through sunset clauses. Second, they clarify that the statutory benefits offered the mental health community under the settlement become effective if the litigation is dismissed by the specified deadline, December 15, 1994. Third, because the settlement takes effect upon dismissal by the superior court, the authorization for the governor to extend the deadline by up to 45 days is repealed.

In granting preliminary approval of the settlement, the trial court noted as "problematic" the possibility of a party preventing the settlement from taking effect simply by filing an appeal. These modifications eliminate that possibility and give all the terms of the settlement a common effective date.

The people of Alaska will substantially benefit from the final resolution of this almost 12-year-old litigation. The proposed settlement offers significant advantages to the mental health community, many of which could not be obtained through continued litigation. In addition, settlement will enable the mental health community to focus its energies on the important task of delivering mental health services rather than on the litigation. The rest of the Alaska public also will benefit from the significant savings of litigation expenses and from the lifting of the cloud the litigation has placed on development of state and private land.

I urge your prompt action on these measures.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter J. Hickel". The signature is written in a cursive, flowing style.

Walter J. Hickel
Governor

SB

383

HFIN

FILE

(11)

Date Referred: September 27, 1994

HOUSE COMMITTEE REPORT

FURTHER REFERRALS:

Date of Committee Action: 9-27-94

The FINANCE Committee considered:

SB 383

SENATE BILL NO. 383

AMENDMENTS TO MENTAL HEALTH TRUST APPROPS

"An Act making and amending appropriations relating to the mental health trust fund, the mental health trust income account, and the mental health trust settlement income account; and providing for an effective date."

- RECOMMENDATIONS: the same title
 be replaced with _____ a new title
- have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

- ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)
- fiscal impact _____ fiscal note(s) _____
 zero fiscal note _____ zero fiscal note(s) _____

| SIGNING OFFICER | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|---------------------|----|-----------------------|-----|----|----|
| Eileen P. Macken | ✓ | | | | |
| Ronald L. [unclear] | X | | | | |
| Mark [unclear] | X | | | | |
| Terry [unclear] | X | | | | |
| Scott [unclear] | X | | | | |
| Ben [unclear] | X | | | | |
| [unclear] | | | | | |
| Mike [unclear] | X | | | | |
| Tam [unclear] | ✓ | | | | |
| [unclear] | ✓ | | | | |
| Richard [unclear] | X | | | | |

Ronald L. [unclear] Eileen P. Macken
 CHAIRMAN'S SIGNATURE

SB

383

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 9/26/94

FURTHER:

Date of 5-Day Notice: 9/20/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 9-26-94

Finance Committee considered **SENATE BILL NO. 383**

"An Act making and amending appropriations relating to the mental health trust fund, the mental health trust income account, and the mental health trust settlement income account; and providing for an effective date."

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS _____
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
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PREVIOUS FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
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Appropriation No Fiscal Note

DO PASS:

Bert Sharp
Alvin King
Paul H. Ho
Tim Kelly
[Signature]
 1. [Signature] DO PASS

OTHER RECOMMENDATIONS:

 2. Irma Deane - 10/2/94
 - Co-Chair: Signature/Recommendation

Co-Chair: Signature/Recommendation

WALTER J. HICKEL
GOVERNOR



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The Honorable Rick Halford
September 26, 1994
Page 2

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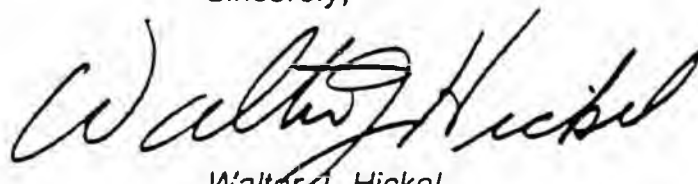
only applies to dismissal of the case by the superior court. This modification will preclude any person or party from unilaterally preventing the settlement from taking effect simply by appealing the dismissal to a higher court. In the unlikely event the superior court's dismissal is reversed on appeal, the settlement provisions are repealed through sunset clauses. Second, they clarify that the statutory benefits offered the mental health community under the settlement become effective if the litigation is dismissed by the specified deadline, December 15, 1994. Third, because the settlement takes effect upon dismissal by the superior court, the authorization for the governor to extend the deadline by up to 45 days is repealed.

In granting preliminary approval of the settlement, the trial court noted as "problematic" the possibility of a party preventing the settlement from taking effect simply by filing an appeal. These modifications eliminate that possibility and give all the terms of the settlement a common effective date.

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I urge your prompt action on these measures.

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel".

Walter J. Hickel
Governor

SCR

2

SENATE FINANCE COMMITTEE REPORT

DATE: 3/9/93

FURTHER:

DATE TURNED INTO OFFICE: 3-29-93

The Finance Committee considered **SENATE CONCURRENT RESOLUTION NO. 2**

Relating to certification of the Alaska State Legislature's opposition to requiring suspension of a driver's license for drug offenses.

and recommends:

replace with _____ CS SCR 2 (FINANCE)
 or adopt previous _____ CS _____
 attaches amendment(s)

same title
 new title
 technical title change (HB only)

adopts SFC Letter of Intent

further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES

| Department | Date | Zero | Fiscal |
|---------------|---------------|----------|--------|
| <u>DOT/DF</u> | <u>3-8-93</u> | <u>0</u> | |
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PREVIOUS FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|---------------|----------|--------|
| <u>DPS</u> | <u>3-9-93</u> | <u>0</u> | |
| | | | |
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Appropriation No Fiscal Note

DO PASS:

Bob Sharp
Alan...
...
Tom Kelly
...

OTHER RECOMMENDATIONS:

1. ...
 Co-Chair: Signature/Recommendation

2. _____
 Co-Chair: Signature/Recommendation

FISCAL NOTE

Revision Date: 03/08/93
Title: Federal-Aid Hy Funding/Drug Enforcement
Sponsor: Transportation
Requestor:

Department Affected: DOT&PF
BRU:

Component:
Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY94 | FY95 | FY96 | FY97 | FY98 | FY99 |
|-------------------------|------|------|------|------|------|------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 0 | 0 | 0 | 0 | 0 | 0 |
| SUPPLIES | 0 | 0 | 0 | 0 | 0 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS, CLAIMS | 0 | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL OPERATING: | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|---------------------|---|---|---|---|---|---|
| REVENUE FUND SOURCE | 0 | 0 | 0 | 0 | 0 | 0 |
|---------------------|---|---|---|---|---|---|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|------------|-------------|-------------|-------------|-------------|
| 1002 FEDERAL RECEIPTS ** | -9,615,346 | -9,615,346 | -19,230,692 | -19,230,692 | -19,230,692 | -19,230,692 |
| 1003 GF MATCH | 0 | 0 | 0 | 0 | 0 | 0 |
| 1004 GF | 0 | 0 | 0 | 0 | 0 | 0 |
| 1005 GF/PROGRAM RECEIPTS | 0 | 0 | 0 | 0 | 0 | 0 |
| 1006 GF/MHTIA | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL FUNDING: | -9,615,346 | -9,615,346 | -19,230,692 | -19,230,692 | -19,230,692 | -19,230,692 |

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year (FY93) impact: \$0

ANALYSIS: (Attach a separate page if necessary)


** Failure to pass legislation will result in the loss of federal ISTEA funds.

Prepared by: Katy McHugh

Phone: 465-3902

Division: Office of the Commissioner

Date: March 8, 1993

Approved by Commissioner: 
Frank G. Torpin

Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date: March 8, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

No. 2
Bill Version: SCR 2
(S) Publish Date: 3-10-93

Revision Date: _____ Dept. Affected: Public Safety
 Title: "Relating to suspension of driver's license for drug offenses" BRU: Motor Vehicles
 Sponsor: Senate Transportation Component: Driver Services
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 500

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

| OPERATING | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 |
|-----------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
| REVENUE FUND SOURCE: | -0- | -0- | -0- | -0- | -0- | -0- |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year (FY 93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact upon the Division of Motor Vehicles is anticipated.

Prepared By: Juanita Hensley Phone: 465-4361
 Division: Motor Vehicles Date: 3/9/93
 Approved by Commissioner: *[Signature]* Date: 3/9/93
 Agency: Richard L. Burton, Dept. of Public Safety

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Official Business

Alaska State Legislature

SENATE

3-29-93
BS-Adopted
SFC

State Capitol
Juneau, AK 99801-1182

March 26, 1993

LETTER OF INTENT FOR SCR 2

It is the intent of the Alaska State Legislature, in enacting SCR 2, that the State of Alaska continue to vigorously enforce laws prohibiting illegal drug use, while avoiding unnecessary entanglement with the federal government over which method is most effective to prevent illegal drug use. It is also the intent of the Legislature that the State maintain its sovereign right to enact legislation punishing illegal drug use and that the enactment of criminal laws applicable to illegal drug use in the State be reserved to the Legislature.

SHARP

3-29-93
Adopted
8-LS0701N.1 JFC
Ford
3/29/93

.. AMENDMENT

OFFERED IN THE HOUSE
TO: CSHCR 10(HES)

Page 1, line 10:
Delete "31"
Insert "1"

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 29, 1993

SUBJECT: Certification of opposition to federal drug law
(CSHCR 10(HES))

TO: Representative Richard Foster

FROM: Michael F. Ford 
Legislative Counsel

This is in response to your request for information regarding the date by which the state must certify opposition to a federal highway safety provision concerning loss of a driver's license for illegal drug use. Under 23 U.S.C. 159(a), the state will lose federal highway dollars beginning with the 1994 federal fiscal year. That year begins on October 1, 1993. However, under federal regulations implementing the federal law, a state must submit a certification that the state meets the requirements of the federal law by April 1, 1993. This earlier date is apparently necessary in order to allow the various federal agencies time to determine if the state has met the requirements of the federal law.

X Therefore, the date on page 1, line 10 of the resolution should be October 1, 1993, not October 31, 1993, as the state would begin to lose funds on October 1. As an alternative you could simply delete the date language entirely and I do not believe that would affect the substance of the resolution. I have provided alternative amendments to allow either approach.

MFF:lmb
93-088.lmb

3-29-93
BS - Adopted
SFC

DRAFT

8-LS0631N

CS FOR SENATE CONCURRENT RESOLUTION NO. 2(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): **SENATE TRANSPORTATION COMMITTEE BY REQUEST**

A RESOLUTION

1 **Relating to allowing the state the right to determine and impose sanctions on**
2 **motor vehicle drivers.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** the State of Alaska is concerned with drug abuse by its citizens and has
5 enacted numerous laws and initiated programs aimed at reducing both the demand for and
6 supply of illegal drugs; and

7 **WHEREAS** the State of Alaska currently revokes the driver's licenses of persons
8 convicted of driving a motor vehicle under the influence of drugs; and

9 **WHEREAS** 23 U.S.C. 159(a) mandates the withholding of certain federal-aid highway
10 funds from states that by October ~~31~~ 1993, fail to either

11 (1) enact legislation requiring suspension of an individual's driver's license
12 upon conviction of a violation of the federal Controlled Substances Act or any drug offense;
13 or

14 (2) file a certification from the Governor that the Governor is opposed to the
15 enactment of such a law and that the legislature has adopted a resolution expressing its
16 opposition to such a law; and

1 **WHEREAS** failure of this legislature to take either mandated action will result in the
2 withholding of federal-aid highway funds: and

3 **WHEREAS** actions of the Congress to coerce states into passing ineffective laws are
4 inappropriate: and

5 **WHEREAS** the State of Alaska has and will continue to address illegal drugs in
6 effective and cost beneficial ways:

7 **BE IT RESOLVED** that the Alaska State Legislature certifies that it is opposed to the
8 requirement by the federal government that the state enact legislation to revoke or suspend the
9 driver's license of a person convicted of a drug offense if the offense does not involve the
10 operation of a motor vehicle, aircraft, or watercraft: and be it

11 **FURTHER RESOLVED** that the Alaska State Legislature will continue its efforts in
12 drug abuse education and enforcement programs and will commit its limited resources to
13 programs that, based on experience in Alaska, have a reasonable chance of reducing drug
14 abuse; and be it

15 **FURTHER RESOLVED** that the Governor is respectfully requested to certify the
16 Governor's opposition to adoption of legislation requiring revocation of the driver's license
17 of a person convicted of a drug offense.



*Department of Transportation
and Public Facilities*

POSITION PAPER

BILL NO: SCR 2

APPROVED: W. J. Gentan

TITLE: Federal-Aid Hy Funding/Drug
Enforcement

DATE: March 1, 1993

This bill fulfills an urgent federal mandate, that, if ignored, will result in the loss of millions of dollars in federal highway funding. It is based on Public Law 101-516, Nov. 5, 1990, which directs each state to enact a law which requires the revocation of driving privileges of those persons convicted of any type of drug offense, or alternatively, the state must indicate formal opposition to such a law in a manner defined below.

In responding to this federal mandate (some would say blackmail) the state has three options. First, on or before April 1, 1993 the state may enact legislation requiring the revocation of a person's driving privileges upon conviction for a drug offense. Enactment must be accompanied by enforcement, provided there have been circumstances calling for the law's penalties to be imposed. That is the intent of this bill.

Alternatively, on or before April 1, 1993, if the Governor and both houses of the Legislature indicate by certification and resolutions respectively, that they are opposed to the enactment or enforcement of such a law, then the fiscal sanctions will not be imposed on the state. Several other states have selected this option, in most instances as a symbolic act against federal intrusion into states' sovereignty.

Finally, in the absence of the state taking positive, timely action to either enact and enforce the mandatory license revocation law, or indicating formal opposition, a 5% withholding of highway federal-aid funds will begin in Federal Fiscal Year 1994. The penalty would remain the same in FFY '95. Further, funds withheld in these two years would be returned to the state if prior to September 30, 1995 the state achieves compliance with the federal act.

In subsequent federal fiscal years, the penalty rises to 10% and there is no further restoration provision for withheld funding. The approximate magnitude of these penalties is significant, and would be on the order of \$9.6 million in FFYs '95 & '96, and \$19.2 million thereafter. I would therefore urge favorable action on either approach to comply with Public Law 101-516.

For Further Information contact Katy McHugh at 465-3900.

FISCAL NOTE

*Updated
by 3-8-93
note from
Dept.*

Revision Date: 03/03/93
Title: Federal-Aid Hy Funding/Drug Enforcement
Sponsor: Transportation
Requestor:

Department Affected:
BRU:
Component:
Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY94 | FY95 | FY96 | FY97 | FY98 | FY99 |
|-------------------------|----------|----------|----------|----------|----------|----------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 0 | 0 | 0 | 0 | 0 | 0 |
| SUPPLIES | 0 | 0 | 0 | 0 | 0 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS, CLAIMS | 0 | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL OPERATING: | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|---------------------|---|---|---|---|---|---|
| REVENUE FUND SOURCE | 0 | 0 | 0 | 0 | 0 | 0 |
|---------------------|---|---|---|---|---|---|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|--------------------|
| 1002 FEDERAL RECEIPTS ** | -9,615,346 | -9,615,346 | -9,615,346 | -19,230,692 | -19,230,692 | -19,230,692 |
| 1003 GF MATCH | 0 | 0 | 0 | 0 | 0 | 0 |
| 1004 GF | 0 | 0 | 0 | 0 | 0 | 0 |
| 1005 GF/PROGRAM RECEIPTS | 0 | 0 | 0 | 0 | 0 | 0 |
| 1006 GF/MHTIA | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL FUNDING: | -9,615,346 | -9,615,346 | -9,615,346 | -19,230,692 | -19,230,692 | -19,230,692 |

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year (FY93) impact: \$0

ANALYSIS: (Attach a separate page if necessary)

** Failure to pass legislation will result in the loss of federal ISTEA funds.

Prepared by: Katy McHugh

Phone: 465-3902

Division: Office of the Commissioner

Date: March 3, 1993

Approved by Commissioner: 

Phone: 465-3901

Frank G. Turjola

Agency: Department of Transportation and Public Facilities

Date: March 3, 1993

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STATE OF ALASKA
1993 LEGISLATIVE SESSION

No. 1
Last Version: SCR 2
(S) Publish Date: 3-3-93

FISCAL NOTE

Revision Date: _____ Department Affected: DOT&PF
 Title: Federal-Aid Hy Funding/Drug Enforcement BRU:
 Sponsor: Transportation Component:
 Requestor: _____ Component Serial Number: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY94 | FY95 | FY96 | FY97 | FY98 | FY99 |
|----------------------------|------|------|------|------|------|------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 0 | 0 | 0 | 0 | 0 | 0 |
| SUPPLIES | 0 | 0 | 0 | 0 | 0 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS, CLAIMS | 0 | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL OPERATING: | 0 | 0 | 0 | 0 | 0 | 0 |
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
| REVENUE FUND SOURCE | 0 | 0 | 0 | 0 | 0 | 0 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|---|------------|------------|-------------|-------------|-------------|
| 1002 FEDERAL RECEIPTS ** | 0 | -9,615,346 | -9,615,346 | -19,230,692 | -19,230,692 | -19,230,692 |
| 1003 GF MATCH | 0 | 0 | 0 | 0 | 0 | 0 |
| 1004 GF | 0 | 0 | 0 | 0 | 0 | 0 |
| 1005 GF/PROGRAM RECEIPTS | 0 | 0 | 0 | 0 | 0 | 0 |
| 1006 GF/MHTIA | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL FUNDING: | 0 | -9,615,346 | -9,615,346 | -19,230,692 | -19,230,692 | -19,230,692 |

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year (FY93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary)

** Failure to pass legislation will result in the loss of federal ISTEA funds.

Prepared by: Katy McHugh

Phone: 465-3902

Division: Office of the Commissioner

Date: March 1, 1993

Approved by Commissioner: 

Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date: March 1, 1993

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NATE COMMITTEE REPORT

Frank DATE: 3/3/93

FURTHER: FINANCE

DATE TURNED INTO OFFICE: 3-8-93

JUDICIARY Committee considered SENATE CONCURRENT RESOLUTION NO. 2

Relating to certification of the Alaska State Legislature's opposition to requiring suspension of a driver's license for drug offenses.

and report it back as follows

and recommends:

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

PF

NEW FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
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PREVIOUS FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|----------|------|------------|
| DOT + PF | 03/03/93 | | 19,615,346 |
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Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

3) No Rec - Suzanne Little
1) Rick Halford - do not pass
2) George Taylor - Jacko

1) Chris L. Taylor *DO NOT PASS*
 Chair: Signature and Recommendation

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

Just

DATE: 2/24/93

FURTHER: JUDICIARY
FINANCE

Date of 5-Day Notice: 2-25-93
(in accordance with Uniform Rule 23)

DATE TURNED
INTO OFFICE: 3-2-93

TRANSPORTATION Committee considered SCR 2

Relating to certification of the Alaska State Legislature's opposition to requiring suspension of a driver's license for drug offenses.

and recommends: *Maj do pass*

replace with _____ CS _____ ()

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

same title
 new title
 technical title change (HB only)

70

FISCAL NOTE INFORMATION

| Department | Date | Zero | Fiscal |
|------------|------------|----------------|----------|
| <i>DOT</i> | <i>3/1</i> | <i>Revenue</i> | <i>X</i> |
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| Department | Date | Zero | Fiscal |
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Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

Red E Red Do Pass PHILLIPS
Lincoln

Shawn - do pass
Chair: Signature and Recommendation

SCR

18

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/25/94

FURTHER: _____

DATE TURNED INTO OFFICE: _____

The Finance Committee considered **SENATE CONCURRENT RESOLUTION NO. 18**

Requesting the governor to offer the United States Congress \$10,000,000,000 to purchase all federal land, water, or land and water, including any surface or subsurface interests, in Alaska other than military reservations and federal offices.

Died in SFC 1994.

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS _____ ()
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

| Department | Date | Zero | Fiscal |
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PREVIOUS FISCAL NOTES

| Department | Date | Zero | Fiscal |
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Appropriation No Fiscal Note

DO PASS.

OTHER RECOMMENDATIONS:

1. _____
Co-Chair: Signature/Recommendation

2. _____
Co-Chair: Signature/Recommendation

SENATE COMMITTEE REPORT

four

DATE: 4/12/94

FURTHER: Finance

DATE TURNED INTO OFFICE: 4/23/94

Judiciary Committee considered SENATE CONCURRENT RESOLUTION NO. 18

Offer the United States Congress \$10,000,000,000 in cash, ^{bill} or other terms that may be negotiated between the state and the federal government, to purchase all federal land, water, or land and water, including any surface or subsurface interests, in Alaska other than military reservations and federal offices.

and recommends:

and report it back as follows

[] replace with _____ CS _____ ()

or [] adopt previous _____ CS _____ ()

[] attaches amendment(s)

- [] same title
- [] new title
- [] technical title change (HB only)

[] adopts _____ Letter of Intent

[] further referral to the _____

[] do pass

[] do not pass

[] no recommendation

[] individual recommendations

phi/SM

NEW FISCAL NOTES

| Department | Date | Zero | Fiscal |
|-----------------|------|------|--------|
| <i>none SRS</i> | | | |
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PREVIOUS FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
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| | | | |

[] Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

- (2) Rick Halford NO REC
- (2) Roy S. ... NO REC
- (3) Suzanne Little Do Not Pass

(1) ...
Chair: Signature and Recommendation

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 3/21/94

FURTHER: Judiciary
 Finance

Date of 5-Day Notice: 3.31.94
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4.11.94

Resources Committee considered SCR 18
bulletin

Offering the United States Congress \$10,000,000,000 to purchase all federal land, water, or land and water, including any surface or subsurface interests, in Alaska other than military reservations and federal offices.

and recommends:

replace with _____ CS _____ *& report to bha file*

- same title
- new title
- technical title change (HB only)

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

FISCAL NOTE INFORMATION

| Department | Date | Zero | Fiscal |
|-----------------------|---------|----------|--------|
| LEGISLATIVE COMMITTEE | 4.11.94 | <i>✓</i> | |
| | | | |
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| Department | Date | Zero | Fiscal |
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Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

[Signature]

OTHER RECOMMENDATIONS:

we should
we should
Buy back with Federal funds
275 n April 2000

Mike Miller

 Chair: Signature and Recommendation

FISCAL NOTE

No. 1
 Bill Version: SCB 18
 (S) Publish Date: 4-12-94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: None
 Title: PURCHASE FEDERAL LAND FROM U.S. BRU: n/a
 Component: n/a
 Sponsor: SENATE JUDICIARY COMMITTEE
 Requestor: _____ COMPONENT SERIAL NO. ---

Expenditures/Revenues

(Thousands of Dollars)

| OPERATING EXPENDITURES | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

| | | | | | | |
|-----------------------------|-----|-----|-----|-----|-----|-----|
| CAPITAL EXPENDITURES | -0- | -0- | -0- | -0- | -0- | -0- |
|-----------------------------|-----|-----|-----|-----|-----|-----|

| | | | | | | |
|-------------------------------|-----|-----|-----|-----|-----|-----|
| CHANGE IN REVENUES () | -0- | -0- | -0- | -0- | -0- | -0- |
|-------------------------------|-----|-----|-----|-----|-----|-----|

FUND SOURCE

(Thousands of Dollars)

| | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

Estimate of any current year (FY94) cost: \$ ---

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

Prepared by: SENATOR MIKE MILLER, CHAIRMAN
 Division: Senate Resources Committee
 Approved by: Michael W. Miller Chair
 Agency: Senate Resources Committee

Phone: 465-4907
 Date: April 5, 1994
 Date: 11 April 94

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**ALASKA STATE LEGISLATURE
SENATE CONCURRENT RESOLUTION NO. 18**

HISTORY IN THE SENATE

HISTORY IN THE HOUSE

1994
3/21

Read first time and referred to:
RES, JUD, FIN

4/12 RES RPT() CS 1 DP 5 NR 1 DNP AM
 ___ New Title ___ Same Title ___ Previous FN
 ___ FN OFN To JUD

4/21 Jud RPT() CS 1 DP 2 NR 1 DNP AM
 ___ New Title ___ Same Title ___ Previous FN
 ___ FN ___ OFN To JUD

___ RPT() CS ___ DP ___ NR ___ DNP AM
 ___ New Title ___ Same Title ___ Previous FN
 ___ FN ___ OFN To ___

___ Rules Calendar() CS ___ AM ___ Other
 ___ New Title ___ Same Title ___ Previous FN
 ___ FN ___ OFN

Read second time

___ CS Adopted () ___ New Title
 ___ Amended

Considered on final passage and

___ Letter of Intent adopted

PASSED EFD Same ___ or
 Yeas Yeas
 Nays Nays
 Excused Excused
 Absent Absent

Reconsideration
 Reconsideration not taken up

PASSED EFD Same ___ or
 Yeas Yeas
 Nays Nays
 Excused Excused
 Absent Absent

Reported correctly engrossed
 Signed by President, to House

Secretary of the Senate

19

Read first time and referred to:

___ RPT CS() ___ New Title
 ___ DP ___ DNP ___ NR ___ AM
 ___ FN ___ OFN ___ Previous FN

___ RPT CS() ___ New Title
 ___ DP ___ DNP ___ NR ___ AM
 ___ FN ___ OFN ___ Previous FN

___ RPT CS() ___ New Title
 ___ DP ___ DNP ___ NR ___ AM
 ___ FN ___ OFN ___ Previous FN

Read second time
 CS() Adopted

Amended

Considered on Final Passage and

PASSED EFD Same ___ or
 Yeas Yeas
 Nays Nays
 Excused Excused
 Absent Absent

___ Intent adopted

Reconsideration
 Reconsideration not taken up

PASSED ON RECON. EFD Same ___ or
 Yeas Yeas
 Nays Nays
 Excused Excused
 Absent Absent

___ Intent adopted

Reported correctly engrossed, signed by the Speaker
 and returned to the Senate

Chief Clerk of the House

SENATE-HOUSE HISTORY CONTINUED

| | |
|---|---|
| 18 | Received from the House |
| | Version: _____ |
| | Concur in House amendment |
| | Y ___ N ___ E ___ A ___ |
| | _____ Efd same or Y ___ N ___ E ___ A ___ |
| | Failed to concur in House amendment, ask House recede |
| | Y ___ N ___ E ___ A ___ |
| | House failed to / receded from amendment |
| | Y ___ N ___ E ___ A ___ |
| | CC appointed by Senate _____ Chair |
| _____ | |
| CC appointed by House _____ Chair | |
| _____ | |
| (S) Granted Limited Powers of Free Conference | |
| (H) Granted Limited Powers of Free Conference | |

| | |
|----------------------------------|---|
| 19 | (S) Adopted CC Rpt _____ |
| | Y ___ N ___ E ___ A ___ |
| | _____ Efd same or Y ___ N ___ E ___ A ___ |
| | (H) Adopted CC Rpt _____ |
| | Y ___ N ___ E ___ A ___ |
| | _____ Efd same or Y ___ N ___ E ___ A ___ |
| | To enrolling |
| | Received from enrolling |
| | Sent to Governor |
| | _____ By Governor |
| Legislative Resolve Number _____ | |
| Filed with Lieutenant Governor | |

SJR

9

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/11/93

FURTHER:

DATE TURNED INTO OFFICE: _____

The Finance Committee considered SENATE JOINT RESOLUTION NO. 9

Relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States.

Died in SFC 1994.

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS _____ (_____)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
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PREVIOUS FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
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Appropriation No Fiscal Note

DO PASS.

1. _____
Co-Chair: Signature/Recommendation

OTHER RECOMMENDATIONS:

2. _____
Co-Chair: Signature/Recommendation

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

GMR

DATE: 1/11/93

FURTHER: FINANCE

Date of 5-Day Notice: 03/04/93
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 03/10/93

JUDICIARY Committee considered SENATE JOINT RESOLUTION NO. 9

Relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States.

and recommends:

and a majority of the committee recommends do pass

[] replace with _____ CS _____ (_____)

[] attaches amendment(s)

[] adopts _____ Letter of Intent

[] further referral to the _____

[] do pass

[] do not pass

[] no recommendation

[X] individual recommendations

[] same title
[] new title
[] technical title change
(HB only)

Φ FOL

FISCAL NOTE INFORMATION

| Department | Date | Zero | Fiscal |
|------------------|---------|------|--------|
| Senate Judiciary | 3/10/93 | ✓ | |
| | | | |
| | | | |
| | | | |
| | | | |

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

[] Appropriation No Fiscal Note

[] Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

1. Kevin Donley

Erin Tachefsky Juko

OTHER RECOMMENDATIONS:

2. Suzanne Little no rec.

Adrian T. Taylor DO PASS
Chair: Signature and Recommendation

FISCAL NOTE

No. 1

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill Version: SJR 9

Revision Date: 10 MARCH 1993

(S) Publish Date: 3-11-93

Title: Relating to an amendment to the
Constitution of the United States prohibiting
Sponsor: Zharoff deseccration of the U.S. flag.
Requestor: Senate Judiciary Committee

Dept. Affec. none
BRU: n/a
Component: n/a
COMPONENT SERIAL NO. _____

Expenditures/Revenues:

(Thousands of Dollars)

| OPERATING | FY94 | FY95 | FY96 | FY97 | FY98 | FY99 |
|-----------------------------|------|------|------|------|------|------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
| REVENUE FUND SOURCE: | -0- | -0- | -0- | -0- | -0- | -0- |

FUNDING:

(Thousands of Dollars)

| | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

| | | | | | | |
|-----------|-----|-----|-----|-----|-----|-----|
| FULL-TIME | -0- | | | | | |
| PART-TIME | -0- | | | | | |
| TEMPORARY | -0- | -0- | -0- | -0- | -0- | -0- |

Estimate of current year (FY93) impact \$ none

ANALYSIS:

(Attach a separate page if necessary)

No fiscal impact from this legislation.

Prepared by: Senator Robin Taylor, Chair
Division: Senate Judiciary Committee
Approved by: *Robin L. Taylor*
Chair, Senate Judiciary Committee

Phone: 465-3717
Date: 03/10/93
Date: 03/10/93

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**ALASKA STATE LEGISLATURE
SENATE JOINT RESOLUTION NO. 9**

HISTORY IN THE SENATE

1993
1/11
3/11

Read first time and referred to:
JUD FIN

RPT() CS 3 DP 1 NR DNP AM
 New Title Same Title Previous FN
 FN X OFN To

RPT() CS DP NR DNP AM
 New Title Same Title Previous FN
 FN OFN To

RPT() CS DP NR DNP AM
 New Title Same Title Previous FN
 FN OFN To

Rules Calendar() CS AM Other
 New Title Same Title Previous FN
 FN OFN

Read second time

 CS Adopted () New Title
 Amended Advanced

Read third time

 Letter of Intent adopted
 Return to second for specific amendment

| | |
|---------|-----------------------|
| PASSED | EFD Same <u> </u> or |
| Yeas | Yeas |
| Nays | Nays |
| Excused | Excused |
| Absent | Absent |

Reconsideration
 Reconsideration not taken up

| | |
|---------|-----------------------|
| PASSED | EFD Same <u> </u> or |
| Yeas | Yeas |
| Nays | Nays |
| Excused | Excused |
| Absent | Absent |

Reported correctly engrossed
 Signed by President, to House

Secretary of the Senate

HISTORY IN THE HOUSE

19

Read first time and referred to:

RPT() CS() New Title
 DP DNP NR AM
 FN OFN Previous FN

RPT() CS() New Title
 DP DNP NR AM
 FN OFN Previous FN

RPT() CS() New Title
 DP DNP NR AM
 FN OFN Previous FN

Read second time
 CS() Adopted

Amended

Advanced

Read third time

Return to second for specific amendment

| | |
|---------|-----------------------|
| PASSED | EFD Same <u> </u> or |
| Yeas | Yeas |
| Nays | Nays |
| Excused | Excused |
| Absent | Absent |

 Intent adopted

Reconsideration
 Reconsideration not taken up

| | |
|------------------|-----------------------|
| PASSED ON RECON. | EFD Same <u> </u> or |
| Yeas | Yeas |
| Nays | Nays |
| Excused | Excused |
| Absent | Absent |

 Intent adopted

Reported correctly engrossed, signed by the Speaker
 and returned to the Senate

Chief Clerk of the House

SENATE-HOUSE HISTORY Continued

19

Received from the House
Version: _____

Concur in House amendment
Y ___ N ___ E ___ A ___
_____ Efd same or Y ___ N ___ E ___ A ___

Failed to concur in House amendment, ask House recede
Y ___ N ___ E ___ A ___

House failed to / receded from amendment
Y ___ N ___ E ___ A ___

CC appointed by Senate _____ Chair

CC appointed by House _____ Chair

(S) Granted Limited Powers of Free Conference

(H) Granted Limited Powers of Free Conference

19

(S) Adopted CC Rpt _____
Y ___ N ___ E ___ A ___
_____ Efd same or Y ___ N ___ E ___ A ___

(H) Adopted CC Rpt _____
Y ___ N ___ E ___ A ___
_____ Efd same or Y ___ N ___ E ___ A ___

To enrolling
Received from enrolling
Sent to Governor

_____ By Governor

Legislative Resolve Number _____

Filed with Lieutenant Governor

SJR

36

SFIN

FILE

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SJR 36

Revision Date: April 7, 1994

Department Affected: Office of the Governor

Title: Amendment to the Constitution RE:

BRU: Division of Elections

Governor & Lt. Governor must receive majority vote. Component: General and Primary Elections

Sponsor: Senator(s) Kelly, Salo, Pearce, Zharoff, Sharp, Jacko, Little

Requestor: _____ COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

| OPERATING | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 |
|---------------|-------|-------|-------|-------|---------|-------|
| PERSONAL | 0 | 0 | 0 | 0 | 20.4 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 2.2* | 0 | 0 | 0 | 818.8 | 0 |
| SUPPLIES | 0 | 0 | 0 | 0 | 2.2 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND & | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS | 0 | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 2.2* | 0 | 0 | 0 | *841.4* | 0 |

| | | | | | | |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING:

| | | | | | | |
|-----------------|------|---|---|---|---------|---|
| 1002 Federal | 0 | 0 | 0 | 0 | 0 | 0 |
| 1003 GF Match | 0 | 0 | 0 | 0 | 0 | 0 |
| 1004 GF | 2.2* | 0 | 0 | 0 | 841.4 | 0 |
| 1005 GF/Program | 0 | 0 | 0 | 0 | 0 | 0 |
| 1006 GF/MHTIA | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 2.2* | 0 | 0 | 0 | *841.4* | 0 |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year (FY94) impact: 0

ANALYSIS: (Attach a separate page if necessary.) *This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on the measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be 53.4.

Prepared by: Joseph L. Swanson, Director Phone: 465-4611
 Division: Division of Elections Date: 4-7-94

Approved by Commissioner: Lt. Governor John B. Coghill
 Agency: Office of the Lt. Governor Date: _____

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SJR36

ANALYSIS:

841.4 Continued from previous page.

If run-off election is required, the position paper of January 11, 1994 does not change. If there is no run-off, the funds will not be spent.

PERSONAL SERVICES (20.4)

Personal services costs would remain the same, except for overtime required, due to the short time frame for putting on the runoff election. 10% of 204.0 = (20.4).

73000 - CONTRACTUAL (818.84)

Contractual payments (502.04) line itemed as follows:

| | |
|---|---------------|
| Election & polling place worker payment | 209.17 |
| Computer board payment | 14.63 |
| Question & absentee board payment | 32.45 |
| Absentee voting officials | 7.70 |
| Registrar payment | 5.28 |
| Statewide canvas board & recount teams | 11.66 |
| PEPS machine & mainframe programming contract | 136.40 |
| Split primary pollworker increment | 24.75 |
| Total | <u>502.04</u> |

Communications (64.9)

Telephone services and toll charges for an additional month for election activity. 3.30

Postage for absentee ballot mailings and returns; election supplies, ballot mailing and returns. Official Election Pamphlet mailing. Increment for split ballot mailing. 41.80

Freight for ballots from printer to four regional offices; misc. freight and courier service between director and four regional offices; transportation and set up costs for polling equipment. 18.15

Freight charges for statutory absentee ballots. 1.10

State fleet transportation costs. 0.55

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SJR36

ANALYSIS CONT.:

Advertising, Printing and Binding (243.1)

| | |
|---|--------|
| Statewide election advertising. | 33.22 |
| Run-off ballot printing. | 168.30 |
| OEP printing and typesetting. | 33.55 |
| Election notice posters. | 1.10 |
| Tally books, press kits and official election return booklets. | 6.93 |

Rental/Leases (8.8)

| | |
|--|-----|
| Statewide polling place and absentee voting station rentals. | 8.8 |
|--|-----|

74000 - OFFICE SUPPLIES (2.2)

Miscellaneous office supplies for run-off election. 2.2

MEMBER

TENTH ALASKA LEGISLATURE
ELEVENTH ALASKA LEGISLATURE
TWELFTH ALASKA LEGISLATURE
THIRTEENTH ALASKA LEGISLATURE
FOURTEENTH ALASKA LEGISLATURE
FIFTEENTH ALASKA LEGISLATURE
SIXTEENTH ALASKA LEGISLATURE
EIGHTEENTH ALASKA LEGISLATURE

ALASKA STATE SENATE



STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3822

P.O. BOX 210001
ANCHORAGE, ALASKA 99521
(907) 561-7612

SENATOR TIM KELLY

M E M O R A N D U M

TO: Senator Drue Pearce, Co-Chair
Senator Steve Frank, Co-Chair
Senate Finance Committee

FROM: Senator Tim Kelly **TDK**

DATE: March 28, 1994

RE: Scheduling Request for CS SJR 36 (JUD)

I respectfully request you schedule a hearing for Senate Joint Resolution 36 (SJR 36), a resolution proposing constitutional amendments requiring that candidates for governor and lieutenant governor receive more than 40 percent of the votes cast to be elected, before the Senate Finance Committee at the Committee's earliest convenience.

The Senate State Affairs Committee amended this resolution to lower the threshold needed to win an election from 50% to 40%, as is currently the situation for run-off elections for the office of Mayor in the Municipality of Anchorage. The Senate Judiciary Committee further amended SJR 36 to provide that, if there is to be a run-off election, it occur 35 days after the general election rather than 28 days. This will allow the division sufficient time to prepare for the election. I support both of these changes.

For your reference, I've attached my sponsor statement and a summary of votes received by candidates for governor since 1958.

Thank you in advance for your timely consideration.


STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

MEMORANDUM

January 11, 1994

TO: Senator Tim Kelly
ATTENTION: Josh Fink
FROM: Joseph L. Swanson 
Director
SUBJECT: Senate Joint Resolution No. 36

A General Election is not final until the Statewide review board has verified the election totals. The statewide review board starts no later than 11 days after the election. It receives absentee votes until the 15th day after the election; then reviews the election counts and procedures until complete; no set time frame (AS 15.15.440). Certification has historically been within 24 days of the date of the election; however, statute gives the board unlimited time to complete the review process.

If the percentage were close, it would be very difficult to make an early call before the review process is complete. Election officials tell me that there are always errors caught by the review board that may change totals that could affect the percentage.

The State of Alaska uses a punch card for its ballot. All of our automated counting equipment is tied to the punch card. If we were to go to a different type of ballot, it would have to be hand counted, not an impossible process but a very slow one that lends itself to errors. We have contacted our ballot supplier. They have informed us that they could have the cards printed and on the way for distribution within fourteen days. It would take an additional seven days for local distribution.

Senator Tim Kelly
January 11, 1994
Page 2

We would have to rehire election workers, arrange for polling stations, purchase and distribute supplies for polling places, precinct registers, polling booths, pencils, paper, etc. However, I believe we could do all this within the time it would take to have the ballots printed and distributed, approximately 21 days.

Taking all this into consideration, as a minimum, we would need 21 days from the day of verification to hold a run-off election.

With that time frame in mind we would still have to exempt ourselves from several statutory requirements:

AS 15.20. deals with absentee voting; most of these would have to be modified or exempted for an election within 21 days of certification;

AS 15.07.140 requires we send notice to voters 40 days before an election so they can register for an upcoming election;

AS 15.05.010 requires cut-off of registration 30 days before an election;

AS 15.15.050 requires that all election supplies be in the regional office 25 days before an election, this includes ballots;

It still must be noted that under the statutory requirements for counting ballots and the review process, the election would not be able to be certified from between 14 and 24 days. With modifications and exemptions to the statutes the earliest a new Governor could take office would be approximately 60 days after the general election, or around the first week in January. Without the modifications and exemptions to statutes the Governor could not take office until late February possibly even early March.

Please do not hesitate to call me if you have any further questions.

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

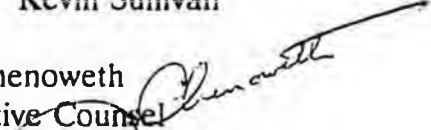
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 24, 1994

SUBJECT: CSSJR 36 (Judiciary) (Work Order No. 8-LS1225\U)

TO: Senator Robin Taylor, Chair
Senate Judiciary Committee
ATTN: Kevin Sullivan

FROM: Jack Chenoweth
Legislative Counsel 

The change in this version from the previous State Affairs CS is the delay by one week of the date of any runoff election for governor and lieutenant governor. The delay prompts this caution: If this measure is approved by the legislature and by the voters in the November election, the Nineteenth Legislature should revisit the statutes relating to elections to conform them to changes made in this SJR.

Our gubernatorial general election may be held anytime between November 2 and November 8. Thirty-five days after that would cover the period December 7 - December 13. By law, absentee ballots cast in a runoff election by mail may still be counted if received ten days after the election and, in one instance, if received as late as 15 days after the election (see AS 15.20.081(h)). So, if the general election is scheduled for November 8, a runoff election is required, and a runoff election is held as late as December 13, it is conceivable that some absentee ballots that are entitled to be counted will drift in to Elections offices as late as December 23 and, perhaps, as late as December 28. We allow, under current law, five days, to lodge requests for recounts. See AS 15.20.430(a). Additional opportunity is provided for court challenges.

My point is this: In a very close runoff election where every ballot is subject to close scrutiny, time may slip so much that the January 1 inauguration of a governor elected following a runoff that is contemplated in this SJR comes and goes before a certificate of election issues and all challenges to the certificate are resolved. The constitutional provisions take precedence over the statutes, however, so something in the body of pertinent election law should be amended to make these proposed constitutional amendments operate as you contemplate.

Senator Robin Taylor
March 24, 1994
Page 2

This is, I should add, not a problem that arises out of the change made by the Judiciary Committee, but the addition of one more week decidedly raises the probability of these problems if the constitutional provisions take effect without related consideration of statute changes.

JBC:pl
94-241.plm

Enclosure

MEMBER

TENTH ALASKA LEGISLATURE
ELEVENTH ALASKA LEGISLATURE
TWELFTH ALASKA LEGISLATURE
THIRTEENTH ALASKA LEGISLATURE
FOURTEENTH ALASKA LEGISLATURE
FIFTEENTH ALASKA LEGISLATURE
SIXTEENTH ALASKA LEGISLATURE
EIGHTEENTH ALASKA LEGISLATURE

ALASKA STATE SENATE



SENATOR TIM KELLY

STATE CAPITOL
JUNEAU, ALASKA 99801-1102
(907) 465-3822
FAX (907) 465-3756

716 WEST 4TH, SUITE 400
ANCHORAGE, ALASKA 99501
(907) 258-8180
FAX (907) 258-4524

**CS SJR 36 (STA): CONSTITUTIONAL AMENDMENTS REQUIRING A
RUN-OFF FOR GOVERNOR IF NO CANDIDATE RECEIVES MORE THAN
40% OF THE VOTE**

The very foundation of democratic government is rooted in the principle of majority rule, yet a majority of Alaskans have not elected a governor since 1970. Senate Joint Resolution 36 (SJR 36), as amended by the Senate State Affairs Committee, would place Constitutional amendments before the voters for approval at the next general election that would require a run-off between the top two vote-getters for Governor and Lieutenant Governor when no candidate received more than 40% of the vote.

The measure requires candidates for Governor and Lt. Governor receive more than 40% to be elected at the general election held in November. If no candidate receives more than 40%, the top two candidates would face each other in a run-off held four weeks later. The winner of that race would be sworn in January 1st, rather than December 1st, as the state constitution now requires.

The governor and lieutenant governor need the support of a majority of Alaskans to govern the State effectively. While it may take a combination of several political groups to make a majority consensus, its important that we sustain the concept of majority decision making or we'll end up chipping away at the foundation of our electoral process. The current situation in which a governor could be elected with less than 25% of the popular vote opens us up to the prospect of different small interest groups running government every few years. That's neither representative nor effective government. For a governor to effectively lead our State, he must have the electoral support of a majority of Alaskans.

The proposed amendments in SJR 36, if approved by the legislature, would appear before the voters as constitutional amendments on the ballot in November of 1994. If approved it would not impact an election for Governor until 1998.

VOTES RECEIVED BY CANDIDATES
FOR GOVERNOR, GENERAL ELECTIONS, 1958 - 1990

| Year | Candidate | Number of Votes | Percentage |
|------|-------------------|--------------------|------------|
| 1958 | Egan | 29,189 | 59.6 |
| | Butrovich | 19,299 | 39.4 |
| | Dollinter | 480 | 0.9 |
| 1962 | Egan | 29,627 | 52.3 |
| | Steponvich | 27,054 | 47.7 |
| 1966 | Hickel | 33,145 | 49.996 |
| | Egan | 32,065 | 48.4 |
| | Grasse | 1,084 | 1.6 |
| 1970 | Egan | 42,309 | 52.4 |
| | Miller | 37,264 | 46.1 |
| | Anderson | 1,206 | 1.5 |
| 1974 | Hammond | 45,840 | 47.7 |
| | Egan | 45,553 | 47.4 |
| | Vogler | 4,770 | 5.0 |
| 1978 | Hammond | 49,580 | 39.1 |
| | Hickel (Write In) | 33,555 | 26.4 |
| | Croft | 25,656 | 20.2 |
| | Kelly | 15,656 | 12.3 |
| | Vogler (Write In) | 2,463 | 1.9 |
| 1982 | Sheffield | 89,918 | 46.2 |
| | Fink | 72,291 | 37.2 |
| | Randolph | 29,067 | 14.9 |
| | Vogler | 3,235 | 1.7 |
| 1986 | Cowper | 84,943 | 47.3 |
| | Sturgulewski | 76,515 | 42.6 |
| | Vogler | 10,013 | 5.5 |
| | Hickel (Write-In) | 4,958 | 2.7 |
| | Other (Write-In) | 2,076 | 1.0 |
| | Brannon | 1,050 | 0.5 |
| 1990 | Hickel | 75,721 | 38.8 |
| | Knowles | 60,201 | 30.9 |
| | Sturgulewski | 50,991 | 26.1 |
| | Sykes | 6,563 | 3.3 |
| | O'Callaghan | 942 | 0.4 |
| | Write In | 332 | 0.1 |

NOTES:

Percentage column is the percentage of votes cast for office of governor.

Prior to 1986, the official election results do not show the number of write-in votes cast for governor, if any. Thus, there is no way to determine precisely the total number of votes cast for governor in these years. To the extent there were write-in votes in these years, the percentage of votes shown for each candidate would be slightly lower.

Prepared by the Legislative Research Agency, February 1994 (94.155).

FISCAL NOTE

no. 1
 Bill Version: STR 36
 BIL. (S) Publish Date: 3-2-94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revisor Date: _____ Department Affected: Office of the Governor
 Title: Proposing amendments to the Constitution of the State of Alaska requiring that candidates or governor and candidates for lieutenant governor receive more than 50 percent of the votes cast to be elected and changing the term of office of the governor and the lieutenant governor

BRU: Division of Elections
 Component: General and Primary

Sponsor: Senators Kelly, Salo, Pearce, Zharoff, Sharp, Jacko, Little
 Requestor: _____ COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

| OPERATING | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 |
|---------------|-------|-------|-------|-------|-------|-------|
| PERSONAL | 18.5 | 0 | 0 | 0 | 20.4 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 744.4 | 0 | 0 | 0 | 818.8 | 0 |
| SUPPLIES | 2.0 | 0 | 0 | 0 | 2.0 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND & | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS. | 0 | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 764.9 | 0 | 0 | 0 | 841.4 | 0 |

| | | | | | | |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING:

| | | | | | | |
|-----------------|-------|---|---|---|-------|---|
| 1002 Federal | 0 | 0 | 0 | 0 | 0 | 0 |
| 1003 GF Match | 0 | 0 | 0 | 0 | 0 | 0 |
| 1004 GF | 764.9 | 0 | 0 | 0 | 841.4 | 0 |
| 1005 GF/Program | 0 | 0 | 0 | 0 | 0 | 0 |
| 1006 GF/MHTIA | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 764.9 | 0 | 0 | 0 | 841.4 | 0 |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Changes in CSSTR 36 (JMD)
 reflect NO FISCAL CHANGE from the original
 fiscal note. This fiscal note is appropriate.
3/24/94 date Comte Aide (initial)

Estimate of current year (FY94) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Changes in CSSTR 36 (STA)
 reflect NO FISCAL CHANGE from the original
 fiscal note. This fiscal note is appropriate.
3/2/94 date Comte Aide (initial)

Prepared by: Joseph L. Swanson, Director
 Division: Division of Elections

Phone: 465-4611
 Date: 1/31/94

Approved by Commissioner: John B. Coghill, Lieutenant Governor
 Agency: Office of the Governor

Date: 1/31/94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SJR36

ANALYSIS:

Assumption: 10% increase for all categories in FY99

PERSONAL SERVICES (18.5)

Personal services costs would remain the same, except for overtime required, due to the short time frame for putting on the runoff election. 10% of 184.7 = (18.5).

73000 - CONTRACTUAL (744.4)

Contractual payments (456.4) line itemed as follows:

| | |
|---|-------|
| Election & polling place worker payment | 244.7 |
| Computer board payment | 13.3 |
| Question & absentee board payment | 29.5 |
| Absentee voting officials | 7.0 |
| Registrar payment | 4.8 |
| Statewide canvas board & recount teams | 10.6 |
| PEPS machine & mainframe programming contract | 124.0 |
| Split primary pollworker increment | 22.5 |

Communications (59.0)

Telephone services and toll charges for an additional month for election activity. 3.0

Postage for absentee ballot mailings and returns; election supplies, ballot mailing and returns. Official Election Pamphlet mailing. Increment for split ballot mailing. 38.0

Freight for ballots from printer to four regional offices; misc. freight and courier service between director and four regional offices; transportation and set up costs for polling equipment. 16.5

Freight charges for statutory absentee ballots. 1.0

State fleet transportation costs. 0.5

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SJR36

ANALYSIS CONT.:

Advertising, Printing and Binding (221.0)

Statewide election advertising. 30.2

Run-off ballot printing. 153.0

OEP printing and typesetting. 30.5

Election notice posters. 1.0

Tally books, press kits and official election
return booklets. 6.3

Rental/Leases (8.0)

Statewide polling place and absentee voting station rentals.
8.0

74000 - OFFICE SUPPLIES (2.0)

Miscellaneous office supplies for run-off election. 2.0

FISCAL NOTE

STATE OF ALASKA

BILL NO. SJR 36

1994 LEGISLATIVE SESSION

Revision Date: April 7, 1994

Department Affected: Office of the Governor

Title: Amendment to the Constitution RE:

BRU: Division of Elections

Governor & Lt. Governor must receive majority vote. Component: General and Primary Elections

Sponsor: Senator(s) Kelly, Salo, Pearce, Zharoff, Sharp, Jacko, Little

Requestor: _____

COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

| OPERATING | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 |
|---------------|-------|-------|-------|-------|---------|-------|
| PERSONAL | 0 | 0 | 0 | 0 | 20.4 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 2.2* | 0 | 0 | 0 | 818.8 | 0 |
| SUPPLIES | 0 | 0 | 0 | 0 | 2.2 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND & | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS. | 0 | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 2.2* | 0 | 0 | 0 | *841.4* | 0 |

| | | | | | | |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING:

| | | | | | | |
|-----------------|------|---|---|---|---------|---|
| 1002 Federal | 0 | 0 | 0 | 0 | 0 | 0 |
| 1003 GF Match | 0 | 0 | 0 | 0 | 0 | 0 |
| 1004 GF | 2.2* | 0 | 0 | 0 | 841.4 | 0 |
| 1005 GF/Program | 0 | 0 | 0 | 0 | 0 | 0 |
| 1006 GF/MHTIA | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 2.2* | 0 | 0 | 0 | *841.4* | 0 |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year (FY94) impact: 0

ANALYSIS: (Attach a separate page if necessary.)*This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on the measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be 53.4.

Prepared by: Joseph L. Swanson, Director

Phone: 465-4611

Division: Division of Elections

Date: _____

Approved by Commissioner: Lt. Governor John B. Coghill

Agency: Office of the Lt. Governor

Date: _____

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SJR36

ANALYSIS:

841.4 Continued from previous page.

If run-off election is required, the position paper of January 11, 1994 does not change. If there is no run-off, the funds will not be spent.

PERSONAL SERVICES (20.4)

Personal services costs would remain the same, except for overtime required, due to the short time frame for putting on the runoff election. 10% of 204.0 = (20.4).

73000 - CONTRACTUAL (818.84)

Contractual payments (502.04) line itemed as follows:

| | |
|---|---------------|
| Election & polling place worker payment | 269.17 |
| Computer board payment | 14.63 |
| Question & absentee board payment | 32.45 |
| Absentee voting officials | 7.70 |
| Registrar payment | 5.28 |
| Statewide canvas board & recount teams | 11.66 |
| PEPS machine & mainframe programming contract | 136.40 |
| Split primary pollworker increment | 24.75 |
| Total | <u>502.04</u> |

Communications (64.9)

Telephone services and toll charges for an additional month for election activity. 3.30

Postage for absentee ballot mailings and returns; election supplies, ballot mailing and returns. Official Election Pamphlet mailing. Increment for split ballot mailing. 41.80

Freight for ballots from printer to four regional offices; misc. freight and courier service between director and four regional offices; transportation and set up costs for polling equipment. 18.15

Freight charges for statutory absentee ballots. 1.10

State fleet transportation costs. 0.55

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SJR36

ANALYSIS CONT.:

Advertising, Printing and Binding (243.1)

| | |
|---|--------|
| Statewide election advertising. | 33.22 |
| Run-off ballot printing. | 168.30 |
| OEP printing and typesetting. | 33.55 |
| Election notice posters. | 1.10 |
| Tally books, press kits and official election return booklets. | 6.93 |

Rental/Leases (8.8)

| | |
|--|-----|
| Statewide polling place and absentee voting station rentals. | 8.8 |
|--|-----|

74000 - OFFICE SUPPLIES (2.2)

| | |
|---|-----|
| Miscellaneous office supplies for run-off election. | 2.2 |
|---|-----|


STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF ELECTIONS
P.O. BOX AF
JUNEAU, ALASKA 99811-0105
PHONE (907) 465-4611

MEMORANDUM

January 11, 1994

TO: Senator Tim Kelly
ATTENTION: Josh Fink
FROM: Joseph L. Swanson 
Director
SUBJECT: Senate Joint Resolution No. 36

A General Election is not final until the Statewide review board has verified the election totals. The statewide review board starts no later than 11 days after the election. It receives absentee votes until the 15th day after the election; then reviews the election counts and procedures until complete; no set time frame(AS 15.15.440). Certification has historically been within 24 days of the date of the election; however, statute gives the board unlimited time to complete the review process.

If the percentage were close, it would be very difficult to make an early call before the review process is complete. Election officials tell me that there are always errors caught by the review board that may change totals that could affect the percentage.

The State of Alaska uses a punch card for its ballot. All of our automated counting equipment is tied to the punch card. If we were to go to a different type of ballot, it would have to be hand counted, not an impossible process but a very slow one that lends itself to errors. We have contacted our ballot supplier. They have informed us that they could have the cards printed and on the way for distribution within fourteen days. It would take an additional seven days for local distribution.

Senator Tim Kelly
January 11, 1994
Page 2

We would have to hire election workers, arrange for polling stations, purchase and distribute supplies for polling places, precinct registers, polling booths, pencils, paper, etc. However, I believe we could do all this within the time it would take to have the ballots printed and distributed, approximately 21 days.

Taking all this into consideration, as a minimum, we would need 21 days from the day of verification to hold a run-off election.

With that time frame in mind we would still have to exempt ourselves from several statutory requirements:

AS 15.20. deals with absentee voting; most of these would have to be modified or exempted for an election within 21 days of certification;

AS 15.07.140 requires we send notice to voters 40 days before an election so they can register for an upcoming election;

AS 15.05.010 requires cut-off of registration 30 days before an election;

AS 15.15.050 requires that all election supplies be in the regional office 25 days before an election, this includes ballots;

It still must be noted that under the statutory requirements for counting ballots and the review process, the election would not be able to be certified from between 14 and 24 days. With modifications and exemptions to the statutes the earliest a new Governor could take office would be approximately 60 days after the general election, or around the first week in January. Without the modifications and exemptions to statutes the Governor could not take office until late February possibly even early March.

Please do not hesitate to call me if you have any further questions.

SENATE COMMITTEE REPORT

jud

DATE: 3/2/94

FURTHER: Finance

DATE TURNED INTO OFFICE: 3/23/94

Judiciary Committee considered SENATE JOINT RESOLUTION NO. 36

Proposing amendments to the Constitution of the State of Alaska requiring that candidates for governor and candidates for lieutenant governor receive more than 50 percent of the votes cast to be elected and changing the term of office of the governor and the lieutenant governor.

and recommends it be replaced with

and recommends:

replace with _____ CS SJR 36 (JUD)
or adopt previous _____ CS _____
 attaches amendment(s)

same title
 new title
 technical title change (HB only)

and report it back as follows

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

PREVIOUS FISCAL NOTES

| Department | Date | Zero | Fiscal |
|--------------|--------|------|--------|
| off. of Gov. | 3-3-94 | | 764.9 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Appropriation No Fiscal Note

DO PASS:

Suzanne Little

OTHER RECOMMENDATIONS:

Donna Donley (NO REC)

Adrian Taylor Donley
Chair: Signature and Recommendation

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

Final

DATE: 1/10/94

FURTHER: Judiciary
Finance

Date of 5-Day Notice: 2-10-94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-2-94

State Affairs Committee considered SENATE JOINT RESOLUTION NO. 36

Proposing amendments to the Constitution of the State of Alaska requiring that candidates for governor and candidates for lieutenant governor receive more than 50 percent of the votes cast to be elected, and changing the term of office of the governor and the lieutenant governor.

and recommends: **and recommends it be replaced with**

replace with _____ CS SJR 36 (STA) same title
 new title
 attaches amendment(s) + mg of elect technical title change (HB only)

adopts _____ Letter of Intent *repl of*

further referral to the _____ *th of no rec*

do pass

do not pass

no recommendation

individual recommendations

FOM

FISCAL NOTE INFORMATION

| Department | Date | Zero | Fiscal |
|----------------------------------|---------|------|--------|
| <i>CSJR 36</i> Div. of Elections | 1-31-94 | — | 264.9 |
| | | | |
| | | | |
| | | | |
| | | | |

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

Mike Miller: No Rec
Robin L. Taylor: No Rec

Steven A. Lerman No Rec

Chair: Signature and Recommendation