

2419

HJ

HB

17

-

HB

48

2419

4017 JK

P.O. Box 317
Wrangell, AK 99929
• March 14, 1983

Rep. Charlie Bussell, Chairman
House Judiciary Committee
Pouch V
Juneau, AK 99811



Dear Mr. Bussell

I am writing this letter with concern of the drinking age.

I think raising the drinking age to 21 is stupid and unnecessary. They say it would lesson the D.W.I's. I doubt that very seriously. Consider using Wrangell as an example for raising the drinking age. Would this eliminate most D.W,I's NO! There are always more people over the age 30 who get D.W.I's in this town than people between the ages of 19 and 21. Perhaps the over 30 group is the ones that should not be allowed th drink. They're as big or bigger threat than teenagers.

I just think if you really look and consider what I'm writing. you will see my point of view.

I'm not writing this to hurt Wrangell in any way I'm just using it as an example. All I am saying that in this town there are more adults over the ages of 19 and 21 that get D.W.I's

Sincerely,

Melinda Paulo

Melinda Paulo
Wrangell high

HB 17 JR



P.O. Box 642
Wrangell, Alaska 99929
March 11, 1983

Representative Charlie Brussell
Chairman, House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Dear Mr. Brussell:

I am addressing this letter to you concerning the drinking age in Alaska. I am against the change all the way. I don't think that it is a good idea at all. It should stay the same way because, if young adults want to drink then they will. You don't need a bar to drink you just need a buyer and money and the booze. Nothing will stop them not even the law.

If you decide to change the law it only seems that only more kids throughout Alaska will get into more trouble. They'll get in trouble with the Police, at home and in their social life. I say if that is what they want out of life let them drink.

Thanks for you time.

Sincerely yours,

Cari Kuntz

ck

TO: ALL LEGISLATORS



FROM: MARCIA B. WILLIAMS
4407A PORTAGE ROAD
JUNEAU, ALASKA 99803

PHONE: 789-5245 (H)
586-1188 (W)

RE: SJR 1

AM AGAINST ERA RESOLUTION.

TO: ALL LEGISLATORS

FROM: TONY DUVERNAY
205 BEHRENS AVENUE
JUNEAU, ALASKA 99801

PHONE: 586-1983 (H)
586-3685 (W)

RE: HB 17

AM IN FAVOR OF THE JOINT HOUSE RESOLUTION VERSION OF THE BILL WITHOUT
AMENDMENTS AND I URGE YOUR CONSIDERATION.

MSG 83-00000736 PRTY 1 03/15/83 15:56:35 ORIG: LA01 IN= 0021 OUT= 0100
FROM: SHIRLEE ANC LIO TO: POMS JUNEAU INFO
TARGET: LJHL SUBJ: POM

3/15/83, SHIRLEE ANC LIO, 736

TO: ALL MEMBERS, ALASKA LEGISLATURE

FROM: MICHAEL A. ADAMS, P. O. BOX 8, ANCHORAGE 99510-0008
H 333-9658

RAISE AGE TO 21 IMMEDIATELY, FOR THOSE EVEN 19 YEARS OLD
NOW. KEEP MINORS OUT OF DRINKING AREAS, PROVIDE SEPARATE
NON-DRINKING SECTIONS IN RESTAURANTS. KEEP MINORS FROM
WORKING IN BARS.

ABM

WHILE YOU WERE AWAY

FOR Katherine DATE 1/25 TIME 2:10 AM P.M.

M David Kuyh

OF _____

PHONE 2653
AREA CODE NUMBER EXTENSION

MESSAGE wants to testify on
HB 17. @ told him you would
call this p.m. & let him
know schedule, etc

- TELEPHONED
- RETURNED YOUR CALL
- PLEASE CALL
- WILL CALL AGAIN
- CAME TO SEE YOU
- WANTS TO SEE YOU

SIGNED _____

FROM: BETTY BAER, 3622 WESLEYAN, ANCHORAGE 99504
H 333-0819

PLEASE SUPPORT HOUSE BILL NO. 17. DO NOT DELETE SECTION 4.
THANK YOU.

1983, SHIRLEE ANGLINO, 701

ALL MEMBERS, ALASKA LEGISLATURE

SANDRA FLOOY, 4986 CASTLE COURT, ANCHORAGE 99504
H 333-6371

SUPPORT HOUSE BILL NO. 17. I DO NOT WANT SECTION 4
DELETED.

MSG 83-00000571 PRTY 1 03/15/83 12:33:26 ORIG: LA02 IN= 0001 OUT= 0058
FROM: JUNE, ANC LIO TO: FOX, JNU INFO
TARGET: LJHL SUBJ: FOM

3/15/83, JUNE, ANC LIO, MSG 571

TO: REPRESENTATIVES BUSSELL, LISKA, HAYES, BARNES, MALONE, CLOCKSIN, AND
WENDTE

FROM: BETTY BAER
3622 WESLEYAN DRIVE
ANCHORAGE, AK 99504 (H) 333-0819 (W) NONE

I SUPPORT HB 17. PLEASE DO NOT DELTE SECTION 4. THANK YOU.

MSG 83-00000562 PRTY 1 03/15/83 12:22:53 ORIG: LA01 IN= 0010 OUT= 0056
FROM SHIRLEE ANC LIO TO: POMS JUNEAU INFO
TARGET: LJHL SUBJ: POM

3/15/83, SHIRLEE ANC LIO, 562

TO: ALL MEMBERS, ALASKA HOUSE OF REPRESENTATIVES

FROM: TERRY BURRELL, 3716 WESLEYAN, ANCHORAGE 99504
H 333-2774 W 333-9658

SUPPORT HOUSE BILL 17, STRAIGHT AND SIMPLE. KEEP IN SECTION 4, DO NOT EXTEND DRINKING AGE FOR THOSE BETWEEN 19 AND 21. LAWS LIKE THIS WORK IN OTHER STATES AND SAVE LIVES. ALASKA NEEDS THIS LAW.

FROM: IRMA ATKINS, 1529 GARDEN STREET, ANCHORAGE 99504
H 279-3038

PLEASE DO NOT DELETE SECTION 4 OF HOUSE BILL NO. 17.

FROM: ELLEN WHIP, 8535 BLACKBERRY ST., ANCHORAGE 99502
H 243-5792

PLEASE SUPPORT HOUSE BILL 17 AND DO NOT DELETE SECTION 4.

HB 17
Duo Ref

4/6/83, SHIRLEE ANC LIO, 5984

TO: ALL MEMBERS, ALASKA LEGISLATURE

FROM: THOMAS FITZKE, 3840 PATRICIA LANE, ANCH 99504
337-7335

ANOTHER DEATH HAS COME TO ANCHORAGE BECAUSE OF DRUNK
DRIVING. DENNIS BIGLER, 26, WAS DRIVING AROUND TOWN
TO PICK UP PRESENTS FOR HIS FAMILY EASTER WEEKEND WHEN
HE WAS HIT. THERE IS NO EXCUSE FOR THE DELAY YOU HAVE
CAUSED ON RAISING THE DRINKING AGE. THE NATIONAL
BARTENDERS UNION RECENTLY VOTED TO RAISE THE DRINKING
AGE.



MSG 83-00012361 PRTY 1 04/26/83 16:35:25 ORIG: LA01 IN= 0014 OUT= 0123
FROM: SHIRLEE ANC LIO TO: POMS JUNEAU INFO
TARGET: LJHL SUPJ: POM

TO: ALL MEMBERS, ALASKA LEGISLATURE

FROM: ROBERT CLARK, P.O. BOX 4-1908, ANCHORAGE 99509
(RES: 1428 ATKINSON DR.) H 333-5295 W 266-1680

IF WE RAISE THE AGE OF ALCOHOL CONSUMPTION, WE MAY NOT
PREVENT SOME MINORS FROM GETTING ALCOHOL BY INDIRECT MEANS.
WE WILL, HOWEVER, BE HANDING THEM A WARNING: ALCOHOL IS
DANGEROUS. PASS HOUSE BILL 17.

JR



POUCH V
JUNEAU, ALASKA 99811
465-4990

P.O. Box 4-1325
ANCHORAGE, ALASKA 99509
248-1515



4B117 JK
CHAIRMAN
HOUSE JUDICIARY COMMITTEE
MEMBER
HOUSE RESOURCES COMMITTEE

Representative Charlie Bussell

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

March 31, 1983

Ms. Tammy Watkins
P. O. Box No. 551
Wrangell, Alaska 99929

Dear Tammy:

Thank you for taking the time to write expressing your concerns regarding recent action by the House of Representatives which, if approved by the Senate and signed by the Governor, would raise the legal age for consumption of alcohol to 21.

HB 17 is a good bill. If enacted into law, it will save many lives. It will not prevent you from going or taking a friend into a restaurant which serves alcohol and having a nice dinner. You just cannot drink if you are under 21 years old.

Thank you again for taking the time to become involved with the legislative process. Together we can make a difference and do something about the state we are in.

With best regards I remain,

Sincerely,

A handwritten signature in cursive script, appearing to read "Charlie Bussell".

Representative Charlie Bussell
Chairman, Committee on Judiciary

CB:lyn

enclosure: House Bill 17

HBM JK

Dear Mr. Bussell:

I have sent you this letter concerned of the drinking age being moved up to 21. It is a photo copied one of the one I have sent to Senator Ray. Please read it and send me your feelings of my letter.

Thank you,

Tammy Watkins

Tammy Watkins



Box 551
Wrangell, Ak. 99929
March 21, 1983

Senator Bill Ray
Chairman, Senate Judiciary Committee
Pouch V
Juneau, Ak. 99811

Dear Senator Ray:

I am 15 years old and I am writing in concern of the drinking age being moved up from 19 to 21.

Although I don't drink, I don't think it will change anything. Sure, not as many people in the bars, maybe, but that means more people drinking illegally. I also feel very strongly about the portion of the law that doesn't allow minors to be in establishments that serve liquor without someone of age.

Here in Wrangell, we don't have a nice restaurant that does not serve liquor. That means that a teenager can't take a friend out for a nice dinner. The only place available is the local "hagg-out".

This is one area my parents and I agree on. They also believe that this portion of the law is too restrictive. As long as the bar is separated from the restaurant, there should be no restriction, in our view.

Thank you for taking time to read my letter.

Sincerely,

Tammy Watkins

Tammy-Watkins

MSG 83-00007330 PRTY 1 04/11/83 17:35:28 ORIG: LA01 IN= 0017 OUT= 0103
FROM: JUNE, ANC LIO TO: POM, JNU INFO
TARGET: LJHL SUBJ: POM

4/11/83, JUNE, ANC LIO, MSG 7330

*JUDICIARY
Re: gmal*

TO: ALL MEMBERS OF THE LEGISLATURE

FROM: DAVID SPEAKES, 705 MULDOON, SP. 204, ANCHORAGE, AK 99504
(H) 338-3265 (W) 272-5312

HOORAY, YOU'VE RAISED THE PRICE ON BOOZE! NOW RAISE THE DRINKING AGE TO WHERE
IT SHOULD. THIS WILL SAVE LIVES AND TAX DOLLARS.

/S/ DAVID SPEAKES

MSG

HB117 JR

TO: ALL MEMBERS OF THE LEGISLATURE

FROM: KEITH KLEMME, 6630 EAST 10TH AVENUE, ANCHORAGE, AK 99504
(H) 337-2216

I SUPPORT M.A.D.D. I THINK IT'S ABOUT TIME THE LEGISLATORS PASSED STRICTER LAWS BECAUSE IT'S WHAT THE CONSTITUENTS WANT.

3/15/83, JUNL, AND LIO, MSG 633

TO: ALL MEMBERS OF THE HOUSE OF REPRESENTATIVES

FROM: DOROTHY WHIP
3436 CREEKSIDE
ANCHORAGE, AK 99504 (H) 338-2606

I AM FOR THE RAISING OF DRINKING AGE TO 21.

3/15/83, SHIRLEE ANC LIO, 621

TO: ALL MEMBERS, ALASKA HOUSE OF REPRESENTATIVES

FROM: SALLY TILTON, BOX 8-134, ANCHORAGE 99508
(RES. CHUGIAK) H 688-9651

SUPPORT HOUSE BILL NO. 17. DO NOT DELETE SECTION 4.

3/15/83, SHIRLEE ANC LIO, 618

TO: ALL MEMBERS, ALASKA HOUSE OF REPRESENTATIVES

FROM: BETH JACKSON, SRA BOX 2110, ANCHORAGE 99507
(RES: PORT ORFORD DR.) H 349-5143

SUPPORT HOUSE BILL NO. 17. DO NOT DELETE SECTION 4.



HB 17

POUCH V
JUNEAU, ALASKA 99811
(907) 465-4990

Alaska State Legislature
HOUSE OF REPRESENTATIVES

REPRESENTATIVE
CHARLIE BUSSELL
CHAIRMAN

Committee on Judiciary

May 2, 1983

Ms. June Gerrish
MADD - Mothers Against Drunk Drivers
5800 Glenn Highway
Anchorage, Alaska 99504

Dear Ms. Gerrish:

The House Judiciary Committee passed HB 6, the "drunk driving" bill, out of Committee on Friday, April 29, 1983. I think it is an excellent and comprehensive item of legislation.

The Committee put considerable thought and effort into its creation and fine-tuning. Representative Mitch Abood's staff, the Committee staff, and the bill drafters for the Legislative Affairs Agency and the Department of Law worked very hard and diligently expending many long hours on this bill.

The Committee really appreciates the way the original sponsor, Rep. Abood of Anchorage, spent so much time working with the bill and with us. Rep. Abood testified before the Committee each time the bill was scheduled for hearing. He "rode herd" on the bill from its inception to the final product that passed out of the Committee.

I sincerely hope that this bill will not be substantially altered or amended in a way that weakens or destroys it.

The bill provides for seizure of a driver's license upon arrest as well as increased penalties upon conviction. While the minimum of 72 hours in jail is mandated for a first offense in keeping with the existing law, a second offense requires a minimum of no less than 20 days in jail and the third offense would result in at least 30 days in jail and a 10-year license revocation.

MEMBERS:

REP. JOHN LISKA, VICE CHAIRMAN; REP. RAMONA BARNES, EMERITUS;
REP. JOE HAYES; REP. HUGH MALONE; REP. DON CLOCKSIN; REP. RON WENDTE

Ms. June Gerrish
May 2, 1983
Page No. 2

Fines based on the number of absence of prior convictions, carry mandatory minimums of \$250 for a first offense, \$500 for the second offense and not less than \$1,000 for a third offense. Courts will be required, under the proposed bill, to consider prior offenses over the preceding 15 years in this or another jurisdiction, rather than going back only five years under the existing law to find prior convictions.

The bill also maintains as a crime the refusal to submit to a chemical test following arrest, as does existing law, except penalties are more stringent under the new bill.

In addition, law enforcement officers are authorized to require a breath test on the spot when the driver is first stopped. Refusal to submit to a preliminary breath test, prior to arrest, is classed as an infraction in the measure.

The House Judiciary Committee moved HB 17, the bill to raise the drinking age to 21, on the House Finance Committee back in February. The Chief Prosecutor of the State, Dan Hickey, testified before that group and the Finance Committee Substitute substantially weakened the bill. One wonders if Mr. Hickey initiated the amendments to that bill.

It is known that HB 6, the so-called "drunk driving bill," was not classed as one of the Chief Prosecutor's priorities when we were waiting for suggestions from the Department of Law. It is to be hoped that HB 6 will receive swift action in the House Finance Committee and not be weakened in the same manner HB 17 was. In fact, one wonders who is running the apparently leaderless Department of Law during this part of the Sheffield administration.

The Governor, after all, during his campaign told folks he was in favor of raising the drinking age to 21. Recently, he said he was not in favor of this. A crystal ball would be helpful, maybe, to see what his views are on driving while intoxicated.

Very truly yours,

Representative Charlie Bussell
Chairman, Committee on Judiciary

CB:lyn

May 7, 1983

VaV

Dear Vsv:

The House Judiciary Committee passed HE 6, the "drunk driving" bill, out of Committee on Friday, April 29, 1983. I think it is an excellent and comprehensive item of legislation.

The Committee put considerable thought and effort into its creation and fine-tuning. Representative Mitch Abood's staff, the Committee staff, and the bill drafters for the Legislative Affairs Agency and the Department of Law worked very hard and diligently expending many long hours on this bill.

The Committee really appreciates the way the original sponsor, Rep. Abood of Anchorage, spent so much time working with the bill and with us. Rep. Abood testified before the Committee each time the bill was scheduled for hearing. He "rode herd" on the bill from its inception to the final product that passed out of the Committee.

I sincerely hope that this bill will not be substantially altered or amended in a way that weakens or destroys it.

The bill provides for seizure of a driver's license upon arrest as well as increased penalties upon conviction. While the minimum of 72 hours in jail is mandated for a first offense in keeping with the existing law, a second offense requires a minimum of no less than 20 days in jail and the third offense would result in at least 30 days in jail and a 10-year license revocation.

Fines based on the number of absence of prior convictions, carry mandatory minimums of \$250 for a first offense, \$500 for the second offense and not less than \$1,000 for a third offense. Courts will be required, under the proposed bill, to consider prior offenses over the preceding 15 years in this or another jurisdiction, rather than going back only five years under the existing law to find prior convictions.

VsV

May 7, 1983

Page No. 2

The bill also maintains as a crime the refusal to submit to a chemical test following arrest, as does existing law, except penalties are more stringent under the new bill.

In addition, law enforcement officers are authorized to require a breath test on the spot when the driver is first stopped. Refusal to submit to a preliminary breath test, prior to arrest, is classed as an infraction in the measure.

The House Judiciary Committee moved HB 17, the bill to raise the drinking age to 21, on the House Finance Committee back in February. The Chief Prosecutor of the State, Dan Hickey, testified before that group and the Finance Committee Substitute substantially weakened the bill. One wonders if Mr. Hickey initiated the amendments to that bill.

It is known that HB 6, the so-called "drunk driving bill," was not classed as one of the Chief Prosecutor's priorities when we were waiting for suggestions from the Department of Law. It is to be hoped that HB 6 will receive swift action in the House Finance Committee and not be weakened in the same manner HB 17 was. In fact, one wonders who is running the apparently leaderless Department of Law during this part of the Sheffield administration.

The Governor, after all, during his campaign told folks he was in favor of raising the drinking age to 21. Recently, he said he was not in favor of this. A crystal ball would be helpful, maybe, to see what his views are on driving while intoxicated.

I want to especially thank you for the time and effort you have put into expressing your concerns about HB 6. It is wonderful feeling to know that the citizens in my District are interested in the legislative progress of our State. Working together is the way we can improve our surroundings.

Very truly yours,

Representative Charlie Bussell
Chairman, Committee on Judiciary

cmz

FISCAL NOTE

Expenditure Type
 Revenue Type

I. REQUEST

Bill/Resolution No. HB 17
Title Age Limits/Alcoholic Beverages
Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Public Safety
Program Category Affected Administration of Justice
BRU, Program, Or Subprogram(s) Affected A.S.T.

(Note: If more than one budget component is affected, separate line-items amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | | -0- | -0- | -0- | | |

FUNDING (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|------------------------|-------|-------|-------|-------|-------|-------|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |

POSITIONS

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL TIME | | | | | | |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

No fiscal impact is anticipated.

IV. DATE January 19, 1983

PREPARED BY Francis C. Allan Phone 269-5691

DIVISION State Troopers Initials mc
DEPARTMENT OF PUBLIC SAFETY Initials ju

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

OMB Reviewed by _____

F.C.A.

ES

ju

RECEIVED

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FEB 3 1983

FISCAL NOTE

LEGISLATIVE FINANCE

I. REQUEST

Bill/Resolution No. HB 17
Title "An Act relating to age limits under Title IV. Alcoholic Beverages."
Requested by House Judiciary Committee Date 1/26/83

II. FISCAL DETAIL

Agency Affected Department of Law
Program Category Affected Administration of Justice
BRU, Program, Or Subprogram(s) Affected Prosecution
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | | 150.2 | 161.1 | 170.8 | | |

FUNDING (Thousands of Dollars)

| | | | | | | |
|------------------------|--|-------|-------|-------|--|--|
| GENERAL FUND | | 150.2 | 161.1 | 170.8 | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |

POSITIONS

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

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

This bill raises the age at which a person is legally allowed to consume alcoholic beverages from 19 to 21. It does not change the current penalty provisions under Title 4; most violations of Title 4 are class A misdemeanors. It is anticipated that passage of the bill would result in 250 to 300 additional ^{criminal} prosecutions per year statewide, especially during the first 1 or 2 years after passage. Those persons now aged 19 and 20 are used to being able to legally consume alcoholic beverages, it is expected that many would resist efforts to enforce a law which takes away this privilege.

Prosecution of consumers of alcoholic beverages under 21 years of age would be for relatively minor violations; however, the total anticipated number of such violations represents an appreciable increase in overall prosecutor workload.

Richard I. Pegues

IV. DATE February 1, 1983 PREPARED BY Richard I. Pegues, Dir. Adm. Svcs.
AGENCY Department of Law
PHONE 465-3672

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

OMB Reviewed by: Guy Bell

Fiscal Analysis

HB 17

Page 2

Additionally, it is anticipated that 50 to 100 prosecutions of the more serious offence of furnishing alcohol to a minor will also occur. These offences, committed by bars, liquor stores, bootleggers, and older friends, will require vigorous prosecution by the state if the change in the drinking age is to succeed. Consequently, prosecutor resources must be increased to handle the increased workload that will result from enactment of this bill.

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 17
Title An act relating to age limits under Title 4, Alcoholic Beverages
Requested by Martin Date 1/17/83

II. FISCAL DETAIL

Agency Affected Division of Insurance
Program Category Affected Public Protection
BRU, Program, Or Subprogram(s) Affected Division of Insurance
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | | 0 | 0 | 0 | | |

FUNDING (Thousands of Dollars)

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |

POSITIONS

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

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

RECEIVED

FEB 3 1983

LEGISLATIVE FINANCE

IV. DATE January 25, 1983

PREPARED BY Kenneth C. Moore, Div of Insurance
AGENCY Commerce & Economic Development
PHONE 465-2515

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

33-001 (Rev.)

OMB Reviewed by: Guy Bell

A M E N D M E N T

Offered in the HOUSE

By Wendte

TO: HOUSE BILL NO. 17

Page 6, following line 2 add the following:

"* Sec. 15. PERSONS NOT AFFECTED. This Act shall not apply to a person who is 19 years of age or older on the effective date of this Act."

1--This bill amends existing statutes to raise age from 19 to 21 in dealing with alcoholic beverages, such as access to, entering, being on the premises, purchasing, getting another to purchase for the under-aged person, or furnishing by licensees or by employees of licensees, to persons under 21.

2--The new, substituted language than the age references add words or phrases such as "of licensee" after "employee" (so it reads "employee of licensee"); changes "his" to "the person" in existing statute, and "for the person under the age of 21 years" replaces "on his behalf." Persons under 21 are barred from selling or serving, also.

3--Penalties--they are not provided in this bill, since penalties are provided in AS 04.16.080 which this bill does not amend. (Mostly all class A misdemeanors for violations, except for transporting into an area a certain amount of liquor, a class C felony)

4--NOTE--in reading the last section of this bill, Sec. 14, it amends AS 23.10.355. Existing AS 23.10.355 in the statute books refers to AS 04.15.020(h) and the entire Chapter 15 of Title 4 (AS 04.15.010-04.15.115) was repealed in 1980. There is no reference to Chapter 15 in this proposal, so if enacted, the statute will read exactly as sponsors wish, and, therefore, this final section in the bill does NOT refer to any repealed portion of Title 4.

(On Labor, &
Workman's Comp)

IMPACT:

FISCAL NOTE:

WITNESSES;

AMENDMENTS;

H B

28

REQUEST

Bill/Resolution No.: HB 28 / HB 46
 Title: Re University Lands
 Sponsor: Martin/Ringstad
 Requestor: House Resources

II. FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: Management
 BRU, Program of Subprogram(s) Affected: Land Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|-------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC | | | | | | |
| TOTAL OPERATING | | 79.36 | | | | |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |

POSITIONS:

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

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The \$79,360 needed to implement this legislation is included in the appropriation made by Section 2 of HB 45.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Mark Wittow *Mark Wittow* Phone: 465-2400
 Division: Commissioner's Office Date: 4/15/83
 Approved by ^{for} Commissioner: *Maury Balloran* Date: 4/18/83
 Department: Natural Resources

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)

f/20

COMMITTEE REPORT

HOUSE

JUDICIARY

FURTHER: FINANCE

(7)

1/17/83

Date: APRIL 19, 1983

Mr. Speaker:

The Committee on RESOURCES has had HB 28

"Relating to the transfer of the ownership and management of University of Alaska trust land from the Department of Natural Resources to the Board of Regents of the University of Alaska; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 28 (RESOURCES) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" ~~NEW~~ Fiscal Note *Sup 43*
 Zero Fiscal Note Attached
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING DO PASS

MEMBERS HAVING OTHER RECOMMENDATIONS:

SHULTZ *Diik Shultz*

ARSON *[Signature]*

BUSSELL *[Signature]*

LISKA *[Signature]*

COWDERY *[Signature]*

HELLING *[Signature]*

ZINGSTAD *[Signature]*

[Signature]
6 - CHAIRMAN

H

B

2

9

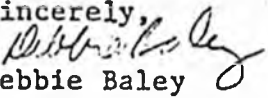
4/21/82

Dear Representative Martin:

I discussed your question with Patty Ann Polley in the Division of Elections after our meeting this morning. She advised me that the division cannot undertake investigations into the validity of candidates' declarations of candidacy. The Attorney General has issued an opinion on this very question, as well; I have attached a copy for your reference.

I hope this answers your question.

Sincerely,


Debbie Baley
Lt. Governor's Office

LEUTENANT GOVERNOR

TO: Honorable Terry Miller
Lieutenant Governor

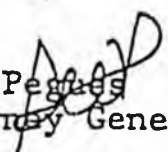
DATE: January 27 1980

FILE NO: J-66-412-88

TELEPHONE NO:

FROM: AVRUM M. GROSS
ATTORNEY GENERAL

SUBJECT: Constitutional resi-
dency requirements
for elective state
office

By: 
Rodger W. Pegues
Assistant Attorney General

You have asked what you, as Lieutenant Governor and the state's chief election officer, should do with respect to the application of the constitution's residency requirements to those who file for elective state office.

As a general rule, you should accept filings which are valid on their face, and it is neither your duty nor your function to question their validity.

Under the Alaska Constitution, one who files for elective public office must have been a resident of the State (and, for legislators, of the election district) for a prescribed period. */ A candidate's eligibility for filing is determined "immediately preceding his filing for office." Alaska Const., art. II, § 2, art. III, § 2. The requisite information is entered on the declaration of candidacy which is filed by the candidate. AS 15.25.030(8).

The Election Code makes no provision for the election officials to reject an application which is valid on its face and timely filed. Under AS 15.25.040, an untimely filed declaration of candidacy clearly must be rejected. But there is no similar provision for rejecting a declaration which substantially complies with the prescribed requirements for filing for office. With respect to residency, those requirements are that, in substance, the candidate states that he meets "the specific residency requirements of the office for which he is a candidate." AS 15.25.030(8). Given substantial compliance by the candidate, his name must

*/ For the legislature, three years in the State and one in the district is required. Alaska Const., art. II, § 2. For governor and lieutenant governor, seven years in the State is required. Alaska Const., art. III, §§ 2, 7.

Honorable Terry Miller
January 22, 1980
Page #2

be placed on the ballot. AS 15.25.060.

For the most part, the Alaska Election Code, like many others, depends upon the adversarial nature of the election process for enforcement. The law reasonably assumes that a candidate's opponents will be the first to raise complaints against any false or fraudulent filing. Residence (domicile) is an elusive legal concept. Proof of residence consists of both objective facts and subjective feelings. A determination requires a full blown hearing and an independent, nonpartisan decision maker. The Election Code quite wisely does not provide for the election officials to make such determinations.

Of course, if a declared or would-be candidate states to the election officials that in his own mind he does not believe he is a resident of the state or of the election district or that he believes that he no longer meets the constitution's residency requirements, then the officials -- on the basis of that admission -- may reject a declaration of candidacy from that person unless it is preceded or accompanied by a withdrawal or repudiation of the admission of disqualification. While election officials have no duty to question or determine residency, they are not compelled to ignore admissions of disqualification. However, whether one is qualified or not is a legal question and an admission of disqualification could be dead wrong. Therefore, the election officials must honor any subsequent withdrawal or repudiation of such an admission. And, indeed, if they are convinced at the outset that a candidate's admission of disqualification is in error, they can and should disregard it and accept a timely and properly filed declaration of candidacy from the candidate.

RWP/pjg

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 29 Date on Bill: 1/17/83
 Title: relating to the verification of residency of candidates for certain
 Sponsor: Martin, Flood & Lindhauer public offices
 Requestor: State Affairs Committee (HOUSE) 1/14/83 1:45 pm Rm.102

1. Estimated fiscal impacts on: Division of Elections staff

a. Expenditures:

(Thousands of Dollars)

| | | | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 |
|-----------|--|--|-------|-------|-------|-------|-------|
| Capital | | | | | | | |
| Operating | | | | | -4- | | -3- |
| Total | | | | | | | |

b. Revenues:

| | | | | | | | |
|---------|--|--|--|--|--|--|--|
| Revenue | | | | | | | |
|---------|--|--|--|--|--|--|--|

2. Source of funds to offset fiscal impact of bill:

3. Assumptions: Regulations must be written and adopted to require coordination between Div. of Elections and local taxing authorities to confirm length of residency. (\$1,000 in FY 85)
 Staff time must be allocated to verify residency of 120-150 state office candidates every 2 years. This should take the month of July for one person. (\$3,000 every 2 years)

4. Disclaimer: This statement has not been reviewed by the OMB in the Office of the Governor. It do not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: T.P. Thoma Phone: 4611
 Division: Elections Date: _____
 Approved by Commissioner: _____ Date: _____
 Department: _____

5. Distribution:
 Original to Legislative Finance
 Copy to OMB
 Copy to Sponsor

COMMITTEE REPORT

HOUSE

3/16

(7)
1/17/83

FURTHER: JUDICIARY
FINANCE

Date: 3/14/83

Mr. Speaker:

The Committee on STATE AFFAIRS has had HB 29

Relating to the verification of residency of candidates for certain public offices.

under consideration and reports it back as follows:

- do pass [] do not pass
- [] do pass with attached amendments(s)
- [] replace with CS for _____ [] same title [] new title
- and recommends _____
- [] AND attaches a "Letter of Intent" New Fiscal Note *Sept 25*
- [] reports it back without recommendation [] Zero Fiscal Note Attached
- [] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Will Hood
Dick Schultz
John J. Casady
Walt Furnace
Ronald J. Furr

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Rep Will Hood
CHAIRMAN

AMENDED TITLE:

AN ACT RELATING TO THE VERIFICATION OF RESIDENCY OF CANDIDATES FOR CERTAIN PUBLIC OFFICES

PRIME SPONSOR: MARTIN.

CO-SPONSORS: FLOOD, LINDAUER.

CURRENT STATUS: 3/16/83 IN (H) FINANCE

REFERRAL: JUDICIARY

| HB 29 | HOUSE | ACTION |
|-------|-------|--------|
| DATE | SEQ | PAGE |

LEGISLATIVE ACTION

| | | |
|----------|----|------|
| 01/17/83 | 01 | 0024 |
| 01/18/83 | 02 | 0049 |
| 03/16/83 | 03 | 0501 |
| 03/16/83 | 04 | 0501 |

 FIRST READING -- COMMITTEE REPORTS
 FIN. COMM REFERRAL ADDED BY UNAN CONSENT
 S.A. -- DP05
 S.A. F/NOTE HSE SUPPL #25
 FINANCE
 JUDICIARY
 RULES

**

**

*** ** *

H

B

3

0

Voter
Registration
 (proof of
 eligibility)

HOUSE BILL NO. 30, by Martin and Lindauer. Amends section of the Election Code relating to information required when registering to vote (AS 15.07.060) by adding a new section that would allow the Director of Elections to require an applicant to provide proof of eligibility to vote. The Director may use information available from other state departments or agencies to determine an applicants eligibility to vote. The Director shall provide an application form containing a statement wherein the voter certifies that he has been a state resident for at least 30 days prior to the date of the election or that he claims eligibility as an overseas voter, or that he is eligible to vote in a presidential election. Provides a false claim of eligibility is a criminal offense. The Director is to investigate a claim of eligibility if information provided by the voter is or seems inconsistent with other information regarding eligibility of the applicant. Does not provide for an effective date.

Introduced January 17 and referred to State Affairs, Judiciary, then to Finance.

Property Tax
 (exemption--
 disabled
 veterans)

HOUSE BILL NO. 31, by Furnace, Barnes, Grussendorf, Koponen, Phillips, Lindauer, Abood, Liska, Larson and Fritz. Would require municipalities to exempt the real property owned and occupied as a permanent place of abode by a disabled veteran from taxation. The exemption for veterans would be the percentage of the assessed value of the property that is the same as the percentage of disability as established by the vets' service disability rating. The bill changes sections of the existing Municipal Code relating to assessment and taxation (AS 29.53.020--required exemptions), effective January 1, 1984, and would change those sections of a new Municipal Code (AS 29.45.030) when enacted by the Thirteenth Legislature.

Introduced January 17 and referred to Community & Regional Affairs, then to Finance.

Appropriation
 (special)
 (Anchorage
 campus dorms)

HOUSE BILL NO. 32, by Furnace, Martin, Barnes, Flood, Lindauer, Abood, Liska, Szymanski and Fritz. Makes a special appropriation in the amount of \$15,000,000 to the University of Alaska for construction of dormitories for the U of A Anchorage campus. Provides appropriation is for a capital project and does not lapse. Provides Act takes effect immediately.

Introduced January 17 and referred to Health, Education and Social Services, then to Finance.

Appropriation
 (special)
 (Anch. state
 trooper
 facility)

HOUSE BILL NO. 33, by Furnace, Martin, Barnes, Lindauer, Abood, Liska, Szymanski, Pestinger. Makes a special appropriation in the amount of \$8,100,000 to the Department of Public Safety for construction of a state trooper crime laboratory and office facility in Anchorage. Provides appropriation is for a capital project and does not lapse. Provides Act takes effect July 1, 1983.

Introduced January 17 and referred to State Affairs, then to Finance.

REGISTRATION PROCEDURES BY MAIL

1. If you are currently registered to vote in another state you must complete the attached "Voter's Authorization to Cancel Registration" card.
2. Print or type full name - last, first and middle initial. Names containing punctuation, such as a hyphen (-) or apostrophe ('), should be shown with that punctuation. A name suffix such as "Jr.", "Sr.", or "III" should follow the last name.
3. Print previous name if registered to vote under that name. Be sure to sign this card according to your new name.
4. Print complete Alaska residence address. Exact descriptions are necessary to determine accurately the exact precinct and district in which you live. As examples (where applicable) you should provide street name and house number, subdivision name, highway name, milepost number, a pier and slip number for ships, space number and trailer park name for trailers, and tract or plot numbers for rural areas. A rural postal box or highway will not suffice.
5. Print your mailing address if different from your residence address including a specific street address (where applicable), postal box number, star route, city and zip code.
6. It is not mandatory to provide your social security number, however, this information is helpful to our office.
7. Please fill in place of birth, although this information is not mandatory. If you were born abroad, enter the foreign country along with a phrase indicating military or American parents (if applicable).
8. Please fill in date of birth. Although this information is not mandatory, it is helpful to the Elections Office for identification purposes.
9. If you are a naturalized citizen, fill in your date of naturalization.

10. Fill in how long you have lived in Alaska. This information is computed from the day you moved to Alaska to the date of registration. For those who have lived here longer than one year, only the number of years need be entered. If you have temporarily resided outside of Alaska after initially residing here, your time in Alaska would include the time spent outside IF you have not registered to vote in any other state. IF you have registered to vote in another state, THEN, the length of time in Alaska would be computed from the date of your return to Alaska.
11. Fill in how long you have lived in the current election district, following the same guidelines as above. If you are unsure of your election district, indicate how long you have lived at your current address.
12. Indicate male or female.
13. Please indicate if you have been convicted of a felony. If your civil rights have not been restored, it is illegal for you to register to vote. If you have been unconditionally discharged from incarceration, probation and/or parole be sure to indicate the date of your discharge.
14. You are not required to provide your political affiliation. "Non-Partisan" is the same as "Independent" (a designation used in some other states) while "Other" is the category for any political affiliation other than Republican and Democrat (such as Libertarian, Alaskans for Independence, etc.)
15. Fill in today's date -- the date of this registration -- so that this office can compute the thirty-day registration requirement.
16. You are required to sign the registration form, and are, in fact, taking an oath. Sign the form by the same name you have printed above (i.e. by your proper first, middle initial, and last name, including any suffixes, etc.).
17. Have a registrar, notary public, U.S. postal official, a district judge or magistrate, commissioned officer of the armed forces, or other person qualified to administer oaths, witness and sign this registration form. If a qualified official is not available, two witnesses over the age of 18 years may sign this registration form, and, in addition, shall provide certification according to AS 09.65.012. A sample certification is attached.

SAMPLE VOTER REGISTRATION CARD

STATE OF ALASKA

VOTER REGISTRATION

PLEASE PRINT

READ INSTRUCTIONS ON BACK SIDE BEFORE COMPLETING CARD

1 VOTER'S AUTHORIZATION TO CANCEL REGISTRATION

To the voter registration office of _____
City or County State

This is to advise that I am now a resident of Alaska. Therefore, my registration where I formerly resided at the following address should be cancelled.

| | |
|---|------------------------|
| NAME | |
| FORMER ADDRESS (House Number and Street Name or Rural Route and Box Number) | |
| CITY | STATE ZIP CODE |
| BIRTHDATE | SOCIAL SECURITY NUMBER |
| SIGNATURE X | DATE |

2 VOTER'S NAME _____
LAST FIRST INITIAL

3 PREVIOUS NAME (If registered to vote in Alaska under that name) _____

4 ALASKA RESIDENCE ADDRESS _____
DO NOT LIST P.O. BOX OR RURAL ROUTES

CITY _____ STATE _____

5 MAILING ADDRESS _____

195108

FOR OFFICE USE ONLY

VOTER NUMBER _____

INITIAL REGISTRATION CHANGE OF AFFILIATION
 CHANGE OF ADDRESS CHANGE OF NAME

FORM 01-3001 (3/87)

CITY _____ STATE _____ ZIP _____

| | | | |
|--|--|------------------------------|--|
| 6 SOCIAL SECURITY NUMBER | 7 PLACE OF BIRTH | 8 DATE OF BIRTH MO DAY YR | 9 DATE OF NATURALIZATION MO DAY YR |
| 10 HOW LONG HAVE YOU LIVED IN ALASKA? YEARS MONTHS DAYS | 11 HOW LONG HAVE YOU LIVED IN THIS ELECTORAL DISTRICT (AT CURRENT ADDRESS)? YEARS MONTHS DAYS | | 12 SEX: <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE |
| 13 IF YOU HAVE EVER BEEN CONVICTED OF A FELONY, HAVE YOU BEEN UNCONDITIONALLY DISCHARGED FROM INCARCERATION, PROBATION AND/OR PAROLE? IF SO, GIVE DATE: | OATH: I, the undersigned declare that the foregoing facts concerning my qualifications as a voter or a voter changing my address are true. I further declare that I am a citizen of the United States and will be 18 years of age or older within 90 days of the date of registration. | | |
| POLITICAL AFFILIATION (Circle preference) | 15 DATE | 16 SIGNATURE OF VOTER X | |
| 14 REPUBLICAN DEMOCRAT NON-PARTISAN OTHER (SPECIFY) _____ | 17 WITNESS | 17 WITNESS OR OFFICIAL | |
| | TWO WITNESSES OR A QUALIFIED OFFICIAL MUST SIGN | TITLE | LOCATION |

Sample Certification

The following is a sample of the certification which must be used if a notary public or other individual empowered to administer oaths (discussed in number 17 of the previous page) is unavailable to witness the registrant's (voter's) signing of the voter registration card.

I _____ certify under penalty of
Registrant's Name (Please Print)

perjury that the information on the attached voter registration form is true and accurate. I further certify that no notary public or other official empowered to administer oaths is available.

Date

Signature of Registrant

Location

I certify that I am at least 18 years old and that I have witnessed the registrant's signing of the attached voter registration card and this certification.

Date

Signature of Witness

I certify that I am at least 18 years old and that I have witnessed the registrant's signing of the attached voter registration card and this certification.

Date

Signature of Witness

government to provide housing facilities to persons engaged in national defense activities, to register and vote at election in state. 142 ALR 430.

Sec. 15.07.040. Time for registration. A person who is qualified under AS 15.05.010(1) — (4) is entitled to register at any time throughout the year except that a person under 18 years of age may register at any time within 90 days immediately preceding his 18th birthday. (§ 2 ch 211 SLA 1968; am § 20 ch 32 SLA 1971; am § 6 ch 116 SLA 1972; am § 7 ch 100 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "a person under 18 years of age may register at any time within 90 days immediately preceding his 18th birthday" for "no registration will be made for a period of 30 days preceding the

election" at the end of the section.

Collateral references. — Constitutionality of statutes in relation to registration before voting at election or primary. 91 ALR 349.

Sec. 15.07.050. Registration in person or by mail. Registration may be made in person before a registration official or by mail. (§ 2 ch 211 SLA 1968)

Sec. 15.07.060. Required registration information. (a) Each applicant who requests registration or reregistration shall supply the following information under oath:

- (1) name and sex;
- (2) address and other necessary information establishing residence if requested;
- (3) Repealed by § 8 ch 100 SLA 1980.
- (4) term of residence in state and in election district; and whether the applicant has previously been registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of the previous registration;
- (5) a declaration that the registrant will be 18 years of age or older within 90 days of the date of registration;
- (6) a declaration that the registrant is a citizen of the United States;
- (7) date of application;
- (8) signature or mark.

(b) If the applicant has been previously registered to vote in another jurisdiction, he shall surrender to the registration official any voter registration or identification card or credentials from that jurisdiction the applicant may possess. The director shall notify the chief elections officer in that jurisdiction that the applicant has registered to vote in Alaska, request that jurisdiction to cancel the applicant's voter registration there, and return the applicant's voter registration or identification card or credentials, if any, to that jurisdiction.

(c) If application for registration is made in person before a registration official, the applicant shall exhibit one form of identification to

the official, including but not limited to a driver's license, birth certificate, passport, hunting or fishing license. A registration official who knows the identity of the applicant may waive the identification requirement.

(d) If the applicant requests reregistration, the applicant shall supply under oath any former name under which the applicant was registered to vote in the state. (§ 2 ch 211 SLA 1968; am § 21 ch 32 SLA 1971; am §§ 6, 7 ch 197 SLA 1975; am § 8 ch 100 SLA 1980)

Effect of amendments. — The 1980 amendment inserted "under oath" at the end of the introductory paragraph of subsection (a), repealed the former provisions of paragraph (3) of subsection (a), which read: "Election district and precinct as of the date of registration," substituted "the jurisdiction and the address of the previous registration" for "where" at the end of

paragraph (4) of subsection (a), substituted "within 90 days of the date of registration" for "on or before the date of the next statewide election" at the end of paragraph (5) of subsection (a), substituted "director" for "lieutenant governor" at the beginning of the second sentence of subsection (b), and added subsections (c) and (d).

NOTES TO DECISIONS

Omission of a voter's complete address is not a "minor" omission. *Willis v. Thomas*, Sup. Ct. Op. No. 1923 (File No. 4398), 600 P.2d 1079 (1979).

Where a voter filled out a voter registration application on October 5, 1978, but failed to supply her complete street address as required by this section, and on election day, filled out a second voter regis-

tration form, this time including her complete address, her ballot should not be counted. *Willis v. Thomas*, Sup. Ct. Op. No. 1923 (File No. 4398), 600 P.2d 1079 (1979).

Applied in *Hammond v. Hickel*, Sup. Ct. Order (File Nos. 4281, 4282, 4283, 4284, 4285, 4291), 588 P.2d 256 (1978).

Collateral references. — Validity of statute requiring information as to age, sex, residence, etc., as condition of registration or right to vote. 44 ALR 260.

Propriety of test or question asked applicant for registration as voter other than

formal questions relating to specific conditions of his right to registration. 76 ALR 1738.

Right of married woman to use maiden surname. 67 ALR3d 1266.

Sec. 15.07.065. Exchange of voter registration information.

Repealed by § 231 ch 100 SLA 1980.

Editor's notes. — The repealed section derived from § 8, ch. 197, SLA 1975.

Sec. 15.07.070. Procedure for registration. (a) The director may adopt regulations under the Administrative Procedure Act (AS 44.62) relating to the registration of voters consistent with the requirements of this section.

(b) To register by mail the director or the area election supervisor shall furnish, upon request, and at no cost to the voter, forms prepared

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 463-3800

July 8, 1982

The Honorable Terry Martin
3960 Reka Drive-B6
Anchorage, Alaska 99504

Re: Marilyn Carpenter's candidacy
Our file 366-029-83

Dear Representative Martin:

In a letter dated June 24, 1982 (received in this office on June 28, 1982), you requested that we review certain aspects of Ms. Marilyn Carpenter's candidacy for the office of Representative from Election District 13, Seat B. Although you pose a number of specific questions, you appear to have two primary concerns: (1) was Ms. Carpenter a resident of Election District 13 for one year, as required by Article II, Section 2 of the Alaska Constitution, at the time she refiled her declaration of candidacy on June 1, 1982; and (2) because she was not properly a candidate before June 1, 1982, having not been a resident for a full year in Election District 13, must her campaign committee (or, in the alternative, contributors to that committee) repay to the state any campaign contribution refunds under AS 43.20.013(a)?

In brief, the Attorney General's office cannot make the residency determination you desire. We are the attorney for the Division of Elections, and as such have no greater powers than the division possesses to make such inquiries. As you note in your letter, the division cannot go beyond the statements in the declaration of candidacy. If you have a disagreement with the statements in that declaration of candidacy, one remedy which you may pursue is to file a lawsuit in the Superior Court. The answer to your question regarding repayment to the state for refunds given to campaign contributors is not as clear. However, on the basis of our research and consideration of the facts presented, we believe it is extremely unlikely that a court would require contributors to repay the refunds, and even more unlikely that the court would require the campaign committee to do so. A more detailed analysis of these issues follows.

I. FACTUAL BACKGROUND

On December 1, 1981, Ms. Carpenter filed her declaration of candidacy under AS 15.25.030. In the declaration, she stated that she had been a resident of Election District 13 since June, 1981.

Article II, Section 2 of the Alaska Constitution provides in pertinent part: "A member of the legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of the district from which elected for at least one year, immediately preceding his filing for office." (Emphasis added.) Since Ms. Carpenter stated on her December 1, 1981 declaration that she had been a resident of Election District 13 only since June, 1981, it appeared from the face of her declaration that she did not meet the constitutional eligibility requirement for the office of having been a resident of the district for one year "immediately preceding [her] filing for office."

However, that fact was not noticed by Division of Elections officials at that time, and they accepted her declaration. Ms. Carpenter solicited campaign contributions and made expenditures for campaign purposes.

In April, 1982, you contacted officials in the Division of Elections and pointed out the problem with Ms. Carpenter's December 1, 1981 declaration of candidacy. On May 5, 1982, Patty Ann Polley, Director of the Division of Elections, spoke with Ms. Carpenter about the residency question, following up the conversation with a May 6, 1982 letter to Ms. Carpenter.

Ms. Carpenter responded that she became a resident of Election District 13 on May 28, 1981. On May 27, 1982, Ms. Polley sent Ms. Carpenter a letter informing her that her declaration of candidacy was being rejected because she did not meet the one-year residency requirement prior to filing. The letter noted that Ms. Carpenter had indicated an intention to refile on or after May 28, 1982.

On June 1, 1982, Ms. Carpenter refiled for the office of Representative from Election District 13, Seat B, stating that she had been a resident of Election District 13 since June 1, 1981.

Your June 24, 1982 inquiry to this office followed.

Honorable Terry Martin
Re: 366-029-83

July 8, 1982
Page 3

II. MS. CARPENTER'S RESIDENCE SINCE JUNE 1, 1981.

In your letter, you relate a number of items which lead you to question Ms. Carpenter's residence in Election District 13 as of June 1, 1981. However, as you also note in your letter, there is nothing the Division of Elections "could do but accept as the truth any information a candidate submits on the application." That is what we advised the Lieutenant Governor in a memorandum on January 22, 1980 (Department of Law file J66-412-80). In that memorandum, we stated: "As a general rule, you should accept filings which are valid on their face, and it is neither your duty nor your function to question their validity." We also stated:

For the most part, the Alaska Election Code, like many others, depends upon the adversarial nature of the election process for enforcement. The law reasonably assumes that a candidate's opponents will be the first to raise complaints against any false or fraudulent filing. Residence (domicile) is an elusive legal concept. Proof of residence consists of both objective facts and subjective feelings. A determination requires a full blown hearing and an independent, nonpartisan decisionmaker. The Election Code quite wisely does not provide for the election officials to make such determinations.

The court in Bell v. Foster, 200 A.2d 354 (N.J. Super. App. Div. 1964), reached the same conclusion. In that case, the court found that the clerk's duty in reviewing a nominating petition (similar to a declaration of candidacy) was merely ministerial, and that the clerk could not rule on the question of residency. The court stated: "To the extent that the residence requirement embraces the concept of domicile, its determination calls for judicial intervention." The court noted the significant possibility of abuse if such determinations were made by individuals appointed by elected officials. Garcia v. Carpenter, 525 S.W.2d 160 (Tex. 1975). A similar result was reached in (In our telephone conversation yesterday, you acknowledged the problems which might result from the Lieutenant Governor, as supervisor of elections, ruling on the qualifications of a candidate for Lieu-

Honorable Terry Martin
Re: 366-029-83

July 8, 1982
Page 4

tenant Governor or the Attorney General, as an appointee of the Governor, ruling on the qualifications of a candidate for Governor.)

While you recognize that Division of Elections officials cannot question Ms. Carpenter's residence in Election District 13 as of June 1, 1981, you wondered whether the Attorney General might make a ruling on this question. Under AS 44.23.020, the Attorney General is the legal advisor to the Governor and other state officers. In other words, he is charged with assisting them in carrying out their duties. It was in this capacity that we gave advice to the Lieutenant Governor regarding elections officials making residency determinations. The Attorney General does not have independent authority to make such determinations; rather, it is his duty to advise other state officials and, if necessary, defend their decisions (for example, a decision by elections officials not to make a residency determination) in the event of litigation.

As we indicated in our advice to the Lieutenant Governor, "the Alaska Election Code, like many others, depends upon the adversarial nature of the election process for enforcements." If you still believe that Ms. Carpenter is not qualified to run as a candidate for the office of Representative from Election District 13, there are two remedies available to you. The first is to file a lawsuit in Superior Court seeking a judicial determination that Ms. Carpenter is not qualified to run. The second is to take your case directly to the most powerful judges of all, the voters in Election District 13. ✕

III. REPAYMENT OF STATE REFUNDS TO CAMPAIGN CONTRIBUTORS.

AS 43.20.013(a) authorizes refunds by the state of up to \$100 per individual for political contributions. You are interested in knowing whether the state could require repayment to the state of those refunds made for campaign contributions to Ms. Carpenter's campaign prior to the re-filing of her declaration of candidacy on June 1, 1982.

Initially, it must be noted that any repayment to the state would have to be made by the individual contributors to Ms. Carpenter's campaign, not her campaign committee. The campaign committee did not claim any refunds from the state; only the individual contributors did. Accordingly, if

those refunds were improperly claimed, it was the contributors who improperly claimed them. The campaign committee could not be required to repay the state for refunds given to individual contributors.

More importantly, however, we believe it is extremely unlikely that a court would require the repayment of those refunds under the facts of this case. Ms. Carpenter initially filed on December 1, 1981. On December 8, 1981, she was informed by Division of Elections officials that her filing was in order and that her name would appear on the primary election ballot. It was not until May 27, 1982, that the division rejected her declaration of candidacy.

Under these facts, the contributors to Ms. Carpenter's campaign would have a very strong argument that their contributions to her campaign were made in reliance on the representation by the division that Ms. Carpenter's filing was in order and that she would be listed on the ballot as a candidate. There is an appearance of unfairness in the state certifying Ms. Carpenter's candidacy, allowing contributions to be solicited on behalf of her campaign, allowing those contributions to be spent for campaign purposes, refunding those contributions, and only then seeking repayment of those refunds upon discovering that her initial filing was not proper.

There are a number of cases which hold that the absence of fraud or willful misconduct excuses a failure to comply with the letter of the law. See, e.g., Anderson v. Davis, 419 A.2d 806 (Pa. 1980); People ex rel. Bell v. Powell, 221 N.E.2d 292 (Ill. 1966). While we have discovered no cases precisely on point, in Owens v. Sharpton, 381 N.E.2d 160 (N.Y. 1978), the court addressed the question whether petitions designating a candidate in a party primary election and a committee to fill vacancies were completely invalidated because the candidate did not meet residency requirements. If the petitions were completely invalidated, the committee to fill vacancies would not be permitted to make an appropriate substitution. The court held that the petitions were valid as far as the committee was concerned and that the committee should be permitted to make an appropriate substitution, notwithstanding the disqualification of the candidate, as long as there was no finding that either the petition or the petition gathering process was tainted by fraud. Compare Fotopoulos v. Bd. of Elections, 381 N.E.2d 337 (N.Y. 1978)

(where designating petition invalid, committee invalid as well).

Under the facts presented here, where the Division of Elections recognized Ms. Carpenter's candidacy until May 27, 1982, we believe the court would find that her campaign contributions committee expenditures were sufficiently valid -- or at least appeared sufficiently valid to good faith contributors -- that contributors to the campaign were entitled to refunds under AS 43.20.013(a).

IV. OTHER MATTERS.

You also raise a number of other questions:

1. Should Ms. Carpenter have listed the name of the person or persons renting her condominium from June 1981 until its sale in November, 1981? AS 39.50.030(b)(1) requires a conflict of interest statement to include "(1) the source of all income over \$100 . . . received by him . . . during the preceding calendar year." Because Ms. Carpenter's conflict of interest statement was filed in December 1981, it was not necessary for it to include any sources of income during that same calendar year, only the preceding calendar year.

2. Should the individual who loaned Ms. Carpenter the down payment for her new home be listed on the conflict of interest form? We have no knowledge that Ms. Carpenter received a loan to make the down payment on her new home. However, if she received such a loan, it is reportable on the conflict of interest form under AS 39.50.030(b)(6).

3. Should the person leasing or renting Ms. Carpenter's part ownership in a condominium in Girdwood be listed on the conflict of interest statement? If she received income from the rental of a condominium in calendar year 1980, the source of that income should be listed on the form under AS 39.50.030(b)(1).

4. Would Ms. Carpenter's campaign committee have to return monies given in federal tax credits to contributors in 1981? While that is a question of federal law, not state law, we believe the federal courts would apply an analysis similar to that contained in Part III of this letter.

Honorable Terry Martin
Re: 366-029-83

July 8, 1982
Page 7

5. Can a person list their campaign telephone number as a work number on the declaration of candidacy form? We are unaware of any provision of law which prohibits this practice.

6. If Ms. Carpenter won the primary election and then was found not to be qualified, would her primary opponent be entered on the ballot for the general election? AS 15.25.110 provides that a vacancy on the general election ballot resulting from a candidate's disqualification may be filled by party petition. See AS 15.25.120 -- 15.25.130 for petition procedures.

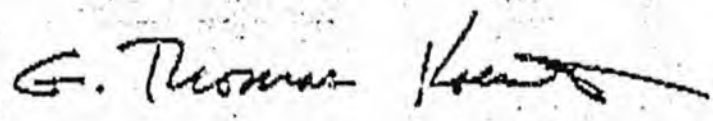
V. CONCLUSION.

We hope we have answered your questions. If we can be of further assistance, please contact us at your convenience.

Sincerely,

WILSON L. CONDON
ATTORNEY GENERAL

By:


G. Thomas Koester
Assistant Attorney General

GTK:dln

cc: Ms. Marilyn Carpenter
Lieutenant Governor Terry Miller
Joseph K. Donohue
Patty Ann Polley

Handwritten initials

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 30 Date on Bill: 1/17/83
Title: "relating to proof of eligibility for registration as a voter"
Sponsor: Martin and Lindhauer
Requestor: House State Affairs Committee

1. Estimated fiscal impacts on: Office of the Governor, Division of Elections

a. Expenditures:

(Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 |
|-----------|-------|-------|-------|-------|
| Capital | | | | |
| Operating | | 12 | | |
| Total | | | | |

b. Revenues:

| Revenue | FY 83 | FY 84 | FY 85 | FY 86 |
|---------|-------|-------|-------|-------|
| | | | | |

2. Source of funds to offset fiscal impact of bill: General Funds

3. Assumptions: Passage of HB 30 would require the re-design and new printing of the voter registration forms. Compared to costs experienced by printing these forms in 1982, a run of one-half as many forms should incur this fiscal impact.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: TPTThoma Information Officer Phone: 4611
Division: Elections Date: 2/23/83

Approved by Commissioner: _____ Date: _____
Department: _____

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor

PROPOSED TITLE & SPONSOR SUMMARY

10:38 2/26/83 PAGE 1 OF 2

AN ACT RELATING TO PROOF OF ELIGIBILITY FOR REGISTRATION AS A VOTER

PRIME SPONSOR: MARTIN.

CO-SPONSORS: LINDAUER.

CURRENT STATUS: 2/25/83 IN (H) JUDICIARY

REFERRAL: FINANCE

HB 30 HOUSE ACTION
DATE SEQ PAGE

10:38 2/26/83 PAGE 2 OF 2

LEGISLATIVE ACTION

| DATE | SEQ | PAGE |
|----------|-----|------|
| 01/17/83 | 01 | 0024 |
| 01/18/83 | 02 | 0049 |
| 02/25/83 | 03 | 0343 |
| 02/25/83 | 04 | 0343 |

 FIRST READING -- COMMITTEE REPORTS
 FIN COMM REFERRAL ADDED BY UNAN CONSENT
 S.A. -- DF05
 F/NOTE HSE SUPPL #16
 JUDICIARY
 FINANCE
 RULES

*** ** * * * * *

H

B

3

4

AMENDMENT

OFFERED IN THE HOUSE:

By: Judiciary Committee

To: SS HOUSE BILL No. 34

SENATE BILL No. _____

PAGE: 1

LINE: line 21

Insert after "governor": "has not made an appointment
or"

To: Representative Mitch Abood, Chairman
House Committee on State Affairs

Through: Walt Furnace, Representative 

From: Steven C. Levi, Staff

Date: January 20, 1983

RE: HB 34

COPY

At the present time, the line of succession to the Governor's chair is limited to two (2) individuals: the elected Lt. Governor and the Governor's hand-picked, legislatively confirmed successor. Should the Governor's chair fall empty when there is no Lt. Governor, for whatever reason, the hand-picked, legislatively confirmed successor is only an acting governor and will hold this position only until a special election may be held to fill the office with an elected governor.

There is, however, a gap in the succession process. Should the Governor and the Lt. Governor be unable to fill the chair and there is no hand-picked, legislatively confirmed successor, there is no procedure for succession.

Representative Furnace recommends, through HB 34, that in the hopefully unlikely case that the Governor's chair is vacant and there is no Lt. Governor or hand-picked, legislatively confirmed successor, that the President of the Senate and thereafter the Speaker of the House shall succeed to the chair of governor.

Legislative Counsel has assured Representative Furnace that the succession to the chair of Governor by the President of the Senate or the Speaker of the House is only in the capacity of Acting-Governor and only until such time as a special election may be held. Legislative intent is that the President or the Speaker shall be Acting-Governor only.

RECEIVED
JAN 20 1983

To: Mitch Abood, Chairman
House Committee on State Affairs

From: Representative Walt Furnace

RE: SSHB 34

Date: March 25, 1983

Under current statute, the succession to the chair of Governor runs through the Lt. Governor and thereafter the Governor's appointed and legislatively confirmed successor.

This bill allows for the line of succession to continue thereafter to a lock step progression of administrators, whether they have been confirmed or not. Should the vacancy occur in the office of Governor-Elect and Lt. Governor-Elect, the outgoing Governor will become the Acting Governor for that period after his expired term until a special election is held and the new Governor inaugurated.

The important fact to keep in mind is that if the Governor and Lt. Governor are unable to fulfill the duties of their respective posts and the Governor's handpicked successor has not yet been confirmed, there must be someone who can step in immediately and assume the powers and duties of the Acting Governor.



Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

RECEIVED
APR 13 1983

7534
COPY
APR 12 1983

*Put in
committee file
for*

MEMORANDUM

TO: Representative Walt Furnace
FROM: Deb Pomeroy, Research Aide *Deb*
RE: Succession to the Offices of Governor and Lt. Governor
Research Request 83-119

Steve Levi of your office called requesting the following information regarding succession to the offices of Governor and Lt. Governor in other states:

- 1) What is the line of succession in other states?
- 2) Is succession decided constitutionally or by statute?
- 3) What is the term of the successor?
- 4) Is the successor appointed Acting Governor or Governor?
- 5) Does the Acting Governor have the same powers as the Governor?
- 6) Are there any states where Supreme Court Justices succeed to Governor?

As you are aware, Alaska does not have a constitutional line of succession after the Lt. Governor. AS 44.19 states that after the start of the initial term of office, the Governor appoints, and the Legislature confirms in a joint session, a person from a principal department of state government as the successor to the Lt. Governor. If the Lt. Governor succeeds to the Governor's office, the appointee becomes Lt. Governor and serves for the remainder of the term. If, however, the appointed successor succeeds to the Governor's office, (s)he serves only until a special election is held.

Thirty-six states decide the succession to the Governor's office by constitution; thirteen states either decide the succession or add to the line of succession by statute. In all of the states, the successor has the duties and powers of the Governor. In all states except Hawaii,

Representative Furnace
April 12, 1983
Page 2

the successor is appointed Governor; in Hawaii, only the Governor and Lt. Governor may have the title of Governor, with other successors known as "Acting" Governor.

The majority of the states have direct succession to Governor. That is, if the Lt. Governor becomes Governor, his office remains vacant until the next election. Connecticut, Hawaii, Minnesota and Pennsylvania are the only states which have a successor to the office of Lt. Governor.

In 31 states, either the Senate President or House Speaker is next in line after the Lt. Governor to become Governor. Of the remaining 18 states, all but Delaware have an elected administrative official next in line for succession. Delaware has an appointed secretary of state in line after the Lt. Governor, although the next official for succession is elected. Nebraska is the only state in which the entire line of succession consists of legislative committee chairmen.

In reference to the term of the successor, most of the states have the successor serving for the remainder of the Governor's term, or until the next general election at which time a successor is elected for the unexpired portion of the term. A few states' constitutions or statutes vaguely state that the successor will serve "until the vacancy is filled."

I have prepared the attached chart listing the following information for each state:

- 1) the order of succession to either the Governor's or Lt. Governor's office and whether or not it is decided by statute or constitutionally;
- 2) whether the person in the line of succession is elected, appointed, or a legislative official; and
- 3) the length of the term the successor holds and any conditions which apply.

I hope this information is useful. If you have any questions, please call.

DP

Attachment

| STATE | SUCCESSION TO | CONSTITUTION OR STATUTE | ORDER OF SUCCESSION | APPOINTED OR ELECTED | CONDITIONS |
|------------|--------------------------|----------------------------|---|---|---|
| Alabama | Governor | Cons. Art.V | Lt. Governor Sen. Pres. pro tem House Speaker Attorney General State Auditor Secretary of State State Treasurer | Elected Sen. Elected Hse. Elected Elected Elected Elected Elected | If the Gov. & Lt. Gov. seats become vacant more than 60 days before a General Election, these seats are filled at that election for the unexpired term; otherwise successor serves for the remainder of the term. |
| Alaska | Governor Lt. Governor | Cons.Art.III AS 44.10 | Lt. Governor Gov. appointee | Elected Appointed | Elected Lt. Gov. serves for remainder of term. Legislature confirms Gov. appointee as successor to Lt. Gov. If (s)he succeeds to Gov., (s)he serves only until a special election is held. |
| Arizona | Governor | Cons. Art.V | Sec. of State Attorney General State Treasurer Supt.of Pub. Instr. | Elected Elected Elected Elected | Successor holds office until a Governor is duly elected and qualified. Only elected officials may succeed, not those who have been appointed to fill a vacancy |
| Arkansas | Governor | Cons. Art. 6 | Lt. Governor Senate President Assembly Speaker | Elected Sen. Elected Assm.Elected | The Governor's term is two years. Successor holds office until the vacancy has been filled. |
| California | Governor | Cons. Art.VI Govt 12058 | Lt. Governor Sen. Pres. pro tem Assembly Speaker Sec. of State Attorney General Controller | Elected Sen. Elected Assm.Elected Elected Elected Elected | Successor serves full term. |
| Colorado | Governor | Cons. Art.IV | Lt. Governor Sen. Pres. pro tem House Speaker | Elected Sen. Elected Hse. Elected | Successor holds office until the vacancy has been filled. |

| STATE | SUCCESSION TO | CONSTITUTION OR STATUTE | ORDER OF SUCCESSION | APPOINTED OR ELECTED | CONDITIONS |
|-------------|---------------|---------------------------|--|--|---|
| Connecticut | Governor | Cons. Art. IV | Lt. Governor Sen. Pres. pro tem | Sen. Elected | Office is held until the next gen. election. When the Lt. Gov. succeeds to Gov., the Senate Pres. becomes Lt. Gov. Within 15 days of the Lt. Gov. taking his oath, the Sen. must select a new Pres. pro tem. If during an interim, a successor is required & there is no Pres. pro tem, the Sec. of State will convene Senate to elect one. |
| Delaware | Governor | Con. Art. III | Lt. Governor Sec. of State Attorney General Sen. Pres. pro tem House Speaker | Elected Appointed Elected Sen. Elected Hse. Elected | Successor holds office until a Governor is duly elected and qualified. |
| Florida | Governor | Cons. Art. IV FS 14.55 | Lt. Governor Sec. of State Attorney General State Comptroller State Treasurer Comm. of Education Comm. of Agriculture | Elected Elected Elected Elected Elected Elected | Successor serves for the remainder of the term. |
| Georgia | Governor | Cons. Art. V | Lt. Governor House Speaker | Elected Hse. Elected | Lt. Governor serves until next general election, at which time a Governor is elected for the unexpired term. If the House Speaker succeeds to Gov., a special election must be held to elect a Gov. within 60 days of the Speaker taking office. |
| Hawaii | Governor | Cons. Art. V HS 26-2 | Lt. Governor Senate President House Speaker Attorney General Director of Finance Comptroller Dir. of Taxation Dir. of Pers. Svces | Elected Sen. Elected Hse. Elected Appointed Appointed Appointed Appointed Appointed | Successor serves for the remainder of the term. When the Lt. Gov. succeeds to Gov., the Sen. Pres. becomes Lt. Gov. After that, succession leaves the Lt. Gov. office vacant. Only the Governor and Lt. Governor can hold the title of Governor; the others are known as Acting Governor. Although known as "Acting" Governor, the successor has all powers given to the Gov. |

| STATE | SUCCESSION TO | CONSTITUTION OR STATUTE | ORDER OF SUCCESSION | APPOINTED OR ELECTED | CONDITIONS |
|----------|---------------|------------------------------|--|---|---|
| Idaho | Governor | Cons. Art. IV | Lt. Governor Sen. Pres. pro tem House Speaker | Elected Sen. Elected Hse. Elected | Lt. Gov. holds office for the remainder of the term; Sen. Pres. pro tem and House Speaker serve "until the vacancy is filled." |
| Illinois | Governor | Cons. Art. V IS127163b122 | Lt. Governor. Attorney General Secretary of State Comptroller Treasurer Senate President House Speaker | Elected Elected Elected Elected Elected Sen. Elected Hse. Elected | Holds office for the remainder of the term. Elected officials only are eligible to succeed. |
| Indiana | Governor | Cons. Art. V | Lt. Governor | Elected | Serves until Governor is elected. Constitution states that further succession will be determined by law; however, no statutes were found. |
| Iowa | Governor | Cons. Art. IV | Lt. Governor Sen. Pres. pro tem House Speaker | Elected Sen. Elected Hse. Elected | Lt. Gov. serves remainder of term; Sen. Pres. and House Speaker serve "until the vacancy is filled." |
| Kansas | Governor | Cons. Art. 1 KS 48-12-4 | Lt. Governor Senate President House Speaker Secretary of State Attorney General Chancellor, U. of K. Pres, Kansas State Univ. of Ag. and Applied Science | Elected Sen. Elected Hse. Elected Elected Elected | Serves until next election. |
| Kentucky | Governor | Cons. Art. 84 | Lt. Governor Sen. Pres. pro tem | Elected Sen. Elected | Lt. Governor serves until a Gov. is duly elected and qualified; if the Sen. Pres. pro tem succeeds, and vacates office before the first two years are over, a new election is held. If there is no Pres. pro tem, the Secretary of State, then Attorney General hold office until a President pro tem has been elected. |

| STATE | SUCCESSION TO | CONSTITUTION OR STATUTE | ORDER OF SUCCESSION | APPOINTED OR ELECTED | CONDITIONS |
|---------------|---------------|-------------------------|---|--|--|
| Louisiana | Governor | Cons. Art. IV | Lt. Governor Secretary of State Attorney General Treasurer Presiding Sen. Off. House Speaker | Elected Elected Elected Elected Sen. Elected Hse. Elected | Successor serves for the remainder of the term. The governor appoints and the legislature confirms a new Lt. Governor. He is not eligible to succeed however, to the Governor's position. The constitution states further succession may be determined by law; however no statute was found. |
| Maine | Governor | Cons. Art. V | Senate President | Sen. Elected | If the office becomes vacant more than 90 days before primary election for a biennial election, a Governor is elected at that biennial election and serves for the remainder of the term. |
| Maryland | Governor | Cons. Art. II | Lt. Governor | Elected | A Lt. Governor is appointed by the Governor and confirmed by the majority of a joint session. If both seats become empty, the assembly elects a new Governor. The Senate President serves as Acting Governor until that time. |
| Massachusetts | Governor | Cons. Ch. 2 | Lt. Governor | Elected | Serves for remainder of the term. |
| Michigan | Governor | Cons. Art. V | Lt. Governor Sec. of State Attorney General | Elected Elected Elected | Successor serves for remainder of the term. Order of succession pertains to elected officials only, not those appointed to fill a vacancy. The constitution states that further succession may be determined by law; however, no statute was found. |
| Minnesota | Governor | Cons. Art. V MS 4.06 | Lt. Governor Senate President House Speaker Secretary of State State Auditor State Treasurer Attorney General | Election Sen. Elected Hse. Elected Elected Elected Elected Elected | Successor serves for remainder of term. The Senate President succeeds to the Lt. Gov. office. After the Senate President, all successors are for the governor's office. If the Senate President succeeds to governor, the Lt. Governor office remains vacant. |
| Mississippi | Governor | Cons. Art. V | Lt. Governor Sen. Pres pro tem House Speaker | Elected Sen. Elected Hse. Elected | Successor serves for the remainder of the term. If all three mentioned seats are vacant, the Sec. of State convenes Senate to elect a Pres. pro tem. |

| STATE | SUCCESSION TO | CONSTITUTION OR STATUTE | ORDER OF SUCCESSION | APPOINTED OR ELECTED | CONDITIONS |
|----------|---------------|------------------------------|--|---|---|
| Missouri | Governor | Cons. Art. IV | Lt. Governor Sen. Pres. pro tem House Speaker Sec. of State State Auditor State Treasurer Attorney General | Elected Sen. Elected Hse. Elected Elected Elected Elected Elected | Successor serves for the remainder of the term. |
| Montana | Governor | Cons. Art. VI MS 2-16-514 | Lt. Governor Senate President House Speaker | Elected Sen. Elected Hse. Elected | Successor serves for the remainder of the term. If the Lt. Gov. or Sen. President succeeds to Gov., they appoint a Lt. Gov.; if the House Speaker succeeds, the legislature elects a Lt. Governor in joint session. |
| Nebraska | Governor | Cons. Art. IV NS 84-120 | Lt. Governor Speaker of the Leg. Chair, Exec. Board of Leg. Council, Chair, Comm. on Comm. Chair, Judiciary Chair, Government Chair, Military & Veterans Affairs Chair, Approp. Chair, Revenue Chair, Education Chair, Banking, Com- merce & Insurance Chair, Public Work Chair, Ag. & Envir. Chair, Health & Welfare Chair, Misc. Subjects Chair, Urban Affairs Chair, Labor Chair, Const. Rev. | Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected | Successor serves until vacancy is filled. |

| STATE | SUCCESSION TO | CONSTITUTION OR STATUTE | ORDER OF SUCCESSION | APPOINTED OR ELECTED | CONDITIONS |
|---------------|---------------|-------------------------|---|---|---|
| Nevada | Governor | Cons. Art. V | Lt. Governor | Elected | Serves for the remainder of the term. |
| New Hampshire | Governor | Cons. Art. 49 | Senate President House Speaker Secretary of State State Treasurer | Elected Elected Leg. Elected Leg. Elected | Successor serves for the remainder of the term. The Secretary of State and State Auditor are entitled to serve only until the Senate or House elects a President or Speaker. |
| New Jersey | Governor | Cons. Art. V | Senate President Assembly Speaker | Sen. Elected Assm. Elected | Successor serves until the next general election at which time a Governor is elected for the unexpired portion of the term. The constitution states further succession may be determined by statute; however, no statute was found. |
| New Mexico | Governor | Cons. Art. V | Lt. Governor Secretary of State Sen. Pres. pro tem House Speaker | Elected Elected Sen. Elected Hse. Elected | Serves for the remainder of the term. |
| New York | Governor | Cons. Art. IV | Lt. Governor Sen. Pres. pro tem Assembly Speaker | Elected Sen. Elected Assm. Elected | Lt. Governor serves for remainder of the term. Sen. Pres. and Assembly Speaker serve until next general election to be held not more than 3 mo. after both Gov. & Lt. Gov. seats become vacant. |
| N. Carolina | Governor | NCS 174.11 | Lt. Governor Sen. President House Speaker Secretary of State State Auditor State Treasurer Supt. of Pub. Inst. Attorney General Agriculture Comm. Labor Comm. Insurance Comm. | Elected Sen. Elected Hse. Elected Elected Elected Elected Elected Elected Elected Elected Elected | Holds office for remainder of term. |

| STATE | SUCCESSION TO | CONSTITUTION OR STATUTE | ORDER OF SUCCESSION | APPOINTED OR ELECTED | CONDITIONS |
|--------------|---------------|------------------------------|--|---|--|
| N. Dakota | Governor | NDS 44.2.3 NDS 54.47.3 | Lt. Governor Secretary of State House Speaker Sen. Pres. pro tem Attorney General | Elected Elected Hse. Elected Sen. Elected Elected | Successor serves for remainder of term. Only elected officials are eligible for succession, not those appointed to fill a vacancy. If none of the listed officials may serve, line of succession moves to the ex-Governors, the most recent one serving first. |
| Ohio | Governor | Cons. Art. III | Lt. Governor Senate President House Speaker | Elected Sen. Elected Hse. Elected | Serves for the remainder of the term. When both Gov. & Lt. Gov. seats are vacant prior to the expiration of the the first 20 months of the term, the Gov. and Lt. Gov. are elected at the next gen. election held in an even numbered year. |
| Oklahoma | Governor | Cons. Art. VI | Lt. Governor Sen. Pres. pro tem House Speaker | Elected Sen. Elected Hse. Elected | Lt. Governor serves for the remainder of the term. Sen. Pres. and House Speaker serves "until the vacancy is filled." |
| Oregon | Governor | Cons. Art. V | Secretary of State Treasurer Sen. Pres. pro tem House Speaker | Elected Elected Sen. Elected Sen. Elected | Serves until the next election. An appointed official may not succeed to office. |
| Pennsylvania | Governor | Cons. Art. IV | Lt. Governor Sen. Pres. pro tem | Elected Sen. Elected | Serves for the remainder of the term. The Sen. Pres. succeeds to Lt. Gov. office when the Lt. Gov. succeeds to Gov. |
| Rhode Island | Governor | Cons. Art. 7 | Lt. Governor Presiding Sen. Off. | Elected Sen. Elected | Holds office until the next annual election. |
| S. Carolina | Governor | Cons. Art. IV | Lt. Governor Sen. Pres. Pro tem | Elected Sen. Elected | Holds office until the next general election. Constitution states that further succession may be determined by law; no statute was found. |
| S. Dakota | Governor | Cons. Art. 1C SDS 1-7-4.1 | Lt. Governor Hse. Speaker Sen. Pres. pro tem Hse. Spkr. pro tem Secretary of State | Elected Hse. Elected Sen. Elected Hse. Elected Sen. Elected | Successor serves for remainder of term. Governor appoints new Lt. Governor who is confirmed by the legislature, and is not eligible for succession. |

| STATE | SUCCESSION TO | CONSTITUTION OR STATUTE | ORDER OF SUCCESSION | APPOINTED OR ELECTED | CONDITIONS |
|-------------|---------------|-------------------------|--|---|---|
| Tennessee | Governor | Cons.Art.III | Senate Speaker House Speaker | Sen. Elected Hse. Elected | The Senate Speaker is by statute Lt. Governor. If succession occurs within the first 18 months, successor holds office until the next general election; after the 1st 18 mo. of the term, the successor serves for the remainder of the term. |
| Texas | Governor | Cons. Art.IV | Lt. Governor Senate President | Elected Sen. Elected | Holds office for the remainder of the term. |
| Utah | Governor | Cons.Art.VII | Secretary of State Sen. Pres. pro tem | Appointed Sen. Elected | Holds office until the next general election. |
| Vermont | Governor | VS 3.4 | Lt. Governor House Speaker | Elected Hse. Elected | Holds office for the remainder of the term. |
| Virginia | Governor | Cons. Art. V | Lt. Governor Attorney General House Speaker | Elected Elected Hse. Elected | Holds office for the remainder of the term. |
| Washington | Governor | Cons. Ch.III | Lt. Governor Secretary of State State Treasurer State Auditor Attorney General Supt. of Pub. Inst. Comm. of Pub. Lands | Elected Elected Elected Elected Elected Elected Elected | If the vacancy occurs more than 30 days before a general election, then a new Governor is elected at that election. |
| W. Virginia | Governor | Cons.Art.VII | Senate President House Speaker | Sen. Elected Hse. Elected | If vacancy occurs before the first 3 years of term a new election must be held. |
| Wisconsin | Governor | Cons. Art. V | Lt. Governor Secretary of State | Elected Elected | Holds office for the remainder of the term. |

| STATE | SUCCESSION TO | CONSTITUTION OR STATUTE | ORDER OF SUCCESSION | APPOINTED OR ELECTED | CONDITIONS |
|---------|------------------|----------------------------|--|--|--|
| Wyoming | Governor | WS 9-1-211 9-1-212 | Secretary of State Senate President House Speaker State Auditor State Treasurer Supt. of Pub. Inst. Senate Vice-Pres H. Speaker pro tem | Elected Sen. Elected Hse. Elected Elected Elected Elected Sen. Elected Hse. Elected | Serves until the end of the term if vacancy occurs less than 60 days before a general election. If it occurs more than 60 days before a general election, a Governor is elected for the unexpired term at that election. |

COMMITTEE REPORT

4/6

HOUSE

JUDICIARY

FURTHER.

(7)

3/23/83

Date:

3/25/83

Mr. Speaker:

The Committee on STATE AFFAIRS has had SS HB 34

An Act regulating succession to the office of lieutenant governor and providing for an acting governor.

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with ~~SS HB 34~~ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note *and*
 Zero Fiscal Note Attached *Sup*
- reports it back without recommendation *34*
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Walter R. Furnace

Ronald J. Farn

John J. Audley

Dick Stultz

Mr. R. Miller

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Rep. Walter R. Furnace
CHAIRMAN

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SS HB 34 Date on Bill: 3/23
 Title: regulating succession to the office of lieutenant governor
 Sponsor: Furnace
 Requestor: House State Affairs Committee

1. Estimated fiscal impacts on: personal services, operating budget

a. Expenditures:

(Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 |
|-----------|-------|-------|-------|-------|--------|
| Capital | | | | | |
| Operating | | | | | 1375.6 |
| Total | | | | | |

b. Revenues:

| Revenue | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 |
|---------|-------|-------|-------|-------|-------|
| | | | | | |

2. Source of funds to offset fiscal impact of bill:

3. Assumptions: a special election, held soon after the 1986 General election, with a 6% inflation factor figured from the present estimate of a one-question special election held in 1983, \$1,55,000.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: TPTThoma Information Officer Phone: 4611
 Division: Elections Date: 3/29
 Approved by Commissioner: _____ Date: _____
 Department: _____

5. Distribution:

Original to Legislative Finance
 Copy to OMB

I. REQUEST

Bill/Resolution No.: SS HB 34
 Title: "An Act regulating succession to the office of Lt. gov. BRU, & providing for an acting governor."
 Sponsor: Furnace
 Requestor: House
 State Affairs

II. FISCAL DETAIL

Agency Affected: Office of the Governor
 Program Category Affected: Exec. Operati
 Program or Subprogram(s) Affected: Lt. Governor's Office

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|-------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | | |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|------------------------|-----|-----|-----|-----|--|--|
| GENERAL FUND | -0- | -0- | -0- | -0- | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |

POSITIONS:

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

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

No fiscal impact.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Michael A. Nizich Phone: 465-3616
 Division: Administrative Services Date: 4/4/83
 Approved by Commissioner: Laura J. Herman Date: 4/4/83
 Department: Office of the Governor

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

ANALYSIS: SSB 34 Page 2 of 2

This bill does not change the existing law for conducting a special election; however, as a reminder, if in the event a special election was required, the approximate cost to do so would be \$952.7.

H

B

3

8

FISCAL NOTE

Expenditure Type
 Revenue Type

I. REQUEST

Bill/Resolution No. HB 38

Title AN ACT RELATING TO AGE LIMITS UNDER TITLE 4

Requested by _____ Date 1/21/83

II. FISCAL DETAIL

Agency Affected DEPARTMENT OF PUBLIC SAFETY

Program Category Affected ADMINISTRATION OF JUSTICE

BRU, Program, Or Subprogram(s) Affected ALASKA STATE TROOPERS

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|--------------------------|--------------|--------------|--------------|-------|-------|-------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | - 0 - | - 0 - | - 0 - | | | |

FUNDING (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|------------------------|-------|-------|-------|-------|-------|-------|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |

POSITIONS

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL TIME | | | | | | |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

NO FISCAL IMPACT

RECEIVED

FEB 4 1983

LEGISLATIVE FINANCE

IV. DATE 1/21/83

PREPARED BY F.C. ALLAN Phone 269-5691

DIVISION ALASKA STATE TROOPERS Initials _____

Original: Legislative Finance
cc: Budget and Management

DEPARTMENT OF PUBLIC SAFETY Initials JLV

Prime Sponsor (First Legislator Named) ESL D

33-001 (Rev. 12-80)

OMB Reviewed by: Eric Leshover

1126

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

JUD

FISCAL NOTE

I. REQUEST
Bill/Resolution No. HB 38
Title An act relating to age limits under title 4, Alcoholic Beverages
Requested by M.M. Miller Date 1/17/83

II. FISCAL DETAIL
Agency Affected Division of Insurance
Program Category Affected Public Protection
BRU, Program, Or Subprogram(s) Affected Division of Insurance
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | | 0 | 0 | 0 | | |

FUNDING (Thousands of Dollars)

| | | | | | | |
|------------------------|---|--|--|--|--|--|
| GENERAL FUND | 0 | | | | | |
| FEDERAL FUNDS | 0 | | | | | |
| OTHER (Specify Source) | 0 | | | | | |

POSITIONS

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

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

RECEIVED

FEB 9 1983

LEGISLATIVE FINANCE

IV DATE January 25, 1983 PREPARED BY Kenneth C. Moore, Div of Insurance
AGENCY Commerce & Economic Development
Original: Legislative Finance PHONE 465-2515
cc: Budget and Management
Prime Sponsor (First Legislator Named) B
33-001 (Rev.) OMB Reviewed by: Guy Bell

H B

4 8

§ 21.09.210

HB 48

ual statement when
pay to the director
AS 21.06.250. (§ 1

insurer, and each
premiums received
all file with the di-
all insurance busi-
proper proportionate
ets, or risks in the
ring property, sub-
one state) during
report shall show

ing policy member-
on of dividends, re-
credits to payment
or renewed insur-
installments, and ali
nds and classes of
rwise;
ed premiums;
ds.

authorized insurer with
authorized insurer in this
from income received
ember 31 and paid
t or located in the
on insurance, after
ome the applicable
ed portion of any
rbed premiums re-
vings coupons and
olders with respect
of cash surrender
uity contracts shall
e and shall not be
ector annually be-
69.390(c), is com-

ations, 6 per cent
ospital and medical

§ 21.09.220

INSURANCE

§ 21.09.220

(c) A domestic company is exempt from taxation under this section for a period of five years from the date of its organization.

(d) An authorized insurer shall, with respect to all wet marine and transportation contracts written in this state during the preceding calendar year, before April 1 of each year, pay to the director a tax of three-quarters of one per cent on its gross underwriting profit. The gross underwriting profit is computed by deducting from the net premiums (i.e., gross premiums less all return premiums and premiums for reinsurance), on wet marine and transportation insurance contracts, the net losses paid (i.e., gross losses paid, less salvage and recoveries on reinsurance ceded) during the calendar year under the contracts. In the case of an insurer issuing participating contracts, the gross underwriting profit shall not include, for computation of the tax prescribed by this section, the amounts refunded or paid as participation dividends by the insurers to the holders of the contracts.

(e) Payment to the director by an insurer of the tax upon its premium required by this section shall be in lieu of all other taxes imposed by the state upon premiums, franchise, privilege or other taxes measured by income of the insurer commencing with the taxable year beginning January 1, 1967.

(f) The state hereby pre-empts the field of imposing excise, privilege, franchise, income, license, permit, registration, and similar taxes, licenses, and fees upon insurers and their general agents, agents and representatives as such; and on the intangible property of insurers or agents; and all political subdivisions of agencies in the state, including home rule boroughs or cities, are prohibited from imposing or levying upon insurers, or upon their general agents, agents and representatives as such, any tax, license, or fee. Provided that this subsection shall not be construed as prohibiting the imposition by political subdivisions of taxes upon real and tangible personal property of insurers and their general agents, agents and representatives.

(g) The director may suspend or revoke the certificate of authority of an insurer which fails to pay its taxes as required under this section.

(h) The provisions of this section do not apply to title insurance companies. A premium tax on title insurance companies shall be levied in accordance with the provisions of AS 21.66.110. (§ 1 ch 120 SLA 1966)

Sec. 21.09.220. Counter signature by resident agent—Application of title. No company, association, reciprocal exchange, person or persons authorized to transact insurance or offer indemnity contracts in this state excepting reciprocal mutuals organized under the laws of this state and life insurance companies or life in-

insurance contracts and health and accident contracts and annuity contracts written therein, may make, write, place or cause to be made, written or placed, a policy or contract of insurance or indemnity of any kind or character, or a general or floating policy covering risks on property located in the state, liability created by or accruing under the laws of this state, or undertakings to be performed in this state, except through their licensed resident insurance agents, who shall countersign all policies, riders and endorsements or indemnity contracts so issued and collect the premiums, or see to their collection in due course, and who shall keep a record of the same. The record shall contain the usual and customary information concerning the risk undertaken, including the full premium paid or to be paid, to the end that the state may receive the taxes required by law to be paid on premiums collected for insurance on property or undertakings located in this state. No agent shall pay or forward a premium or application for insurance or in any manner secure, help or aid in the placing of insurance, or effect a contract of insurance or indemnity upon property, liability or undertakings located in this state with an insurer which is not authorized to transact its business in this state; except that if two or more insurers issue a single policy of insurance, the policy may be countersigned on behalf of all insurers appearing on it by a licensed agent, resident of the state, or any one of the insurers. The practice of signing policies in blank is likewise prohibited. (§ 1 ch 120 SLA 1966)

Sec. 21.09.230. Exception. Nothing contained in § 220 of this chapter shall be construed as preventing the free and unlimited right to negotiate wholly outside this state contracts of insurance by licensed nonresident agents and brokers, provided the policies, dailies, endorsements or evidence of the contracts covering properties or insurable interests in this state are countersigned by the resident agent of this state, in which event the countersigning agent shall receive a commission of not less than five per cent of the premium paid; provided, however, that the countersigning commission may not exceed one-half of the total commission and provided further that for countersigning these insurance policies the resident agent shall not be paid more than \$50 nor less than \$1 for countersigning a policy or bond; and provided further, that if the licensed nonresident agent or broker or the insurer assuming the risk desires the resident agent to render additional services during the life of a policy the compensation to be paid to the countersigning agent shall be a matter of contract between the parties in interest. Sections 220—250 of this chapter do not apply to the following contracts:

(1) policies covering property received for shipment or delivery, or in transit while in possession or custody of a common carrier,

or the rolling stock, vessels, aircraft, or other property of a common carrier used and employed by it in interstate or foreign commerce, or insurance of aircraft owned or operated by manufacturers of aircraft;

(2) policies issued by insurers not using agents in the general solicitation of business;

(3) contracts of reinsurance or retrocessions made by and for admitted companies;

(4) contracts of life and disability insurance and annuity contracts;

(5) contracts of title insurance;

(6) bid bonds issued in connection with a public or private contract;

(7) wet marine and transportation insurances. (§ 1 ch 120 SLA 1966)

Sec. 21.09.240. Affidavit attached to annual statement. At the time the annual statement of every such company is filed with the director there shall be attached to it an affidavit of the president, manager or chief executive officer in the United States stating that §§ 220—250 of this chapter have not been violated. (§ 1 ch 120 SLA 1966)

Sec. 21.09.250. Unlawful acts defined. It is unlawful for an insurer doing business in this state to make, write, place or cause to be made, written or placed in this state a policy, duplicate policy or contract of insurance of any kind or character, or general or floating policy upon persons or property resident, situated or located in this state, from or through a broker, agent, surplus line broker or person who has not secured a license in this state. No insurer may pay a commission or any form of remuneration to a person, firm or organization for the writing or placing of insurance coverage in this state unless that person, firm or organization holds a license issued by the director or his successor. (§ 1 ch 120 SLA 1966)

Sec. 21.09.260. Violations—Penalties. An insurer violating the provisions of §§ 220—250 of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine not more than \$500 for each violation. In the event of conviction the insurance director may suspend or revoke the license of the insurer, but violation shall not invalidate the insurance contract. (§ 1 ch 120 SLA 1966)

Sec. 21.09.270. Retaliation. (a) If, under the laws of another state or foreign country, taxes, licenses and other fees, in the aggregate, and fines, penalties, deposit requirements or other material obligations, prohibitions or restrictions are or would be im-

1 JUD

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 48
Title An act repealing certain insurance laws
Requested by Martin Date 1/18/83

II. FISCAL DETAIL

Agency Affected Division of Insurance
Program Category Affected Public Protection
BRU, Program, Or Subprogram(s) Affected Division of Insurance
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GPANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | | 0 | 0 | 0 | | |

FUNDING (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|------------------------|-------|-------|-------|-------|-------|-------|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |

POSITIONS

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL TIME | | | | | | |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE January 25, 1983 PREPARED BY Kenneth C. Moore, Div of Insurance
AGENCY Commerce & Economic Development
Original: Legislative Finance PHONE 465-2515
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev.)
OMB Reviewed by: Guy Bell

| DATE | SEQ | PAGE |
|----------|-----|------|
| 01/18/83 | 01 | 0038 |
| 02/04/83 | 02 | 0169 |

LEGISLATIVE ACTION

FIRST READING -- COMMITTEE REPORTS
L&C -- DP06
JUDICIARY
RULES

**** ** ** *** ** *

HB 48 TITLE & SPONSOR SUMMARY
AMENDED TITLE:
AN ACT REPEALING CERTAIN INSURANCE LAWS

11:12 2/07/83 PAGE 1 OF 2

PRIME SPONSOR: MARTIN.

CO-SPONSORS:

CURRENT STATUS: 2/04/83 IN (H) JUDICIARY