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3711 HSTA HB 552 - HB 593

the forwarding court exercising jurisdiction shall immediately notify the Department of Public Safety thereof. Upon such notification and payment of an additional twenty-five dollars to the Department of Public Safety, the operator's license of the arrested person shall be renewed or reissued for the purpose of this Section. One-half of the additional fine imposed by this Section shall be forwarded by the Department of Public Safety to the forwarding court exercising jurisdiction, to be deposited in that court's criminal court fund and to be used in the same manner as the other sums deposited in said fund.

C. Repealed by Acts 1984, No. 763, § 1.

Added by Acts 1978, No. 301, § 2. Amended by Acts 1980, No. 779, § 1.

1980 Amendment: Added the "A." designating subsec. A, and in that subsection substituted "on" for "upon" before "his written", substituted "fee" for "fine" following "fifty dollar", and substituted "had" for "has" before "boozed"; in subsec. B substituted "dollars" for "dollar fine", and added "to be deposited in that court's criminal court fund and to be used in the same manner as the other sums deposited in said fund"; and added subsec. C.

1984 Legislation: Acts 1984, No. 763, § 1 repealed subsec. C which read: "C. The provisions of this Section shall not apply in Orleans Parish.

#### Library References

Automobiles ¶144.1(1).  
Bail ¶40, 75.  
C.J.S. Motor Vehicles §§ 164.16, 164.17.  
C.J.S. Bail §§ 32, 81, 82.

#### § 58. Reasonable and proper control of vehicles

It shall be unlawful for the driver of any vehicle to negligently fail to maintain reasonable and proper control of said vehicle while operating the vehicle on the public roads of this state.

Added by Acts 1972, No. 567, § 1.

#### Library References

Automobiles ¶131.  
C.J.S. Motor Vehicles § 641 et seq.

#### Notes of Decisions

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#### 1/2. Validity

Person of ordinary reasonable intelligence can be expected to know what is "reasonable" and "proper" in control of his vehicle while operating it on public road in conforming his conduct thereto; therefore, this section prescribing failure to maintain reasonable and proper control of vehicle provided fair notice of prohibited conduct and was not unconstitutionally vague on theory that words "reasonable" and "proper" were vague and indefinite. *State v. Jackson*, Sup. 1981, 404 So.2d 952.

#### 1. Construction and application

Finding of negligence on part of driver of vehicle who was traveling at approximately 55 miles per hour in rainstorm and who subsequently pleaded guilty to failure to maintain reasonable and proper control of vehicle was not erro-

neous. *Gregorie v. Hartford Acc. & Indem. Co.*, App. 1977, 348 So.2d 186, writ denied 350 So.2d 1210, 1213.

#### 2. Guilty plea

Although driver's guilty plea to failure to maintain reasonable and proper control of vehicle was not conclusive evidence of negligence, it was competent evidence of such negligence. *Gregorie v. Hartford Acc. & Indem. Co.*, App. 1977, 348 So.2d 186, writ denied 350 So.2d 1210, 1213.

#### 3. Negligence

Cab driver who violated at least two motorist's statutes in striking pedestrian, by failing to maintain control of vehicle and by driving on left side of roadway in marked no passing zone, was negligent, and such negligence was legal cause of pedestrian's injuries. *Chiasson v. Whitney*, App. 1983, 427 So.2d 470, writ denied 433 So.2d 179, 180.

#### 4. Arrest

Where arresting officer went to scene of accident and saw overturned vehicle, officer was informed by plaintiff's parents and sister that plaintiff was the owner and operator of vehicle, and that he had been operating vehicle when it went into the ditch, officer informed plaintiff's relatives that he needed to speak to plaintiff, but plaintiff never attempted to contact him, officer had probable cause to believe that plaintiff had committed the offense of failure to maintain

control, and officer could not be held liable for false arrest. *Richard v. State*, Through Dept of Public Safety, App. 1 Cir. 1983, 436 So.2d 1265, writ denied 441 So.2d 1223.

## PART IV. TRAFFIC REGULATIONS

### SUBPART A. SPEED RESTRICTIONS

#### Law Review Commentaries

Contributory negligence as a matter of law—auto collisions in smoke, fog and dust. 28 La L. Rev. 674 (1968).

#### § 61. Maximum speed limit

*Text effective if Congress does not repeal penalties for violating the fifty-five mile-per-hour speed limit.*

No person shall operate or drive a vehicle on any highway of this state in excess of fifty-five miles per hour; however, if national speed limits are increased to an amount in excess of fifty-five miles per hour, the secretary is authorized to increase the maximum speed limit provided in this Section to a speed limit not in excess of such national speed limit.

Amended by Acts 1964, No. 369, § 1; Acts 1974, No. 521, § 1; Acts 1977, No. 113, § 1, eff. June 22, 1977.

*For text effective only if Congress repeals penalties for violating the fifty-five mile-per-hour speed limit, see § 61, post.*

#### § 61. Maximum speed limit

*Text effective only if Congress repeals penalties for violating the fifty-five mile-per-hour speed limit.*

A. No person shall operate or drive a vehicle on any highway of this state, excluding Interstate highways, in excess of fifty-five miles per hour; however, if national speed limits are increased to an amount in excess of fifty-five miles per hour, the secretary is authorized to increase the maximum speed limit provided in this Section to a speed limit not in excess of such national speed limit.

B. No person shall operate or drive a vehicle on any Interstate highways of this state in excess of sixty-five miles per hour.

Amended by Acts 1964, No. 369, § 1; Acts 1974, No. 521, § 1; Acts 1977, No. 113, § 1, eff. June 22, 1977; Acts 1982, No. 191, § 1, eff. Jan. 1, 1983, only if Congress has repealed penalties for violating 55 mile-per-hour speed limit (eff. date suspended until sixty days after 1984 Regular Session by H.C.R. No. 4 of 1983).

*For text effective if Congress does not repeal penalties for violating the fifty-five mile-per-hour speed limit, see § 61, ante.*

#### Effective Date—1982 Amendment

*Section 2 of Acts 1982, No. 191 provided:*

*"This Act shall become effective on January 1, 1983, if, and only if, Congress has repealed penalties for violating the fifty-five mile-per-hour speed limit provided in Title 23, Section 154, of the United States Code."*

between 40 and 45 miles per hour, with her eyes closed, defendants failed to sustain burden of proof of excessive speed on part of motorcycle operator. *Freeman v. Liberty Mut. Ins. Co.*, App.1965, 175 So.2d 659.

#### 7. Proximate cause

Evidence supported finding that driver of truck which collided with automobile and subsequently struck second automobile, the occupant of which had received medical and workmen's compensation benefits under plaintiff's policy and collision benefits under plaintiff's automobile liability policy, was driving at an excessive rate of speed prior to collision with the first automobile and that the excessive speed was a proximate cause of the second collision. *Fidelity & Cas. Co. of New York v. Aetna Life & Cas. Co.*, App.1971, 244 So.2d 255.

Testimony of investigating officer and out-bound motorist supported finding in personal injury action by passenger in inbound car that out-bound motorist was not negligent in crossing inbound lane when reentering highway after stopping at roadside telephone booth, and that excessive speed of inbound car was sole proximate cause of collision. *Necaise v. Norris*, App. 1970, 242 So.2d 282.

Violation of a speed law does not render a motorist liable unless the infraction is a cause in fact of the accident. *McDaniel v. Welsh*, App. 1970, 234 So.2d 833.

#### 8. Last clear chance

Where defendant motorist observed 12-year-old pedestrian running toward highway at distance of 300 feet and recognized pedestrian to be child and defendant did not sound horn or slow his vehicle, defendant could reasonably have taken action to stop or slow vehicle so as to permit pedestrian to cross safely, and last clear chance doctrine was applicable even though 12-year-old pedestrian was contributorily negligent in running onto heavily traveled highway with but momentary hesitation. *Tate v. Hill*, App.1967, 197 So.2d 107, writ denied 254 La. 911, 199 So.2d 919.

Where operator of plaintiff's automobile approached intersection from right at about 15 to 20 miles per hour and observed defendant's vehicle when it was 25 to 30 feet from intersection and immediately applies brakes but collided with right rear fender of defendant's vehicle, operator of plaintiff's vehicle was engaged in exercise of reasonable care and accident was precipitated by gross negligence of operator of defendant's vehicle and doctrine of last clear chance was not applicable. *Kevin v. Demarest*, App.1967, 196 So.2d 336.

In order to invoke doctrine of last clear chance it must be proved that person invoking doctrine was in position of peril of which he was unaware or from which he was unable to extricate him-

self, that person against whom doctrine is invoked actually discovered or was in position where he could have discovered such other person's peril and that person against whom doctrine is invoked could have avoided accident with exercise of reasonable care. *Id.*

The doctrine of last clear chance did not apply to a case wherein preceding driver was struck from behind after driving onto highway where visibility had been reduced to a few feet because of low-lying, dense smoke mixed with heavy fog. *Walden v. Employers Liability Assur. Corp.*, App.1967, 195 So.2d 350.

#### 9. Intersections

Evidence in action arising out of collision which occurred at blind intersection of two gravel roads in rural area established that driver of southbound truck and trailer which was struck by eastbound truck was negligent in entering intersection in front of approaching preferred motorist when it was not safe to do so. *Ernst v. O'Hannon*, App.1973, 278 So.2d 830, writ denied 281 So.2d 749.

Driver of truck which entered intersection at moderate speed on light which had been favorable from 75 to 100 feet before truck reached intersection was not negligent in not according right-of-way and opportunity of completing movement through intersection to automobile which entered intersection at higher rate of speed on unfavorable light where there was little difference in the time the two vehicles entered the intersection, notwithstanding that automobile traveled further into the intersection than truck prior to collision. *Meek v. State Farm Mut. Auto. Ins. Co.*, App.1971, 244 So.2d 661.

Southbound motorist who collided with northbound motorist who was executing left turn at intersection was negligent in going too fast and failing to keep a proper lookout under evidence that prior to collision northbound motorist had been stopped and was signaling for a left turn, that yellow caution light was on at intersection where 25 m.p.h. speed limit was in effect, that automobile of southbound motorist who testified that he did not remember his speed at time of collision left 61 feet of skid marks and that substantial damage occurred to both automobiles indicating a severe impact. *Nelson v. State Farm Mut. Auto. Ins. Co.*, App.1971, 244 So.2d 303.

In view of length of defendant's northbound tractor-trailer rig, slow rate of speed at which it must have entered intersection, and length of time it took to cross intersection, plaintiff, no matter what speed his westbound vehicle was traveling, should have seen trailer rig in time to avoid collision and having failed to see what he should have seen, his negligence was a proximate cause of accident precluding recovery. *Thomas v. Lee*, App.1970, 243 So.2d 536, writ denied 257 La. 991, 244 So.2d 860.

Evidence in intersection collision case was insufficient to establish that northbound motorist was speeding and thus contributorily negligent at time of collision with eastbound motorist who entered favored street after stopping at stop sign. *Hill v. Main Ins. Co.*, App.1970, 242 So.2d 623.

#### 10. Hills and curves

Evidence that motorist who collided with state trooper's vehicle while the two vehicles were attempting to negotiate a blind curve on a narrow gravel road was familiar with the road, that he entered the blind curve at 35 miles per hour driving well to his left on the narrow road, and that, when the collision occurred, the left portion of each of the two vehicles was beyond the center line sustained determination that the motorist was causally negligent and thus could not recover from parish which maintained the road. *Tezeno v. St. Landry Parish Police Jury*, App. 1971, 343 So.2d 452.

Evidence sustained finding that truck driver's negligence in attempting to enter highway having 60 m.p.h. speed limit in a long, slow moving truck and trailer within 200 feet of curve in that highway was sole cause of accident in which driver of automobile swerved to avoid striking truck, left highway, skidded on wet grass and ultimately struck building. *Hebert v. Hanover Ins. Co.*, App.1971, 244 So.2d 55.

#### 16. Turning

Leading motorist, who was struck from behind in multiple vehicle accident, was not negligent in stopping in inner lane of four-lane highway, giving required signal for left turn at intersection with break in neutral ground designed to permit left turns. *Henderson v. Arcana*, App. 1961, 197 So.2d 150.

#### § 62. Maximum speed limit; certain vehicles

*Text of subsec. A effective if Congress does not repeal penalties for violating the fifty-five mile-per-hour speed limit. For text of subsec. A effective only if Congress does repeal penalties for violating the fifty-five mile-per-hour speed limit, see subsec. A, post.*

A. No person shall operate any freight carrying vehicle upon the highways of this state at a speed in excess of fifty-five miles per hour; however, if national speed limits are increased to an amount in excess of fifty-five miles per hour, the secretary is authorized to increase the maximum speed limit provided in this Subsection to a speed limit not in excess of such national speed limit.

Amended by Acts 1970, No. 150, § 1; Acts 1974, No. 521, § 2; Acts 1977, No. 113, § 1, eff. June 22, 1977.

*Text of subsec. A effective only if Congress repeals penalties for violating the fifty-five mile-per-hour speed limit. For text of subsec. A effective if Congress does not repeal penalties for violating the fifty-five mile-per-hour speed limit, see subsec. A, ante.*

#### 19. Radar

Where defendant raised no objections to admissibility of radar and speedometer evidence at trial for speeding, alleged error or irregularity at trial could not be reviewed by the Supreme Court. *State v. Kennedy*, Sup.1981, 398 So.2d 1082.

#### 20. Failure to prosecute

One-year time limitation for commencement of misdemeanor trial after institution of prosecution was not interrupted by defendant's failure to appear as directed by arresting officer, inasmuch as she was a 16-year resident at same address, which address was reflected on driver's license seized by arresting officer, and her testimony that she was not long absent from her home in two years following the offense and that no efforts were made to serve a warrant on her went uncontradicted, thus, since the time allowed for institution of prosecution had run without interruption, she was entitled to have charges against her dismissed. *City of Baton Rouge v. Wheat*, Sup.1979, 377 So.2d 1234.

#### 21. Review

Where pro se defendant failed to object to admissibility of radar and speedometer evidence claimed error relating to admission thereof was not before reviewing court. *State v. Alford*, Sup.1980, 384 So.2d 761.

#### 22. Trial

Defendant who was tried on counts of driving while intoxicated, second offense, illegally carrying a weapon, resisting arrest, and speeding at same time without mention of consolidation, so that charges would be considered as if joined and total possible punishment, which would be sum of maximum possible for each charge, was greater than six months imprisonment, was entitled to a jury trial. *State v. Thompson*, App. 4 Cir.1984, 446 So.2d 557.

A. (1) No person shall operate any freight carrying vehicle upon the highways of this state, excluding Interstate highways, at a speed in excess of fifty-five miles per hour; however, if national speed limits are increased to an amount in excess of fifty-five miles per hour, the secretary is authorized to increase the maximum speed limit provided in this Section to a speed limit not in excess of such national speed limit.

(2) No person shall operate any freight carrying vehicle upon the Interstate highways of this state at a speed in excess of sixty miles per hour.

Amended by Acts 1970, No. 150, § 1, Acts 1974, No. 521, § 2, Acts 1977, No. 113, § 1, eff. June 22, 1977; Act 1982, No. 191, § 1, eff. Jan. 1, 1983 only if Congress has repealed penalties for violating the 55 mile-per-hour speed limit (eff. date suspended until sixty days after 1984 Session by H.C.R. No. 4 of 1983).

B. Forty-five miles per hour shall be the maximum speed at which a person shall be permitted to drive a vehicle which is towing a mobile home; however, when any such mobile home is not less than fifteen feet or more than thirty-two feet in length and is equipped with brakes or when such a mobile home is less than fifteen feet in length and is not equipped with brakes, a person may drive a vehicle towing any such mobile home at a speed not in excess of fifty-five miles per hour at any time between sunrise and sunset and not in excess of fifty miles per hour at any time between sunset and sunrise; however, if national speed limits are increased to an amount in excess of fifty-five miles per hour, the secretary is authorized to increase the maximum speed limit provided in this Subsection to a speed limit not in excess of such national speed limit.

Amended by Acts 1966, No. 181, § 1, Acts 1974, No. 521, § 2, Acts 1977, No. 113, § 1, eff. June 22, 1977.

[See main volume for text of C]

D. No person shall operate a school bus at a speed in excess of 55 miles per hour when transporting children, provided however, that the driver of a school bus transporting children under conditions which require frequent stops to receive and discharge such children shall not operate such school bus at a speed in excess of 35 miles per hour.

Amended by Acts 1966, No. 217, § 2

#### Effective Date—1982 Amendment

Section 2 of Acts 1982, No. 191 (§ 1 of which amended subsec. A of this section) provided:

"This Act shall become effective on January 1, 1983, if, and only if, Congress has repealed penalties for violating the fifty-five mile-per-hour speed limit provided in Title 23, Section 154, of the United States Code."

#### Suspension of Acts 1982, No. 191, § 2

House Concurrent Resolution No. 4 of the 1983 Regular Session provided:

"WHEREAS, Act No. 191 of the 1982 Regular Session of the Legislature established a sixty-five mile per hour speed limit on Interstate highways in Louisiana; and

"WHEREAS, Section 2 of Act No. 191 of the 1982 Regular Session has the effective date of January 1, 1983; and

"WHEREAS, such effective date would apply if, and only if, Congress repeals the penalties for violating the fifty-five mile-per-hour speed limit provided in Title 23, Section 154, of the United States Code; and

"WHEREAS, Congress has not repealed these provisions, and

"WHEREAS, the present law is ineffective unless Congress repeals the penalties for violating the fifty-five mile-per-hour speed limit.

"THEREFORE, BE IT RESOLVED by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring, that the effective date of Section 2 of Act No. 191 of the 1982 Regular Session is hereby suspended until sixty days after the 1984 Regular Session of the Legislature."

1982 Amendment: Designated the previous text of subsec. A as par. A(1); in par. A(1), added, "excluding Interstate highways," and substituted "Section" for "Subsection"; and added par. A(2).

#### Notes of Decisions

Motorcycles 17  
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#### 3. Freight carrying vehicles—In general

In absence of evidence in action for wrongful death establishing legal speed limit on portion of highway on which pickup truck struck pedestrian, it would be concluded that 55-mile per hour speed of truck was within speed limit, in view of this section setting speed limit, for pickup trucks which do not exceed 6,000 pounds gross weight at 60 miles per hour. *Demandre v. Robinson*, App.1969, 220 So.2d 542.

#### 4. — Evidence, freight carrying vehicles

Where witnesses had only glimpse of vehicle before accident, little weight can be given to their estimates of speed. *Scrugga v. McCraney*, App.1970, 234 So.2d 262.

60 feet of skid marks before impact made it obvious that vehicle was traveling at high rate of speed. *Id.*

Evidence established that truck involved in collision with automobile that had entered highway from dirt road was traveling at speed in excess of rate of 50 miles per hour prescribed for that type of vehicle, as claimed by witness who watched truck go by about three-quarters of a mile before it came to the intersection. *McQuinn v. Travelers Indem. Co.*, App.1965, 171 So.2d 691, writ denied 247 La. 623, 172 So.2d 703.

#### § 63. Establishing of speed zones

Acts 1972, No. 311, § 1 provides: "The Department of Highways is authorized, urged and requested to study the speed limits of the state system as presently existing and to adopt higher limits than the present statutory limits where safe to do so, and to consider the imposition of minimum limits on interstate highways."

#### Notes of Decisions

1. In general  
In absence of evidence in action for wrongful death establishing legal speed limit on portion of

#### § 64. General speed law

[See main volume for text of A and B]

Text of subsec. C effective only if Congress repeals penalties for violating the fifty-five mile-per-hour speed limit.

#### 5. Intersections

In view of length of defendants' north-bound tractor-trailer rig, slow rate of speed at which it must have entered intersection, and length of time it took to cross intersection, plaintiff, no matter what speed his westbound vehicle was traveling should have seen trailer rig in time to avoid collision and having failed to see what he should have seen, his negligence was a proximate cause of accident precluding recovery. *Thomas v. Lee*, App.1970, 243 So.2d 536, writ denied 257 La. 991, 244 So.2d 860.

#### 16. Skidding

Evidence sustained finding that truck driver's negligence in attempting to enter highway having 60 m.p.h. speed limit in a long, slow moving truck and trailer within 200 feet of curve in that highway was sole cause of accident in which driver of automobile swerved to avoid striking truck, left highway, skidded on wet grass and ultimately struck building. *Hebert v. Hanover Ins. Co.*, App.1971, 244 So.2d 55.

#### 17. Motorcycles

In case in which motorcycle passenger testified that she estimated speed of motorcycle at between 40 and 45 miles per hour, with her eyes closed, defendants failed to sustain burden of proof of excessive speed on part of motorcycle operator. *Freeman v. Liberty Mut. Ins. Co.*, App.1965, 175 So.2d 659.

#### 18. Negligence

Evidence was sufficient to support determination that both motorists involved in intersectional automobile collision were negligent, one in driving at excessive speed and the second in not taking proper care in executing a left turn. *Agency Rent-A-Car, Inc. v. Hamm*, App.1961, 401 So.2d 1259.

highway on which pickup truck struck pedestrian, it would be concluded that 55-mile per hour speed of truck was within speed limit, in view of R.S. 32:62 setting speed limit for pickup trucks which do not exceed 6,000 pounds gross weight at 60 miles per hour. *Demandre v. Robinson*, App.1969, 220 So.2d 542.

that driver of first automobile involved in collision had been negligent in engaging in passing maneuver at high rate of speed and that drivers of third and fourth vehicles involved were also guilty of negligence in driving too closely to vehicles in front of them at speeds of 50 to 60 miles an hour, but evidence established that driver of second vehicle, which was lead automobile of group of automobiles overtaken by first automobile, was not negligent. *Felt v. Price*, 1951, 240 La. 906, 126 So.2d 330.

Evidence that motorist attempted to pass truck with which he collided while traveling at 35 to 45 miles per hour through an unincorporated village of 600 inhabitants and that there was a sign a quarter of a mile from the village limits stating that the speed limit was 45 miles per hour and no other sign showing any necessity for reduction of speed and that the weather condition was good and the road was straight and level, did not show that motorist's speed was illegal so as to preclude recovery for damages sustained on ground that motorist was guilty of contributory negligence. *Federal Ins. Co. v. Employers' Liability Ins. Corporation*, App. 1941, 4 So.2d 620.

Evidence showed bus driver at fault in attempting to pass car in curve at excessive speed. *Griffen v. Teche Transfer Co.*, 1932, 10 La.App. 157, 140 So. 113.

#### 15. Parking

Evidence established that defendant's loaded truck upon crossing levee near center of highway became uncontrolled and collided with vehicle in which plaintiff was sitting, while the vehicle was stopped on the side of the highway, as a result of negligence of the truck driver in failing to keep the truck under proper control and to drive at proper speed. *McDonnell v. Hargrove*, App. 1940, 197 So. 292.

Collision between truck and automobile, stopping on wrong side of road in darkness after steering gear was broken and lights extinguished when struck in rear by another truck, was due to negligence of driver of former truck in proceeding at excessive speed, rather than automobile driver's intervening negligence. *Penton v. Fisher*, App. 1934, 155 So. 35.

When driver of plaintiff's truck when latched by lights of approaching automobile was negligent in not reducing speed, contributory negligence barred recovery for damages sustained in collision with unlighted parked truck. *Safety Tire Service v. Muray*, 1932, 19 La. App. 623, 140 So. 870.

If automobile driver was prevented from seeing unlighted parked motor-truck because of contour of road until within 20 feet of it, he could not recover because of his excessive speed. *Sexton v. Stiles*, 1930, 15 La.App. 148, 130 So. 821.

#### 16. Turning

Where defendant motorist left gasoline filling station on right hand side of street and made left turn on main street of village without signaling and his automobile was rammed on its right hand side by oncoming automobile which was traveling at a speed not in excess of 25 miles per hour, defendant was negligent and his negligence was proximate cause of collision and fact that two automobiles were parked in front of defendant's own as he began left turn did not excuse him from consequences of his carelessness. *Zurich Fire Ins. Co. of N. Y. v. Thomas*, App. 1951, 49 So.2d 460.

Excessive speed of automobile, striking rear of car making left turn into highway, which driver entered after looking to right without seeing any car within 55 yards, was sole proximate cause of accident. *Fountainville v. Ducote*, App. 1934, 155 So. 40.

### § 62. Maximum speed limit; certain vehicles

A. No person shall operate any freight carrying vehicles upon the highways of this state at a speed in excess of 50 miles per hour;

B. No person shall drive a vehicle which is towing a house trailer at a speed in excess of 45 miles per hour;

C. No person pulling or towing upon any highway of this State, with another vehicle, any vehicle designed, equipped or intended to operate under its own power shall operate the towing vehicle at a speed in excess of 45 miles per hour;

D. No person shall operate a school bus at a speed in excess of 45 miles per hour when transporting children, provided however, that the driver of a school bus transporting children under conditions which

#### 17. Sudden emergency

A motorist who was traveling through unincorporated village at speed in excess of legal rate at time he struck pedestrian was negligent in his driving, but such negligence was not actionable, where it appeared that it was not a proximate cause of the accident, in view of fact that pedestrian jumped in front of automobile when it was only 10 or 15 feet away. *Hopson v. Neighbors*, App. 1940, 107 So. 282.

#### 18. Right of way

Even though defendant had the right-of-way at an intersection over the plaintiff's automobile he was not justified in entering the intersection in the path of plaintiff's automobile, since he lost the benefit of the right-of-way when he mistakenly decided that he could resume sufficient speed to cross the half of the road on which plaintiff's automobile was approaching in time for defendant to get out of the path thereof. *Singley v. Thomas*, App. 1951, 49 So.2d 467.

Evidence established that fatal automobile collision at road intersection was result of driver's fast or reckless driving, though he had right of way. *Watson v. Mandinger*, App. 1932, 144 So. 620.

#### 19. Radar

It is legal to check speed of automobiles by radar timing on only one street by school bounded by four streets without checking speed on the other three streets. *Op. Atty. Gen.*, 1957-58, p. 547.

Main Volume

C. Rolling roadblocks shall be prohibited from operating on all Interstate highways in the state.

Added by ACTS 1982, No. 191, § 1, eff. Jan. 1, 1983, only if Congress repeals the 55 mile-per-hour speed limit (eff. date suspended until sixty days after 1984 Regular Session by H.C.R. No. 4 of 1983).

#### Effective Date—Subsec. C

Section 2 of Acts 1982, No. 191 (§ 1 of which enacted subsec. C of this section) provided:

"This Act shall become effective on January 1, 1983, if, and only if, Congress has repealed penalties for violating the fifty-five mile-per-hour speed limit provided in Title 23, Section 154, of the United States Code."

#### Suspension of Acts 1982, No. 191, § 2

House Concurrent Resolution No. 4 of the 1983 Regular Session provided:

"WHEREAS, Act No. 191 of the 1982 Regular Session of the Legislature established a sixty-five mile per hour speed limit on Interstate highways in Louisiana; and

"WHEREAS, Section 2 of Act No. 191 of the 1982 Regular Session has the effective date of January 1, 1983; and

"WHEREAS, such effective date would apply if, and only if, Congress repeals the penalties for violating the fifty-five mile-per-hour speed limit provided in Title 23, Section 154, of the United States Code; and

"WHEREAS, Congress has not repealed these provisions; and

"WHEREAS, the present law is ineffective unless Congress repeals the penalties for violating the fifty-five mile-per-hour speed limit.

"THEREFORE, BE IT RESOLVED by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring, that the effective date of Section 2 of Act No. 191 of the 1982 Regular Session is hereby suspended until sixty days after the 1984 Regular Session of the Legislature."

Acts 1972, No. 314, § 1 provides. "The Department of Highways is authorized, urged and requested to study the speed limits of the state system as presently existing and to adopt higher limits than the present statutory limits where safe to do so, and to consider the imposition of minimum limits on interstate highways."

1982 Amendment: Added subsec. C.

#### Law Review Commentaries

Last clear chance and the inattentive plaintiff in Louisiana. John Michael Cumberland, 12 Loyola L. Rev. (La.) 1 (1965-66).

Last clear chance doctrine in Louisiana—An analysis and critique. 27 La L. Rev. (La.) 209 (1967).

#### Notes of Decisions

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#### 1. In general

Even though gore area and guardrail on highway did not meet standards that were existing at time of automobile accident, where both items met proper standards that were in existence at time highway was constructed, driver was speeding; at time of accident, had blood alcohol level of .14 milligrams, driving pattern chosen by driver was in violation of this section and R.S. 32:61, 32:79, 32:82 regulating operation of motor vehicle, including improper lane change, and improper use of median, and of 88,000 vehicles which traversed that area every day there were only 24 accidents in that area in year immediately preceding driver's accident, gore area and guardrail did not create unreasonable risk of injury to driver. Vary v. Louisiana Dept. of Highways, App. 1981, 402 So.2d 240, writ denied 404 So.2d 1259, reconsideration denied 406 So.2d 610, writ denied 406 So.2d 613

Where statistics as to number and types of accidents in area of highway in which fatal accident occurred indicated that signs, guardrails and gore area in existence at time of accident were adequate for motorist exercising ordinary care, and driver killed in accident was violating this section and R.S. 32:61, 32:79, 32:82 governing regulation of motor vehicle traffic at time of accident, wife of driver who was killed in accident failed to carry burden of establishing that hazardous conditions complained of, inadequate signs, defective guardrails, and gore area, were patently or obviously dangerous to reasonably careful and ordinarily prudent driver. Id.

Generally, a motorist may assume that a road is safe for travel even at night, but this rule does not apply where a motorist has actual knowledge of defect or hazard. Martin v. State, Through Dept. of Highways, App. 1975, 322 So.2d 827.

This section prohibiting operation of motor vehicle upon highway at such slow speed as to impede normal and reasonable movement of traffic was inapplicable where preceding motorist had just entered highway from a controlled access ramp, was in process of accelerating and changing gears, was traveling at 15 to 20 miles per hour and one lane of dual lane bridge was unobstructed. Smiley v. Ellis, App. 1974, 307 So.2d 150, application denied 310 So.2d 643.

The maximum speed limit of 65 miles per hour at point of collision was conditional under R.S. 32:64 providing that no person shall drive at speed greater than reasonable and prudent under the conditions and potential hazards existing, having due regard to the surface and width of highway and the weather. Beauregard v. Salmon, App. 1967, 205 So.2d 634.

#### 3. Negligence, in general

Evidence established that black man wearing dark clothing was lying motionless in middle of traffic lane on rural, unlighted highway at 3:30 a.m. on foggy night, and that truck driver was proceeding at safe speed and at safe distance behind other truck, relative to his speed, and thus, failed to establish that driver was negligent in failing to observe victim in time to avoid accident. Rayford v. Sata Motor Freight Lines, Inc., App. 1 Cir. 1983, 442 So.2d 548, writ denied 444 So.2d 1242.

There was no manifest error in trial court's determination of gross negligence of driver of automobile which struck preceding vehicle from behind where there were 71 feet of skid marks left by this automobile, impact of collision propelled preceding vehicle into two vehicles which were immediately in front of it and where all other vehicles in vicinity were able to stop without causing collision. Andersen v. Craig, App. 1981, 401 So.2d 1022

On-coming motorist, whose vehicle hydroplaned on water that had accumulated on unresurfaced portion of old highway and skidded into path of plaintiff's on-coming vehicle, was operating his vehicle in a negligent manner where he had traversed several miles over a portion of highway before the accident and was operating his vehicle at a speed greater than reasonable and prudent under the circumstances. Bush v. State, Through Dept. of Highways, App. 1981, 395 So.2d 916, writ denied 399 So.2d 609.

Even if motorist had violated this section and R.S. 32:141, relating to obstruction of more than one-half of road bed, that did not automatically constitute negligence. Comeaux v. Sims, App. 1976, 328 So.2d 816.

Approach of police vehicle from opposite direction with blue flashing lights indicated to plaintiff truck driver that potentially dangerous situation existed so that plaintiff properly reduced his speed on overpass and was not negligent with respect to collision with following tank truck. Eubanks v. Brasseal, Sup. 1975, 310 So.2d 550, on remand 318 So.2d 79.

Evidence that pickup truck driver was driving at approximately 45 miles per hour on wet rainy night when he apparently lost control of the truck, which bounced off a bridge railing and collided with oncoming automobile, sustained finding that driver of the pickup truck was negligent and that his negligence caused the accident, which resulted in automobile passenger's death. Wilson v. Pittman, App. 1975, 307 So.2d 804.

Where road was straight and dry, visibility was unobstructed and following motorist had ample room in which to maneuver around preceding vehicle, if it were seen, following motorist was negligent in failing to observe preceding vehicle in time to avoid accident. Smiley v. Ellis, App. 1974, 307 So.2d 150, application denied 310 So.2d 643.

Where semitrailer truck driver took no action to slow vehicle except to remove foot from accelerator upon noticing increasingly thickening layer of gravel on highway, low beam headlights provided visibility of only 50 to 60 feet, truck struck three-foot pile of gravel in roadway, and veered into opposite lane striking oncoming vehicle, truck driver was negligent. Tillman v. Canal Ins. Co., App. 1974, 305 So.2d 602, writ denied 307 So.2d 630.

Driver of pickup truck was negligent in not taking necessary precautions to insure that 12-year-old child in rear of pickup truck was safely seated and in driving at excessive rate of speed in light of his knowledge that the child was seated on truck's tailgate and was liable for injuries sustained when child was thrown from the truck. Freeman v. Wilcox, App. 1974, 303 So.2d 840, writ denied 307 So.2d 630.

Though defendant truck driver pled guilty to charge of prima facie speeding in connection

## R.S. 32:62 HIGHWAY REGULATORY ACT

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## Note 16

to a bridge, evidence for bus company was insufficient to rebut prima facie case in favor of passenger. *Fernandez v. Tri-State Transit Co. of Louisiana*, App. 1040, 194 So. 54.

In action against bus company for injuries sustained by passenger, evidence warranted conclusion that bus operator was operating bus in an illegal manner and was not free of negligence, at time of accident, in view of damage resulting when bus struck a bridge, and operator's knowledge concerning wet condition of highway, badness of bridge, and poor

tread of tires on rear wheels of bus. *Id.*

That truck skidded on somewhat steep approach to bridge considered extremely hazardous to automobile traffic did not raise presumption that driver was negligent. *Siren v. Montague*, App. 1032, 142 So. 100.

Burden was on defendant motorist sued for damages sustained in collision to establish defense that his automobile was uncontrollable only because floor of bridge was slick as result of rain. *McNabb v. Dugas*, App. 1032, 142 So. 174.

## § 63. Establishing of speed zones

A. Whenever the department shall determine upon the basis of an engineering and traffic investigation that any maximum speed set forth in this Chapter is greater or less than is reasonable or safe under the conditions found to exist upon any highway of this state, or any part thereof, the department may determine and declare a reasonable and safe maximum speed limit thereat, which, when appropriate signs giving notice thereof are erected, shall be effective at all times or at such specific times as may be determined by the department.

B. Whenever the department determines on the basis of an engineering and traffic investigation that slow speeds on any highway of this state, or part thereof, consistently impede the normal and reasonable movement of traffic, the department may determine and declare a minimum speed limit thereat, below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law. Minimum speeds so determined shall become effective upon the erection of signs giving notice thereof. Acts 1962, No. 310, § 1.

Library references: Automobiles § 544, 168, 331; C.J.S. Motor Vehicles §§ 27, 29, 35, 290 et seq., 333 et seq.

## History and Source of Law

## Source:

Uniform Vehicle Code §§ 11-802, 11-804.

## Law Review Commentaries

Admissibility in evidence of radar speed meter readings. 28 Tulane Law Rev. 308 (April 1954).

## § 64. General speed law

A. No person shall drive a vehicle on the highway within this state at a speed greater than is reasonable and prudent under the condi-

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## SPEED RESTRICTIONS

R.S. 32:64

tions and potential hazards then existing, having due regard for the traffic on, and the surface and width of, the highway, and the condition of the weather, and in no event at a speed in excess of the maximum speeds established by this Chapter or regulation of the department made pursuant thereto.

B. Except when a special hazard exists that requires lower speed for compliance with paragraph A of this section, no person shall operate or drive a motor vehicle upon the highways of this state at such a slow speed as to impede the normal and reasonable movement of traffic. Acts 1962, No. 310, § 1.

## History and Source of Law

## Source:

Acts 1039, No. 280, § 3.

Acts 1048, No. 502, §§ 4, 5.

R.S. 1050, § 32:227.

Acts 1050, 2nd Ex. Sess., No. 3, § 1.

R.S. 1050, § 32:227 provided:

"In addition to the specific speed limitations of this Chapter, no person shall operate any vehicle upon the highways of this state at other than a reasonable and proper speed under the circumstances, or at a speed endangering the persons or property of others.

"Whoever operates a vehicle in violation of the speed limitations of this Chapter shall be prima facie at fault and responsible for any accident proximately caused by such operation.

"In addition, whoever violates the speed limitations of R.S. 32:223, or the general speed limit of this Section while operating or driving a motor vehicle to which R.S. 32:223 applies, shall be fined not more than two hundred dollars or imprisoned for not more than ninety days, or both. A subsequent offense shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars, or imprisonment for not less than ten days nor more than six months or both.

"In addition, whoever violates the speed limitations of R.S. 32:225, 32:226, or the general speed limit of this section while operating or driving a motor vehicle to which R.S. 32:225 or R.S. 32:226 applies, shall for the first offense be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not less than thirty days nor more than six months, or both;

a second offense shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars or imprisonment for not less than sixty days nor more than one year, or both, and in addition the Department of Public Safety shall forthwith revoke, for a period of not less than sixty days nor more than one year, the chauffeur's or driver's license, or both, of the person convicted of a second offense upon receiving satisfactory evidence of such conviction or of the entry of a plea of guilty and sentence thereon, or of the forfeiture of bail of any such person charged with a second offense; a third or subsequent offense shall be punished by a fine of not less than five hundred dollars nor more than two thousand dollars and imprisonment for not less than six months nor more than one year, and in addition the Department of Public Safety shall forthwith revoke, for a period of not less than sixty days nor more than one year, the chauffeur's or driver's license, or both, of the person convicted of a third or subsequent offense upon receiving satisfactory evidence of such conviction or of the entry of a plea of guilty and sentence thereon, or of the forfeiture of bail of any such person charged with a third or subsequent offense.

"No sentence imposed under the authority of this Section shall be suspended."

The general speed limitation, and presumption of fault, in R.S. 1950, § 32:227, were based on Acts 1038, No. 280, § 3, rule 4. The penalty provisions were based on Acts 1048, No. 502, §§ 4, 5.

Pennsylvania

Ch. 33 RULES OF THE ROAD IN GENERAL 75 § 3362

SUBCHAPTER F  
SPEED RESTRICTIONS

- Sec.  
3361. Driving vehicle at safe speed.  
3362. Maximum speed limits.  
3363. Alteration of maximum limits.  
3364. Minimum speed regulation.  
3365. Special speed limitations.  
3366. Charging speed violations.  
3367. Racing on highways.  
3368. Speed timing devices.

**Cross References.** Subchapter F is referred to in section 6109 of this title.

§ 3361. Driving vehicle at safe speed.

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, nor at a speed greater than will permit the driver to bring his vehicle to a stop within the assured clear distance ahead. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

**Cross References.** Section 3361 is referred to in sections 1535, 3362, 3366 of this title.

§ 3362. Maximum speed limits.

(a) General rule.—Except when a special hazard exists that requires lower speed for compliance with section 3361 (relating to driving vehicle at safe speed), the limits specified in this subsection or established under this subchapter shall be maximum lawful speeds and no person shall drive a vehicle at a speed in excess of the following maximum limits:

- (1) 35 miles per hour in any urban district.
- (2) 55 miles per hour in other locations.
- (3) Any other maximum speed limit established under this subchapter.

(b) **Posting of speed limit.**—No maximum speed limit established under subsection (a)(1) or (3) shall be effective unless posted on fixed or variable official traffic-control devices erected in accordance with regulations adopted by the department which regulations shall require posting at the beginning and end of each speed zone and at intervals not greater than one-half mile.

(c) **Penalty.**—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

**Cross References.** Section 3362 is referred to in section 1535 of this title.

**§ 3363. Alteration of maximum limits.**

The department or local authorities on highways under their respective jurisdictions, upon the basis of an engineering and traffic investigation, may determine that the maximum speed permitted under this subchapter is greater or less than is reasonable and safe under the conditions found to exist upon any such highway or part thereof and establish a reasonable and safe maximum limit. The maximum speed limit may be made effective at all times or at times indicated and may vary for different weather conditions and other factors bearing on safe speeds. No maximum speed greater than 55 miles per hour shall be established under this section.

**§ 3364. Minimum speed regulation.**

(a) **Impeding movement of traffic prohibited.**—Except when reduced speed is necessary for safe operation or in compliance with law, no person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic.

(b) **Slow moving vehicle to drive off roadway.**—Except when reduced speed is necessary for safe operation or in compliance with law, whenever any person drives a vehicle upon a roadway having width for not more than one lane of traffic in each direction at less than the maximum posted speed and at such a slow speed as to impede the normal and reasonable movement of traffic, the driver shall, at the first opportunity when and where it is reasonable and safe to do so and after giving appropriate signal, drive completely off the roadway and onto the berm or shoulder of the highway. The driver may return to the roadway after giving appropriate signal only when the movement can be made in safety and so as not to impede the normal and reasonable movement of traffic.

(c) **Establishment of minimum speed limits.**—At any other time when the department or local authorities under their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the department or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in com-

pliance with law. The minimum limit shall be effective when posted upon appropriate fixed or variable signs.

*Cross References.* Section 3364 is referred to in sections 4305, 6109 of this title.

**§ 3365. Special speed limitations.**

**(a) Bridges and elevated structures.—**

(1) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure when the structure is posted with signs as provided in this subsection.

(2) The department and local authorities on highways under their respective jurisdictions may conduct a traffic and engineering investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that the structure cannot safely withstand vehicles traveling at the speed otherwise permissible under this title, the department or local authority shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and shall cause or permit official traffic-control devices stating the maximum speed to be erected and maintained before each end of the structure.

(3) Upon the trial of any person charged with a violation of this subsection, proof of the determination of the maximum speed by the department and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to the bridge or structure.

**(b) School zones.—**When passing a school zone as defined and established under regulations of the department, no person shall drive a vehicle at a speed greater than 15 miles per hour. An official traffic-control device shall indicate the beginning and end of each school zone to traffic approaching in each direction. Establishment of a school zone, including its location and hours of operation, shall be approved by the department.

**(c) Hazardous grades.—**The department and local authorities on highways under their respective jurisdictions may conduct traffic and engineering investigations on grades which are considered hazardous. If the grade is determined to be hazardous, vehicles having a gross weight in excess of a determined safe weight may be further limited as to maximum speed and may be required to stop before proceeding downhill. The restrictions shall be indicated by official traffic-control devices erected and maintained according to regulations established by the department.

**(d) Penalty.—**Any person violating any provision of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding a maximum speed limit established under this section by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour in excess of the maximum speed limit.

(Oct. 10, 1980, No.147, eff. imd.)

that more quickly accomplish the procedures established under such provisions.

(5) Any incorporated city may by ordinance require that the driver of a vehicle involved in an accident file with a designated city department a copy of any report required to be filed under ORS 811.725. All such reports shall be for the confidential use of the city department but subject to the same requirements for release of such reports as provided for the release of such reports by the division under ORS 802.220 and 802.240. (1983 c.338 §8; 1985 c.16 §7; 1985 c.171 §2; 1985 c.459 §2a)

**801.045 Permissive use of private roadway.** Nothing in the provisions of the vehicle code described in this section shall prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use, or from requiring different or additional conditions than those specified or from otherwise regulating such use as may seem best to such owner. This section applies to the provisions of the vehicle code relating to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight and load, the manner of operation of vehicles and use of roads by persons, animals and vehicles. (1983 c.338 §9)

**801.050 Privilege of motorist to use highways.** Subject to compliance with the motor vehicle law of this state, owners and operators of motor vehicles are granted the privilege of using the highways of this state. (1983 c.338 §10; 1985 c.16 §8)

**801.055 Weight standards; Department of Transportation responsibility for weight determination.** (1) References in the vehicle code to weights and measures refer to United States Standards thereof.

(2) For purposes of the vehicle code, the weights of vehicles, combinations of vehicles, parts of vehicles, wheels or axles shall be determined by the use of methods, procedures and devices established by the Department of Transportation by rule. The rules established in accordance with this subsection may include any or all of the following:

(a) Methods and procedures to determine weights when weighing devices or facilities are not convenient.

(b) Standards and certification procedures for weighing devices.

(c) Any other rules the department determines necessary or convenient for purposes of this subsection. (1983 c.338 §11; 1985 c.172 §1)

## DEFINITIONS

**801.100 Definitions generally.** Except where the context requires otherwise, the definitions given in the vehicle code govern its construction. (1983 c.338 §12)

**801.105 "Administrator."** "Administrator" means the Administrator of the Motor Vehicles Division. (1983 c.338 §13)

**801.110 "Alley."** "Alley" means a street or highway primarily intended to provide access to the rear or sides of lots or buildings in urban areas and not intended for through vehicular traffic. (1983 c.338 §14)

**801.115 "Ambulance."** "Ambulance" means any privately or publicly owned motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury or disability. (1983 c.338 §15)

**801.120 "Ambulatory disability."** "Ambulatory disability" means a disability because of which a person:

(1) Is so severely physically and permanently disabled as to be unable to move from place to place without the aid of a wheelchair;

(2) Is not able to cross curbs because of paralysis or loss of function of the person's legs;

(3) Is missing one or both legs; or

(4) Has a permanently impaired or unsteady gait that makes it impossible or impractical to walk as a means of transportation. (1983 c.338 §16)

**801.125 "Antique vehicle."** "Antique vehicle" means a motor vehicle that is older than one-half the number of years between the current year and 1900 and that is maintained as a collector's item. (1983 c.338 §17)

**801.130 "Assembled vehicle."** "Assembled vehicle" means a vehicle:

(1) With a body that does not resemble any particular year model or make of vehicle;

(2) That is not a vehicle rebuilt by a manufacturer;

(3) That is not a vehicle built in a factory where the year model and make are assigned at the factory; and

(4) That is not an antique vehicle, a vehicle of special interest, a reconstructed vehicle or a replica. (1983 c.338 §18; 1985 c.402 §3)

**801.135 "Axle."** "Axle" means any structure or structures, whether in one or more segments, of any vehicle, supported by wheels and on which the wheels rotate, so spaced longitudinally that the centers thereof are included between two

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vertical parallel transverse planes 40 inches apart. [1983 c.338 §19]

**801.140 "Balance trailer."** "Balance trailer" means every trailer, other than a self-supporting trailer, pole trailer or semitrailer, designed so that its weight and that of its load is substantially balanced upon its axle or axles and so that it couples to the towing vehicle with a device other than a fifth wheel hitch. The definition in this section is based upon design features and, except as otherwise provided in this section, does not prohibit a balance trailer from fitting into another classification of trailer based on use. [1983 c.338 §20; 1985 c.16 §9]

**801.145 "Bail."** "Bail" means money or its equivalent deposited by a defendant to secure the defendant's appearance for a traffic offense. [1983 c.338 §21]

**801.150 "Bicycle."** "Bicycle" means a vehicle that:

- (1) Is designed to be operated on the ground on wheels;
- (2) Has a seat or saddle for use of the rider;
- (3) Is designed to travel with not more than three wheels in contact with the ground;
- (4) Is propelled exclusively by human power; and
- (5) Has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter. [1983 c.338 §22]

**801.155 "Bicycle lane."** "Bicycle lane" means that part of the highway, adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles except as otherwise specifically provided by law. [1983 c.338 §23]

**801.160 "Bicycle path."** "Bicycle path" means a public way, not part of a highway, that is designated by official signs or markings for use by persons riding bicycles except as otherwise specifically provided by law. [1983 c.338 §24]

**801.165 "Bus trailer."** "Bus trailer" means any trailer designed or used for carrying human beings. [1983 c.338 §25]

**801.170 "Business district."** "Business district" means the territory contiguous to a highway when 50 percent or more of the frontage thereon for a distance of 600 feet or more on one side, or 300 feet or more on both sides, is occupied by buildings used for business. [1983 c.338 §26]

**801.175 "Canceled."** "Canceled," with reference to driving privileges or vehicle registration or title, means that the driving privileges, registration or title are declared void and termi-

nated and new driving privileges, registration or title may be obtained only as permitted by law. [1983 c.338 §27; 1985 c.16 §10]

**801.180 "Camper."** "Camper" means a structure that:

- (1) Has a floor;
- (2) Is designed to be mounted upon a motor vehicle;
- (3) Is not permanently attached to a motor vehicle upon which it is mounted;
- (4) Is designed to provide facilities for human habitation or for camping;
- (5) Is six feet or more in overall length;
- (6) Is five and one-half feet or more in height from floor to ceiling at any point; and
- (7) Has no more than one axle designed to support a portion of the weight of the camper. [1983 c.338 §28]

**801.185 "Certificate of title."** "Certificate of title" means a document issued by any jurisdiction specifically as evidence of vehicle ownership. Oregon issues certificate of title under ORS 803.045. Titles for snowmobiles are issued as provided under ORS 807.370. Titles for mobile homes are issued as provided under ORS 820.500. [1983 c.338 §29; 1985 c.16 §11]

**801.190 "Class I all-terrain vehicle."** "Class I all-terrain vehicle" means a motorized, off-highway recreational vehicle 50 inches or less in width with a dry weight of 600 pounds or less that travels on three or more low pressure tires and has a saddle for the operator. [1985 c.459 §2]

**801.195 "Combination of vehicles."** "Combination of vehicles" means two or more vehicles coupled together. [1983 c.338 §31]

**801.200 "Commercial bus."** "Commercial bus" means every motor vehicle designed or used for carrying passengers and their personal baggage and express for compensation, except:

- (1) Taxicabs that:
  - (a) Are passenger vehicles with a passenger seating capacity that does not exceed five;
  - (b) Carry passengers for hire where destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of any combination of an initial fee, distance traveled or waiting time;
  - (c) Are operated under a current license or permit issued by a city, county or other unit of local government where a permit or license is required for the operation of a taxicab; and
  - (d) Transport persons or property, or both, between points in Oregon.

vehicle and ordinarily used for transporting long or irregular loads capable generally of sustaining themselves as beams between the towing vehicle and the trailer. The definition in this section is based on design features and, except as otherwise provided in this section, does not prohibit a pole trailer from fitting into another category of trailer based on use. [1983 c.338 §70]

**801.395 "Police officer."** "Police officer" includes a member of the Oregon State Police, a sheriff, a deputy sheriff or a city police officer. [1983 c.338 §71]

**801.400 "Premises open to the public."** "Premises open to the public" includes any premises open to the general public for the use of motor vehicles, whether the premises are publicly or privately owned and whether or not a fee is charged for the use of the premises. [1983 c.338 §72]

**801.405 "Reconstructed vehicle."** "Reconstructed vehicle" means either:

(1) A vehicle that:

(a) Has a body that resembles and primarily is a particular year model or make of vehicle;

(b) Is not a vehicle rebuilt by a manufacturer;

(c) Is not a vehicle built in a factory where the year model and make are assigned at the factory; and

(d) Is not a replica; or

(2) A motor truck that has been rebuilt using a component kit if the manufacturer of the kit assigns a vehicle identification number and provides a manufacturer's certificate of origin for the kit. [1983 c.338 §75; 1985 c.402 §4]

**801.410 "Registration" or "register."** "Registration" or "register" means, when used in reference to vehicles, the recording of a vehicle as authorized for use within a jurisdiction and includes any documentation or devices issued as evidence of that authorization. This state registers vehicles as provided under ORS 803.350. [1983 c.338 §76]

**801.415 "Registration plate."** "Registration plate" means a plate issued by a jurisdiction as evidence of vehicle registration. This state issues registration plates under ORS 803.520. [1983 c.338 §78; 1985 c.16 §22]

**801.420 "Registration weight."** "Registration weight" means the loaded weight required to be declared and established as the maximum loaded weight at which certain vehicles will be operated on the highway. Vehicles for which registration weights must be declared and established and the procedures for establishing

registration weights are described under ORS 803.430. [1983 c.338 §77; 1985 c.16 §21]

**801.425 "Replica."** "Replica," when used to refer to vehicles, means a vehicle with a body built to resemble and be a reproduction of another vehicle of a given year and given manufacturer. [1985 c.402 §2]

**801.430 "Residence district."** "Residence district" means the territory contiguous to a highway not comprising a business district when the frontage on one or both sides of the highway for a distance of 300 feet or more is mainly occupied by:

(1) Dwellings, churches, public parks within cities or other residential service facilities; or

(2) Dwellings and buildings used for business. [1983 c.338 §79]

**801.435 "Revoked."** "Revoked" with reference to driving privileges, vehicle registration or vehicle title means the termination thereof with new driving privileges or vehicle registration or vehicle title obtainable only as permitted by law. [1983 c.338 §80]

**801.440 "Right of way."** "Right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. [1983 c.338 §81]

**801.445 "Road authority."** "Road authority" means the body authorized to exercise authority over a road, highway, street or alley under ORS 810.010. [1983 c.338 §82]

**801.450 "Roadway."** "Roadway" means the portion of a highway that is improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term "roadway" shall refer to any such roadway separately, but not to all such roadways collectively. [1983 c.338 §83]

**801.455 "School activity vehicle."** "School activity vehicle" means a vehicle, other than a school bus, that is used to transport students to or from authorized school activities and that is not described by any of the following:

(1) A vehicle under regulation of the Public Utility Commissioner of Oregon, the United States Department of Transportation or the Interstate Commerce Commission.

(2) A vehicle, commonly known as a private passenger car or private passenger van, that is used by the owner of the vehicle or a relative of

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(e) The expense of erecting any sign under this subsection shall be borne by the road authority having jurisdiction over the highway.

(f) All signs erected under this subsection shall comply with ORS 810.200.

(g) A speed established under this subsection may be effective for not more than 120 days.

(h) If the board establishes an emergency temporary speed under this subsection, the board shall determine whether the board should permanently change the speed within 120 days after the speed becomes effective. The board shall use authority otherwise granted to the board under this section if the board determines to permanently establish the speed.

(i) The board may only establish a speed under this subsection upon the application of the road authority for the highway. [1983 c.338 §162; 1985 c.16 §51]

**810.180 State Speed Control Board procedures.** The State Speed Control Board is subject to the following procedures while exercising its authority under ORS 810.180 unless otherwise provided under ORS 810.180.

(1) If the change in speed is requested by the road authority for a highway, the road authority must make written application for the board to conduct an investigation with respect to speed on the highway under this section. An application required under this subsection must state the speed recommended for the highway or section of highway by the requesting road authority.

(2) The board may determine the speed to designate under its authority by making or causing to be made an engineering and traffic investigation with respect to the existing speed on the highway.

(3) The board may make the investigation required under this section or, when requested by the road authority, may allow the following:

(a) The road authority to make the investigation and make a report of the investigation to the board.

(b) A city to make the investigation with respect to any highway within its corporate limits that is under the jurisdiction of the commission or a county and report the results of the investigation to the board.

(4) The board shall allow any road authority that is requesting an investigation under this section to participate with the board in the investigation.

(5) The board:

(a) May change the existing speed on the highway if the investigation establishes to the satisfaction of the board that the existing designated speed is greater or less than reasonable or safe under the conditions at the area.

(b) Shall not make a final determination to change a speed under this section unless the board has provided due notice and opportunity for hearing to the road authority affected thereby.

(c) Shall give written notice to affected road authority of the board's determination concerning a designated speed under this section.

(6) An affected road authority may file written objections to any speed established by the board under this section. If the road authority files a written objection and requests a hearing not more than 10 days after signs establishing the speed are posted, the board shall hold a hearing to reconsider the speed after giving written notice of the hearing to the affected road authority. The hearing must be held more than five days after giving of the written notice. [1983 c.338 §162; 1985 c.16 §52]

#### (Traffic Control Devices)

**810.200 Uniform standards for traffic control devices; uniform system of marking and signing highways.** (1) The commission may exercise the following authority with respect to the marking, signing and use of traffic control devices in this state:

(a) The commission shall adopt a manual and specifications of uniform standards for traffic control devices consistent with the provisions of the vehicle code for use upon highways in this state.

(b) The commission is authorized to provide a uniform system of marking and signing highways within the boundaries of this state.

(c) The commission is authorized to determine the character or type of traffic control devices to be used in this state.

(2) The authority granted under this section is subject to all of the following:

(a) The system of marking and signing established under this section shall correlate with and, as far as possible, conform to the system adopted in other states. The commission may include in the system signs and signals that show internationally recognized and approved symbols.

(b) So far as practicable, all traffic control devices in this state shall be uniform as to type and location.

pedestrian has entered the roadway and is carrying a white cane or is accompanied by a dog guide. This paragraph applies notwithstanding any other provisions of the vehicle code relating to traffic control devices.

(2) This section is subject to the provisions and definitions relating to the right of pedestrians who are blind or blind and deaf under ORS 814.110.

(3) The offense described in this section, failure to yield the right of way to a blind pedestrian, is a Class B traffic infraction. [1983 c.338 §549; 1985 c. 6 §260]

**811.040 Failure to yield to pedestrian proceeding under traffic control devices; penalty.** (1) The driver of a vehicle commits the offense of failure to yield to a pedestrian proceeding under traffic control devices if the driver does not yield the right of way to a pedestrian who is:

(a) Proceeding under a pedestrian control signal under ORS 814.010.

(b) Lawfully within an intersection or crosswalk in accordance with any traffic control device in a manner that complies with ORS 814.010.

(2) The offense described in this section, failure to yield to a pedestrian proceeding under traffic control devices, is a Class B traffic infraction. [1983 c.338 §550; 1985 c.16 §281]

**811.045 Failure to yield to pedestrian when making turn at stop light; penalty.**

(1) A person commits the offense of failure to yield to a pedestrian when making a turn at a stop light if the person is driving a vehicle that is making a turn at a red light permitted under ORS 811.335 and the person does not yield the right of way to pedestrians lawfully within an adjacent crosswalk.

(2) The offense described in this section, failure to yield to a pedestrian when making a turn at a stop light, is a Class B traffic infraction. [1983 c.338 §551]

**811.050 Failure to yield to bicycle on bicycle lane.** (1) A person commits the offense of failure of a motor vehicle operator to yield to a bicycle on a bicycle lane if the person is operating a motor vehicle and the person does not yield the right of way to a person operating a bicycle or moped upon a bicycle lane.

(2) This section does not require persons operating mopeds to yield the right of way to bicycles if the mopeds are operated on bicycle lanes in the manner permitted under ORS 811.440.

(3) The offense described in this section, failure of a motor vehicle operator to yield to a bicycle on a bicycle lane, is a Class B traffic infraction. [1983 c.338 §699; 1985 c.16 §376]

**811.055 Failure to yield to bicyclist on sidewalk.** (1) The driver of a motor vehicle commits the offense of failure to yield the right of way to a bicyclist on a sidewalk if the driver does not yield the right of way to any bicyclist on a sidewalk.

(2) The driver of a motor vehicle is not in violation of this section when a bicyclist is operating in violation of ORS 814.410. Nothing in this subsection relieves the driver of a motor vehicle from the duty to exercise due care.

(3) The offense described in this section, failure to yield the right of way to a bicyclist on a sidewalk, is a Class C traffic infraction. [1983 c.338 §702; 1985 c.16 §3]

## SPEED

### (Basic Rule)

**811.100 Violation of basic speed rule; penalty.** (1) A person commits the offense of violating the basic speed rule if the person drives a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to all of the following:

- (a) The traffic.
- (b) The surface and width of the highway.
- (c) The hazard at intersections.
- (d) Weather.
- (e) Visibility.
- (f) Any other conditions then existing.

(2) The following apply to the offense described in this section:

(a) The offense is as applicable on an alley as on any other highway.

(b) Speeds that are prima facie evidence of violation of this section are established by ORS 811.105.

(c) This section and ORS 811.105 establish limitation on speeds that are in addition to maximum speeds established and subject to penalty as described in the following:

(A) A fuel conservation maximum speed limit under ORS 811.110.

(B) Maximum speeds for motor trucks and passenger transport vehicles under ORS 811.115.

(C) Maximum speeds on ocean shores under ORS 811.120.

(3) The offense described in this section, violating the basic speed rule, is a Class B traffic infraction. (1983 c.338 §563)

**811.105 Speeds that are evidence of basic rule violation.** Any speed in excess of any of the following designated speeds is prima facie evidence of violation of the basic speed rule under ORS 811.100:

(1) Any speed posted by authority granted under ORS 810.180.

(2) If no speed is posted, any speed in excess of one of the following designated speeds is prima facie evidence of violation of the basic speed rule:

(a) Fifteen miles per hour when driving on an alley.

(b) Twenty miles per hour in a business district.

(c) Twenty miles per hour when passing school grounds or a school crosswalk if:

(A) Children are present; and

(B) Notice of the grounds or crosswalk is indicated plainly by traffic control devices conforming to the requirements established under ORS 810.200 and posted under authority granted by ORS 810.210.

(d) Twenty-five miles per hour in any residence district or public park.

(e) Fifty-five miles per hour in locations not otherwise described in this section. (1983 c.338 §564; 1985 c.16 §266)

**(Maximum Speeds)**

**811.110 Violation of fuel conservation maximum speed limit; penalty.** (1) A person commits the offense of violation of the fuel conservation maximum speed limit if:

(a) A fuel conservation maximum speed limit is established under ORS 810.180; and

(b) The person operates a vehicle at a speed in excess of the fuel conservation maximum speed limit.

(2) The following apply to the offense described in this section:

(a) A fuel conservation maximum speed limit established under ORS 810.180 is not subject to the basic speed rule under ORS 811.100 except where a special hazard or condition exists that requires a lower speed for compliance with the basic speed rule.

(b) In no event shall the division suspend or revoke a person's driving privileges in this state solely on the grounds that the person has incurred

one or more convictions of a violation of the fuel conservation maximum speed limit.

(3) The offense described in this section, violation of the fuel conservation maximum speed limit, is a Class C traffic infraction. (1983 c.338 §565)

**811.115 Violation of maximum speed for trucks and passenger transport vehicles; penalty.** (1) A person commits the offense of violation of the maximum speed for motor trucks and passenger transport vehicles if the person drives any of the following vehicles at a speed greater than fifty-five miles per hour on any highway:

(a) A motor truck with a registration weight of more than 8,000 pounds.

(b) A school bus.

(c) A school activity vehicle.

(d) A worker transport bus.

(e) A bus operated for transporting children to and from church or an activity or function authorized by a church.

(f) Any vehicle used in the transportation of persons for hire by a nonprofit entity as provided in ORS 767.025 (13).

(2) The following apply to this section:

(a) This section does not apply to ambulances.

(b) Notwithstanding any other provision of this section, the motor vehicles referred to in this section are subject to the provisions of the basic speed rule under ORS 811.100.

(3) The offense described in this section, violation of maximum speed for motor trucks and passenger transport vehicles, is a Class B traffic infraction. (1983 c.338 §566; 1985 c.420 §8)

**811.120 Violation of maximum speed limit on ocean shore; penalty.** (1) A person commits the offense of violating the maximum speed limit on the ocean shore if the person drives a vehicle or conveyance on any part of the ocean shore in this state at a speed greater than any of the following:

(a) Any maximum speed for ocean shores that is established and posted under ORS 810.180.

(b) If no speed is posted under ORS 810.180, 25 miles per hour.

(2) The following apply to this section:

(a) This section is subject to the provisions relating to ambulances and emergency vehicles under ORS 820.300 to 820.320.

# Chapter 34.04 RCW

## ADMINISTRATIVE PROCEDURE ACT

<p>Sections</p> <p>34.04.010</p> <p>34.04.020</p> <p>34.04.022</p> <p>34.04.025</p> <p>34.04.026</p> <p>34.04.027</p> <p>34.04.030</p> <p>34.04.040</p> <p>34.04.045</p> <p>34.04.048</p> <p>34.04.050</p> <p>34.04.052</p> <p>34.04.055</p> <p>34.04.057</p> <p>34.04.058</p> <p>34.04.060</p> <p>34.04.070</p> <p>34.04.080</p> <p>34.04.090</p> <p>34.04.100</p> <p>34.04.105</p> <p>34.04.110</p> <p>34.04.115</p> <p>34.04.120</p> <p>34.04.130</p> <p>34.04.133</p> <p>34.04.135</p> <p>34.04.140</p> <p>34.04.150</p> <p>34.04.170</p> <p>34.04.210</p> <p>34.04.220</p> <p>34.04.230</p>	<p>Definitions.</p> <p>Adoption of rules of practice and procedure—Organizational description—Records of decisions, orders, and opinions open to public—Exceptions—Effect of failure to comply.</p> <p>Uniform procedural rules—Application—Conduct of contested cases.</p> <p>Notices of intention to adopt rules—Opportunity to submit data—Proceedings on rule barred until twenty days after register distribution—Noncompliance, effect.</p> <p>Specific reference to rule-making authority to be included—Alternatives—Format—Request for more specific reference.</p> <p>Failure to give twenty days notice of intended action—Effect.</p> <p>Emergency rules and amendments.</p> <p>Rules filed with code reviser—Register—Effective dates—Report.</p> <p>Statement of proposed rule's purpose and how implemented—Contents—Distribution by agency.</p> <p>Withdrawal of proposed rules.</p> <p>Code reviser to compile and edit rules, publish register—Removal of unconstitutional rules—Distribution of registers and codes—County law library trustees to maintain set—Judicial notice of rules.</p> <p>Scope of editing and revision of rules.</p> <p>Regulations on filing and form of rules and notices.</p> <p>Style, format, and numbering of rules—Agency compliance.</p> <p>Format and style of rules amending existing sections, adding new sections—Effect of failure to comply.</p> <p>Petition for adoption, amendment, repeal of rule—Agency action.</p> <p>Declaratory judgment on validity of rule—Small business economic impact statement action as part of record.</p> <p>Declaratory ruling by agency—Petition—Court review.</p> <p>Contested cases—Notice—Hearing—Summary orders—Informal disposition—Record—Findings of fact—Agency's powers.</p> <p>Contested cases—Rules of evidence—Cross-examination.</p> <p>Agency hearings and contested cases—Hearings, oaths, subpoenas, evidence, witnesses—Contempt.</p> <p>Contested cases—Procedure when deciding officials have not heard or read evidence.</p> <p>Consultation by agency officer as to issues.</p> <p>Contested cases—Adverse decisions and orders—Findings and conclusions.</p> <p>Contested cases—Judicial review.</p> <p>Contested cases—Direct review by court of appeals.</p> <p>Contested cases—Refusal of review by court of appeals.</p> <p>Appeal to supreme court or court of appeals.</p> <p>Exclusions from chapter or parts of chapter.</p> <p>Provisions applicable to licenses and licensing.</p> <p>Joint administrative rules review committee—Members—Appointment—Terms—Vacancies.</p> <p>Review of proposed rules—Notice.</p> <p>Review of existing rules—Notice—Hearing.</p>	<p>34.04.240</p> <p>34.04.250</p> <p>34.04.260</p> <p>34.04.270</p> <p>34.04.280</p> <p>34.04.290</p> <p>34.04.900</p> <p>34.04.901</p> <p>34.04.910</p> <p>34.04.920</p> <p>34.04.921</p> <p>34.04.930</p> <p>34.04.931</p> <p>34.04.940</p>	<p>Committee objections to agency action—Statement in register and WAC</p> <p>Recommendations and reports by committee to legislature</p> <p>Review and objection procedures—No presumption established</p> <p>Agency review of own rules for conformity with federal law</p> <p>Reports by agency to office of financial management—Compilation by office of financial management provided to legislative officers.</p> <p>Application of RCW 34.04.270 and 34.04.280</p> <p>Severability—1959 c 234</p> <p>Severability—1967 c 237</p> <p>General repeal and saving.</p> <p>Effective dates—1959 c 234.</p> <p>Effective date—1967 c 237.</p> <p>Operation of chapter if in conflict with federal law</p> <p>Operation of 1947 amendatory act if in conflict with federal law.</p> <p>Savings—Authority of agencies to comply with chapter—Effect of subsequent legislation.</p>
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Hearings, procedures, rule making by various agencies to be in accordance with Administrative Procedure Act: Cf. the pertinent statute under which the particular agency is established.

**RCW 34.04.010 Definitions.** The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Agency" means any state board, commission, department, or officer, authorized by law to make rules or to adjudicate contested cases, except those in the legislative or judicial branches.

(2) "Rule" means any agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any qualifications or standards for the issuance, suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.04.080, as now or hereafter amended, or (iii) traffic restrictions for motor vehicles, bicyclists, and pedestrians established by the secretary of transportation or his designee where notice of such restrictions is given by official traffic control devices.

(3) "Contested case" means a proceeding before an agency in which an opportunity for a hearing before

## SPEED RESTRICTIONS

**46.61.400 Basic rule and maximum limits.** (1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

(a) Twenty-five miles per hour on city and town streets;

(b) Fifty miles per hour on county roads;

(c) Sixty miles per hour on state highways.

The maximum speed limits set forth in this section may be altered as authorized in RCW 46.61.405, 46.61.410, and 46.61.415.

(3) The driver of every vehicle shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. [1965 ex.s. c 155 § 54; 1963 c 16 § 1. Formerly RCW 46.48.011.]

*Rules of court: Monetary penalty schedule—JTIR 6.2.*

*Saving of existing orders, etc., establishing speed limits—1963 c 16:* "This act shall not repeal or invalidate existing orders and resolutions of the state highway commission or existing resolutions and ordinances of local authorities establishing speed limits within their respective jurisdictions." [1963 c 16 § 7. Formerly RCW 46.48.016.] "This act" [1963 c 16], as amended, is codified as RCW 46.61.400 through 46.61.415, 46.61.425, and 46.61.440.

**46.61.405 Decreases by secretary of transportation.** Whenever the secretary of transportation shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe with respect to a state highway under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, or that a general reduction of any maximum speed hereinbefore set forth would aid in the conservation of energy resources, the secretary may determine and declare a reasonable and safe lower maximum limit or a lower maximum limit which will reasonably conserve energy resources, for any state highway, the entire state highway system, or any portion thereof, which shall be effective when appropriate signs giving notice thereof are erected. The secretary may also fix and regulate the speed of vehicles on any state highway within the maximum speed limit allowed by this chapter for special occasions including, but not

limited to, local parades and other special events. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective (a) when posted upon appropriate fixed or variable signs or (b) if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of RCW 46.61.410, as now or hereafter amended. [1977 ex.s. c 151 § 34; 1974 ex.s. c 103 § 1; 1970 ex.s. c 100 § 2; 1967 c 25 § 1; 1963 c 16 § 2. Formerly RCW 46.48.012.]

*Federal requirements—Severability—1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.*

**46.61.410 Increases by secretary of transportation—Maximum speed limit for trucks—Auto stages—Signs and notices.** (1) Subject to subsection (2) below the secretary may increase the maximum speed limit on any highway or portion thereof to not more than seventy miles per hour in accordance with the design speed thereof (taking into account all safety elements included therein), or whenever the secretary determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway. The greater maximum limit so determined shall be effective, when appropriate signs giving notice thereof are erected, or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs or in the case of auto stages, as indicated in said written notice; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the secretary as provided in RCW 46.61.405, as now or hereafter amended.

(3) The word "trucks" used by the department on signs giving notice of maximum speed limits shall mean vehicles over ten thousand pounds gross weight and all vehicles in combination except auto stages.

(4) Whenever the secretary shall establish maximum speed limits for auto stages lower than the maximum limits for automobiles, the secretary shall cause to be mailed notice thereof to each auto transportation company holding a certificate of public convenience and necessity issued by the Washington utilities and transportation commission. The notice shall be mailed to the chief place of business within the state of Washington of each auto transportation company or if none then its chief place of business without the state of Washington. [1977 ex.s. c 151 § 35; 1974 ex.s. c 103 § 3; 1970 ex.s. c 100 § 1; 1969 ex.s. c 12 § 1; 1965 ex.s. c 155 § 55; 1963 c 16 § 3. Formerly RCW 46.48.013.]

Federal requirements—Severability—1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

**46.61.415 When local authorities may alter maximum limits.** (1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under RCW 46.61.400 or 46.61.440 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

(a) Decreases the limit at intersections; or

(b) Increases the limit but not to more than sixty miles per hour; or

(c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400(2) but shall not exceed sixty miles per hour.

(3) The secretary of transportation is authorized to establish speed limits on county roads and city and town streets as shall be necessary to conform with any federal requirements which are a prescribed condition for the allocation of federal funds to the state.

(4) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(5) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the secretary of transportation. [1977 ex.s. c 151 § 36; 1974 ex.s. c 103 § 3; 1963 c 16 § 4. Formerly RCW 46.48.014.]

Federal requirements—Severability—1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

**46.61.425 Minimum speed regulation—Passing slow moving vehicle.** (1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law: *Provided*, That a person following a vehicle driving at less than the legal maximum speed and desiring to pass such vehicle may exceed the speed limit, subject to the provisions of RCW 46.61.120 on highways having only one lane of traffic in each direction, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

(2) Whenever the secretary of transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the secretary or such local authority may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law. [1977 ex.s. c 151 § 37; 1969 c 135 § 1; 1967 c 25 § 2; 1963 c 16 § 6. Formerly RCW 46.48.015.]

Rules of court: Monetary penalty schedule—JTIR 6.2.

Federal requirements—Severability—1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

**46.61.427 Slow moving vehicle to pull off roadway.** On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow moving vehicle, behind which five or more vehicles are formed in a line, shall turn off the roadway wherever sufficient area for a safe turn-out exists, in order to permit the vehicles following to proceed. As used in this section a slow moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place. [1973 c 88 § 1.]

**46.61.428 Slow-moving vehicle permitted to drive on improved shoulders, when.** (1) The state department of transportation and local authorities are authorized to determine those portions of any two-lane highways under their respective jurisdictions on which drivers of slow-moving vehicles may safely drive onto improved shoulders for the purpose of allowing overtaking vehicles to pass and may by appropriate signs indicate the beginning and end of such zones.

(2) Where signs are in place to define a driving-on-shoulder zone as set forth in subsection (1) of this section, the driver of a slow-moving vehicle may drive onto and along the shoulder within the zone but only for the purpose of allowing overtaking vehicles to pass and then shall return to the roadway.

(3) Signs erected to define a driving-on-shoulder zone take precedence over pavement markings for the purpose of allowing the movements described in subsection (2) of this section. [1984 c 7 § 71; 1977 ex.s. c 39 § 1.]

Severability—1984 c 7: See note following RCW 47.01.141.

**46.61.430 Authority of secretary of transportation to fix speed limits on limited access facilities exclusive—Local regulations.** Notwithstanding any law to the contrary or inconsistent herewith, the secretary of transportation shall have the power and the duty to fix and regulate the speed of vehicles within the maximum speed limit allowed by law for state highways, designated as limited access facilities, regardless of whether a portion of said highway is within the corporate limits of a city or town. No governing body or authority of such city or town or other political subdivision may have the power to pass or enforce any ordinance, rule, or regulation requiring a different rate of speed, and all such ordinances, rules, and regulations contrary to or inconsistent therewith now in force are void and of no effect. [1977 ex.s. c 151 § 38; 1974 ex.s. c 103 § 4; 1961 c 12 § 46.48.041. Prior: 1955 c 177 § 5. Formerly RCW 46.48.041.]

**Federal requirements—Severability—1977 ex.s. c 151:** See RCW 47.98.070 and 47.98.080.

**46.61.435 Local authorities to provide "stop" or "yield" signs at intersections with increased speed highways—Designated as arterials.** The governing body or authority of any such city or town or political subdivision shall place and maintain upon each and every highway intersecting a highway where an increased speed is permitted, as provided in this chapter, appropriate stop or yield signs, sufficient to be read at any time by any person upon approaching and entering the highway upon which such increased speed is permitted and such city street or such portion thereof as is subject to the increased speed shall be an arterial highway. [1975 c 62 § 33; 1961 c 12 § 46.48.046. Prior: 1951 c 28 § 4; prior: 1937 c 189 § 66, part; RRS § 6360-66, part; 1927 c 309 § 5, part; 1921 c 96 § 41, part; 1919 c 59 § 13, part; 1917 c 155 § 20, part; 1915 c 142 § 34, part; RRS § 6362-5, part. Formerly RCW 46.48.046.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

*Designation of city streets as arterials, stopping on entering:* RCW 46.61.195.

*Traffic control signals or devices upon city streets forming part of state highways:* RCW 46.61.085.

**46.61.440 Maximum speed limit when passing school or playground crosswalks.** Subject to RCW 46.61.400(1), and except in those instances where a lower maximum lawful speed is provided by this chapter or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of twenty miles per hour when operating any vehicle upon a highway either inside or outside an incorporated city or town when passing any marked school or playground crosswalk when such marked crosswalk is fully posted with standard school speed limit signs or standard playground speed limit signs. The speed zone at the crosswalk shall extend three hundred feet in either direction from the marked crosswalk. [1975 c 62 § 34; 1963 c 16 § 5; 1961 c 12 § 46.48.023. Prior: 1951 c 28 § 9; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3,

part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. § 2531, part. Formerly RCW 46.48.023.]

**Severability—1975 c 62:** See note following RCW 36.75.010.

**46.61.445 Due care required.** Compliance with speed requirements of this chapter under the circumstances hereinabove set forth shall not relieve the operator of any vehicle from the further exercise of due care and caution as further circumstances shall require. [1961 c 12 § 46.48.025. Prior: 1951 c 28 § 11; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. 2531, part. Formerly RCW 46.48.025.]

*Duty to use due care:* RCW 46.61.400(1)

**46.61.450 Maximum speed, weight, or size in traversing bridges, elevated structures, tunnels, underpasses—Posting limits.** It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel, or underpass is sign posted as hereinafter provided. The secretary of transportation, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The secretary or the governing body or authorities of any county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: *Provided*, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the transportation commission as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall not be enforceable at any speed, weight, or size less

than the maximum allowed by law, unless with the approval in writing of the secretary. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass. [1977 ex.s. c 151 § 39; 1961 c 12 § 46.48.080. Prior: 1937 c 189 § 70; RRS § 6360-70. Formerly RCW 46.48.080.]

**Federal requirements—Severability—1977 ex.s. c 151:** See RCW 47.98.070 and 47.98.080.

**46.61.455 Vehicles with solid or hollow cushion tires.** It shall be unlawful to operate any vehicle equipped or partly equipped with solid rubber tires or hollow center cushion tires, or to operate any combination of vehicles any part of which is equipped or partly equipped with solid rubber tires or hollow center cushion tires, so long as solid rubber tires or hollow center cushion tires may be used under the provisions of this title, upon any public highway of this state at a greater rate of speed than ten miles per hour. [1961 c 12 § 46.48.110. Prior: 1947 c 200 § 11; 1937 c 189 § 73; Rem. Supp. 1947 § 6360-73. Formerly RCW 46.48.110.]

**46.61.460 Special speed limitation on motor-driven cycle.** No person shall operate any motor-driven cycle at any time mentioned in RCW 46.37.020 at a speed greater than thirty-five miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead. [1965 ex.s. c 155 § 57.]

**46.61.465 Exceeding speed limit evidence of reckless driving.** The unlawful operation of a vehicle in excess of the maximum lawful speeds provided in this chapter at the point of operation and under the circumstances described shall be prima facie evidence of the operation of a motor vehicle in a reckless manner by the operator thereof. [1961 c 12 § 46.48.026. Prior: 1951 c 28 § 12; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. § 2531, part. Formerly RCW 46.48.026.]

**46.61.470 Speed traps defined, certain types permitted—Measured courses, speed measuring devices, timing from aircraft.** (1) No evidence as to the speed of any vehicle operated upon a public highway by any person arrested for violation of any of the laws of this state regarding speed or of any orders, rules, or regulations of any city or town or other political subdivision relating thereto shall be admitted in evidence in any court at a subsequent trial of such person in case such evidence relates to or is based upon the maintenance or use of a

speed trap except as provided in subsection (2) of this section. A "speed trap," within the meaning of this section, is a particular section of or distance on any public highway, the length of which has been or is measured off or otherwise designated or determined, and the limits of which are within the vision of any officer or officers who calculate the speed of a vehicle passing through such speed trap by using the lapsed time during which such vehicle travels between the entrance and exit of such speed trap.

(2) Evidence shall be admissible against any person arrested or issued a notice of a traffic infraction for violation of any of the laws of this state or of any orders, rules, or regulations of any city or town or other political subdivision regarding speed if the same is determined by a particular section of or distance on a public highway, the length of which has been accurately measured off or otherwise designated or determined and either: (a) The limits of which are controlled by a mechanical, electrical, or other device capable of measuring or recording the speed of a vehicle passing within such limits; or (b) a timing device is operated from an aircraft, which timing device when used to measure the elapsed time of a vehicle passing over such a particular section of or distance upon a public highway indicates the speed of a vehicle.

(3) The exceptions of subsection (2) of this section are limited to devices or observations with a maximum error of not to exceed five percent using the lapsed time during which such vehicle travels between such limits, and such limits shall not be closer than one-fourth mile. [1981 c 105 § 1; 1961 c 12 § 46.48.120. Prior: 1937 c 189 § 74; RRS § 6360-74; 1927 c 309 § 7; RRS § 6362-7. Formerly RCW 46.48.120.]

**46.61.475 Charging violations of speed regulations.** (1) In every charge of violation of any speed regulation in this chapter the complaint, also the summons or notice to appear, shall specify the approximate speed at which the defendant is alleged to have driven, also the maximum speed applicable within the district or at the location. [1965 ex.s. c 155 § 58.]

#### RECKLESS DRIVING, DRIVING WHILE INTOXICATED, VEHICULAR HOMICIDE AND ASSAULT

**46.61.500 Reckless driving—Penalty.** (1) Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a misdemeanor.

(2) The license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days. [1979 ex.s. c 136 § 85; 1967 c 32 § 67; 1965 ex.s. c 155 § 59.]

**Rules of court: Bail in traffic offense cases—Mandatory appearance—JCrR 2.09.**

**Effective date—Severability—1979 ex.s. c 136:** See notes following RCW 46.63.010.

**Arrest of person involved in reckless driving:** RCW 10.31.100.

of transportation to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: *Provided further*, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the department that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the department and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year. [1979 ex.s. c 86 § 2; 1977 ex.s. c 151 § 57; 1973 c 95 § 3; 1961 c 13 § 47.24.010. Prior: 1959 c 160 § 1; 1957 c 83 § 2; 1955 c 179 § 2; 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450-61, part.]

*Severability*—1979 ex.s. c 86: See note following RCW 13.24.040.

**47.24.020 Jurisdiction, control of such streets.** The jurisdiction, control, and duty of the state and city or town with respect to such streets shall be as follows:

(1) The department has no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the commission;

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes. However, within incorporated cities and towns the title to a state limited access highway vests in the state, and, notwithstanding any other provision of this section, the department shall exercise full jurisdiction, responsibility, and control to and over such facility as provided in chapter 47.52 RCW;

(3) The department has authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and has the right to construct such additional underground facilities as may be necessary in such streets;

(5) The city or town has the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction;

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway. In cities and towns having a population of fifteen thousand or less according to the latest determination of population by the office of financial management, the state, when necessary for public safety, shall assume, at its expense, responsibility for the

stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself. The state shall install, maintain, and operate all illuminating facilities on any limited access facility, together with its interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance, and operation incurred after November 1, 1954;

(7) The department has the right to use all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the department, the cost of the facilities shall be borne by the state and/or city as may be mutually agreed upon between the department and the governing body of the city or town;

(8) Cities and towns have exclusive right to grant franchises not in conflict with state laws, over, beneath, and upon such streets, but the department is authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town has granted on such street. No franchise for transportation of passengers in motor vehicles may be granted on such streets without the approval of the department, but the department shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

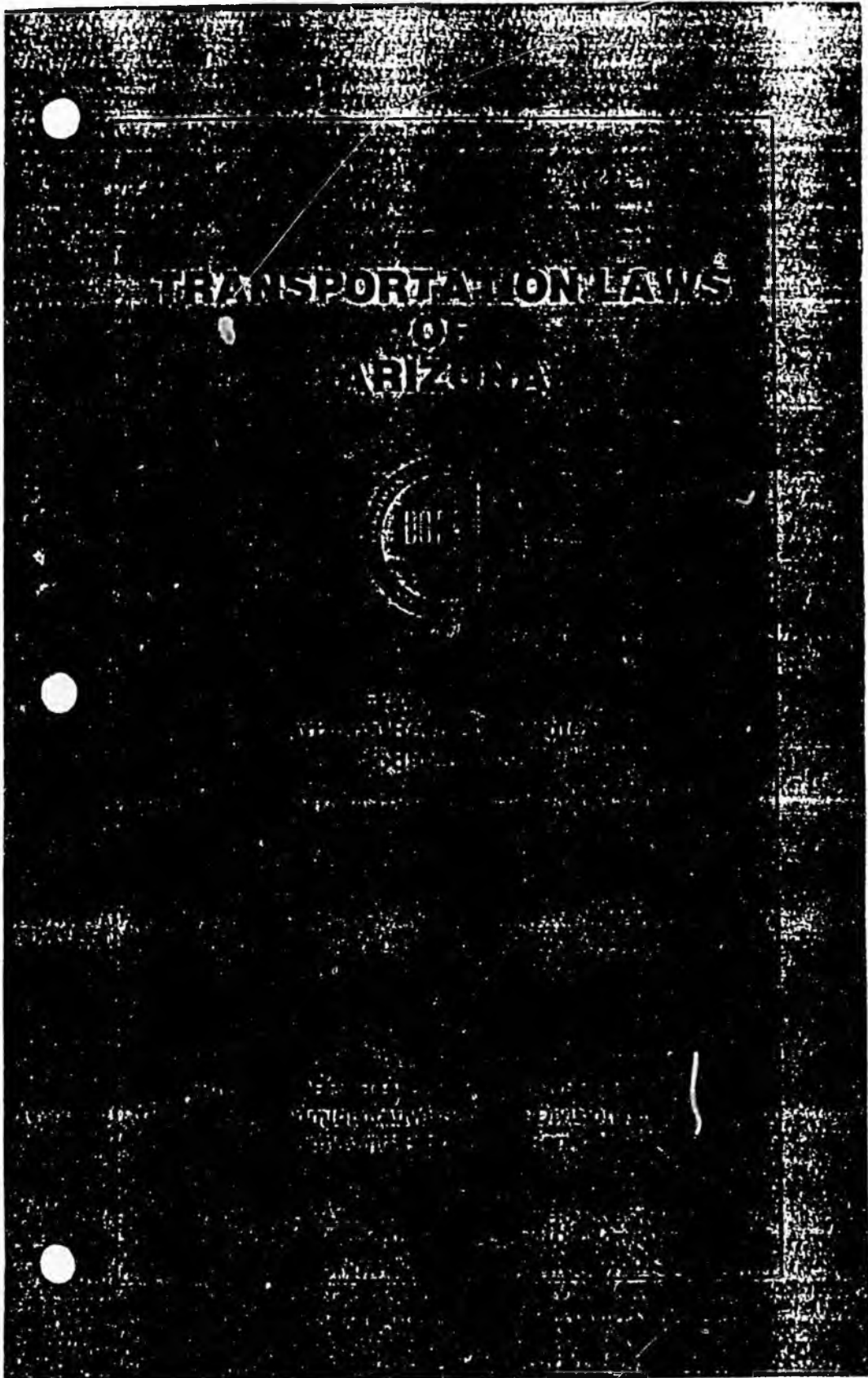
(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility shall require the grantee or permittee to restore, repair, and replace to its original condition any portion of the street damaged or injured by it;

(10) The city or town has the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the department;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted by a city or town relating to speed, parking, and traffic control devices on such streets not identical to state law relating thereto are subject to the approval of the department before becoming effective. All regulations pertaining to speed, parking, and traffic control devices relating to such streets heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the department heretofore or within one year after March 21, 1963;

(12) The department shall erect, control, and maintain at state expense all route markers and directional signs, except street signs, on such streets;

(13) The department shall install, operate, maintain, and control at state expense all traffic control signals, signs, and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of fifteen thousand or less according to the latest determination of population by the office of financial management. Such cities and towns may submit to the department a plan for traffic control signals, signs, and traffic control devices desired by



shall suspend the driving privilege of such person for the period of time ordered by the judge.

C. When a person convicted of a violation of this section has been previously convicted of a violation of this section, section 13-1102 or 13-1103, subsection A, paragraph 1, in the driving of a vehicle, 28-692 or 28-708 within a period of twenty-four months, such person is guilty of a class 1 misdemeanor and shall not be eligible for probation, pardon, parole, commutation or suspension of sentence or release on any other basis until such person has served not less than twenty days in jail. The judge shall require the surrender to him of any operator's or chauffeur's license of such convicted person and shall immediately forward to the department the license with the abstract of conviction. The department upon receipt thereof shall revoke the driving privilege of such person. The dates of the commission of the offense shall be the determining factor in applying this rule. A second or subsequent violation for which a conviction occurs as provided in this section shall not include a conviction for an offense arising out of the same series of acts. No judge may grant probation to or suspend the imposition or execution of a jail sentence or fail to secure the surrender to him of any license of any person for such a second or subsequent conviction.

D. The court may, upon pronouncement of any jail sentence under this section, provide in the sentence that the defendant may be permitted, if he is employed and can continue his employment, to continue such employment for not more than twelve hours per day nor more than six days per week, and the remaining day, days or parts of days shall be spent in jail until the sentence is served. He shall be allowed out of jail only long enough to complete his actual hours of employment and no longer.

#### ARTICLE 6 -- SPEED RESTRICTIONS

##### 28-701. Reasonable and prudent speed; prima facie evidence; exceptions; classification

A. A person shall not drive a vehicle on a highway at a speed greater than is reasonable and prudent under the circumstances, conditions and actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any object, person, vehicle or other conveyance on, entering or adjacent to the highway in compliance with legal requirements and the duty of all persons to exercise reasonable care for the protection of others.

B. Except as provided in subsections C and D or where a special hazard requires a lesser speed, any speed in excess of these speeds is prima facie evidence that the speed is too great and therefore unreasonable:

1. Fifteen miles per hour approaching school crossing.
2. Twenty-five miles per hour in any business or residential district.
3. Sixty-five miles per hour in other locations.

C. The speed limits set forth in this section may be altered as authorized in sections 28-702 and 28-703.

D. The maximum speed as provided in this section shall be reduced to that which is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, such as when:

1. Approaching and crossing an intersection or railroad crossing.
2. Approaching and going around a curve.
3. Approaching a hill crest.
4. Travelling upon any narrow or winding roadway.
5. Special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

E. A person shall not drive a motor vehicle at a speed that is less than that which is reasonable and prudent under existing conditions.

##### 28-701.01 Definitions

In this article, unless the context otherwise requires:

**28-701.01. Definitions**

1. "Freeway" means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access, and which is declared to be such by the director of the department of transportation.

**28-701.02. Excessive speed**

- A. A person shall not
1. Exceed thirty-five miles per hour when approaching a school crossing.
  2. Exceed the posted maximum speed limit in a business or residential district by more than twenty miles per hour or the posted maximum speed limit, forty-five miles per hour.
  3. Exceed eighty-five miles per hour at other locations.
- B. A person who violates this section is guilty of a class 3 misdemeanor.
- C. A person charged with a violation of this section may not be issued a civil complaint for a violation of this section if the civil complaint alleges a violation arising out of the same facts as the violation of this section.

**28-702. Establishment of speed zones**

When the director of transportation, on the basis of an engineering and traffic investigation that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist upon any part of a state highway, the director may determine and declare a reasonable and safe maximum speed limit for such location, which shall be effective when appropriate signs giving notice thereof are erected. A maximum speed limit, as declared pursuant to this section, may be declared to be effective at all times or at such times as are indicated on the speed limit signs. Varying speed limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds. Such varying limits shall be effective when posted upon appropriate fixed or variable signs.

**28-702.01. Maximum speed limit; authority for order increasing; waste of a finite resource; fine; sanction**

A. No maximum speed limit on any public highway in this state shall be in excess of fifty-five miles per hour notwithstanding any other higher maximum speed limit previously established pursuant to any other provision of law. This shall not be construed as altering any existing maximum speed limit which is less than fifty-five miles per hour or to prevent the appropriate jurisdiction from establishing, altering, or lowering any maximum speed limit which is less than fifty-five miles per hour within its respective jurisdiction.

B. The speed limit for all types of motor vehicles shall be fifty-five miles per hour on any portion of any public highway that has four or more traffic lanes, the opposing lanes of which are physically separated other than by striping, which portion of highway has had a speed limit for all types of motor vehicles of fifty-five miles or more on November 1, 1973.

C. The director may order that this maximum speed limit be increased up to seventy-five miles per hour on an individual highway or on all highways in the state if the governor declares by proclamation that an emergency does not exist and that the receipt of federal highway funds would not be withheld.

D. It is unlawful for any person to drive a motor vehicle at a speed in excess of fifty-five miles per hour, or in excess of a higher maximum speed if changed as set forth under subsection C of this section.

E. If a person is charged with violating the provisions of subsection D of this section and the speed at which the defendant is alleged to have driven as provided in section 28-707, subsection A is sixty-five miles per hour or less or the court finds that the defendant violated subsection D of this section and that the speed at which the defendant drove was not in excess of sixty-five miles per hour the offense shall be designated as the waste of a finite resource currently in short supply, which is a petty offense.

F. If a person is charged with violating the provisions of subsection D of this section and the speed at which the defendant is alleged to have driven as provided in section 28-707, subsection A is more than sixty-five miles per hour and the court so finds the offense shall be designated as unlawful speed which is a class 3 misdemeanor.

G. If a person is convicted of a petty offense under this section:

1. No department or agency of this state shall consider such violation for the purpose of determining whether such person's operator's or chauffeur's license should be suspended or revoked.

2. An insurer shall not consider the violation as a moving traffic violation against the person for the purpose of establishing rates of motor vehicle insurance charged by the insurer nor shall the insurer cancel or refuse to renew any policy of insurance for such a violation.

3. The fine shall not exceed fifteen dollars plus the penalty assessment imposed pursuant to section 41-2403.

4. No report may be made under section 28-1061, subsection B.

**28-702.02. Authority to change speed signs on freeways**

When the director determines upon the basis of an engineering and traffic survey that the safe and orderly movement of traffic upon any state highway which is a freeway will be facilitated by the establishment of variable speed limits, the department may erect, regulate, and control signs upon the state highway which is a freeway, or any portion thereof, which signs shall be so designed as to permit display of different speed limits at various times of the day or night. Such signs shall be of sufficient size and clarity to give adequate notice of the applicable speed limit. The speed limit upon the freeway at a particular time and place shall be that which is then and there displayed upon such sign.

**28-702.03. Maximum speed limit on Interstate system highway; out of state violation**

If a resident of this state is convicted of violating the maximum speed limit of fifty-five miles per hour on the Interstate system highways of another state, but the speed at which the person is alleged to have driven is sixty-five miles per hour or less:

1. No department or agency of this state may consider the violation for the purpose of determining whether the person's operator's or chauffeur's license should be suspended or revoked.

2. An insurer shall not consider the violation as a moving traffic violation against the person for the purpose of establishing rates of motor vehicle insurance charged by the insurer nor shall the insurer cancel or refuse to renew any policy of insurance for such a violation.

**28-703. When local authorities may and shall alter maximum limits**

A. When local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable or safe under the conditions found to exist upon any part of a street or highway, the local authority subject to subsection D may determine and declare a reasonable and safe maximum speed limit at such location and based on such investigation may:

1. Decrease the limit at intersections.

2. Increase the limit within any business or residence district, but not to more than sixty-five miles per hour.

3. Decrease the limit outside any business or residence district.

4. Increase or decrease the limits on streets adjacent to school grounds.

B. Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this article for a business or residence district.

C. Any altered limit established as provided for in this section shall be effective at all times, or during hours of darkness, or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

D. Alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until the alteration has been approved by the director.

E. Not more than six such alterations as provided for in this section shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than ten miles per hour except for school crossings.

**28-703.01. End of speed zone; signs required**

The agency or authority establishing a speed zone under the provisions of sections 28-702 or 28-703 shall be responsible for erecting, at the beginning of each such zone a sign designating the maximum allowable speed within the zone, and at the end thereof a sign bearing either the legend "resume speed" or setting forth the new maximum speed limit.

**28-703.02. Establishing speed on multiple-lane highways**

On multiple-lane highways and freeways with two or more separate roadways different prima facie speed limits may be established for different roadways under any of the procedures specified in sections 28-702, 28-703 and 28-703.01.

**28-704. Minimum speed regulation**

A. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

B. Whenever the director or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the director or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

**28-705. Special speed limitation on motor-driven cycles**

No person shall operate any motor-driven cycle at any time mentioned in section 28-922 at a speed greater than thirty-five miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead.

**28-706. Special speed limitations**

A. No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten miles per hour.

B. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure, when the structure is signposted as provided in this section.

C. The director upon request from any local authority shall, or upon his own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if he thereupon finds that the structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this article he shall determine and declare the maximum speed of vehicles which the structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of three hundred feet before each end of the structure.

D. Upon the trial of any person charged with a violation of this section, proof of determination of the maximum speed by the director and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to the bridge or structure.

**28-707. Charging violations and rule in civil actions**

A. In every charge of violation of any speed regulation in this article, the complaint and the summons or notice to appear shall specify the speed at which the defendant is alleged to have driven and the maximum speed applicable within the district or at the location.

B. The provision of this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any civil action, other than a civil action to impose a civil sanction, from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

**28-708. Racing on highways; classification**

A. No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record on a street or highway, and no person shall in any manner participate in any such race, competition, contest, test or exhibition.

B. Drag race is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

C. Racing is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing.

D. A person who violates this section is guilty of a class 2 misdemeanor. If a person is convicted of a second or subsequent violation within twenty-four months of a first conviction, such person is guilty of a class 2 misdemeanor and shall not be eligible for probation, pardon, parole, commutation or suspension of sentence or release on any other basis until such person has served not less than ten days in jail.

E. The court may, upon pronouncement of any jail sentence under this section, in cases of extreme hardship provide in the sentence that the defendant may be permitted, if he is employed and can continue his employment, to continue such employment for not more than twelve hours per day nor more than six days per week, and the remaining day, days or parts of days shall be spent in jail until the sentence is served. He shall be allowed out of jail only long enough to complete his actual hours of employment and no longer.

F. When any person is convicted of a violation of the provisions of this section, the judge may, upon a first conviction, and shall upon a second or subsequent conviction for an offense committed within a period of twenty-four months require the surrender to him of any operator's or chauffeur's license of such person and immediately forward same to the department with the abstract of conviction. Upon a first conviction the judge may order the suspension of the driving privileges of such person for a period not to exceed ninety days. The department upon receipt of the license, abstract of conviction, and order of the court, in the case of a first conviction, shall suspend the driving privileges of such person for the period of time ordered by the judge. In the case of a second or subsequent conviction for an offense committed within a period of twenty-four months, the department upon receipt of the license and the abstract of conviction shall revoke the driving privileges of such person.

G. The director may give authorization in writing for any organized and properly controlled event otherwise prohibited by this section to utilize a highway or part of a highway. The authorization shall specify the time of the event, the highway or part of a highway to be utilized, and any special conditions the director may require for the particular event.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 552

NEUTRAL

March 3, 1986

HB 552 - "An act relating to setting speed limits and neighborhood speed zones."

This legislation is considered unnecessary as current laws and regulations provide specific criteria for determining safe speed limits and safe speed zones. Regulations established by 13 AAC 02.275 mandate that unless otherwise posted, maximum speed limits shall be as follows:

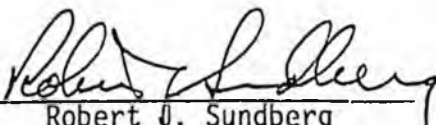
- 1) 15 miles per hour in an alley
- 2) 20 miles per hour in a business district
- 3) 25 miles per hour in a residential district
- 4) 55 miles per hour on any other roadway

Alterations of speed limits by the State and municipalities are provided for in 13 AAC 02.280 and based upon engineering and traffic investigations.

The speed limit for school, park and playground zones is established through 13 AAC 02.325.

Traffic engineer studies conducted by the Department of Transportation and Public Facilities in determining safe speed limits for a specific roadway include the already established regulations as well as the geophysical characteristics of that roadway and the presence of driveways, multi-turn locations and roadside obstacles.

Moreover, the amendment in Section 19.10.070 is redundant in that all posted highways are safe speed zones. A 55 MPH posted roadway is a speed zone that is determined as a safe speed limit for that particular highway, just as a speed zone for a school area of 20 MPH is considered a safe speed limit based upon the presence of schools, parks, crosswalks and pedestrian traffic.

  
Robert J. Sundberg

Elaboration on DOT&PF Position Paper on House Bill No. 552,  
"An Act Relating to Setting Speed Limits  
and Neighborhood Speed Zones"

The DOT&PF "Position Paper" on HB 552 cites several authoritative sources which explain the traffic and safety engineering concepts nationally accepted for the establishment of safe speed zones. The DOT&PF policy (P&P 70-7003) summarizes the accepted criteria, and further elaborates on the reasons that these principles insure the safest and most efficient movement of traffic.

Numbers 1 and 2 of the proposed Section 19.10.072 contain criteria that are indirectly addressed through special consideration of these factors in the requisite speed profile study (see paragraph two of Section 2.b., page 2, of P&P 70-7003).

Number 4 of the amendment is exactly what the traffic and safety engineering techniques are designed to insure. The body of engineering knowledge available indicates that a speed zone set according to our policy produces the condition indicated in Number 4. (See second and third full paragraphs of page 3 of the P&P.)

It does not appear practicable to rationally alter speed limits based on some judgement of enforcement effectiveness as recommended in Number 3. And as stated in the last paragraph on page 2 of P&P 70-7003, a limit set other than by scientific means would be difficult to enforce. Nevertheless, properly set speed limits need enforcement to control that small percent of drivers who are not reasonable and prudent as pointed out in the last paragraph of Section 2 on page 3 of the P&P.

There is no way to quantify the effects of the specific criteria in the amendment, and therefore the application of these considerations would be subject to individual judgement and ambiguous interpretation.

As the Position Paper points out, the essentials of the proposed amendment to AS 19.10 are already covered in our policy which, by complying to accepted safety engineering principles, provides the best protection to the public and the best defense for the State against tort claims actions.

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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POUCHY - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

*House State Affairs Committee 3/21/1986, 3:00 pm*

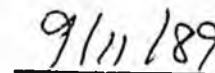


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Signature of Camera Operator

  
Date

H B

5 7 1

HOUSE  
COMMITTEE REPORT

JUDICIARY

(7)

Date referred: 2/12/86

FURTHER REFERRALS: FINANCE

DATE: 4/3/86

The STATE AFFAIRS Committee has considered HB 571

"An Act relating to the classification of associate attorneys employed by the Department of Law, public defender agency, or office of public advocacy as partially exempt state employees."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with \_\_\_\_\_  same title
- \_\_\_\_\_  new title

and recommends \_\_\_\_\_

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note

SIGNING DO PASS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SIGNING OTHER RECOMMENDATIONS:

Katie Hurler - No Rec

D/O Bouché - No Rec

Mike Savane - no rec

Wally Miller - DO NOT PASS

Bette Cato No Rec

Virginia Colburn No Rec

Roger Jones No Rec

Katie Hurler  
Chairman

BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 12, 1986

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to clarify the classification of associate attorneys employed by the Department of Law, the public defender agency, or the office of public advocacy. Since 1971, people holding the position of associate attorney have been classified as partially exempt, for the purposes of the State Personnel Act. The Alaska Public Employees Association recently raised the question of whether that classification was properly made. This bill, affecting 32 current positions, resolves that question consistent with the past practice.

Section 1 amends the relevant general provision of the State Personnel Act, and sec. 2 deals specifically with the office of public advocacy. The specific statutes pertaining to the other two agencies do not have provisions on this point.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield  
Governor

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

REQUEST HB 571 #1  
 Bill Resolution No. : \_\_\_\_\_  
 Title : "An Act relating to the classification of Associate Attorneys..."  
 Sponsor : By Request of the Governor  
 Requester : Governor's Office/OMB  
 Date of Request : 12-19-85

FISCAL DETAIL  
 Agency Affected : Department of Law  
 BRU : Consumer Protection, Legal Services, Prosecutions, Oil & Gas Special Projects  
 Components : \_\_\_\_\_

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING : (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

This bill clarifies existing personnel practices on the part of the Department of Law, Public Defender Agency, and the Office of Public Advocacy in the placement of Associate Attorneys in the partially exempt service. Consequently, there will not be any fiscal impact.

Prepared by : Richard I. Pegues, Director Phone : 465-3672  
 Division : Administrative Services Division Date : 12-19-85  
 Approved by Commissioner : Harold M. Brown Attorney General Date : 12-19-85  
 Agency : Department of Law

Distribution (by Agency preparing fiscal note) :

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

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST HB 571 #2  
 Bill/Resolution No.: \_\_\_\_\_  
 Title: Act Classifying Associate  
Attorneys as partially exempt

FISCAL DETAIL  
 Agency Affected: Administration  
 BRU: \_\_\_\_\_  
Personnel

Sponsor: Rules Committee  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

Components: Personnel

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

This bill has no fiscal impact on the Department of Administration.

Prepared By: Frank Rave  
 Division: Personnel  
 Approved by Commissioner: Eleanor Andrews  
 Agency: Department of Administration

Phone: 465-4430  
 Date: 12/24/85  
 Date: 1/2/86

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST** HB 571 #3  
 Bill/Resolution No. : \_\_\_\_\_  
 Title : "An Act relating to the  
 classification of Associate  
 Attorneys..."  
 Sponsor : Governor Sheffield  
 Requestor : \_\_\_\_\_  
 Date of Request : Dec. 27, 1985

**FISCAL DETAIL**  
 Agency Affected : Administration  
 BRU : Public Defender Agency  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

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

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

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

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

Prepared by : Dana Fabe, Public Defender  
 Division : Public Defender Agency

Phone : 279-7541  
 Date : Dec. 26, 1985

Approved by Commissioner : *Eileen Anderson*  
 Agency : \_\_\_\_\_

Date : 1/2/86

Distribution (by Agency preparing fiscal note) :

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

STATE OF ALASKA  
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907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

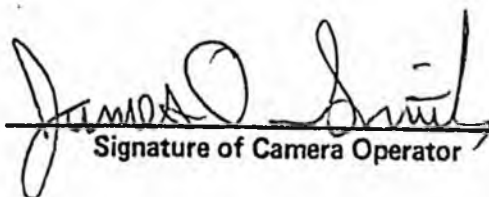
*House State Affairs Committee 4/3/1986, 3:00 pm*

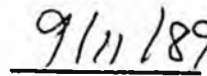


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Signature of Camera Operator

  
Date

H B

5 9 3

# Alaska State Legislature

BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4453/4530  
  
2201 ROOSEVELT DRIVE  
ANCHORAGE, ALASKA 99503  
(907) 248-4234



MEMBER  
HOUSE RESOURCES COMMITTEE  
MEMBER  
HOUSE STATE AFFAIRS COMMITTEE

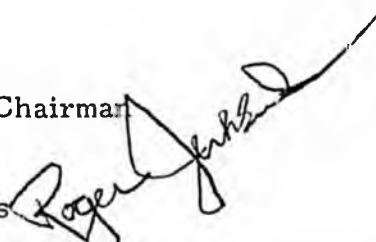
## Representative Roger Jenkins

DISTRICT 11

May 2, 1986

### MEMORANDUM

TO: Representative Katie Hurley, Chairman  
House State Affairs Committee

FROM: Representative Roger Jenkins 

SUBJECT: HB 593 - An act relating to election districts; and providing for an effective date.

I have enclosed a copy of HB 593 and related backup for your review as well as the members of the State Affairs Committee.

The reapportionment process in Alaska allows the Governor to reapportion the legislature. This bill would not compromise the current procedure but would establish in statute the nature of each election district by adding language that provides for single member House Districts. The Senate Districts would be composed of two single member House Districts.

There are many good reasons to have single member House and Senate Districts. Listed below are some of the more compelling reasons:

1. The cost of campaigns would be reduced because candidates in both urban rural areas would be able to utilize less expensive forms of communication media.
2. Voters would identify their local area with the candidates/public officials and vice versa.
3. The election process is open to a wider range of candidates for public office because of district size.
4. Greater legislative responsibility and accountability of public officials to the voters of the district and less to political parties.
5. Greater input by the public on issues facing their state and district.
6. The courts are less likely to set aside reapportionment plans because they favor single member districts. It is easier to identify if the one man vote rule is being violated. Most of the districts would be compact and contiguous.

Thank you for your support and scheduling this bill for a hearing.

Enclosures

TABLE OF CONTENTS

1. HB 593 - An act relating to election districts; and providing for an effective date.loitering on public highways
2. House Research - Apportionment of Legislatures in the United States
3. House Research - Reapportionment Procedures in Other States
- 4 House Research - Representation in the Alaska
5. ISER Paper No. 17 dated September 1985 - Alaska's Elections 1958-1984
6. Alaska Constitution - Article VI

Introduced: 2/14/86  
Referred: State Affairs  
and Judiciary

1 IN THE HOUSE

BY JENKINS AND MARROU

2

HOUSE BILL NO. 593

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to election districts; and providing  
7 for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 15.35 is amended by adding new sections to article 2 to  
10 read:

11 Sec. 15.35.022. HOUSE ELECTION DISTRICTS. A member of the house  
12 of representatives shall be elected by the qualified voters of a house  
13 election district that was established in the most recent reapportion-  
14 ment. Each member of the house of representatives shall be elected  
15 from a single member district in accordance with art. VI, sec. 6,  
16 Constitution of the State of Alaska.

17 Sec. 15.35.024. SENATE ELECTION DISTRICTS. A member of the  
18 senate shall be elected by the qualified voters of a single member  
19 senate election district that was established in the most recent  
20 reapportionment. Each senate election district is composed of two  
21 single member house election districts established under art. VI,  
22 sec. 6, Constitution of the State of Alaska, and AS 15.35.022.

23 \* Sec. 2. This Act takes effect on the official reporting of the next  
24 decennial census of the United States.



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

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

May 2, 1986

MEMORANDUM

TO: Representative Roger Jenkins

ATTN: Shirley Armstrong

FROM: Deb Pomeroy, Administrative Officer *DP*

RE: Apportionment of the Legislatures in the United States

You requested information on the number of states which had exclusively single-member election districts and those that had a combination of single and multi-member districts. I contacted the National Conference of State Legislatures (NCSL) to obtain this information. They warned that the data may not be totally accurate. In October 1985, NCSL received a request similar to this; they responded by updating a table prepared by the Council of State Governments in 1980. With the current perceived trend being toward single-member districts, NCSL contacted only those states that had multi-member or a combination of the districts to see if any had changed to single-member. The results were as follows:

- Thirty-five states have single-member election districts for both the House of Representatives and the Senate;
- Seven states have single-member districts for the Senate and either multi-member or a combination of districts for the House; and
- Eight states have a combination of single and multi-member districts for both the House of Representatives and the Senate.

I have attached a table listing the states in each of the above category. If you have any questions or would like additional information, please call.

DP

Attachment

Apportionment of Legislatures

Single Member

Single/Multi-Member

Multi-Member

Alabama	Alaska	
Arizona Senate		Arizona House (2)
Arkansas Senate	Arkansas House	
California		
Colorado		
Connecticut		
Delaware		
Florida		
Georgia	Idaho	
Hawaii	Indiana	
Illinois		
Iowa		
Kansas		
Kentucky		
Louisiana		
Maine		
Maryland Senate		Maryland House (3)
Massachusetts		
Michigan		
Minnesota		
Mississippi		
Missouri		
Montana		
Nebraska (unicameral)	Nevada	
New Hampshire Senate	New Hampshire House	
New Jersey Senate		New Jersey House (2)
New Mexico		
New York		
North Carolina <sup>1</sup>	North Dakota <sup>2</sup>	
Ohio		
Oklahoma		
Oregon		
Pennsylvania		
Rhode Island		
South Carolina		
South Dakota Senate		South Dakota House (2)
Tennessee		
Texas		
Utah	Vermont	
Virginia		
Washington Senate		Washington House (2)
Wisconsin	West Virginia	
	Wyoming	

<sup>1</sup>The North Carolina House is currently appealing a court-mandated, single-member apportionment to the Supreme Court

<sup>2</sup>Of the 49 districts in North Dakota, 47 have 1 senate and 2 house seats; the remaining two districts have 2 senate and 4 house seats.



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

MAR 11 1985

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

March 11, 1985

MEMORANDUM

TO: Representative Roger Jenkins

ATTN: Dave Garrison

FROM: Mark Torgerson *MT*  
Legislative Analyst

RE: Reapportionment Procedures in Other States  
Research Request 85-189

You asked for information on legislative reapportionment procedures in other western states, specifically how these plans are approved. Reapportionment is a realignment of legislative districts, brought about by changes in population and mandated by the constitutional requirements of equality of representation. Article 1, Section 2 of the U.S. Constitution gives the states this redistricting authority and each state establishes its own procedure. Alaska's procedure is found in Article VI of its state constitution.

This report begins with a summary of the procedure in all states; Alaska's and Maryland's procedures are also specifically described in the summary. Then, the procedure in twelve western states is described.<sup>1</sup>

Summary of Procedures in all States

Thirty-nine states give initial redistricting responsibility to the legislature. These states usually delegate this duty to a specific committee of each chamber, but some states utilize a joint committee. A majority of these states impose a deadline for the reapportionment process of either: 1) the first session following release of the census data; or 2) a specific date within two years of the census. The other states do not have a reapportionment deadline. Once the plan is adopted, most of the states give the governor veto power over the legislature's recommended plan, and judicial review is always available. If the

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<sup>1</sup>The states included are Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

Representative Jenkins  
March 11, 1985  
Page Two

legislatures fail to adopt plans, some states pass the redistricting responsibility to a commission appointed by the governor or the legislature. In other states, the courts adopt the plan.

Nine states give redistricting authority to a commission composed of representatives of government and the public.<sup>2</sup> Usually, the commission is given a specific time to prepare a preliminary plan. Then, a public hearing is held before the final plan is filed. In some states, any registered voter may petition the supreme court to review the plan. In other states, the final plan is submitted to the supreme court for review and possible revision.

Two states--Alaska and Maryland--give reapportionment responsibility to the governor. The Alaska governor appoints a five-member advisory board whose members must represent four designated districts. No advisory board member can be a public employee or official. The board prepares a redistricting plan and submits it to the governor within ninety days after the official census data becomes available. The governor then promulgates a plan, within ninety days, and issues the reapportionment proclamation with an explanation of any change from the board plan. Upon timely application by a qualified voter, the state's superior court has original jurisdiction to accept the governor's plan or devise its own plan.

In Maryland, the governor's prepared reapportionment is subject to legislative review. Under the Maryland constitution, the governor's plan becomes law unless the legislature adopts its own plan within forty-five days. The governor has no veto power over a legislatively adopted plan, but either plan is subject to review by the state court of appeals.

The reapportionment procedures in twelve western states is described below.

#### Arizona

In Arizona, the legislature is responsible for reapportionment. A Joint Select Committee on Reapportionment draws the plan, and no specific deadline is required. The governor has the power to veto the committee's plan.

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<sup>2</sup>These states are Arkansas, Colorado, Hawaii, Michigan, Missouri, Montana, New Jersey, Ohio and Pennsylvania.

Representative Jenkins  
March 8, 1985  
Page Three

### California

California delegates the reapportionment responsibility to the legislature. A Special Committee on Reapportionment draws the Assembly's plan, while the Senate assigns this duty to the Committee on Elections and Reapportionment. Each plan must be completed by the end of the first regular session following the decennial census. The governor has veto power over the final plan.

### Colorado

In Colorado, a Reapportionment Commission, composed of eleven members, draws the plan. Four members are appointed by the legislature, three by the executive branch, and four by the judicial branch. Each of the state's congressional districts must be represented on the commission, and no more than six may be members of the same political party. Only four members of the commission may be legislators. The commission must draw a preliminary plan within ninety days after its first meeting, or ninety days after census data is available, whichever is later. Then, after public hearings are held, the commission submits the final plan to the supreme court for review.

### Hawaii

The Hawaii constitution mandates reapportionment every eight years. While most states base apportionment on actual population, Hawaii's districting is based on the number of registered voters. The courts have upheld this practice as long as the number of registered voters approximates actual population [See Burns v. Richardson, 316 F. Supp. 285(1970)].

In Hawaii, a nine-member legislative commission draws the plan. The President of the Senate and the Speaker of the House each select two members, and the minority party of each chamber selects two members. These eight members then select a ninth person to act as chairperson of the commission. In addition, an advisory council representing each island unit is selected. The reapportionment commission must adopt a plan within 150 days after its formation, and public hearings must be held on each island unit. The governor has no veto power, but any registered voter may petition the supreme court to review the final plan.

Representative Jenkins  
March 11, 1985  
Page Four

### Idaho

In Idaho, the legislature has redistricting responsibility. The House and Senate State Affairs Committees draw the plans, and no deadline needs to be met. The governor has veto power.

### Montana

Montana delegates reapportionment to a five-member commission. Four members are selected by the majority and minority leaders of the House and Senate. These four members select a fifth person who chairs the commission. If the chairperson is not selected within twenty days, a majority of the state's supreme court makes the selection. Members of the commission cannot be legislators, public officials, or candidates for the legislature until two years following the effective date of the plan.

The commission must hold at least one public hearing and must submit its plan to the legislature at the first regular session after its appointment, or after the census figures are available. Within thirty days, the legislature must return the plan with its recommendations; then, the commission must file a final plan with the Secretary of State during the next thirty days. The governor has no veto power over the plan.

### Nevada

In Nevada, the legislature draws the reapportionment plan. There, the responsibility lies with the Assembly's Elections and Reapportionment Committee and the Senate's Governmental Affairs Committee. These legislative committees must complete a plan by the first legislative session following the decennial census, and the governor has authority to veto the plan.

### New Mexico

New Mexico's legislature has responsibility for redistricting. This duty is delegated to the House Committee on Voters and Elections and to the Senate Rules Committee. Reapportionment must be completed once every ten years following availability of the census figures. The governor has veto power over the final plan.

Representative Jenkins  
March 11, 1985  
Page Five

### Oregon

In Oregon, the legislature delegates its redistricting responsibility to the House Committee on Elections and Reapportionment and the Senate Committee on Governmental Operations. The governor has veto power over the legislative plan. If these committees fail to complete their plans within the designated deadline, the Secretary of State is authorized to draw a plan. The state's supreme court has original jurisdiction to enact a plan if the Secretary of State is unable to complete a plan within 60 days.

### Utah

In Utah, the legislature delegates its reapportionment duty to the House and Senate Reapportionment Committees. These committees must draw plans by the first regular session following the decennial census, and the governor has veto authority.

### Washington

Washington's legislature draws the state's reapportionment plan. The responsible committees are the House Select Committee on Redistricting and the Senate Committee on Constitutions and Elections. Reapportionment must be drawn by the first session following the decennial census, and the governor has veto power.

### Wyoming

Wyoming's reapportionment plan is drawn by the legislature which delegates the responsibility to the House and Senate Committees on Corporations, Elections and Political Subdivisions. The committees must complete their plans by the first session following the decennial census, and the governor has veto power.

### Summary

Nine of the western states surveyed give reapportionment responsibility to their legislatures. In addition, the governor has veto power, and the supreme courts have jurisdiction to review the plans in each of these states. In the other three states, commissions are appointed, and their plans are subject to judicial review. Unlike the western states

Representative Jenkins  
March 11, 1985  
Page Six

surveyed, Alaska gives the reapportionment responsibility to the governor. Alaska is also unique because its reapportionment process excludes legislative participation.

I hope that this information is valuable for you. Please call if you have additional questions.

MT



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

MAR 11 1985

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

RESEARCH RELEASE

TO: Representative Roger Jenkins  
TITLE: Reapportionment Procedures in Other States  
RESEARCH REQUEST: 85-189  
ANALYST: Mark Torgerson *MT*

Please check the appropriate box and return to Mail Stop 3100 or the above mailing address.

- I approve the release of this information.
- I approve the release of this information, but please remove my name.
- I do not approve the release of this information, maintain confidentiality.

3/29/85  
Date

*Roger Jenkins*  
Signature

To assist us in improving the quality of our research services, we would appreciate your response to the following questions. Please be assured that we will take your comments seriously in performing future research for you.

- Was the information objective?  
*yes*
- Was it clearly written?  
*yes*
- Did it provide answers to (or, at least, useful information on) all the questions you posed?  
*yes*
- Was the research completed and delivered to you in a timely manner?  
*yes*



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

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

April 12, 1985

MEMORANDUM

TO: Representative Roger Jenkins  
ATTN: Shirley Armstrong  
FROM: Deb Pomeroy, Administrative Officer *DP*  
RE: Representation in the Alaska Legislature  
Research Request 85-293

You requested information regarding representation in the Alaska Legislature. Specifically you asked:

- What was the original rationale for the representation to the Alaska Legislature of 40 House members and 20 Senate members;
- How many election districts have more than one representative; and
- What is the ratio of population to legislators in Alaska and other states.

Rationale for Representation

According to the proceedings of the Constitutional Convention, there were several interwoven reasons for this specific number. First, there was the opinion that:

small houses focus the attention of the people upon the legislature better than do large ones, for the personalities and voting records of a few legislators may be understood by the public but they will not make the effort necessary to keep up with large houses. In small houses, moreover, the members may grow to know one another well and to proceed with the minimum formality.<sup>1</sup>

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<sup>1</sup>Alaska Constitutional Convention, Commentary on the Legislative Article, Constitutional Convention Committee Proposal/5, December 14, 1955.

Representative Jenkins  
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Convention Delegate George Cooper, a member of the Apportionment Committee, explained on the floor that while working out the apportionment for the state, the committee arrived at a figure of 20 seats for the Senate and 40 seats for the House. Steve McCutcheon, a member of the Committee on the Legislature, explained that his committee had concurred with this number partly because the Apportionment Committee had "developed a theory of apportionment which fitted this type of figuring." He also stated that it was the committee's intent to limit membership in the houses to 20 in the Senate and 40 in the House because:

...the Committee felt that the legislature should be somewhat larger than it is, but did not feel that we should fall in the error of a number of the states which have run their legislatures up to two or three hundred people...<sup>2</sup>

#### District Representation

Out of the 27 House districts, 13 have two seats (House Districts 1, 4, 5, 8-16, and 20). The remaining 14 districts have one representative (2, 3, 6, 7, 17-19, and 21-27). In the Senate, districts A-D, J, and L-M have only one Senate seat, while districts E-I and district K have two seats.

#### Ratio of Population to Legislator

In 1960 (one year after statehood), the population of Alaska was 226,167. At that time, there was one representative for every 5,654 residents and one Senator for every 11,308 residents. According to the State Demographer, Greg Williams, Alaska's population as of July 1983 (the most current official estimate) was 510,554. This produces a ratio of one Representative for every 12,764 residents and one Senator for every 25,528 residents.

The attached table lists the total population, the number of representatives and senators, and the ratio of population to legislators for all 50 states. The information is presented in descending order of the number of residents represented by each House member. For comparison purposes, I have used data taken from the 1984-1985 Book of the States which lists population data based on the U.S. Bureau of the Census, State Government Tax Collections in 1983.

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<sup>2</sup>Proceedings of the Constitutional Convention, page 1576.

Representative Jenkins  
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Alaska ranks 42nd in the number of residents represented. Only eight states have a lower ratio (South Dakota, Rhode Island, Montana, Wyoming, Maine, North Dakota, Vermont and New Hampshire). Alaska's ranking does not change if the Department of Labor's 1983 population estimate is used.

\* \* \* \*

I hope this information is useful to you. If you have any questions, or would like additional information, please call.

DP

Attachment

LEGISLATIVE REPRESENTATION IN THE UNITED STATES

STATE	POPULATION	HOUSE REPRESENTED	POPULATION REPRESENTED	SENATE REPRESENTED	POPULATION REPRESENTED
California	24,887,000	80	311,088	40	622,175
New York	17,639,000	150	117,593	61	289,164
Ohio	10,733,000	99	108,414	33	325,242
Texas	15,577,000	150	103,847	31	502,484
Illinois	11,450,000	118	97,034	59	194,068
New Jersey	7,444,000	80	93,050	40	186,100
Florida	10,582,000	120	88,183	40	264,550
Michigan	9,058,000	110	82,345	38	238,368
Pennsylvania	11,883,000	203	58,537	50	237,660
Indiana	5,473,000	100	54,730	50	109,460
Virginia	5,387,000	100	53,870	40	134,675
North Carolina	5,976,000	120	49,800	50	119,520
Arizona	2,935,000	60	48,917	30	97,833
Wisconsin	4,750,000	99	47,980	33	143,939
Colorado	3,097,000	65	47,646	35	88,486
Tennessee	4,663,000	99	47,101	33	141,303
Oregon	2,660,000	60	44,333	30	88,667
Washington	4,242,000	98	43,286	49	86,571
Louisiana	4,407,000	105	41,971	39	113,000
Alabama	3,932,000	105	37,448	35	112,343
Kentucky	3,679,000	100	36,790	38	96,816
Massachusetts	5,752,000	160	35,950	40	143,800
Nebraska	1,585,000	49	32,347		
Oklahoma	3,264,000	101	32,317	48	68,000
Georgia	5,661,000	180	31,450	56	101,089
Minnesota	4,143,000	134	30,918	67	61,836
Missouri	4,953,000	163	30,387	34	145,676
Maryland	4,254,000	141	30,170	47	90,511
Idaho	2,903,000	100	29,030	50	58,060
South Carolina	3,199,000	124	25,798	46	69,543
Arkansas	2,318,000	100	23,180	35	66,229
Utah	1,612,000	75	21,493	29	55,586
Mississippi	2,565,000	122	21,025	52	49,327
Nevada	879,000	42	20,929	21	41,857
Connecticut	3,123,000	151	20,682	36	86,750
New Mexico	1,382,000	70	19,743	42	32,905
West Virginia	1,964,000	100	19,640	34	57,765
Kansas	2,397,000	125	19,176	40	59,925
Hawaii	968,000	51	18,980	25	38,720
Delaware	601,000	41	14,659	21	28,619
Idaho	983,000	70	14,043	35	28,086
Alaska	456,000	40	11,400	20	22,800
South Dakota	693,000	70	9,900	35	19,800
Rhode Island	950,000	100	9,500	50	19,000
Montana	812,000	100	8,120	50	16,240
Wyoming	510,000	64	7,969	30	17,000
Maine	1,136,000	151	7,523	33	34,424
North Dakota	669,000	106	6,311	53	12,623
Vermont	525,000	150	3,500	30	17,500
New Hampshire	954,000	400	2,385	24	39,750

ERR

Source: 1984-1985 Book of the States, page 352

Prepared by the House Research Agency, April 1984.

**Pennsylvania** — Eastern: Alfred L. Luongo, Cj; John P. Pollan, Charles R. Weiser, John B. Hannum, Daniel H. Huyett 3d, Donald W. VanAradale, J. William Ditter Jr., Raymond J. Broderick, Clarence C. Newcomer, Clifford Scott Green, Louis Charles Bechtle, Joseph L. McGlynn Jr., Edward N. Caha, Louis H. Pollak, Norma L. Shapiro, James T. Giles, James McGirr Kelly, Clerk's Office, Philadelphia 19106. Middle: William J. Nealon Jr., Cj; Malcolm Muir, Richard P. Conboy, Sylvia H. Rambo, William W. Calkwell, Clerk's Office, Scranton 18501. Western: Hubert I. Teitbaum, Cj; Gerald J. Weber, Barron P. McCune, Maurice B. Cahill Jr., Paul A. Simmons, Gustave Diamond, Donald E. Ziegler, Alan N. Bloch, Glenn E. Menor, Carol Lee Mansmann; Clerk's Office, Pittsburgh 15230.

**Rhode Island** — Francis J. Boyle, Cj; Bruce M. Selys; Clerk's Office, Providence 02901

**South Carolina** — Charles E. Simons Jr., Cj; Solomon Blatt Jr., C. Weston Houck, Falcon R. Hawkins, Matthew J. Perry Jr., George R. Anderson Jr., William W. Wilkins Jr., Clyde H. Hamilton; Clerk's Office, Columbia 29202.

**South Dakota** — Andrew A. Bone, Cj; Donald J. Porter, John Bailey Jones; Clerk's Office, Sioux Falls 57102.

**Tennessee** — Eastern: Robert L. Taylor, Cj; H. Theodore Milburn, Thomas G. Hill; Clerk's Office, Knoxville 37901. Middle: L. Clure Morton, Cj, Thomas A. Wiseman Jr., John T. Nixson; Clerk's Office, Nashville 37201. Western: Robert M. McRae Jr., Cj; Odell Horton, Julia S. Gibbons; Clerk's Office, Memphis 38103.

**Texas** — Northern: Halbert O. Woodward, Cj; Eldon B. Mabon, Robert M. Hill, Robert W. Porter, Mary Lou Robinson, Barclay Sanders, David O. Belew Jr., Jerry Buchmeyer, A. Joe Fish; Clerk's Office, Dallas 75242. Southern: John V. Singleton Jr., Cj; Carl O. Bue Jr., Robert O'Connor Jr., Ross N. Stieling, Norman W. Black, James De Anda, George E. Cirt, Gabrielle K. McDonald, George P. Kazen, Hugh Gibson, Filmon D. Vela, Hayden W. Head Jr., Ricardo H. Hinojosa, Clerk's Office, Houston 77208. Eastern: William Wayne Justice, Cj; William M. Steger, Robert M. Parker; Clerk's Office, Beaumont 77701. Western: William S. Seawson, Cj; Lucius D. Buntion 3d, Harry Lee Hudspeth.

Hipolito P. Garcia, James R. Nowlin, Clerk's Office, San Antonio 78206.

**Utah** — Aldon J. Anderson, Cj; Bruce S. Jenkins, David K. Winder; Clerk's Office, Salt Lake City 84110.

**Vermont** — Albert W. Coffin, Cj; Clerk's Office, Burlington 05402.

**Virginia** — Eastern: John A. MacKenzie, Cj; Robert R. Meringe Jr., Albert V. Bryan Jr., Doris D. Dorch Warriner, J. Calvitt Clarke, Richard L. Williams, James C. Cachena, Robert O. Doumar; Clerk's Office, Norfolk 23510. Western: James C. Turk, Cj; Glen M. Williams, James H. Michard Jr., Jackson L. Kiser; Clerk's Office, Roanoke 24006.

**Washington** — Eastern: Robert J. McNichols, Cj; Justin L. Quackenbush; Clerk's Office, Spokane 99210. Western: Walter T. McGovern, Cj; Donald S. Voorhees, Jack E. Tanner, Barbara J. Rothman, John C. Coughenour; Clerk's Office, Seattle 98104.

**West Virginia** — Northern: Robert Earl Maxwell, Cj; William M. Kidd; Clerk's Office, Elkins 26241. Southern: Charles H. Haden 2d, Cj; Robert J. Staker, John T. Copenhaver Jr., Elizabeth V. Hallanan; Clerk's Office, Charleston 25329.

**Wisconsin** — Eastern: John W. Reynolds, Cj; Robert W. Warren, Terence T. Evans, Thomas J. Curran; Clerk's Office, Milwaukee 53202. Western: Barbara B. Crabb, Cj; John C. Shaban; Clerk's Office, Madison 53701.

**Wyoming** — Clarence A. Brimmer; Clerk's Office, Cheyenne 82001.

## U.S. Territorial District Courts

**Guam** — Cristobal C. Duenas; Clerk's Office, Agaña 96910.  
**Puerto Rico** — Juan R. Torruella, Cj; Juan M. Perez-Gimenez, Gilberto Gierbolini-Ortiz, Carmus Consuelo Cerco, Jaime Perras Jr., Raymond L. Acosta, Hector M. Laffitte; Clerk's Office, San Juan 00904.

**Virgin Islands** — Almeric L. Christian, Cj; David V. O'Brien; Clerk's Office, Charlotte Amalie, St. Thomas 00801.

## State Officials, Salaries, Party Membership

Compiled from data supplied by state officials, mid-1984

### Alabama

**Governor** — George Wallace, D., \$68,818.  
 **Lt. Gov.** — Bill Bailey, D., \$95 per legislative day, plus annual salary of \$600 per month plus \$1,500 per month for expenses.  
 **Sec. of State** — Don Siegelman, D., \$32,940.  
 **Atty. Gen.** — Charles Graddick, D., \$38,000.  
 **Treasurer** — Mrs. Annie Laurie Gueter, D., \$45,000.  
 **Legislature:** meets annually the 3d Tuesday in Apr. (first year of term of office, first Tuesday in Feb. (2d and 3d years), 2d Tuesday in Jan. (4th year) at Montgomery. Members receive \$600 per month plus \$95 per day during legislative sessions, and mileage of 10c per mile.  
 **Senate** — Dem., 28; Rep., 4; ind. 3. Total, 35.  
 **House** — Dem., 87; Rep., 11; ind. 6; 1 vacancy. Total, 105.

### Alaska

**Governor** — Bill Sheffield, D., \$81,648.  
 **Lt. Gov.** — Stephen McAlpine, D., \$76,188.  
 **Atty. Gen.** — Norman Ormuck, D., \$73,620.  
 **Legislature:** meets annually in January at Juneau, as long as may be necessary. First session in odd years. Members receive \$48,800 per year plus \$4,000 for postage, personal stationery, and other expenses.  
 **Senate** — Dem., 11; Rep., 9. Total, 20.  
 **House** — Dem., 21; Rep., 19. Total, 40.

### Arizona

**Governor** — Bruce Babbitt, D., \$62,500.  
 **Sec. of State** — Rose Mofford, D., \$35,000.  
 **Atty. Gen.** — Bob Corbin, R., \$36,250.  
 **Treasurer** — Clark Dierks, R., \$37,500.  
 **Legislature:** meets annually in January at Phoenix. Each member receives an annual salary of \$15,000.  
 **Senate** — Dem., 12; Rep., 18. Total, 30.  
 **House** — Dem., 21; Rep., 39. Total, 60.

### Arkansas

**Governor** — Bill Clinton, D., \$33,000.  
 **Lt. Gov.** — Winston Bryant, D., \$14,000.  
 **Sec. of State** — Paul Riviera, D., \$22,500.  
 **Atty. Gen.** — Steve Clark, D., \$26,500.  
 **Treasurer** — Fessile Lee Fisher, D., \$22,500.

**General Assembly:** meets odd years in January at Little Rock. Members receive \$7,500 per year, \$45 a day while in regular session, plus 13c a mile (travel expenses).  
 **Senate** — Dem., 32; Rep., 3. Total, 35.  
 **House** — Dem., 93; Rep., 7. Total, 100.

### California

**Governor** — George Deukmejian, R., \$49,100.  
 **Lt. Gov.** — Leo T. McCarthy, D., \$42,500.  
 **Sec. of State** — March Fong Eu, D., \$42,500.  
 **Controller** — Kenneth Cory, D., \$42,500.  
 **Atty. Gen.** — John Van de Kamp, D., \$47,500.  
 **Treasurer** — Jesse M. Urrub, D., \$42,500.  
 **Legislature:** meets at Sacramento; regular sessions commence on the first Monday in Dec. of every even-numbered year, each session lasts 2 years. Members receive \$28,110 per year plus mileage and \$65 per diem.  
 **Senate** — Dem., 25; Rep., 14; ind. 1. Total, 40.  
 **Assembly** — Dem., 48; Rep., 32. Total, 80.

### Colorado

**Governor** — Richard D. Lamm, D., \$60,000.  
 **Lt. Gov.** — Nancy Dick, D., \$32,500.  
 **Sec. of State** — Natalie Meyer, R., \$32,500.  
 **Atty. Gen.** — Duane Woodard, R., \$40,000.  
 **Treasurer** — Roy Romer, D., \$32,500.  
 **General Assembly:** meets annually in January at Denver. Members receive \$14,000 annually.  
 **Senate** — Dem., 14; Rep., 21. Total, 35.  
 **House** — Dem., 25; Rep., 40. Total, 65.

### Connecticut

**Governor** — William A. O'Neill, D., \$65,000.  
 **Lt. Gov.** — Joseph J. Fasella, D., \$40,000.  
 **Sec. of State** — Julia H. Tashjian, D., \$35,000.  
 **Treasurer** — Henry E. Parker, D., \$35,000.  
 **Comptroller** — J. Edward Caldwell, D., \$35,000.  
 **Atty. Gen.** — Joseph I. Libertona, D., \$50,000.  
 **General Assembly:** meets annually odd years in January and even years in February at Hartford. Salary \$21,000 per 2-year term plus \$2,500 per year for expenses, plus travel allowance.  
 **Senate** — Dem., 23; Rep., 13. Total, 36.  
 **House** — Dem., 86; Rep., 64; 1 vacancy. Total, 151.

## Delaware

Governor — Pierre S. du Pont 4th. R., \$70,000.  
 Lt. Gov. — Michael N. Castle. R., \$16,600.  
 Sec. of State — Glenn C. Kenton. R., \$46,700.  
 Atty. Gen. — Charles Oberly 3d. D., \$39,600.  
 Treasurer — Janet C. Rauerbach. R., \$25,700.  
 General Assembly: meets annually at Dover from the 2d Tuesday in January to midnight June 30. Members receive \$12,255 base salary.

Senate — Decm., 13; Rep., 8. Total, 21.  
 House — Decm., 24; Rep., 17. Total, 41.

## Florida

Governor — Robert Graham. D., \$69,550.  
 Lt. Gov. — Wayne Mison. D., \$60,455.  
 Sec. of State — George Firestone. D., \$59,385.  
 Comptroller — Gerald Lewis. D., \$59,385.  
 Atty. Gen. — Jim Smith. D., \$59,385.  
 Treasurer — Bill Gunter. D., \$59,385.  
 Legislature: meets annually at Tallahassee. Members receive \$12,000 per year plus expense allowance while on official business.  
 Senate — Decm., 27; Rep., 13. Total, 40.  
 House — Decm., 80; Rep., 40. Total, 120.

## Georgia

Governor — Joe Frank Harris. D., \$71,314.  
 Lt. Gov. — Zell Miller. D., \$41,496.  
 Sec. of State — Max Cleland. D., \$51,896.  
 Comptroller General — Johnnie L. Caldwell. D., \$51,896.  
 Atty. Gen. — Michael J. Bowers. \$37,681.  
 General Assembly: meets annually at Atlanta. Members receive \$7,200 per year. During session \$35 per day for expenses.  
 Senate — Decm., 49; Rep., 7. Total, 56.  
 House — Decm., 156; Rep., 24. Total, 180.

## Hawaii

Governor — George R. Ariyoshi. D., \$59,000.  
 Lt. Gov. — John Waiho. D., \$51,460.  
 Atty. Gen. — Tany Hoop. \$50,490.  
 Comptroller — Hideo Murazami. \$50,490.  
 Div. of Budget & Finance — Jensen S. Lee. \$50,490.  
 Legislature: meets annually on 3d Wednesday in January at Honolulu. Members receive \$13,650 per year plus expenses.  
 Senate — Decm., 20; Rep., 3. Total, 23.  
 House — Decm., 43; Rep., 8. Total, 51.

## Idaho

Governor — John V. Evans. D., \$50,000.  
 Lt. Gov. — David H. Leroy. R., \$14,000.  
 Sec. of State — Pete T. Conrains. R., \$37,900.  
 Treasurer — Marjorie Ruth Moon. D., \$37,900.  
 Atty. Gen. — Jim Jones. R., \$42,000.  
 Legislature: meets annually on the Monday after the first day in January at Boise. Members receive \$4,200 per year, plus \$25 per day when authorized, plus travel allowances.  
 Senate — Decm., 14; Rep., 21. Total, 35.  
 House — Decm., 19; Rep., 51. Total, 70.

## Illinois

Governor — James R. Thompson. R., \$58,000.  
 Lt. Gov. — George H. Ryan. R., \$45,500.  
 Sec. of State — Jim Edgar. R., \$50,500.  
 Comptroller — Roland W. Burns. D., \$48,000.  
 Atty. Gen. — Neil F. Hartigan. D., \$50,500.  
 Treasurer — James H. Donerwald. D., \$48,000.  
 General Assembly: meets annually in January at Springfield. Members receive \$28,000 per annum.  
 Senate — Decm., 33; Rep., 26. Total, 59.  
 House — Decm., 70; Rep., 48. Total, 118.

## Indiana

Governor — Robert D. Orr. R., \$66,000 plus discretionary expenses.  
 Lt. Gov. — John M. Mutt. F., \$51,000 plus discretionary expenses.  
 Sec. of State — Edwin J. Sencos. R., \$46,000.  
 Atty. Gen. — Linsky E. Pearson. R., \$51,000.  
 Treasurer — Jackson Riddle. R., \$46,000.  
 General Assembly: meets annually in January. Members receive \$11,600 per year plus \$65 per day while in session, \$15 per day while not in session.  
 Senate — Decm., 18; Rep., 32. Total, 50.  
 House — Decm., 43; Rep., 57. Total, 100.

## Iowa

Governor — Terry Branstad. R., \$64,000 plus \$5,724 expenses.  
 Lt. Gov. — Robert Anderson. R., \$21,900 plus personal expenses and travel allowances at same rate as for a senator.

Sec. of State — Mary Jane Odell. F., \$41,000.  
 Atty. Gen. — Tom Miller. D., \$54,000.  
 Treasurer — Michael L. Fitzgerald. D., \$41,000.  
 General Assembly: meets annually in January at Des Moines. Members receive \$14,600 annually plus maximum expense allowance of \$30 per day for first 120 days of first session, and first 100 days of 2d session; mileage expenses at 20¢ a mile.  
 Senate — Decm., 28; Rep., 22. Total, 50.  
 House — Decm., 60; Rep., 40. Total, 100.

## Kansas

Governor — John Carlin. D., \$54,774.  
 Lt. Gov. — Tom Docking. D., \$16,436 plus \$1,875 for expenses.  
 Sec. of State — Jack H. Brer. R., \$13,480.  
 Atty. Gen. — Robert T. Stephan. R., \$48,697.  
 Treasurer — Joan Finney. D., \$33,480.  
 Legislature: meets annually in January at Topeka. Members receive \$47 a day plus \$50 a day expense while in session, plus \$400 per month while not in session.  
 Senate — Decm., 16; Rep., 24. Total, 40.  
 House — Decm., 53; Rep., 72. Total, 125.

## Kentucky

Governor — Martha L. Collins. D., \$60,000.  
 Lt. Gov. — Steve Beshear. D., \$51,000.  
 Sec. of State — Drexell R. Davis. D., \$51,000.  
 Atty. Gen. — Dave Armstrong. D., \$51,000.  
 Treasurer — Francis J. Mills. O., \$51,000.  
 Auditor — Mary A. Tobin. D., \$51,000.  
 General Assembly: meets every year in January at Frankfort. Members receive \$100 per day and \$100 per day during session and \$950 per month for expenses for interim.  
 Senate — Decm., 30; Rep., 8. Total, 38.  
 House — Decm., 77; Rep., 23. Total, 100.

## Louisiana

Governor — Edwin W. Edwards. D., \$73,440.  
 Lt. Gov. — Robert L. Freeman. D., \$63,367.  
 Sec. of State — James H. Brown. D., \$60,169.  
 Atty. Gen. — William J. Guste Jr., D., \$60,169.  
 Treasurer — Mary Evelyn Parker. D., \$60,169.  
 Legislature: meets annually for 60 legislative days commencing on 3d Monday in April. Members receive \$75 per day and mileage at 21¢ a mile for 13 round trips, plus \$1,400 per month expense allowance.  
 Senate — Decm., 38; Rep., 1. Total, 39.  
 House — Decm., 93; Rep., 11; no party 1. Total, 105.

## Maine

Governor — Joseph E. Brennan. D., \$35,000.  
 Sec. of State — Rodney Quinn. D., \$30,000.  
 Atty. Gen. — Jacob Thayer. D., \$44,431.  
 Treasurer — Sanford Shapiro. D., \$30,200.  
 Legislature: meets biennially in January at Augusta. Members receive \$6,500 for regular session, \$3,500 for special session plus expenses; presiding officers receive 50% more.  
 Senate — Decm., 23; Rep., 10. Total, 33.  
 House — Decm., 93; Rep., 38. Total, 131.

## Maryland

Governor — Harry Hughes. D., \$75,000.  
 Lt. Gov. — J. Joseph Curran Jr., D., \$62,500.  
 Comptroller — Louis L. Goldstein. D., \$62,500.  
 Atty. Gen. — Stephen H. Sachs. D., \$62,500.  
 Sec. of State — Lorraine Sheehar. D., \$45,000.  
 Treasurer — William S. James. D., \$62,500.  
 General Assembly: meets 90 days annually on the 2d Wednesday in January at Annapolis. Members receive \$22,000 per year.  
 Senate — Decm., 41; Rep., 6. Total, 47.  
 House — Decm., 124; Rep., 17. Total, 141.

## Massachusetts

Governor — Michael S. Dukakis. D., \$75,000.  
 Lt. Gov. — John Kerry. D., \$60,000.  
 Sec. of State — Michael Joseph Connolly. D., \$60,000.  
 Atty. Gen. — Francis X. Bellotti. D., \$65,000.  
 Treasurer — Robert Q. Crane. D., \$60,000.  
 Auditor — John J. Flanagan. D., \$60,000.  
 General Court (Legislature): meets each January in Boston for \$30,000 per annum.  
 Senate — Decm., 33; Rep., 7. Total, 40.  
 House — Decm., 131; Rep., 28; 1 vacancy. Total, 160.

## Michigan

Governor — James J. Blanchard. D., \$78,000.  
 Lt. Gov. — Martha W. Griffiths. D., \$53,900.  
 Sec. of State — Richard H. Austin. D., \$75,000.  
 Atty. Gen. — Frank J. Kelley. D., \$75,000.  
 Treasurer — Robert A. Bowman. N-P, \$44,900.

Legislature meets annually in January at Lansing. Members receive \$13,500 per year, plus \$4,700 expense allowance.

Senate — Dem., 18; Rep., 20. Total, 38.

House — Dem., 62; Rep., 44; 2 vacancies. Total, 110.

#### Minnesota

Governor — Rudy Perpich, DFL, \$66,500.

Lt. Gov. — Marlene Johnson, DFL, \$40,000.

Sec. of State — Joan Anderson Grove, DFL, \$36,000.

Atty. Gen. — Hubert H. Humphrey Jr., DFL, \$36,000.

Treasurer — Robert W. Mattson, DFL, \$36,000.

Auditor — Arne H. Carlson, IR, \$36,000.

Legislature meets for a total of 120 days within every 2 years at St. Paul. Members receive \$18,500 per year, plus expense allowance during session.

Senate — DFL, 42; IR, 25. Total, 67.

House — DFL, 76; IR, 58. Total, 134.

(DFL means Democratic-Farmer-Labor, IR means Independent Republicans.)

#### Mississippi

Governor — William A. Allain, D, \$61,000.

Lt. Gov. — Brad Dye, D, \$34,000 per regular legislative session, plus expense allowance.

Sec. of State — Dick Molpus, D, \$45,000.

Atty. Gen. — William L. Pittman, D, \$51,000.

Treasurer — William J. Cole Jr., D, \$45,000.

Legislature meets annually in January at Jackson. Members receive \$4,100 per regular session plus travel allowance and \$210 per month while not in session.

Senate — Dem., 49; Rep., 3. Total, 52.

House — Dem., 117; Rep., 3. Total, 122.

#### Missouri

Governor — Christopher S. Bond, R, \$50,000.

Lt. Gov. — Kenneth J. Rothman, D, \$30,000.

Sec. of State — James C. Kirkpatrick, D, \$42,500.

Atty. Gen. — John Ashcroft, R, \$45,000.

Treasurer — Mel Carnahan, D, \$42,500.

General Assembly: meets annually in Jefferson City on the first Wednesday after first Monday in January; adjournment in odd-numbered years by June 30, in even-numbered years by May 15. Members receive \$15,000 annually.

Senate — Dem., 22; Rep., 12. Total, 34.

House — Dem., 110; Rep., 53. Total, 163.

#### Montana

Governor — Tod Schwend, D, \$47,961.

Lt. Gov. — George Turman, D, \$34,344.

Sec. of State — Jim Waltemire, R, \$31,692.

Atty. Gen. — Mike Greedy, D, \$43,745.

Legislative Assembly: meets odd years in January at Helena. Members receive \$49.50 per legislative day plus \$45 per day for expenses while in session.

Senate — Dem., 26; Rep., 24. Total, 50.

House — Dem., 45; Rep., 55. Total, 100.

#### Nebraska

Governor — Robert Kerrey, D, \$40,000.

Lt. Gov. — Donald F. McGinley, D, \$32,000.

Sec. of State — Allen J. Boersman, R, \$32,000.

Atty. Gen. — Paul Douglas, R, \$39,500.

Treasurer — Kay Orr, R, \$32,000.

Legislature: meets annually in January at Lincoln. Members receive salary of \$4,800 annually plus travelling expenses for one round trip to and from session.

Unofficial body composed of 49 members who are elected on a nonpartisan ballot and are classed as senators.

#### Nevada

Governor — Richard Bryan, D, \$65,000.

Lt. Gov. — Robert Castelli, R, \$10,500 plus \$104 per day when acting as governor and president of the Senate during legislative sessions.

Sec. of State — William D. Swackhamer, D, \$42,500.

Comptroller — Darrel Daines, R, \$41,000.

Atty. Gen. — Brian McKay, R, \$32,500.

Treasurer — Patty Cafferata, R, \$41,000.

Legislature: meets odd years in January at Carson City. Members receive \$104 per day for 60 days (20 days for special sessions), plus per diem of \$50 per day for entire length of session. Travel allowance of 20¢ per mile.

Senate — Dem., 17; Rep., 4. Total, 21.

Assembly — Dem., 23; Rep., 19. Total, 42.

#### New Hampshire

Governor — John H. Sununu, R, \$44,520.

Sec. of State — William M. Gardner, D, \$31,270.

Atty. Gen. — Gregory H. Smith, \$18,690.

Treasurer — Robert W. Flanders, R, \$31,270.

General Court (Legislature): meets odd years in January at Concord. Members receive \$200; presiding officers \$250.

Senate — Dem., 9; Rep., 14; 1 vacancy. Total, 24.

House — Rep., 234; Dem., 158; 2 ind., 6 vacancies. Total, 400.

#### New Jersey

Governor — Thomas H. Kean, R, \$83,000.

Sec. of State — Jane Burges, R, \$66,000.

Atty. Gen. — Irvin I. Kimmelman, R, \$70,000.

Treasurer — Michael M. Horn, R, \$70,000.

Legislature: meets throughout the year at Trenton. Members receive \$25,000 per year, except president of Senate and speaker of Assembly who receive 1/3 more.

Senate — Dem., 21; Rep., 17. Total, 40.

Assembly — Dem., 44; Rep., 36. Total, 80.

#### New Mexico

Governor — Toney Anaya, D, \$60,000.

Lt. Gov. — Mike Runnels, D, \$18,500. Acting governor, \$150 per day.

Sec. of State — Clara Jones, D, \$18,500.

Atty. Gen. — Paul G. Bardacke, D, \$44,000.

Treasurer — Earl Edward Hanley, D, \$18,500.

Legislature: meets in January at Santa Fe; odd years for 60 days, even years for 30 days. Members receive \$75 per day while in session.

Senate — Dem., 23; Rep., 19. Total, 42.

House — Dem., 46; Rep., 24. Total, 70.

#### New York

Governor — Mario M. Cuomo, D, \$100,000.

Lt. Gov. — Alfred B. DelBello, D, \$85,000.

Sec. of State — Gail S. Shaffer, D, \$63,700.

Comptroller — Edward V. Regan, R, \$85,000.

Atty. Gen. — Robert Abrams, D, \$85,000.

Legis. are: meets annually in January at Albany. Members receive \$32,960 per year.

Senate — Dem., 27; Rep., 34. Total, 61.

Assembly — Dem., 98; Rep., 52. Total, 150.

#### North Carolina

Governor — James B. Hunt, D, \$60,768 plus \$11,500 per year expenses.

Lt. Gov. — James C. Green, D, \$50,328 per year, plus \$11,500 per year expense allowance.

Sec. of State — Thad Eure, D, \$50,328.

Atty. Gen. — Rufus L. Edmisten, D, \$31,976.

Treasurer — Harlan E. Boyles, D, \$50,328.

General Assembly: meets odd years in January at Raleigh. Members receive \$6,936 annual salary and \$2,064 annual expense allowance, plus \$30 per diem subsistence and travel allowance while in session.

Senate — Dem., 44; Rep., 6. Total, 50.

House — Dem., 102; Rep., 18. Total, 120.

#### North Dakota

Governor — Allen I. Olson, R, \$60,862 plus \$13,862 expenses.

Lt. Gov. — Ernest Sanda, R, \$12,500.

Sec. of State — Ben Meier, R, \$41,380 plus \$9,880 expenses.

Atty. Gen. — Bob Weald, R, \$49,209 plus \$11,206 expenses.

Treasurer — John Lemmester, R, \$41,380 plus \$9,880 expenses.

Legislative Assembly: meets odd years in January at Bismarck. Members receive \$90 per day expenses during session and \$180 per month when not in session.

Senate — Dem., 21; Rep., 32. Total, 53.

House — Dem., 55; Rep., 51. Total, 106.

#### Ohio

Governor — Richard F. Celeste, D, \$60,000.

Lt. Gov. — Myrl H. Shoemaker, D, \$35,000.

Sec. of State — Sherrod Brown, D, \$50,000.

Atty. Gen. — Anthony J. Celebrezze Jr., D, \$50,000.

Treasurer — Mary Ellen Whitrow, D, \$50,000.

Auditor — Thomas E. Ferguson, D, \$50,000.

General Assembly: meets odd years at Columbus on first Monday in January for the 1st session, and no later than Mar. 15th of the following year for the 2d session. Members receive \$22,500 per annum.

Senate — Dem., 17; Rep., 16. Total, 33.

House — Dem., 62; Rep., 37. Total, 99.

#### Oklahoma

Governor — George Nigh, D, \$70,000.

Lt. Gov. — Spencer T. Bernard, D, \$40,000.

Sec. of State — Jeannette B. Edmondson, D, \$37,000.

Atty. Gen. — Mike Turpen, D, \$55,000.

Treasurer — Leo Winters, D, \$50,000.

Legislature: meets annually in January at Oklahoma City. Members receive \$20,000 annually.

Senate — Dem., 34; Rep., 14. Total, 48.

House — Com., 76; Rep., 25. Total, 101.

#### Oregon

Governor — Victor Atiyeh, R, \$52,092, plus \$1,000 monthly expenses.

Sec. of State — Norma Paulus, R, \$42,854.

Atty. Gen. — David B. Frohnmayer, R, \$50,103.

**Treasurer** — Will Lutherford, R., \$42,864.  
**Legislative Assembly**: meets odd years in January at Salem. Members receive \$618 monthly and \$44 expenses per day while in session, \$300 per month while out in session.  
**Senate** — Dem., 21; Rep., 9. Total, 30.  
**House** — Dem., 26; Rep., 24. Total, 60.

#### Pennsylvania

**Governor** — Dick Thornburgh, R., \$75,000.  
**Lt. Gov.** — William W. Scranton, Jr., R., \$57,500.  
**Sec. of the Commonwealth** — William R. Davis, R., \$48,000.  
**Atty. Gen.** — Leroy S. Zimmerman, R., \$55,000.  
**Treasurer** — H. Budd Dwyer, R., \$48,000.  
**General Assembly** — convenes annually in January at Harrisburg. Members receive \$25,000 per year plus \$15,000 for expenses.  
**Senate** — Dem., 21; Rep., 27. Total, 50.  
**House** — Dem., 103; Rep., 100. Total, 203.

#### Rhode Island

**Governor** — J. Joseph Garrahy, D., \$49,500.  
**Lt. Gov.** — Thomas R. DiLuglio, D., \$35,500.  
**Sec. of State** — Susan Farmer, R., \$35,500.  
**Atty. Gen.** — Dennis J. Roberts, Jr., D., \$41,875.  
**Treasurer** — Anthony J. Solomon, D., \$35,500.  
**General Assembly**: meets annually in January at Providence. Members receive \$5 per day for 60 days, and travel allowance of 1c per mile.  
**Senate** — Dem., 29; Rep., 21. Total, 50.  
**House** — Dem., 85; Rep., 15. Total, 100.

#### South Carolina

**Governor** — Richard W. Riley, D., \$60,000.  
**Lt. Gov.** — Michael Daniel, D., \$35,000.  
**Sec. of State** — John T. Campbell, D., \$55,000.  
**Comptroller Gen.** — Earle E. Morris Jr., D., \$55,000.  
**Atty. Gen.** — T. T. Medlock, D., \$55,000.  
**Treasurer** — C. L. Patterson Jr., D., \$55,000.  
**General Assembly**: meets annually in January at Columbia. Members receive \$10,000 per year and expense allowance of \$50 per day, plus travel and postage allowance.  
**Senate** — Dem., 39; Rep., 8. 1 vacancy. Total, 46.  
**House** — Dem., 100; Rep., 22. 2 vacancies. Total, 124.

#### South Dakota

**Governor** — William J. Janklow, R., \$49,075.  
**Lt. Gov.** — Lowell C. Hanson, Jr., R., \$6,800 plus \$50 per day during legislative session.  
**Sec. of State** — Abce Kundert, R., \$33,275.  
**Treasurer** — David Volk, R., \$33,275.  
**Atty. Gen.** — Mark Meisberry, R., \$41,675.  
**Auditor** — Vernon Larson, R., \$33,275.  
**Legislature**: meets annually in January at Pierre. Members receive \$3,200 for 40-day session in odd-numbered years, and \$2,800 for 35-day session in even-numbered years, plus \$50 per legislative day.  
**Senate** — Dem., 8; Rep., 27. Total, 35.  
**House** — Dem., 16; Rep., 54. Total, 70.

#### Tennessee

**Governor** — Lamar Alexander, R., \$68,226.  
**Lt. Gov.** — John S. Wilder, D., \$8,308.  
**Sec. of State** — Gentry Crowell, D., \$31,510.  
**Comptroller** — William Goodgrass, D., \$31,510.  
**Atty. Gen.** — William M. Leach, D., \$64,497.  
**General Assembly**: meets annually in January at Nashville. Members receive \$3,368 yearly plus \$66.47 expenses for each day in session, plus mileage and expense allowances.  
**Senate** — Dem., 22; Rep., 11. Total, 33.  
**House** — Dem., 60; Rep., 31; Ind., 1. Total, 99.

#### Texas

**Governor** — Mark White Jr., D., \$81,900.  
**Lt. Gov.** — Bill Hobby, D., \$7,200, plus living quarters. Governor's salary when acting as governor.  
**Sec. of State** — John W. Fairley Jr., D., \$61,200.  
**Comptroller** — Bob Bullock, D., \$69,000.  
**Atty. Gen.** — Jca Martin, D., \$69,000.  
**Treasurer** — Ann W. Richards, D., \$69,000.  
**Legislature**: meets odd years in January at Austin. Members receive annual salary not exceeding \$7,200, per diem while in session, and travel allowance.  
**Senate** — Dem., 26; Rep., 5. Total, 31.  
**House** — Dem., 114; Rep., 36. Total, 150.

#### Utah

**Governor** — Scott M. Matheson, D., \$52,000.  
**Lt. Gov.** — David S. Monson, R., \$35,500.  
**Atty. Gen.** — David L. Wilkinson, R., \$41,000.  
**Treasurer** — Edward T. Aker, D., \$35,500.

**Legislature**: convenes for 60 days on 2d Monday in January in odd-numbered years, for 20 days in even-numbered years, members receive \$25 per day, \$15 daily expenses, and mileage.

**Senate** — Dem., 5; Rep., 24. Total, 29.  
**House** — Dem., 16; Rep., 39. Total, 75.

#### Vermont

**Governor** — Richard A. Snelling, R., \$50,000.  
**Lt. Gov.** — Peter Smith, R., \$22,000.  
**Sec. of State** — James H. Douglas, R., \$30,000.  
**Atty. Gen.** — John J. Easton Jr., R., \$40,000.  
**Treasurer** — Emory Hebard, R., \$30,000.  
**Auditor of Accounts** — Alexander V. Acobro, R., \$30,000.  
**General Assembly**: meets odd years in January at Montpelier. Members receive \$270 weekly while in session, with a limit of \$9,500 for a regular session and \$50 per day for special session, plus specified expenses.  
**Senate** — Dem., 13; Rep., 17. Total, 30.  
**House** — Dem., 65; Rep., 84; 1 Ind. Total, 150.

#### Virginia

**Governor** — Charles S. Robb, D., \$75,000.  
**Lt. Gov.** — Richard J. Davis, D., \$20,000.  
**Atty. Gen.** — Gerald L. Baliles, D., \$56,000.  
**Sec. of the Commonwealth** — Laurie Naismith, D., \$36,410.  
**Treasurer** — C. J. Boehm, \$40,612.  
**General Assembly**: meets annually in January at Richmond. Members receive \$11,000 annually plus expense and mileage allowances.  
**Senate** — Dem., 32; Rep., 8. Total, 40.  
**House** — Dem., 65; Rep., 34; Ind., 6. Total, 100.

#### Washington

**Governor** — John Spellman, R., \$63,000.  
**Lt. Gov.** — John A. Cherberg, D., \$28,600.  
**Sec. of State** — Ralph Munro, R., \$31,000.  
**Atty. Gen.** — Ken Eikenberry, R., \$47,100.  
**Treasurer** — Robert S. O'Brien, D., \$37,200.  
**Legislature**: meets annually in January at Olympia. Members receive \$13,750 annually plus per diem of \$44 per day and 10¢ per mile while in session, and \$50 per diem for attending meetings during interim.  
**Senate** — Dem., 26; Rep., 23. Total, 49.  
**House** — Dem., 53; Rep., 45. Total, 98.

#### West Virginia

**Governor** — Jay Rockefeller, D., \$60,000.  
**Sec. of State** — A. James MacCabe, D., \$36,000.  
**Atty. Gen.** — Chauncey Browning, D., \$42,000.  
**Treasurer** — Larrie Bailey, D., \$42,000.  
**Comm. of Agric.** — Gus R. Douglas, D., \$39,000.  
**Auditor** — Glen B. Gause Jr., D., \$39,000.  
**Legislature**: meets annually in January at Charleston. Members receive \$5,136.  
**Senate** — Dem., 31; Rep., 3. Total, 34.  
**House** — Dem., 67; Rep., 13. Total, 100.

#### Wisconsin

**Governor** — Anthony S. Earl, D., \$75,337.  
**Lt. Gov.** — James T. Flynn, D., \$41,380.  
**Sec. of State** — Douglas F. Follette, D., \$37,334.  
**Treasurer** — Charles P. Smith, D., \$37,334.  
**Atty. Gen.** — Bronson C. La Follette, D., \$58,139.  
**Department of Public Instruction** — Herbert J. Grover, \$58,139.  
**Legislature**: meets in January at Madison. Members receive \$22,632 annually plus \$41.63 per day expenses.  
**Senate** — Dem., 18; Rep., 14; 1 vacancy. Total, 33.  
**Assembly** — Dem., 58; Rep., 40; 1 vacancy. Total, 99.

#### Wyoming

**Governor** — Ed Herschler, D., \$70,000.  
**Sec. of State** — Thyrre Thomson, R., \$52,500.  
**Atty. Gen.** — A. G. McClatchey, \$52,500.  
**Treasurer** — Stan Smith, R., \$52,500.  
**Legislature**: meets odd years in January, even years in February, at Cheyenne. Members receive \$30 per day while in session, plus \$60 per day for expenses.  
**Senate** — Dem., 11; Rep., 19. Total, 30.  
**House** — Dem., 28; Rep., 35; 1 Ind. Total, 64.

#### Puerto Rico

**Governor** — Carlos Romero Barceló.  
**Secretary of State** — Carlos S. Quidá.  
**Secy. of Justice** — Nelson Marrero Acosta, act.  
 These officials belong to the New Progressive Party.  
**Legislature**: composed of a Senate of 27 members and a House of Representatives of 51 members. Majority of the members of both chambers belongs to the Popular Democratic Party. They meet assembly on the 2d Monday in January at San Juan.

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**Alaska's Elections,  
1958-1984**

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INSTITUTE OF SOCIAL AND ECONOMIC RESEARCH

UNIVERSITY OF ALASKA  
Anchorage, Alaska

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## ALASKA'S ELECTIONS, 1958-1984

Elections are the means by which citizens take part in choosing the officials who set governmental policy for nations, states, and communities. In the American states, elections are the most common way that people participate in government.

Elections would serve these purposes most effectively if large numbers of informed citizens were to go to the polls to choose between competing candidates offering clear choices for future policy. Ideally, the winning candidates would form a unified governing coalition: officials identified with one of the major political parties would lead both executive and legislative branches of government. In this way, officials could be held accountable in the next election for the record of government as a whole and for their individual performances.<sup>1</sup>

These conditions are rarely if ever fulfilled in American elections (or in elections generally). In most state elections, only about half or less of the voting age population actually goes to the polls on election day. Party competition in state executive or legislative elections is often weak and sometimes absent altogether. Candidates tend to avoid committing themselves to party or other programmatic positions. And the elections result increasingly in state governments being divided along party lines, with one party controlling the governor's office and the other controlling either or both houses of the state legislature.

This paper examines the extent to which these different electoral patterns apply in Alaska. First, we broadly discuss the social and institutional setting of Alaska elections. Then, we examine in detail changing patterns of "turnout" or public participation in elections, party competition for office, and party control of state government. Overall, the paper shows how Alaska's elections have changed since statehood and how they compare to elections in the American states generally.

### The Setting and Context of Alaska Elections

The character and outcomes of Alaska's elections are shaped by the state's changing electoral demography, campaign methods and

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<sup>1</sup>The characteristics and especially the limitations of the "party government" model in American politics are discussed fully by Frank J. Sorauf, *Party Politics in America*, 5th ed. (Boston: Little, Brown and Company, 1984), pp. 388-414.

technology, and state elections rules.

### Electoral Demography

By "electoral demography" we mean analysis of the social characteristics of a voting-age population that may influence the political orientations and voting patterns of that population. Ultimately, we are interested in knowing such things as how likely people are to turn out to vote, which party the people are most likely to identify with and support, and what general policy preferences people are likely to have. Without survey data, what can be learned from demographic analysis is limited. Nonetheless, we can trace changes in Alaska's population over time, make comparisons with other states, and show some significant differences among the populations of Alaska's major regions. The resulting demographic profile will provide useful background for subsequent analysis of election returns.

Table 1 shows changes in Alaska's overall population between 1960 and 1980 and compares the state's population with the 1980 populations of the United States as a whole and of the Mountain States. We emphasize the Mountain States because they comprise the region of the United States most similar to Alaska in its population and economic characteristics.

We see that Alaska's population is becoming more like that of the United States as a whole and even more like that of the Mountain States: During the twenty-year period, the ratio of men to women evened out somewhat; the age structure of the population became more balanced; and Alaskans became a less transient, more settled people. Also, like Americans elsewhere in the states, fewer Alaskans were married (or they were marrying at a later age) and more were divorced or separated.

On the other hand, Alaska's population in 1980 was still younger, better educated, more mobile, and had proportionately more males than the populations of other states. It also had a significantly higher proportion of Native Americans. And Alaska's rapid growth rate of the 1960-80 period—among the very highest of the states—even accelerated during the early 1980s as the state spent billions of dollars of petroleum revenues.

In the mid-1980s, as at the beginning of statehood, the "typical" Alaska voter was a relatively young, well-educated person who tended to be on the move in pursuit of economic opportunity. Compared to his or her counterpart of twenty years earlier, this 1980s Alaskan was likely to be a few years older, better educated, and wealthier.

These demographic changes were concentrated in Alaska's two

Table 1

### Alaska's Population, 1960-1980 Comparisons with Mountain States and United States, 1980

Characteristics	Alaska		Mountain States <sup>a</sup>	United States
	1960 (%)	1980 (%)	1980 (%)	1980 (%)
Sex (over age 20)				
Male	59.3	53.6	48.9	47.4
Female	40.7	46.4	51.1	52.6
Age				
Under 20	43.1	36.2	34.3	32.0
20-34	28.1	33.9	27.5	25.8
35-54	22.3	21.8	20.4	21.3
55 and over	6.5	8.1	17.7	20.9
Race (all persons)				
White	77.2	77.6	88.1	83.4
Native/Other	22.8	22.4	11.9	16.6
Residence (5 years earlier)				
Same State	53.4	68.6	77.0	88.4
Elsewhere	46.6	31.4	23.0	11.6
Marital Status (over age 15)				
Single	25.4	28.2	26.5 <sup>b</sup>	26.1
Married	66.5	58.8	57.1	57.8
Divorced/Separated	5.0	10.5	10.2	8.4
Widowed	3.1	2.7	6.2	7.6
Education (over age 25)				
0-8	26.4	9.0	12.4	18.3
9-11	18.9	8.5	12.4	15.3
High School Graduation	32.3	38.9	35.7	34.6
Some College	12.9	22.6	20.7	15.7
College Graduation & Above	9.5	21.0	18.8	16.2

<sup>a</sup>Idaho, Montana, Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico.

<sup>b</sup>Mountain States plus Alaska, Hawaii, Washington, Oregon, California.

Source: U.S. Bureau of the Census.

major cities—Anchorage, with over 40 percent of the state's population in 1980, and Fairbanks, with about 13 percent. Map 1 shows the state's election regions (and election districts within them) that are used in the electoral analysis below.<sup>2</sup> We have split the Anchorage and Fairbanks districts out of the southcentral and central regions in order to show how much they differ from the rest of the state both in their population and voting patterns. Table 2 shows that Alaska's younger, more mobile, and better-educated voters are concentrated in Anchorage and Fairbanks.

Populations in the central and northwest "bush" Native regions, on the other hand, tend to have much lower levels of education and heavily disproportionate numbers of unmarried young men. In the predominantly non-Native southeast and southcentral regions, we find a somewhat older, more settled population than in Anchorage and Fairbanks. In the southeast, there is a concentration of highly educated people in Juneau, the state capital.

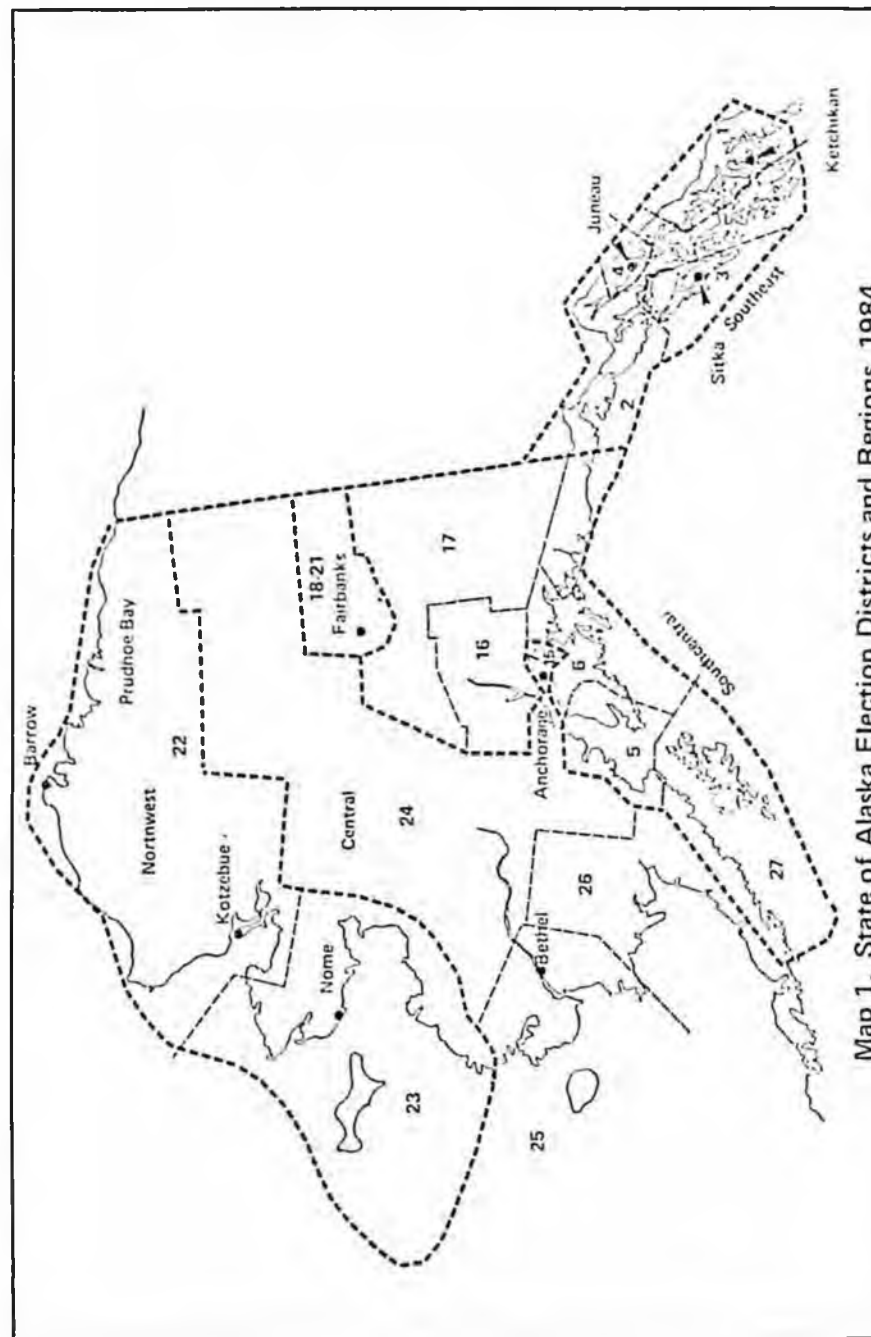
These regional descriptions indicate that our "typical" Alaska voter is most likely to be an Anchorage or Fairbanks resident who is not representative of other parts of the state. In fact, the voters of Alaska's two major urban centers differ from citizens in small towns and rural areas in several ways that may be politically significant. In the United States generally, youth, increased incomes, education, and mobility are associated with independent and conservative political identifications.<sup>3</sup> In Alaska, these distinguishing characteristics of the rapidly growing urban populations may be reinforcing the state's traditional regional divisions, in which Anchorage interests are increasingly opposed to those of the rest of the state. We might, therefore, expect some substantial regional variations in turnout, party preferences, and voting on statewide candidates and ballot issues in Alaska. We might also expect to find growing complexity and conflict in Alaska's electoral experience during the first quarter century of statehood.

### Election Campaigns

Growth and change in Alaska's population since statehood have been accompanied by changes in the ways that candidates attempt to influence and attract voters. Two parallel developments have affected campaign methods in Alaska since statehood. First had been the

<sup>2</sup>Although the map shows election districts and regions as of 1984, our electoral data for all previous election years conform approximately to these same regions.

<sup>3</sup>Schley R. Lyons, *Who Votes and Why: a Review of American Electoral Behavior* (New York: Robert A. Taft Institute of Government, 1981), pp. 15-32.



Map 1. State of Alaska Election Districts and Regions, 1984

Table 2  
Population of Alaska's Regions, 1980

Characteristics	Alaska	South- east	South- central	Anchorage	Central banks	Fair- banks	North- west
Sex (over age 20)							
Male	53.6	52.8	54.3	52.0	58.6	54.7	56.6
Female	46.4	47.2	45.7	48.0	41.4	45.3	43.4
Age							
Under 20	36.2	35.1	36.8	35.0	40.5	35.0	43.1
20-34	33.9	30.7	31.1	35.1	33.6	37.4	28.9
35-54	21.8	22.9	22.8	23.0	18.2	20.8	18.4
55 and over	8.1	11.3	9.3	6.8	7.7	7.0	9.5
Race (all persons)							
White	77.6	78.0	87.8	85.2	38.0	85.4	18.5
Native/Other	22.4	22.0	12.2	14.8	62.0	14.6	81.5
Residence (5 years earlier)							
Same State	68.6	74.5	73.2	63.9	74.0	62.2	88.6
Elsewhere	31.4	25.5	26.8	36.1	26.0	37.8	11.4
Marital Status (over age 15)							
Single	28.2	27.7	25.6	27.5	38.1	28.5	43.4
Married	58.8	58.5	62.6	58.5	52.1	59.6	45.5
Divorced/Separated	10.5	10.4	9.2	11.9	6.4	9.7	6.7
Widowed	2.7	3.4	2.6	2.1	3.4	2.2	4.4
Education (over age 25)							
0-8	9.0	7.2	8.5	4.2	30.5	5.0	37.3
9-11	8.5	9.7	10.5	7.5	7.7	8.4	9.5
High School Grad.	38.9	37.7	41.6	39.6	32.9	41.6	26.8
Some College	22.6	21.6	22.7	25.1	14.9	23.1	13.1
College Grad. & Above	21.0	23.7	16.8	23.6	14.0	22.0	13.3

Source: U.S. Bureau of the Census.

growth of the population and its continued and increasing concentration in and around Anchorage and Fairbanks. Second has been the use of new communications technology and methods, including satellite television, that allows communication with even the most remote parts of the state.

These changes have meant that impersonal, professionally produced television appeals have increasingly replaced personal contact by candidates for political office, especially in the larger Anchorage and Fairbanks electoral "markets." In statewide elections, when candidates for governor, U.S. Senator, and U.S. Representative

attempt to reach all parts of the state, the "TV spots" are likely to be their only contact with the great majority of Alaska voters. Just as Alaska's population is becoming more like that of the nation as a whole, so are Alaska's election campaigns becoming more like those of more populous states.

Yet, with only about 500,000 population in the mid-1980s, Alaska is still small enough that candidates might personally meet a larger proportion of the electorate than is possible in most other states. This kind of "friends and neighbors" politics, however, which was common throughout the territorial period and in the early years of statehood, is increasingly rare in Anchorage and Fairbanks, which together account for 60 percent of the state's total population. In rural and small town communities, the old-style politics survive mainly in legislative and municipal elections, as opposed to statewide elections.

A further development in Alaska since statehood that has changed the way candidates communicate with voters has been the continued erosion of the major political party organizations. In Alaska, as elsewhere, weak political parties have resulted in "party-less" campaigning—elections in which individual candidates have formed personal campaign organizations and made individual appeals, identifying themselves with neither major party in their campaign advertising. This fading of party organizations and appeals has been part of a broader erosion of party loyalty on the part of voters. As we shall see below, it has been reflected in an increase in ticket-splitting and divided state government.

Another indicator of change in Alaska election campaigns is campaign financing. In Anchorage, from 1974 to 1984, the average amount spent by primary winners in both primary and general elections for the state house increased in 1984 dollars from about \$10,000 per candidate to over \$46,000. In state senate races, the corresponding increase was from under \$22,000 to over \$68,000. These are real increases—adjusted to account for inflation—of 367 percent and 216 percent, respectively.

As the costs of campaigns soared, the funding sources on which candidates for state office depended changed radically. Organized contributors and special interests began to displace individual contributors as significant sources of campaign funds. In 1978, contributions of unions, initiative committees, lobbyists, corporations, and other groups accounted for about one-third of all campaign expenditures for state offices. By 1980, they accounted for over half; in 1982, a big year for statewide initiative campaigns, these special

interest contributors covered over 90 percent of all reported campaign costs.<sup>4</sup>

Thus, candidates are increasingly ignoring their fading party organizations; turning to more expensive communications technology; and depending on organized, special-interest sources of campaign financing. During this century, these forces have transformed relationships between candidates and voters in all states. They have now caught up with Alaska, changing the nature of this state's election campaigns in little more than a generation.

### Election Rules

Election rules comprise a third part of the setting of Alaska's elections. By election rules, we mean requirements for legislative districting and apportionment, voter registration, getting on the ballot, and voting in primary and general elections. These rules can have important effects on voter turnout and choice and on who is elected to office.

1. **Legislative Districting and Apportionment.** Because of uneven, rapid population growth, the Alaska Legislature was reapportioned to revised districts six times during the first twenty-five years of statehood. Under the state constitution, the governor—not the legislature, as is usually the case in other states—has the power to reapportion the legislature on the advice of a reapportionment board appointed by him.<sup>5</sup> Typically, the governor's reapportionments have been followed by partisan political disputes in which the governor has been challenged by legislators or party officials. The perceived stakes at issue have been seats in the legislature that might, depending on the reapportionment plan, more likely be captured by one party or the other. The outcomes could therefore affect the balance of competition between the parties and, ultimately, party control of the legislature or the government as a whole. Another political effect of reapportionment that often cannot be avoided is the change and disruption in precinct and district boundaries. Such change can undermine voters' familiarity with candidates and officials and increase turnover in office.

2. **Voter Registration.** Registering to vote was first required of Alaskans for the 1970 elections. Before then, a person desiring to

vote merely had to appear at the polls and sign the voting list. Alaska's registration laws are now like those of most other states. In order to be a registered voter, a person must have lived in the state and the election district for at least thirty days and must register at least thirty days before the election. The most important electoral effect of registration (aside from minimizing fraud, which is the principal justification for the requirement) is to reduce voter turnout. The extent of the reduction depends on how difficult it is for a person to register and on the characteristics of voters. Generally, people with lower levels of education and income are less likely to register. Registration is probably not a significant deterrent to voting in Alaska, given the relative ease of registration and above-average education and income levels.

3. **Getting on the Ballot.** Once a person registers and goes to the polls, there is the question of the range of choices he or she will have among party-sponsored and independent candidates. All states place restrictions on whose names can be placed on the ballot, and this often handicaps prospective third-party and independent candidates. In Alaska, the law has required that if third-party or independent candidates wish to be on the ballot, they must first obtain signatures equal to 3 percent of the number of voters in the previous general election. Also, to be recognized as a "political party," a third party must have won at least 10 percent of the popular vote in the last gubernatorial election. (The Libertarian Party in Alaska met this requirement in the 1982 gubernatorial election, which is discussed in detail below.) These are onerous requirements, and they have been challenged in the Alaska Supreme Court. In 1983, the court ruled against both requirements, and the legislature then moved to reduce them to more acceptable levels.<sup>6</sup>

4. **Primary and General Election Requirements.** If a primary election is *closed*, voters must be registered in a party, and they can choose candidates only in that party's primary. If the primary is *open*, voters can choose which party primary they wish to vote in without having registered in either party. In the open primaries of some states, voters must publicly choose one party's ballot; in other states, they receive both ballots and, using one and discarding the other, preserve the secrecy of their choice.

Alaska (and only one other state, Washington) has the most open form of the open primary, the *blanket primary*. Here, voters receive ballots including candidates of both parties and can vote for Democratic candidates for some offices and Republicans for others,

<sup>6</sup>*Vogler v. Miller* (Alaska, 651 P. 2d 1).

<sup>4</sup>Alaska Public Offices Commission figures reported in "AkPIRG Legislative Alert," Anchorage, December 14, 1984. These figures exclude candidates' contributions to their own campaigns.

<sup>5</sup>See Gordon S. Harrison, *A Citizen's Guide to the Alaska Constitution* (Anchorage: Institute of Social and Economic Research, 1982), pp. 57-62.

as they wish. Alaska's blanket primary makes it especially easy for voters to "cross over," and vote for a candidate whom they consider especially attractive or whom they perceive to be weak and thus easier to beat in the general election.<sup>7</sup>

In addition to residency and registration, there is a minimum age requirement in Alaska as in all other states. Under Alaska's constitution, 19-year-olds were permitted to vote in state and local elections; in 1970, an amendment lowered the voting age to 18 years. (In 1971, the U.S. Constitution was amended to permit 18-year-olds to vote in all states.)

Lowered standards of residency and voting age probably have reduced voter participation rates in Alaska elections. Lowering the residency requirement from one year (which it was until 1972) to thirty days made it possible for many more Alaskans to go to the polls. We have already seen that Alaska has an unusually large proportion of recently arrived residents. But the very people who make up the expanded electoral base—new residents, in the state for less than one year—are also less likely than longer-term residents to be familiar with or involved in state and local politics and therefore less apt to vote. A similar observation could be made about the 18-year-olds, those who were first enfranchised in Alaska in 1970 and every group of them since. National surveys show that voting turnout generally increases with age (until the mid-60s age group), and that the youngest eligible voters are least likely of all age groups to go to the polls and vote.<sup>8</sup> Thus, the voting population base has expanded, but the newly enfranchised groups are disproportionately likely to be nonvoters.

#### Levels of Participation: Turnout

Turnout refers only to the *amount* of voting, and it is usually measured as the percentage of the *voting-age* population that votes in a given election. Another measure of turnout is the percentage of

<sup>7</sup>Although little is known about crossovers in primary elections, "it does appear that few voters shift primaries in a deliberate effort to choose the weaker candidate. They are much more likely to shift because they are particularly attracted to a candidate in the other party or because the other party has closer, more interesting primary contests." Malcolm E. Jewell and David M. Olson, *American State Political Parties and Elections* (Homewood, IL: The Dorsey Press, 1982), p. 109.

<sup>8</sup>See Jerry Hagstrom, "Baby Boom Generation May Have to Wait a While to Show its Political Clout," *National Journal*, 16 (April 28, 1981), p. 809. In national and state elections from 1932 to 1982, turnout of voters aged 18-29 lagged behind national averages by 11 to 17 percent.

registered voters who actually vote. Both measures have their weaknesses. The voting-age criterion may not adequately account for institutionalized people, noncitizens, residency requirements, and other factors that reduce the effective population of eligible voters. And the registered voter criterion depends even more precariously on widely varying registration laws among the states and on voter registration lists that are not consistently kept current and accurate. With these limitations in mind, we will use both measures in examining turnout in Alaska.

#### Factors Affecting Turnout

Turnout can rise or fall, depending on voting and election rules, level of party competition, particular issues and candidates, and the characteristics of voters. Registration may be the most substantial deterrent to voting, causing as much as a 10-percent decline in turnout where registration rules are most restrictive.<sup>9</sup> Other studies have found that party competition historically has been the chief factor explaining varying levels of turnout. The positive link between competition and turnout has been especially strong "where parties reach out to specific groups, especially those who are otherwise less likely to vote."<sup>10</sup> Still other studies have found that differences in race, age, income, and educational level account for half or more of the variation in the voter turnout rates of the states.<sup>11</sup> There remains a great deal of uncertainty and controversy about the causes of turnout. On each of these measures, however, turnout in Alaska should be affected either positively or not at all, relative to all other states. Alaska's registration requirements are not unusually difficult, competition is relatively intense, and the state's majority urban population ranks well above average on socioeconomic measures.

#### Turnout in Alaska

While the rest of the United States experienced a continuing decline in turnout for presidential election years since 1960, Alaska held relatively steady and then had a significant upturn in the early

<sup>9</sup>John F. Bibby et al., "Parties in State Politics," in Virginia Gray, Herbert Jacob, Kenneth Vines, *Politics in the American States*, 4th ed. (Boston: Little, Brown and Co., 1983), p. 64; also Richard G. Niemi and Herbert F. Weisberg, *Controversies in Voting Behavior*, 2nd ed. (Washington, D.C.: Congressional Quarterly Press, 1984), p. 26.

<sup>10</sup>Niemi and Weisberg, *Controversies in Voting Behavior*, pp. 29-30.

<sup>11</sup>Thomas R. Dye, *Politics in States and Territories*, 4th ed. (Englewood Cliffs, N.J.: Prentice-Hall, Inc, 1981), p. 69.

1980s. Table 3 shows that even while the turnout of the voting-age population in the United States and Mountain States dropped between 1960 and 1976, Alaska's turnout still lagged by several percentage points. In 1980 and 1984, however, Alaska's turnout was 10 percentage points higher than in 1976, while turnout in the Mountain States and United States as a whole either flattened out or continued to drop closer to the 50 percent level.

Table 3

Turnout of Voting-Age Population in Presidential Election Years, 1960-1984: Alaska, Mountain States, and United States

Year	Alaska*	Mountain States	United States
1960	53.0%	68.7%	62.8%
1964	51.6	68.5	61.9
1968	55.8	65.5	60.9
1972	52.2	59.2	55.2
1976	50.7	56.8	53.5
1980	59.8	54.1	52.6
1984	60.0	NA	53.0

\*The Alaska turnout percentages in Tables 3 and 4 are based on population totals that are adjusted to account for estimates of the nonresident military population.

Sources: Derived from Alaska Division of Elections, U.S. Bureau of the Census.

The substantial decline from 1968 to 1972 in all three cases may in part be explained by the lowering of the voting age to 18 years and the lack of intensity and strong competition (as reflected in pre-election polls) in the 1972 Nixon-McGovern presidential race compared to the Nixon-Humphrey race four years earlier. Another

factor was the much-commented-upon alienation of the American voter. In Alaska, there was the possible additional effect of the new registration requirements, first imposed two years earlier.

Table 4 compares turnout of the Alaska voting-age population in presidential and gubernatorial election years.<sup>12</sup> Until 1982, Alaskans, like voters elsewhere, had voted more in presidential years than gubernatorial years. From 1960 to 1978, gubernatorial election turnout ranged from one to seven percentage points lower than turnout in the previous presidential election. During those years, the average difference was about five percentage points. Then, in the 1982 gubernatorial election, two-thirds of Alaska's voting-age population turned out. This reversed the pattern of over two decades, surpassing even the 60 percent turnout for the 1980 presidential election.

The increased turnout in the 1980 presidential election year might be attributed in some part to the stabilizing of Alaska's population growth during the few years after the trans-Alaska oil pipeline

<sup>12</sup>In both sets of election years, there are also state legislative, U.S. House, and, sometimes, U.S. Senate races.

Table 4

Turnout of Alaska Voting-Age Population in Presidential and Gubernatorial Years, 1960-1984

Year	Presidential Election	Gov. Election	Percentage Difference
1960	53.0%		
1962		47.3%	-5.7%
1964	51.6		
1966		46.8	-4.8
1968	55.8		
1970		48.6	-7.2
1972	52.2		
1974		47.7	-4.5
1976	50.7		
1978		49.9	-0.8
1980	59.8		
1982		66.5	+6.7
1984	60.0		

Source: Derived from Alaska Division of Elections.

was built and before heavy spending by state government again led to high levels of in-migration. But even with the population surge of the early 1980s—bringing many newcomers who were presumably less likely to vote—the turnout rate soared in the 1982 gubernatorial year and held at the 60-percent level in the 1984 presidential election.

Rates of turnout of *registered* voters from 1974 to 1984, shown in Table 5, parallel the corresponding figures for the turnout of the *voting age* population presented in the preceding tables.<sup>13</sup> The state's registered voters have turned out at increasing rates over the decade, with gains shown in virtually all regions. Two of these election years, 1978 and 1982, are unusual, and we have already commented on the surge in turnout in 1982. The 1978 decline in turnout in all regions may be attributed largely to population movements in and out of the state during the pipeline construction years. Many new voters came into the state in the early- to mid-1970s and left when construction ended in 1977. It is likely that many of them remained on voter registration lists for the 1978 elections, which would have artificially depressed the turnout rate.<sup>14</sup> The smallest decrease was in the southeast, historically a high turnout region, where a 1978 ballot initiative, placing special financial restrictions on any capital move, undoubtedly had special attraction for voters of that region. The southeast, moreover, was the region most remote from and least affected by pipeline construction activity during the previous four years.

The cause of Alaska's high turnout rates in the early 1980s obviously lies in Alaska, rather than in national trends, since presidential election-year turnout in the United States continued at relatively low levels. In Alaska, there were some unusually competitive races for the U.S. Senate, for governor, and for the state legislature. But a more basic explanation may be that increasing numbers of Alaskans perceived greater stakes and benefits in voting. Their state government was now spending billions of dollars in oil revenues, and intense, competitive electoral politics tended to expose and aggravate Alaska's regional divisions. In addition, the 1982 election included some unusually controversial ballot propositions that further aggravated these divisions. We will explore this further in discussion of "Election Outcomes" below.

<sup>13</sup>Registered voter turnout rates are consistently higher because they are calculated on a smaller population base than that including all Alaskans over age 18.

<sup>14</sup>Alaska voter registration lists were purged (inactive voters' names were deleted) only every four years until after the 1978 election, when the purge period was shortened to two years.

Table 5

Turnout of Registered Voters by Region, 1974-1984

	1974	1976	1978	1980	1982	1984
State	58.2%	61.5%	54.5%	62.7%	74.9%	69.1%
Region						
Southeast	61.2	65.0	62.0	68.0	80.0	67.8
Southcentral	65.3	68.7	61.9	70.8	76.9	70.0
Anchorage	56.7	60.7	51.9	60.6	72.2	69.4
Central	64.0	65.7	57.4	66.6	76.8	71.0
Fairbanks	54.5	57.6	50.2	58.7	72.7	69.7
Northwest	60.0	61.9	56.8	64.2	78.7	62.0

Source: Alaska Division of Elections.

### Interparty Competition

Interparty competition involves the competitive character of electoral contests and the choices of parties and candidates available to a state's voters. There are many ways to define and measure interparty competition in state politics: by voter identification with parties, frequency of both parties fielding candidates, turnover in offices, closeness of elections, and division of control of legislative and governor's offices, among others.<sup>15</sup> Here, we will examine some causes and correlates of interparty competition and look at some electoral indicators of interparty competition in Alaska.

### Patterns in the States

Generally, the competitive states are more urban and industrial than the less competitive states, and their populations tend to divide more definitely into separate socioeconomic groups. These differences in state socioeconomic characteristics have been diminishing, however, as population has shifted from Frost Belt to Sun Belt states. Overall, party competitiveness has been increasing in state elections, and, on balance, Democratic candidates for state legislatures and governors' offices have been the beneficiaries. This is mainly because older Republican states of the north became more competitive with the New Deal electoral "realignment" of the 1930s,

<sup>15</sup>Jewell and Olson, *American State Political Parties and Elections*, p. 4.

while the Southern Democratic states have been much slower to change. More recently, interstate migration and electoral "de-alignment"—the weakening of party loyalties and the crumbling of the old New Deal electoral coalition—are increasing the electoral opportunities of candidates from both parties in virtually all states.<sup>16</sup>

#### Interracial Competition in Alaska

Alaska reflects much of the political and socioeconomic coloration of the western states, and it can be classified as a competitive two-party state. As we look more closely at Alaska, we will see some important variations within the overall pattern of competition, including increasing differences between urban and rural regions and between levels of competition for statewide and legislative offices.

In presidential elections from 1960 to 1972, Alaskans divided their votes between the two major parties much as did voters in the nation as a whole. Table 6 shows that during those years a majority of Alaskans voted for a Democrat only once (Johnson in 1964), although the 1960 Kennedy-Nixon and 1968 Humphrey-Nixon elections were close in Alaska, as they were in the rest of the country. In 1976 and subsequent elections, Alaska became more strongly Repub-

<sup>16</sup>*Ibid.*, p. 44.

Table 6

Democratic Percentage of Vote\* in Presidential Elections:  
Alaska, Mountain States, and United States, 1960-1984

Year	Alaska	Mountain States	United States
1960	49.1	46.4	50.1
1964	65.9	56.6	61.3
1968	48.8	41.8	49.6
1972	37.3	33.9	38.2
1976	38.1	42.5	51.1
1980	32.7	32.2	44.7
1984	30.7	33.1	41.0

\*Percentage of total vote for Democratic and Republican candidates; excludes votes for minor-party and independent candidates.

Source: U.S. Bureau of the Census.

Table 7

Democratic Percentage of Vote\* in Presidential Elections:  
State and Regions, 1960-1984

Year	State	South-east	South-central	Anchorage	Central	Fairbanks	North-west
1960	49.1	49.6	52.2	46.5	49.6	51.2	46.2
1964	65.9	71.1	66.5	59.9	77.8	59.6	80.8
1968	48.8	50.1	47.7	48.5	51.6	44.4	56.4
1972	37.3	41.3	34.4	31.3	43.9	41.2	51.9
1976	38.1	39.3	36.1	35.0	46.1	39.4	55.2
1980	32.7	40.0	25.7	28.1	53.0	31.3	51.4
1984	30.7	39.6	25.0	29.0	38.1	30.2	40.4

\*Percentage of total vote for Democratic and Republican candidates; excludes votes for minor-party and independent candidates.

Source: Alaska Division of Elections.

lican in its presidential voting than the United States, much like the Mountain States region.

The two-party division of the presidential vote by regions within Alaska is shown in Table 7. As in the state as a whole, there have been steep Democratic declines, or Republican gains, in all regions. The predominantly Native northwest region, including Nome, Kotzebue, and Barrow, was the only Alaska region to give majorities of its votes to Democratic presidential candidates in the 1972, 1976, and 1980 elections. The central region (excluding Fairbanks), also mostly Native, followed next in Democratic presidential preference. In contrast, urban Alaska, centering on Anchorage and the southcentral region, saw the greatest Republican gains and corresponding Democratic declines.

The pattern of Democratic losses and Republican gains also shows up in elections to the statewide offices of governor, U.S. Senator, and U.S. Representative, although not as dramatically as in presidential elections (Table 8). The most competitive elections throughout the statehood period have been those for governor. Since 1958, when the first elections for state offices were held on the eve of statehood, Democrats have won four elections and Republicans three. In five of these elections, the winning majority was 55 percent or less.

Table 8  
Winning Candidates for Statewide Offices, 1958-1984

Year	Governor		U.S. Senator		U.S. Representative	
	Name	% of Vote <sup>a</sup>	Name	% of Vote <sup>a</sup>	Name	% of Vote <sup>a</sup>
1958	Egan (D)	60.2	Bartlett (D) Gruening (D)	84.9 52.6	Rivers (D)	57.5
1960			Bartlett (D)	63.4	Rivers (D)	56.7
1962	Egan (D)	52.3	Gruening (D)	58.1	Rivers (D)	54.5
1964					Rivers (D)	51.5
1966	Hickel (R)	50.9	Bartlett (D)	75.5	Pollock (R)	51.7
1968			Gravel (D)	54.7	Pollock (R)	54.2
1970	Egan (D)	53.2	Stevens (R)	59.6	Begich (D)	55.1
1972			Stevens (R)	77.3	Begich (D)	56.2
1974	Hammond (R)	50.1	Gravel (D)	58.3	Young (R)	53.8
1976					Young (R)	71.0
1978	Hammond (R)	65.9 <sup>b</sup>	Stevens (R)	75.8	Young (R)	55.5
1980			Murkowski (R)	53.9	Young (R)	74.1
1982	Sheffield (D)	55.4 <sup>b</sup>			Young (R)	71.1
1984			Stevens (R)	71.3	Young (R)	56.5

<sup>a</sup>Percentage of total vote for Democratic and Republican candidates; excludes votes for minor-party, independent, and write-in candidates.

<sup>b</sup>These were elections in which substantial portions of the vote went to third-party, independent, or write-in candidates. Hammond's plurality in 1978 was 39 percent, and Sheffield's in 1982 was 46 percent.

Source: Alaska Division of Elections.

In elections to the U.S. Senate, there has been a swing from strong Democratic to strong Republican voting. Both U.S. Senate seats were held by Democrats until the late 1960s,<sup>17</sup> and their electoral margins were substantial. In the 1970s, each party held one U.S. Senate seat. After 1980, both were held by Republicans. Since the winning candidate has usually carried heavy majorities, the balance of electoral strength has moved decisively toward the Republicans in these elections.

Elections to Alaska's one seat in the U.S. House of Representatives have swung back and forth between Democrats and Republicans, paralleling the U.S. Senate elections. First dominated by the Democrat Ralph Rivers, the seat was held next by Republican Howard Pollock and then by Democrat Nick Begich in the late 1960s and early 1970s. After the death of Representative Begich in 1972, Republican Don Young carried most of his six elections through 1984 by substantial margins.

If strong electoral competition contributes to higher turnout, the effect has been weak or obscured in Alaska's statewide elections. Except for several races for governor, most of the U.S. Senate and House races have reflected weak party or candidate competition. Yet, turnout rates held steady in the 1960s and 1970s and rose significantly in the 1980s. To the extent that competition is a factor in turnout, it may be found in state legislative races, which occur in every election year, as well as in races for governor.

In their overall results, elections to the state legislature have been very competitive throughout most of Alaska's statehood period. These results, presented in Table 9, show a close partisan division of the vote statewide, but much less competition within individual regions.<sup>18</sup> The Native northwest region has been most consistently and strongly Democratic in legislative elections since statehood. In two legislative election years, 1974 and 1980, no Republican ran in any state legislative race in the northwest, and, often, specific races there were uncontested by Republicans. This absence of Republican opposition has also occurred with some frequency in recent years in legislative races in the Democratic southeast. The most competitive regions have been Fairbanks and central. The southcentral region

<sup>17</sup>In 1968, Republican appointee Ted Stevens replaced Democrat Bob Bartlett, who died in office that year.

<sup>18</sup>We have not analyzed individual races at the election district level. Therefore, these observations about "competition" in legislative elections refer to the aggregate pattern of party voting for both house and senate seats by statewide and regional electorates; they do not refer directly to the level of competition in individual legislative races.

(including Anchorage) is the only region where Republicans have gained and held a decisive electoral edge since the mid-1970s.

The figures in Table 9 for the 1984 election (all of the others are three-election averages) show the weight of the southcentral/Anchorage and Fairbanks votes in the state totals. They also suggest that, given their concentration in the state's largest urban centers, relatively more Republican votes for legislators may be "redundant" or "wasted" compared to Democratic votes. The latter are either more widely spread throughout the state's election districts, or, where they are concentrated, as in certain southeastern and bush districts, there are fewer of them to be wasted. Thus, while winning 56 percent of the vote statewide, Republican candidates captured less than half of the total number of available legislative seats in 1984. Another possibility is that legislative districting by the governor has helped create surpluses of voters who are likely to vote for legislative candidates of the other party. We will take a closer look at the gerrymander hypothesis below in discussion of party control of state government.

Table 10 shows changes in the average Democratic vote for all statewide (governor, U.S. Senator, and U.S. Representative) and all legislative offices for the 1960-72 and 1974-84 periods. These per-

Table 9

Democratic Percentage (Average) of Vote\* in Alaska  
Legislative Elections: State and Regions, 1960-1984

Years	State	South- east	Southcentral (including Anchorage)	Central	Fair- banks	North- west
1960-66	49.6	57.1	47.8	61.4	51.1	68.3
1968-74	52.0	59.3	51.1	57.6	50.0	83.5
1976-82	50.1	71.0	43.1	50.2	52.7	83.7
1984	44.5	69.3	44.1	56.6	36.3	88.5

\*Percentage of total vote for Democratic and Republican candidates; excludes votes for minor-party and independent candidates.

Source: Alaska Division of Elections.

Table 10

Democratic Percentage (Average) of Vote\* in Statewide and  
Legislative Elections: State and Regions,  
1958-1972 and 1974-1984

Regions	1958-1972		1974-1984	
	Statewide Elections	Legislative Elections	Statewide Elections	Legislative Elections
State	53.2%	50.1%	38.7%	50.0%
Southeast	58.3	56.7	45.9	70.3
Southcentral (incl. Anchorage)	49.0	49.1	35.2	44.1
Central	62.0	59.3	44.5	53.8
Fairbanks	51.5	49.7	38.2	51.3
Northwest	63.9	71.5	50.4	87.7

\*Percentage of total vote for Democratic and Republican candidates; excludes votes for minor-party and independent candidates.

Source: Alaska Division of Elections.

iods roughly correspond to the state's two major eras of growth and change—the relatively slow-moving period of the 1960s and the continuing boom period of the 1970s and 80s, after the discovery of Prudhoe Bay, pipeline construction, and billion-dollar state capital budgets. The most significant feature of the table is the divergence in statewide and legislative election patterns from the earlier to the later period. In 1960-72, there was close correspondence in voting for statewide and legislative offices in all regions of the state. In the state as a whole, the parties were very competitive in both kinds of elections, though not in all individual races for specific offices. In each of the regions, statewide and legislative elections exhibited parallel divisions of party voting. Those parallels sharply diverged in the latter, 1974-84, period. Alaska voters in all regions became much more likely to vote split tickets—to vote in much larger proportions for Republicans for statewide office while continuing to vote for

Democrats, by large or competitive margins, for the legislature. This Alaska pattern appears to reflect similar developments in the western states generally.

In statewide elections, Democratic voting eroded substantially while Republican voting correspondingly increased in all regions. In legislative elections, Democrats held their own or increased their margins in the southeast, Fairbanks, and the northwest, while losing ground in the southcentral/Anchorage region and the central region outside Fairbanks.

Anchorage and the southcentral region accounted for almost two-thirds of the total state vote in 1984 (Table 11), and population growth in these areas continued to lead the state in the mid-1980s. Republican voting is therefore likely to remain strong in statewide elections and, with legislative reapportionment, more legislative seats may be won by Republican candidates from that region as well.

Republican dominance in presidential and statewide elections in the 1970s and 1980s does not represent an electoral monopoly, as the competition in gubernatorial and state legislative elections demonstrates. Even the strong Republican showings in U.S. Senate and House races do not necessarily mean continuing weak competition from Democrats. Republicans gained control of two of those offices only after popular Democratic incumbents died in office. There has been a succession of weak Democratic candidates for the U.S. House and Senate in the 1970s and 1980s, but the Democrats may once again field strong candidates who can appeal to voters whose party loyalties are weak or nonexistent.

Table 11

Voters in State General Elections by Region,  
Selected Years, 1960-1984

Year	Number of Voters State	Percentage of Votes					
		South- east	South- central	Anchorage	Central	Fair- banks	North- west
1960	50,343	23.0	16.7	32.1	8.1	14.1	6.1
1968	82,886	19.6	15.1	37.6	6.8	15.2	5.8
1978	129,705	16.5	17.0	41.0	7.7	14.3	3.4
1984	211,009	14.5	19.1	43.1	6.2	13.7	3.5

Source: Alaska Division of Elections.

Party Identification and Third-Party Voting

Voter registration by party is another indicator of the level of party competition in the states. Ideally, it would measure the extent to which each of the parties can claim a consistent following of voters. In reality, this is not the case. A growing number of voters have weak or no party identifications—increasingly identifying themselves as independents—and many states, like Alaska, do not require registration by party.

A majority of voters statewide, and in every region but one (northwest), register as “nonpartisans” (Table 12). From the 1970s to the 1980s, Democratic registration declined and Republican registration rose, each by about 5 percent. The Democrats suffered especially sharp declines in the urban southcentral region and the rural or “bush” northwest and central regions. These bush regions also experienced unusual increases in nonpartisan registration. Anchorage showed a significant gain in Republican registration, while its Democratic and nonpartisan lists showed losses.

About ten thousand Alaskans registered under “third party” labels and a variety of other group and individual designations in 1984. The single largest group of these voters, about three thousand, identified themselves as Libertarians. The Libertarian party appeal has been strong among Alaska voters compared to those in other states.

Table 12

Party Registration, Statewide and Regions, 1974, 1984

	1974 Percentages				1984 Percentages			
	Dem.	Rep.	N-P	Other	Dem.	Rep.	N-P	Other
Statewide	29.0	15.6	53.7	1.7	23.6	20.0	53.2	3.3
Regions								
Southeast	29.6	13.2	56.0	1.2	25.0	14.6	57.6	2.8
Southcentral	30.0	15.5	52.6	1.8	20.9	19.9	55.4	3.8
Anchorage	26.5	17.6	54.2	1.7	22.7	23.4	50.9	3.0
Central	38.4	13.3	46.4	1.9	31.9	12.7	52.5	2.9
Fairbanks	24.4	14.9	58.6	2.1	21.5	19.7	54.6	4.2
Northwest	46.5	13.5	38.7	1.4	37.8	12.3	46.4	3.5

\* N-P = Nonpartisan.

Source: Alaska Division of Elections.