

ALASKA LEGISLATURE COMMITTEE FILES
6997 HOUSE JUDICIARY

1991-1992

8672

215

of 8,753.57 and a variance of -4.9 percent. It will elect one house member and, with District 18, one senator.

18. Southeast North Star Borough - District 18 encompasses the southeast section of the Fairbanks North Star Borough. It includes North Pole, Eielson Air Force Base, Salcha, and Harding Lake. Its population is 9,300, with a variance of +.9 percent. It will elect one house member and, with District 17, one senator.

19. Outer Fairbanks - District 19 includes Livengood, Ester, Goldstream Road, the Steese Highway, the eastern half of Farmers Loop Road, Fort Wainwright, Chena Hot Springs Road, Circle, Central, and Circle Hot Springs. It has a population of 8,934.3 and a variance of -3.0 percent. It will elect one house member and, with Districts 20 and 21, two senators to designated seats.

20. Fairbanks City - District 20 is bounded by the Noyes Slough and University Avenue on the west, the Fairbanks International Airport on the southwest, the Tanana River on the south, and Fort Wainwright on the east. The Creamers Field area is included as the northern edge of the district. The district has a population of 18,319.7 and a variance of -.5 percent. It will elect two house members to designated seats and, with Districts 19 and 21, two senators to designated seats.

21. West Fairbanks - District 21 includes the western half of Farmers Loop Road and the area west of Noyes Slough and University Avenue to, but not including, the Ester area. It has a population of 9,247.1 and a variance of +.4 percent. It will elect one house member and, with Districts 19 and 20, two senators to designated seats.

22. North Slope-Kotzebue - District 22 includes the areas of the North Slope Borough, Arctic Slope Regional Corporation, and the Northwest Alaska Native Association. It has a population of 8,999.06 and a variance of -2.3 percent. The district will elect one house member and, with District 23, one senator.

23. Norton Sound - District 23 includes the area of the Bering Straits Regional Corporation; Shishmaref, Diomedea, Teller, Nome, Koyuk and Saint Michael, and the coastal communities as far south as Hooper Bay and Paimiut. Chevak is also included along with Yukon River villages down river from Mountain Village. The district has a population of 9,338.86 and a variance of +1.4 percent. It will elect one house member and, with District 22, one senator.

24. Interior Rivers - District 24 includes the communities on or near the great interior rivers, the Yukon, the Koyukuk, and the Kuskokwim, as far down river as Mountain Village on the Yukon and Tuluksak on the Kuskokwim. The district has a population of 8,936.12 and a variance of -3.0 percent. It will elect one house member and, with District 25, one senator.

25. Lower Kuskokwim - District 25 includes the Kuskokwim River communities down river from Akiak and Akiachak, and the coastal communities from Newtok to Platinum. It has a population of 9,432.35 and a variance of +2.4 percent. It will elect one house member and, with District 24, one senator.

26. Bristol Bay-Aleutian Islands - District 26 includes all of the Bristol Bay Native Corporation area except Ivanof Bay, Perryville, Chignik Lake, Chignik, and Chignik Lagoon. Included are the remainder of the Alaska Peninsula communities, the Aleutian communities, the Bristol Bay communities as far west as Twin Hills, and communities as far up river as Aleknagik and Koliganek. The Bristol Bay Borough is also included. The district has a population of 9,157.61 and a variance of -.6 percent. It will elect one house member and, with District 27, one senator.

27. Kodiak-East Alaska Peninsula - District 27 covers the Kodiak Island Borough and the Alaska Peninsula communities of Ivanof Bay, Perryville, Chignik Lake, Chignik, and Chignik Lagoon. It has a population of 9,592.4 and a variance of +4.1 percent. It will elect one house member and, with District 26, one senator.

Article XV

Schedule of Transitional Measures

Section 1 - Continuance of Laws.

All laws in force in the Territory of Alaska on the effective date of this constitution and consistent therewith shall continue in force until they expire by their own limitation, are amended, or repealed.

Section 2 - Saving of Existing Rights and Liabilities.

Except as otherwise provided in this constitution, all rights, titles, actions, suits, contracts, and liabilities and all civil, criminal, or administrative proceedings shall continue unaffected by the change from territorial to

Leg. Ref. 3868
A.G. 206-753-6804

To:

CC:

Subject:

Mass. Wins Redistricting Fight

BOSTON (AP) - Massachusetts on Thursday won the right to keep its 11 congressional seats in a court ruling that could set the stage for a Supreme Court battle with Washington state over representation in Congress.

Massachusetts was to lose one seat this year, due to population shifts calculated in the 1990 U.S. Census, while Washington gained a seat.

But a special panel of three federal judges agreed with Massachusetts that ~~it was improper to include people living overseas, such as military personnel, in apportioning congressional seats.~~ State officials claimed the census undercounted the number of overseas residents from Massachusetts, leading to the loss of a seat.

Washington officials said they would appeal the decision to the U.S. Supreme Court, which on March 4 is hearing a congressional apportionment case filed by Montana. It, also, is challenging the apportionment of the 435 House seats.

If Massachusetts wins, Washington state would lose a ninth seat it gained.

Officials in both Massachusetts and Washington expressed confidence their states would win a Supreme Court showdown.

Washington officials say they already have certification from the chief clerk of the U.S. House of Representatives saying Washington is entitled to a ninth congressional seat.

"We feel we're on fairly firm ground in claiming that there's no way to alter that," said David Brine, spokesman for Washington's Secretary of State.

The federal court gave Massachusetts until March 30 to come up with an 11-district plan. Failure to do so would cost the state the seat.

~~Massachusetts argued that overseas federal employees should be included in the population count because census figures for them were faulty.~~

The three judges agreed in a unanimous decision, saying the Census Bureau relied on "precisely the same data that it had consistently found to be too unreliable" in the past.

All states must redraw their congressional districts after the federal census, which takes place every 10 years. The apportionment of seats is based on the census numbers as well as a complex formula that assures that the U.S. House of Representatives remains at 435 members.

The panel included U.S. Circuit Judge Hugh Bownes of New Hampshire, U.S.

District Judge Francis Boyle of Rhode Island and U.S. District Judge Douglas Woodlock of Massachusetts.

Assistant Attorney General James Johnson of Washington said he didn't believe the three-judge panel had jurisdiction.

Joseph Krovisky, a spokesman for the U.S. Department of Justice, which represented the federal government in the case, had no comment on any future action.

AP-NY-02-21-92 0933EST

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS,)
EDWARD F. BERLIN AND)
KAREN J. KEPLER,)
Plaintiffs,)

CIVIL ACTION NO.)
91-11234-WD)

v.)

ROBERT MOSBACHER, AS SECRETARY OF)
THE UNITED STATES DEPARTMENT OF)
COMMERCE; MICHAEL DARBY, AS)
UNDERSECRETARY OF ECONOMIC AFFAIRS)
OF THE UNITED STATES DEPARTMENT OF)
COMMERCE; THE BUREAU OF THE CENSUS;)
BARBARA BRYANT, AS DIRECTOR OF THE)
BUREAU OF THE CENSUS; GEORGE)
HERBERT WALKER BUSH, AS PRESIDENT)
OF THE UNITED STATES; AND DONNALD)
K. ANDERSON, AS CLERK OF THE UNITED)
STATES HOUSE OF REPRESENTATIVES,)
Defendants.)

FINAL DECREES AND ORDERS
February 20, 1992

In accordance with the Memorandum issued this day, it is hereby ORDERED, ADJUDGED and DECREED:

1. That 2 U.S.C. §2(a)(B), insofar as it requires apportionment of seats in the House of Representatives among the states by the method known as equal proportions, is not in violation of the United States Constitution;

2. That the administrative practice of the Executive Branch Defendants in counting overseas federal employees in the 1990 census for the purpose of apportioning seats in the United States House of Representatives among the states was arbitrary and capricious and an abuse of discretion in violation of the Administrative Procedure Act, 5 U.S.C. §706(2)(A), and that consequently the use of the overseas census counts by the

defendants in the certification of state entitlements to seats in the House of Representatives was improper;

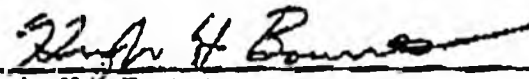
3. That the Executive Branch Defendants shall submit to defendant Anderson on or before March 31, 1992, a statement showing the number of Representatives to which each state would be entitled as a result of the 1990 decennial census under 2 U.S.C. §2(a)(a), without inclusion of the overseas census counts in the apportionment count;

4. That defendant Anderson, as he is the Clerk of the United States House of Representatives, shall on or before April 10, 1992, send the executive of each state a recertification of the number of Representatives to which such state is entitled in accordance with paragraph 3 of this Order;

5. That the plaintiff Commonwealth of Massachusetts shall, on or before March 30, 1992, submit a certification to be docketed in this action affirming that there has been prepared a plan--adopted by the General Court of the Commonwealth and approved by the Governor--for the redistricting of eleven Congressional seats in Massachusetts, in accordance with the 1990 decennial census, without inclusion of the overseas census counts;

6. That the failure of the Commonwealth of Massachusetts to certify the adoption and approval of the plan called for by

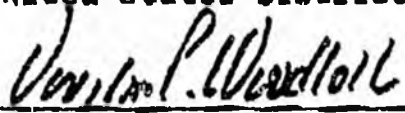
paragraph 5 of this Order on or before March 30, 1992 will
relieve the defendants of their obligations under paragraphs 3
and 4 of this Order.



Hugh H. Bownes
Senior United States Circuit Judge



Francis J. Boyle
United States District Judge



Douglas P. Woodlock
United States District Judge

Statement Submitted for the Record
of the Hearing on H.R. 2661 before
The Subcommittee on Census and Population
House Post Office and Civil Service Committee
August 1, 1989

Michael R. Darby
Under Secretary of Commerce for Economic Affairs

The United States Department of Commerce stands by our existing policy of counting all persons in the 1990 Decennial Census. The Department of Justice has advised previous Congresses based on constitutional considerations that illegal aliens must be included within the census counts for purposes of apportioning congressional representation. Moreover, based on practical considerations, the Department has determined that changing our procedures to exclude illegal aliens would be both infeasible and undesirable.

We believe there are compelling legal and public policy grounds for counting all persons irrespective of their citizenship. The Census Bureau's enumeration procedure has been guided by the requirement in the 14th amendment to count "the whole number of persons in each State." The Census Bureau has interpreted its constitutional charge and its statutory mandate to require counting every person who has a usual residence in any State. The concept of 'usual residence' dates back to the Census Act of 1790 and, while the wording of various Census Acts has changed over the decades, the concept has remained the same -- to enumerate all inhabitants.

The Department of Commerce strongly believes that to change existing policy would be entirely infeasible and would considerably undermine critical efforts being undertaken by the Bureau to assure an effective and complete count in 1990.

First, we have no way of effectively determining the legal status of individual respondents. Any attempt to reduce the "whole number of persons" of particular ethnic groups by some statistical allowance for an estimated number of illegal aliens is clearly objectionable in counting observed whole persons as fractions.

Second, adoption of this policy would undermine far-reaching progress in the area of outreach directed at the minority community. Given the importance of these programs to achieve a full and accurate count, we oppose undertaking policies which are likely to disrupt our cooperation with community organizations which provide assistance to our efforts.

Finally, the Bureau is reluctant to undertake actions which would undermine the general public's perception of the confidentiality of census data. The absolute prohibition on any disclosure of confidential census data and the public's acceptance of these assurances are essential to the accuracy of census results.

Given that a decision to exclude undocumented aliens from the census apportionment counts would be neither feasible nor desirable, we strongly oppose the enactment of H.R. 2661.

Enumeration and Residence Rules of the 1990 Census

Prepared for the Alaska Reapportionment Board

**by Kathryn Lizik
Alaska Department of Labor
February 28, 1991**

The purpose of this report is to provide information on how the enumeration and residence rules for the 1990 Census affected the population count.

Enumeration Rule

Traditionally, the Census Bureau has interpreted the U.S. Constitution to mean "count all persons who are inhabitants of the U.S." as of Census day, rather than just citizens, property owners, or adults. This enumeration rule addresses "who to count". As the rule implies, all persons residing within Alaska were counted during the 1990 Census. However, this does not mean that they were all included in the state count.

Residence Rules

The Census Act of 1790 established the concept of usual residence as the guiding principle for determining where to count a person. The usual residence concept requires the Census Bureau to count a person where he or she lives and sleeps most of the time or where he or she considers their usual residence. Clear, well-communicated residence rules are needed to minimize both over- and under-counting. With few exceptions, it is this residence concept that the Bureau used in 1990. These residence rules address "where to count".

There are, however, situations where a need exists to establish special rules for those persons whose usual residence is not the place where they are on Census day or whose usual residence is ambiguous. In many cases, these individuals fill out an individual census report (ICR) which collects, among other information, the address of the housing unit they consider to be their usual place of residence. This address allows the eventual matching of the ICR to the original census questionnaire assigned to the housing unit and adds the person to that location. This address matching takes place nationwide and allows the individual to be counted back to any state.

The following list identifies those situations where special rules are utilized.

- 1) Persons away from their usual residence on census day. This category includes persons traveling, living temporarily in hotels and motels, or maintaining a usual home elsewhere. These people are not counted at the temporary location but are allocated back to their usual residence.

On Census day, these persons are asked to provide the address of their usual residence. This address is then matched to the census form for that address, and they are added to the count for that location. If these people cannot be matched to a specific residence, the bureau assumes that a neighbor or family member already reported these persons at the usual residence.

- 2) Persons with multiple residences. The 1990 questionnaire allows these persons to self identify one residence as their usual residence.

- 3) Persons with no permanent residence. All persons who do not claim a usual home elsewhere (the homeless, those in transient quarters, or those living temporarily with

friends or relatives) will be counted in the area they are contacted. A special enumeration of pre-identified transient locations was conducted about one week prior to Census day to capture this transient population.

4) **Persons away at college.** The residence of college students is identified as the location of the college they are attending.

5) **Persons away at boarding school.** Students below the college level, away attending boarding school, are counted at their parental home, due to their age and dependency on their parents.

6) **Crews of merchant vessels.** Some crew members have no home other than the ship on which they work, others maintain a home on shore that they consider to be their usual residence. For those crew with a shore based residence, their SCR or Shipboard Census Report will be matched to the census form for the residence they report and they will be added to that location.

For crew who consider the ship their residence, the following rules guide where they are counted:

- a) For ships berthed in a U.S. port on Census day, the crew will be counted at that port.
- b) For ships not berthed at a U.S. port but in territorial waters, the crew is counted at the port of destination, provided it is within the U.S. or its territories.
- c) For ships in territorial waters headed for a non U.S. port, the ships port of departure will be used.
- d) Crew of merchant ships not within territorial waters or that are not american flag vessels, will not be counted.

The above rules also apply to crew of canneries, freezer ships, and tuna ships.

7) **Land based military personnel.** Members of the armed forces, including the U.S. Coast Guard, are counted at the area where they are permanently stationed, subject to the conditions as described below (see Residency of Military Personnel Based on the Census Bureau Guidelines).

8) **Crews of military ships.** If the person's usual residence is the ship, the person will be counted at the homeport location where the ship is actually docked. Crew members will also be able to identify a usual residence ashore and be matched to their home address.

9) **Movers.** If an individual is in the process of moving to a new location he or she will be counted at their Census day address.

10) **Migrant workers.** Residents of migrant worker camps may designate the camp as their residence. If they have a usual residence other than the camp, the ICR will cross-match them to that address.

11) **Institutionalized residents.** This category includes all residents living under formally authorized, supervised care or custody. The facilities housing this population include correctional schools, penitentiaries, wards for juveniles, specialized hospitals, nursing homes for the elderly, and homes for the physically and mentally handicapped.

The Census Bureau differentiates between long-term and short-term facilities. Persons residing in long-term facilities (for example, penitentiaries, and mental hospitals) will be counted as residents of the institution. Persons residing in short-term facilities (such as county jails and general hospitals) will be given the opportunity to identify a usual place of residence if they have one.

RESIDENCY OF MILITARY PERSONNEL BASED ON CENSUS BUREAU GUIDELINES

For purposes of census enumeration all active duty military personnel were distributed a MCR (military census report) on-base, whether or not they lived in on-base barracks and housing units, or off-base housing units. For barracks based personnel, this was the only census form they filled out.

If the MCR listed that the address where the individual usually stayed at least 4 nights a week was the barracks, the individual was counted as an on-base resident.

All on and off-base personnel living in housing units, however, also received and filled out regular census questionnaires just like the rest of the civilian population.

If the MCR listed that the residence address was either an on- or off-base housing unit, the MCR was search/matched to the census questionnaires collected from the housing units, to verify the non-barracks location. When a match occurred, the count was assigned to the housing unit. If it was on-base, the count became part of the total on-base count. If it was off-base, the count became part of the regular off-base block count.

If the MCR listed that the residence address was out of state, the search/match would look for the listed address for the out of state residence. These search/matches were limited, however, to the three states (AK, CA, WA) served by the Census Bureau's processing office in San Diego. If a match occurred, the individual was added to that out of state address. If an address for any other state than the 3 listed above was filled in on the MCR, a match did not occur and the count by default was added to the base count.

It is my opinion that based on the above procedures, most on-base barracks personnel would have been counted at their base location due to two factors:

- 1) Matches were limited to only two other states than Alaska. Since tours of duty

originate from bases nationwide and the service is made up of individuals from 50 states, it is highly unlikely all non-state matches would have by chance been exclusively from California or Washington State.

2) The MCR form is constructed to generally elicit an on-base residence response. The address information block lies within Question 2 which sets the respondent up to automatically write in his or her on-base residence. The instructional guidelines do not provide extensive definitions of how one determines ones residency. "Where you usually stay at least 4 nights a week" is only one of many considerations.

I have requested from the Census Bureau a report which would show how many MCR's were matched to out of state locations. To date, that report has not been generated, and may not become available during the scope of the redistricting time frame.

For the on-base and off-base housing unit respondents, the regular census questionnaire also provided the opportunity to list a usual residence location. In this case, however, if an out of state address were given, the address matching would be conducted nationwide and the individual adjusted back to the out of state residence reported. In order for this match to be successful, a specific out of state street address is required.

DRAFT

AFTER COMPLETING THIS FORM

- Please check it to be sure you have answered all the required questions completely.
- To return your form, please follow the instructions on the envelope that the form came in.

THANK YOU FOR YOUR COOPERATION.

The Census Bureau estimates that, on average, each respondent will take 7 minutes to complete this form, including the time for reviewing instructions and answers. Comments about this estimate should be directed to the Associate Director for Management Services, Bureau of the Census, Washington, DC 20233, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

DRAFT

1990 INDIVIDUAL CENSUS REPORT

1. Please print your name —
Last name First name Middle Initial

2a. Are you — Mark (X) the box that applies.

- (1) A person WHO USUALLY LIVES HERE or who stays here most of the week while working? } Please continue with question 3, on page 2
- (2) A person with NO USUAL PLACE OF RESIDENCE? }

- (3) A person AWAY FROM YOUR USUAL HOME FOR A SHORT TIME, such as on a vacation or business trip?

Is there someone at your usual address who will include you on the census form there?

- Yes } Print your home address in b, and
 No } continue with question 3, on page 2.

b. House number, street name, apartment number

| | |
|--------------------|------------|
| Rural route number | Box number |
|--------------------|------------|

City

County or foreign country

| | |
|-------|----------|
| State | ZIP Code |
|-------|----------|

Telephone number — Include area code

Names of nearest intersecting streets or roads

FOR CENSUS USE

| | | | | | |
|-----|----|-----|-------|-------|----|
| DO | ID | ARA | Block | PN | |
| Add | DO | ID | ARA | Block | PN |
| Y | N | | | | |

FOR CENSUS USE

Person with _____ children under 15 years present with him/her

← FOLD LINE

1990 MILITARY CENSUS REPORT

This is your official Census form. Your cooperation in carefully filling out the form will help make the census successful. If you do not know the exact answer to any question, please give your best estimate.

This census is authorized by Title 13, United States Code, and you are required by law to answer the questions to the best of your knowledge.

The same law protects the confidentiality of your answers. Census employees are subject to fine and/or imprisonment for any disclosure of your answers. The person on base collecting your information is sworn in as a census employee and is subject to these same penalties.

Thank you for your cooperation.

1. Please print your name —
 Last name First name Middle initial

2a. What is the name of your unit?

b. What is the address where you usually stay at least 4 nights a week?

| | | |
|---|-------------|---------------------------|
| Building or barracks number or identification (if applicable) | | |
| House No. | Street name | Apt. No. |
| City | | County or foreign country |
| State | | ZIP Code |
| Names of nearest intersecting streets or roads | | |

c. Is the above address on a military installation or base?

Yes — Give name 7 No

d. Is the place where you usually stay family-type housing (house, apartment, etc.) or group quarters (barracks, BOQ, hospital, etc.)?

Family-type housing — How many persons, including yourself, were living at the above address on April 1, 1990?

----- Persons — Please complete questions 3 through 7 on page 2. Then return your form to the person in charge of distributing these reports.

Group quarters — Continue with question 3 and follow the instructions at the bottom of page 2.

AFTER COMPLETING THIS FORM

1. Please check it to be sure you have answered all the required questions completely.
2. Then return your form to the person in charge of distributing these reports.
3. Military personnel living away from this installation, but within the census area, will also receive a census form at home. To ensure that such personnel are assigned to the correct jurisdiction, it is important that **YOU MAKE SURE YOU ARE INCLUDED ON BOTH FORMS** — this report and the census form sent to your home.

THANK YOU FOR YOUR COOPERATION.

The Census Bureau estimates that, on average, each respondent will take either 2 minutes (100-percent items only) or 7 minutes (sample items as well) to complete this form, including the time for reviewing the instructions and answers. Comments about these estimates should be directed to the Associate Director for Management Services, Bureau of the Census, Washington, DC 20233, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

This form may be reproduced before distribution if additional copies are needed.

FOR CENSUS USE

| | | | | |
|----|----|-----|-------|----|
| DO | ID | ARA | Block | PN |
| N | | | | |

FOR CENSUS USE

| | | | | |
|----|----|-----|-------|----|
| DO | ID | ARA | Block | PN |
| | | | | |

FOLD ALONG THIS BROKEN LINE FOR SEALING

2a. Do you have a residence (house, apartment) where you usually stay when off duty?

- 1 Yes - Go to 2b 2 No - Skip to 3

b. What is the address of that residence? Include house number, street name, city, State, and ZIP Code.

House number Street name
Base name (if on-base)
City State ZIP Code

3. Sex - Mark (X) ONE box.

- 1 Male 2 Female

4. Race - Mark (X) ONE box for the race you consider yourself to be.

- 1 White 2 Black or Negro 3 Indian (Amer.) 4 Eskimo 5 Aleut 6 Chinese 7 Filipino 8 Hawaiian 9 Korean 10 Vietnamese 11 Japanese 12 Asian Indian 13 Samoan 14 Guamanian 15 Other API 16 Other race (Print race)

5. Age and year of birth

a. Age b. Year of birth

b. Marital status - Mark (X) ONE box.

- 1 Now married 2 Widowed 3 Divorced 4 Separated 5 Never married

7. Are you of Spanish/Hispanic origin?

- 1 No (not Spanish/Hispanic) 2 Yes, Mexican, Mexican-Am., Chicano 3 Yes, Puerto Rican 4 Yes, Cuban 5 Yes, other Spanish/Hispanic

What are the last 4 digits of your Social Security Number?

X X X - X X -

If the last four digits are 8333 or more, please continue with question 8. Persons who continue with question 8 represent a sample randomly selected on the basis of these digits. If the digits are less than 8333, stop here and return the form.

8. In what U.S. State or foreign country were you born?

(Name of State or foreign country; or Puerto Rico, Guam, etc.)

9. Are you a CITIZEN of the United States?

- 1 Yes, born in the United States - Skip to 11 2 Yes, born in Puerto Rico, Guam, the U.S. Virgin Islands, or Northern Marianas 3 Yes, born abroad of American parent or parents 4 Yes, U.S. citizen by naturalization 5 No, not a citizen of the United States

10. When did you come to the United States to stay?

- 0 1987 to 1990 1 1985 or 1986 2 1982 to 1984 3 1980 or 1981 4 1975 to 1979 5 1970 to 1974 6 1965 to 1969 7 1960 to 1964 8 1950 to 1959 9 Before 1950

11. At any time since February 1, 1990, have you attended regular school or college? Include only schooling which leads to a high school diploma or a college degree.

- 1 No, have not attended since February 1 2 Yes, public school, public college 3 Yes, private school, private college

12. How much school have you COMPLETED?

- 35 Less than 9th grade 36 9th grade 37 10th grade 38 11th grade 39 12th grade, NO DIPLOMA 40 HIGH SCHOOL GRADUATE - high school DIPLOMA or the equivalent (For example: GED) 41 Some college but no degree 42 Associate degree in college - Occupational program 43 Associate degree in college - Academic program 44 Bachelor's degree (For example: BA, AB, BS) 45 Master's degree (For example: MA, MS, MEng, MEd, MSW, MBA) 46 Professional school degree (For example: MD, DDS, DVM, LLB, JD) 47 Doctorate degree (For example: PhD, EdD)

13. What is your ancestry or ethnic origin?

(For example: German, Italian, Afro-Amer., Croatian, Cape Verdean, Dominican, Ecuadoran, Haitian, Cajun, French Canadian, Jamaican, Korean, Lebanese, Mexican, Nigerian, Irish, Polish, Slovak, Taiwanese, Thai, Ukrainian, etc.)

14a. Did you live at the address reported in question 2b 5 years ago (on April 1, 1985)?

- 1 Yes — Skip to 15a
- 2 No or no address in 2b

b. Where did you live 5 years ago? If you had no residence except on a ship, report the home port of that ship on April 1, 1985.

(1) Name of U.S. State or foreign country 7

(If outside U.S., print answer above and skip to 15a.)

(2) Name of county in the U.S. 7

(3) Name of city or town in the U.S. 7

(4) Did you live inside the city or town limits?

- 1 Yes
- 2 No, lived outside the city/town limits

15a. Do you speak a language other than English at home?

- 1 Yes
- 2 No — Skip to 17a

b. What is this language? 7

(For example: Chinese, Italian, Spanish, Vietnamese)

c. How well do you speak English?

- 1 Very well
- 2 Well
- 3 Not well
- 4 Not at all

16.

17a. Have you ever been on active-duty military service in the Armed Forces of the United States or ever been in the United States military Reserves or the National Guard? Active duty does not include training in the Reserves or National Guard.

- 1 Yes, now on active duty
 - 2 Yes, on active duty in past, but not now
 - 3 Yes, service in Reserves or National Guard only
 - 4 No
- } Skip to 20

b. Was active-duty military service during — Mark (X) a box for each period in which you served.

- | | |
|---|--|
| 1 <input type="checkbox"/> September 1980 or later | 6 <input type="checkbox"/> World War II (September 1940—July 1947) |
| 2 <input type="checkbox"/> May 1975 to August 1980 | 7 <input type="checkbox"/> World War I (April 1917—November 1918) |
| 3 <input type="checkbox"/> Vietnam era (August 1964—April 1975) | 8 <input type="checkbox"/> Any other time |
| 4 <input type="checkbox"/> February 1955—July 1964 | |
| 5 <input type="checkbox"/> Korean conflict (June 1950—January 1955) | |

c. In total, how many years of active-duty military service have you had?

----- Years

18.

19.

20. If you are female — How many babies have you ever had, not counting stillbirths? Do not count stepchildren or children you have adopted.

- | | | | | |
|---------------------------------|------------------------------|------------------------------|------------------------------|--|
| 0 <input type="checkbox"/> None | 1 <input type="checkbox"/> 1 | 4 <input type="checkbox"/> 4 | 7 <input type="checkbox"/> 7 | 10 <input type="checkbox"/> 10 |
| | 2 <input type="checkbox"/> 2 | 5 <input type="checkbox"/> 5 | 8 <input type="checkbox"/> 8 | 11 <input type="checkbox"/> 11 |
| | 3 <input type="checkbox"/> 3 | 6 <input type="checkbox"/> 6 | 9 <input type="checkbox"/> 9 | 12 <input type="checkbox"/> 12 or more |

21a.

21b. How many hours did you work LAST WEEK (at all jobs)? Subtract any time off; add overtime or extra hours worked.

----- Hours OR 0 Did not work last week — Skip to 28

22. Did you work on this ship LAST WEEK?

- 1 Yes
 - 2 No, different ship
 - 3 No
- } Skip to 28

At what location did you work LAST WEEK? If you worked at more than one location, print where you worked most last week.

a. Address (Number and street) 7

(If the exact address is not known, give a description of the location such as the name of the building or the nearest street or intersection, etc.)

b. Name of city, town, or post office 7

c. Is the work location inside the limits of that city or town?

- 1 Yes
- 2 No, outside the city/town limits

d. County 7

e. State 7

f. ZIP Code 7

23a. How did you usually get to work LAST WEEK? If you usually used more than one method of transportation during the trip, mark (X) the box of the one used for most of the distance.

- | | |
|---|--|
| 1 <input type="checkbox"/> Car, truck, or van | 8 <input type="checkbox"/> Motorcycle |
| 2 <input type="checkbox"/> Bus or trolley bus | 9 <input type="checkbox"/> Bicycle |
| 3 <input type="checkbox"/> Streetcar or trolley car | 10 <input type="checkbox"/> Walked |
| 4 <input type="checkbox"/> Subway or elevated | 11 <input type="checkbox"/> Worked at home |
| 5 <input type="checkbox"/> Railroad | 12 <input type="checkbox"/> Other method |
| 6 <input type="checkbox"/> Ferryboat | |
| 7 <input type="checkbox"/> Taxicab | |

If "car, truck, or van" is marked in 23a, go to 23b. Otherwise, skip to 24a.

b. How many people, including yourself, usually rode to work in the car, truck, or van LAST WEEK?

- | | | |
|--|-------------------------------------|--|
| 1 <input type="checkbox"/> Drove alone | 4 <input type="checkbox"/> 4 people | 7 <input type="checkbox"/> 7 to 9 people |
| 2 <input type="checkbox"/> 2 people | 5 <input type="checkbox"/> 5 people | 8 <input type="checkbox"/> 10 or more people |
| 3 <input type="checkbox"/> 3 people | 6 <input type="checkbox"/> 6 people | |

24a. What time did you usually leave home to go to work LAST WEEK?

----- 1 a.m.
2 p.m.

b. How many minutes did it usually take you to get from home to work LAST WEEK?

----- Minutes — Skip to 28

25.

26.

27.

FOLD ALONG THIS BROKEN LINE FOR SEALING.

28. Are you now on active duty in the U.S. Armed Forces?

- 1 Yes, Navy
- 2 Yes, Marine Corps
- 3 Yes, Coast Guard
- 4 Yes, Army
- 5 Yes, Air Force
- 6 No — Describe the kind of business of your employer 7

29. Occupation

a. What kind of work are you doing?

(For example: aircraft engine mechanic, electronic technician, able seaman, sonar technician, tactical intelligence officer)

b. What are your most important activities or duties?

(For example: repair seaplanes, research on electronic components, maintain ship's gear, repair sonar equipment, edit intelligence manuals)

c. If Armed Forces:

(1) What is your primary job specialty? If you have more than one specialty, list the one at which you spend the most time.

MOS/Rating/Designator/AFSC 7

(2) What is your paygrade? Enter two-character code. (For example: E-4, O-3)

 Paygrade

30.

31a. Last year (1989), did you work, even for a few days, at a paid job, business, farm or on active-duty military service?

- 1 Yes
- 2 No — Skip to 32

b. How many weeks did you work in 1989? Count paid vacation, paid sick leave, and military service.

 Weeks

c. During the weeks WORKED in 1989, how many hours did you usually work each week?

 Hours

32. Income in 1989 —

Mark (X) the "Yes" box below for each income source you received during 1989. Otherwise, mark (X) the "No" box.

If "Yes," enter the total amount received during 1989.

If exact amount is not known, please give best estimate.

If net income in 32b, c, or d was a loss, write "Loss" above the dollar amount.

a. Pay as a member of the ARMED FORCES including special, incentive, and bonus pay. Also wages, salaries, tips, and commissions from CIVILIAN JOBS — Report total amount from all jobs BEFORE DEDUCTIONS for taxes, bonds, dues, or other items.

1 Yes ——— \$ ----- .00
 2 No
 Annual amount — Dollars

b. Self-employment income from own nonfarm business, including proprietorship and partnership — Report NET income after business expenses.

1 Yes ——— \$ ----- .00
 2 No
 Annual amount — Dollars

c. Farm self-employment income — Report NET income after operating expenses. Include earnings as a tenant farmer or sharecropper.

1 Yes ——— \$ ----- .00
 2 No
 Annual amount — Dollars

d. Interest, dividends, net rental income or royalty income, or income from estates and trusts — Report even small amounts credited to an account.

1 Yes ——— \$ ----- .00
 2 No
 Annual amount — Dollars

e. Any other income received regularly, such as social security, public assistance or welfare payments, child support, or unemployment compensation — Do NOT include lump-sum payments such as money from an inheritance or the sale of a home.

1 Yes ——— \$ ----- .00
 2 No
 Annual amount — Dollars

33. What was your total income in 1989? Add entries in questions 32a through 32e; subtract any losses. If total amount was a loss, write "Loss" above amount.

\$ ----- .00
 Annual amount — Dollars

OR 0 None

AFTER COMPLETING THIS FORM

1. Please check it to be sure you have answered all the required questions completely.
2. Then return your form to the person in charge of distributing these reports.
3. Military personnel living away from this installation, but within the census area, also will receive a census form at home. To ensure that such personnel are assigned to the correct jurisdiction, it is important that **YOU MAKE SURE YOU ARE INCLUDED ON BOTH FORMS** — this report and the census form sent to your home.

THANK YOU FOR YOUR COOPERATION.

The Census Bureau estimates that, on average, each respondent will take either 2 minutes (first seven questions) or 7 minutes (all thirty-three questions) to complete this form, including the time for reviewing instructions and answers. Comments about these estimates should be directed to the Associate Director for Management Services, Bureau of the Census, Washington, DC 20233, Attn: CEN-90, and to the Office of Management and Budget, Paperwork Reduction Project CEN-90, Washington, DC 20503.

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CENSUS '90



This form may be reproduced before distribution if additional copies are needed.

FORM D-23

U.S. DEPARTMENT OF COMMERCE
BUREAU OF THE CENSUS

INFORMATIONAL COPY

1990 SHIPBOARD CENSUS REPORT

This is your official Census form. Your cooperation in carefully filling out the form will help make the census successful. Estimates may be made where exact answers are not known.

This census is authorized by Title 13, United States Code, and you are required by law to answer the questions to the best of your knowledge

The same law protects the confidentiality of your answers. Census employees are subject to fine and/or imprisonment for any disclosure of your answers.

Thank you for your cooperation.

1a. Please print your name —

Last name First name Middle initial

INFORMATIONAL COPY

b. What is the name of the ship where you are assigned?

c. What is the name of the operator of the ship?
If U.S. Government, specify Navy, Coast Guard, etc.

Please continue →

FOR CENSUS USE

FOR CENSUS USE

| | | | | | | | | | | | |
|----|----|----|-----|-------|----|--|----|----|-----|-------|----|
| 3d | DO | ID | ARA | Block | PN | | DO | ID | ARA | Block | PN |
| N | | | | | | | | | | | |

... of equal proportions (see box, right) to determine the number of Representatives each State receives.

"... as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's."

— *Wesberry v. Sanders*

But our job doesn't end there. Court decisions and legislation have given the Census Bureau a major role in redistricting, the process by which State

it is only in the last two decades that the Census Bureau has played a role in the redistricting process.

U.S. Supreme Court decisions handed down during the 1960's clarified the Constitution's intention to provide equality of representation for all Americans. In 1964, the *Wesberry v. Sanders* decision held that, "as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's." That same year, in *Reynolds v. Sims*, the Court ruled that State legislative districts must be "as nearly of equal population as is practicable."

Both U.S. Congressional Districts and State legislative districts must be

Who Is Counted?

The U.S. Constitution (Amendment 14, Section 2) states, "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State. . . ." Consequently, the Census Bureau counts *all* persons — the "whole number" — who are residents of the United States.

Specifically excluded are persons living on the grounds of a foreign embassy, ministry, legation, chancellery, or consulate. Since these locations are legally considered foreign soil, people living there are not considered U.S. residents. Also, citizens of foreign countries temporarily visiting or traveling in the United States are not counted because they have not established a residence.

Americans temporarily abroad on vacations or business trips are counted at their usual place of residence within the United States. For the second time in history, Defense Department employees overseas, both military and civilian, and their families are included in the census count.

Proportions Guides Apportionment

How does the method of equal proportions work?

Adopted in 1941 (title 2, Section 2a, United States Code), the method of equal proportions helps us compile a priority list of the States. Priority value is determined by dividing a State's population by the geometric mean of its current and next seats.

Following the 1980 census, each of the 50 States was awarded one seat out of the current 435 total. Then, the 51st seat went to the State that had the highest priority value for its second seat.

In computing the apportionment from the 1980 State totals, seat 51 went to California, whose priority value under the method of equal proportions was 16,736,300. The next seat, number 52, went to New York, with a second-seat priority value of 12,414,877, and Texas received seat number 53, with a priority value of 10,060,986.

Once the number of seats assigned to the individual States is determined, the task of drawing the new congressional districts is generally that of each State legislature.

where we microfilm them and use optical scanning devices to extract data. We compile preliminary housing unit counts for each block and then send them to officials of the appropriate county, county subdivision, and incorporated place. Called "local review," this process gives officials the opportunity to examine our counts and to identify blocks where they believe there are discrepancies.

Once we have completed the collection and processing, we begin to compile final counts in the Census Bureau's Washington office.

Census Day may be our most conspicuous deadline, but it's not our only one. Now we face several deadlines in processing the final census counts.

Off to the President

Next, the Census Bureau must prepare the final, official State population counts required for the apportionment of the U.S. House of Representatives. These official counts are reported to the President on or before December 31, 1990, a brief 9 months after Census Day.

According to the U.S. Code, the President must then report these figures to the Congress. He does this in early January 1991, during the first week of the 102nd Congress. This report will show —

- the population of each State
- the total number of Representatives (435)
- the number of Representatives each State may have

The apportionment section of the U.S. Code also tells the steps that are to be followed after the Congress receives the President's report. Within 15 calendar days, the Clerk of the House of Representatives must send to each State's Governor a certificate showing how many Representatives the State may send to the next Congress.

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D 1C
D 1D*
D 2C*
D 2D*
D 2E*
D 3D
D 4D

STRENGTH IN NUMBERS



**Your Guide to 1990 Census
Redistricting Data From the
U.S. Bureau of the Census**



BUREAU OF THE CENSUS

C. Louis Kincannon, Deputy Director

Roland H. Moore, Associate Director for Field Operations

DATA USER SERVICES DIVISION

Gerard C. Ianrelli, Chief

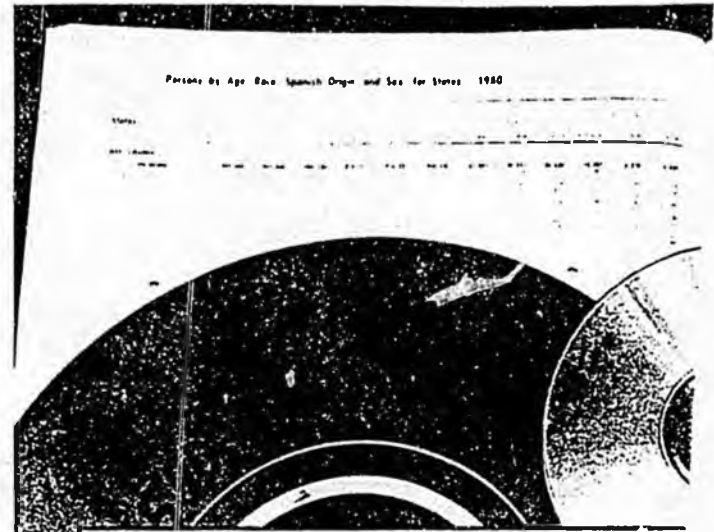
Marie Argana, Assistant Chief

1990 CENSUS REDISTRICTING DATA OFFICE

Marshall Turner, Chief

Cathy Talbert, Assistant Chief

This guide was prepared by Jackson Morton and Neil Tillman of the Data User Services Division, under the general direction of James P. Curry, Chief, Data Access and Use Staff. The text was reviewed by Sherry Courtland, Thomas Jones, Robert LaMacchia, Robert Marx, Robert Speaker, Cathy Talbert, Marshall Turner, and Gary Young. Gertrude Thomas of the DUSD staff managed text entry. Photographs were taken by Mark Mangold of the Public Information Office and by the authors. Editorial review, graphics, and printing arrangements were handled by the staff of the Publications Services Division, under the direction of Walter C. Odom, Chief.



Confidentiality Is a Must!

Title 13 of the United States Code Census Bureau. Section 9 of Title of information gathered by the Census neither the Secretary of Commerce nor employee of the Department of Commerce use the information furnished under any purpose other than the statistical supplied.

It states that no Census Bureau particular establishment or individual sworn officers and employees of the information supplied in response ever, the law specifies that, after opened to public inspection and

HJR

46

HOUSE COMMITTEE REPORT

Judiciary copy

(7)
Date Referred: May 17, 1991

FURTHER REFERRALS:

Finance

Date of Committee Action: 3/11/92

The JUDICIARY Committee considered:

HJR 46

HOUSE JOINT RESOLUTION NO. 46

CHANGE TIMING OF VETO OVERRIDE

Proposing an amendment to the Constitution of the State of Alaska relating to reconsideration of vetoes.

RECOMMENDATIONS:
be replaced with CSHJR 46 (JUD) the same title
 a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

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

| SIGNING DO PASS | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|--------------------------|----|-----------------------|-----|----|----|
| <i>Dave Douley</i> | X | <i>Max Greenberg</i> | | | ✓ |
| <i>John Ellis</i> | X | <i>Mike Miller</i> | | X | |
| <i>Kevin Pad Parnell</i> | ✓ | <i>Terry Martin</i> | | X | |
| | | <i>Mark Rasley</i> | | ✓ | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Dave Douley
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA

BILL NO. HJR 46

1992 LEGISLATIVE SESSION

Revision Date: 01/13/92

Department Affected: Office of the Governor-Elections

Title: Amendment to the Constitution RE: Change Timing of Veto Override

BRU: Division of Elections

Sponsor: Judiciary Committee

Component: II-Primary and General Elections

Requestor: House Judiciary Committee

COMPONENT SERIAL NO.

| | | | |
|---|---|---|---|
| 0 | 0 | 2 | 2 |
|---|---|---|---|

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 2.2* | 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 | 2.2* | 0 | 0 | 0 | 0 | 0 |

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

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

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------|------|---|---|---|---|---|
| GENERAL FUND | 2.2* | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER FUND SOURCE: | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 2.2* | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

Estimate of current year impact: 0

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

Prepared by: Elizabeth Ziegler, Deputy Director

Phone: 465-4611

Division: Elections

Date: 01/13/92

Approved by Commissioner: Charlotte E. Nickerson

Agency: Office of the Governor

Date: 01-13-92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

STATE OF ALASKA
1991 LEGISLATIVE SESSION

No. 1
Bill Version: HJR 46
(H) Publish Date: 5/17/91

Revision Date: 5/3/91 Department Affected: Office of the Governor/Elections
Title: Amend. to the Constitution - re- BRU: Division of Elections
lating to reconsideration of Vetoes Component: II - Primary and General Elections
Sponsor: House Judiciary Committee
Requestor: State Affairs COMPONENT SERIAL NO.

| | | | |
|---|---|---|---|
| 0 | 0 | 2 | 2 |
|---|---|---|---|

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | 2.2* | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 2.2* | | | | |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

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

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|------|--|--|--|--|
| GENERAL FUND | | 2.2* | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | 2.2* | | | | |

POSITIONS:

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

Estimate of current year impact: -0-

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

Prepared By: Elizabeth Ziegler, Deputy Director *Mau* Phone: 465-4611
Division: Elections *[Signature]* Date: 5/3/91
Approved by Commissioner: D. Max Hodel, Chief of Staff *[Signature]*
Agency: Office of the Governor Date: 5/3/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

REPRESENTATIVE DAVE DONLEY

ALASKA STATE LEGISLATURE
DISTRICT ELEVEN
SEAT A

3111 "C" STREET, SUITE 450
ANCHORAGE, ALASKA 99503
(907) 561-7629 (FAX) 562-4376

ALASKA LANDINGS • BENTZEN • BIRCHWOOD • CHESTER CREEK • HEATHER MEADOWS • LINCOLN PARK • MIDTOWN • NORTHSTAR
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JUDICIARY COMMITTEE

VICE CHAIRMAN
REGULATION REVIEW COMMITTEE

MEMBER
RULES COMMITTEE
LABOR AND COMMERCE COMMITTEE

M E M O R A N D U M

TO: All members of the House Judiciary Committee

FROM: Representative Dave Donley 

RE: HJR 46, constitutional amendment on legislative consideration of vetoed bills.

DATE: January 29, 1992

Due to an unintended effect of the 120-day session limit and the way the Alaska Constitution is worded, the balance of power between two of our three co-equal branches of government is seriously skewed.

The existing language of Art. II, Sec. 16, provides that if a veto occurs after the first regular session has adjourned, the veto shall be taken up no later than the fifth day of the next special or regular session.

If a veto occurs after adjournment of a second regular session, the veto shall be taken up no later than the fifth day of a special session, if one is called. Note that the legislature has never called itself into special session. Therefore, the legislature has historically been effectively precluded from considering vetoes occurring after adjournment of a second session. This allows a governor to rule by fiat every other year during that governor's term of office.

The provision in the constitution for the legislature to call itself into special session is very vague and the fact that it has never occurred proves that the provision is not really workable. Special sessions will probably only ever be called by the governor. He will certainly never call one to reconsider bills he has vetoed.

In addition, the legislature does not have the option of taking up the matter of a veto at the next regular session if the veto occurs at any time during a regular session.

Not only does the Alaska Constitution probably create the most powerful chief executive in the nation, but a



three-fourths vote is required to override a vetoed budget item. Of course, we don't even have the opportunity to exercise that override if a veto occurs after the end of the second session of a legislature.

When Article II, Section 8, of the constitution was amended to provide for the 120-day session limit, Section 16 of that article, dealing with action upon a veto, was not amended. Sec. 16 provides in pertinent part:

Upon receipt of a veto message during a regular session of the legislature, the legislature shall meet immediately in joint session and reconsider passage of the vetoed bill or item.

Before the 120-day session limit, if a veto message was received just prior to a planned adjournment of the legislature, the legislature could choose to remain in session for the purpose of meeting in joint session to reconsider the veto.

Under the session limit, it is possible that a veto message will be received so late in the session that the legislature will not be able to meet in joint session before it is constitutionally required to adjourn.

Under this proposed constitutional amendment, a veto occurring after 115 days from the convening of the first or second regular session can be considered by the legislature at the next regular or special session. Thus, the requirement of a special session for reconsideration of a veto that takes place after a second regular session is eliminated and the next legislature may consider vetoes which occurred after adjournment of the second session of the previous legislature.

In addition, the legislature must consider a veto before adjournment of a regular session if the veto message is received before the 115 day deadline. This gives the legislature a minimum of 5 days to consider the matter of holding a joint session before the session limit comes into play. This amendment puts the legislature on a more equal footing with the executive and serves to more equally balance the three branches of government.

HOUSE COMMITTEE REPORT

(7) Date Referred: May 1, 1991 FURTHER REFERRALS: Judiciary
Finance

Date of Committee Action: 5-17-91

The STATE AFFAIRS Committee considered: HJR 46

HOUSE JOINT RESOLUTION NO. 46 CHANGE TIMING OF VETO OVERRIDE

Proposing an amendment to the Constitution of the State of Alaska relating to reconsideration of vetoes.

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

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date)
 fiscal impact Division of Elections fiscal note(s) _____
 zero fiscal note _____ zero fiscal note(s) _____

| SIGNING DQ PASS | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|--------------------|-------------------------------------|-----------------------|-----|-------------------------------------|----|
| <i>Gene Kubera</i> | <input checked="" type="checkbox"/> | <i>Chris R...</i> | | <input checked="" type="checkbox"/> | |
| <i>Tom...</i> | <input checked="" type="checkbox"/> | | | | |
| <i>...</i> | <input checked="" type="checkbox"/> | | | | |
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Gene Kubera

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

February 13, 1992

SUBJECT: Enactment of Legislation (CSHJR 46(JUD))

TO: Representative Dave Donley
Chair, House Judiciary Committee

FROM: Tamara Brandt Cook
Director *TBC*

Here is the amendment you requested providing that a veto is invalid if information supporting it is not provided by the governor with the veto message. This approach will, I believe, create a question with respect to each veto as to whether or not the bill has become law notwithstanding the veto. A determination as to the enactment of legislation will, of course, have to be made by the courts. Undoubtedly, the issues litigated will include questions as to the sufficiency of the information provided, as well as the simple question of whether any information at all was provided.

Unfortunately, I cannot think of a way of tightening up the language or setting standards that will effectively avoid the need for judicial construction. I assume that, should the amendment be included in this resolution and adopted by the voters, over time a body of judicial interpretation will evolve that will serve as guidance to the governor as to the type of information that must be submitted to support a veto.

TBC:gc
92-128.glc

Enclosure

A M E N D M E N T

OFFERED IN THE HOUSE
TO: CSHJR 46(JUD)

Page 2, line 3, after "origin.":

Insert "If the information supporting the veto decision is not provided with the vetoed bill, the veto is invalid and the bill is enacted on the date the house of origin receives it from the governor."

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

October 15, 1991

SUBJECT: Joint session to consider veto (HJR 46)

TO: Representative Dave Donley

FROM: Tamara Brandt Cook *TBC*
Director
Division of Legal Services

You have asked whether the legislature is required to meet in joint session to consider a veto or whether it may take no action on the veto message. It has been the practice of the legislature not to take action on every veto message received. (See legislative histories for SB 162, veto letter page 796, Senate Journal, 1983; SB 82, veto letter page 1626, Senate Journal 1983; SB 190, veto letter page 1630 - 1631, Senate Journal 1983; HB 314, veto letter page 1658 - 1659, Senate Journal 1983; HB 309, vetoed during the interim, July 29, 1983; HB 105, vetoed during the interim, July 29, 1983; HB 151, vetoed during the interim, July 29, 1983, HB 635, veto taken up and tabled, page 2690, Senate Journal, 1984; SB 27, veto letter page 1740 - 1741, House Journal, 1985; HB 60, veto letter page 1742, House Journal, 1985; HB 195, veto letter page 1749, House Journal, 1985.)

Nevertheless, it appears to me that a fairly strong legal argument could be made for the proposition that the legislature is required to take the matter of a veto up. Article II, section 16 of the state constitution addresses the matter in mandatory terms:

Upon receipt of a veto message during a regular session of the legislature, the legislature shall meet immediately in joint session and reconsider passage of the vetoed bill or item. Bills to raise revenue and appropriation bills or items, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature. Other vetoed bills become law by affirmative vote of two-thirds of the membership of the legislature. Bills vetoed after adjournment of the first regular session of the legislature shall be reconsidered by the legislature sitting as one body no later than the fifth day of the next regular or special session of that legislature. Bills vetoed after ad-

Representative Dave Donley
October 15, 1991
Page 2

journalment of the second regular session shall be reconsidered by the legislature sitting as one body no later than the fifth day of a special session of that legislature, if one is called. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses. (Emphasis added)

Both AS 24.30.100 and Uniform Rule 45 dealing with vetoes also require legislative action in mandatory terms. A discussion of the constitutional provision during the Constitutional Convention indicates that a primary purpose behind the section was to prevent a bill from being held from the floor to prevent an attempt to override a veto and to prevent additional legislative action that might be taken in response to an override of a veto. (Alaska Constitutional Proceedings, Part 3, page 1744 - 1745, copy attached) But note also that the discussion includes a suggestion that the matter need not be brought up. (See McCutcheon comment, page 1744.)

It may be that the court, if faced with the question, would uphold the past practice of the legislature in not taking up vetoes based upon a disinclination to interfere with legislative procedure on "separation of powers" grounds or on the grounds that the only remedy for ignoring the mandate is contained in the section itself (i.e. that the legislature loses the opportunity to act by failing to do so). But it is also possible that the court would find itself obligated to protect the interests of individual legislators and each of the houses in having the opportunity to vote upon the matter. In view of the conflicting comments made during the Constitutional Proceedings, I believe that failing to take up a veto will entail some legal risk that the court could find this failure unconstitutional.

Attachment

TBC:gc
91-371.glc

DAVIS: The Rules Committee is not ready and will not be ready by 7:30 this evening to make any such report.

PRESIDENT EGAN: The question is "Shall the rules be suspended and the Rules Committee be instructed to make recommendations as to how to expedite the proceedings of the Convention?" It is not debatable because it is a suspension of the rules.

HERMANN: Point of order. I think we have a rule that says any time we want to call out a report of the Committee you have to have 14 people, if I recollect, requesting it.

PRESIDENT EGAN: Of course, this request by Mr. McLaughlin, Mrs. Hermann, is in effect a suspension of the rules.

V. FISCHER: Point of information. Is such a motion amendable by Mr. McLaughlin to provide, instead of 7:30 tonight, to have it as soon as possible?

PRESIDENT EGAN: Mr. McLaughlin, the Chair will allow you to make a statement.

MCLAUGHLIN: I shall amend it with reluctance to read "as soon as possible" instead of "7:30 this evening".

BUCKALEW: I would like to ask Mr. McLaughlin to withdraw that. You know they are going to get it out as soon as possible. Why don't you withdraw it?

MCLAUGHLIN: I shall withdraw my motion and rely on the speed with which the Rules Committee produces recommendations.

PRESIDENT EGAN: Mr. McLaughlin, hearing no objection, your proposed motion has been withdrawn. Mr. Davis.

DAVIS: At this time I will announce a meeting of the Rules Committee for the morning recess.

PRESIDENT EGAN: There will be a meeting of the Rules Committee during the morning recess. Are there amendments to Section 15? Mrs. Nordale.

NORDALE: Mr. President, I have an amendment.

ARMSTRONG: May I suggest again that the Chairman of the Committee be asked to speak to this section and if there are to be amendments to it.

PRESIDENT EGAN: He has already spoken to this section.

ARMSTRONG: I am sorry. I thought it was 16.

CHIEF CLERK: "Section 15, line 20, after the word 'shall' "

insert the word 'immediately'."

NORDALE: Mr. President, I ask unanimous consent, or I move that the amendment be adopted.

PRESIDENT EGAN: Mrs. Nordale moves the adoption of the proposed amendment. Is there a second?

METCALF: I second the motion.

PRESIDENT EGAN: Will the Chief Clerk please read the amendment again.

CHIEF CLERK: "Section 15, line 20, after the word 'shall' insert the word 'immediately'."

PRESIDENT EGAN: Mrs. Nordale.

NORDALE: Mr. President, my feeling is that I don't know that it is too important, but it seems to me that it is of enough importance to insert the word. If the bill should be considered immediately after the veto, then if the veto is sustained, there is an opportunity for those who still believe in the substance of the bill to introduce a revised bill incorporating such amendments as will coincide with the governor's attitude on the bill. Otherwise, it could be just delayed and not taken up in sufficient time to reconsider something that might be of value.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: Mr. President, I address a question to Mrs. Nordale. Would you consent to the word "promptly" instead of "immediately"? You don't know what the business is or what kind of jam they are going to be in for the next 24 hours.

NORDALE: I would consider that if the word would be interpreted reasonably, so that at the first possible recess the bill would be considered.

MCCUTCHEON: I don't see why we are heckling about one particular word. The house does not even have to receive the bill as far as the floor is concerned for some period of time. If there is a matter under consideration, it does not even come before it except if the president calls it up.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: There is something else here. This, as we have it here, maybe we are going to change it tomorrow. It says they are going to sit in joint session and you can't consider --

NORDALE: It says "immediately".

SUNDBORG: "The legislature sitting as one body shall immediately reconsider the passage of the bill." He returns it to the house of representatives together with his objections and the legislature sitting as one body and now it is proposed immediately to reconsider the passage of the bill. Would that mean that once the governor's veto message hits the clerk's desk in the house of representatives, that all business of both houses ceases at that moment and they go into joint session to immediately consider this matter?

NORDALE: Mr. President, rather than waste any time I withdraw the amendment. I think that almost every section of every constitution that talks about reconsidering a vetoed message says "immediately".

TAYLOR: I object.

PRESIDENT EGAN: Mr. Taylor objects to withdrawing. Mr. Taylor.

TAYLOR: I object to withdrawing. I think that word should be in there. I have seen the times in the legislature where there was an attempt after a bill had been vetoed by the governor, and it came back down to hold it so it could not come up for a hearing. It would be forced out and many times that happens. I think it should be "immediately" or some word which will denote the same meaning or say "within the following day", or "within 24 hours", but I think it is very imperative that we have this in here so when it goes back to the house of origin nobody in that house can sit on the bill and allow the veto to kill the bill. I object to withdrawing it and believe it should be voted on.

PRESIDENT EGAN: Objection is heard. The question is, "Shall the proposed amendment as offered by Mrs. Nordale be adopted by the Convention?" All those in favor of the adoption of the proposed amendment will signify by saying "aye", all opposed by saying "no". The Chief Clerk will call the roll.

(The Chief Clerk called the roll with the following result:

Yeas: 39 - Armstrong, Awes, Barr, Boswell, Collins, Davis, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Hellenthal, Hermann, Hilscher, Hynckel, Hurley, Johnson, Kilcher, King, Knight, Lee, Londborg, McCutcheon, McLaughlin, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratovich, R. Rivers, V. Rivers, Robertson, Stewart, Taylor, Walsh, Wien, Mr. President.

Nays: 12 - Buckalew, Cooper, Cross, Harris, Laws, Poulsen, Reader, Rosswog, Smith, Sundborg, Sweeney, White.

Mr. Schneider testified that the bonds required by subsection (f) of the bill might not involve a very significant amount of money. He suggested that these bonds could become "an easy, cheap way" around buying malpractice insurance. Mr. Schneider also pointed out that professionals should continue to purchase malpractice insurance after leaving their profession or retiring because of statute of limitations considerations.

Number 223

Rep. Martin voiced concern that consumers might end up paying for the malpractice insurance and that, in the end, only attorneys would benefit from the law.

Number 240

Mr. Schneider responded by pointing out that his clients benefited from any favorable settlement. He suggested that the committee should worry about the public who was victimized by virtually every profession. Mr. Schneider added that most lawyer and doctors, as well as some engineers and architects, already held malpractice insurance. He added that HB 302 would not create a cause of action for people to sue.

Number 274

Rep. Donley asked whether there were any witnesses who wished to testify about the constitutional amendment regarding veto overrides, HJR 46. Noting that there were no witnesses present, Rep. Donley stated that the bill had come from the State Affairs Committee. He explained that, unless the legislature called itself back to Juneau for a special session, it had no opportunity to review vetoes at the end of the second year of a legislative session. Rep. Donley added that the legislature had never called itself back into a special session and that, consequently, it was effectively precluded from reviewing vetoes by the governor at the end of a session. According to Rep. Donley, the only way to resolve this issue would be to require the existing legislature to reconvene to consider all vetoes or to allow the subsequent legislature to consider them when they began the next session. He indicated that the only drawback to the latter alternative was that new legislators might not be familiar with the bills that had been vetoed. However, he suggested that this was not a serious problem. Rep. Donley maintained that it would be difficult and expensive to mandate a special session.

Number 320

Rep. Hanley suggested that the wording "shall meet" may be too strong and mentioned the possibility of using "may meet" instead.

Number 334

Rep. Donley responded that it should be a constitutional requirement that the legislature provide the opportunity to any member to move to override.

Number 346

Rep. Ellis indicated that he supported using stronger language, such as "shall" rather than "may". Rep. Ellis, Rep. Donley and Rep. Hanley discussed the language that should be used.

Number 392

Rep. Hanley stated that he was not ready to take a position on the option of allowing a new legislature to review vetoes of bills passed by a prior legislature. He raised the possibility of allowing a new legislature to take up vetoes later than during the first five days of the session. He indicated that this would allow them to familiarize themselves with the relevant issues. Rep. Ellis mentioned that there could be budgetary considerations which would weigh in favor of reviewing vetoes during the first five days of the session. Rep. Hanley suggested considering a ten to fourteen day time frame for the new legislature to review vetoes. Rep. Donley noted that the bill could require the legislature to meet on the tenth day of the session to review vetoes.

Number 440

Rep. Martin pointed out that a new governor would be taking office and that some major political battles could occur. He concurred with Rep. Ellis that the House and Senate leadership had, in the past, circumvented the will of the majority of the legislature. Rep. Martin stated that he would not like to see the legislature misuse its prerogative to review vetoes, given the fact that a new administration would be establishing itself. Also, he expressed concerns about the legislature extending its session beyond its statutory 120 day session.

Number 519

Ms. Otto explained that the proposed constitutional amendment would not give the legislature authority to extend the session. She indicated that it would allow the

legislature to take up a veto override during the first five days of the following session.

Number 546

Rep. Martin and Rep. Donley discussed whether a newly elected governor could influence the legislature's decision to override vetoes by the previous governor.

Number 574

Rep. Ellis, Rep. Martin and Rep. Donley discussed whether the legislature had ever called itself back to Juneau for a special session. They could not recall a single instance when it had done so, though previous governors had called special sessions.

Number 606

Rep. Donley pointed out that the costs associated with a special session would be very high.

Number 614

Rep. Donley indicated that he was primarily concerned with the fact that the legislature could not review vetoes made at the end of the second year of a session. He noted that he was less concerned about the procedure or mechanism that would be established to circumvent this "anomaly." According to Rep. Donley, the present situation, which he associated with authoritarian dictatorship rather than separation of powers, was not acceptable.

Number 641

Rep. Hanley noted that the Constitution did not specify when a governor had to transmit a veto back to the legislature. He suggested that this was an outstanding issue that needed to be considered. Rep. Ellis concurred. Rep. Donley indicated that various provisions in the Constitution needed to be "cleaned up." He suggested that some of these issues could be addressed through the legislative process.

TAPE JUD 91-#67, SIDE B

Number 000

Responding to a comment by Rep. Martin, Rep. Donley pointed out that the the legislature could not call itself into a special session unless the Speaker of the House and President of the Senate were in favor of doing it. Rep.

Donley noted that this represented a "catch-22" situation. Rep. Donley stated that a joint session for reviewing vetoes should be mandated so it would not be subject to political manipulation. He also suggested that if the amendment allowed a new legislature to review vetoes, it should provide more than five days so new members could familiarize themselves with the issues and bills.

Number 032

Rep. Hanley raised the prospect of setting a specific day, for instance the tenth day of a new session, on which outstanding vetoes would be reviewed.

Number 035

Mark Handley, legislative aide to Rep. Gruenberg, suggested that confusion about whether a joint session would be mandatory stemmed from a lengthy sentence in the proposed amendment. He recommended using two separate sentences.

Number 054

Rep. Hanley indicated that the word "immediately" was also a source of confusion and suggested asking for a legal opinion on the language.

Number 060

Rep. Hanley, Rep. Ellis and Rep. Donley discussed the option of requiring the joint session to take place on a specific day. Rep. Ellis pointed out that this approach would remove a great deal of uncertainty.

Number 070

Rep. Martin, Rep. Ellis and Rep. Donley discussed the impact of the proposed amendment on appropriations bills.

Number 113

Ms. Otto clarified that the proposed amendment would simply give the legislature the same rights following the second year of a session as it already had following the first year of a session.

Number 121

Rep. Hanley asked whether the legislature would have to review the budget line-by-line during its joint session, given the fact that the governor may have used his or her line-item veto powers. Rep. Donley responded that this

could happen, but noted that it would be up to the members of the legislature to determine what vetoes were reviewed. He said that motions to override vetoes would be offered and voted on by members. Rep. Ellis, Rep. Hanley, Rep. Donley and Rep. Martin discussed how political factors and practical considerations would affect this process.

Number 184

Rep. Martin and Rep. Donley discussed why the legislature did not call itself into special sessions. Rep. Donley said that the Constitution discouraged the legislature from taking such action. He noted that he had drafted an amendment to make the process more open and less complicated. Rep. Hanley stated that he would favor a formal request process. Rep. Donley, in turn, raised the option of delivering a petition to the Speaker.

Number 212

Rep. Donley noted for the record that Rep. Miller was in attendance and adjourned the meeting.

HJR

47

(7)
Date Referred: February 28, 1992

HOUSE COMMITTEE REPORT
FURTHER REFERRALS:

Finance

Date of Committee Action: 3.18.92

The JUDICIARY Committee considered:

HJR 47

HOUSE JOINT RESOLUTION NO. 47

Proposing amendments to the Constitution of the State of Alaska relating to the appointment, confirmation, and removal of the board members of public corporations of the state and of the head of the agency that regulates the business of insurance.

RECOMMENDATIONS:
be replaced with CS HJR 47 (JUD) the same title
 a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____
 fiscal impact _____
 zero fiscal note _____

APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) Elections, 2.28.92
 zero fiscal note(s) _____

| SIGNING DO PASS | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|----------------------------|----|--------------------------|-----|----|----|
| <u>Wendy Dowley</u> | X | | | | |
| <u>John Mendenhall</u> | X | <u>Mark Rowley</u> | | ✓ | |
| John Mendenhall | X | <u>Terry Mathias</u> | ✓ | | ✓ |
| | | <u>Mike Miller</u> | | ✓ | |
| | | <u>Kevin Paul Powell</u> | | | ✓ |
| | | <u>John Ellis</u> | | X | |
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Wendy Dowley
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HLR 47

Revision Date: _____
Title: "...Constitution...confirmation, and removal of board members of public corporations..."
Sponsor: House State Affairs Committee
Requestor: House Judiciary Committee

Department Affected: Department of Law
BRU: Legal Services
Component: Operation

COMPONENT SERIAL

| | | | |
|--|--|---|---|
| | | 9 | 3 |
|--|--|---|---|

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

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|----------------------|--|--|--|--|--|--|
| REVENUE FUND SOURCE: | | | | | | |
|----------------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| FEDERAL FUNDS | | | | | | |
| OTHER FUND SOURCE: | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|-----|-----|-----|-----|-----|-----|
| FULL-TIME | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

If approved by the legislature, House Joint Resolution No.47 will place a proposal before the voters to amend Alaska's Constitution to require that when a board or commission is at the head of a public corporation, appointment to such boards and commissions requires confirmation by the legislature.

The resolution will also place a proposed constitutional amendment before the voters that would require that the head of the office of state government that regulates the business of insurance shall be appointed by the governor, subject to confirmation by the legislature. Approval of the proposals will not have a fiscal impact on the Department of Law.

Prepared by: Richard I. Pegues, Director *Richard I. Pegues* Phone: 465-3672
 Division: Administrative Services Date: March 10, 1992
 Approved by Commissioner: Charles E. Cole, Attorney General *Richard I. Pegues HLR 1*
 Agency: Department of Law Date: March 10, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HJR 47

Revision Date: 01/13/92 Department Affected: Office of the Governor-Elections
 Title: Amendment to the Constitution RE: Confirmation of Public Officials BRU: Division of Elections
 Sponsor: Judiciary Committee Component: II-Primary and General Elections
 Requestor: House State Affairs

COMPONENT SERIAL NO.

| | | | |
|---|---|---|---|
| 0 | 0 | 2 | 2 |
|---|---|---|---|

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 2.2* | 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 | 2.2* | 0 | 0 | 0 | 0 | 0 |

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

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

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------|------|---|---|---|---|---|
| GENERAL FUND | 2.2* | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER FUND SOURCE: | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 2.2* | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

Estimate of current year impact: 0

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

Prepared by: Elizabeth Ziegler, Deputy Director Phone: 465-4611
 Division: Elections Date: 01/13/92
 Approved by Commissioner: *Charles E. Thiel*
 Agency: Office of the Governor Date: 01-13-92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

Rev 10/07/91
HJR47.FN2

Page 1 of 1

Alaska State Legislature



House of Representatives

House Judiciary Committee
Chairman Dave Donley

P. O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4990
(907) 465-4712

SPONSOR STATEMENT

HJR 47 proposes a ballot proposition to amend Alaska's Constitution to require legislative confirmation of appointments to public corporations, and to require legislative confirmation of the Director of the Division of Insurance.

The House Judiciary Committee introduced HJR 47 in response to court rulings holding that Alaska's Constitution does not require legislative confirmation of appointments to public corporations, and in recognition of the extensive powers given by statute to the Director of the Division of Insurance. Although Alaska's Constitution requires legislative confirmation of appointments to regulatory agencies, the founders of our constitution did not anticipate the creation of public corporations or the types of powers given to the Director of Insurance and therefore did not specifically provide for legislative confirmation of these appointees.

Our Committee was concerned about public corporations operating without any legislative supervision of appointees to these entities, which have responsibility for managing millions of dollars of public money and can have a major impact on public policy decisions (see attached list of public corporations). Likewise, the Director of the Division of Insurance, who has broad quasi-judicial and regulatory powers, and statutory authority to operate independently of the Commissioner of Commerce and Economic Development, has a significant impact on the lives of all Alaskans (15% of the average household budget is spent on insurance). As a result of the constitutional limitations on the legislature's involvement in the confirmation process, Alaskans are left without adequate safeguards against unqualified persons being appointed to fill important policy-making positions.

It is clear that the founders of our constitution believed confirmation authority was a critically important and appropriate tool to assure public accountability of appointees to public agencies. HJR 47 is simply an extension of that wisdom, and I urge your support for the measure.

HOUSE COMMITTEE REPORT

(7)
Date Referred: May 1, 1991

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 2/26/92

The STATE AFFAIRS Committee considered:

HJR 47

HOUSE JOINT RESOLUTION NO. 47

CONFIRMATION OF PUBLIC OFFICIALS

Proposing amendments to the Constitution of the State of Alaska relating to the appointment, confirmation, and removal of the board members of public corporations of the state and of the head of the agency that regulates the business of insurance.

RECOMMENDATIONS:
 be replaced with CS HJR 47 (STA) the same title
 a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact DIV. OF ELECTIONS

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

| SIGNING DO PASS | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|---------------------------|----|-----------------------|-----|----|----|
| <i>Eugene G. Kukkonen</i> | X | | | | |
| <i>Tommye J. (W)</i> | X | | | | |
| <i>David H. Coakley</i> | P | | | | |
| <i>John J. (S)</i> | | | | | |
| <i>John W. Baker</i> | | | | | |
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Eugene G. Kukkonen
CHAIRMAN'S SIGNATURE

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

February 4, 1991

SUBJECT: Alaska Public Corporations (Work Order No. 17 LS-0640)

TO: Representative Dave Donley

FROM: Jerry Luckhaupt *JLB*
Legislative Counsel

You have requested a compilation of the public corporations and corporate authorities of the state of Alaska. In my review of the statutes I have found the following corporations and authorities:

- (1) Alaska Amateur Sports Authority (AS 05.40.010);
- (2) Alaska Energy Authority (AS 44.83.020);
- (3) Alaska Gas Pipeline Finance Authority (AS 44.82.010);
- (4) Alaska Housing Finance Corporation (AS 18.56.020);
- (5) Alaska Industrial Development and Export Authority (AS 44.88.020);
- (6) Alaska Medical Facility Authority (AS 18.26.010);
- (7) Alaska Municipal Bond Bank Authority (AS 44.85.020);
- (8) Alaska Permanent Fund Corporation (AS 37.13.040);
- (9) Alaska Railroad Corporation (AS 42.40.010);
- (10) Alaska Resources Corporation (AS 37.12.010);
- (11) Alaska Science and Technology Foundation (AS 37.17.010);
- (12) Alaska Seafood Marketing Institute (AS 16.51.010);
- (13) Alaska State Housing Authority (AS 18.55.020);
- (14) Alaska Tourism Marketing Council (AS 44.33.700);
- (15) Medical Indemnity Corporation of Alaska (AS 21.88.020).

In addition, the Commercial Fishing and Agriculture Bank (AS 44.81.010). appears to have some of the attributes of a public corporation in that the exercise of its powers "is cor. dered to be for a public purpose." AS 44.81.010(a): "Further, bills that have been filed so far this year would create the following additional public corporations:

ALASKA CORPORATIONS

Representative Dave Donley

February 4, 1991

Page 2

- (a) HB 10 - Alaska Marine Highway Authority;
- (b) HB 46 - Alaska Spaceport Authority;
- (c) HB 59 - Alaska Mental Health Trust Corporation;
- (d) HB 71 - Alaska State Health Resources Authority;
- (e) SB 18 - Alaska State Pension Corporation;
- (f) SB 73 - Health Insurance Authority.

Gubernatorial appointees to the boards of public corporations are apparently not subject to confirmation by the legislature as the public corporations are not "at the head of a principal department or a regulatory or quasi-judicial agency" as provided in art. III, § 26 of the Alaska Constitution. See also, Bradner v. Hammond, 553 P.2d 1 (Alaska 1976)(only section 26 boards subject to confirmation); Walker v. Alaska State Mortgage Authority, 416 P.2d 245 (Alaska 1966)(ASMA not a section 26 board).

GPL:mi

91-017.mai

HJR

72

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HJR 72

Revision Date: _____
Title: Amendment to the Constitution RE: Compensation of Members of the Legislature.
Sponsor: Representative Gruenberg
Requestor: House State Affairs

Department Affected: Office of the Governor-Elections
BRU: Division of Elections
Component: II-Primary and General Elections

COMPONENT SERIAL NO.

| | | | |
|---|---|---|---|
| 0 | 0 | 2 | 2 |
|---|---|---|---|

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 2.2* | 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 | 2.2* | 0 | 0 | 0 | 0 | 0 |

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

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

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------|------|---|---|---|---|---|
| GENERAL FUND | 2.2* | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER FUND SOURCE: | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 2.2* | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

Estimate of current year impact: 0

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

Prepared by: Laura A. Blaiser, Projects Coordinator Phone: 465-4611
Division: Elections Date: 3/19/92

Approved by Commissioner: _____ Date: _____
Agency: Office of the Governor

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

Rev 10/07/91
HJR72.FN2

Page 1 of 1

State of Alaska

House Majority Leader
COMMITTEES
HOUSE JUDICIARY
HOUSE RULES
HOUSE STATE AFFAIRS
SPECIAL COMMITTEE
MILITARY AND VET. AFFAIRS
LEGISLATIVE COUNCIL



Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

P.O. BOX V
JUNEAU, AK 99811
(907) 465-3718
465-4968/4986
(SESSION)

3111 C STREET, SUITE 440
ANCHORAGE, AK 99503
(907) 561-7621

MEMORANDUM

TO: Members of House State Affairs Committee
FROM: Rep. Max Gruenberg
RE: Sponsor Statement HJR 72
DATE: February 25, 1992

I would very much appreciate your support of HJR 72 "Proposing an amendment to the Constitution of the State of Alaska relating to compensation of members of the legislature".

HJR 72 purposes a constitutional amendment, that would establish a Legislative Compensation Board. The board will submit it's recommendations to the first regular session of each legislature, and their recommendations will take effect on the convening of the of the legislature following the next general election unless two thirds of the membership of each house disapproves. If the recommendation of the board is rejected the existing compensation for members continues.

If you have any questions about this bill, please contact Stan Robbins in my office (4968) .

Thank you.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 19, 1989

SUBJECT: Legislative pay raises during the current session (Work Order No. 6-1501)

TO: Representative Max Gruenberg

FROM: Richard A. Bradley
Legislative Counsel *RB*

You have asked that we provide for you an analysis of the constitutions of the other states insofar as they limit the authority of the legislature to raise the compensation of its members during the current legislative session. The provision you describe is relatively common though it comes in various forms.

Certain points should be made about the following analysis. The material is quoted except for the material in brackets. Any provision regarding the time within which a salary change may take effect is stated unless the constitutional source is silent.

The analysis follows; copies of the entire sections from which the quote is taken are enclosed.

(1) Alabama: [Has a constitutional compensation limitation of] ten dollars per day and ten cents per mile [for travel costs]. Art. IV, sec. 49 as amended by Amendment 39 and 57.

(2) Arizona: The legislature shall never [increase or diminish] the compensation of any public officer . . . during his term of office. Art. IV, sec. 17. It is not clear that it applies to the legislature but no other provision found is on point.

(3) Arkansas: [Constitutionally set salary of \$7,500 per annum (President pro tem and Speaker: \$10,000). Per diem, expenses, mileage as set by law.] Art. V, sec. 16 as superseded by Amendment 37 and Amendment 56; only the latter is enclosed.

(4) California: Compensation . . . and reimbursement for travel and living expenses . . . shall be prescribed by statute [enacted by] two thirds of the membership of each house. [An] adjustment of the annual compensation . . . may not exceed an amount equal to 5 percent for each calendar year following the operative date of the last adjustment . . . Any adjustment in compensation may not apply until the commencement of the regular session commencing after the next general election following enactment of the statute. Art. IV, sec. 4.

(5) Colorado: [S]alary and expenses . . . are prescribed by law. No general assembly shall fix its own salary. Members . . . shall receive the same mileage rate permitted for travel as other state employees. Art. V, sec. 6.

(6) Connecticut: The salary . . . and the transportation expenses . . . shall be determined by law. Art. III, sec. 17.

(7) Delaware. [M]embers . . . shall receive an annual salary and an annual expense allowance for transportation and other necessary and proper purposes . . . as the General Assembly shall by law provide. Art. II, sec. 15.

(8) Florida: No provision on point was found.

(9) Georgia: The members . . . shall receive such salary as shall be provided by law, provided that no increase in salary shall become effective prior to the end of the term during which such change is made. Art. III, Sec. IV, Para. VI.

(10) Hawaii: [Legislative salary commission sets compensation.] A change in salary shall not apply to the legislature to which the recommendation . . . was submitted. Art. III, sec. 9.

(11) Idaho: [Compensation set by a citizens committee on legislative compensation. Legislature may reject a recommendation; if that occurs, prior rates remain in effect.] Art. III, sec. 23.

(12) Illinois: A member shall receive a salary and allowance as provided by law, but changes . . . shall not take effect during the term for which he has been elected. Art. IV, sec. 11.

(13) Indiana: [C]ompensation [shall] be fixed by law; but no increase of compensation shall take effect during the session at which such increase may be made. Art. 4, sec. 29.

(14) Iowa: [C]ompensation . . . shall be fixed by law [but doesn't take effect] prior to the convening of the next General Assembly Art. III, sec. 25.

(15) Kansas: [C]ompensation [shall be] provided by law or . . . determined according to law. Art. 2, sec. 3.

(16) Kentucky: [Apparently set by law:] "Provided, No change shall take effect during the session at which it is made; . . ." Sec. 42.

(17) Louisiana: No provision on point was found.

(18) Maine: [C]ompensation . . . shall be established by law; but no law increasing their compensation shall take effect during the existence of the Legislature, which enacted it. Art. IV, sec. 7.

(19) Maryland: [The state uses a compensation commission.] The General Assembly may reduce or reject, but not increase [its recommendations]. The resolution . . . shall take effect . . . as of the beginning of the term of office of the next General Assembly Art. III, sec. 15.

(20) Massachusetts: [Does not appear to have law on the subject; art. LXV is not really on point.]

(21) Michigan: [The state uses a compensation commission. The recommendations may be rejected only by a 2/3rds vote. Time of taking effect not specified.] Art. IV, sec. 12.

(22) Minnesota: The compensation . . . shall be prescribed by law. No increase of compensation shall take effect during the period for which the members of the existing house of representatives have been elected. Art IV, sec. 9.

(23) Mississippi: [C]ompensation [shall] be prescribed by law . . . ; but no alteration of such compensation . . . shall take effect during the session at which it is made. Art. IV, sec. 46.

v

(24) Missouri: [Provided by law.] No law . . . shall become effective until the first day of the regular session . . . next following the session at which the law was enacted. [No appropriation is required; only certification by presiding officers, secretary and clerk. Constitutionally established travel expenses of \$1 for each ten miles travelled. Constitutionally established per diem of \$10, subject to variance by law, also without appropriation act.] Art. III, sec. 16.

(25) Montana: [Provided by law.] No legislature may fix its own compensation. Art. V, sec. 5.

(26) Nebraska: [Salary set by the constitution; actual travel expenses authorized.] Members . . . shall receive no pay or perquisites other than . . . salary and expenses . . . Art. III, sec. 7. [May not be] increased or decreased during his term of office [but takes effect at the beginning of the next term of any members elected, even as to members not then reelected.] Art. III, sec. 19.

(27) Nevada: [Compensation shall] be fixed by law . . . but no increase . . . shall take effect during the term for which the members of either house shall have been elected; . . . Art. 4, sec. 33.

(28) New Hampshire: [Compensation is set constitutionally.] Part II, art. 15.

(29) New Jersey: [Compensation shall] be fixed by law [and members may not receive any] other allowance or emolument, directly or indirectly, for any purpose whatever. Art. IV, Sec. IV, Para. 7. [No] increase or decrease shall be effective until the legislative year following the general election . . . Art. IV, Sec. IV, Para. 8.

(30) New Mexico: [Constitutionally established] per diem [of] not more than \$75 for each day's attendance during each session, as provided by law, and \$.25 for each mile traveled in going to and returning from the seat of government once each session [plus] per diem expenses and mileage for . . . legislative committee [hearings]; and no other compensation, perquisite, or allowance. Art. IV, sec. 10.

(31) New York: Each member . . . shall receive . . . [an] annual salary, to be fixed by law [and] actual traveling expenses . . . Neither the salary of any member nor any other allowance . . . may be increased or diminished during

. . . the term for which he shall have been elected, nor shall he be paid or receive any other extra compensation. Art. III, sec. 6.

(32) North Carolina: [Compensation and allowances shall be] prescribed by law. An increase in the compensation or allowances of members shall become effective at the beginning of the next regular session of the General Assembly following the session at which it was enacted. Art. II, sec. 16.

(33) North Dakota. No constitutional provision was found.

(34) Ohio: [Members shall receive a] fixed compensation, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise; and no change in their compensation shall take effect during their term of office. Art. II, sec. 31.

(35) Oklahoma: Members of the legislature receive such compensation as shall be fixed by the Board on Legislative Compensation. * * * No member of the legislature may serve on the Board. [A review of compensation occurs each two years and takes effect] on the 15th day following the succeeding general election. Art. V, sec. 21.

(36) Oregon: The members . . . shall receive for their services a salary to be established and paid in the same manner as the salaries of other elected state officers and employees. [The provision is silent on the effective date.] Art. IV, sec. 29.

(37) Pennsylvania: The members . . . shall receive such salary and mileage for . . . sessions as shall be fixed by law, and no other compensation whatever, whether for service on a committee or otherwise. No member of either House shall during the term for which he may have been elected, receive any increase or salary, or mileage, under any law passed during such term. Art. II, sec. 8.

(38) Rhode Island: [Constitutionally established compensation \$5 per day (\$10 for presiding officers) and mileage of eight cents per mile, presumably each day.] Amendment Art. XI, sec. 1.

(39) South Carolina: [Apparently fixed by law as it provides that when meeting in special session, members receive]

the same compensation as is fixed for the regular session.
* * * [No] General Assembly shall have the power to increase
the per diem of its own members. Art. III, sec. 19.

(40) South Dakota: [Members receive for their services the salary fixed by law . . . and five cents for every mile of necessary travel . . . The legislature by a two-thirds vote . . . may fix the salary of . . . members of the legislature [and] determine the effective date thereof and may in its discretion decrease or increase the salary of any officer during his term. Art. III, sec. 6, para 1; art. XXXI, sec. 2.

(41) Tennessee: [Constitutionally established] annual salary of \$1,800 per year . . . and such other allowance for expenses . . . as may be provided by law. [N]o increase or decrease in the amount . . . shall take effect until the next general election for Representatives to the General Assembly . . . Art. II, sec. 23.

(42) Texas: [Constitutionally established] salary of \$600 per month [and] a per diem of \$30 for each day [and] mileage as prescribed by law for employees of the state Art. III, sec. 24.

(43) Utah: [The legislature shall by law accept, reject, or lower the salary [recommended by a salary commission] but may not, in any event, increase the recommendation. Art. VI, sec. 9.

(44) Vermont: As every freeman, to preserve his independence (if without a sufficient estate) ought to have some profession, calling, trade, or farm, whereby he may honestly subsist, there can be no necessity for, nor use in, establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the possessors or expectants, and faction, contention, and discord among the people. But if any man is called into public service to the prejudice of his private affairs, he has the right to a reasonable compensation; and whenever an office through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profit ought to be lessened by the Legislature. And if any officer shall wittingly and willfully, take greater fees than the law allows him, it shall forever after disqualify him from holding any office in this State, until he be restored by act of legislation. Sec. 61 [derived from the 1777 Constitution].

(45) Virginia: The members . . . shall receive such salary and allowance as may be prescribed by law, but no increase in salary shall take effect for a given member until after the term for which he was elected. Art. IV, sec. 5.

(46) Washington: Salaries for members of the legislature [and others] shall be fixed by an independent commission Any change in salary . . . shall become law ninety days thereafter without action of the legislature or governor, but shall become subject to referendum petition filed within the ninety-day period. After the . . . adoption of the law creating the commission, no amendment [that] alters the composition of the commission is valid unless enacted by a . . . two-thirds [vote] of the members. Art. II, sec. 23, as amended by art. XXVIII. Note that it appears that a subsequent amendment has occurred: The compensation of all elective . . . state . . . officers who do not fix their own compensation, . . . may be increased during their terms of office to the end that such officers . . . shall each severally receive compensation for their services in accordance with the law in effect at the time the services are being rendered. Art. XXX.

(47) West Virginia: [Compensation . . . and . . . allowances shall be . . . established . . . by the [salary] commission . . . and thereafter enacted into general law by the Legislature at a regular session The Legislature may . . . reduce but not increase [the] compensation or expense allowance [recommended by the commission]. [The legislature provides for the effective date of the change.] Art. VI, sec. 33.

(48) Wisconsin: [C]ompensation of any public officer [may not] be increased or diminished during his term of office. . . . Art. IV, sec. 26.

(49) Wyoming: The compensation of the members of the legislature shall be as provided by law; but no legislature shall fix its own compensation. Art. 3, sec. 6.

BY REP. MARTIN

1 IN THE HOUSE

2

HOUSE JOINT RESOLUTION NO. 60

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

Proposing an amendment to the Constitu-

6

tion of the State of Alaska relating to

7

compensation of members of the legisla-

8

ture.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. Article II, sec. 7, Constitution of the State of Alaska,
11 is amended to read:

12 SECTION 7. SALARY AND EXPENSES. Legislators shall receive
13 annual salaries established under this section. The legislature shall
14 establish by law a Legislative Compensation Board. The Legislative
15 Compensation Board shall submit its recommendations to the first
16 regular session of each legislature, and the recommendations take
17 effect on the convening of the legislature following the next general
18 election unless disapproved by the vote of two-thirds of the member-
19 ship of each house. If each house of the legislature rejects a rec-
20 ommendation of the Legislative Compensation Board, the existing com-
21 ensation for members of the legislature continues in effect. Legis-
22 lators [. THEY] may receive a per diem allowance for expenses while
23 in session and are entitled to travel expenses going to and from
24 sessions. Presiding officers may receive additional compensation.

25 * Sec. 2. The amendment proposed by this resolution shall be placed
26 before the voters of the state at the next general election in conformity
27 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-
28 tion laws of the state.

Twenty-seventh Amendment Still Kicking Around

Like motherhood and practically any kind of pie, there are a few things almost nobody would argue with. So it is with a proposal to require an election to intervene between the enactment of a congressional pay raise and its actual payout to sitting members of Congress. Every time the Congress wiggles its way through some convoluted process of raising its own pay without being noticed, some faint cries arise and these days so does the 200-year-old proposal.

Back in 1789, the Congress proposed a series of 12 constitutional amendments, of which 10 became the Bill of Rights. The second proposal read, "No law varying the compensation for the services of Senators and Representatives shall take effect, until an election of Representen-

tatives shall have intervened." It was approved in the 18th century by only six states (Delaware, Maryland, North Carolina, South Carolina, Vermont and Virginia), four short of the number then necessary to put it in the Constitution. Although dormant, it lived on through apparent oversight: That early Congress set no deadline for its ratification. It continues to be rediscovered in one state after another with the prompting of a young Texas legislative aide, Gregory Watson, who appears to have made his life's goal getting the thing adopted. Watson writes to legislators all over the country, patiently describing the language of the amendment and its legislative history.

By 1984, when the amendment came to the attention of

this magazine, it had been ratified only by Ohio (in 1873), Wyoming (in 1978) and Maine (1983), and was under consideration in Colorado. To add confusion, the National Archives informed *State Legislatures* that it had no record of any states ratifying the amendment after the first six, an admission that touched off some questions about the disposition of legislative resolutions in general. It turned out that, in some states at least, legislators wishing to give Congress a sense of their concerns weren't getting through too well because nobody ever mailed the resolutions to Washington.

Watson's crusade picked up steam with ratification by nine more states in the next couple of years, and 20 more through 1991. Now all but

15 states have approved the amendment, and only three are needed to add it to the Constitution, if the National Archives has got its records in order.

Last fall a bipartisan group of 35 freshmen congressmen headed by Representative John Boehner of Ohio introduced a resolution urging that any three of the remaining 15 states ratify the amendment. Boehner pointed out that 11 of those 15 have similar amendments applying to their own legislatures already written into their state constitutions. The 15 states that have yet to ratify are Alabama, California, Hawaii, Illinois, Kentucky, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, Pennsylvania, Rhode Island and Washington.

"Show Me" State Shows Others

Each year, Missourians spend nearly \$10 billion to buy energy to fuel their cars, heat and cool their homes, operate appliances and equipment, and power industries. Most of the money leaves Missouri to boost the economies of other states, and the byproducts of burning fossil fuels contribute to global environmental problems. In its final report, released in January, the Missouri Commission on Global Climate Change and Ozone Depletion said its citizens can make the state stronger economically and environmentally through wiser energy use.

After two years of intensive study, the commission's

report proposes options in 13 areas to reduce the state's contribution to global climate change and ozone loss. Global warming may occur as a result of "greenhouse gas" emissions—principally carbon dioxide—from the burning of fossil fuels in motor vehicles, electrical power plants and other industries. Among the options are a statewide goal to reduce carbon emissions by 20 percent by 2005, energy conservation by utilities, increased education, increased use of carpools and mass transit, energy-efficient building measures, development of renewable energy sources, reforestation and sustainable agriculture techniques.

"If we fail to address Mis-

souri's contribution to these global environmental problems, we will suffer in two ways," says Representative Karen McCarthy, chair of the commission and the House Ways and Means Committee. "We will diminish the quality of life for ourselves and our children, and we will lose the opportunity to benefit economically by becoming a leader in the response to these problems."

McCarthy expressed satisfaction that the members of the commission have compiled a "thoughtful, realistic set of options to guide Missouri's long-range energy future."

"This blueprint can help us achieve economic and en-

vironmental benefits," McCarthy says. "Other states already have begun to look at our example."

Why should Missouri be concerned with global warming? When ranked with all of the states and 191 nations, Missouri places 47th in the world in total carbon emissions. Among the states, Missouri ranks 18th as a generator of atmospheric carbon dioxide and 27th in the industrial release of ozone-depleting chemicals.

To obtain a copy of the Missouri Commission's report, call Representative Karen McCarthy's office at (314) 751-2723, or the Missouri House Research Office at (314) 751-2979.

HJR

74

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 29, 1992

FURTHER REFERRALS:

Finance

Date of Committee Action: 5/9/92

The JUDICIARY Committee considered:

HJR 74

HOUSE JOINT RESOLUTION NO. 74

OPEN PRIMARY ELECTIONS

Proposing an amendment to the Constitution of the State of Alaska relating to open elections.

RECOMMENDATIONS: [] the same title
 be replaced with _____ [] a new title

[] have attached amendments(s)

[] do pass

[] do not pass

[] no recommendations

individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

[] fiscal impact _____

fiscal note(s) Gov. 4-29-92

[] zero fiscal note _____

[] zero fiscal note(s) _____

| SIGNING DO PASS | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|------------------------|-------------------------------------|-----------------------|-----|-------------------------------------|----|
| <i>David Donley</i> | <input checked="" type="checkbox"/> | <i>Mark Stanley</i> | | <input checked="" type="checkbox"/> | |
| <i>Al Ellis</i> | <input checked="" type="checkbox"/> | <i>Mike Miller</i> | | <input checked="" type="checkbox"/> | |
| <i>W. J. Greenhoff</i> | <input checked="" type="checkbox"/> | <i>Larry Moore</i> | | <input checked="" type="checkbox"/> | |
| | | _____ | | | |
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David Donley

 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

№ 1
Bill Version: CSHJR 74 (STA)
(H) Publish Date: 4-29-92

Revision Date: _____
Title: Amendment to the Constitution RE: Open Elections
Sponsor: Representative Gruenberg
Requestor: House State Affairs

Department Affected: Office of the Governor-Elections
BRU: Division of Elections
Component: II-Primary and General Elections

COMPONENT SERIAL NO.

| | | | |
|---|---|---|---|
| 0 | 0 | 2 | 2 |
|---|---|---|---|

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 2.2* | 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 | 2.2* | 0 | 0 | 0 | 0 | 0 |

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

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

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------|------|---|---|---|---|---|
| GENERAL FUND | 2.2* | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER FUND SOURCE: | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 2.2* | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

Estimate of current year impact: 0

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

Prepared by: Norma Jean Johnson, Administrative Coordinator Phone: 465-4611
Division: Elections Date: 04/28/92

Approved by Commissioner: _____
Agency: Office of the Governor Date: _____

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HJR 74

Revision Date: _____
Title: Amendment to the Constitution RE: Open Elections
Sponsor: Representative Gruenberg
Requestor: House State Affairs

Department Affected: Office of the Governor-Elections
BRU: Division of Elections
Component: II-Primary and General Elections

COMPONENT SERIAL NO.

| | | | |
|---|---|---|---|
| 0 | 0 | 2 | 2 |
|---|---|---|---|

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 2.2* | 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 | 2.2* | 0 | 0 | 0 | 0 | 0 |

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

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

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------|------|---|---|---|---|---|
| GENERAL FUND | 2.2* | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER FUND SOURCE: | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 2.2* | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

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

Estimate of current year impact: 0

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

Prepared by: Norma Jean Johnson, Administrative Coordinator Phone: 465-4611
Division: Elections Date: 04/28/92

Approved by Commissioner: _____ Date: _____
Agency: Office of the Governor

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

State of Alaska

House Majority Leader
COMMITTEES
HOUSE JUDICIARY
HOUSE RULES
HOUSE STATE AFFAIRS
SPECIAL COMMITTEE
MILITARY AND VET. AFFAIRS
LEGISLATIVE COUNCIL



Representative Max F. Gruenberg, Jr.
District 11
Spennard, Upper Midtown Anchorage

P.O. Box V
JUNEAU, AK 99811
(907) 465-3718
465-4968/4986
(SESSION)

3111 C STREET, SUITE 440
ANCHORAGE, AK 99503
(907) 561-7621

MEMORANDUM

TO: All Members House Judiciary Committee
FROM: Rep. Max Gruenberg *Max*
RE: Support of HJR 74
DATE: May 9, 1992

I would very much appreciate it if you would support HJR 74 " Proposing an amendment to the Constitution of the State of Alaska relating to open elections".

HJR 74 is a constitutional amendment guaranteeing every a voter the opportunity to an open ballot to vote for any candidate.

If you have any questions about this bill, please contact Stan Robbins in my office (4968).

Thank you

State of Alaska

House Majority Leader

COMMITTEES

HOUSE JUDICIARY

HOUSE RULES

HOUSE STATE AFFAIRS

SPECIAL COMMITTEE

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(907) 561-7621

MEMORANDUM

TO: Representative Dave Donley
Chair House State Affairs Committee

FROM: Rep. Max Gruenberg *Max*

RE: Scheduling of HJR 74

DATE: April 30, 1992

I would very much appreciate it if you would schedule HJR 74 " Proposing an amendment to the Constitution of the State of Alaska relating to open elections", for a hearing as soon as possible.

HJR 74 is a constitutional amendment guaranteeing every a voter the opportunity to an open ballot to vote for any candidate.

If you have any questions about this bill, please contact Stan Robbins in my office (4968).

Thank you

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 19, 1992

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 4/29/92

The STATE AFFAIRS Committee considered:

HJR 74

HOUSE JOINT RESOLUTION NO. 74

SHORT TITLE: OPEN PRIMARY ELECTIONS
~~FOREIGN WORKERS AND LONGSHOREMEN~~
(WILL BE CHANGED BY CLERK'S OFFICE)

Proposing an amendment to the Constitution of the State of Alaska relating to open elections.

RECOMMENDATIONS:

be replaced with CSHJR 74 (STA) the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact Office of Gov. - Div of Elections

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

| SIGNING DO PASS | DP | O. HER RECOMMENDATIONS | DNP | NR | AM |
|----------------------|----|-------------------------|-----|-------------------------------------|----|
| <i>Mr. Gumenberg</i> | | <i>T. Amoye</i> | | <input checked="" type="checkbox"/> | |
| | | <i>David Chaselle</i> | | <input checked="" type="checkbox"/> | |
| | | <i>James W. Baker</i> | | <input checked="" type="checkbox"/> | |
| | | <i>Mike Killee</i> | | <input checked="" type="checkbox"/> | |
| | | <i>E. Brown</i> | | <input type="checkbox"/> | |
| | | <i>Eugene A. Kukuna</i> | | <input checked="" type="checkbox"/> | |
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Eugene A. Kukuna
CHAIRMAN'S SIGNATURE

HJR

76

E. USE COMMITTEE REPOI

(7)

Date Referred: February 26, 1992

FURTHER REFERRALS:

Finance

Date of Committee Action: 3-25-92

The JUDICIARY Committee considered:

HJR 76

HOUSE JOINT RESOLUTION NO. 76

RIGHTS OF VICTIMS OF CRIMES

Proposing an amendment to the Constitution of the State of Alaska relating to the rights of victims of crimes.

RECOMMENDATIONS:

be replaced with CS HJR 76 (JVD) the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

| SIGNING DO PASS | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|----------------------|----|-----------------------|-----|----|----|
| <i>Dave Donley</i> | X | | | | |
| <i>Terry Hunter</i> | X | <i>Mark Hunter</i> | | X | |
| <i>Kevin Parnell</i> | ✓ | <i>Mike Miller</i> | | X | |
| | | | | | |
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| | | | | | |

Dave Donley

 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HIR 76

Revision Date: _____
Title: "...amendment to the Constitution...the rights of victims of crimes..."
Sponsor: Representative Donley
Requestor: House Judiciary Committee

Department Affected: Department of Law
BRU: Prosecution
Component: All

COMPONENT SERIAL

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

Expenditures/Revenues: (Thousands of Dollars)

85 through 91

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| REVENUE FUND SOURCE: | | | | | | |
|----------------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| FEDERAL FUNDS | | | | | | |
| OTHER FUND SOURCE: | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|-----|-----|-----|-----|-----|-----|
| FULL-TIME | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

House Joint Resolution No. 76 proposes an amendment to the Constitution of the State of Alaska, which would set forth the rights of victims of crimes. If approved by the legislature, the resolution will be placed before the voters at the next general election. Legislative approval of the resolution, which places the question before the voters, will not have a fiscal impact on the Department of Law.

We are not sure of the effect of the proposal, if it is eventually approved by the voters. However, we do not anticipate any immediate fiscal impact.

Prepared by: Richard I. Peques, Director
Division: Administrative Services

Phone: 465-3672
Date: March 10, 1992

Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law

Date: March 10, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HJR 76

Revision Date: _____ Department Affected: Public Safety
 Title: "Proposing an amendment relating to the rights of victims of crime" BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Donley
 Requestor: House Judiciary COMPONENT SERIAL NO.

| | | | |
|--|---|---|---|
| | 7 | 9 | 9 |
|--|---|---|---|

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

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

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

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

FUNDING: (Thousands of Dollars)

| | | | | | | |
|-----------------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER FUND SOURCE: | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

It is impossible to predict how this Constitutional Amendment, if adopted, would be construed by the courts. It is therefore not possible to predict the fiscal impact upon the Alaska State Troopers.

Prepared By: Gayle A. Horetski Phone: 465-4322
 Division: Commissioner's Office Date: 3/11/92
 Approved by Commissioner: *Gayle A. Horetski* Richard L. Burton
 Agency: Department of Public Safety Date: 3/11/92