

ALASKA

LEGISLATURE

COMMITTEE

FILES

1991-1992

8672

7296

HOUSE STATE

AFFAIRS

**THE ILLINOIS CONSTITUTION:
AN ANNOTATED and COMPARATIVE ANALYSIS**

by George D. Braden
and Rubin G. Cohn

Prepared for ILLINOIS CONSTITUTION STUDY COMMISSION

Thomas G. Lyons, Chairman
Terrel E. Clarke, Co-Chairman



**INSTITUTE OF GOVERNMENT AND PUBLIC AFFAIRS
UNIVERSITY OF ILLINOIS • URBANA**

October, 1969

Foreign Employment: "12 prohibit legislators to hold a job with a foreign country."

Federal Employment: "43 forbid legislators to hold a job with the national government."

State Employment: "38 state that legislators shall hold no position under the state government."

County Employment: "3 forbid legislators to hold a position with a county government."

Municipal Employment: "3 ban legislators from employment by municipalities."

(State Constitutional Provisions Affecting Legislatures 19-20 (May 1967))

In the Citizens Conference tabulation, Illinois is included under the first three categories but not under the last two.

The United States Constitution provides:

"No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office." (art. I, § 6.)

The Model State Constitution is silent on dual office holding.

Dual Office Holding (General): About a dozen states prohibit state officers from holding offices, usually of trust or profit, under any foreign government. In several of these states, the prohibition also runs to any other state government. Approximately 18 states extend the same prohibition to United States offices, frequently with exceptions. The most common is for service in the National Guard. A few states exclude postmasters, but usually only those above a maximum compensation. Some 15 states prohibit, in greater or lesser degree, dual office holding within the state.

The United States Constitution prohibits any office holder from accepting any "present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state" without the consent of Congress. The Constitution also prohibits the President from receiving any emolument from any state. The Model State Constitution is silent on the subject.

Comment

Age, Residency, Citizenship: In view of the fact that, under the United States Supreme Court's "one man-one vote" rule, regular redistricting will have to take place, consideration should be given to the problem of the legislator who finds that, after redistricting, his residence has been separated from the geographical area which he used to represent. If such a legislator wishes to run for re-election, he has at least one problem and possibly two. He has to run in a new district where he may not be well known and he may be faced with running against a legislator who

has always been in the new district and is well known. In the proposed 1967 New York Constitution this eventuality was covered, though it must be conceded that the drafting problem was most complex. The proposed provision read as follows:

"Every member of the legislature shall be at least twenty-one years old and eligible to vote in this state. He shall have been domiciled in the state for the three years preceding his election and for the twelve months preceding his election in his legislative district. If, however, any redistricting plan for senate or assembly has been certified pursuant to section two of this article since the last general election for the legislature, he shall have been domiciled for the twelve months preceding his election in a county in which all or part of the new district is located or in a county contiguous to such district if such district be composed of a whole county and all or parts of another county or counties."

Dual Office Holding: This subject, as well as the related problem of conflict of interest, was strong in the minds of the delegates to the 1870 Convention. One of the results of this concern was a proliferation of different provisions. (In addition to Sec. 3, see Secs. 15 and 25 of this Art., *infra*, pp. 176 and 230; Sec. 5 of Art. V and Sec. 4 of Art. VIII, *infra*, pp. 267 and 409.) Consideration should be given to consolidating such provisions as are to be retained in one section or, if legislators are to be treated differently from other government officials, then in two sections. (For some policy considerations on this subject, see the *Comment* on Sec. 15, *infra*, p. 177-8.)

Disqualification for Crimes

Sec. 4. No person who has been, or hereafter shall be convicted of bribery, perjury or other infamous crime, nor any person who has been or may be a collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the General Assembly, or to any office of profit or trust in this State.

History

The 1818 and 1848 Constitutions contained comparable provisions concerning paying over public moneys due, and contained provisions giving the legislature "full power to exclude from the privilege of . . . being elected any person convicted of bribery, perjury or any other infamous crime." (The word "any" before "other" was omitted in 1848.) In the 1870 Convention, the proposal as originally offered changed the part concerning convicted persons from power to exclude by law to a command to the legislature to exclude. A delegate suggested that the Convention ought to make the decision and be done with it. Accordingly, an amendment was offered embodying the suggestion. (Debates 572.) The amendment was accepted and the Committee on Revision and Adjustment combined it with the proposed section on accounting for public

Alaska State Legislature



House of Representatives

House Judiciary Committee

SUMMARY OF HJR 45

P. O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4990
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CONSTITUTIONAL AMENDMENT RELATING TO REAPPORTIONMENT

HJR 45 changes the reapportionment process from the current system where the Governor has sole control over redistricting, to a system where redistricting is done by an independent, non-partisan reapportionment board. An outline of the key provisions of HJR 45 follows.

I. **Duties of Board:** The reapportionment board has responsibility for developing and establishing a redistricting and reapportionment plan after each decennial census. In addition to most of the existing criteria for drawing boundaries, a new criterion of political fairness is added.

II. **Makeup of Board:** The reapportionment board has nine members:

A. **Appointed by:**

1. Governor - one member
2. House caucus of party with largest number of representatives - two members
3. House caucus of party with second largest number of representatives - two members
4. Senate caucus of party with largest number of senators - two members
5. Senate caucus of party with second largest number of senators - two members

B. **Qualifications/disqualifications of members:**

1. Can't be public official or public employee.
2. Can't run for legislative office in the next two elections after term of office on board expires.

SUMMARY

3. No more than five members of board can be members of the same political party.
4. No more than five members of board can be from the same judicial district and there must be at least one member from each judicial district.

C. Selection of Chair:

1. Elected by the board from the members.
2. If there is an impasse and a chair is not elected within 14 days of appointment, the majority of the Supreme Court must choose a chair from the membership within seven days of the end of the 14 day impasse.

III. DEVELOPMENT OF REAPPORTIONMENT PLAN

- A. Public hearings must be held in each judicial district after issuance of draft plan and before issuance of final plan.
- B. Draft plan must be completed 18 months before the date of the first general election following the official reporting of each decennial census.
- C. Final plan must be completed 14 months before the general election.

IV. ELIGIBILITY OF CANDIDATES AFTER REAPPORTIONMENT

In the election held after a reapportionment plan is adopted, a person can run for the legislature in the district in which that person's residence is located or in a new district that contains part of the former district in which the person resides, even if the person's residence is not located in the boundaries of the new district. If a person is elected in a district in which the person does not reside, the person has one year from the election date to physically relocate to the new district.

than according to population, the Convention was following the pattern established by the United States Constitution and later followed by many of the states of the Union with respect to one or the other of their legislative bodies. The Convention obviously did not want the Senate apportioned on a population basis; it had practical reasons for not doing so and had no reason to anticipate that it would ever be necessary to reapportion the Senate on a population or on any other basis, hence no specific provision was made for its reapportionment.

The question which is squarely presented is whether the acts of the Governor and his advisory Reapportionment Board in reapportioning the Senate were authorized by the Alaska Constitution.

Before attempting to discuss this question it is well to explain the origin of a unique feature of the reapportionment provisions of the Alaska Constitution. Whereas, traditionally, reapportionment had been made the responsibility of state legislatures, the Alaska Constitutional Convention purposely avoided placing any authority or responsibility for reapportionment in the legislature. The Convention was aware of the notorious and frequent failure or downright refusal of state legislatures to comply with their constitutional or statutory duty to reapportion. The Alaska Convention's reason for placing reapportionment responsibility in the Governor was well stated by its Chairman of the Committee on Suffrage, Elections and Apportionment, John S. Helleenthal, as follows:

HELLEENTHAL: * * * Now on the method of the composition of the reapportionment and redistricting board, because redistricting, as we have explained would be necessary, the Committee recommends that the stress be placed on the executive in determining which of these election districts and where redistricting shall take place, or reapportionment, and it recommends the creation of

a five-man advisory board to advise the governor with regard to the redistricting and reapportionment. * * * The reason that this plan was adopted is that the students and writers seem generally in accord that reapportionment, for some reason or other, I don't know why, but it has been neglected where it has been left to the legislators. Maybe it's that human element I spoke of earlier, but anyway the experience of the nation shows that the thing is delayed—procrastination; that in the State of Washington they waited for years and years and years, and finally, only by resorting to the courts and the initiative were they able to reapportion Washington. It was costly, the people suffered. And based on that experience and the recommendations, and it's almost universal of the advisors, and by advisors I don't mean the men that were here necessarily—but the writers throughout the country, the executive board was chosen, an advisory board. (Minutes of the Alaska Constitutional Convention, January 11, 1956, at 1839).

* * * * *
Now there are other plans. There is no end of variations of plans that can be devised for the reapportionment with the mandamus feature, and you could have variance where a board can be picked—three from the legislature, three nominated by the judicial council, if you want, three of them nominated by some other group of civilians, some appointed by the governor, and get a good cross-section, and they could have the authority themselves to make the redistricting and reapportionment. There is no end to it, but the best thought seemed to indicate that the people would be best helped if it [reapportionment] were an executive function. * * * But it is the inaction of the legislature, as testified to by the universal history of the 48 states, that we're trying to overcome. [Id. at 1859.]
HELLEENTHAL: It was felt that it [reapportionment] was a proper executive

function as contrasted to the legislative.
* * * [Id. at 1863.]

In its "Report to the People of Alaska" issued in February of 1956 the Constitutional Convention stated:

Representation [in the legislature] will be kept up to date every ten years by an automatic reapportionment carried out by the governor on the advice of a board representing each of the four major districts and subject to review by the courts. Thus, the constitution guards against what has become a great evil in many states: a legislature that becomes more and more unrepresentative and loses public confidence because it refuses to reapportion itself. Alaska Legislative Council, Legislative Apportionment in Alaska, 1912-1961, p. 4 (1962).

A reading of the Convention minutes in relation to the reapportionment provisions makes it abundantly clear that it was the specific intent of the Convention to grant no authority to and to place no responsibility in the legislature with respect to reapportionment. In a clear and clean-cut departure from tradition, all of the authority and responsibility for reapportionment granted or assigned was placed in the Governor, assisted by a Reapportionment Board, including the authority to make minor changes in Senate districts. In an effort to make the reapportionment provisions as nearly self executing as possible, the Convention provided that the Reapportionment Board should automatically commence to function after the decennial census, without any direction from the Governor; that it must submit its plan within ninety days and that the Governor must proclaim a plan within ninety days of receipt from the Board, explaining any deviation from the Board's plan. Any qualified voter was empowered to resort

to the courts to force the Governor to perform his reapportionment duties or to correct any error in redistricting or reapportionment.

Baker v. Carr and Reynolds v. Sims resulted in court declarations in many states that one or both of the legislative bodies was malapportioned. In almost every instance the state constitution had made no provision for reapportioning the "frozen" body on an interim basis until the constitution could be amended. Because of the wide variations in factual situations, most of the court decisions dealing with the question of where the authority lay to reapportion a frozen legislative body on an interim basis are not of great assistance.

It is significant, however, that in some states where reapportionment was a legislative responsibility, the courts have approved reapportionment by those state legislatures on an interim basis even though the respective state constitutions gave no specific authority to reapportion the particular frozen legislative body. Illustrative is Buckley v. Hoff¹² decided by the United States District Court in Vermont. In a previous decision, that court had declared both the House and the Senate malapportioned. The constitution required the legislature to reapportion the Senate after each United States census, but the House was frozen to provide one representative for each inhabited town, forever. The General Assembly, consisting of the members of the Senate and House, was only empowered by the constitution to regulate the mode of filling vacancies in House seats. Without any specific constitutional authority, the General Assembly provided reapportionment plans for the Senate and the House which were approved by the court. The authority of the General Assembly to reapportion was not questioned.¹³

12. 243 F.Supp. 573 (D.Vt.1961).

13. See: Robert B. McKay, Reapportionment: The Law and Politics of Equal Representation where reapportionment of "frozen" legislative bodies by the legisla-

tures of New Jersey, Connecticut and North Dakota, was accomplished even though the constitutions gave no such specific authority. Pages 295-297, 374-375 and 394-396.

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11/12/91

CS FOR HOUSE JOINT RESOLUTION NO. 45 (STATE AFFAIRS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): HOUSE JUDICIARY COMMITTEE

A RESOLUTION

1 Proposing amendments to the Constitution of the State of Alaska relating to
2 reapportionment of the legislature.

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

4 * Section 1. Article II, sec. 2, Constitution of the State of Alaska, is amended to read:

5 SECTION 2. MEMBERS' QUALIFICATIONS. A member of the legislature shall be
6 a qualified voter who has been a resident of Alaska for at least three years and, except as
7 provided in Section 12 of Article VI, of the district from which elected for at least one year,
8 immediately preceding his filing for office. A senator shall be at least twenty-five years of age
9 and a representative at least twenty-one years of age.

10 * Sec. 2. Article VI, sec. 1, Constitution of the State of Alaska, is amended to read:

11 SECTION 1. ELECTION DISTRICTS. Members of the house of representatives shall
12 be elected by the qualified voters of the respective election districts. The boundaries of the
13 election districts shall be set under this article after each decennial census of the United
14 States [UNTIL REAPPORTIONMENT, ELECTION DISTRICTS AND THE NUMBER OF
15 REPRESENTATIVES TO BE ELECTED FROM EACH DISTRICT SHALL BE AS SET
16 FORTH IN SECTION 1 OF ARTICLE XIV].

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1 * Sec. 3. Article VI, sec. 2, Constitution of the State of Alaska, is amended to read:

2 SECTION 2. SENATE DISTRICTS. Members of the senate shall be elected by the
3 qualified voters of the respective senate districts. The boundaries of the senate districts shall
4 be set under this article after each decennial census of the United States [SENATE
5 DISTRICTS SHALL BE AS SET FORTH IN SECTION 2 OF ARTICLE XIV, SUBJECT TO
6 CHANGES AUTHORIZED IN THIS ARTICLE].

7 * Sec. 4. Article VI, sec. 3, Constitution of the State of Alaska, is amended to read:

8 SECTION 3. REAPPORTIONMENT OF HOUSE AND SENATE. The
9 Reapportionment Board [GOVERNOR] shall reapportion the house of representatives and the
10 senate immediately following the official reporting of each decennial census of the United
11 States. Reapportionment shall be based upon resident [CIVILIAN] population within each
12 election district as reported by the census.

13 * Sec. 5. Article VI, sec. 4, Constitution of the State of Alaska, is amended to read:

14 SECTION 4. METHOD. Reapportionment shall be by the method of equal proportions,
15 An election district may elect more than one representative. A senate district shall be
16 composed of one or more adjacent election districts and may elect more than one senator
17 [EXCEPT THAT EACH ELECTION DISTRICT HAVING THE MAJOR FRACTION OF THE
18 QUOTIENT OBTAINED BY DIVIDING TOTAL CIVILIAN POPULATION BY FORTY
19 SHALL HAVE ONE REPRESENTATIVE].

20 * Sec. 6. Article VI, sec. 6, Constitution of the State of Alaska, is amended to read:

21 SECTION 6. DISTRICT BOUNDARIES. Election districts and senate districts
22 [REDISTRICTING. THE GOVERNOR MAY FURTHER REDISTRICT BY CHANGING THE
23 SIZE AND AREA OF ELECTION DISTRICTS, SUBJECT TO THE LIMITATIONS OF THIS
24 ARTICLE. EACH NEW DISTRICT SO CREATED] shall be formed of contiguous and compact
25 territory containing as nearly as practicable a relatively integrated socio-economic area. [EACH
26 SHALL CONTAIN A POPULATION AT LEAST EQUAL TO THE QUOTIENT OBTAINED
27 BY DIVIDING THE TOTAL CIVILIAN POPULATION BY FORTY.] Consideration may be
28 given to local government boundaries. Drainage and other geographic features shall be used in
29 describing boundaries wherever possible. Election district and senate district boundaries may
30 not be drawn with the intent of giving an advantage to a political party.

31 * Sec. 7. Article VI, sec. 8, Constitution of the State of Alaska, is amended to read:

32 SECTION 8. REAPPORTIONMENT BOARD. (a) Reapportionment shall be

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1 conducted by the Reapportionment Board [THE GOVERNOR SHALL APPOINT A
 2 REAPPORTIONMENT BOARD TO ACT IN AN ADVISORY CAPACITY TO HIM]. It shall
 3 consist of nine [FIVE] members, none of whom may be public employees or officials. At least
 4 one member [EACH] shall be appointed from each judicial district established by law under
 5 Section 1 of Article IV and no more than five members shall be appointed from a judicial
 6 district [THE SOUTHEASTERN, SOUTHCENTRAL, CENTRAL, AND NORTHWESTERN
 7 SENATE DISTRICTS]. Appointments shall be made without regard to political affiliation, and
 8 no more than five members may be members of the same political party. Board members
 9 shall be compensated as provided by law.

10 (b) Board members shall be appointed during the first fifteen days of the first
 11 regular session of the legislature that convenes in a year following a year in which the
 12 census is taken. Board members shall be appointed as follows:

13 (1) one member shall be appointed by the governor;

14 (2) two members shall be appointed by a caucus of the members of the house
 15 of representatives representing the political party with the largest number of members in
 16 the house of representatives;

17 (3) two members shall be appointed by a caucus of the members of the house
 18 of representatives representing the political party with the second largest number of
 19 members in the house of representatives;

20 (4) two members shall be appointed by a caucus of the members of the senate
 21 representing the political party with the largest number of members in the senate; and

22 (5) two members shall be appointed by a caucus of the members of the senate
 23 representing the political party with the second largest number of members in the senate.

24 *added* (c) A board member may be removed for misfeasance or nonfeasance in office by
 25 the entity that appointed the member. A vacancy on the board shall be filled by the entity
 26 that appointed the member whose seat is vacant.

27 (d) A member of the Reapportionment Board may not be a candidate for the
 28 legislature in the two general elections following the adoption of a final reapportionment
 29 plan under this article.

30 * Sec. 8. Article VI, sec. 9, Constitution of the State of Alaska, is amended to read:

31 SECTION 9. ORGANIZATION. The board shall elect one of its members chairman and
 32 may employ temporary assistants. Concurrence of five [THREE] members is required for a

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1 ruling or determination, except for the adoption of a final reapportionment plan, but a lesser
2 number may conduct hearings or otherwise act for the board.

3 * Sec. 9. Article VI, sec. 10, Constitution of the State of Alaska, is amended to read:

4 SECTION 10. REAPPORTIONMENT PLAN [AND PROCLAMATION]. (a) Except
5 as provided under (c) of this section, no later than eighteen months before the date of the
6 first general election following the official reporting of each decennial census, the
7 Reapportionment Board shall adopt a proposed reapportionment plan. The board shall
8 hold public hearings on the proposed plan and shall hold at least one hearing in each
9 judicial district under Section 1 of Article IV. No later than fourteen months before the
10 date of the first general election following the official reporting of each decennial census,
11 the board shall adopt a final reapportionment plan [WITHIN NINETY DAYS FOLLOWING
12 THE OFFICIAL REPORTING OF EACH DECENNIAL CENSUS, THE BOARD SHALL
13 SUBMIT TO THE GOVERNOR A PLAN FOR REAPPORTIONMENT AND REDISTRICTING
14 AS PROVIDED IN THIS ARTICLE. WITHIN NINETY DAYS AFTER RECEIPT OF THE
15 PLAN, THE GOVERNOR SHALL ISSUE A PROCLAMATION OF REAPPORTIONMENT
16 AND REDISTRICTING. AN ACCOMPANYING STATEMENT SHALL EXPLAIN ANY
17 CHANGE FROM THE PLAN OF THE BOARD]. The final reapportionment plan adopted
18 under this section [AND REDISTRICTING] shall be effective for the election of members of
19 the legislature until after the official reporting of the next decennial census.

20 *added* (b) Adoption of a final reapportionment plan shall require the affirmative votes of
21 six members of the board. If the board is unable to adopt a final plan by the date specified
22 in (a) of this section, it shall transmit all the proposals before it to the supreme court,
23 Within forty-five days of the transmittal, the supreme court shall either adopt one of the
24 proposals transmitted, without change, or return all of the proposals to the board. If the
25 court returns the proposals, it may make suggestions to the board concerning appropriate
26 revisions to one or more of the proposals. Upon return of the proposals, the board shall
27 have an additional forty-five days to adopt a final plan. If the board is again unable to
28 adopt a final plan, the supreme court shall adopt a plan. The supreme court shall adopt
29 rules for proceedings before it under this subsection.

30 (c) If the data from a decennial census is not available to the board by a date sixteen
31 months before the first general election following a decennial census year,

32 (1) a plan adopted by the board shall not take effect until the second general

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1 election following the decennial census year;

2 (2) for the first general election following the decennial census year, members
3 of the legislature shall be elected from districts in existence as a result of the previous
4 reapportionment plan or proclamation; and

5 (3) the board shall adopt a proposed plan within four months of the receipt
6 of the census data and shall adopt a final plan within four months of the adoption of the
7 proposed plan.

8 * Sec. 10. Article VI, sec. 11, Constitution of the State of Alaska, is amended to read:

9 SECTION 11. ENFORCEMENT. Any qualified voter may apply to the superior court
10 to compel the governor, the members of the legislature, or the Reapportionment Board [BY
11 MANDAMUS OR OTHERWISE,] to perform their [HIS] reapportionment duties or to correct
12 any error in redistricting or reapportionment. Application to compel performance of [THE
13 GOVERNOR TO PERFORM HIS] reapportionment duties must be filed within thirty days of
14 the date that an act is required to be done under [EXPIRATION OF EITHER OF THE TWO
15 NINETY-DAY PERIODS SPECIFIED IN] this article. Application to compel correction of any
16 error in redistricting or reapportionment must be filed within thirty days following the adoption
17 of the final plan by the Reapportionment Board [PROCLAMATION]. Original jurisdiction
18 in these matters is hereby vested in the superior court. On appeal, the cause shall be reviewed
19 by the supreme court upon the law and the facts.

20 * Sec. 11. Article VI, Constitution of the State of Alaska, is amended by adding a new section to
21 read:

22 SECTION 12. ELIGIBILITY OF CANDIDATES AFTER REAPPORTIONMENT. In
23 the first general election following the adoption of a reapportionment plan, a person may be a
24 candidate for election to the legislature in an election district or senate district that contains a part
25 of the former district in which the candidate resides, even if the candidate's residence is not
26 located in the boundaries of the new district. If a candidate is elected under this section in a
27 district in which the candidate does not reside, the candidate shall within one year of election
28 physically relocate the candidate's residence to the new district, or the candidate shall be
29 automatically expelled from the legislature.

30 * Sec. 12. Article XV, Constitution of the State of Alaska, is amended by adding a new section to
31 read:

32 SECTION 29. REAPPORTIONMENT OF LEGISLATURE FOLLOWING 1990

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1 CENSUS. (a) A proclamation of reapportionment issued by the governor following the 1990
2 census shall remain in effect until the decennial census in the year 2000 if, on the effective date
3 of the 1992 amendments to Article VI,

4 (1) the proclamation has been in effect for over thirty days without judicial review
5 being sought;

6 (2) the proclamation has been upheld by the superior court under Section 11 of
7 Article VI and the time for appeal to the supreme court has run without an appeal being taken;

8 (3) the proclamation has been upheld by the supreme court and the time to request
9 reconsideration of the supreme court's ruling has run;

10 (4) the proclamation is still subject to a request for judicial review under Section
11 of Article VI and a request is not made in a timely fashion; or

12 (5) the proclamation is undergoing judicial review under Section 11 of Article VI
13 and the proclamation is upheld by the courts.

14 (b) Reapportionment of the legislature following the 1990 census shall be done by the
15 Reapportionment Board established in Section 8 of Article VI, as amended by the 1992
16 amendments, if, on the effective date of the 1992 amendments to Article VI,

17 (1) there is no valid proclamation of reapportionment in effect because of judicial
18 invalidation of a prior proclamation; or

19 (2) a proclamation of reapportionment is undergoing judicial review under Section
20 11 of Article VI and that judicial review results in the invalidation of that proclamation.

21 • Sec. 13. Article VI, secs. 5 and 7, and Article XIV, Constitution of the State of Alaska, are
22 repealed.

23 • Sec. 14. The amendments proposed by this resolution shall be placed before the voters of the state
24 at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and
25 the election laws of the state.

Rewritten for clarity



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: January 22, 1992

PLACE: Capitol Room 102

SUBJECT OF MEETING:
 HB 155 Barrier-free Remodeling Fund
 HB 157 Approp: Barrier Free Facility Fund
 HJR 13 Run-off Election: Gov. & Lt. Gov
 HJR 51 Halt Testing Nuclear Weapons
 HJR 45 Reapportionment Board & Reapportionment

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Don BRANDEN	Gov. Comm on Employment	2920 Valkeywood Dr Anchorage AK	99577	248-7325	544-1111	(Y) N	HB 155 ✓
Red Wilson	DOT&PF	3132 Channel Drive Juneau	99801	789-4867	465-2960	(Y) N	will answer questions on HB 155 ✓
Judy Knight	Labor	Box 3-7000 Juneau	99801	465-2711		(Y) N	HB 155 ✓
Virginia Kessen	Labor	Juneau	99802	465-4531	465-4531	(Y) N	HB 155 ✓
Crystal Smith	Alaska Miners League	217 2nd Suite 200 Juneau	99801	463-5775	586-7325	(Y) N	HB 155/157 ✓
ART SNOWDEN	COURTS	303 K ST Anchorage	99501	764-0547	264-2547	(Y) N	HJR 45 + HB 157 ✓
Terry Schach	SAIL	8800 Glacier Hwy, Ste. JUNEAU 99801 236		789-9665	789-9665	(Y) N	HB 155 ✓
						Y N	
						Y N	
						Y N	
						Y N	

HJR

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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:

be replaced with _____ the same title

have attached amendments(s) a new title

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 <u>DO PASS</u>	DP	<u>OTHER RECOMMENDATIONS</u>	DNP	NR	AM
<i>Gene Kubera</i>	<input checked="" type="checkbox"/>	<i>Chris [Signature]</i>		<input checked="" type="checkbox"/>	
<i>Tom [Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				

Gene Kubera
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HJR 46

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
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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).

HJR

47

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HJR 47

Revision Date: _____ Department Affected: Office of the Governor/Elections
 Title: Ammend. to the Constitution -re- BRU: Division of Elections
appointment, confirmation and removal of 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 Phone: 465-4611
 Division: Elections Date: 9/25/91
 Approved by Commissioner: D. Max Hodel, Chief of Staff
 Agency: Office of the Governor Date: 9/25/91

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

DIV. OF ELECTIONS - FISCAL NOTE

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HJR 47

Revision Date: 5/1/91 Department Affected: Commerce & Economic Dev.
 Title: Confirmation of Public Officers BRU: Insurance
 Component: Operations
 Sponsor: House Judiciary
 Requestor: House State Affairs COMPONENT SERIAL NO.

0	3	5	4
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: No impact.

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact on the division.

Prepared By: Joan Brown, Administrative Officer Phone: 465-2597
 Division: Insurance Date: 9/16/91
 Approved by Commissioner: Glenn A. Olds
 Agency: Department of Commerce & Economic Development Date: _____

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

DEPT OF COMMERCE - FISCAL NOTE

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HJR 47

Revision Date: _____ Department Affected: Office of the Governor
 Title: "Proposing amendments to the Constitution...relating to appointment, confirmation, and removal of board members..." BRU: Executive Operations
 Component: Executive Office

Sponsor: House Judiciary Requestor: Representative Kubina COMPONENT SERIAL NO.

0	0	0	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)
 No fiscal impact on Executive Operations is anticipated.

Prepared By: Michael A. Nizich, Director Phone: 465-3616
 Division: Division of Administrative Services Date: 9/16/91

Approved by Commissioner: D. Max Hodel, Chief of Staff
 Agency: Office of the Governor Date: 9/16/91

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

OFFICE OF GOV. - FISCAL NOTE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HIR 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
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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						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
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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 Phone: 465-3672
Division: Administrative Services 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 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

Component: 11-Primary and General Elections

Sponsor: Judiciary Committee

Requestor: House State Affairs

COMPONENT SERIAL NO.

0	0	2	2
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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
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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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 Zieglar, Deputy Director
Division: Elections

Phone: 465-4611
Date: 01/13/92

Approved by Commissioner: *Charles E. Thibault*
Agency: Office of the Governor

Date: 01-13-92

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

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

MEMORANDUM

TO: Representative Gene Kubina, Chair
House State Affairs Committee

FROM: Representative Dave Donley, Chair *DD*
House Judiciary Committee

RE: Request for scheduling HJR 47, amending the
constitution to provide for legislative
confirmation of appointees to public corporations
and of the Director of the Division of Insurance.

DATE: January 13, 1992

I would appreciate it very much if you would schedule HJR 47
for an expeditious hearing.

This resolution proposes a constitutional amendment to
require legislative confirmation of appointments to public
corporations, and to require legislative confirmation of the
the Director of the Division of Insurance.

Thank you for your consideration of this request.

DD/hk

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.

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 *JLR*
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 considered 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:

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

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: [X] the same title
 be replaced with CS HJR 47 (STA) [] a new title
 [] have attached amendments(s)
 [X] 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)
 [X] fiscal impact Div. of ELECTIONS [] fiscal note(s) _____
 [] zero fiscal note _____ [] zero fiscal note(s) _____

	SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
ubina	<i>Ernest K. Kuhner</i>	X				
longer	<i>Tommy</i>	X				
oakette	<i>David A. Keadle</i>	P				
racina	<i>Tom</i>					
jakal	<i>Jay</i>					

Ernest K. Kuhner
 CHAIRMAN'S SIGNATURE

HJR

50

Alaska State Legislature
Representative Niilo Koponen

Pouch V
Juneau, Alaska 99811
(907) 465-4992

House District 21

119 N. Cushman, Suite 207
Fairbanks, Alaska 99701
(907) 456-8172

SPONSOR STATEMENT

House Joint Resolution 50

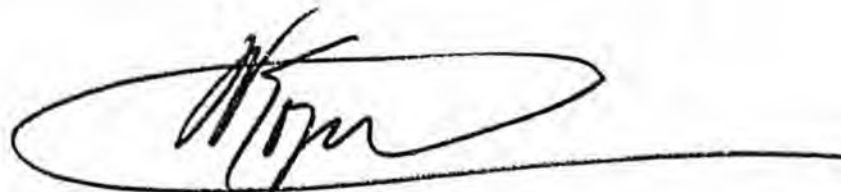
"Requesting the President of the United States to urge moderation
the assessment of tax penalties against the Executive Life
Insurance Company"

When the federal government created the 401(k) pension supplement plan, public employees throughout the nation opted out of the Social Security system. The advantages seemed clear, interest rates were at their highest since the 1920's, and the market eagerly blotted up the newly-available funds. Insurance companies became the prime repositories of pension funds nationwide.

Alaska joined other states and companies such as Honeywell Inc., Xerox Corporation and IBM in investing heavily in insurance company Guaranteed Investment Contract (GIC) loans. Today, 60-70% of all public and private 401(k) monies nationwide are invested in GICs. Ironically, the much denigrated Social security system may be more stable than its glamorous offspring, the SBS scheme.

For Alaskans, the immediate problem is the collapse of Executive Life, in which 20% of our SBS monies were invested. The Internal Revenue Service is compounding the problem by attempting to fine Executive Life, which would amount to seizing funds that belong to various states, including Alaska.

This Resolution urges President Bush to restrain the IRS from collecting oppressively large fines. If they cooperate, we could recover another one-quarter to one-half of the Executive Life investments. I urge your affirmative vote on HJR 50.



FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HJR 50

Revision Date: May 16, 1991 Department Affected: LAA

Title: Executive Life IRS Penalties BRU: _____

Component: _____

Sponsor: Rep. Koponen

Requestor: House State Affairs Committee COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
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	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

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

POSITIONS: N/A

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: House State Affairs Committee Phone: 465-4859

Division: _____ Date: May 16, 1991

Approved by Commissioner: Representative Gene Kubina, Chair *Gene Kubina*

Agency: House State Affairs Committee Date: May 16, 1991

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

HJR

51

End Nuclear Tests? Yes. Now.

The New York Times

Tuesday, Oct. 22, 1991

By Flora Lewis

The U.S. and Soviet Union have now made dramatic promises to cut nuclear arsenals. Just last spring, the physicists Hans Bethe and Kurt Gottfried and former Defense Secretary Robert McNamara proposed such deep reductions, to a chorus of sneers from "realists" who said that couldn't happen. Then President Bush took the initiative, and President Mikhail Gorbachev said yes, let's do even more. It is happening.

So commentators began talking of the nuclear "disarmament race," as though it were some kind of trap. In a way it is, but only for the community that has grown up relying on the design and production of nuclear weapons as its mission in life.

The next step that we're told "can't happen" is an end to nuclear testing. But it can, and should. Mr. Gorbachev again proposed a comprehensive test ban, but Mr. Bush said no. America's reasons for this refusal aren't what Washington claims.

It is true that the Soviets can hardly test now even if they want to do so. They've had only one test in the past year. Recently, foreign journalists were allowed to visit the super-secret Semipalatinsk site. They saw clearly why Kazakh officials said no more testing here. It is a terrifying, dangerous wasteland. The other site, on the Arctic island of Novaya Zemlya, can be used only a few months a year, and testing there is especially expensive. Besides, neighboring Norway complains of radioactive leaks.

So it would be harder than ever for the Soviets to cheat, although verification techniques have reached a point where that possibility is no longer a serious argument for U.S. testing.

The "cheating" argument was replaced by the asserted need to test for the "reliability" of stockpiled weapons. Components do deteriorate with age. But experts have shown they can fully handle the problem with computers and inspections; random tests are even less reliable than this method.

Then "modernization" was advanced as the major purpose of tests. But now that the U.S. is prepared to get rid of so many missiles, including tactical and shipboard arms, it is

PARIS

hard to argue that new types are still needed. They aren't. As the Livermore physicist Hugh DeWitt points out, U.S. "nuclear weapon design and manufacture is now a mature technology." Deterrence requires no more sophistication.

So that leaves "safety" as the grounds currently offered for continued testing. Some older weapons, due to be retired, lack the latest safety devices to prevent dispersal of plutonium in case of accident or fire. A declassified version of a report commissioned by Congress and prepared by the Livermore weapons designer R. E. Kidder in July analyzes the arsenal in detail and concludes that the maximum desired safety changes can be made with 10 tests in the next

Our shrinking
arsenal doesn't
need improving.

two or three years. He recommends that instead of assuming that tests will go on forever, and planning on that basis, the Energy and Defense Departments start working on the moribund Nuclear Test Ban Readiness Program, making future reliance on tests superfluous.

Why don't they? The real reason was admitted publicly, and briefly, in 1985 in an answer to Congressional questions by Roger E. Batzel and Donald M. Kerr, then directors of the Livermore and Los Alamos design labs, respectively. A test ban, they said, "would lead to the loss of expertise." The lab teams would drift away, turn to other work and be hard to reassemble and start up again.

With the end of the cold war, that's just what they should be doing — turning to other work. Top nuclear program officials recognize that an argument for make-work isn't appealing to the public, but privately they admit they are demoralized and worried. Livermore is still developing a warhead for the SRAM II missile, which has been canceled.

It's time to accept a test ban, which will strengthen the Nuclear Non-Proliferation Treaty, and give the labs a caretaker role. The brilliant minds on tap can be turned over, Dr. DeWitt urges, "to reasonable peacetime scientific projects." That's another peace dividend we surely need. □

Flora Lewis is senior columnist of The New York Times.

The Anchorage Times

Alaska's Best Newspaper

TUESDAY
April 9, 1991
25¢

VOLUME 77 NO. 99

State Senate panel OKs nuclear testing ban

By JEFF HOUCK


TIMES WRITER

A state Senate committee approved a resolution Monday calling for an end to nuclear weapons testing after a retired United States Navy rear admiral testified in support of the measure.

The Senate State Affairs Committee unanimously passed the resolution, sponsored by committee Vice Chairman Sen. Jim Duncan, D-Juneau, which urges President Bush and the Alaska congressional delegation to take action to halt the testing of nuclear warheads.

The resolution now goes to the Senate Judiciary Committee for consideration. Eight states, 198 cities and 28 counties across the

U.S. have adopted anti-nuclear weapons resolutions, said Chris Bolkom of the Federation of American Scientists.

1 9 9 1

ALASKA
LEGISLATURE

The measure carries no force of law, but if passed by the Legislature it would reinforce a statewide voter initiative approved in 1986 supporting a nuclear freeze and a reduction in the number of warheads and missiles. Gov. Walter J. Hickel and Sen. Arliss Sturgulowski, then gubernatorial candidates, supported the initiative.

Testimony in favor of Duncan's resolution was given via telephone by experts from across

Alaska and the nation, including retired Rear Adm. Eugene J. Carroll who testified from Washington, D.C.

Carroll was commander of Task Force 60, the carrier striking force of the USS Sixth Fleet in the Mediterranean. He is deputy director of the Center for Defense Information, a non-governmental Washington, D.C., think tank staffed by retired military officers.

His last assignment on active duty was in the Pentagon as assistant deputy chief of Naval Operations for Plans, Policy and Operations, during which he engaged in naval planning for conventional and nuclear war.

Carroll stressed during his

testimony that nuclear weapons are meant to be used for destroying, not defending, a territory. The United States and Soviet Union are estimated to have a combined arsenal of at least 45,000 nuclear warheads.

"We keep them to deter, but 20,000 is far too many," Carroll said. "We can get by with fewer than 20,000."

The U.S. would save more than \$12 billion if the design, testing and production of nuclear warheads were abolished, Carroll said.

"That's a tremendous waste of money you can't use but to commit suicide," he said.


Alaska State Legislature
Representative Niilo Koponen

Pouch V
Juneau, Alaska 99811
(907) 465-4992

House District 21

119 N. Cushman, Suite 207
Fairbanks, Alaska 99701
(907) 456-8172

M E M O R A N D U M

TO: Members of the House State Affairs Committee
FROM: Representative Niilo Koponen 
DATE: January 27, 1992

RE: HJR 51, "Urging President Bush and the Alaska congressional delegation to take action to halt the testing of nuclear weapons and urging President Bush to negotiate a comprehensive test ban treaty"

As you requested, attached are copies of S. 2064 and H.R. 3636, pending federal legislation addressing nuclear weapons testing.

COMPLIMENTS OF THE
ALASKA STATE LIBRARY

LEGISLATIVE Report for the 102nd Congress Mon, January 27, 1992 2:27pm (EST)

BILL TEXT Report for S.2064

As introduced in the Senate, November 26, 1991

IT

102d CONGRESS
1st Session

S. 2064

To impose a one-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

IN THE SENATE OF THE UNITED STATES
November 26 (legislative day, November 23), 1991

Mr. Hatfield (for himself, Mr. Mitchell, Mr. Simon, Mr. Jaffords, Mr. DeConcini, Mr. Leahy, Mr. Adams, Mr. Harkin, Mr. Kennedy, and Mr. Wellstone) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To impose a one-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Testing Moratorium Act".

SEC. 2. ONE-YEAR MORATORIUM.

During the one-year period beginning on the date of the enactment of this Act, none of the funds made available under any provision of law may be available to conduct any explosive nuclear weapons test unless the President certifies to Congress that the Soviet Union (or a successor state of any part of the Soviet Union) has conducted an explosive nuclear weapons test during that period.

COMPLIMENTS OF THE
ALASKA STATE LIBRARY

LEGI-SLATE Report for the 102nd Congress Mon, January 27, 1992 2:23pm (EST)

BILL TEXT Report for H.R.3636
As introduced in the House, October 24, 1991

102d CONGRESS
1st Session

H. R. 3636

To impose a one-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

IN THE HOUSE OF REPRESENTATIVES

October 24, 1991

Mr. Gephardt (for himself, Mr. Kopetski, Mr. Dellums, Mr. Fascell, Mr. Brown, Mr. McCurdy, Mr. Downey, Mr. Leach, Mr. Markey, Mrs. Schroeder, Mr. Bonior, Mr. Fazio, Mr. Stark, Mr. AuCoin, Mr. Owens of Utah, Mrs. Boxer, Mr. Levine of California, Mr. Mrazek, Mr. Moody, Mr. Lewis of Georgia, Mrs. Kennolly, Mr. Wyden, Mr. Solarz, Mr. Schumer, Mr. Wice, Mr. Durbin, Mr. Berman, Mr. Mineta, Mr. Panetta, Mrs. Lowey of New York, Mr. Conyers, Mr. Studds, Mr. Staggers, Mr. Valentine, Mr. Mfume, Mr. Sanders, Mr. Swett, Mr. Slattery, Mr. Hoyer, Mr. Rahall, Mr. Oberstar, Mr. Feighan, Mr. Abercrombie, Mr. Wolpe, Mr. Synar, Mr. Eckart, Mr. Cox of Illinois, Mr. Vento, Mr. Smith of Iowa, Mr. Weiss, Mr. Dwyer of New Jersey, Mr. Kanjorski, Ms. Pelosi, Mr. Miller of California, Mr. Roybal, Mr. Glickman, Mr. Sabo, Mr. Edwards of California, Mr. Lehman of Florida, Mr. Alexander, Mr. Scheuer, Mr. Sawyer, Mr. McDermott, Mr. Bacchus, Mr. Penny, Mr. Peterson of Minnesota, Mr. Waxman, Mr. Oliver, Mr. Frank of Massachusetts, Mr. Dorgan of North Dakota, Mr. Gejdenson, Mr. Evans, Mr. Engel, Mr. Ford of Michigan, Mr. Levin of Michigan, Mr. Hayes of Illinois, Mr. Swift, Mrs. Unsoeld, Mr. Hughes, Ms. Waters, Mr. Towns, Mr. Payne of New Jersey, Mr. Traxler, Mr. Gonzalez, Mr. Early, Mr. Natcher, Mr. Kennedy, Mrs. Collins of Michigan, Mr. Nagle, Mr. Mavroules, Mr. Sikorski, Ms. Slaughter of New York, Mr. Boucher, Mr. DeFazio, Mr. Torres, Mr. Paster, Mr. Carr, Mr. Atkins, Mr. Williams, Mr. Bryant, Mr. Andrews of Maine, Mr. Serrano, Mr. Washington, Mr. Stallings, Mr. Anthony, Mr. Thornton, Ms. DeLauro, Mr. Luken, and Mr. Hochbrueckner) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To impose a one-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

=====

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Testing Moratorium Act".

SEC. 2. ONE-YEAR MORATORIUM.

During the one-year period beginning on the date of the enactment of this Act, the Secretary of Energy may not conduct any explosive nuclear weapons test unless the President certifies to Congress that the Soviet Union (or a successor state of any part of the Soviet Union) has conducted an explosive nuclear weapons test during that period.

7-LS1280G
Bannister
1/27/92

**CS FOR HOUSE JOINT RESOLUTION NO. 51 (STATE AFFAIRS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION**

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KOPONEN, Ulmer, Brown

A RESOLUTION

1 Urging President Bush and the Alaska congressional delegation to take action to halt the
2 testing of nuclear weapons and urging President Bush to negotiate a comprehensive test
3 ban treaty.

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

5 WHEREAS the Cold War is over, democratic systems are emerging throughout Eastern Europe
6 and the former Soviet Union, and a continuation of the nuclear arms race is no longer justified; and

7 WHEREAS, although the United States and the Commonwealth of Independent States already
8 possess over 30,000 nuclear weapons between them, the Bush administration continues to explode
9 nuclear warheads underground in order to develop new, more dangerous nuclear weapons; and

10 WHEREAS tens of thousands of nuclear weapons in the republics that constituted the former
11 Soviet Union are deployed in enormously complex systems of missiles, planes, ships, computers,
12 satellites, and people, which may eventually result in their accidental or deliberate use; and

13 WHEREAS continued nuclear test explosions by the United States encourage the spread of
14 nuclear weapons and seriously hamper efforts to curb the proliferation of nuclear weapons; and

15 WHEREAS radioactive contamination resulting from nuclear test explosions has left several
16 areas of the United States, Asia, and the South Pacific unfit for human, animal, or plant life; and

1 **WHEREAS** the former Soviet Union unilaterally stopped all nuclear testing for 18 months
2 beginning August 6, 1985, stopped again October 19, 1989, and has conducted only one test since then,
3 which occurred on October 24, 1990; and

4 **WHEREAS** an opportunity to ban nuclear test explosions in 118 countries occurred January 7 -
5 18, 1991, in New York when the Test Ban Treaty Conference was held to amend the 1963 Partial Test
6 Ban Treaty into a comprehensive test ban treaty that would ban underground explosions as well as
7 atmospheric testing; and

8 **WHEREAS** 75 nations voted to continue the Test Ban Treaty Conference, while only the United
9 States and the United Kingdom voted against it; and

10 **WHEREAS** Russian President Boris Yeltsin has called on President Bush to halt all nuclear
11 weapons testing and to negotiate a comprehensive test ban treaty; and

12 **WHEREAS** the 118 parties to the 1963 Partial Test Ban Treaty, which needs to be renewed in
13 1995, have linked their continued adherence to the Nuclear Non-Proliferation Treaty to the passage of
14 a comprehensive test ban treaty; and

15 **WHEREAS** in 1986 the voters of Alaska approved an initiative that made the promotion of a
16 mutual and verifiable freeze on nuclear weapons official state policy; and

17 **WHEREAS** the United States Congress is considering two bills, S. 2064 and H.R. 3636, that
18 would reduce funding for nuclear weapons tests for 12 months as long as the republics that constituted
19 the former Soviet Union do not test;

20 **BE IT RESOLVED** that the Alaska State Legislature urges President Bush to

21 (1) take the steps necessary for the United States to join in a mutual and verifiable
22 suspension of all nuclear test explosions for all time; and

23 (2) actively negotiate a comprehensive test ban treaty with other nations of the world;
24 and be it

25 **FURTHER RESOLVED** that the Alaska State Legislature calls upon the members of the Alaska
26 delegation in Congress to support present and future congressional resolutions and bills that encourage
27 a comprehensive prohibition against nuclear testing.

28 **COPIES** of this resolution shall be sent to the Honorable George Bush, President of the United
29 States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate;
30 the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate; the Honorable George J.
31 Mitchell, Majority Leader of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S.
32 House of Representatives; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.

1 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Con-
2 gress; and to the mayor and the governing body of each municipality in the state.

CS FOR HOUSE JOINT RESOLUTION NO. 51 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KOPONEN, Ulmer, Brown

A RESOLUTION

1 Urging President Bush and the Alaska congressional delegation to take action to halt the
2 testing, further manufacture, and proliferation of nuclear weapons and urging President
3 Bush to take the steps necessary to ensure compliance with nuclear treaties by all nations
4 and to negotiate a comprehensive test ban treaty.

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

6 WHEREAS the Cold War is over, democratic systems are emerging throughout Eastern Europe
7 and the former Soviet Union, and a continuation of the nuclear arms race is no longer justified; and

8 WHEREAS, although the United States and the Commonwealth of Independent States already
9 possess over 30,000 nuclear weapons between them, the Bush administration continues to explode
10 nuclear warheads underground in order to develop new, more dangerous nuclear weapons; and

11 WHEREAS tens of thousands of nuclear weapons in the republics that constituted the former
12 Soviet Union are deployed in enormously complex systems of missiles, planes, ships, computers,
13 satellites, and people, which may eventually result in their accidental or deliberate use; and

14 WHEREAS nuclear weapons technology has spread to nations that are not presently capable of
15 sustaining rational and predictable military policy; and

16 WHEREAS the proliferation of nuclear technology exposes all nations of the world to terrorism

1 by governments that may be willing to employ weapons of mass destruction in this manner; and

2 **WHEREAS** continued nuclear test explosions by the United States encourage the spread of
3 nuclear weapons and seriously hamper efforts to curb the proliferation of nuclear weapons; and

4 **WHEREAS** radioactive contamination resulting from nuclear test explosions has left several
5 areas of the United States, Asia, and the South Pacific unfit for human, animal, or plant life; and

6 **WHEREAS** the former Soviet Union unilaterally stopped all nuclear testing for 18 months
7 beginning August 6, 1985, stopped again October 19, 1989, and has conducted only one test since then,
8 which occurred on October 24, 1990; and

9 **WHEREAS** an opportunity to ban nuclear test explosions in 118 countries occurred January 7 -
10 18, 1991, in New York when the Test Ban Treaty Conference was held to amend the 1963 Partial Test
11 Ban Treaty into a comprehensive test ban treaty that would ban underground explosions as well as
12 atmospheric testing; and

13 **WHEREAS** 75 nations voted to continue the Test Ban Treaty Conference, while only the United
14 States and the United Kingdom voted against it; and

15 **WHEREAS** Russian President Boris Yeltsin has called on President Bush to halt all nuclear
16 weapons testing and to negotiate a comprehensive test ban treaty; and

17 **WHEREAS** the 118 parties to the 1963 Partial Test Ban Treaty, which needs to be renewed in
18 1995, have linked their continued adherence to the Nuclear Non-Proliferation Treaty to the passage of
19 a comprehensive test ban treaty; and

20 **WHEREAS** in 1986 the voters of Alaska approved an initiative that made the promotion of a
21 mutual and verifiable freeze on nuclear weapons official state policy; and

22 **WHEREAS** the United States Congress is considering two bills, S. 2064 and H.R. 3636, that
23 would reduce funding for nuclear weapons tests for 12 months as long as the republics that constituted
24 the former Soviet Union do not test; and

25 **WHEREAS** a comprehensive test ban treaty is the first logical step toward the ultimate tripartite
26 goal of a prohibition of the further manufacture of nuclear weapons by all nations, a cessation of the
27 deployment of nuclear weapons by all nations, and the dismantling of nuclear weapons by all nations;

28 **BE IT RESOLVED** that the Alaska State Legislature urges President Bush to

29 (1) take the steps necessary for the United States to join in a mutual and verifiable
30 suspension of all nuclear test explosions for all time;

31 (2) actively negotiate a comprehensive test ban treaty with other nations of the world;

32 (3) work to prohibit the export of nuclear weapons hardware, technology, and expertise

1 from nuclear-capable nations; and

2 (4) take the steps necessary to ensure compliance with nuclear treaties, including the
3 enforcement of existing treaties and the imposition of sanctions against nations that do not abide by the
4 tenets of existing and subsequent nuclear disarmament treaties; and be it

5 **FURTHER RESOLVED** that the Alaska State Legislature calls upon the members of the Alaska
6 delegation in Congress to support present and future congressional resolutions and bills that encourage
7 a comprehensive prohibition against the testing, manufacture, and proliferation of nuclear weapons.

8 **COPIES** of this resolution shall be sent to the Honorable George Bush, President of the United
9 States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate;
10 the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate; the Honorable George J.
11 Mitchell, Majority Leader of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S.
12 House of Representatives; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.
13 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Con-
14 gress; and to the mayor and the governing body of each municipality in the state.

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO: HJR 51

Revision Date: _____
 Title: Urging President Bush & the AK Cong.
 Delegation to take action to halt the ... nuclear weapons.
 Sponsor: Rep. Koponen
 Requestor: House State Affairs

Department Affected: Legislative Affairs Agency
 BRU: Legislative Council
 Component: Legal Services

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
OPERATING						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
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)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director *Pamela Stoops* Phone: 465-3850
 Division: Administrative Services Date: 1/21/92

Approved By: Warren W. Endicott, Executive Director *Warren Endicott*
 Agency: Legislative Affairs Agency Date: 1/21/92

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

offered by Rep. Moyer
1/29/92

Amendment to CS for HJR 51 (SA)

1-29
Insert at line ¹⁴~~13~~ page 1 after the word "and"

Whereas ^{through} nuclear weapons have served a deterrence purpose,
thermonuclear devices cannot be used safely as a weapon of war
but can be used as instruments of terrorism and genocide, which
this nation abhors, ^{and}

Annie,

Technical comment.

Insert at line 14

T.

(7)

HOUSE COMMITTEE REPORT

Date Referred: May 15, 1991

FURTHER REFERRALS:

Date of Committee Action: 2/3/92

The STATE AFFAIRS Committee considered:

HJR 51

HOUSE JOINT RESOLUTION NO. 51

HALT TESTING OF NUCLEAR WEAPONS

Urging President Bush and the Alaska congressional delegation to take action to halt the testing of nuclear weapons.

RECOMMENDATIONS:

be replaced with CS HJR 51 (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 _____

fiscal note(s) _____

zero fiscal note LAA

zero fiscal note(s) _____

	SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
2100A	<i>Eugene A. Kubena</i>					
452	<i>Tom Moseley</i>	✓				
4000	<i>Harold R. Rasmussen</i>	✓				
2000	<i>John C. Brown</i>	✓				
2000	<i>John Baker</i>	✓				
2000	<i>Max Greenberg</i>	✓				

Eugene A. Kubena
CHAIRMAN'S SIGNATURE

CS FOR HOUSE JOINT RESOLUTION NO. 51 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES KOPONEN, Ulmer, Brown

A RESOLUTION

1 Urging President Bush and the Alaska congressional delegation to take action to halt the
2 testing of nuclear weapons and urging President Bush to negotiate a comprehensive test
3 ban treaty.

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

5 WHEREAS the Cold War is over, democratic systems are emerging throughout Eastern Europe
6 and the former Soviet Union, and a continuation of the nuclear arms race is no longer justified; and

7 WHEREAS, although the United States and the Commonwealth of Independent States already
8 possess over 30,000 nuclear weapons between them, the Bush administration continues to explode
9 nuclear warheads underground in order to develop new, more dangerous nuclear weapons; and

10 WHEREAS tens of thousands of nuclear weapons in the republics that constituted the former
11 Soviet Union are deployed in enormously complex systems of missiles, planes, ships, computers,
12 satellites, and people, which may eventually result in their accidental or deliberate use; and

13 WHEREAS continued nuclear test explosions by the United States encourages the spread of
14 nuclear weapons and seriously hampers efforts to curb the proliferation of nuclear weapons; and

15 WHEREAS nuclear weapons are not weapons at all since they cannot be safely used to fight a
16 war, but are instruments of terrorism and genocide, which this nation abhors; and

1 WHEREAS radioactive contamination resulting from nuclear test explosions has left several
2 areas of the United States, Asia, and the South Pacific unfit for human, animal, or plant life; and

3 WHEREAS the former Soviet Union unilaterally stopped all nuclear testing for 18 months
4 beginning August 6, 1985, stopped again October 19, 1989, and has conducted only one test since then,
5 which occurred on October 24, 1990; and

6 WHEREAS an opportunity to ban nuclear test explosions in 118 countries occurred January 7 -
7 18, 1991, in New York when the Test Ban Treaty Conference was held to amend the 1963 Partial Test
8 Ban Treaty into a comprehensive test ban treaty that would ban underground explosions as well as
9 atmospheric testing; and

10 WHEREAS 75 nations voted to continue the Test Ban Treaty Conference, while only the United
11 States and the United Kingdom voted against it; and

12 WHEREAS Russian President Boris Yeltsin has called on President Bush to halt all nuclear
13 weapons testing and to negotiate a comprehensive test ban treaty; and

14 WHEREAS the 118 parties to the 1963 Partial Test Ban Treaty, which needs to be renewed in
15 1995, have linked their continued adherence to the Nuclear Non-Proliferation Treaty to the passage of
16 a comprehensive test ban treaty; and

17 WHEREAS in 1986 the voters of Alaska approved an initiative that made the promotion of a
18 mutual and verifiable freeze on nuclear weapons official state policy; and

19 WHEREAS the United States Congress is considering two bills, S. 2064 and H.R. 3636, that
20 would reduce funding for nuclear weapons tests for 12 months as long as the republics that constituted
21 the former Soviet Union do not test;

22 BE IT RESOLVED that the Alaska State Legislature urges President Bush to

23 (1) take the steps necessary for the United States to join in a mutual and verifiable
24 suspension of all nuclear test explosions for all time; and

25 (2) actively negotiate a comprehensive test ban treaty with other nations of the world;
26 and be it

27 FURTHER RESOLVED that the Alaska State Legislature calls upon the members of the Alaska
28 delegation in Congress to support present and future congressional resolutions and bills that encourage
29 a comprehensive prohibition against nuclear testing.

30 COPIES of this resolution shall be sent to the Honorable George Bush, President of the United
31 States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate;
32 the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate; the Honorable George J.

1 Mitchell, Majority Leader of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S.
2 House of Representatives; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.
3 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Con-
4 gress; and to the mayor and the governing body of each municipality in the state.



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: January 27, 1992

PLACE: Capitol Room 102

SUBJECT OF MEETING:
 *HJR ⁵¹ Relating to Halt Testing of Nuclear Weapons

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
REP. TERRY MARTIN						<input checked="" type="radio"/> Y	<input type="radio"/> N	HB 301
						<input type="radio"/> Y	<input type="radio"/> N	
James E Fisher	Self	633 Harris St	99501	586-9601	586-6425	<input checked="" type="radio"/> Y	<input type="radio"/> N	HJR 51
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	

C.



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: February 3, 1992

PLACE: Capitol Room 102

SUBJECT OF MEETING:
 *HB 428 - Relating to Residency for Permanent Fund Dividends
 HB 322 - Relating to Whistleblower Protection
 *SCR 19 - Relating to Age-Related Discrimination in Alaska
 HCR 16 - Relating to Bone Marrow Donor Week

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Tom Williams	Revenue	PFD Division P.O. Box 110960 Juneau	99811		465-2323	(Y) N	HB 428
Paula Terrel	Sen Kerffula				465-1200	(Y) N	SCR 19 + SCR 24
Mike McMillan	Rep. of Admiral	P.O. Box 110241 Juneau, AK 99811-0201	99811		465-4430	(Y) N	Fiscal Note HB 322
Margaret Pugh	Rep. Ulman	Room 421		#9	4947	(Y) N	HB 322
Ron Clarke	Rep. Koponen	CAP 503			4992	(Y) N	HJR 51
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	



House State Affairs Committee

Representative Gene Kubina, Chair

SUBJECT OF MEETING:

DATE:

PLACE:

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
<i>Geneva Fisher</i>	<i>Orby</i>	<i>Box 100, Juneau</i>			<i>4970</i>	<input checked="" type="radio"/>	<input type="radio"/>	<i>1B 322</i>
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	

1.

HJR

53

FISCAL NOTE

BILL NO. HJR 53

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: 01/13/92 Department Affected: Office of the Governor-Elections
 Title: Amendment to the Constitution RE: Freedom of Conscience-Bill BRU: Division of Elections
 of Rights
 Sponsor: Representative Martin Component: II-Primary and General Elections
 Requestor: House State Affairs

COMPONENT SERIAL NO.

0	0	2	2
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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: Charles L. Dickerson
 Agency: Office of the Governor Date: 01-12-92

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

HJR

54

FISCAL NOTE

STATE OF ALASKA

BILL NO. HJR 54

1992 LEGISLATIVE SESSION

Revision Date: _____
 Title: Amendment to the Constitution RE: Reservation of Powers for the People, Residual Power of the State, and...
 Sponsor: Representative Martin
 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: Elizabeth Ziegler, Deputy Director
 Division: Elections

Phone: 465-4611
 Date: 01/23/92

Approved by Commissioner: *Charles E. Throckmold*
 Agency: Office of the Governor

Date: 1-24-92

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

56

HJR



Alaska State Legislature

REPRESENTATIVE BILL HUDSON

State Capitol
Juneau, Alaska
99801-1182

(907)465-3744 OF 4991

February 28, 1992

COMMITTEES

CHAIR
House Special Committee
on Oil & Gas
MEMBER
Resources
Transportation
International Trade & Tourism

FINANCE SUBCOMMITTEE:
Department of Transportation
and Public Facilities

Representative Gene Kubina, Chair
House State Affairs Committee
Alaska State Legislature
Juneau, Alaska

Dear Representative Kubina:

I am enclosing information relating to HJR 56, urging the United States Congress to pass legislation prohibiting a state from imposing an income tax on the pension income of a person who is not a resident of that state.

This resolution is important because several states have state income taxes and impose a "source tax" on former residents. For example, a person living in Alaska who retired from a job in California is facing the risk of having his or her pension income taxed by the state of California.

Taxation of Alaskan residents by other states is hardly fair.

It would be very much appreciated if you would schedule HJR 56 for a hearing in the House State Affairs Committee at the earliest possible time.

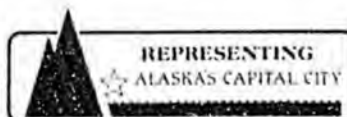
If you have questions, I would be most pleased to discuss this issue with you.

Respectfully,

Bill Hudson

BH:lh

Enclosures



FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 362

Revision Date: _____ Department Affected: Department of Law
 Title: "An Act establishing a property exemption." BRU: Legal Services
 Component: Operations
 Sponsor: Representative Hudson
 Requestor: House Judiciary Committee COMPONENT SERIAL NO.

		9	3
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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-

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

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Richard I. Pegues Phone: 465-3672
 Division: Administrative Services Date: January 21, 1992
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law Date: January 21, 1992

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 362

This bill amends AS 09.38.015 to provide that the property of an individual is exempt from execution to satisfy a judgment in favor of another state for the individual's failure to pay the other state's income tax on the benefits received by the individual from a pension or other retirement plan. AS 09.38.055 is also amended to provide the exemption from the same tax judgments from bankruptcy proceedings under 11 U.S.C. These are private transactions that do not involve the Department of Law and, consequently, there will not be a fiscal impact for the department.

Some lower 48 states want to tax pensions

by Rep. Don Young

As if economic conditions weren't difficult enough for many senior citizens, a new problem has emerged that threatens to cut into their hard-earned pensions - the so-called "source" income tax.

In an attempt to increase state revenues, a growing number of lower 48 states that have state income taxes are imposing the "source" income taxes on former residents who once worked in their states and now collect pension payments from former employers - especially federal retirees.

For example, a retired person who now lives in Alaska (which has no state income tax) but who once worked in California (which has a state income tax) is now facing the risk of having their pension income taxed by the state of California.

I strongly feel this is wrong and I am co-sponsoring three bills in Congress which would address this unfair taxation problem.

One of these bills, H.R. 431, would put an immediate stop to the "source" income tax on nonresident pension income. Thus, a person who now lives in Alaska and collects a pension from a former employer in California (or any other state) would not be subject to California's "source" tax.

It's simply unreasonable to expect Alaskan senior citizens to pay for the government operations and services of another state. It's imperative that we not allow revenue-hungry states to arbitrarily levy income taxes on Alaskan residents.

H.R. 431 is designed to stop this alarming practice and allow our seniors to collect their pensions without the fear of being tracked down by states that have decided to impose the tax.

The states of California, Oregon and Iowa have already begun imposing the "source" tax on former residents and several other states are seriously considering following suit. Forty states have laws that enable them to impose "source"

In cases of nonpayment, some states are going after the pensions and assets of their former residents and using collection agencies to pressure retirees into compliance. This is absolutely wrong.

taxes on former residents.

These states argue that some or all of pension benefits earned when the person was a resident of their state is taxable even after the person moves to another state because the person used their state roads, schools, police and fire service when they were residents of their state.

However, many of my colleagues and I disagree with this rationale because these people paid their fair share of taxes for state services when they were residents of that state.

Now that these people live in Alaska, they do not owe their former states any more money because they no longer use the services of their former state.

I think it's absolutely ludicrous for some states to require that retirees living in Alaska pay taxes to finance the government operations of another state.

To make the situation even worse, some states are now assessing the "source" tax retroactively and charging high penalties on the retroactive tax.

In cases of nonpayment, some states are going after the pensions and assets of their former residents and using collection agencies to pressure retirees into compliance. This is absolutely wrong.

In order to protect our seniors from this harassment and financial burden, H.R. 431 would be retroactive to December 31, 1987, and protect retirees from paying the "source" tax from that date forward.

I am also co-sponsoring H.R. 1531, which is similar to H.R. 431 except that it is retroactive to December 31, 1990. Congressional analysts indicate H.R. 1531 has a better chance of passage

due to its less stringent retroactivity.

In addition, I am a co-sponsor of H.R. 1655, which also addresses the "source" tax problem by requiring that any state that imposes a "source" tax must:

- provide advance notice of the tax;
- provide a taxing formula that does not include income from other states; and
- provide an opportunity for retirees to pre-pay the tax before they leave the state.

Of these three bills, I prefer H.R. 431 because it is more fair to our senior citizens and is retroactive to December 31, 1987. I feel that H.R. 1531 is a feasible alternative because it is similar in intent to H.R. 431 and retroactive to December 31, 1990.

However, if there is not enough Congressional support for these repeal bills, I will support H.R. 1655 as a first step toward addressing the "source" tax dilemma.

It's important that I point out that this is going to be an extremely difficult battle to win.

These states are short of cash and looking for every possible source of revenue. Their Congressional representatives will not support a repeal of the "source" tax because it lessens the tax burden on their current residents - and the reality that the people who are hit by the tax no longer vote in their Congressional districts.

However, this is a fight many Congressmen, including myself, are willing to fight on behalf of our senior citizens. I'll keep you posted on future developments with our repeal legislation.

Rep. Don Young represents Alaska in the U.S. House of Representatives.

Stalked by the Source Tax

By Mike Causey

Washington Post Staff Writer

The dream: After a long, hard career, you retire to sunny Florida, Texas or Nevada, where the living is easier and there is no state income tax to cut into your reduced income.

The nightmare: Your home state tracks you down and says you owe it taxes on your pension—for the rest of your life—because you qualified for the pension while working in that state.

Revenue-hungry states (which is more and more of them) are hoping Congress will kill bills that would bar states from chasing the pensions of former residents who have moved to states that don't have a state income tax.

Oregon, Iowa and California use the so-called source tax now. Most of California's efforts are directed at former residents who moved across the line to Nevada, which has no state income tax.

The long-armed revenue producer is called the source tax because states that use it consider themselves the source of the pension benefits ex-residents receive elsewhere. Source-tax states say that is appropriate because those individuals used state roads, schools, police and fire services when they were residents. But retirees who have moved contend they did their share by paying state taxes while they were using the services.

Maryland, Virginia and the District do not use the source tax. But many people who have moved, or plan to retire to a state with no state income tax, worry that the source tax may someday follow them.

So far the source-tax issue is mostly a fight between California and Nevada

and Florida have passed laws forbidding other states to seize the property of their residents. Texas is considering a similar law. In the meantime, groups representing retirees are watching to make sure the source tax isn't adopted by more states.

Rep. Barbara F. Vucanovich (R-Nev.) and Sen. Harry Reid (D-Nev.) have reintroduced their bill, which would outlaw the source tax. Sixty-seven of 435 House members are cosponsors. About a dozen of the 100 senators have signed on to Reid's bill. But both plans died in the House Judiciary and Senate Finance committees last year. States considering the source-tax option hope the bills will die in committee again.

Vucanovich will try another route this year. Last Friday, she introduced a bill that would protect current retirees (but not people retiring in the future) from the pension source tax. She is sending it through the House Ways and Means Committee rather than the Judiciary Committee.

The Washington Post

March 27, 1991



NEWS

DON YOUNG CONGRESSMAN FOR ALL ALASKA

June 14, 1991

Contact: Steve Hansen (202) 225-5765
Press Secretary

H.R. 415

Congressman Young Seeks To Protect Alaskans' Pensions From Out-of-State Taxation

Washington, D.C. - In an effort to protect the pension income of Alaskan senior citizens from out-of-state taxation, Alaska Congressman Don Young is co-sponsoring legislation designed to stop the growing practice of "source" income taxes on pension programs.

Young said a number of Lower 48 states that have state income taxes are imposing the so-called "source" state income taxes on former residents who once worked in their states and now collect pension payments from their former employers.

For example, a retired person who now lives in Alaska (which has no state income tax) but who once worked in California (which has a state income tax) is now facing the risk of having their pension income taxed by the State of California.

Young, however, is seeking to stop this practice by supporting H.R. 431, which would put a stop to the "source" income tax on non-resident pension income. Thus, a person who now lives in Alaska and collects a pension from a former employer in California would not be subject to California's "source" income tax.

June
June 14, 1991
- Paul Elliot
Unsettled

In addition, Young is also co-sponsoring H.R. 1655 and H.R. 1531 which also address the "source" tax controversy (see page 3).

"It's imperative that we not allow revenue-hungry states to arbitrarily levy income taxes on Alaskan senior citizens," Young said. "Alaska does not have a state income tax so we should not allow states like California, Oregon and Iowa to tax the pension income of our seniors."

(more)

"This legislation is designed to stop this alarming practice and allow our seniors to collect their pensions without the fear of being tracked down by states that have decided to impose the 'source' income tax.

"A number of senior citizens throughout the United States are now discovering that their pensions are being subject to 'source' tax," Young added. "And the problem is getting worse. Numerous other states are seriously considering imposing the 'source' tax as a means to gain additional tax revenues.

"This is wrong and Congress must address the problem so that our senior citizens can go on with their lives without the fear of an Outside state trying to take their pension dollars."

California, Oregon And Iowa Are Main "Source" Taxers

Young said that California, Oregon and Iowa have begun imposing the 'source' tax on former residents and several other states are considering imposing such a tax.

"To make the situation even worse, some states are now assessing the 'source' tax retroactively and charging high penalties on the retroactive tax," Young said. "In cases of non-payment, some states are going after the pensions and assets of their former residents and using collection agencies to pressure retirees into compliance. This is absolutely wrong and has a devastating effect on the income of senior citizens."

Young said that H.R. 431 would be retroactive to December 31, 1987 and protect retirees from paying the "source" tax from that date forward.

"This problem was created in 1986 when Congress revised the U.S. tax codes and empowered states to levy a 'source' tax," Young said. "I opposed the tax revisions in 1986 and I still feel many of the changes are wrong and unfair."

Young said that states which impose the "source" tax argue that some or all of pension benefits earned when the person was a resident of their state is taxable even after the person moves to another state because the person used their state roads, school and police and fire service when they were residents of their state.

(more)

U.S. Rep. Don Young
"Source" Tax - 3

"I disagree with this rationale because these people paid their share of taxes for state services when they were residents of that state," Young said. "Now that these people live in Alaska, they do not owe their former states any more money because they no longer use the services from their former state."

"It's absolutely ludicrous for some states to require that retirees living in Alaska pay taxes to finance the government of another state."

Additional Bills Seek To Resolve "Source" Tax Problem

In addition, Young is co-sponsoring H.R. 1531, which is similar to H.R. 431, except that it is retroactive back to December 31, 1990, and H.R. 1655, which also addresses the "source" tax problem by requiring that any state that imposes a "source" tax must:

- Provide advance notice of the tax;
- ✓ • Provide a taxing formula that does not include income from other states;
- Provide an opportunity for retirees to prepay the tax before they leave the state.

"Of the three bills, I prefer H.R. 431 because it is more fair to our senior citizens and is retroactive back to December 31, 1987," Young said. "I also feel that H.R. 1531 is good alternative because it is similar to H.R. 432 and retroactive to December 31, 1990."

"However, if there is not enough Congressional support for these repeal bills, I will support H.R. 1655 as a first step toward addressing the 'source' tax dilemma."

(Alaska Congressman Don Young is the Ranking Republican on the U.S. House Committee on Interior Affairs and a senior member of the Merchant Marine and Fisheries and Post Office and Civil Service committees. He is now serving his 10th term as Alaska's only member in the U.S. House of Representatives.)

#

SENATE JOINT RESOLUTION NO. 15--SENATORS JOERG, O'CONNELL, BEYER,
COFFIN, GETTO, HICKEY, HORN, JACOBSEN, MALONE, MELLO, NEAL,
O'DONNELL, RAGGIO, RAWSON, RHOADS, SHAFFER, SMITH, TITUS,
TOWNSEND, VERGIELS AND WAGNER

MARCH 30, 1989

Referred to Committee on Taxation

SUMMARY--Urges Congress to pass legislation prohibiting states from imposing income tax on
pension income of nonresidents. (BDR R-1338)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION--Matter in italics in view; matter in brackets [] is material to be omitted.

SENATE JOINT RESOLUTION--Urging Congress to pass legislation prohibiting each state
from imposing an income tax on the pension income of any person who is not a
resident of that state.

1 WHEREAS, Nevada is one the fastest growing states in the union; and
2 WHEREAS, The continuous influx of people into this state promotes a grow-
3 ing, healthy and diversified economy; and
4 WHEREAS, Many of the people who migrate to this state are retired and live
5 on limited and fixed incomes; and
6 WHEREAS, Many of these people retire to Nevada with the expectation of
7 being exempt from any state income tax and have planned their finances
8 accordingly; and
9 WHEREAS, For many of these people their pension income and the income
10 earned from savings and other investments are barely enough to pay their
11 expenses and offset inflation; and
12 WHEREAS, Other states have enacted legislation that authorizes the imposi-
13 tion of an income tax on pension income that originates in those states, even if
14 the person who earns the income resides in another state; and
15 WHEREAS, As a result, many of the people who have retired to Nevada are
16 required to pay income tax on their pension income; and
17 WHEREAS, These laws have placed an unexpected and oftentimes insur-
18 mountable financial burden on many of these people; and
19 WHEREAS, S. 434 and H.R. 1227 of the 101st Congress, 1st Session
20 (1989), would prohibit each state from imposing an income tax on the pen-
21 sion income of any person who is not a resident of that state; now, therefore,
22 be it

1 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA,
2 JOINTLY, That the Nevada Legislature urges the Congress of the United States
3 to pass S. 434 and H.R. 1227 of the 101st Congress, 1st Session (1989); and
4 be it further

5 RESOLVED, That copies of this resolution be prepared and transmitted by
6 the Secretary of the Senate to the Vice President of the United States as
7 presiding officer of the Senate, the Speaker of the House of Representatives
8 and to each member of the Nevada Congressional Delegation; and be it
9 further

10 RESOLVED, That this resolution becomes effective upon passage and
11 approval.

(EXEMPTIONS FROM EXECUTION - RETIREMENT INCOME TAX)

1991

CENERAL SESSION

S. B. No. 33

By Dixie L. Leavitt

LYLE W. HILLYARD

AN ACT RELATING TO EXEMPTIONS FROM EXECUTION; EXEMPTING FROM EXECUTION ANY PROPERTY ON WHICH THERE IS A JUDGMENT FOR FAILURE TO PAY ANOTHER STATE'S INCOME TAX ON RETIREMENT BENEFITS; AND PROVIDING AN EFFECTIVE DATE.

THIS ACT AFFECTS SECTIONS OF UTAH CODE ANNOTATED 1953 AS FOLLOWS:

AMENDS:

78-23-5, AS LAST AMENDED BY CHAPTER 19, LAWS OF UTAH 1989

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 78-23-5, Utah Code Annotated 1953, as last amended by Chapter 19, Laws of Utah 1989, is amended to read:

78-23-5. Property exempt from execution.

(1) An individual is entitled to exemption of the following property:

(a) a burial plot for the individual and his family;

(b) health aids reasonably necessary to enable the individual or a dependent to work or sustain health;

(c) benefits the individual or his dependent have received or are entitled to receive by reason of disability, illness, or unemployment from any source;

1 (i) to an alternate payee under a qualified domestic relations
2 order, as those terms are defined in Section 414(p) of the [United
3 States] Internal Revenue Code of 1986, as amended; [or]

4 (ii) to amounts contributed or benefits accrued by or on behalf of a
5 debtor within 180 days before the debtor files for bankruptcy; or

6 (iii) to the assets of bankruptcy proceedings filed before January
7 1, 1989;

8 (k) the interest of or any money or other assets payable to an
9 alternate payee under a qualified domestic relations order as those terms
10 are defined in Section 414(p) of the [United-States] Internal Revenue Code
11 of 1986, as amended[r]; and

12 (1) property in Utah of a Utah resident on which there is a judgment
13 in favor of another state for failure to pay that state's income tax on
14 benefits received from a pension or other retirement plan.

15 (2) Exemptions under this section do not limit items which may be
16 claimed as exempt under Section 78-23-8.

17 Section 2. Effective Date.

18 If approved by two-thirds of all the members elected to each house,
19 this act takes effect upon approval by the governor, or the day following
20 the constitutional time limit of Article VII, Sec. 8 without the
21 governor's signature, or in the case of a veto, the date of veto
22 override.

January 16, 1991

MANAGEMENT AND FISCAL ANALYSIS

S. B. 33

This bill will have no fiscal impact on the State.

TESTIMONY

(For SB-5000, SB-5001 and SB-5024)

Presented to the Governmental Operations Committee—Jan. 28, 1991

Honorable Chairman and Members of the Governmental Operations Committee:

My name is Jim Dawes, I live at 118 Palo Verde Loop, Sequim, Washington, and I offer this testimony on behalf of "RESIST of AMERICA". You have all been made aware of our problem, and know, who and what, a retired senior is; And that a number of them desperately need the protection given by SB-5000, SB-5001 or SB-5024, ^{THAT} you are about to decide, having or not having, made law.

California has taken the lead in being aggressive and unjust in the pursuit of income tax payments from former residents of their State. Their claim justifying this practice is, that your employer's contribution to your pension, was never taxed. Fair enough! Let's pay off the tax on the employer's contribution. No way, unless you withdraw the pension in a 'lump' sum. I paid income tax on my entire pension, as a resident of California, for 17 years; Yet I am expected to go on paying this tax for the rest of my life, and my wife will have to pay the rest of her life, on a reduced survivors annuity.

There are retirees residing in Washington since 1975, still paying income tax to California. One of these retirees wants to send his grand-daughter to a California College; guess what tuition she must pay, not the same as her fellow student, who is a resident of California.

Then the retirees who have lived here for years, without income enough to warrant the payment of taxes, yet they must continue to file the California tax forms each year. They must go through the expense of filing these forms. For What!??

There are two other category of retiree, that desperately need the protection the passage of these bills would bring. The retiree who has lived here for many years, never having been notified of this taxing practice, unexpectedly he is notified he is to pay a \$16000. tax liability on a \$27,000. annual income. Then the retiree, who has lived here since the middle '70s, has just found out she was supposed to have been paying income taxes to California, on her meager \$5000. pension. She is afraid California will bill her for all those years, and seize her life savings in a local bank, to satisfy the claim. She does not sleep to well and is reluctant to make the daily visit to the mail box. This added mental stress to older people is un-warranted. There are other examples, ~~so many~~ to many to mention here, of California's unfair actions in implementing their income taxing program. Suffice to say it is "TAXATION WITHOUT REPRESENTATION"!

In closing, this problem is in it's 'infancy' and Federal action is needed to correct it. We would like to have Washington back the words of their last year's Senate Joint Memorial with action. The message to the U.S. Congress, provided by making one of these bills into law, will be a step in that direction.

The U.S. Constitutionality of such Law has been determined with the passage of similar law in Nevada and Florida.

Let 'justice' and 'right' be your guide in determining the outcome of these bills. Let someone else challenge the 'legality'; but, certainly not Washington State.

Thank You,

James W. "Jim" Dawes

HOUSE RESOLUTION

REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO SUPPORT
LEGISLATION PROHIBITING STATES FROM IMPOSING INCOME TAX ON
PENSION INCOME OF NONRESIDENTS.

WHEREAS, Hawaii continues to have one of the highest costs
of living in the United States; and

WHEREAS, recent statistics show that it now costs 28.7 per
cent more for the typical urban family to live in Hawaii than on
the Mainland; and

WHEREAS, housing prices in Honolulu are the highest in the
country and Hawaii's expensive housing market continues to
deprive hundreds if not thousands of middle-class people of their
piece of the American dream; and

WHEREAS, many of the people who migrate to this State are
retired and live on limited and fixed incomes; and

WHEREAS, for many of these retirees, their pension income
and the income earned from savings and other investments are
barely enough to cover their expenses and offset inflation; and

WHEREAS, Hawaii law eases the tax burden on retirees by
exempting from state income taxation all pension income; and

WHEREAS, many people retire to Hawaii with the expectation
of being exempt from any state income tax on pension income and
have planned their finances accordingly; and

WHEREAS, California and fifteen other states have laws which
impose an income tax on pension income originating in those
states, even if the person who earns the income resides in
another state; and

WHEREAS, many people moving to Hawaii from the Mainland are
forced to pay nonresident income tax to the states they moved
from even though they no longer reside in or enjoy the benefits
and amenities of those states; and

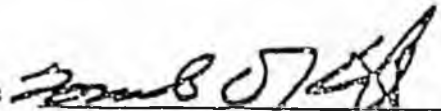
WHEREAS, the laws of these states have placed an unexpected
and oftentimes insurmountable financial burden on many of our
senior citizens who are living on fixed incomes; and

WHEREAS, these laws create an unfair and inequitable tax
burden on many retirees residing in Hawaii and in other states;
and

WHEREAS, S. 434 and H.R. 1227 of the 101st Congress, 1st
Session, would prohibit each state from imposing an income tax on
the pension income of any person who is not a resident of that
state; now, therefore,

BE IT RESOLVED by the House of Representatives of the
Fiftieth Legislature of the State of Hawaii, Regular Session of
1990, that this body urges the Hawaii congressional delegation to
support S. 434 and H.R. 1227 to prohibit states from imposing an
income tax on the pension income of nonresidents; and

BE IT FURTHER RESOLVED that certified copies of this
Resolution be transmitted to each member of the Hawaii
congressional delegation.

OFFERED BY: 

MAR 1 6 1990

Fighting off tax collector

Bill provides relief for state retirees

By Adele Ferguson
Sun Staff

OLYMPIA — Retirees being pursued by income tax collectors from other states are girding up for battle again to escape "source taxation."

Jim Dawes of Sequim is their general and he has House and Senate bills in his arsenal.

However, legislators are gently suggesting Washington state is the wrong battleground.

Congress is the place to go, said House Judiciary Chairman Marlin Appelwick, D-Seattle, who has the House bill in his committee.

Source taxation is a device employed by a dozen states, through which they collect taxes on the income of people who once worked within their environs. The taxes are collected even after those people have retired and moved away.

And those states tax all the income of the household, including that earned after the ex-resident crossed state lines. If a dun doesn't produce payment, the state or a collector agency goes after the non-payer's assets, including homes, cars, boats, bank accounts, etc.

The twin bills promoted by Dawes would exempt targeted Washington pensioners from such seizure.

The Senate bill, sponsored by Al Bauer, D-Vancouver, has a good chance of passage there. But it takes both houses, and a similar bill died in Appelwick's committee last year.

With California the most aggressive pursuer of departed pensioners, "the

risk is that we invite a retaliatory war," said Appelwick.

"In essence, this bill says you can't use our courtrooms to enforce California tax laws. We spend a lot of money for tax auditors, a good number of whom are auditing California corporations to collect our business and occupation taxes," he said.

Various states have invested a lot of energy and money putting together reciprocity agreements, Appelwick said. "And I would hate to see us jeopardize that by something hasty."

He's listened to some of the stories from pensioners who have been billed for thousands of dollars in back taxes, he said, "and I think we have every reason to be sympathetic. There is something wrong. But this isn't the proper way to deal with the problem. Maybe we ought to work with our congressional delegation on it."

A similar law has been successfully approved and defended in one state for 18 months — Nevada.

Rep. Evan Jones, D-Sequim, sponsor of the House bill this year and last, said he was aware that "Congress is the only surefire fix. But we need to do what we can as soon as we can. With computerization, these other states are going after more and more pensioners."

The state Department of Revenue has taken no stand on the issue, Jones said, with the notion that it has no effect on state revenues.

When he first began his quest for relief in 1989, Dawes said, he learned that 20 people within six miles of his home were paying \$22,030 a year.

"Multiply that by the thousands of retirees here, and there must be millions of dollars involved," he said.

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Serving Clallam and Jefferson counties — the North Olympic Peninsula

Sunday

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Bite on retirees is taxing

By TODD COHEN

Peninsula Daily News

SEQUIM — The California tax man finally tracked down Ray Simpson last month.

Thirteen years after Simpson retired from the Golden State to his new home in Sequim, Simpson opened his mailbox and found a notice that said he owed California income taxes on his teaching pension.

It's called "source income tax" and California is one of 11 states that claim a share of the pensions former residents receive — no matter where they now live.

The state asserts that retirees owe taxes on the portion of their retirement income that stems from work done in that state. The California tax for a typical Washington retiree with a \$20,000 annual income is \$140, a state Department of Revenue report said. In addition, the state uses a retiree's total income to place the retiree in a higher tax bracket, the report said.

"I can't go to California and vote. I can't go to California and get a resident fishing license. I am a foreigner for all sense and purposes except for paying taxes," said Simpson, a 70-year-old retired teacher.

The tax notice "felt like a good kick in the gut," he said.

Simpson isn't alone. Marian Matsunaga, a retired California office administrator, has been paying the source tax ever since retiring to Sequim in 1987.

"It's a burden to me. I don't get anything from there anymore," she said. "I would rather support Washington."

Another couple doesn't earn enough to pay taxes, but still must file forms with the state. One California retiree living in Sequim didn't want his name used for fear it would help California track him down and tax his military pension.

Using a computer network, California is regarded as the most aggressive of the states in locating retirees and using collection agencies and court liens to collect. It has even obtained court orders forcing the tax be deducted from military pension checks.

"I pay taxes in Washington," the Sequim man said. "I'm not trying to

avoid paying taxes. I'm trying to avoid being done in."

Such fears of an extra tax burden and anger over what many regard as "taxation without representation" has spurred many retirees across the nation to band together and fight. A 45-state strong national organization called RESIST, or Retirees to Eliminate State Income Source Tax, is leading the charge.

In Washington, the top general is a 76-year-old Sequim retiree named Jim Dawes. He formed the state chapter two years ago after hearing about the tax and has built a 500-member organization, managed mostly out of a room in his Sequim house. The tax man has yet to find him, but Dawes expects he will and he isn't waiting.

Dawes goes to battle at 1:30 p.m. tomorrow when a State Senate Governmental Operations committee holds a hearing in Olympia on three bills aimed at blocking source income tax collection in Washington. State Sen. Paul Conner, D-Sequim, is a sponsor of one bill.

A House bill authored by State Rep. Evan Jones, D-Sequim, will be the subject of a later hearing in the House Revenue committee. The bill died in another committee last session.

But Dawes, a postal carrier in California who moved to Sequim in 1987, is hopeful the Legislature will act this year. And he's better

organized, with volunteers busy writing letters to key legislators.

States cannot bar other states from collecting source income taxes. Only Congress has that power and so far no action has been considered, although 78 congressmen have expressed support, including the Peninsula's Rep. Al Swift, D-Bellingham.

However, states can pass laws barring other states from seizing resident's private property, like cars and houses, to satisfy the tax debt. The four bills in the Washington Legislature would do that, and are based on similar laws passed in 1989 and 1990 in Nevada and Florida.

The only other barrier is a state income tax, which allow residents to credit out-of-state taxes. Washington has no income tax and none is proposed.

Jones said several concerns helped kill his bill last year. One committee chairman was concerned about backlash in California, which helps Washington collect business and occupation taxes from California companies that do business in Washington. Other legislators felt it was a federal issue that Congress should solve, he said.

But with four bills now aimed at the problem, Jones said he was encouraged that the Legislature will act. Gov. Booth Gardner also has been quoted as supporting such a bill.

Peninsula Daily News

Serving Clallam and Jefferson counties — the North Olympic Peninsula

Monday

April 29, 1991

Sequim man wins pension-tax battle

By **TODD COHEN**
Peninsula Daily News

SEQUIM — A bill to bar other states from collecting income taxes on retirees' pensions in Washington is waiting for Gov. Booth Gardner's signature.

The governor has indicated his support and is expected to sign the bill, said the bill's author, state Rep. Evan Jones, D-Sequim. The governor has until May 15 to act.

The bill was championed by the 500-member RESIST of Washington (or Retirees to Eliminate State Income Source Tax) group led by Jim Dawes of Sequim.

The bill, (S)HB1105, would prevent another state from seizing property or accounts to satisfy a source income tax debt owed by former residents who now live in Washington. California and 11 other states tax pensions that stem from work done in their states.

Dawes, who lived in California before moving to Sequim in 1987, said he was "tremendously happy" the Legislature passed the bill, saying it would help protect residents who cannot afford to pay the tax.

"They can still harrass and send notices to intimidate to collect the bill."

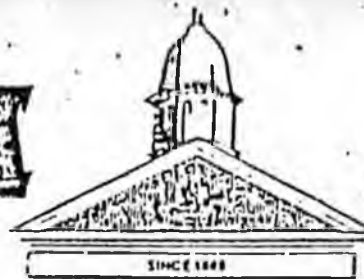
—Jim Dawes
RESIST leader

However, Dawes said federal legislation is need to outlaw the source tax entirely. Only Congress, can ban the source tax.

"(Other states) won't get the cooperation of (Washington) to collect. But they can still harrass and send notices to intimidate to collect the bill," Dawes said, adding that the taxes can still be deducted from pension checks that originate in those states.

Third District Rep. Jolene Unsoeld, D-Wash., has introduced a bill, HR15351, in Congress to ban the tax and hopes to have a hearing sometime this year. Second District Rep. Al Swift, who represents the Peninsula, and other members of the Washington delegation are co-sponsors. Other bills also have been introduced by Nevada's delegation.

NEVADA APPEAL



Carson City, Nevada, March 7, 1989

It's time to RESIST

By WILLIAM C. HOFFMAN

Legislation designed to end unfair taxation of pensions by California and other states, HR1227, has been reintroduced into the House Judiciary Committee by Rep. Barbara Vucanovich, and into the U.S. Senate Finance Committee, S434, by Sen. Harry Reid.

These two bills replaced last year's bills, HR5276 and S2R20, respectively.

There are 40 states with non-resident income tax laws. Twelve of these states now tax non-resident pensions.

When RESIST of Nevada was incorporated July 1988, just five states were taxing non-resident pensions.

If this increase continues, all 40 states with non-resident tax laws will join the bandwagon and get their greedy hands on this free income, which is derived at the expense of retired senior citizens.

Not one member of RESIST was informed of this impending tax on retirement income by either their company or state.

Instead, many members were shocked by a tax bill from the state of California which usually includes 55 percent in penalties along with 8 percent to 13 percent interest.

The states and companies were aware of these laws which were declared constitutional as long ago as 1919.

Nevertheless, senior citizens, many who retired in the early '60s, never knew of these taxes until they received notices from the taxing state.

Employees of companies in Nevada,

whose parent company or pension plan is in California or another state — BEWARE — you can expect to be taxed by California or the other state when you retire.

California has hired collection agencies that use "Gestapo tactics" to harass and threaten senior citizens for the collection of these unfair taxes.

To stop this, Assemblyman Ernie Adler (D-Carson City) introduced AB154 into the state Assembly.

This bill, when enacted into law, would exempt property in Nevada from execution for failure to pay income tax to other states or benefits received from pension or retirement funds.

The passage of AB154 would throw an important roadblock into California's plans.

Many senior citizens braved -20 degree F. weather to attend a hearing of this bill before the Assembly Judiciary Committee.

The committee room was overflowing with RESIST members.

The committee appeared sympathetic toward the bill. Some members wanted to strengthen it.

For those who think this law would treat California unfairly or upset relationships, remember that California does not honor Nevada gambling debts and that none of the Nevada citizens affected by these unfair taxes have any rights in California.

Adler, our exemplary public servant, has helped us from the beginning. He supports our cause, has attended every meeting of RESIST in Carson City, and along with Gov. Bob Miller and Nick Colona (a professional lobbyist), will be a guest speaker at

At the Capital

our meeting at the Carson Nugget Wednesday at 7 p.m.

The enactment into law of both the proposed federal legislation (HR1227 and S131) and the proposed Nevada legislation (AB154) would force states to stop practicing taxation without representation, an issue which this country was formed to stop and which former President Reagan called tyranny.

We urge every Nevadan to write their congressional representatives and Nevada legislators to pass both the federal and Nevada legislation to stop California and other states from this tyrannical taxation, help our senior citizens, and keep between \$200 million and \$2 billion in the Nevada economy.

William (Bill) C. Hoffman, a Carson City resident is president of RESIST (Retirees to Eliminate State Income Source Tax). This is one in a series of 41 the Capital guest columns written by state lawmakers and those involved in the Legislature and Nevada Issues.

We encourage LETTERS TO THE EDITOR. Those for publication must bear the writer's signature, printed name, address and phone number. The phone number and address are confidential and are only needed to verify the source of a letter.

Personal Finance

California surprise awaits pensioners who leave

By Deborah A. Mawhar
Reno Area Editor

Planning on spending your retirement years in a state — like Nevada — that doesn't tax personal income? Plan carefully, because you may be facing hefty taxes anyway, depending on your pension's source state.

California and more than 40 other states want a piece of your income pie, no matter which state you retire to.

And the slice is bigger than your pension. Since a law change in 1982, California bases its share of non-resident taxes on your total income, not just the income from a California-based pension.

"I just completed a rough estimate of my 1988 California taxes due," a Nevada resident wrote to RESIST of Nevada, a grass-roots tax resistance group. "If taxes were figured only on sources within California, I would owe \$1,500. But because California figures a percentage of total in-

come they now collect \$2,300. How can they ... use my total income to confiscate another \$800 from me? We must get this tax on pensions eliminated now!"

Retirees living in Nevada who are unfortunate enough to have a California-based pension have been caught between a fixed income and the California Franchise Tax Board. Bill Hoffman of Carson City, who has a California pension, decided to act.

"I discovered (this California tax law) and got angry. I think what really made me angry is when they looked at all my income" to establish a tax rate.

And so he founded the non-profit group RESIST — Retirees to Eliminate State Income Source Tax — of Nevada. Since February 1988, RESIST has been disseminating information in an effort to encourage legislation to change the situation.

Nevada Assemblyman Ernie Adler introduced Assembly Bill 154 in direct response to RESIST's efforts. Hearings on the

legislation were crowded with RESIST members testifying about their own taxation woes.

"California wasn't garnishing pensions," said Hoffman. "They were sending collection agencies into other states to seize property."

AB 154 prevents that. The bill was presented to Gov. Bob Miller in mid-April for his signature. He held a signing ceremony with RESIST members and Adler.

"I think, for certain seniors, (this legislation) does give them protection from California against debt collection," said Adler. "Although I'm not urging anyone not to pay their taxes, this bill will give some protection to those who've already chosen to not pay California taxes."

For a copy of AB 154, call the Legislative Hotline: (702) 885-5545 or (800) 992-0973, ext. 5545.

But RESIST leader Hoffman said there is more to be done. While Nevada's legislation takes

some immediate heat off affected retirees by preventing other states from seizing Nevada property in collecting for this type of tax, the real problem is that its legal for states to tax pension income in this way.

"It's unfair for anyone to suffer 'taxation without representation,' but that's exactly what happens when retirees pay income tax on pensions in a state where they no longer reside," said U.S. Sen. Richard Bryan of Nevada.

Rep. Barbara Vucanovich, R-District 2, has reintroduced legislation, HR 1227, which would prohibit such taxation. Rep. James Billbray, D-District 1, is cosponsoring the bill.

It states: "No state may impose an income tax (as defined in section 110(c)) on the pension income of any individual who is not a resident or domiciliary of such state."

Bryan and Sen. Harry Reid introduced companion legislation in the Senate, S. 434.

Hearings on the House and Senate measures have not yet been scheduled.

"We're hoping to get the word out across the country to get support," said Hoffman of RESIST. "We've got to bring what my wife calls 'the best kept secret in America' out in the open so people know what's going on."

Fiscally, this federal legislation could put a big hole in some big states' income tax pockets — states, like California, that have large congressional delegations, and lots of votes. Yet two of HR 1227's cosponsors are from Southern California. Reps. Robert K. Dornan (R-Garden Grove) and Jerry Lewis (R-Redlands).

"This bill affects retirees living in many places," said Vucanovich. "I am depending upon grass roots support from retirees across the country, caught in this unfair situation, to persuade their senators and congressmen to support my bill."