

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672
7483 SENATE JUDICIARY

2. **Highway Maintenance:** The League supports funding and implementation of a scheduled maintenance program for the state highway and road system.

3. **Transportation Fund:** The League supports a constitutional amendment that would establish a transportation fund for the maintenance and operation of municipal and state-owned transportation facilities, including roads, airports, and harbors and the Alaska Marine Highway System. The League supports the dedication to this fund of revenue from state taxes on fuel used for the propulsion of motor vehicles, aircraft, and watercraft state licenses, fees for the registration, operation, and use of motor vehicles, aircraft, and watercraft, and fees for the use of state transportation facilities. Revenues raised shall be allocated back to the mode of transportation from which they were raised.

4. **Trail Marking:** The League urges that a program of uniform permanent trail marking and annual winter trail staking be established and funded by the state.

The state has had an inconsistent policy regarding the funding of trail staking. This is important to citizens of rural and remote areas, who rely on trail markers for basic transportation navigation.

5. **Railroad Duties and Responsibilities:** The League supports legislation that would clarify the duties and responsibilities of the Alaska Railroad in relationship to the communities it serves and authorize and direct the Alaska Railroad to use its assets, real property, personal property, and management to facilitate growth in conjunction with those communities.

If the Alaska Railroad were to be purchased and privatized, in accordance with the directives of the statute authorizing its purchase, there would be no state agency with the authority to oversee its operations and protect railbelt communities. Thus a need is seen for a legal document stating the rights of citizens in the railbelt area and the responsibilities of the railroad. At the present time, the operation of the railroad is limited to caretaker status, and economic initiatives and opportunities to strengthen both the railroad and the railbelt communities are being ignored.

6. **Mass Transit:** The League supports funding and development of cost-effective mass transit systems.

7. **Airport Construction Assistance:** The League supports an equitable approach to state construction assistance for all public airports and the concept of continued expansion and upgrading of airports, airport facilities, and air navigational aids in Alaska. The State of Alaska should actively seek funding from the Federal Aviation Trust Fund as a source for these projects.

Because of the geographic diversity of the Alaska, almost all areas of the state need public airport facilities. These facilities require direct state funding on a long-term continuing basis, just as highways and other public transportation systems do.



To	Sen. Halford	From	H. Springs
Co.		Co.	A.G.C.
Dept.		Phone #	
Fax #	465-3805	Fax #	

ASSOCIATED GENERAL CONTRACTORS of ALASKA

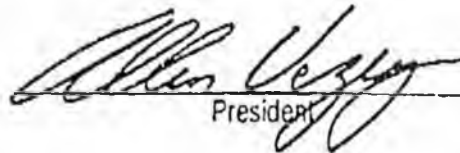
4041 B STREET • ANCHORAGE, ALASKA 99513
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A RESOLUTION OF THE ASSOCIATED GENERAL CONTRACTORS OF ALASKA REQUESTING THE ALASKA STATE LEGISLATURE TO PASS A RESOLUTION TO PUT THE 1992 GENERAL ELECTION BALLOT A CONSTITUTIONAL AMENDMENT TO DEDICATE TRANSPORTATION USER FEES TO TRANSPORTATION SERVICES

- WHEREAS, fluctuating oil prices create instability in budgets which are dependent on oil revenues, and
- WHEREAS, stability is needed for a proper management of capital assets and for industry to be prepared to manage those assets, and
- WHEREAS, oil production from Prudhoe Bay is expected to decrease, and as a result, the State's oil revenues will also decrease, and
- WHEREAS, the State's transportation systems are so important to Alaska's economic vitality to be subject to this downturn in revenues, and
- WHEREAS, the costs of maintenance and repair brought on by use of the transportation system should be paid by users of the system, and
- WHEREAS, user fees are the most equitable and fair, and therefore the most reasonable source of funding for expenses related to the Alaska transportation system, and
- WHEREAS, dedicated user fees are needed to ensure that these fees go to transportation services and create the connection which will allow adjustments to the levels of revenues being collected, based on needs, and
- WHEREAS, the dedicating of user fees in the State of Alaska requires that voters approve an amendment to the Constitution,

NOW, THEREFORE, BE IT RESOLVED by the Associated General Contractors of Alaska that it requests the Legislature to pass a resolution to put on the 1992 general election ballot a Constitutional Amendment to dedicate transportation user fees to transportation services.

PASSED AND ADOPTED BY AGC OF ALASKA ON THIS 10TH DAY OF FEBRUARY, 1992.



President

EDITORIAL

OPINION & COMMENT

Other opinions expressed on this page do not necessarily reflect those of the Daily News-Miner

Dedicate taxes to transportation fund

When the Hickel administration asked Alaskans if we would be willing to pay more taxes on the fuel we burn in our cars, boats and airplanes, many residents answered with a qualified yes. Yes—if we are guaranteed the money will be used to do a better job maintaining and improving our highways, harbors and airports.

During this legislative session, the Hickel administration wants to take advantage of that sentiment by getting lawmakers to put a constitutional amendment on the ballot, creating a dedicated transportation fund.

In general, Alaska's Constitution bans dedicated taxes, but that wasn't always the case. When voters ratified the Constitution in 1959, it contained an exemption to continue a dedicated transportation fund started in territorial days. In 1961, however, the Legislature eliminated the dedicated fund. Today, Alaska is the only state that doesn't dedicate revenue to transportation.

That could change under House Joint Resolution 19 and Senate Joint Resolution 23. These measures would put the question of creating a dedicated fund on the ballot during this fall's general election. If approved by voters, revenue from motor vehicle, aircraft and boat registrations and license fees, plus state taxes on fuel would go into the fund. The money would then be available to the Legislature "only for the maintenance and operation of facilities related to transportation."

Once the dedicated fund is set up, the Hlickel administration plans to seek increases in fuel taxes. According to State Transportation Commissioner Frank Turpin, Alaskans now pay the lowest state gasoline tax in the nation—8 cents per gallon. The tax rate hasn't increased since 1961. Increasing the tax to the national average of 18 cents per gallon would raise enough money to fully fund road maintenance revenue-sharing with municipalities at \$3,000 per mile, adequately maintain all state highways, and have \$5 million left over per year for road improvements.

Raising the tax on aviation gas from 1 cent per gallon to 5 cents and on jet fuel from 2½ cents to 5 cents would raise enough annual revenue to pay for all the maintenance on the state's rural airports, Commissioner Turpin estimates.

Although it's early to decide whether tax increases are needed, and if so how much, dedicating such taxes to transportation maintenance makes plenty of sense.

Our state is heavily dependent on our transportation network. We all know what happens when we don't maintain our highways adequately. They fall into worse and worse condition, and the bill to fix them gets bigger and bigger. According to one study, deferred capital improvements cost up to 160 percent more than timely improvements. In the meantime, we beat up our cars and compromise our safety by driving on roads that don't have proper maintenance.

Looking at Alaska's revenue stream down the road, we're going to be receiving less money from the oil industry as Prudhoe Bay production declines during the 1990s. That will translate into increasing pressure to do more with less. Creating a dedicated transportation fund will pull road, airport and harbor maintenance out of that loop, and ensure we have the funds we need to maintain top-notch transportation facilities.

Alaskans should urge legislators to place the constitutional amendment on the ballot this fall. It's time to let voters have their say.

BILL I. ALLEN *Publisher*
WILLIAM J. TOBIN *Assistant Publisher*
GENE R. AREHART *General Manager*

J. RANDOLPH MURRAY *Editor*
PAUL JENKINS *Managing Editor*
DENNIS PRADLEY *Editor, Editorial Pages*

ROBERT B. ATWOOD *Publisher Emeritus*

REASONABLE FEE

Pay as you go

FEDERAL HIGHWAY funds to Alaska totalling nearly \$1.4 billion over the next five years may seem like a wonderful Christmas present for the state, but along with the money for new highway construction will come yet additional obligations to maintain the state's transportation system.

That's a serious concern for Transportation Commissioner Frank Turpin, who has identified seven new highway projects for Alaska that he intends to see built with additional federal money. The new roads will add to the maintenance obligation — an obligation that the state has been failing to meet for a number of years now.

Maintenance of ports and harbors, the state ferry system, airports, roads, and buildings takes a hefty chunk of the department's annual budget. Unfortunately, much of each year's maintenance requirements is deferred because of inadequate funds.

MR. TURPIN, with the blessing of Gov. Walter Hickel, hopes to change this by convincing the Legislature and the voting public that Alaska should reinstate the earmarking of motor fuel taxes for the upkeep of the transportation system.

Alaska used to have such a provision in law, but it was repealed by the Legislature soon after statehood. It should be reinstated.

A resolution is pending in both the House and Senate to amend the state constitution to exempt transportation fees from the constitutional prohibition on dedicating revenues. If the Legislature approves the measure, it would be placed on next year's general election ballot for ratification by the public.

The action would be similar to that 16 years ago when Alaskans authorized the establishment of the Permanent Fund savings account.

Under the pending proposal, state tax revenue from gasoline taxes, registration fees, ferry tickets, and the like would be earmarked for the direct costs associated with the improvement, maintenance and operation of the transportation system from which the revenues were generated.

A MAJORITY OF Alaskans, we believe, would not mind paying a few pennies more for gasoline or transportation tickets if they knew their contribution would be used to upgrade the roads on which they drive or the ferry on which they ride.

User fees are an equitable and appropriate means of generating a stable revenue for Alaska's transportation needs. They would permit the transportation department to plan for long-term projects as well as address immediate maintenance needs of the existing transportation system.

We encourage the Anchorage delegation to the Legislature to get behind the proposal and provide Alaska voters the opportunity to make the ultimate decision in the next election.

T. Hayes
12/23/91

TESTIFIER

NAME/REPRESENTING	ADDRESS	PHONE	BILL NO.
1. EDDIE BURKE		277-7424	SJR20
	3416 COLLATE 99501		SJR23
2. GORDON(SMOKEY) CORBEIL		338-3931	SJR20
	3307 BONIFACE SP50 99504		
3. ART JACOBS			SJR20
			SJR23
4. BOB BELL/AFLR			SJR20
5. BONNIE JACK			SJR20
6. R.C. GARDNA			SJR20
7. ROY KREIG			SJR20
8.			
9.			

SPONSOR: (S) JUDICIARY
SUBJECT: SB109/254, SJR23/20
MODERATOR: ROSETTA
SITE: ANCHORAGE

PARTICIPANT LIST

TESTIFIER

NAME/REPRESENTING	ADDRESS	PHONE	BILL NO.
1. EDDIE BURKE	3416 COLLATE 99501	277-7424	SJR20 SJR23
2. GORDON(SMOKEY) CORBEIL	3307 BONIFACE SP50 99504	338-3931	SJR20
3. ART JACOBS			SJR20 SJR23
4. BOB BELL/AFLR			SJR20
5. BONNIE JACK			SJR20
6.			
7.			
8.			
9.			

*
* DELIVER TO: LIOCJIM *
*
* ORIGINAL *
* SENT: 02/13/92 TIME: 13:26 *
* FROM: LTCCHOM *
* SUBJECT: 92-02-045; PL; S. JUD; 2-13-92 *
* PRINT DATE: 02/13/92 TIME: 13:27 *
*

SUBJECT LINE TO READ: TC NO.; PL NO. OR FS; SHORT SUBJECT; DATE

JNU MOD: JIMMY

T/C NO: 92-02-045
DATE: FEBRUARY 13, 1992
SPONSOR: SENATE JUDICIARY
SUBJECT: SB 109, SB 254, SJR 23, SJR 20
MODERATOR: CHARLENE
SITE: HOMER LTC

PARTICIPANT LIST

TESTIFER

NAME REPRESENTING	ADDRESS	PHONE	BILL NO.
DUANE CHRISTENSEN	308 4323, HOMER 99603	235-5915	JUNE

SJR

26

FISCAL NOTE

Bill Version: SJR 26
 (S) Publish Date: 4/3/91

STATE OF ALASKA
 1991 LEGISLATIVE SESSION

Revision Date: March 27, 1991
 Title: Alaska Debt Retirement Fund

Department Affected: Revenue
 BRU: Revenue Operations
 Component: Treasury Management

Sponsor: Rules request of Governor
 Requestor: Office of the Governor

Component Serial No.

	1	2	1
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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						
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REVENUE	(63,240)	(132,350)	(207,130)	(263,040)	(306,740)	(389,330)
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FUNDING: (Thousands of Dollars)

GENERAL FUND	(63,240)	(132,350)	(207,130)	(263,040)	(306,740)	(389,330)
FEDERAL FUNDS						
OTHER						
TOTAL	(63,240)	(132,350)	(207,130)	(263,040)	(306,740)	(389,330)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: Treasurys' operations would not experience a fiscal impact. If bill passes and the constitutional amendment is not adopted there would not be a revenue impact. If the constitutional amendment is adopted general fund revenues will be reduced by the above numbers. This assumes interest earnings on unspent residual amounts. See attached spread sheet analysis for details.

Prepared by: Brian C. Andrews Phone: 465 - 2350
 Division: Treasury Date: _____
 Approved by Commissioner: [Signature]
 Agency: _____
 Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska Debt Retirement Fund
(millions)

Dedicated Revenue	State GO Debt	School Debt	Net	Investment Return	Total Revenue Impact
242.86	68.20	116.10	58.56	4.68	63.24
283.56	59.70	106.00	117.86	14.49	132.35
304.60	33.90	93.40	177.30	29.83	207.13
321.12	23.10	84.30	213.72	49.32	263.04
327.30	21.50	71.10	234.70	72.04	306.74
353.85	16.70	48.70	288.45	100.88	389.33

1/ Gross Revenue from DOR Spring '91 revenue forecast scenario B

2/ State GO & School debt from DOR's Ak Public Debt March '90

3/ Inv't return assumed at 8%

277

(13)	(14)	(15)	(16)	(17)	(18)	(19)
TOTAL REVS W/PERM FND DEDICATION	PUB SCH FUND	NPR-A FUND	OTHER FUNDS	PERM FUND DEDICATION	BUDGET RESERVE FUND	NET GEN FUND UNRESTRICTED REVENUES
4110.80	7.50	0.00	74.30	385.10	0.00	3718.20
4516.90	8.00	0.00	0.00	400.50	0.00	4108.40
4061.00	9.40	0.00	0.00	421.00	0.00	3631.00
3765.30	9.00	0.00	0.00	366.20	0.00	3390.10
3640.50	7.10	5.40	0.00	368.00	0.00	3260.00
3446.40	6.50	41.00	0.00	323.40	0.00	3075.50
1983.20	3.30	9.90	0.00	170.60	0.00	1799.40
2747.10	6.60	1.00	15.80	417.90	0.00	2305.80
2419.70	4.30	0.80	0.00	228.40	0.00	2186.20
2780.06	5.13	0.60	0.00	267.10	0.00	2507.23
3532.97	6.55	0.60	0.00	414.97	284.85	2626.00
2375.84	4.65	0.60	3.00	242.86	0.00	2124.73
2709.21	5.44	0.50	7.00	283.56	0.00	2412.71
2827.36	5.84	0.50	7.00	304.60	0.00	2509.42
2943.28	6.16	0.30	7.00	321.12	0.00	2608.70
2961.47	6.28	0.10	7.00	327.30	0.00	2620.79
3113.95	6.79	0.00	7.00	353.85	0.00	2746.31
3035.90	6.69	0.00	10.00	348.67	0.00	2670.54
2827.79	6.31	0.00	10.00	328.76	0.00	2482.73
2624.88	5.91	0.00	10.00	307.92	0.00	2301.05
2461.49	5.56	0.00	10.00	289.71	0.00	2156.22
2348.23	5.35	0.00	10.00	278.72	0.00	2054.17
2239.17	5.13	0.00	0.00	267.34	0.00	1966.70
2175.43	5.00	0.00	0.00	260.39	0.00	1910.05
2090.83	4.85	0.00	0.00	252.52	0.00	1833.46
1960.78	4.58	0.00	0.00	238.76	0.00	1717.44
1820.89	4.31	0.00	0.00	224.47	0.00	1592.11
1728.61	4.15	0.00	0.00	216.21	0.00	1508.25
1630.89	3.94	0.00	0.00	205.47	0.00	1421.48
1531.81	3.72	0.00	0.00	193.76	0.00	1334.34

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TABLE 3.2

State of Alaska
Debt Service on State-Supported Debt
(\$ Millions)

Fiscal Year	(1) State GO	(2) UA	(3) ASHA	(4) Lease-Purchase Obligations (Lease)	(5) School Debt (Muni)	Total Debt Service
79	\$60.0	\$1.7	\$10.1	\$0	\$22.3	\$94.1
80	75.1	1.8	10.1	0	24.1	111.1
81	97.6	2.2	10.0	0	38.4	148.2
82	97.5	2.3	10.0	0	38.3	148.1
83	143.6	2.3	9.9	0	36.2	192.0
84	166.3	2.0	9.9	0	90.6	268.0
85	169.5	2.0	9.9	.8	93.2	275.4
86	163.2	1.8	9.9	.5	106.3	281.7
87	154.9	1.8	6.5	4.7	115.8	283.7
88	147.9	1.5	6.5	.7	109.5	266.1
89	135.5	2.2	6.5	5.2	109.5	258.8
90	120.3	2.2	6.5	5.5	107.8	242.3
91	95.5	2.2	6.5	5.5	120.2	229.9
92	68.2	2.1	6.5	5.5	116.1	198.4
93	59.7	2.1	5.9	5.5	106.0	179.2
94	33.9	1.9	3.1	5.5	93.4	137.8
95	23.1	2.0	1.5	5.5	84.3	116.4
96	21.5	1.9	0	5.5	71.1	100.0
97	16.7	1.9	0	5.5	48.7	72.8
98	14.4	1.9	0	5.5	45.7	67.5
99	9.0	1.9	0	5.5	43.2	59.6
00	2.6	1.9	0	4.7	34.8	44.0
01	0	1.8	0	4.7	21.2	27.7
02	0	1.2	0	4.7	9.1	15.0
03	0	1.0	0	4.7	5.4	11.1
04	0	1.1	0	4.7	5.4	11.2
05	\$0	\$1.0	\$0	\$4.7	\$5.3	\$11.0

(1) State of Alaska general obligation bonds

(2) University of Alaska bonds

(3) Alaska State Housing Authority lease revenue bonds

(4) Debt issued to finance Seward Student Service Center, Spring Creek Correctional Center, and Palmer Court-house

(5) State reimbursement of municipal general obligation debt issued to finance school construction for debt issued through December 31, 1989

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill Version: SJR 26
(S) Publish Date: 4/3/91

Revision Date: _____ Department Affected: Administration
 Title: An amendment to Article IX of the BRU: Central Services
 State Constitution creating a Debt Retirement Fund. Component: Finance
 Sponsor: Governor Hickel
 Requestor: Governor Hickel COMPONENT SERIAL NO. 59 _____

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	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)
 This Act will not have a fiscal impact on the Division of Finance or the Department of Administration. Accounting procedures are in place to establish the Debt Retirement Fund and deposit revenue to the fund.

Prepared By: Weldon L. Blackwell *WLB 3/21/91* Phone: 465-2240
 Division: Finance Date: 03/27/91
 Approved by Commissioner: Millett Keller *Millett Keller*
 Agency: Administration Date: 03/27/91

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

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SJR 26

Revision Date: 4/8/91 Department Affected: Office of the Governor/Elections
 Title: Amend. to the Const./Create a BRU: Division of Elections
Debt Retirement Fund Component: II - Primary and General Elections
 Sponsor: Senate Rules
 Requestor: Judiciary 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						
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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: 4/8/91
 Approved by Commissioner: *Charles E. Thielacker*
 Agency: Division of Elections Date: 4/8/91

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

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill Version: SJR 26
(S) Publish Date: 4/3/91

Revision Date: _____ Department Affected: Education
Title: Proposing Amendments to the BRU: School Construction Debt Retirement
Constitution of the State of Alaska Component: School Construction Debt Retirement
Sponsor: Rules
Requestor: Governor 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						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
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.)

Prepared By: Mary Hakala Phone: 465-2800
Division: Commissioner's Office Date: 3/27/91
Approved by Commissioner: Steve Hole, Acting Commissioner
Agency: Education Date: 3/27/91

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

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 3, 1991

The Honorable Richard I. Eliason
President of the Senate
P.O. Box V
Juneau, AK 99811

Dear President Eliason:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a joint resolution proposing an amendment to art. IX of the Alaska Constitution. If adopted by you and the voters of the state, this amendment will establish the Alaska debt retirement fund in the Alaska Constitution and will dedicate certain resource revenue to the fund. This joint resolution is one of three legislative measures that make up my Alaska debt retirement fund proposal; the others, which accompany this resolution, are a bill statutorily establishing the fund and an appropriation bill.

The objectives of the Alaska debt retirement fund are discussed in detail in the transmittal letter accompanying the bill mentioned above. Briefly, the fund has two purposes: first, to set aside part of this year's surplus revenue to pay the state's future general obligation debt service and municipal school debt reimbursement; and second, to establish a long-term source of revenue to pay for debt service and to finance capital projects that will broaden Alaska's economic base.

This proposed constitutional amendment would dedicate a percentage of Alaska's mineral lease rentals, royalties, royalty sale proceeds, and other resource revenue to the Alaska debt retirement fund. This stream of revenue equals the current annual deposits to the Alaska permanent fund.

It is essential that the state broaden its economic base to reduce its dependence on petroleum revenue. This constitutional amendment would provide the means to finance responsible expansion of the state's infrastructure, enhancing the viability and competitiveness of Alaska's industries, and providing additional revenue to the state.

I urge your support for this joint resolution.

Sincerely,

A handwritten signature in black ink that reads "Walter J. Hickel".

Walter J. Hickel
Governor

Section 7. This section would replace the provisions of Section 2 to reflect approval by the voters of the constitutional amendment establishing the Debt Retirement Fund. The section references the constitutional amendment and provides that money dedicated to the Fund shall be deposited into the fund when at least \$5 million has accumulated, and at least once each month.

Section 8. Makes sections 1-6 of the bill effective immediately.

Section 9. Makes section 7 effective when the constitutional amendment establishing the Debt Retirement Fund is approved by the voters.

SB 236

Section 1. Appropriates all surplus revenue at the end of fiscal year 1991 from the general fund to the Alaska Debt Retirement Fund.

Section 2. Provides that the appropriation made by this bill does not lapse.

Section 4. Repeals a 1990 appropriation of the FY 91 general fund surplus to the statutory budget reserve fund.

Section 4. Makes the act effective on the effective date of an act establishing the Debt Retirement Fund.

SJR 26

Section 1. Amends the Alaska Constitution to establish the Alaska Debt Retirement Fund and dedicate revenues to the Fund. The revenues which would be dedicated to the Debt Retirement Fund match those now going to the Alaska Permanent Fund. This section also provides that appropriations from the fund may be made only for (1) payment of debt service on the state's general obligation debt; (2) reimbursement of municipalities for debt service on municipal general obligations, if the reimbursement is authorized by law; and (3) if funds remain after (1) and (2), financing the design and construction of capital projects.

Section 2. Amends Article IX, sec. 7 of the Alaska Constitution to exclude the Alaska Debt Retirement Fund from the prohibition on dedicated funds.

Section 3. Provides that the amendments proposed by the resolution shall be placed on the next general election ballot.

BRIEFING PACKET ADDENDUM
SENATE JUDICIARY COMMITTEE

ALASKA DEBT RETIREMENT FUND

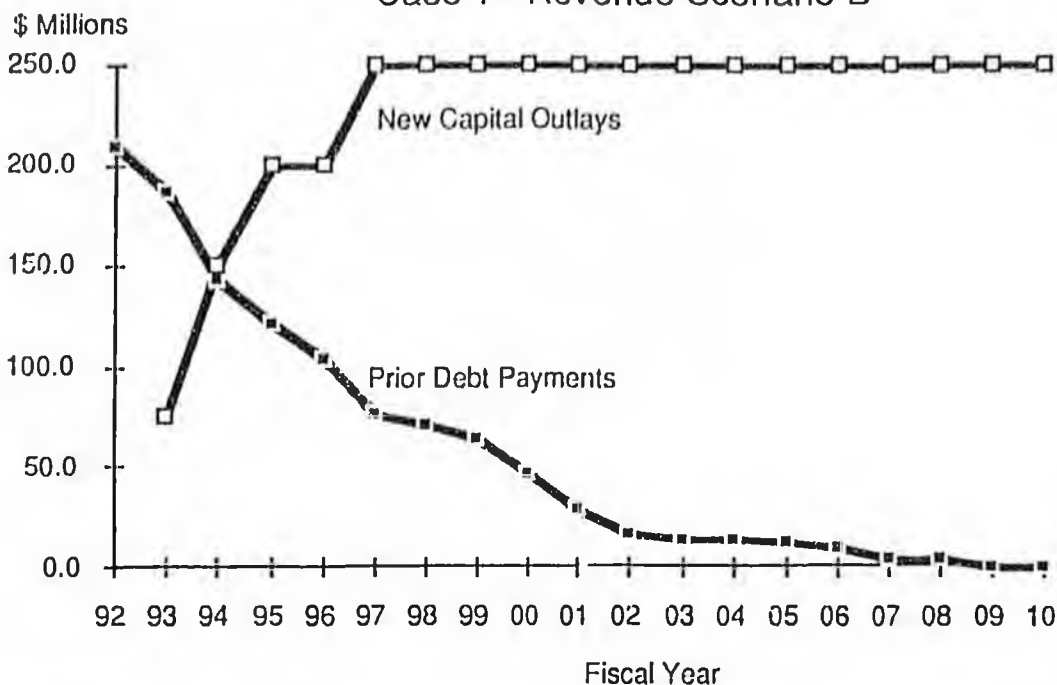
Fiscal Projections
FY 1992 — FY 2010

April 30, 1991

Office of Management and Budget
Office of the Governor
State of Alaska

Alaska Debt Retirement Fund Prior Debt Payments and New Capital Outlays

Case 1 - Revenue Scenario B

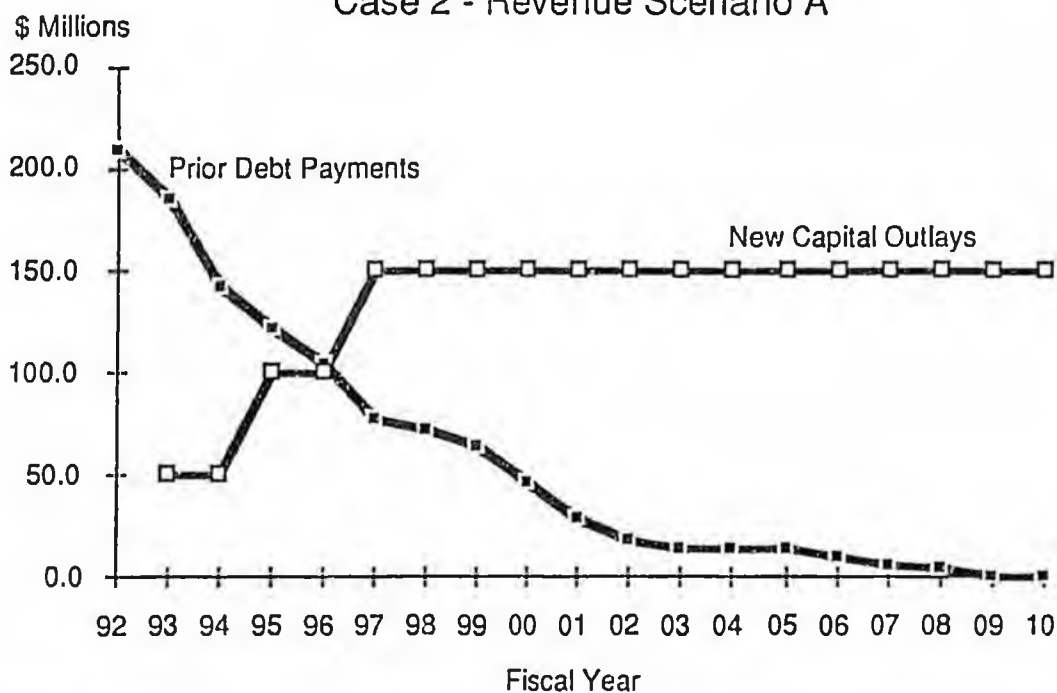


Office of Management and Budget

4/30/91

Alaska Debt Retirement Fund Prior Debt Payments and New Capital Outlays

Case 2 - Revenue Scenario A



Office of Management and Budget

4/30/91

Alaska Debt Retirement Fund

4/30/91

Case #1

Revenue Scenario B

Assumptions

Revenue Forecast: Spring 1991, Scenario E
 FY 91 Deposit (Projected): \$314 million
 Earnings Rate (Avg. Balance) 6.0%

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
Fiscal Year	Beginning Balance	Prior Year Budget Surplus	Dedicated Resource Revenue	Prior Debt Service Payments	Capital Project and New Debt Service Outlays	Ending Earnings Base	Annual Earnings	Ending Balance
92	314.0	314.0		209.2		104.8	16.8	121.6
93	121.6		141.8	185.6	75.0	2.8	5.0	7.7
94	7.7		304.6	142.6	150.0	19.7	1.1	20.8
95	20.8		321.1	121.4	200.0	20.5	1.7	22.2
96	22.2		327.3	103.9	200.0	45.6	2.7	48.3
97	48.3		353.9	76.9	250.0	75.3	4.9	80.2
98	80.2		348.7	71.5	250.0	107.4	7.5	114.9
99	114.9		328.8	63.7	250.0	130.0	9.6	139.8
00	139.8		307.9	46.6	250.0	151.1	11.6	162.8
01	162.8		289.7	28.7	250.0	173.8	13.5	187.2
02	187.2		278.7	17.4	250.0	198.5	15.4	214.0
03	214.0		267.3	13.5	250.0	217.8	17.3	235.0
04	235.0		260.4	13.5	250.0	231.9	18.7	250.6
05	250.6		252.5	13.3	250.0	239.8	19.6	259.4
06	259.4		238.8	10.4	250.0	237.8	19.9	257.7
07	257.7		224.5	5.2	250.0	227.0	19.4	246.4
08	246.4		216.2	4.1	250.0	208.5	18.2	226.7
09	226.7		205.5	0.3	250.0	181.9	16.3	198.3
10	198.3		193.8	0.3	250.0	141.8	13.6	155.4
Total:			4,861.5	1,128.1	4,125.0			

Note D - Equivalent to dedications to the Permanent Fund (Spring 1991 Revenue Forecast). FY 93 dedication is 50% (6 months).

Note E - Includes G.O. debt, school debt, lease purchases, and ASHA debt payments.

Note H - Earnings are on the Fund's average balance (Beginning Balance plus Ending Earnings Base, divided by two).

Office of the Governor, Office of Management and Budget

Alaska Debt Retirement Fund

4/30/91

Case #2

Revenue Scenario A

Assumptions

Revenue Forecast: Spring 1991, Scenario A
 FY 91 Deposit (Projected): \$314 million
 Earnings Rate (Avg. Balance) 8.0%

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
Fiscal Year	Beginning Balance	Prior Year Budget Surplus	Dedicated Resource Revenue	Prior Debt Service Payments	Capital Project and New Debt Service Outlays	Ending Earnings Base	Annual Earnings	Ending Balance
92	351.0	314.0		209.2		141.8	19.7	161.5
93	161.5		96.0	185.6	50.0	21.9	7.3	29.2
94	29.2		210.7	142.6	50.0	47.3	3.1	50.4
95	50.4		222.3	121.4	100.0	51.3	4.1	55.3
96	55.3		225.6	103.9	100.0	77.0	5.3	82.3
97	82.3		221.5	76.9	150.0	76.9	6.4	83.3
98	83.3		216.0	71.5	150.0	77.8	6.4	84.2
99	84.2		199.8	63.7	150.0	70.3	6.2	76.5
00	76.5		184.3	46.6	150.0	64.2	5.6	69.8
01	69.8		203.7	28.7	150.0	94.8	6.6	101.4
02	101.4		192.6	17.4	150.0	126.6	9.1	135.7
03	135.7		183.0	13.5	150.0	155.2	11.6	166.9
04	166.9		177.9	13.5	150.0	181.3	13.9	195.2
05	195.2		170.6	13.3	150.0	202.5	15.9	218.4
06	218.4		160.0	10.4	150.0	218.0	17.5	235.5
07	235.5		125.0	5.2	150.0	205.3	17.6	222.3
08	222.9		117.6	4.1	150.0	186.4	16.4	202.8
09	202.8		109.0	0.3	150.0	161.5	14.6	176.1
10	176.1		99.5	0.3	150.0	125.3	12.1	137.3
Total:			3,115.1	1,128.1	2,400.0			

Note D - Equivalent to dedications to the Permanent Fund (Spring 1991 Revenue Forecast). FY 93 dedication is 50% (6 months).

Note E - Includes G.O. debt, school debt, lease purchases, and ASHA debt payments.

Note H - Earnings are on the Fund's average balance (Beginning Balance plus Ending Earnings Base, divided by two).

SJR

31

Alaska State Legislature

During Session
P.O. Box V
Juneau, Alaska 99811
(907) 465-2828



During Interim
3111 C Street, Suite 510
Anchorage, Alaska 99503
(907) 561-2040

Senator Virginia Collins

SJR 31

SPONSOR STATEMENT

SJR 31 provides a means to bring all branches of state government under one Commission on Public Standards, COPS, with a uniform set of standards of conduct for public officials with enforcement powers. Currently, Alaska Statutes provide for three separate and distinct methods of monitoring a public official's conduct.

SJR 31 allows the voters of Alaska a chance to decide the kind of ethics and campaign oversight the State of Alaska should pursue. In 1989 I introduced legislation very similar in concept.

A common feature of the public interest model bills is an independent commission with authority to enforce violations of a standards of conduct code as well as campaign financing statutes. Only a constitutional amendment can accomplish the ultimate goal of independence.

Article II, Section 12, Rules, of Alaska's constitution states in part that each house of the Legislature determine the fitness of its members to serve:

"...Each is the judge of the election and qualifications of its members and may expel a member with the concurrence of two-thirds of its members...."

Clearly, the only way an ethics commission can enforce its recommendations against sitting legislators is to change the constitution. The time has come to standardize, monitor, and administer a uniform code of conduct for all public officials. An autonomous commission free from political as well as budgetary pressure is much preferable to our current system of oversight.



SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

Handwritten initials

DATE: 2/19/92

FURTHER: Judiciary

Date of 5-Day Notice: 20 Feb 92
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 20 Feb 92

HES Committee considered SB 441

Exempting the University of Alaska from the administrative adjudication provisions of the Administrative Procedure Act; efd.

and recommends:

replace with _____ CS _____ ()

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

same title
 new title
 technical title change (HB only)

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

Governor's bill with fiscal notes:

zero fiscal notes UofA 219-92

fiscal notes _____

DO PASS:

OTHER RECOMMENDATIONS:

Handwritten signatures and notes

Arthur Stupulski Do Pass

Chair: Signature and Recommendation



Alaska Commission on Judicial Conduct

310 "K" Street, Suite 301, Anchorage, Alaska 99501
(907) 272-1033 In Alaska 800-478-1033 FAX (907) 272-9309


Marla N. Greenstein
Executive Director

March 13, 1992

MEMORANDUM

TO: Senator Halford
Chair, Senate Judiciary Committee

INFO: Senator Collins

FROM: Marla N. Greenstein 
Executive Director

RE: SJR No. 31

In an effort to create a state ethics commission that would extend to legislative and executive officials, this proposed Senate Joint Resolution seeks to accomplish this goal by also abolishing the existing constitutional commission that regulates the ethical conduct of state court judges. While the fundamental idea of a single state commission governing the ethical conduct of officials of all branches of government, may on its surface appear reasonable, there are historical reasons and fundamental legal concepts that do not support this approach.

The Commission on Judicial Conduct was established by constitutional amendment (as the Judicial Qualifications Commission) in Alaska, at a time when these commissions were being established across the country. Today, all fifty states and the District of Columbia, have a government commission devoted to addressing the ethical conduct of judges. In fifty of those fifty-one jurisdictions, the agency is devoted solely to the ethical conduct of judges. These include states that have established legislative and executive ethics commissions. The one state that does not concern itself exclusively with judges is Ohio, where attorneys are

Page Two
Memorandum
RE: SJR No. 31
March 13, 1992

included under the same commission, though governed by different legal provisions. The rationale for the single commission in Ohio is that both judges and attorneys serve under the authority of the Ohio Supreme Court, and, therefore, can be administered under a single court related agency. Once, again, even this close connection is a minority position.

The reasons behind a unique state commission charged with disciplining judges are many. First, the original commissions had their authority challenged by the judges they sought to discipline. They challenged the process by claiming that to preserve judicial independence, the only sanction could be legislative impeachment for criminal conduct. These arguments failed as various state supreme courts reasoned that as long as the judicial conduct commissions were judicial branch agencies and were directly and uniquely related to the courts inherent powers to supervise its own, there was no violation of the separation of powers and no infringement on the independence of the judiciary. In fact, several cases refer to judicial conduct commissions as an "arm of the court" and emphasize that it is an agency of the judicial branch.

Second, judicial conduct commissions are charged with enforcing a unique code that applies solely to judges. Judges are restricted to an extent not required of other public officials. For example, judges are prohibited from engaging in any political activity, cannot fundraise on behalf of any organization, and are limited in how they handle their financial and business affairs. If there were one state-wide commission to enforce official ethics, it would need to enforce an entirely different, and much stricter ethical code for judges.

Third, there is an entire body of case law in the area of Judicial Ethics that requires knowledge and expertise. In the twenty-five years that judicial conduct commissions have been in place, they have generated thousands of cases, advisory opinions, and sanctions, that interpret the Code of Judicial Conduct. There are national associations devoted to this unique field and comprised of those who practice exclusively in this unique area of the law. If a commission were to be created that would also be responsible for enforcing other ethics codes, there would need to be at least one full-time staff attorney with the necessary expertise to apply the Code of Judicial Conduct.

In summary, judicial conduct commissions have been institutionalized nationally as unique state agencies in the judicial branch that are charged exclusively with enforcing the Code of Judicial Conduct. This structure seems to be required under fundamental constitutional concepts of separation of powers and an independent judiciary. Further there are practical requirements for a separate and unique state agency that enforces judicial ethics. Because judges must comply with a strict ethics code that does not apply to other public officials, staff expertise in this unique area of law is essential to a fully functioning conduct commission.

1992 LEGISLATIVE SURVEY

Health Care

Are you satisfied with your personal health care coverage?

Yes - 62.5%

No - 35.9%

Other - 1.6%

Do you favor replacing the current private and public health care systems with a universal health care system that would require an increase in state spending?

Yes - 31.1%

No - 62.8%

Other - 6.1%

Would you contribute a portion of your Alaska Permanent Fund Dividend to participate in a universal health care system?

Yes - 30.9%

No - 63.8%

Other - 5.3%

Operating Budget

85% of the state budget is financed by oil revenues which are expected to decrease over the next decade. At current spending levels, a revenue shortfall of between \$300 and \$500 million is expected in 1993. Governor Hickel has proposed an increase of 4.3% (over \$100 million) in the state operating budget for FY 93. Do you support this increase?

Yes - 14.8%

No - 80.8%

Other - 4.4%

Capital Budget

Do you favor using any of the estimated \$708 million of the Alaska Permanent Fund's Earning Reserve Account to pay for a capital budget for statewide construction projects?

Yes - 21.7%

No - 74.6%

Other - 3.7%

Boot Camps

Do you favor requiring juveniles who violate criminal law to be placed in boot camps that stress academics, physical labor, and structured discipline?

Yes - 86.9%

No - 8.7%

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Subsistence

The Governor's Subsistence Advisory Council is working on a plan that would create a permit system for subsistence users. It would give an urban resident a process to prove he or she is a subsistence user. Do you favor having a permit system for subsistence users?

Yes - 64.6%

No - 25.5%

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Motor Fuels Tax

Do you favor increasing the tax on motor fuels if the monies from the tax are dedicated to the maintenance of roads, airport facilities, ports, and harbors?

Yes - 68.9%

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(Over)

Ethics in the Judicial Branch

Stephan W. Stover, Court Administrator, The Supreme Court of Ohio

Wise and virtuous men have thought and reasoned very differently respecting government, but in this they have at length very unanimously agreed, that its powers should be divided into three, distinct, independent Departments — the Executive, Legislative and Judicial.

With these words, John Jay outlined the basic structure of our system of government — three branches, separate but equal.

Last year, we celebrated 200 years of the federal judiciary. The first session of the United States Supreme Court was held on February 1, 1790, in a small room on the second floor of a small commercial building with a grand name — the Royal Exchange Building — across from the Fulton Fish Market near the waterfront in New York City, then the nation's capital. Of President Washington's first six nominations to the Court, one refused, one accepted but never attended, and John Jay, the first chief justice, gave only limited service because he did not think that the Court would ever amount to much.

The Court and the judicial system have grown and flourished, and have played a significant and ever-increasing role in bringing to life what the framers of the Constitution had envisioned — a balanced government, designed to stand the test of time. It is the judiciary that has articulated the fundamental principles of separation of powers. Although it is called the "weakest branch," and the "least understood branch" of government, with "neither the sword nor the purse," the judicial branch has been able to hold its own, sometimes with remarkably independent thinking.

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As our tripartite system of government has evolved over the last 200 years, the role of judiciary, and the importance of separation of powers and an independent judiciary have become part of the very fabric of that system. Today, judicial authority reaches every corner of our society. Judges peacefully resolve disputes and interpret and apply the laws, defining rights, and responsibilities, determining the distribution of resources, and, in some cases, directing the actions of officials in other branches of government. It is axiomatic that judges must exercise these functions with integrity, impartiality, and independence. According to Justice Cardozo, "The great tides and currents which engulf the rest of men do not turn aside in their course and pass the judges by."

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CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

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No - 29.0%

Other - 2.1%

(Over)

SENATOR VIRGINIA COLLINS & REP. LARRY BAKER

Ethics



Currently the legislative, executive, and judicial bodies have separate ethics rules and enforcement. Do you support the creation of one, uniform ethics code for all three branches of government?

Yes - 85.3%

No - 9.2%

Other - 5.5%

Closed Primary Elections

A closed primary restricts who can vote for members of parties qualified for the ballot. A recent court decision now allows parties to close their primaries or have modified closed primaries if they choose to do so. The Republicans, Democrats, and Green parties have now changed their party rules to incorporate this court decision. Do you support a closed primary system?

Yes - 26.2%

No - 67.4%

Other - 6.4%

Legislative Reform

The current legislative session limit is 121 days. Do you support a 90-day session limit?

Yes - 60.4%

No - 34.7%

Other - 4.9%

There are no limits to the number of terms a state legislator may serve. Do you support limiting terms of state legislators to eight consecutive years in the same office?

Yes - 78.2%

No - 19.6%

Other - 2.2%

The Initiative Process

Should the Alaska State Constitution be amended to allow the voters to propose constitutional amendments by initiative petition (gathering enough signatures to place a question on the ballot)?

Yes - 68.8%

No - 26.3%

Other - 4.9%

Name the Issue Most Important to You

What is the ONE most important issue the Legislature needs to address this session?

Budget - 49.8%

Education Programs - 10%

Health Care - 9.5%

How to Reach Virginia & Larry

Senator Virginia Collins

1-800-770-2828

Fax: (907) 465-4779

Representative Larry Baker

1-800-473-4931

Fax: (907) 465-3153

Don't forget to mark your calendar for Saturday, March 28, our next constituent meeting date.

Please join us at Willow Crest Elementary from 3-5 p.m. or at Tudor Elementary from 1 - 3 p.m.

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Stephan W. Stover, Court Administrator, The Supreme Court of Ohio

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of censure and appointed a committee to propose standards of judicial ethics.

In 1924, the American Bar Association approved the original *Canons of Judicial Ethics*, drafted by a committee chaired by Chief Justice William Howard Taft. The thirty-six canons were intended to establish standards of conduct rather than an enforceable set of rules, and have been described as a "curious mixture of generalized, hortatory admonitions and specific rules of standards of proscribed conduct."

In response to concerns over the original 1924 Canons, the American Bar Association, in 1972, promulgated a "*Model Code of Judicial Conduct*," composed of seven canons. The *Model Code* has been adopted in whole or in part by forty-seven states, the District of Columbia, and the Federal Judicial Conference. According to most scholars, the widespread adoption of the *Model Code* provides a degree of uniformity and forms the foundation for a national body of law concerning judicial conduct.

States have begun to promulgate codes of conduct for nonjudicial court employees.

1990 American Bar Association Model Code of Judicial Conduct

On August 8, 1990, the American Bar Association House of Delegates approved a new *Model Code of Judicial Conduct*. The new *Code*: 1) makes clear that the *Code* is mandatory rather than aspirational; 2) expands the commentary and adds a terminology section to provide more specific guidance; 3) prohibits membership in organizations that practice discrimination; 4) clarifies the rules regarding *ex parte* communications; 5) consolidates three canons regarding extrajudicial activities; and 6) clarifies the canon regarding political activity.

The commentary is extremely important. The *Code of Judicial Conduct* and the *Code of Professional Responsibilities* for lawyers appears to be the only ethics codes that provide a commentary to outline the purpose of and policy underlying each Canon, and provide an explanation of each requirement. The commentary also provides important guidance in the application of the *Code*, and to a certain extent, mitigates the nominal use of advisory opinions in the judicial branch.

Canon 1 provides: **A judge shall uphold the integrity and independence of the judiciary.** The substance of this Canon is unchanged, except to distinguish mandatory and aspirational standards.

Canon 2 states: **A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.** Over the years, there has been considerable criticism of the portions of the *Code* relating to membership of judges in organizations that practice discrimination. The 1990 version provides a clear stan-

dard, prohibiting a judge from "holding membership in any organization that practices invidious discrimination on the basis of race, sex, religion or national origin." According to the commentary, the provisions are intended to balance "a judge's right of private association with the need of the public to be assured that every judge both gives the appearance of impartiality and is capable of fair and unbiased trial conduct and decisions."

The commentary explains that in order to determine "invidious discrimination," one must look at how the organization selects members and other factors; an organization discriminates invidiously if it arbitrarily excludes members on the bases set forth in the rule. Although not a violation of the rule, arranging meetings in discriminatory facilities may violate the requirement that a judge "promote . . . public confidence in the integrity and impartiality of the judiciary." Judges are given time to disassociate themselves from such organizations; either the organization must change its admission policies within one year or the judge must resign.

Canon 3 provides that **a judge shall perform the duties of judicial office impartially and diligently.** According to the committee report, "the 1972 Code required substantial revision to eliminate ambiguities and to provide more specific guidance."

As revised, the canon has six sections: 1) judicial duties in general; 2) adjudicative responsibilities; 3) administrative responsibilities; 4) disciplinary responsibilities; 5) disqualification; and 6) remittal of disqualification.

The 1990 *Code* adds provisions to address the affirmative duty of a judge to hear matters, and to prohibit improper comment by a judge on a jury verdict. Another new provision mandates that a judge require lawyers to refrain, within the limits of legitimate advocacy, from manifesting bias against parties, witnesses, counsel or others, on the basis of race, sex, religion, national origin, disability, age, sexual orientation or socio-economic status.

The provision on *ex parte* communications is amended to permit, in certain circumstances, and with appropriate restrictions, those communications necessary for non-substantive scheduling, administrative purposes, or emergencies, provided there is no advantage to one party and the other party is notified of the communication. The new canon also permits a judge to contact parties and their lawyers separately to encourage mediation and settlement or "as expressly authorized by law."

The provision on disqualification is clarified and strengthened to give better guidance and obviate the need for disqualification when a judge's financial interest in a pending matter is *de minimis* and would not affect impartiality. The new *Code* also clarifies and strengthens the provision concerning reporting of

Continued on page 24

Lobbying

Connecticut

Connecticut Retailers Pay \$50,000 Fine for Violating State's Lobbying Statute

The Connecticut Retail Merchants Association has paid a \$50,000 fine for widespread violations of the state's lobbying laws, including failure to disclose excessive gifts and lavish entertaining of Connecticut lawmakers.

Under Connecticut law, members of the legislature are not permitted to accept gifts worth more than \$50 in a year from a lobbyist.

Illinois

Illinois Legislation Seeks to Amend Lobby Law

HB 326 (Matijevich) would create the Lobbyist Regulation Act of 1991. It requires the licensing of lobbyists and also imposes restrictions on reporting requirements and penalties. It repeals the old Lobbyist Registration Act. This entire act would be administered by the State Board of Elections, replacing the Secretary of State. The bill sets limits as to when contributions may be made by lobbyists to candidates for elective state office.

Indiana

Hogsett Seeks to Tone Down Laws on Lobbyist Financial Disclosures

Secretary of State Joseph Hogsett proposed new lobbying disclosure laws that would drop some of the more controversial requirements he currently enforces.

His proposal would drop the attorney general requirement that medical reimbursements paid by insurance companies to legislators and normal banking relationships between financial institutions and legislators be reported.

However, Hogsett would require four reports a year from lobbyists instead of the current two. Also, he wants the fees paid to legislatures by lobbyists to be disclosed.

New Jersey

Ad Hoc Commission Calls for Lobbying Reform

The Ad Hoc Commission on Legislative Ethics and Finance calls for legislation that will require all expenditures by lobbyists on legislators, the governor and staff to be reported.

It further recommends that the New Jersey Election Law Enforcement Commission have total jurisdiction over lobbying regulation and that lobbyists file on a quarterly basis with ELEC. Currently, ELEC shares jurisdiction with the attorney general.

The Commission also recommends an increase in ELEC's fine scale and strongly endorsed strengthening ELEC through an increase in its appropriation.

Vermont

Secretary Of State Douglas Calls for Lobbying Reform

Secretary of State Jim Douglas told the Vermont Legislature that the State's new lobbyist law needs revision to ensure more meaningful disclosure. The new statute was passed in 1990 and requires more specific disclosure than before. Douglas says the new law is an improvement, but vague definitions as to what constitutes lobbying have resulted in inconsistent filings.

Ethics . . .

from page 6

lawyer or judge misconduct to expressly require a judge to report serious violations while retaining discretion to take appropriate action in less serious matters. Finally, a new provision is added to address the administrative responsibilities of supervisory judges.

New Canon 4 provides: **A judge shall so conduct the judge's extra-judicial activities as to minimize the risk of conflict with judicial obligations.** The 1972 Code had three sections dealing with extra-judicial activities. Canon 4 provided that "a judge may engage in activities to improve the law, the legal system, and the administration of justice." Canon 5 stated that "a judge should regulate his extrajudicial activities to minimize the risk of conflict with his judicial duties," and Canon 6 provided that "a judge should regularly file reports of compensation received for

extra-judicial activity." Because all three canons related to extra-judicial activities, the new 1990 Code combines them in a new, more specific, Canon 4. According to the commentary, former Canon 4 had been the subject of conflicting judicial ethics opinions; the purpose of the revised provisions is to distinguish those fund-raising activities that lend themselves to abuse from those that do not." In addition, the provisions on financial activities are amended to permit limited participation in a family business, as long as it is consistent with the primary obligations of the judge, and to permit uncompensated personal legal consultation with the judge's family. Provisions "relating to judges' spouses and family members are revised to recognize the reality that such family members often act independently of the judge."

The new Canon 5 provides that **a judge or judicial candidate shall refrain from inappropriate political activity.** New Canon 5 replaces former Canon 7, and is restructured to address the conduct of all judges and candidates for judicial office regardless of the method of selection. New provisions extend the length of time allowed for pre-election fund-raising, remove certain restrictions on political speech and other political conduct, and expressly prohibit incumbent judges from engaging in any political activity that is not conducted on behalf of measures to improve the law, the legal system, or the administration of justice, or that is "not otherwise authorized by the Code or expressly authorized by law."

In summary, the 1990 Model Code of Judicial Conduct makes constructive changes in the code. The most important change is that the code is now clearly mandatory rather than aspirational. The clarification of many of the provisions and the expanded commentary will make the code easier to interpret and apply. A few of the amendments recognize changes in societal norms over the last eighteen years.

JUDICIAL CONDUCT ORGANIZATIONS

Virtually all states have some form of a judicial conduct organization to administer, interpret, and enforce codes of judicial and legal conduct. The American Judicature Society sponsors the Center of Judicial Conduct Organizations, and their relationship is similar to that of the Council on Government Ethics Laws and The Council of State Governments.

In 1980, the American Judicature Society published *Judicial Conduct Organizations*, 2nd Edition. The 1980 study included eight tables comparing and contrasting judicial conduct organizations on the following topics: 1) commission authority; 2) citations for commission governing provisions; 3) commission membership; 4) grounds for discipline, removal, and retirement; 5) judicial disciplinary sanctions; 6) confidentiality of commission proceedings; 7) disposition of complaints and 8) efforts to make the commission visible. The book also included information on commission personnel and budget. This fall, the American Judicature Society completed an update of the study, and portions are

included in the *COGEL Blue Book*, 8th edition, 1990.

Overall, the changes in judicial conduct organizations over the last ten years have been extensive and significant. The changes are not always reflected in charts and tables, but are more often seen in rules of procedure. It is an ongoing process; in Ohio, we seem to have changes in the disciplinary rules each year, primarily fine-tuning procedural standards to reflect recent changes in statutory and case law and practice. Suffice it to say this is a complex area, and there will continue to be changes.

There have been modest changes in the structure of state judicial conduct organizations over the last ten years. There have been constitutional changes in Arizona, Arkansas, California and Washington. In Arkansas, there was a general reorganization of the disciplinary structure. In Washington, there were changes in membership, and the procedures were formalized and made more public. There were major revisions in Ohio in 1987, but we still have an unusual structure, with twenty-eight members on the disciplinary board.

The most significant change has been in the area of confidentiality. In general, the trend has been to end confidentiality earlier in the process, based on the notion that confidentiality has harmed public confidence in the disciplinary process and the judicial system. There remains a strong minority view that there is a need for confidentiality to protect "whistle blowers" and court employees.

There have been a few changes in the grounds for discipline. Beginning in 1980, there has been increased recognition and emphasis on alcohol and drug abuse. The Supreme Court of Ohio has adopted a continuing judicial and legal education requirement for training in ethics and substance abuse. Recently, provisions were added to the disciplinary procedures to permit a lawyer to be placed on probation if alcohol or drug abuse contributed to the misconduct. Nationally, substance abuse is not a defense, although it may be considered as mitigating factor. There remains a split among states as to whether substance abuse is a mitigating factor for the most serious offenses, including conversion of trust funds or stealing clients' money. However, it is generally considered a mitigating factor in minor offenses.

Several other changes deserve mention. There have been recent attempts to expand the range of sanctions available to disciplinary bodies, particularly at the preliminary levels, to give judicial conduct committees greater flexibility. There is an increased use of warnings for judges, which often are "on the record," but not public. There has also been increased use of masters or subcommittees to gather facts, because the larger committees and courts simply do not have the time. This is similar to the use of magistrates, referees or hearing officers in judicial and administrative hearings. Finally, it should be noted that the judicial branch is not immune to problems with funding. As financial problems of states increase, the judicial branch has had to accept its share of budget cuts, and

this, to some extent, has affected the judicial and lawyer discipline systems.

Perhaps the most significant changes in the judicial discipline systems will occur in the future. It remains to be seen whether and to what extent the new *ABA Model Code of Judicial Conduct* will affect state judicial systems over the next ten years.

CODES OF CONDUCT FOR NONJUDICIAL COURT EMPLOYEES

Traditionally, nonjudicial court employees have been subject to a wide range of ethical standards, including the *Code of Judicial Conduct* for judges, the *Code of Professional Responsibility* for lawyers, and state ethics laws. In some cases, ethical standards are outlined in personnel procedures and even collective bargaining agreements. Over the last several years, codes of conduct for court administrators and other nonjudicial court personnel have emerged as an important new trend.

Nonjudicial court employees play a significant role in the judicial process. While they are not involved directly in deciding cases, they often are the most visible representatives of the judicial system because they are the primary contact with the public. One of the most important aspects of the job of a court employee is to serve as liaison between the courts and the public — to assist the public, both litigants and attorneys in the procedural aspects of having cases resolved, and to provide information to the public. Court employees also assist judges in the administrative aspects of court operation.

Standards of conduct are important in all of these areas. The breadth of the responsibilities and the fact that they are often subject to so many different standards of conduct suggests the need to combine the standards in a single code of conduct. This is particularly true because the greatest value of these codes is to provide court employees with notice of the ethical standards that are applicable to them as in ethics laws, the existence of a standard of conduct and mechanisms for advice and enforcement are perhaps the greatest deterrent to problems and violations.

In general, nonjudicial court employee codes of conduct should apply to virtually all employees of the court system. Specific examples include: administrators, court clerks, bailiffs, court reporters, secretaries, records keepers and data processing personnel. Of course, law clerks are in a unique position close to the judge. However, virtually all employees are subject to some ethical pressures, from something as small as the box of chocolates during the holidays, to "special" requests from lawyers who need something done quickly, and entreaties to breach court confidentiality.

Our research reveals that thirty-eight states and the District of Columbia have established some type of standard of conduct, either by state statute, codes, application of the *Code of Judicial Conduct* or *Code of Professional Responsibility* to court employees, court rules, personnel policies or collective bargaining

agreements. In addition, the National Association for Court Management, the National Conference of Appellate Court Clerks, the federal courts and the National Shorthand Reporters Association have established codes. There is a wide range, a patchwork of standards. On the positive side, there is a strong trend toward the adoption of comprehensive codes of conduct for nonjudicial court employees.

There are a variety of substantive prohibitions in the various statutes, codes, personnel policies and contracts that apply to court personnel. They include conditions on employment, such as prohibitions against: 1) political activity; 2) practicing law while employed by a court; and 3) outside employment, unless the outside employment: (a) does not interfere with the performance of duties, (b) does not constitute a conflict of interest and (c) does not reflect adversely on the court. There also are specific ethical prohibitions against: 1) the appearance of impropriety or activities that reflect adversely on the court; 2) misuse of confidential information; 3) nepotism; 4) conflicts of interest; 5) accepting or soliciting gifts; 6) improper influence, including use of position to influence the assignment of cases, to favor a litigant, or to influence other employees; and 7) falsification or alteration of documents. In addition, there are a few general provisions that require court employees to "be diligent in the performance of duties," "maintain personal integrity," and participate in continuing education or professional development. Enforcement structures and sanctions vary as widely as the prohibitions.

This clearly is an emerging area in the law. Standards of conduct are appropriate and necessary, and there is a trend toward adoption of comprehensive codes. In fact, the president of the Conference of State Court Administrators has been asked to appoint a committee to study nonjudicial court employee codes of conduct and develop a model code for consideration by member states.

CONCLUSION

The history of the ethical codes in the judicial branch of government extends throughout most of this century, and raises many thought-provoking issues. The next ten years should prove very interesting, especially as state judicial codes evolve in light of the *1990 ABA Model Code of Judicial Conduct*, and the emergence of employee codes of conduct.

Sources

1990 ABA Model Code of Judicial Conduct. Ohio Supreme Court Code of Conduct. Ozar, David T., Kelly, Cynthia, and Begue, Yvette, "Ethical Conduct of Nonjudicial Court Employees: A Proposed Model Code" 73 *Judicature* 126 (1989). see also 71 *Judicature* 262 (1988). Shaman, Jeffrey M., Lubet, Steven, and Alfini, James J. *Judicial Conduct and Ethics* (1990). Stover, Stephan W. and Dove, Richard A. "Ethics in the Judicial Branch" *COGEL Guardian*, April 30, 1989. □

Council on Governmental Ethics Laws

April 30, 1991

COGEL GUARDIAN

"Who is to guard the guardians?" — Juvenal

FEC Adopts New Rules on "Soft Money"

John Warren McGarry
Chairman, Federal Election Commission

The Federal Election Commission (FEC) recently prescribed new rules that regulate the use of "soft money" for activities that jointly influence federal elections (Presidential, Senate and House) and state or local elections (hereafter we will simply refer to as nonfederal elections for brevity's sake). Soft money generally refers to funds raised outside the strictures of the federal law. The use of soft money to influence federal elections is illegal, even though the funds may be permissible under state law.

Under FEC rules, when party committees and PACs undertake activities that jointly influence federal and nonfederal elections, they must use "hard money," i.e., funds that comply with federal law,¹ to pay for the federal portion of the expense. The new rules provide specific allocation formulas to determine the federal amount.

The rules apply to party committees and PACs that segregate their federal and nonfederal activity by maintaining two accounts: a federally registered "hard money" account and a nonfederal "soft money" account, subject to state law. However, the new provisions — with the exception of the reporting rules — also apply to party committees and PACs that do not have to register or report under federal law because of their limited federal activity.²

Because of new payment procedures contained in the new rules, federal accounts registered with the FEC are now required to disclose more information on mixed federal/non-federal expenses than was previously required. This may affect the content of state reports

filed by the nonfederal expenses than was previously required. State reports will now show a transfer to the federal account for mixed expenses instead of a direct payment to the vendor. The Commission has alerted state officials that state reports filed by nonfederal accounts may provide less information on mixed federal/nonfederal transactions than previously was the case. (Reporting is discussed in greater detail later in this article.)

Allocation: By Whom? When? What?

FEC rules stipulate that when any party committee or PAC conducts activities that jointly influence both federal and nonfederal elections, the committee must use hard money to pay for the federal portion of the expense. As mentioned above the new rules provide specific allocation formulas to determine what portion of a mixed expense must be defrayed with hard money. Committees are free to pay more than the minimum federal portion with hard money and, in fact, may use hard money to fund the entire activity. If the federal account pays 100% of mixed federal/nonfederal expenses, allocation is not necessary, and the new payment and reporting rules discussed below do not apply. But using soft money to subsidize any federal portion of an expense is illegal.

The regulations list several types of shared federal and nonfederal expenses that must be allocated:

- Administrative expenses — including rent, utilities, office supplies and salaries — must be allocated.
- Costs for generic voter drives must also be allocated. This category includes voter identifications, voter registration and get-out-the-vote drives that urge the public to support a particular party but do not mention specific candidates.
- Expenses for fundraising programs through which the committee collects both nonfederal funds (soft money) and federal funds (hard money) must be allocated.

Continued on page 4

SJR

37

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 1/14/92

FURTHER:

Date of 5-Day Notice: 2/20/92
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2/25/92

Judiciary Committee considered SJR 37

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.

and recommends:

replace with _____ CS _____ (_____)

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

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

Governor's bill with fiscal notes:

zero fiscal notes _____

fiscal notes _____

DO PASS:

Erin Collins
of Mack
Patrick Foley

OTHER RECOMMENDATIONS:

Al Gadar - No Rec

Rich Halford do pass
Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SJR 37

Revision Date: _____ Department Affected: Department of Law
 Title: "...prohibiting a state from imposing...tax on pension income...not a resident of that state." BRU: Legal Services
 Sponsor: Senator Halford Component: Operations
 Requestor: Senate Judiciary COMPONENT SERIAL NO.

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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:						
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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.)

SJR 37 urges 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. The resolution will not have a fiscal impact on the Department of Law.

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: January 27, 1992
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law Date: January 27, 1992

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. SJR 37

Revision Date: _____ Department Affected: None

Title: Source Tax BRU: _____

Component: _____

Sponsor: Senator Halford

Requestor: Senatr Judiciary Committee COMPONENT SERIAL NO.

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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	ϕ					

CAPITAL	ϕ					
----------------	---	--	--	--	--	--

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	ϕ					
FEDERAL FUNDS	ϕ					
OTHER FUND SOURCE:	ϕ					
TOTAL						

POSITIONS:

FULL-TIME	ϕ					
PART-TIME	ϕ					
TEMPORARY	ϕ					

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Senate Judiciary Committee Phone: 465-4958

Division: Senate Judiciary Committee Date: 2/24/92

Approved by ~~Commissioner~~ Senator *Rick Halford*

Agency: Rick Halford Chair Date: 465-4958
Judiciary Committee

Alaska State Legislature

Senate

Office of The Majority Leader

Official Business

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TO: Senate Judiciary Committee

FROM: Senator Rick Halford *Rick*

DATE: February 24, 1992

SUBJECT: Sponsor Statement -- SJR 37 "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."

Economic conditions are hard on all of us, but hard times can be especially difficult for senior citizens retired and living on pension income that seems to shrink each year because of inflation.

Source taxation is currently used by a dozen states, who collect taxes on income, usually retirement pensions, of people who once worked within their boundaries. These taxes are collected even after those people have left the state. Several states, including Nevada, Washington and Florida have enacted "stop-gap" legislation which would prohibit the implementation of the source tax upon their residents.

Senate Joint Resolution 37 urges the United States to pass H.R. 431 and H.R. 1531. Passage of these two bills would prohibit a state from imposing an income tax on the pension income of a person who is not a resident of that state. In particular, H.R. 431 would repeal the "source tax" effective from December 31, 1987 while H.R. 1531 would be effective from December 31, 1990.

Thank you for consideration of this Resolution and I urge its expedient passage from committee.

Sponsor Statement

102D CONGRESS
1ST SESSION

H. R. 431

To prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1991

Mrs. VUCANOVICH (for herself, Mr. BILBRAY, Mr. DORNAN of California, Mr. LEWIS of California, Mr. SKEEN, Mr. KOLBE, Mr. STUMP, Mr. DEFazio, Mr. BLILEY, Mr. STEARNS, Mr. RHODES, Mr. BURTON of Indiana, Mr. LAGOMARSINO, Mr. McCANDLESS, Mr. GALLO, Mr. HUTTO, Mr. GOSS, Mr. STALLINGS, Mr. THOMAS of Wyoming, Mr. McDADE, Mr. STENHOLM, Mr. TOWNS, Mr. SAXTON, Mr. EMEERSON, Mr. SUNDQUIST, Mr. HYDE, Mr. RAY, Mr. YOUNG of Alaska, Mr. KANJOESKI, Mr. COBLE, Mr. TALLON, Mr. BILIBAKIS, Mr. McDERMOTT, Mr. SHAYS, Mr. COX of California, Mr. MILLER of Ohio, Mr. SCHIFF, Mr. ARCHER, and Mr. McCOLLUM) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 SECTION 1. LIMITATION ON STATE TAXATION OF PENSION
2 INCOME.

3 (a) IN GENERAL.—Chapter 4 of title 4 of the United
4 States Code is amended by adding at the end thereof the
5 following new section:

6 "§ 114. Limitation on State income taxation of pension
7 income

8 "(a) No State may impose an income tax (as defined in
9 section 110(c)) on the pension income of any individual who
10 is not a resident or domiciliary of such State.

11 "(b) For purposes of subsection (a), the term 'State' in-
12 cludes any political subdivision of a State, the District of Co-
13 lumbia, and the possessions of the United States."

14 (b) CLERICAL AMENDMENT.—The table of sections for
15 such chapter 4 is amended by adding at the end thereof the
16 following new item:

"114. Limitation on State income taxation of pension income."

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to taxable years beginning after De-
19 cember 31, 1987.

○

102^D CONGRESS
1ST SESSION

H. R. 1531

To prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 1991

Mrs. UNSOELD (for herself, Mr. DICKS, Mr. SWIFT, Mr. DEFazio, Mr. GOSS, Mr. OWENS of Utah, and Mrs. VUCANOVICH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Pension Tax Equity
5 Act of 1991".

1 SEC. 2. LIMITATION ON STATE TAXATION OF PENSION IN-
2 COME.

3 (a) IN GENERAL.—Chapter 4 of title 4 of the United
4 States Code is amended by adding at the end thereof the
5 following new section:

6 “§114. Limitation on State income taxation of pen-
7 sion income

8 “(a) No State may impose an income tax (as defined
9 in section 110(c)) on the pension income of any individual
10 who is not a resident or domiciliary of such State.

11 “(b) For purposes of subsection (a), the term ‘State’
12 includes any political subdivision of a State, the District
13 of Columbia, and the possessions of the United States.”

14 (b) CLERICAL AMENDMENT.—The table of sections
15 for such chapter 4 is amended by adding at the end there-
16 of the following new item:

“114. Limitation on State income taxation of pension income.”

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to taxable years beginning after
19 December 31, 1990.

O

DON YOUNG
 CONGRESSMAN FOR ALL ALASKA
 WASHINGTON OFFICE
 2331 RAYBURN BUILDING
 TELEPHONE 202/225-5765

COMMITTEES:
 INTERIOR AND INSULAR
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 CIVIL SERVICE



Congress of the United States
House of Representatives
 Washington, D.C. 20515

February 24, 1992

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The Honorable Rick Halford
 Senate Majority Leader
 Alaska State Senate
 Juneau, Alaska 99811

Dear Senator Halford:

This regards the question as to whether the source tax legislation that you are developing is in conflict with the full faith and credit provision of the U.S. Constitution.

As you know, similar "stop-gap" legislation has been enacted in several states, including Nevada, Washington, and Florida. Each state that has passed these measures has gauged the possible conflicts concerning the full faith and credit provision, but each state passed the bill nonetheless. It is important to note that California, the state which is most adversely effected by the legislation, has yet to challenge the constitutionality of the stop-gap measure on the grounds that it violates the full faith and credit provision.

It is my opinion that California and other states that benefit from a source tax do not wish to see a great deal of publicity regarding this issue. These states know that the only way to repeal the tax is to do so at the federal level and adverse publicity will only draw national attention to the unfairness of the tax.

I have discussed the full faith and credit issue with Bill Hoffman, President of RESIST, State Senator Ernie Adler, of Nevada, who introduced the first state legislation, and also U.S. Representative Barbara Vucanovich, who has introduced the federal legislation which would repeal the source tax (or at least make it more equitable). They all agree that the only way to test the full faith and credit provision is to do so in the courts. Either way, Alaska is in a win-win situation.

These are the true experts on the source tax. Their advice to you, as is mine, is to go full speed ahead with your legislation.

I wish you the best of luck during this legislative session. If there is any way I can be of further assistance to you on this or any other issue of concern, please do not hesitate to contact me.

My Warmest Regards,



DON YOUNG
Congressman for all Alaska

DY/jhr

DON YOUNG
 CONGRESSMAN FOR ALL ALASKA
 WASHINGTON OFFICE
 2331 RAYBURN BUILDING
 TELEPHONE 202/225-5765

COMMITTEES:
 INTERIOR AND INSULAR
 AFFAIRS
 MERCHANT MARINE AND
 FISHERIES
 POST OFFICE AND
 CIVIL SERVICE



Congress of the United States
House of Representatives
 Washington, D.C. 20515

COPY

DISTRICT OFFICES
 222 WEST 7TH AVENUE, SUITE 3
 ANCHORAGE, ALASKA 99513-7595
 TELEPHONE 907/271-5978

BOX 10, 101 12TH AVENUE
 FAIRBANKS, ALASKA 99701
 TELEPHONE 907/456-0210

401 FEDERAL BUILDING
 PO. BOX 1247
 JUVEAU, ALASKA 99802
 TELEPHONE 907/586-7400

501 FEDERAL BUILDING
 KETCHIKAN, ALASKA 99902
 TELEPHONE 907/225-6880

120 TRADING BAY
 SUITE 260
 KENAI, ALASKA 99611

BOX 177
 KODIAK, ALASKA 99615

P.O. BOX 1860
 NOME, ALASKA 99762

February 21, 1992

The Honorable Rick Halford
 Senate Majority Leader
 Alaska State Senate
 P.O. Box V
 Juneau, Alaska 99811

Dear Senator Halford:

I was pleased to hear of your sponsorship of SJR 37, a bill which would exempt all retirement income and property from garnishment or seizure for failure to pay income tax to a former home state.

As you know, the "source" tax has adversely affected many Alaskan retirees who once earned a living in another state. Federal employees have been most affected by this tax which, for all intents and purposes, is taxation without representation.

I offer you my full support in your endeavor to help Alaskans avoid this unfair tax. If there is any way I can be of service to you during the upcoming debate, please do not hesitate to contact me.

My Warmest Regards,

Don Young

DON YOUNG
 Congressman for all Alaska

DY/jhr



Greater Fairbanks

Chamber

of Commerce

709 Second Avenue

(907) 452-1105

P.O. Box 744+
Fairbanks, Alaska 9970

RESOLUTION 06-2491

A RESOLUTION BY THE GREATER FAIRBANKS CHAMBER OF COMMERCE TO PROTECT ALASKAN'S PENSIONS FROM OUT-OF-STATE "SOURCE" TAXATION

WHEREAS, persons living on a fixed income from a pension plan are at the greatest financial risk due to the rapid fluctuation of our economy; and

WHEREAS, the Constitution guarantees the right to travel and to reside anywhere in the United States without any restrictions; and

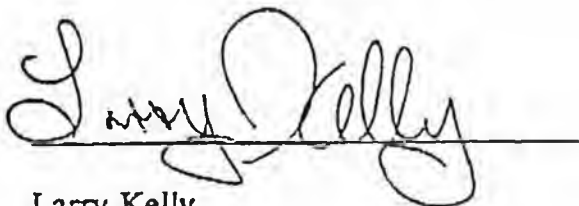
WHEREAS, that segment of society that is being threatened by "source" taxation have already paid for the services they enjoyed while residents of the "source" state through the existing tax structure of that state; and

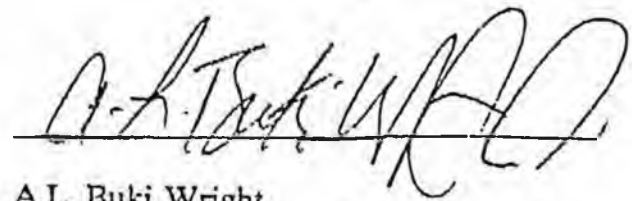
WHEREAS, Alaska does not have a personal income tax on any of its residents;

NOW, THEREFORE, BE IT RESOLVED that the Greater Fairbanks Chamber of Commerce encourages the passage of HR431, HR1655 and HR1531; all of which address this unfair and predatory tax practice that is being promulgated against one of society's most fragile groups, senior citizens; and

BE IT FURTHER RESOLVED that the Greater Fairbanks Chamber of Commerce views the practice of "source" taxation to be a blatant violation of the basic constitutional rights to reside in any state by the restriction that this taxation places on our fixed income, and that this legislation receive immediate attention by our Congress.

Dated this 24th day of June, 1991.


Larry Kelly
President


A.L. Buki Wright
Chairman of the Board

RESIST OF AMERICA

Return to Eliminate State Income Source Tax

PRESENTATION TO CONGRESS FOR S.267

ATTACHMENT A:

The following is a partial list of organizations that have joined RESIST of America in a coalition. The goal of the coalition is to end the taxation of nonresident pensions by the states. These organizations represent millions of people.

William (Bill) C. Hoffman
President, RESIST of America
2440 Ash Canyon Rd.
Carson City, NV 89703
(702) 883-8620

Air Force Association	NARFE
Air Force Sergeants Association	National Assn. of Retired Federal
Airline Pilots Assn.	National Assn. For Uniformed Services
American Assn. of Foreign Service Women	National Assn. of Postal Supervisors
AMVETS	National Guard Assn. of the US
Assn. of Military Surgeons of the US	National Military Family Assn.
Association of the US Army	National Taxpayers Union
Commissioned Officers Assn. of the US Health Service, Inc.	Naval Reserve Association
Common Cause	Navy League of the US
COSSO	Nevada Taxpayers Union
Council of Sacramento Senior Organizations	Non-Commissioned Officers Assn.
CWO & WA Assn., US Coast Guard	Reserve Officers Association
FAIR (Represents 34 Organizations) Fund for Assuring an Independent Retirement	SCAN
Federal Managers Assn.	Senior Co-operative Alert Network
Fleet Reserve Association	Society of Medical Consultants
Marine Corps League	The Retired Enlisted Association
Marine Corps Reserve	The Retired Officers Association
McDonald County Unit of the Retired Teachers Assn. - MO	US Army Warrant Officers Association
	US CG & Chief Petty Officers Assn.

RESIST OF AMERICA

Retirees to Eliminate State Income Source Tax

PRESENTATION TO CONGRESS FOR S.267

THE BEST KEPT SECRET IN AMERICA

The members of RESIST of America and The members of The Coalition shown in Attachment A urge The Senate to pass Senate Bill S. 267.

Issue

Do we still have "TAXATION WITHOUT REPRESENTATION" in America?
YES, WE DO! The taxation of nonresident pensions by the states is a prime example of "TAXATION WITHOUT REPRESENTATION."

How can a nation that was formed over The issue of "TAXATION WITHOUT REPRESENTATION" allow this to happen? **BECAUSE IT IS THE BEST KEPT SECRET IN AMERICA!** No one was told about this unfair tax. This tax interferes with our right to travel across the United States of America and live where we choose without a financial penalty.

Background

Several states now tax nonresident pensions. There are, in total, about 40 states with source tax laws and each of them could implement this tax on nonresident pensions. I will frequently use California as an example during this presentation for three reasons:

- 1: They are the most aggressive State
- 2: They often lead the Nation in new trends
- 3: We understand their nonresident laws and procedures better.

The 40 states mentioned before, tax nonresidents on various types of source income. There are legitimate reasons for some of these taxes. An individual could operate a business or work in a nonresident state. In these cases, the resources of the state are being used or jobs are taken from the residents. If the nonresident doesn't want to pay these taxes, they can remove the business from the state or not work in the state. They have a choice.

Nonresident taxation of pensions is different; because unlike a business, job, or investment, the pension tax debt can not be removed from the state. The retiree is trapped for the rest of their lives by the state in "financial Slavery."

States can raise nonresident taxes whenever they like.
What can nonresidents do about it? NOTHING!

What services do we get as nonresident taxpayers? **NONE!**

We can't use schools, or even buy a fishing license at resident rates.

What do we get from the government of the taxing state? **NOTHING!**

This tax hits Retirees hard!

Imagine:

An elderly lady in Nevada that makes between \$12000 and \$13000 a year. She isn't rich, but she is surviving. Then the mailcarrier delivers a notice from California that says she owes taxes on her pension, plus penalty and interest. She can't believe it; and being honest, she tells California that she has never paid. The result was they calculated her tax debt from 1978 till the present. She now owes about \$6000.

Imagine:

A retired man from California, whose wife died, meets a lady, marries her and moves to New York because she is still working there. He discovers that he not only must pay California taxes on his pension for the rest of his life, but must include his out of California income and his new wife's income. He pays New York much less because they give a large exemption for resident pensions.

Imagine:

A lady in Texas who just received a bill from CA for more than \$24000.

Unfortunately, these are not imaginary cases. They are just a few real cases out of thousands in our files.

States Position

Some states correctly assume pensions are intangibles, similar to savings accounts. Others claim pensions are deferred income.

Defining pensions as "deferred income" is an indiscriminate use of the English language and law. Income that is deferred should be paid unconditionally, either to the retiree or to their heirs. Pensions clearly do not meet the requirements of deferred income. If you are unfortunate and die one day before you retire, you or your heirs receive only your own contributions plus a small amount of interest. You receive none of the so called "deferred income."

These states claim that benefits were received when the retirees were earning the pension. Therefore they owe taxes for the rest of their lives, and do not deserve any additional benefits.

There is a fallacy to this argument. Consider two similar retirees. One decides to remain in the state where the pension was earned and the other moves to another state. The resident pays taxes, but continues to receive benefits from the state, and can vote, petition and otherwise be represented by the government of that state. The nonresident pays taxes, but receives nothing. Didn't the retiree who remained in the state also get benefits while they were earning their pension? **ISN'T THIS DISCRIMINATION? HOW CAN THIS BE EQUAL TREATMENT?**

Most retirees paid taxes on contributions to their pension plans. Apparently, Companies, Federal, and State agencies did not pay taxes on their contributions to pension plans or accrued interest. Before the publicity that RESIST of America initiated, no one was informed, by either their State or employer, about nonresident taxation of retirement income. Why weren't we informed about this unfair tax that would lead to "Taxation Without Representation" in the future? Why weren't options offered to the employees, such as 401K Averaging Plans? The only reason for deferring taxable income is to pay fewer taxes on the income later. Nonresident retirees might pay significantly more taxes instead of less. It is particularly frightening to speculate on how high nonresident taxes could become in the future. When a State needs more income, they can raise these taxes at their discretion and a nonresident can do nothing about it. The retiree cannot vote, petition, receive benefits or enjoy governmental protection from the taxing State. This situation is intolerable.

It was this unfair tax that prompted me to form RESIST of America in July of 1988. RESIST of America is a nonprofit organization that was incorporated July 28, 1988. The only goal of RESIST of America is to end the tax on nonresident pensions by the states. RESIST of America is a "grass roots" organization that operates entirely through volunteers. No one in our organization gets a salary. Our organization is not, however, against fair taxation with representation.

California has it both ways

California has obtained (from their point of view) delightfully contradictory court rulings.

Borchers - Baustian

The Borscher case was tried in the district court 2 of Los Angeles, CA. It involved a man who earned his pension in Illinois and moved to California to retire. Borscher claimed that he didn't owe California taxes on his pension income because the SOURCE of his pension was Illinois. California disagreed. Borscher lost after a ten year court battle.

The Baustian case involved a man who earned his pension in California and retired to another State. California claimed that he owed nonresident taxes on his pension because the SOURCE of his pension was California. This decision was made by The State Board of Equalization. The cases occurred about the same period.

As a spokesperson for the California FTB cheerfully acknowledges, residents can be taxed on all income, regardless of its source; nonresidents are taxed on the source regardless of residence.

To make matters worse, California hired collection agencies that use "Gestapo Tactics" to harass and threaten Senior Citizens for the collection of these unfair taxes. They also offer rewards for information on delinquent taxpayers. Other states will probably follow California's lead.

Income earned in other States also taxed

There is another point that has aggravated Seniors Citizens. Several States (particularly California) use total income earned (including income earned in other States) to establish the highest rate for taxing pensions. Even so, they claim they do not tax out of State income. However, any increase in taxes as a result of including non-California income is clearly a tax against that income.

This procedure, causes additional inequality between retirees. A retiree that supplements their income through investments, can decrease their tax liability by investing in items (Federal Securities) that states cannot tax. Those retirees that must work to supplement their income have no options and must include this income. As a result, the retiree that works pay more taxes than the retiree that invests, even if their total income is the same.

California, perhaps other states, tax nonresident, military pensions

Some believe that California does not tax the nonresident pensions of military personnel. Don't you believe it. Check California tax forms 1031 and 1032. California gives an exemption for military personnel, but the maximum exemption is a generous \$40.00 per year. Other states have not answered the question of whether or not they tax military pensions. We suspect they do.

Constitutionality of nonresident taxes

One of the first officials contacted by our organization about this issue was The Attorney General of Nevada. It was our hope that he would challenge the constitutionality of the nonresident tax on pensions by the states. We knew that it was unconstitutional for a citizen to sue a state in a Federal court. Unfortunately, Brian McKay, who was Nevada's Attorney General then, told us that the U. S. Supreme court had upheld the nonresident taxes about 70 years ago. He sent us the Michigan State Law review, which discussed many cases covering this general issue. He recommended that we try to get Federal Legislation passed. Research into other court cases and investigation of The California State Law Review confirmed his position.

Can we solve this problem at the State level?

There are some Senators that believe that we should work through the states and organizations like The Multi-State Tax Commission to end this tax on nonresident pensions. We have tried. It is impossible to sway State Legislators when you are not represented. New Jersey is the only state that was convinced to stop taxing

non resident pensions. This success occurred due to the efforts of The National Association of Retired Federal Employees (NARFE) and due to a study by New Jersey that the collection of these taxes was not economical.

Our efforts with California have been futile to say the least. Last year, The California Legislature introduced two bills to prevent or limit the taxation of nonresident pensions. AB-3976, which would completely end this unfair tax and AB-3963, which would give a \$20,000 credit to nonresidents, but income earned in other States must still be used to determine the tax rate. AB-3963 also contained a "sunset clause" which would automatically repeal the law 6 years after enactment.

Trice Harvey, an Assemblyman from Bakersfield, invited me, Pierce Powers (National Association of Retired Federal Employees -NARFE), Elton Hipport also from NARFE, and Douglas Baldwin, representing The Air Force Association to testify before the Revenue and Taxation Committee for AB-3976.

Johan Klehs, Chairman of this committee (District San Leandro) refused to let us testify, claiming there was not enough time and that we were "out of order." The testimony for and against the previous issue, to grant tax exempt status for businesses that grow ostriches for food involved less than a dozen people, and took more than two hours (not counting two hours for the ostrich barbecue).

Our issue involves millions of Senior Citizens as well as the young people in the State. Clearly, we were faced with a "stacked deck." The committee has every right to oppose our position; however, there is never a reason to be rude and inconsiderate to anyone. Johan Klehs treated us like people without representation.

This year AB 1513, SB 427, and AJR 25 were introduced. The two bills would repeal the tax on nonresident pensions, and the joint resolution urges The United States Congress to pass the bills that prohibit this tax. This year it was Dick Millington (Regional Vice President - NARFE) who received the rude treatment.

I have subsequently written a letter to The Speaker of The California Assembly, Willie Brown, and suggested a plan that would end "TAXATION WITHOUT REPRESENTATION" and yield California more income.

WE NEED FEDERAL LEGISLATION!
THE CONGRESS OF THE UNITED STATES IS OUR LAST HOPE!

We are asking you, The Congress to help us end this terrible injustice to our Seniors and our Future Seniors. The issue of taxation of nonresident pensions by the states affects every American. Even if a citizen does not have a pension or if they never leave the state where the pension is earned, they are affected.

Many states give credits or rebates to retirees that pay taxes to another state. If a state does, then the taxpayers of that state are paying for the benefits, services, and government for these retirees. The taxes paid by the retirees, that should help defray the cost of their benefits, services, and government, are instead paid to their former state. That state doesn't give anything to the retirees or the resident state's economy. Even if the resident state does not give credits or rebates for taxes paid to another state, their citizens still lose. The money paid to another state by the retirees is not available for expenditure in your state.

There is a better way. Taxpayers should pay taxes only to their state of residence, where they receive benefits, services and government, where they have the right to vote, petition, and otherwise influence their representatives.

Three bills have been introduced into The House of Representatives to stop states from taxing nonresident pensions, (H.R.431, H.R.1531, and H.R.1655).

H.R. 431 and H.R. 1531 are similar to The Senate Bill S.267. The main difference is that S. 267 includes pensions and other Retirement income instead of just pensions. The difference is important. California has recently introduced legislation to tax Social Security. Some other States have already done this. Without the clause, "other Retirement Income," we could be back where we started even if The House Bills passed. House bill H.R. 1655 is more complex, but does have some favorable attributes:

1. States must inform employees each year about his or her nonresident tax policies.
2. States must offer a lump sum settlement if the conditions of 1. are met and the retiree leaves the state.
3. Income earned in other states cannot be taxed.

Does S.267 cost the Federal Government?

The Federal Government should realize a slight increase in tax revenue if S. 267 passes, because those retirees that still itemize on their Federal taxes would have fewer deductions.

States would probably not lose income either. If we do not pass S. 267, it is ironic that the most aggressive state, California would lose. California is still the second largest retirement state behind Florida. When the other Source tax States, realize that California is stealing money from their economy, you can bet they will retaliate and impose taxes on their retirees that move to California. It is difficult to predict which state would lose the most, but one situation is easy to predict. If taxes are paid to the State of Residence, where the Retiree can vote, petition, receive services and benefits, everyone gains, including the states.

We urge you to pass S.267 and end the tyranny of "TAXATION WITHOUT REPRESENTATION," without a financial loss to the Federal Government and, we believe, without a loss to the states.

Stop this terrible injustice to our Senior Citizens and to all Americans.

Thank you,

Bill
 William (Bill) C. Hoffman
 President, RESIST of America
 2440 Ash Canyon Rd.
 Carson City, NV 89703

(702) 883-8620

HB

21

**SEVENTEENTH LEGISLATURE
SENATE JUDICIARY COMMITTEE BILL FILE**

BILL NUMBER: HB 21
 ABBREVIATED TITLE: Theft / Forgiving Emergency Veh.

Verbal

SPONSER: Barnes etc ORIGINAL RECEIVED: Feb 22
 WRITTEN REQUEST TO SCHEDULE REC'D: Feb 20 FROM: Barnes
 SPONSER'S STATEMENT REC'D: _____ FROM: _____
 SECTIONAL ANALYSIS RQST'D: _____ FROM: _____
 SECTIONAL ANALYSIS RECEIVED: _____

FISCAL NOTE (ORIGINAL)
 RQST'D OF: _____ REC'D FROM: Troopers DATE: with file
 RQST'D OF: _____ REC'D FROM: Court DATE: "
 RQST'D OF: _____ REC'D FROM: AG DATE: "
 FISCAL NOTE (C.S.)
 RQST'D OF: _____ REC'D FROM: correction DATE: with file
 RQST'D OF: _____ REC'D FROM: _____ DATE: _____
 RQST'D OF: _____ REC'D FROM: _____ DATE: _____
 FIVE DAY NOTICE GIVEN: _____ NOTICE OF HEARINGS GIVEN: Feb 28, 1991
 COMMITTEES OF REFERRAL: FIRST: jud SECOND: _____ THIRD: _____

COMMITTEE ACTION

DATE: Feb 28 - Heard - Held over for Ruts to talk with Ramona.
March - 7, 91 Passed out substitute for H.R. 21 on
and - Passed. All agreed to Pass.
Delivered to Sen Sec Mail 8/1991 -

PERSONS TO BE NOTIFIED OF HEARING

1. SPONSOR Barnes -
2. AGENCY AST -
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____



OFFICIAL BUSINESS

Alaska State Legislature

House of Representatives

REPRESENTATIVE
RAMONA L. BARNES
DISTRICT 14

ANCHORAGE
2230 PARSON
ANCHORAGE, ALASKA 99504
(907) 337-7737
(907) 561-2036
BOX V
JUNEAU, ALASKA 99811
(907) 465-3438

January 29, 1991

SPONSOR STATEMENT

Sponsor Substitute for House Bill NO. 21

Sponsor Substitute for House Bill 21 changes the Criminal Mischief statutes by adding a sub-section to AS 11.56.320(a) which would make driving, towing, or taking of a vehicle that is marked as a police or emergency vehicle a class C felony. Under existing statutes, this act would be a misdemeanor.

At least three times since 1986, police vehicles have been unlawfully taken. Each time, serious consequences resulted. I have attached a letter from Officer Linda Branchflower, Anchorage Police Department which outlines these incidents. I believe that because of the nature of the vehicles, this act is much more serious than taking of other vehicles. Police vehicles typically contain weapons as well as radio and other emergency equipment. Additionally, the taking of an emergency vehicle could be the difference between life and death to innocent parties. Therefore, I believe that unlawfully driving, towing or taking of a police or emergency vehicle should be a felony rather than a misdemeanor.

BILL NO: SSHB 21

DATE: 1/28/91

TITLE: An Act Relating to the
Crime of Criminal Mischief

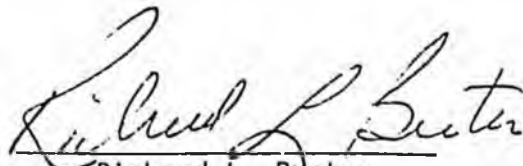
CONTACT: Gayle A. Horetski
Deputy Commissioner

DEPARTMENT OF
PUBLIC SAFETY

POSITION PAPER

This bill would make it a Class C felony offense for a person to drive, tow, or take a police or other marked emergency vehicle. Although there are only a few such cases per year, the serious nature of the conduct and the danger presented to the public justify felony-level classification.

The Department of Public Safety supports this bill.


Richard L. Burton
Commissioner



ANCHORAGE POLICE DEPARTMENT

4501 SOUTH BRAGAW STREET • ANCHORAGE, ALASKA 99507-1599
TELEPHONE (907) 786-8500



TOM FINK
MAYOR

January 29, 1991

Representative Ramona Barnes
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Barnes,

I would like to take this opportunity as Deputy Chief of the Anchorage Police Department and President of the Alaska Association of Chiefs of Police to express our support for House Bill 21. There is no question in our minds that the taking of a police car should be treated as a serious offense.

The Anchorage Police Department alone has had some very serious incidents involving the theft of a police car. Hopefully, this small change in the law would have the effect of deterring such crimes.

If I can be of any assistance in the passage of this bill, please contact me.

Sincerely,

Duane S. Udland
Deputy Chief of Police

DSU:vka

P.O. Box 222
Anchorage , AK 99510
NOVember 2, 1990

Rep. Ramona Barnes
Alaska State Legislature
3111 C Street, Suite 420
Anchorage, AK

Dear Ramona,

Thank you for taking the time to talk to me yesterday about my idea to make the taking of a marked emergency vehicle a felony. I know that you have been very supportive of law enforcement in the past. There are many people running now and in the past that pay lip service to law enforcement but do little to back up their claims of support.

Three times since I have been on APD officer's vehicles have been taken with tragic results. The first time was in 1986 when someone took Officer Tanaka's vehicle and later shot and killed Officer Harry Hansen. In 1988 someone took my vehicle and tried to run me down and he was shot in the head. Yesterday an officer tried to stop a person from taking his vehicle and was crushed when the driver pinned him between the police vehicle and another car.

The wording of the law that I proposed was simple, but the idea isn't that complex. I hope that it gives you something to work with.

I really appreciate your assistance. Thank you again for protecting the protectors. What you do for us is very important and we all thank you.

Sincerely,

Linda Blanchflower

Wounded officer shot

Condition suspect



SUSPECT HELD UNDER \$100,000 BOND

Roy Lee Dunn, 27, is taken into custody after an Anchorage police officer was shot Tuesday. Dunn is charged with robbing the Brown Jug Liquor Store in the Athenian Village shopping center and shooting officer Steve Verzal.

He is a guard at the stockade at Fort Richardson and is in custody at the Sixth Avenue jail under \$100,000 cash-only bond.

Injured officer returned fire in shoot-out

phone, police said. He was frightened and ran to his grandmother's house. Nothing happened to her. She called her son, who was in the girl's house and suspect, police said. The son, thinking his suspicious, agreed to take a ride anywhere he

wanted to go, just to get him out of the house. He drove the man to a police roadblock set up at 42nd Avenue and Florina Street, a police spokesman said. One investigator said Dunn had at first demanded car keys from the liquor store clerk but the woman refused to turn them over to him so he left the store. He approached the counter with bottles of liquor then pulled a gun and demanded money from the register.

He left the store with an undisclosed amount of cash, running into Verzal as soon as he left the store. It was a tense few minutes at the

yards of the place another Anchorage police officer was shot while attempting to thwart a robbery. Officer Russ Plummer, who surprised an armed robber at the Christian Grocery, another business in the Athenian Village Shopping Center was seriously wounded on Sept. 5. Plummer took a bullet through the shoulder after he struggled with an armed assailant outside the store.

by Paul Epler
Times Writer

The Anchorage police officer who was surprised by a robber at a liquor store Tuesday night was shot in the chest and abdomen by the suspect. Officer Steve Verzal, who lay in a parking lot with two bullets through his stomach, fired his service revolver and fired several more rounds at the moving car, forcing the driver

The 26-year-old officer underwent surgery Tuesday evening while his friends patrolling the city streets, waited anxiously for word on Verzal. It came at 8:30 p.m. "All units be advised," the dispatcher announced. "The officer is in and in satisfactory condition."

Verzal was in serious but stable condition this morning in the intensive care unit at Providence Hospital.

Verzal, who was hit by two bullets from a .357-caliber pistol. One went through his abdomen, right above his belt, shattering his portable police radio and clipping his key holder. The bullet

Another bullet apparently is still lodged near his hip bone and was not removed during Tuesday's surgery.

The officer was shot as he got out of his patrol car at the Brown Jug Liquor Store on East Tudor Road to investigate a suspicious situation at the store. It was the second shooting of a police officer to take place in the Athenian Village shopping center within the past six months.

Roy Lee Dunn, 27, a Fort Richardson stockade guard, was arrested a short time after the 3:30 p.m. shooting and charged with attempted murder and armed robbery. He is being held in the Sixth Avenue jail under a \$100,000 cash-only bond.

Dunn is a correctional specialist assigned to the 36th Military Police Company at Fort Richardson. A spokesman Chuck Canterbury said Dunn is not a military policeman but works as a guard at the post confinement

store, police said.

He drove over to the store and saw the clerk waving at him through the window. Dunn also waved and walked toward Verzal's patrol car. As the officer got out of the car, Dunn pulled a gun and shot him, police said.

When Verzal fell to the ground the man jumped into the patrol car and (See INJURED, Page A 2)

Suspect has record

The man charged with Tuesday's shooting of an Anchorage police officer was arrested last January after he allegedly robbed a cab driver then took off in the cab.

But the district attorney dropped the case when the man witnesses could not be located for the trial.

Roy Lee Dunn, 27, of Fort Richardson, was charged with attempted murder and armed robbery after the Tuesday afternoon shooting of Officer Steve Verzal.

According to a police report of the January 1979 incident, officer Joe Austin was parked in the Aurora Village parking lot when he heard a cab driver screaming for help.

Austin went to investigate and the suspect, later identified as Dunn, drove off in the cab. Austin pursued and Dunn stopped when the cab driver screamed for help.

Austin ordered Dunn out of the cab. Dunn got out and threw a punch behind him as he left the cab, the police report said.

The report said he tried to get rid of bullets, which had been in his pocket, by dropping them on the floor of the patrol car.

Dunn was charged with armed robbery and went through a preliminary hearing.

The case was set for trial then dismissed when the cab driver, Gilbert L. Whitman, was charged with 96 counts of bootlegging in connection with an alleged illegal liquor operation in Bethel.

Sources close to the investigation

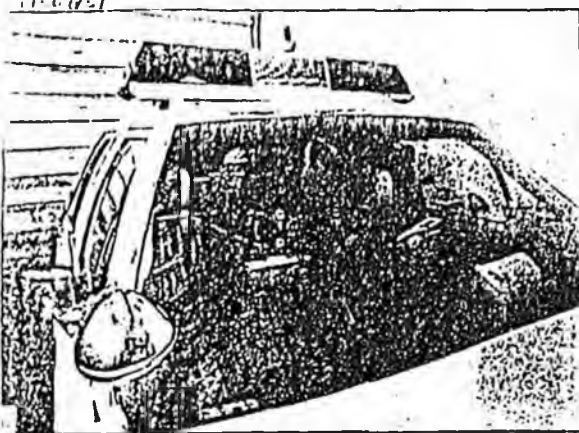
PHOTO BY MICHAEL PERKINS

DATE JAN 1988

Anchorage Daily News

Client No. 0131

Officer wounds man; police investigation under way



Anchorage Daily News/Michael Penn

Officer's police car with gunshot through windshield

By MARILEE ENGE
Daily News reporter

An Anchorage policewoman shot a man in the head early Monday morning after he hijacked her idling patrol car and began to back the car toward her, Anchorage police say.

Twenty-eight-year-old Vernon Ray was in satisfactory condition at Providence Hospital on Monday after an early-morning pursuit which ended when he seized Officer Linda Branchflower's blue and white police car and she shot him through the windshield, police said.

The homicide and assault unit of the Anchorage Police Department is investigating the shooting. Its findings will be forwarded to a review panel consisting of three senior officers which will try to determine whether the officer was justified in using deadly force. Branchflower, 29, is on a three-day administrative leave.

Branchflower tried to pull Ray over at 12:30

a.m. Monday when she spotted him driving erratically near the intersection of Providence and UAA drives, according to a department spokesman. Ray tried to elude her, driving onto the grounds of Providence Hospital and into a dead-end parking lot, the spokesman said.

He took off on foot around the Child Development Center building and Branchflower left her car running while she pursued him.

The officer chased Ray back to the parking lot where he jumped into her patrol car and began backing toward her, the police department said in a prepared statement. Branchflower reported jumping aside before firing one shot at him.

The bullet struck Ray on the left side of his head in front his ear but didn't penetrate his skull.

Deputy Chief Del Smith said Monday that a

See Back Page, SHOOTING

SHOOTING: Anchorage officer wounds man in head; police investigation under way

Continued from Page A-1

view board is convened every time an officer shoots someone. The panel determines if the shooting was within the bounds of department regulations and state law. The investigation may take two weeks, Smith said.

Deadly force, such as the use of a firearm, may be justified only when necessary to make an arrest or to stop an escape in a felony case. It also is permitted when an officer reasonably believes it is necessary in self-defense or to protect another person's life or to prevent serious bodily injury, according to the regulations.

If a shooting is justified, "there's no such thing as a non-deadly approach," Police Chief Ron Otte said. "You shoot for what's available."

Smith said it is "too early to say" whether the shooting of Ray falls under department guidelines. No charges have been filed against Ray.

Branchflower has been an officer since May 1986. Before that, she was a reserve officer for 13 months. She is married to Assistant District Attorney Steve Branchflower.

The city's minority task force has been briefed on the details of the shooting. Ray is black and Smith said the department hopes to

alloy fears that the incident was racially motivated.

"People get misinformed and angry. There's always a chance that people say it's racially based," he said.

Since 1981, four of the 10 people shot by Anchorage police officers have been black.

Ray's 26-year-old brother, Mark, on Monday called the incident "bizarre."

"If she was that good a shot to shoot his head, why didn't she just shoot out the tires?" he asked. "He wasn't armed. She could've shot the radiator. I don't think it called for getting shot in the head."

Ray has had several run-ins with the police in recent months. He and his wife are separat-

ed and she won a restraining order to keep him away. In October, he was arrested for harassing his wife, for escaping from officers as they tried to arrest him and for assaulting an officer.

After a bail hearing, as he was being transported to jail, Ray reportedly banged his head against the inside of a patrol car and had to receive stitches in his lip, according to Smith. His brother disputes the story. He said Ray was beaten by police.

Ray came to Alaska in the Army and went to work for Marriott Catering after he was released about two years ago. He worked there until he was jailed last fall and had been unemployed since. He has two children.

QUALITY SERVICES

Date NOV 2 1990

Anchorage Times

Client No. 0151

Cop crushed between car, cruiser door

CSJ CSJ

By **DIANA ELLIOTT**
Times Writer

An Anchorage police officer was injured early Thursday when the door of his patrol car slammed against his chest as he tried to stop a teen-ager from driving away in his cruiser.

The patrol car then ran over rookie officer Robert Glen's foot as the teen sped away with a handcuffed prisoner in the back seat, police said.

Glen was listed in satisfactory condition at Humana Hospital-Alaska on Thursday night. He was recovering from bruises and soreness but had no broken bones, a nursing spokeswoman said.

The incident began shortly before 5:30 a.m. when Glen stopped a gray Chevrolet



Times photo by **ROBERT A. DILLON**

Anchorage Police Sgt. Russ Boatright examines a patrol car a teen drove to escape arrest, dragging police officer Robert Glen.

sedan in the Carrs parking lot at 13th Avenue and Gambell Street because he suspected the driver was drunk.

He arrested 18-year-old Harry Hanks, handcuffed him and was putting him in the

back of his patrol car when the sedan's 17-year-old passenger emerged from inside Carrs, said Anchorage police spokesman Joe Young.

"The passenger jumped on
See Injury, page B-10

Injury

BY DAVE

Continued from page B-1

him, and they struggled," said Sgt. Dick Coffey, who arrived at the scene minutes later.

Glen managed to pin the teenager to the ground, Young said. But when the teenager stopped struggling, Glen let him get up, he said.

The teenager, whose name was not released, then bolted up and jumped in the patrol car.

"The officer reached into the door as the kid was driving off and was dragged a short distance," Young said. "The kid then swerved toward a parked car and mashed him between the two vehicles."

Glen fell to the ground and cried for help as the patrol car sped off, and ran over the officer's left ankle, Coffey said.

Young said a bullet-proof vest likely prevented Glen from suffering more serious injuries. The vest cushioned the blow, but left

'The kid then swerved toward a parked car and mashed the officer between the two vehicles.'

— Joe Young,
Anchorage police

Glen with a huge bruise covering his chest, he said.

Additional officers found the abandoned police car with a peeled-back section of the door jutting out at the parking lot of an apartment complex at 16th Avenue and Cordova Street, Young said.

"The police car still had its lights flashing," he said. "It's not like it was well hidden."

Neither were Hanks and the teenager, he said. Numerous officers quickly surrounded a pickup truck where the two were hiding underneath.

Hanks, with his hands still

cuffed, emerged immediately, Young said. The teenager hesitated and then came out and ran past the officer and two police dogs. He was caught when police dog Ringo chased him and bit him several times.

The teenager was treated at Humana and taken to McLaughlin Youth Center on charges of second-degree assault, second-degree criminal mischief, hit and run, escape and resisting arrest.

Hanks was taken to Cook Inlet Pre-Trial Facility where he was booked on charges of drunken driving, driving when his license was revoked, and escape. He was held in lieu of \$5,000 bail.

Police said the teenager was the same youth who resisted arrest a week ago when officers attempted to remove him from a Mountain View residence where he was causing a disturbance. It took several officers to place the youth in a patrol car.

Glen was 12 days shy of his first anniversary with the department, Coffey said. Glen declined to talk to a reporter Thursday night.

JUL 18 1986

Police officer slain; suspect shot, charged

By LARRY CAMPBELL
Daily News reporter

An Anchorage police officer is dead and his suspected killer wounded following a blaze of gunfire early Thursday morning in a sleeping downtown neighborhood.

Officer Harry Hanson, 41, was shot and killed while he and other officers tracked William A. Weitz, 27. Department officials said Weitz was a robbery and assault suspect who only minutes before had traded shots with another officer and hijacked her police car.

Weitz was shot four times by police. He was taken to Providence Hospital where he was listed Thursday evening in serious condition.

State prosecutors have charged Weitz with first-degree murder. He is being held on \$1 million, cash-only bail. Prosecutors expect to file additional charges against him.

According to police, Thursday morning was not their first encounter with the 6-

ft., 170-pound convicted Lurder. Late last month, a warrant was issued for Weitz on charges he pulled a gun on a man away from patrolman Edwin Elm. Police said Elm tried to arrest Weitz after

putting him aboard a stolen Harley-Davidson motorcycle.

Weitz was given an early release from jail in February after serving time for two burglary convictions in 1983, and state Department of Corrections Commissioner Roger Endell. He was due to be released in June, but the non-violent nature of his early crimes and his good history while in jail made him an early-release candidate. Weitz remained under orders to report to a probation officer twice a month through next year, and until last month had a steady job, Endell said.

The bloody encounter between Weitz and police began about 3:30 a.m., when Officer Cindy Mittasch spotted a pickup truck near East Sixth Avenue and Juneau Street. The truck looked like one described as the getaway car in a Quik Stop robbery earlier that evening. She went after it



Officer Harry Hanson

According to police Chief Brian Porter, and interviews with other police officers, the events continued as follows:

The truck finally pulled over for Mittasch's flashing red-and-blue lights at Seventh Avenue and Juneau. As the patrolwoman stopped behind the cab and leveled a pistol at her, Mittasch also jumped from her car and dashed behind it for cover.

According to Porter, two passersby saw Weitz aim and fire at Mittasch. She fired two shots back, one striking the double-pane window of the Alaska USA Federal Credit Union about a block away.

Weitz continued firing and walked toward the police cruiser. Mittasch dashed away from her car and took cover behind a berm in a vacant lot. Weitz jumped into the still-idling police car and sped south on Juneau — into the middle of Fairview, a sleeping neighborhood of closely packed homes and apartments.

He turned left on Ninth Avenue, smashing a concrete retaining wall and a chain link fence stretched around a small house and yard at the corner. The hijacked cruiser was found minutes later, abandoned near the middle of 11th Avenue between Medtra and Nelchina Streets.

Hanson and Officer Rick Giles, both K-9 dog handlers,

were in the area by that time. Giles and his dog, Pete, picked up Weitz's scent and began tracking. Hanson left his own dog, Baron, in his car and followed Giles.

The dog led them around the rear of a four-plex at the southeast corner of 10th and Nelchina. The officers fol-

lowed the dog into the building's front yard. At a far corner of the yard, Weitz was hiding beneath a spruce tree's heavy boughs, holding a light-weight, five-shot .38-caliber revolver.

Weitz jumped out and fired once, striking Hanson in the neck, just above his bullet-

proof vest. Then he turned and dashed into the street, still shooting at the two officers. Giles returned fire.

Another K-9 patrolman in the hunt, Gilbert Cordell, chased and shot at Weitz. He emptied his .38-caliber service revolver and reloaded. Weitz fell about halfway down the block on Nelchina.

Hanson was taken to Humana Hospital Alaska where he was declared dead.

Hanson was a highly decorated member of the Army's Special Forces and served two tours of duty in Vietnam, Porter said. Hanson joined the department as a patrolman in January 1978. He had been a K-9 officer since 1981. He was married and had five children.

He and his canine partner Baron made names for themselves in some of the department's most notable crime-fighting encounters. Two years ago, in the Sand Lake area, the pair got into a minor wrestling match with a burglar who bit Baron on the ear. Baron bit back, and the suspect was subdued.

Last year, Hanson and Baron were checking a burglar alarm in a building when an intruder jumped them with a knife, stabbing the dog in the eye. The intruder was caught. Baron recovered and won honors at the department's annual awards banquet.

Hanson becomes the fourth Anchorage police officer to die while on duty, and the third to die by gunshot. In 1980, fellow patrolman Harry Kier was killed in a car crash at the Glenn Highway and McCarrey Street while rushing to a fire.

Officer John Flora was shot and killed on Sept. 8, 1975, while investigating a burglary in progress at a downtown drug treatment center. Flora's memorial has since been dedicated to establishing the department's K-9 dog unit.

Officer Ben Strong was killed by gunfire on Jan. 4, 1968, during the armed robbery of the Government Hill

QUALITY SERVICES

Date NOV 2 1990

Anchorage Daily News

Client No. 0151

Officer hurt as teen commandeers car

By PAMELA DOTO
Daily News reporter

A rookie police officer was injured Thursday after he was pinned by his own squad car when a teen-ager, whose friend had just been arrested on a drunken driving charge, jumped in the car and drove away.

Bob Glen, 39, was in satisfactory condition with chest injuries at Humana Hospital after being wedged between the police vehicle and another car as the youth sped off.

"He sideswiped the other car, using the officer as a bumper," Anchorage Police Capt. Tom Walker said.

The 17-year-old, who was a passenger in the car stopped by the officer, struggled with Glen before get-

ting into the car. The youth's name is not being released because of his age.

The driver, Harry Hanks, 18, had been arrested by Glen at 13th Avenue and Gambell Street about 5:30 a.m. Thursday. Glen handcuffed Hanks and put him in the back of the patrol car when the youth started arguing with the officer.

"The confrontation was somewhat physical," Walker said.

The younger man jumped into the car and stepped on the gas with Glen hanging on to the patrol car, trying to stop him. Hanks was still in the back of the patrol car.

Witnesses told police the youth deliberately steered the vehicle against a parked

car, where Glen fell to the ground after being injured.

While paramedics took Glen to Humana Hospital, officers searched the area and found the police car abandoned in a parking lot at 16th Avenue and Cordova Street.

Police with dogs found the two men hiding underneath a pickup truck in the same parking lot. Hanks was captured by a police officer, and the 17-year-old was stopped by a dog. He was treated for bites at Humana and taken to McLaughlin Youth Center.

The youth was charged with second-degree assault, criminal mischief, hit and run, escape and resisting arrest, police said.

Hanks was charged with driving while intoxicated, driving with a revoked license, escape and resisting arrest. He was taken to the Sixth Avenue Jail, where his bail was set at \$5,000, according to police.

Glen was resting at the hospital Thursday afternoon, Humana spokeswoman Lynn Whitley said. He is a recent graduate of the police academy.

Authorities investigate such occurrences to make sure officers acted properly or if they need additional training in some areas.

"We have a policy and we do routinely critique these incidents," Walker said. "We're not making any judgments on this."

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HB

27

**SEVENTEENTH LEGISLATURE
SENATE JUDICIARY COMMITTEE BILL FILE**

Bill Number: HB27
 Abbreviated Title: Drug Free School Zone

Sponsor: B. Davis Original Received: April 19, 1991
 Written Request to Schedule Rcv'd: April From: _____
 Sponser's Statement Rcv'd: _____ From: _____
 Sectional Analysis Rqst'd: _____ From: _____
 Sectional Analysis Received: _____

Fiscal Note (Original)
 Rqst'd Of: _____ Rcv'd From: _____ Date: _____
 Rqst'd Of: _____ Rcv'd From: _____ Date: _____
 Rqst'd Of: _____ Rcv'd From: _____ Date: _____

Fiscal Note (C.S.)
 Rqst'd Of: _____ Rcv'd From: Educator 12 Date: 2-27-91
 Rqst'd Of: _____ Rcv'd From: _____ Date: _____
 Rqst'd Of: _____ Rcv'd From: _____ Date: _____

Five Day Notice Given: In House - Notice of Hearings Given: March 25th
 Committees of Referral: First: Med Second: Law Third: _____
 LAA Contact: _____ To Senate Secretary: May 3, 1991

COMMITTEE ACTION

DATE: 5-2-91 Heard - CS HB27 Fin passed w/and Rec -
5-3-91 Advised Rules by Note Cross Sponsorship OK

PERSONS TO BE NOTIFIED OF HEARING

- | | |
|------------|-----------|
| 1. Sponsor | 6. _____ |
| 2. Agency | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SSHB #27

Revision Date: 2-26-91 Department Affected: Corrections
 Title: An act relating to..drug-free BRU: _____
zones Component: _____
 Sponsor: Rep. B. Davis
 Requestor: Rep. B. Davis 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						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Thomas Sutton, Director *Thomas Sutton* Phone: 465-3376
 Division: Administrative Services Date: 2-26-91
 Approved by Commissioner: Lloyd Hames
 Agency: Dept. of Corrections Date: _____

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

ALASKA STATE LEGISLATURE

Office of Majority Whip

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VICE CHAIR
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& SOCIAL SERVICES

COMMUNITY AND
REGIONAL AFFAIRS

INTERNATIONAL TRADE
AND TOURISM

CHAIR
CHILDREN'S CAUCUS

REPRESENTATIVE BETTYE DAVIS

DISTRICT 14 SEAT B • EAST ANCHORAGE • MULDOON

M E M O R A N D U M

TO: SENATOR RICK HALFORD,
CHAIR, SENATE JUDICIARY

FROM: REPRESENTATIVE BETTYE DAVIS *Bettye*

DATE: APRIL 19, 1991

RE: CS FOR SSHB 27 (FINANCE) - DRUG-FREE SCHOOL ZONES

I respectfully request that CS for SSHB 27 (FINANCE) be scheduled for a hearing before the Senate Judiciary at your earliest convenience. CS for SSHB 27 (FINANCE) relates to conviction for possession, delivery, and use of controlled substances in school, on or near school grounds, and on school buses.

Criminal justice, education, and substance abuse prevention leaders unanimously agree that the only possible resolution to the current drug epidemic lies in successful reduction of the demand for illegal drugs, particularly among our nation's youth. Of all known drug reduction strategies, the Drug Free School Zones initiative is perhaps the most promising systemic demand-reduction innovation. Drug-Free School Zones can unite community leaders in partnerships with criminal justice, education, and prevention efforts to protect children and enhance the school learning environment by constricting the supply and lessening the demand for drugs. Conceptually, Drug-Free School Zones are designed to create drug-free "safe havens" within geographic zones surrounding schools.

Recognizing the need for greater legislative innovation the following organizations strongly supported the development of drug-free school zones: National School Boards Association, National Association of Secondary School Principals, National Association of Elementary School Principals, National

Association of Partners in Education, National School Safety Center, National Association of State Alcohol and Drug Abuse Directors, Council of State Governments, National Council of Juvenile and Family Court Judges, National Association of Chiefs of Police, and the National Association of Attorneys General.

As of June 1990 forty-two (42) States plus the District of Columbia have institute Drug-Free School Zones. It has been recognized by the National Coalition for Drug-Free School Zones that Alaska already has incorporated the concept of Drug-Free School Zone in its laws. What we hope to do is enhance the law by doing the following.

(1) Amends certain criminal law provisions applicable to possession of controlled substances and imitation controlled substances on or near school grounds and on school buses;

(2) requires the State Board of Education to initiate certain activity apprising the state's public and private Students about controlled substances and the criminal penalties applicable to them; and

(3) directs municipalities to install "drug-free school zone" signs near schools.

(4) mandates a court to compel a minor who is convicted or adjudicated of a violation involving possession, delivery, or use of a controlled substance in a school, 500 feet around school grounds, or on a school bus to perform a minimum of 50 hours of community service.

The Association of Alaska School Boards, Alaska Council of School Administrators, NEA-Alaska, Departments of Corrections, Education, Health and Social Services, and Public Safety all support this bill.

Thank you for scheduling this bill.

April 19, 1991

Sponsor: Rep. Bettye Davis

**SECTIONAL ANALYSIS
SPONSOR SUBSTITUTE FOR CS FOR SSB 27 (FINANCE)**

"An Act relating to the possession of controlled substances and imitation controlled substances, to misconduct involving controlled substances and imitation controlled substances by minors, and to the provision of information that apprises students about controlled substances and the penalties applicable to misconduct involving controlled substances; and requiring installation of signs in the vicinity of schools declaring the areas to be 'drug free school zones'; and providing for an effective date."

Sections 1 and 3 amend laws defining, respectively, the crimes of misconduct involving a controlled substance in the third and fourth degrees by

(1) broadening to 500 feet around school grounds the geographic area adjacent to a school within which possession of a controlled substance is made a criminal offense, and extending that prohibition to possession occurring on a school bus; and

(2) deleting a condition in current law that the illegal possession in or adjacent to a school bus must be by someone not a minor; the deletion thus broadens the reach of these two criminal provisions to minors. Misconduct in the third degree is a class B felony, misconduct in the fourth degree is a class C felony.

Sections 2 and 4 establishes as affirmative defenses, respectively, for the two offenses above that the alleged offense occurred within a private residence that is situated within 500 foot school grounds perimeter. (An affirmative defense simply means that, as to an issue for which an affirmative defense may be raised, once the state offers some evidence that permits the defendant to use the defense, the defendant has the burden of establishing the defense by a preponderance of the evidence.)

Section 5 defines the terms "school bus" and "school grounds," used in the preceding criminal provisions.

In an adjudication of delinquency of a minor charged with a violation of one of the two preceding criminal provision, Section 8 directs the superior court to order the minor to perform 50 hours of community service, i.e. "work on projects designed to reduce or eliminate environmental damage, protect the public health, or improve public services, lands, forests, park, roads, highways, facilities, or education."

II

Section 6 adds to the duties of the State Board of Education the responsibility of directing the Department of Education to develop and annually distribute to students enrolled in public and private schools an information pamphlet about controlled substances.

III

Section 7 directs the Municipality shall post sign indicating that the school is a "drug-free school zone" signs at each location in which it has installed a sign identifying the location of a school.

Section 9 delays until August 16, 1992, the effective date of the two-sign placement sections, allowing the department and local governments time to prepare and position signs in advance of the 1992-93 school year.

STATE OF ALASKA
Department of Corrections
LEGISLATIVE POSITION PAPER
Lloyd Hamee, Commissioner

P.O. Box 77, Juneau, AK 99801-2000 (907) 466-8878

Carl Minkul, Legislative Liaison

February 26, 1991

SPONSOR SUBSTITUTE HOUSE BILL NO. 27

"An act relating to the delivery and possession of controlled substances....installation of signs in the vicinity of schools....
"drug-free school zones.

The Department of Corrections supports SSHB No.27. The bill fundamentally addresses the national effort to protect young people and to encourage a drug free school environment.

SSHB No.27 does not have a fiscal impact on Corrections.

FISCAL NOTE:
ZERO
ATTACHED

APPROVED: L.H. by Carl Minkul

Commissioner

DATE: 2-26-91

BILL NO: CSSH B 27(HESS)

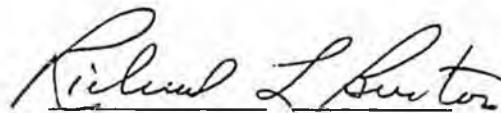
DATE: 3/07/91

TITLE: "An Act relating to . . .
drug free School zones . . ."

CONTACT: Gayle A. Horetski
Deputy Commissioner
465-4322

DEPARTMENT OF
PUBLIC SAFETY

The Department of Public Safety supports CSSH B 27(HESS), which amends present criminal laws regarding possession of controlled substances and imitation controlled substances. The bill establishes a "drug-free zone" on or near school grounds or on a school bus. This is one more tool that will be used by law enforcement officers attempting to prevent youngsters from being exposed to illicit drugs.



Richard L. Burton
Commissioner

POSITION PAPER