

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 866/2

10301 HOUSE JUDICIARY

146



Alaska State Legislature

Please enter into the record my testimony to the House State Affairs Committee
committee name

Committee on HB 213, dated 4-26-01
bill # / subject

I am against HB 213

This bill needlessly dilutes the constitutional powers of the people.

I believe that there has not been any past problems with trivial initiatives and there is no problem requiring this legislative "fix" or amendment.

This is a valuable and necessary power yielded by the people of this state.

This bill simply makes ballot initiatives more expensive to pursue.

For these reasons I am against this legislation.

Signed:

James Price - James Price
Testifier

Self

Representing (optional)

PO Box 7043, Nikiski, AK 99635
Address

907-776-3481
Phone number

97TERM
AN ACT REQUIRING BALLOT INFORMATION PERTAINING TO TERM LIMITS

HOUSE DISTRICT	REGISTERED	SIGNATURES	7% OF VOTES		
	VOTERS		1996 GENERAL		
HD 1	10613	28	475		24/40 DISTRICTS MET THE 7% REQUIREMENT
HD 2	11344	52	511		
HD 3	11858	678	553	X	
HD 4	11284	746	530	X	
HD 5	9887	91	424		
HD 6	9448	540	365	X	
HD 7	11136	421	513		
HD 8	10390	508	452	X	
HD 9	9319	808	406	X	
HD 10	11081	958	513	X	
HD 11	10664	979	417	X	
HD 12	10357	935	435	X	
HD 13	11225	966	501	X	
HD 14	10471	745	359	X	
HD 15	9944	934	361	X	
HD 16	8926	1154	259	X	
HD 17	11387	1193	424	X	
HD 18	11965	972	575	X	
HD 19	10759	1105	430	X	
HD 20	10510	954	425	X	
HD 21	10189	1098	401	X	
HD 22	11766	985	515	X	
HD 23	8938	677	261	X	
HD 24	11101	1053	449	X	
HD 25	10947	1059	469	X	
HD 26	10972	870	463	X	
HD 27	12064	963	548	X	
HD 28	13002	1006	539	X	
HD 29	11183	302	531		
HD 30	9932	193	388		
HD 31	10164	205	395		
HD 32	9978	151	341		
HD 33	11196	198	502		
HD 34	11603	153	425		
HD 35	9745	227	403		
HD 36	8491	202	363		
HD 37	8260	180	330		
HD 38	7781	146	343		
HD 39	8287	217	355		
HD 40	6628	145	215		

2000 GENERAL ELECTION STATISTICS

		# VOTERS	
		VOTING	
	REGISTERED	2000	
	VOTERS	GENERAL	7 PERCENT
HD 1	11180	6492	454.44
HD 2	12139	7212	504.84
HD 3	12451	7766	543.62
HD 4	12075	7463	522.41
HD 5	10537	6170	431.9
HD 6	10431	5889	412.23
HD 7	13251	8338	583.66
HD 8	12475	7525	526.75
HD 9	10562	6504	455.28
HD 10	12783	8477	593.39
HD 11	11679	6500	455
HD 12	11763	7109	497.63
HD 13	12792	7445	521.15
HD 14	12850	5040	352.8
HD 15	11950	5259	368.13
HD 16	11007	4107	287.49
HD 17	14332	7142	499.94
HD 18	14097	9479	663.53
HD 19	13397	7217	505.19
HD 20	11423	6365	445.55
HD 21	11258	6027	421.89
HD 22	13555	8058	564.06
HD 23	10907	4213	294.91
HD 24	12577	7538	527.66
HD 25	12473	7780	544.6
HD 26	13117	7918	554.26
HD 27	15269	9942	695.94
HD 28	16818	10431	730.17
HD 29	12806	8338	583.66
HD 30	10722	5465	382.55
HD 31	10701	5355	374.85
HD 32	11592	5196	363.72
HD 33	12870	8045	563.15
HD 34	13224	6709	469.63
HD 35	10623	6028	421.96
HD 36	9167	5299	370.93
HD 37	9023	4887	342.09
HD 38	8348	4825	337.75
HD 39	9268	4957	346.99
HD 40	6166	3104	217.28

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Table: 3.1
(follow links below to read associated foot notes)

Signature, Geographic Distribution and Single-Subject Requirements for Direct (DA)¹ and In-direct (IDA)² Initiative Amendments; Direct (DS)³ and In-direct (IDS)⁴ Initiative Statutes

State	Type	SS ⁵	Net Signature Requirement for Constitutional Amendments	Net Signature Requirement for Statutes	Geographic Distribution	Deadline for Signature Submission	Circulation Period
AK	DS	Y	Not allowed by state constitution	10% of votes cast in last general election	At least 1 signature in 2/3 of Election Districts.	Prior to the convening of the legislature ⁶	1 year
AZ	DA/DS	Y	15% of votes cast for Governor	10% of votes cast for Governor	No geographical distribution	Four months prior to election	20 month
AR	DA/DS	N	10% of votes cast for Governor	8% of votes cast for Governor	5% in 15 of 75 counties	Four months prior to election	Unlimited
CA	DA/DS	Y	8% of votes cast for Governor	5% of votes cast for Governor	No geographical distribution	To be determined by state each year ⁷	150 day
CO	DA/DS	Y	5% of votes cast for SOS	5% of votes cast for SOS	No geographical distribution	Three months prior to election	6 month
FL	DA	Y	8% of ballots cast in the last Presidential Election	Not allowed by state constitution	8% in 12 of 23 Congressional Districts	90 days prior to election ⁸	4 years
ID	DS	N	Not allowed by state constitution	6% of registered voters	6% in each of the 22 counties	Four months prior to election	18 month
ME	IDS	N	Not allowed by state constitution	10% of votes cast for Governor	No geographical distribution	To be determined by state each year ⁹	1 year
MA	IDA/IDS	N	3% of votes cast for Governor	3 1/2% of votes cast for Governor ¹⁰	No more than 25% from a single county	To be determined each year by state ¹¹	60 days
MI	DA/IDS	N	10% of votes cast for Governor	8% of votes cast for Governor	No geographical distribution	Constitutional amendment ¹² Statute ¹³	180 day
MS	IDA	N	12% of votes cast for Governor	Not allowed by state constitution	20% from each Congressional District	90 days prior to the convening of the legislature	1 year
MO	DA/DS	Y	8% of votes cast for Governor	5% of votes cast for Governor	5% in 6 of 9 Congressional Districts	Eight months prior to election	18 month
MT	DA/DS	Y	10% of votes cast for Governor	5% of votes cast for Governor	Statute: 5% in 34 of 50 Legislative Districts Amendment: 10% in 40 of 50 Legislative Districts	Second Friday of the fourth month prior to election	1 year
NE	DA/DS	Y	10% of registered voters	7% of registered voters	5% in 38 of 93 counties	Four months prior to election	1 year
NV	DA/IDS	N	10% of registered voters	10% of votes cast in last general election	10% in 13 of 17 counties	Constitutional amendment ¹⁴ Statute ¹⁵	CA: 11 months ¹ Statute: 1 months ¹

ND	DA/DS	N	4% of population	2% of population	No geographical distribution	90 day prior to election	1 year
OH	DA/DS	Y	10% of votes cast for Governor	6% of votes cast for Governor ¹⁸	Statute: 1½% in 44 of 88 counties Amendment: 5% in 44 of 88 counties	<u>Constitutional amendment</u> ¹⁹ <u>Statute</u> ²⁰	Unlimited
OK	DA/DS	Y	15% of votes cast for Governor	8% of votes cast for Governor	No geographical distribution	<u>Eight months prior to election</u> ²¹	90 days
OR	DA/DS	Y	8% of votes cast for Governor	6% of votes cast for Governor	No geographical distribution	<u>Four months prior to election</u>	Unlimited
SD	DA/DS	N	10% of votes cast for Governor	5% of votes cast for Governor	No geographical distribution	<u>Constitutional amendment</u> ²² <u>Statute</u> ²³	1 year
UT	DS/IDS	N	Not allowed by state constitution	Direct statute: 10% of votes cast for Governor <u>In-direct statute: 10% of votes cast for Governor</u> ²⁴	10% in 20 of 29 counties	<u>Direct statute</u> ²⁵ <u>In-direct statute</u> ²⁶	Direct: Unlimited In-direct: Unlimited
WA	DS/IDS	Y	Not allowed by state constitution	8% of votes cast for Governor	No geographical distribution	<u>Direct statute</u> ²⁷ <u>In-direct statute</u> ²⁸	Direct: 6 months In-direct: months
WY	DS	N	Not allowed by state constitution	15% of votes cast in last general election	15 % of total votes cast in the last election from at least 2/3 of the counties	<u>One day prior to the convening of the legislature</u> ²⁹	18 months

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FEB 19 2002

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P.O. Box 22151, Juneau Alaska 99802 / Ph. 907.463.3366 / Fax 907.463.3312 / www.acvoters.org

**HB 213 ~ Initiative/Referendum Petitions
HJR 25 ~ Constitutional Amendment**

TO: House Judiciary Committee Members
FROM: Susan Schrader, Conservation Advocate
DATE: February 20, 2002

Alaska Conservation Voters is a non-profit organization dedicated to protecting Alaska's environment through public education and advocacy. Public participation in all levels of government is the hallmark of our democracy, and Alaska Conservation Voters cannot support any legislation that would limit Alaskan citizens' voice in forming the laws that govern us. Thus, we are opposed to HB 213 and HJR 25.

We agree with the sponsors that the initiative process should involve and benefit Alaskan citizens statewide, not just outside interests or certain special interest groups. However, we do not believe HB 213 and HJR 25 will achieve their desired goals. It is unlikely that raising the bar on an already arduous signature gathering process for initiatives on any subject will actually engage more Alaskans in a democratic process. More likely, the markedly burdensome requirements of HB 213 and HJR 25 will be a major disincentive for concerned Alaskans to use their constitutional rights of the initiative and referendum process.

The sound defeat in the November 2000 elections of Ballot Measure 1, to restrict the use of initiatives to make laws regulating wildlife, proved that the majority of Alaskans do not want their right to use the initiative process restricted. In a January 2002 poll of Alaskan voters conducted by Ivan Moore Research for Alaska Conservation Alliance, respondents were asked whether they favor or oppose measures that limit citizen ballot initiatives. Over 75% of respondents oppose such measures. (See attached)

Clearly, Alaskan voters want their right to petition government to remain protected and unchanged. We believe it is ill-advised for elected representatives of the citizens of Alaska to further restrict the public's right to participate in making the laws that govern them. Please oppose HB 213 and HJR 25.


Susan E. Schrader

Conserve Alaska. It's Only Natural.

EXECUTIVE SUMMARY

General findings

The results of this survey, conducted January 6th to 10th, show a very strong level of support for environmental issues in the State of Alaska and a high level of importance attached to quality of life issues related to the environment.

More than 75% of respondents feel that...

- We owe it to our children to be good stewards of our environment (96.2%)
- When it comes to protecting the environment, it matters who I vote for (94.7%)
- Being close to nature and recreational opportunities is an important part of why we live in Alaska (91.3%)
- A healthy environment is necessary for a strong economy (38.4%)
- Protecting Alaska's remaining wilderness and wildlife habitat areas is important (86.5%)
- More effort should be made to encourage economic development and jobs that do not rely on resource extraction (81.2%)
- I live in Alaska because of its healthy environment (77.4%)
- We can have a clean environment and a strong economy at the same time without having to choose one over the other (75.7%)

Clearly, a healthy clean environment is universally held to be of prime importance among voters in Alaska. What is particularly encouraging is that these issues are important to respondents when they vote, and that by and large, they don't perceive environmental issues and economic issues to be in conflict, but as ideals that can and should co-exist.

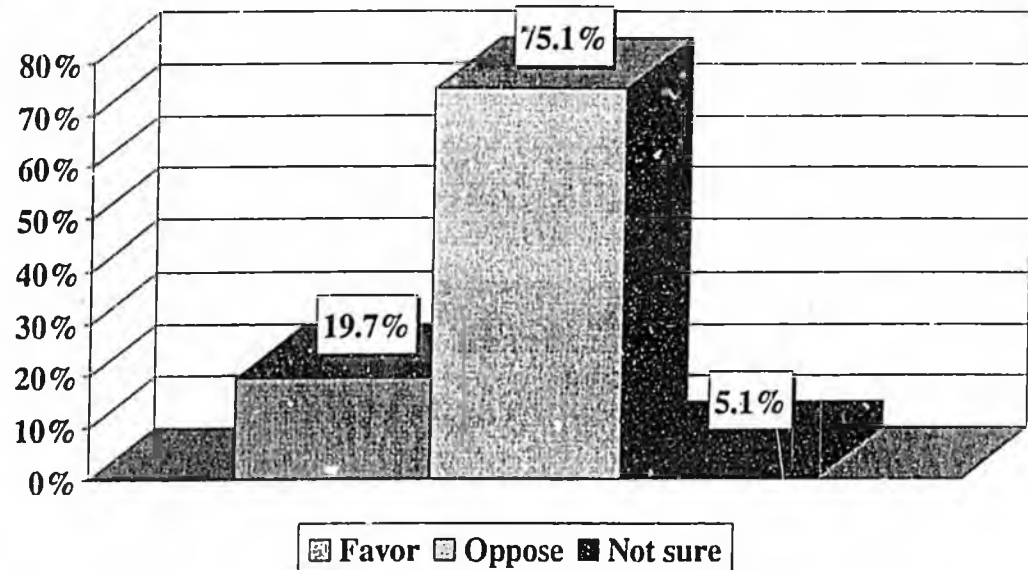
This executive summary summarizes results to this survey. Any questions concerning the contents of this report or concerning the methodology of this study can be directed to Ivan Moore at (907) 278-4600 or by e-mail at ivan@ivanmoorerresearch.com

Ballot Initiatives

Respondents were asked the following question concerning efforts by the legislature to limit citizen ballot initiatives:

The Alaska legislature is considering measures that would limit citizen's ability to put initiatives on the ballot. Some people think this would take away an important right guaranteed by the Alaska Constitution. Others think this would protect us from a cluttered and confusing ballot. Do you favor or oppose measures that limit citizen ballot initiatives?

Ballot initiative measure



This is a very strong result, particularly strong considering the current issue of ballot initiative signature collectors and debate concerning their right to collect signatures. There is clearly very strong opinion among voters that the right to petition government be protected and remain unchanged.

Demographics

The average respondent in this survey...

Live in families who had participated in outdoor recreation activities (like fishing, hunting, skiing and hiking) 65 times in 2001

Has lived in Alaska just over 30 years

Is just over 50 years old

Has a 2001 household income of just over \$78,000

Just over 40% have children

Just over two-thirds are married

A 50-50 gender split was brought about through statistical weighting

By areas of Alaska, we see the following distribution:

Southeast	15.7%
Rural Alaska	8.9%
MatSu-Kenai-Valdez	20.2%
Anchorage	41.8%
Fairbanks	13.3%

Alaska State Legislature

Co-Chair
House Finance Committee
Subcommittee Chair
Environmental Conservation
Courts

During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-3424
Fax (907) 465-3793

In Ketchikan:
50 Front Street, Suite 203
Ketchikan, AK 99901
(907) 247-4672
Fax (907) 225-7157

Representative William K. Williams

MEMO

TO: Representative Rokeberg, Representative Ogan
Representative Meyer, Representative James,
Representative Coghill

FROM: Randy Ruaro, Staffmember, Representative Williams

RE: HB 213 / Amending the Initiative Process

Attached is a copy of the most recent pleading filed by the State of Idaho in the case *Idaho Coalition United for Bears v. Cenarusa*. The pleading sets out arguments in favor of the position that geographic signature requirements are valid. The case was cited at the last committee hearing as authority for the position that geographic signature requirements are unconstitutional.

There are additional reasons why the court's decision would not support a finding in the District Court for Alaska that HB 213's geographic signature requirement is unconstitutional. These reasons will be put on the record at the next committee meeting.

ALAN G. LANCE
ATTORNEY GENERAL
STATE OF IDAHO

WILLIAM A. VON TAGEN, Division Chief
Intergovernmental & Fiscal Law Division
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Attorneys for Defendant

U.S. COURTS
02 FEB -5 AM 9:52
REC'D
CAMERON S. BURKE
CLERK
IDAHO

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF IDAHO

IDAHO COALITION UNITED FOR BEARS, a)
political committee, LYNN FRITCHMAN,)
an individual; DON MORGAN, an individual;)
and RONALD D. RANKIN, an individual,)
and INITIATIVE AND REFERENDUM)
INSTITUTE, a not-for-profit Corporation,)

Plaintiffs,)

vs.)

PETE T. CENARRUSA, in his official)
Capacity as Idaho Secretary of State,)

Defendant.)

Case No. CV 00-668-S-BLW

Response to Plaintiffs'
Opposition To
Motion for Stay

COMES NOW Defendant Pete T. Cenarrusa, by and through his attorneys of record
and hereby submits this memorandum in reply to plain iff's opposition to Motion for

Stay. This memorandum is supported by the pleadings, memoranda, and records contained in the above captioned matter, as well as the arguments contained herein.

**I.
Introduction**

Defendant appeals this Court's memorandum decision and order only insofar as it strikes down the geographical distribution requirement contained in Idaho Code § 34-1805. Specifically, Idaho Code § 34-1805 states: "Provided, that the petition must contain a number of signatures from qualified electors from each of twenty-two (22) counties equal to not less than six percent (6%) of the qualified electors at the time of the last general election in each of those twenty-two (22) counties." In its Memorandum Decision, this Court ruled that this provision is unconstitutional. Defendant has timely appealed this decision to the Ninth Circuit. Defendant appeals on the basis that the geographic distribution requirement contained in Idaho Code § 34-1805 is a reasonable, permissible and necessary means of regulating the access of direct legislation to the ballot.

**II.
Argument**

A. Plaintiff's Incorrectly Argue That The Standard For Review Is Reversible Error.

A large amount of effort is expended by plaintiffs attempting to show defendant's failure to point to any reversible error by the Court. Reversible error is not the appropriate standard. Plaintiffs argument against a stay is based on a single sentence extracted from defendant's motion for stay. (Plaintiff's Opposition to Motion for Stay, p.4) Reading the entirety of defendant's Memorandum In Support Of Stay, it is clear

that defendant has shown that defendant believes that the Court incorrectly interpreted and applied the case law relied upon in the formation of its decision.

Plaintiffs are also incorrect because the appropriate standard of review is not "reversible error"¹ as stated in their briefing, but rather *de novo* review². No deference is afforded the lower court ruling in *de novo* review. *De novo* review means the reviewing court views the case from the same position as the district court. See Environmental Prot. Info. Ctr. v. Simpson Timber Co., 255 F.3d 1073, 1078 (9th Cir. 2001). Thus, no deference is owed to the district court. See Harman v. Apfel, 211 F.3d 1172, 1175 (9th Cir.), *cert. denied*, 121 S. Ct. 628 (2000).

B. Standard for Granting a Stay

To obtain a stay pending appeal, the moving party must demonstrate at least a fair chance of success on the merits and that the balance of hardships tips in its favor. See Artukovic v. Rison, 784 F.2d 1354, 1356 (9th Cir.1986); Gilder v. PGA Tour, Inc., 936 F.2d 417, 422 (9th Cir.1991). Defendant satisfies both elements of this test.

1. Defendant Has A Fair Chance Of Success On The Merits.

Defendant Cenarrusa, with all due respect and deference to this Court, believes that there is a strong likelihood that the District Court ruling will be overturned on appeal. There are a number of reasons for this belief, which will be discussed below.

a. The State Should Be Granted Substantial Deference In Its Means Of Regulation.

¹ It is worthy of note that plaintiffs have asked this Court to apply the same standard as the United States Supreme Court, this argument, however, is inaccurate. The U.S. Supreme Court enjoys discretionary review because it has the discretion to only grant review in those cases it deems appropriate. No such standard is at work in the instant scenario.

² Appellate review of questions of law and motions for summary judgment is conducted *de novo*. See Gibson v. County of Riverside, 132 F.3d, 1311,1312, (9th Cir. 1997); United States v. Michael R., 90 F.3d 340, 343 (9th Cir. 1996); Delta Savings bank v. United States, 265 F.3d 1017, 1021 (9th Cir. 2001)

First the initiative is a wholly state created right. As such, the state deserves substantial deference in its regulation. The U.S. Constitution grants states the power to regulate elections. U.S. Const. Art. 1 § 4, cl.1. Although the right to vote is a fundamental right under the federal constitution, Burdick v. Takushi, 504 U.S. 428, 433, 112 S.Ct. 2059, 2063, 119 L.Ed.2d 245 (1992), states have been given broad discretion in adopting legislation regulating the election process. Such regulations are accorded substantial deference. Rodriguez v. Popular Democratic Party, 457 U.S. 1, 8, 102 S.Ct. 2194, 2199, 72 L.Ed.2d 628 (1982). (emphasis added) No showing of deference, let alone substantial deference to the reasonable regulations enacted by the state affecting the initiative process, was shown or contemplated in this Court's Memorandum Decision.

b. The Court Failed To Use The Appropriate Standard Of Review

Defendant can show that this Court did not apply the appropriate standard of review. The framework for analyzing whether or not burdens arising from ballot access restrictions are impermissible under the First and Fourteenth Amendments, was outlined in Anderson v. Celebrezze, 460 U.S. 780, 103 S.Ct. 1564, 75 L.Ed.2d 547 (1983) and Burdick. Assuming arguendo that the Court was correct in application of Burdick as controlling the factors first outlined in Anderson and later amplified in Burdick must be balanced.

First, the Court must consider the character and magnitude of the plaintiff's asserted injury on her First and Fourteenth Amendment rights. Second, the Court must identify and evaluate the state's interests, which purportedly justify the burdens imposed. The Court must then determine the legitimacy and strength of those interests

and consider if those interests necessitate the burdens imposed on the plaintiffs. Anderson, 460 U.S. at 789. It follows therefore that "when a state election law provision imposes only reasonable, non-discriminatory restrictions upon the First and Fourteenth Amendment rights of voters, the state's important regulatory interests are generally sufficient to justify the restrictions." Burdick, 504 U.S. at 434, 112 S.Ct. at 2063-64. The court's Memorandum Decision and Order fails to take into account or outline how any of the above factors were either weighed or considered in its determination.

c. Additional Factors Should Have Been Weighed By The Court.

Defendant contends that many of the factors that should have been considered by the Court in making its decision were not weighed. For example, no distinction was made between the undeniable fact that each case upon which the court relied concerned ballot access restrictions for candidates as opposed to direct legislation by initiative. The Court failed to weigh any factor within its ruling other than "Illinois argued—as Idaho does here—that this restriction was designed to require statewide support rather than the support of a few populous counties." (See Memorandum Decision, ¶.) This argument is only a small portion of a much broader basis for the geographical distribution requirement. Statewide support was the only factor the court weighed in its determination that the statute at issue was unconstitutional. Not reflected within its Memorandum Decision is consideration of any additional factor, or a showing that any deference was granted to Idaho in the administration of its reasonable regulation of the direct legislation process.

d. Reasonable Checks And Balances Are Necessary

Within our system we have created a number of protections against the "unfettered excesses of democracy" *Federalist No. 10* (Madison). The framers of our Constitution specifically rejected the initiative or direct democracy as options for our nation, and instead chose a republican form of government. Within our republican form of government no one group is granted excessive power, and each grant of power is checked elsewhere with an equal grant of power to another entity. The Idaho direct legislative process mirrors our constitutional system of checks and balances.

A quick summary of our constitutional system highlights the myriad of checks and balances of powers and authority. It is possible for a candidate for president to receive a majority of the popular vote, yet lose in the Electoral College. Also, it is possible for a bill to receive 60 percent of the vote of both houses and still fail to become a law through the presidential veto. It is possible for the United States House of Representatives to unanimously approve a bill reflecting 100% of the population only to fail in the geographically assigned United States Senate. The list of these checks and balances goes on.

The framers of our Constitution recognized the inherent problems of the direct democracy just as the Idaho initiative system recognizes and checks the same. Idaho's geographical distribution requirement is simply an extension of our long history of checks and balances to the direct legislation system within Idaho.

e. Court Failed To Account For Idaho's Unique Distribution Of Population

The court fails to account for how a geographical requirement that preserves the franchise within the entire state of Idaho subverts the one-person one vote principle. First and foremost, no one is voting at the signature gathering stage of the initiative

process. Simply signing a petition does not equate to a pledge to vote for an initiative idea. The act of signature gathering is simply to show that an idea has a "significant modicum of support." Jenness v. Fortson, 403 U.S. 431, 442, 91 S.Ct. 1970, 1976, 29 L.Ed.2d 554 (1971).

Idaho is a uniquely situated state. It is a well-known fact that although Idaho has forty-four counties, the majority of the population is distributed in only a handful of those counties. Each county, regardless of population, is entitled to participate in the initiative process from idea formation to the conclusion of the election. Through the Court's ruling, a significant portion of Idaho counties have been denied the franchise because, due to the disparate distribution of population, voices and votes within the process are rendered nullities.

f. A Simple Majority Rule is Inappropriate in Idaho

It is not a far-fetched idea that within Idaho a significant body of law could emerge through the initiative process focusing solely in Ada, Canyon, Kootenai, or Bannock counties. A highly localized system of direct democracy could result in the further erosion of Idaho's rural economy. The state is responsible for protecting the health and welfare of all citizens, not simply those who reside in the most populous counties. The Idaho geographic distribution requirement insures that individuals in less populated counties enjoy the same protection as those in populated counties.

Narrowly tailored, the geographic distribution requirement is only one portion of a dual requirement. The twenty-two county requirement is balanced with the overall 6% requirement. Visiting the twenty-two least populous counties will not garner sufficient signatures to place an initiative on the ballot, just as visiting the four most populous

counties will not. The requirements balance themselves out. In order to qualify an initiative, a signature gatherer will have to visit highly populous counties as well as less densely populated counties.

2. The Balance of Hardships Favors the Defendant

The balance of hardships favors the defendant. Idaho Code § 34-1805 protects both rural and urban communities equally throughout the initiative process. The Tribal Gaming initiative is virtually qualified under the geographic distribution standard. Reducing the standard while this action is pending will result in a process that is not properly regulated.

Further, the Morgan Affidavit omits several material facts to his circulation efforts. Morgan received a certificate of review for his term limits initiative on August 23, 2001. This Court did not rule the geographic distribution unconstitutional until November 30, 2001. Mr. Morgan was operating under the former statute when he initially filed his petition with the Secretary of State, and for at least three months following issuance of the certification. Mr. Morgan cannot claim either ignorance or unforeseen hardship in the circulation of his ballot initiative petitions.

Further, defendant believes that striking down the statute, and then having the statute upheld on appeal, creates an unbalanced application of the law. Each petition that has been presented to the Idaho Secretary of State's office was presented prior to the law being struck down, therefore each circulator was aware of the requirements for ballot qualification. A single unwavering standard should govern until the conclusion of this case.

3. The Public Interest Supports A Stay

The citizens of Idaho, through their elected officials, supported the amendment of Idaho Code 34-1805. Their interest in limiting access to the ballot of every idea for a law is a valid and substantial one. Electors have an interest in protecting themselves from "laundry list" ballots.

"Laundry list ballots discourage voter participation and confuse and frustrate those who participate." See Lubin v. Panish, 415 U.S. 709, 715, 94 S.Ct. 1315, 1319-20, 39 L.Ed.2d 702 (1974). Rational results within our system are not likely to be reached if the ballot for a single office must list a dozen or more aspirants who are relatively unknown or have no prospects of success. *Id.* Similarly, Idaho voters should not be forced to vote on a significant number of ballot issues with only a small measure of highly localized support.

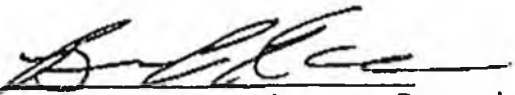
Finally, there is an "important state interest in requiring some preliminary showing of a significant modicum of support before printing the name of a political organization's candidate on the ballot—the interest, if no other, in avoiding confusion, deception, and even frustration of the democratic process at the general election." See Jenness v. Fortson, 403 U.S. 431, 442, 91 S.Ct. 1970, 1976, 29 L.Ed.2d 554 (1971). Idaho Code § 34-1805 protects the citizens of Idaho from laundry list ballots containing a myriad of initiative issues, as well as insuring that only those ideas that are well formed, widely circulated, and organized gain access to the ballot.

iii. Conclusion

For the foregoing reasons, Defendant respectfully requests that this Court grant their Motion for Stay.

DATED this 5th day of February 2002.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By: 
Brian P. Kane, Deputy Attorney General
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 5th day of February, 2002, I caused to be mailed a true and correct copy of the foregoing by placing a copy thereof in the United States Mail, postage prepaid, addressed to:

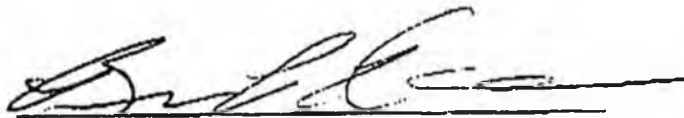
Paul Grant
6426 S. Quebec Street
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Hand Delivery
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ALAN G. LANCE
ATTORNEY GENERAL



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HJR

30

ALASKA STATE LEGISLATURE

REPRESENTATIVE
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House of Representatives
House District 24

Sponsor Statement

HJR 30

This resolution asks the Congress of the United States to present a constitutional amendment to the States authorizing Congress to prohibit the physical desecration of the American flag. The resolution supports two measures currently in Congress: House Joint Resolution 36, which passed the House on July 17, 2001 on a vote of 298 to 125; and Senate Joint Resolution 7.

Does the First Amendment give us the right to desecrate the American flag? Or is the flag a sacred symbol of our nation, itself a monument deserving protection by law? In 1989, with *Texas v. Johnson*, the U.S. Supreme Court overturned anti-flag desecration laws that 48 states had on the books. At that time, the Court held that flag burning was symbolic expression and must be afforded the complete protection of the First Amendment.

Dissenters to *Texas v. Johnson* recognized that the anti-desecration statutes protect the *use* of this particular symbol (the American flag), and in no way sought to restrict the ideas that flag desecraters convey. Chief Justice Rehnquist said, "This uniquely deep awe and respect for our flag felt by virtually all of us is bundled off under the rubric of 'designated symbols' that the First Amendment prohibits the government from establishing." The Chief Justice argued that by restricting the physical desecration of our flag, the government recognizes as fact, the profound regard for the American flag created in the hearts of Americans by 200 years of history.

The 1989 Supreme Court decision set in motion a grassroots campaign of unprecedented success. No other issue on Capitol Hill has the endorsement of 80% of the American people, the overwhelming majority of the US House and Senate and 100 percent of state legislatures. HJR30 asks the US Senate to yield to the will of the people and send the proposed flag amendment to the States for ratification.

"The flag is a national property, and the Nation may regulate those who would make, imitate, sell, possess, or use it. I would not question those statutes which proscribe mutilation, defacement, or burning of the flag which otherwise protect its physical integrity, without regard to whether such conduct might provoke violence..... There would seem to be little question about the power of Congress to forbid the mutilation of the Lincoln Memorial....The flag itself is a monument, subject to similar protection."

- Justice White

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HJR 30
 (H) Publish Date: 1/22/02

Revision Date/Time (Note if correction): _____ Dept. Affected: HSTA for LAA
 Title: Relating to an amendment to the Constitution BRU: _____
of the United States prohibiting Component: _____
 Sponsor: deseccration of the Flag of the United States
 Requester: H(STA) Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This resolution has no fiscal impact on state spending.

Prepared by: Rynniva Moss Phone 465-3719

Representative John Coghili Date 1/22/02
 Committee Chair

Subject: Re: Re pending flag legislation

Date: Mon, 21 Jan 2002 17:13:58 -0900

From: "Bob Nelson" <bob58@alaska.com>

To: "Linda Sylvester" <Linda_Sylvester@legis.state.ak.us>

Representative Kott... putting personal thoughts and visions into words is never easy. I do all the easy things - I stand proudly when the anthem is played, I love to see the flag flying - especially over the past months... I like the red, white and blue lights for the holidays this year, and I like seeing the bumper stickers, pins, banners, etc stuck here and there. Some of the harder things are trying to keep the tears out of my eyes when I watch our flag draped over the casket of one of our fallen heroes and family members struggling to clutch it to their heart. I absolutely was thrilled during my second trip to New York when all the patrons in a restaurant stood on their feet and applauded as an off duty fire truck came up the street. The applause didn't quit until the customers knew the firemen could no longer hear them. What an honor! What does this all mean in reference to our flag -- it is sometimes the only visible sign of what is happening in the hearts of our citizens. The colors are brilliant, their message is simple - freedom for those who dare. It doesn't need a long desertation - but it does need tender, loving care for those of us who are living and enjoying the benefits of its ideals.

I've thought about the arguments and comments about the fact that we don't need to protect our flag as the very thing it stands for is the freedom of people to disagree. What is important, it is argued, is that the ideal of the flag remains. OK, I've heard that, and now I disagree with the disagree'ers. We all have many important symbols in our lives - religious, family, corporation, etc. The reason why isn't important - they are important because they are. That's the way I feel about the flag - it's one of my "heart" symbols - you can disagree with me, but don't attempt to destroy it.

Some words sent to me this very day:

Silent Praise

As I face the stately flagstaff,
To give my silent praise.
Old Glory seems to answer,
With every fold that waves.

These and those that follow,
Heroes not intent to be.
Preserve the peace for all,
And our country ever free.

I hear the ropes a' clinkin',
As the breeze stirs their calm.
The only sound to break the hush,
On this early morn.

The birth rays of the day,
Light her colors bright.
She represents our freedom,
And our country's might.

Many think the colors,
Are toys to be waved.
But many have given all,
And lie in forgotten graves.

GENERAL COLIN L. POWELL, USA (RET)

909 NORTH WASHINGTON STREET, SUITE 767
ALEXANDRIA, VIRGINIA 22314

MAY 18, 1999

The Honorable Patrick Leahy
United States Senate
Washington, DC 10510-4502

Dear Senator Leahy,

Thank you for your recent letter asking my views on the proposed flag protection amendment.

I love our flag, our Constitution and our country with a love that has no bounds. I defended all three for 35 years as a soldier and was willing to give my life in their defense.

Americans revere their flag as a symbol of the Nation. Indeed, it is because of that reverence that the amendment is under consideration. Few countries in the world would think of amending their Constitution for the purpose of protecting such a symbol.

We are rightfully outraged when anyone attacks or desecrates our flag. Few Americans do such things and when they do they are subject to the rightful condemnation of their fellow citizens. They may be destroying a piece of cloth, but they do no damage to our system of freedom which tolerates such desecration.

If they are destroying a flag that belongs to someone else, that's a prosecutable crime. If it is a flag they own, I really don't want to amend the Constitution to prosecute someone for foolishly desecrating their own property. We should condemn them and pity them instead.

I understand how strongly so many of my fellow veterans and citizens feel about the flag and I understand the powerful sentiment in state legislatures for such an amendment. I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away.

Finally, I shudder to think of the legal morass we will create trying to implement the body of law that will emerge from such an amendment.

If I were a member of Congress, I would not vote for the proposed amendment and would fully understand and respect the views of those who would. For or against, we all love our flag with equal devotion.

Sincerely,
General Colin Powell, USA (RET)

P.S. The attached 1989 article by a Vietnam POW gave me further inspiration for my position.

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[Prev](#) | [Next](#)[TITLE 4](#) > [CHAPTER 1](#) > Sec. 8.**Sec. 8. - Respect for flag**

No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

(a)

The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.

(b)

The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.

(c)

The flag should never be carried flat or horizontally, but always aloft and free.

(d)

The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of the platform, and for decoration in general.

(e)

The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.

(f)

The flag should never be used as a covering for a ceiling.

(g)

The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any

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nature.

(h)

The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.

(i)

The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.

(j)

No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firemen, policemen, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin being a replica, should be worn on the left lapel near the heart.

(k)

The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning

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Notes on Sec. 1.

SOURCE

July 30, 1947, ch. 389, 61 Stat. 642.

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-252, Sec. 1, July 28, 2000, 114 Stat. 626, provided that: "This Act (enacting sections 116 to 126 of this title and provisions set out as a note under section 116 of this title) may be cited as the 'Mobile Telecommunications Sourcing Act'."

EXECUTIVE ORDER NO. 10798

Ex. Ord. No. 10798, Jan. 3, 1959, 24 F.R. 79, which prescribed proportions and sizes of flags until July 4, 1960, was revoked by section 33 of Ex. Ord. No. 10834, set out as a note under this section

EX. ORD. NO. 10834. PROPORTIONS AND SIZES OF FLAGS AND POSITION OF STARS

Ex. Ord. No. 10834, Aug. 21, 1959, 24 F.R. 6865, provided:

WHEREAS the State of Hawaii has this day been admitted into the Union; and

WHEREAS section 2 of title 4 of the United States Code provides as follows: "On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission."; and

WHEREAS the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (see Short Title note under section 471 of Title 40, Public Buildings, Property, and Works) authorizes the President to prescribe policies and directives governing the procurement and utilization of property by executive agencies; and

WHEREAS the interests of the Government require that orderly and reasonable provision be made for various matters pertaining to the flag and that appropriate regulations governing the procurement and utilization of national flags and union jacks by executive agencies be prescribed:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and as Commander in Chief of the armed forces of the United States, and the Federal Property and Administrative Services Act of 1949, as amended (see Short Title note under section 471 of Title 40, Public Buildings, Property, and Works), it is hereby ordered as follows: PART I - DESIGN OF THE FLAG

Section 1. The flag of the United States shall have thirteen horizontal stripes alternate red and white, and a union consisting of white stars on a field of blue.

Sec. 2. The positions of the stars in the union of the flag and in the union jack shall be as indicated on the attachment to this order, which is hereby made a part of this order.

Sec. 3. The dimensions of the constituent parts of the flag shall conform to the proportions set forth in the attachment referred to in section 2 of this order. PART II - REGULATIONS GOVERNING EXECUTIVE AGENCIES

Sec. 21. The following sizes of flags are authorized for executive agencies:

Feet Feet



Size Dimensions of Flag Hoist (width) Fly (length)

(1)	20.00	38.00
(2)	10.00	19.00
(3)	8.95	17.00
(4)	7.00	11.00
(5)	5.00	9.50
(6)	4.33	5.50
(7)	3.50	6.65
(8)	3.00	4.00
(9)	3.00	5.70
(10)	2.37	4.50
(11)	1.32	2.50

Sec. 22. Flags manufactured or purchased for the use of executive agencies:

(a)

Shall conform to the provisions of Part I of this order, except as may be otherwise authorized pursuant to the provisions of section 24, or except as otherwise authorized by the provisions of section 21, of this order.

(b)

Shall conform to the provisions of section 21 of this order, except as may be otherwise authorized pursuant to the provisions of section 24 of this order.

Sec. 23. The exterior dimensions of each union jack manufactured or purchased for executive agencies shall equal the respective exterior dimensions of the union of a flag of a size authorized by or pursuant to this order. The size of the union jack flown with the national flag shall be the same as the size of the union of that national flag.

Sec. 24.

(a)

The Secretary of Defense in respect of procurement for the Department of Defense (including military colors) and the Administrator of General Services in respect of procurement for executive agencies other than the Department of Defense may, for cause which the Secretary or the Administrator, as the case may be, deems sufficient, make necessary minor adjustments in one or more of the dimensions or proportionate dimensions prescribed by this order, or authorize proportions or sizes other than those prescribed by section 3 or section 21 of this order.

(b)

So far as practicable,

(1)

the actions of the Secretary of Defense under the provisions of section 24(a) of this order, as they relate to the various organizational elements of the Department of Defense, shall be coordinated, and

(2)

the Secretary and the Administrator shall mutually coordinate their actions under that section.

Sec. 25. Subject to such limited exceptions as the Secretary of Defense in respect of the Department of Defense, and the Administrator of General Services in respect of executive agencies other than the Department of Defense, may approve, all national flags and union jacks now in the possession of executive agencies, or hereafter acquired by executive agencies

HJR

36

*Adopted
3.20.02*

22-LS1402\P
Kurtz
3/20/02

CS FOR SS FOR HOUSE JOINT RESOLUTION NO. 36(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES CROFT, Hayes, Halcro, Dyson

A RESOLUTION

1 **Proposing an amendment to the Constitution of the State of Alaska relating to limiting**
2 **the rate of state individual income taxes and sales taxes.**

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

4 *** Section 1.** Article IX, Constitution of the State of Alaska, is amended by adding a new
5 section to read:

6 **Section 18. Tax Caps.** (a) The rate of an individual income tax levied by the
7 State may not exceed five percent of an individual's taxable income, as that term is
8 defined in federal law.

9 (b) The rate of a sales tax levied by the State may not exceed five percent of
10 the sale price. This subsection does not limit the rate of a sales tax levied by a
11 municipality.

12 *** Sec. 2.** The amendment proposed by this resolution shall be placed before the voters of
13 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
14 State of Alaska, and the election laws of the state.

Moved by
Rep. Cogwell
WITHDRAWN

AMENDMENT #/

OFFERED IN THE HOUSE
TO: SSHJR 36

BY REPRESENTATIVE OGAN

- 1 Page 1, lines 1 - 2:
- 2 Delete "limiting the rate of"
- 3
- 4 Page 1, line 6, following "Tax Caps"
- 5 Insert "; Voter Approval of New Taxes and Rate Increases"
- 6
- 7 Page 1, following line 14:
- 8 Insert a new subsection to read:
- 9 "(c) A new individual income tax or sales tax or an increase in the rate of levy
- 10 of an individual income tax or sales tax enacted by the legislature does not take effect
- 11 unless ratified by a majority of the voters at the first statewide election held following
- 12 enactment of the tax or the tax increase."

HJR 36 IS A TAX CAP NOT A SPENDING CAP

WHAT IS THE DIFFERENCE?

A tax cap protects taxpayers by limiting the rate or amount of taxation. A spending cap restricts the total amount of spending from any source including non-tax revenues such as grants or other income. The two concepts are related but with critical differences. A tax cap has the collateral effect of restraining spending by limiting the amount available for appropriation. A spending cap can depress the need for additional taxation. But these are indirect results.

Properly drafted, a tax cap allows for economic development. Increased economic development results in increased revenues available to fund the increased need for schools, roads, police and other services that come with economic development. A spending cap may or may not allow for increased spending based on increased economic activity.

CAN WE DO BOTH?

YES. The concepts can complement each other. Each can also stand on its own merit.

ANCHORAGE HAS A TAX CAP THAT ALLOWS FOR ECONOMIC GROWTH.

The Anchorage Tax Cap applies to "the total amount of municipal tax that can be levied" (not the total amount that can be 'appropriated') and allows for economic development because it exempts "new construction or property improvements". As new construction occurs in Anchorage the tax cap increases and the ability to provide the services to the new employees and their families increases. Anchorage does not have a spending cap in its charter.

A TAX CAP CAN SAVE SUBSTANTIAL AMOUNTS OF MONEY.

Mississippi has a 7% sales tax. If Mississippi had an equivalent of HJR 36 in place, each individual would have saved \$211.84 in FY 2001.

Washington has a state sales tax of 6.5%. If Washington had limited their state sales tax to 5%, each resident would have saved \$180 in FY 1998.

*Anchorage Municipal Charter, Article XIV
Section 14.03 Tax Increase Limitation.*

(a) Except as provided in this section, the total amount of municipal tax that can be levied during a fiscal year shall not exceed the total amount approved by the assembly for the preceding year by more than a percentage determined by adding the percentage increase in the Federal Consumer Price Index for Anchorage from the preceding fiscal year plus the average percentage growth or loss in the Anchorage municipal population over the preceding five fiscal years as determined by the state department of community and regional affairs.

(b) The limitations set forth in subsection (a) do not apply to the following:

(1) Taxes on new construction or property improvements which occur during the current fiscal year.

(2) Taxes required to fund additional services mandated by voter approved ballot issues.

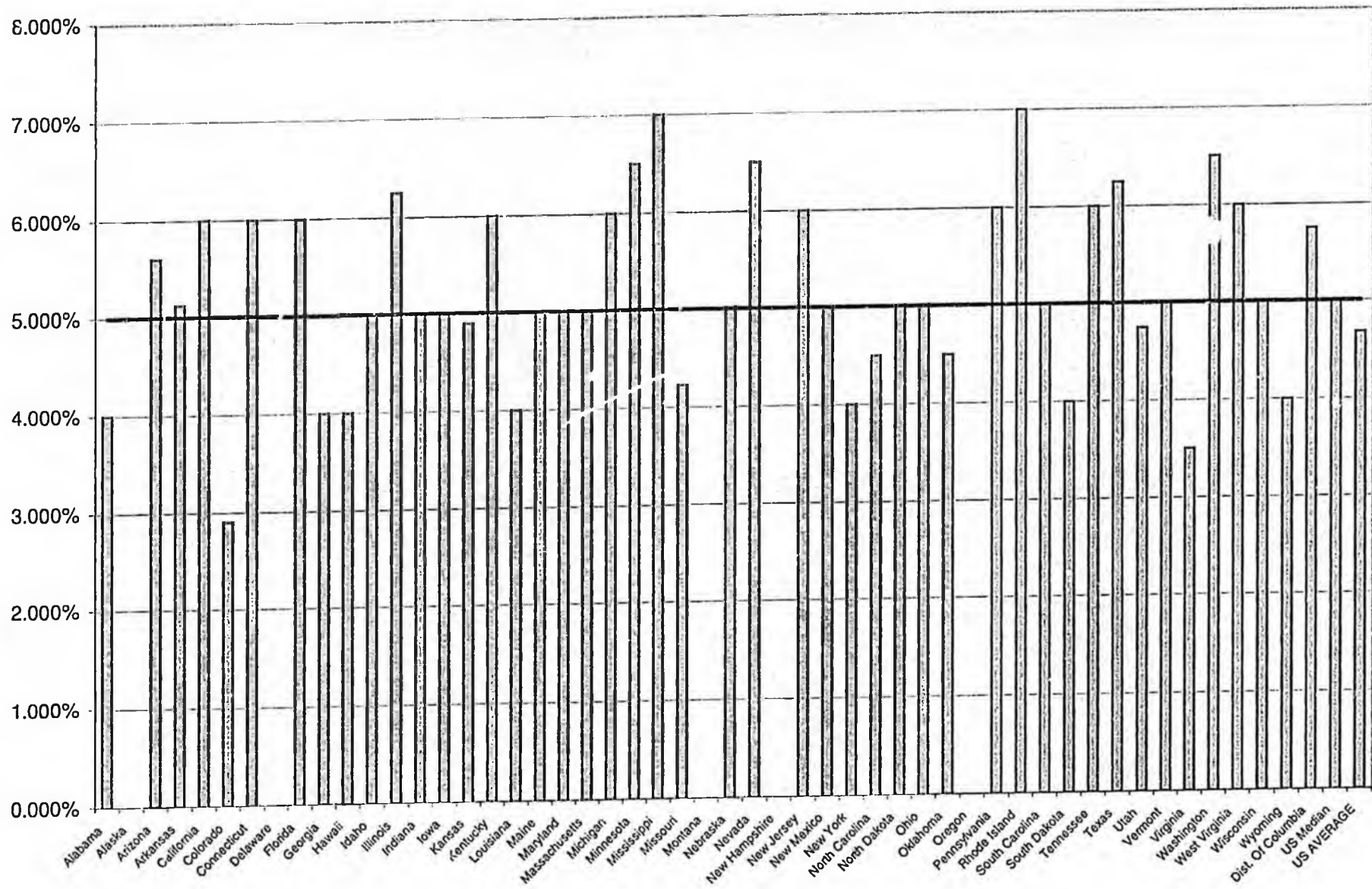
(3) Special taxes authorized by voter approved ballot issues.

(4) Taxes required to fund the costs of judgments entered against the municipality or to pay principal or interest on bonds, including revenue bonds.

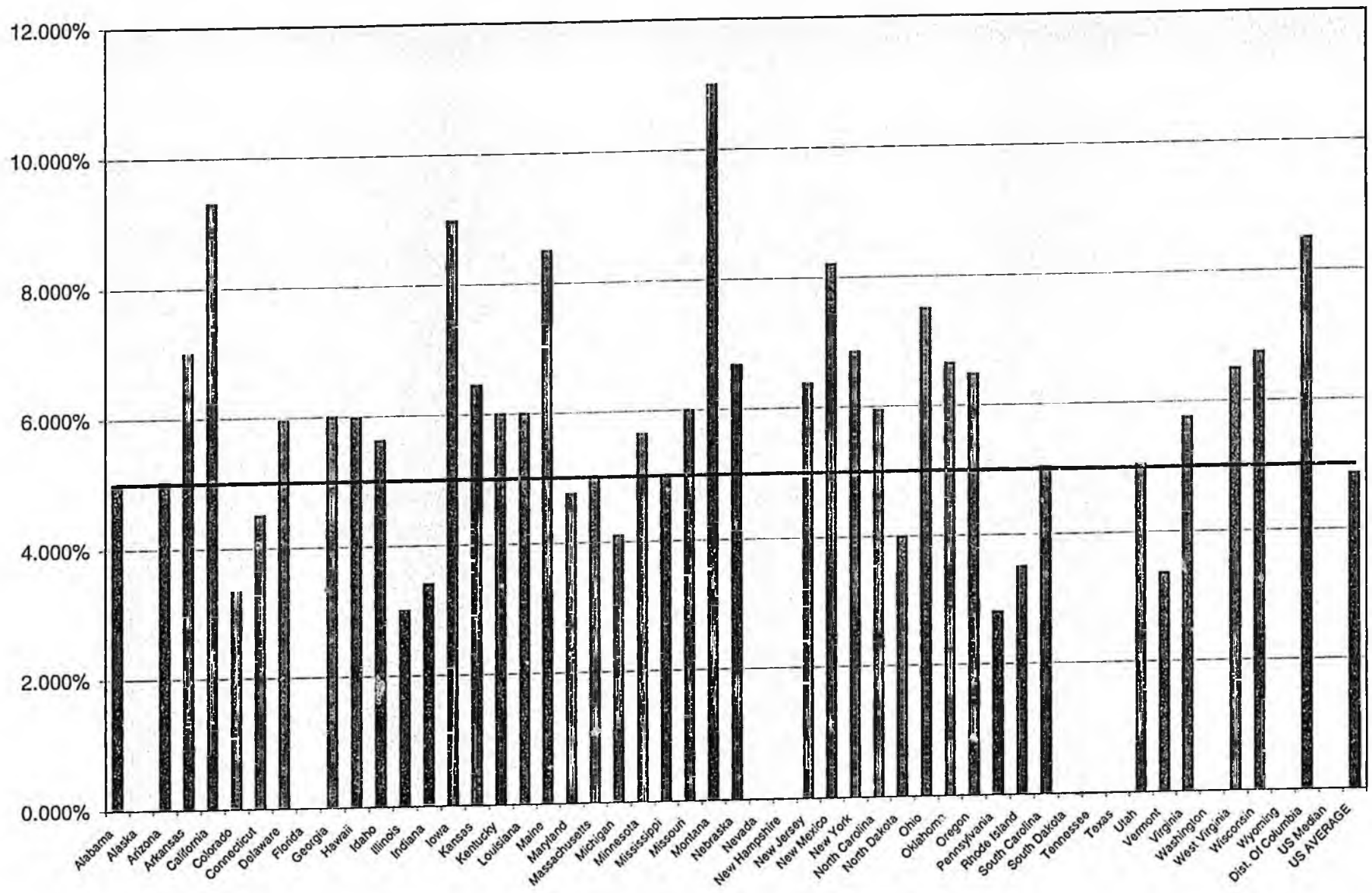
(5) Taxes required to fund the cost of an emergency ordinance enacted pursuant to 10.03 of the Municipal Charter.

(c) Any tax increases which result from the exceptions set forth in subsection (b)(1)-(3) shall be added to the base amount which is used in subsection (a) for the calculations of the subsequent year tax increase limit.

(Initiative, prop. 24 10-4-83)



SALES TAX — TAX CAP



INCOME TAX — TAX CAP

LEGISLATIVE RESEARCH REPORT

FEBRUARY 12, 2002



REPORT NUMBER 02.124

STATE INCOME AND SALES TAXES

PREPARED FOR REPRESENTATIVE ERIC CROFT

BY PATRICIA YOUNG, MANAGER

You asked for a brief summary of individual income tax and sales tax rates in other states. The attached tables, compiled by the Federation of Tax Administrators (FTA), provide the information you requested for every state. This and other tax information is available on the Internet through the FTA website at http://www.taxadmin.org/fta/rate/tax_stru.html.

We include information on individual income tax rates as Attachment A. As you will see, "State Individual Income Taxes," is current as of January 2002. Along with this table, we include "State Personal Income Taxes: Federal Starting Points."

We include information on state sales taxes as Attachment B. "Comparison of State and Local Retail Sales Taxes," is current as of July 2001. Additional information in "State Sales Tax Rates and Food and Drug Exemptions" and "State Sales Tax Rates and Vendor Discounts" is current as of January 2002.

I hope you find this information useful. Please do not hesitate to contact us if you have questions or need additional information.

Attachment A

**"State Individual Income Taxes," and
"State Personal Income Taxes: Federal Starting Points,"
Federation of Tax Administrators, February 2002**

STATE INDIVIDUAL INCOME TAXES
(Tax rates for tax year 2002 - as of January 1, 2002)

	TAX RATE RANGE		Number of Bracket	INCOME BRACKETS		PERSONAL EXEMPTIONS			FEDERAL INCOME TAX DEDUCTIBLE
	(In percents) Low	High		Lowest	Highest	Single	Married dependents		
ALABAMA	2.0	- 5.0	3	500 (b)	- 3,000 (b)	1,500	3,000	300	*
ALASKA	No State Income Tax								
ARIZONA	2.87	- 5.04	5	10,000 (b)	- 150,000 (b)	2,100	4,200	2,300	
ARKANSAS	1.0	- 7.0 (e)	6	2,999	- 25,000	20 (c)	40 (c)	20 (c)	
CALIFORNIA (a)	1.0	- 9.3	6	5,748 (b)	- 37,725 (b)	79 (c)	158 (c)	247 (c)	
COLORADO	4.63		1	---Flat rate---		---None---			
CONNECTICUT	3.0	- 4.5	2	10,000 (b)	- 10,000 (b)	12,000 (f)	24,000 (f)	0	
DELAWARE	2.2	- 5.95	7	5,000	- 60,000	110 (c)	220 (c)	110 (c)	
FLORIDA	No State Income Tax								
GEORGIA	1.0	- 6.0	6	750 (g)	- 7,000 (g)	2,700	5,400	2,700	
HAWAII	1.4	- 8.3	8	2,000 (b)	- 40,000 (b)	1,040	2,080	1,040	
IDAHO	0.6	- 7.8	8	1,000 (h)	- 20,000 (h)	2,900 (d)	5,800 (d)	2,900 (d)	
ILLINOIS	3.0		1	---Flat rate---		2,000	4,000	2,000	
INDIANA	3.4		1	---Flat rate---		1,000	2,000	1,000	
IOWA (a)	0.36	- 8.98	9	1,211	- 54,495	40 (c)	80 (c)	40 (c)	*
KANSAS	3.5	- 6.45	3	15,000 (b)	- 30,000 (b)	2,250	4,500	2,250	
KENTUCKY	2.0	- 6.0	5	3,000	- 8,000	20 (c)	40 (c)	20 (c)	
LOUISIANA	2.0	- 6.0	3	10,000 (b)	- 50,000 (b)	4,500 (l)	9,000 (l)	1,000 (l)	*
MAINE (a)	2.0	- 8.5	4	4,150 (b)	- 16,500 (b)	2,850	5,700	2,850	
MARYLAND	2.0	- 4.75	4	1,000	- 3,000	2,400	4,800	2,400	
MASSACHUSETTS	5.0		1	---Flat rate---		4,400	8,800	1,000	
MICHIGAN (a)	4.1 (j)		1	---Flat rate---		2,800	5,600	2,800	
MINNESOTA (a)	5.35	- 7.85	3	18,710 (k)	- 61,461 (k)	2,900 (d)	5,800 (d)	2,900 (d)	
MISSISSIPPI	3.0	- 5.0	3	5,000	- 10,000	6,000	12,000	1,500	
MISSOURI	1.5	- 6.0	10	1,000	- 9,000	2,100	4,200	2,100	* (s)
MONTANA (a)	2.0	- 11.0	10	2,200	- 75,400	1,720	3,440	1,720	*
NEBRASKA (a)	2.51	- 6.68	4	2,400 (l)	- 26,500 (l)	94 (c)	188 (c)	94 (c)	
NEVADA	No State Income Tax								
NEW HAMPSHIRE	State Income Tax Is Limited to Dividends and Interest Income Only.								
NEW JERSEY	1.4	- 6.37	6	20,000 (m)	- 75,000 (m)	1,000	2,000	1,500	
NEW MEXICO	1.7	- 8.2	7	5,500 (n)	- 65,000 (n)	2,900 (d)	5,800 (d)	2,900 (d)	
NEW YORK	4.0	- 6.85	5	8,000 (b)	- 20,000 (b)	0	0	1,000	
NORTH CAROLINA (o)	6.0	- 8.25	4	12,750 (o)	- 120,000 (o)	2,900 (d)	5,800 (d)	2,900 (d)	
NORTH DAKOTA	2.1	- 5.54 (p)	5	27,050 (p)	- 297,350 (p)	2,900 (d)	5,800 (d)	2,900 (d)	(p)
OHIO (a)	0.743	- 7.5 (q)	9	5,000	- 200,000	1,150 (q)	2,300 (q)	1,150 (q)	
OKLAHOMA	0.5	- 6.65 (r)	8	1,000	- 10,000	1,000	2,000	1,000	* (r)
OREGON (a)	5.0	- 9.0	3	2,350 (b)	- 5,850 (b)	132 (c)	264 (c)	132 (c)	* (s)
PENNSYLVANIA	2.8		1	---Flat rate---		---None---			
RHODE ISLAND	25.0% Federal tax liability (t)								
SOUTH CAROLINA (a)	2.5	- 7.0	6	2,400	- 12,000	2,900 (d)	5,800 (d)	2,900 (d)	
SOUTH DAKOTA	No State Income Tax								
TENNESSEE	State Income Tax Is Limited to Dividends and Interest Income Only.								
TEXAS	No State Income Tax								
UTAH (a)	2.30	- 7.0	6	863 (b)	- 4,313 (b)	2,175 (d)	4,350 (d)	2,175 (d)	* (u)
VERMONT	24.0% Federal tax liability (t)								
VIRGINIA	2.0	- 5.75	4	3,000	- 17,000	800	1,600	800	
WASHINGTON	No State Income Tax								
WEST VIRGINIA	3.0	- 6.5	5	10,000	- 60,000	2,000	4,000	2,000	
WISCONSIN	4.6	- 6.75 (v)	4	7,500	- 112,500	700	1,400	400	
WYOMING	No State Income Tax								
DIST. OF COLUMBIA	4.5	- 8.5 (w)	3	10,000	- 40,000	1,370	2,740	1,370	

STATE INDIVIDUAL INCOME TAXES (footnotes)

Source: The Federation of Tax Administrators from various sources.

- (a) Seven states have statutory provision for automatic adjustment of tax brackets, personal exemption or standard deductions to the rate of inflation. Michigan, Nebraska and Ohio indexes the personal exemption amounts only.
- (b) For joint returns, the taxes are twice the tax imposed on half the income.
- (c) tax credits.
- (d) These states allow personal exemption or standard deductions as provided in the IRC. Utah allows a personal exemption equal to three-fourths the federal exemptions.
- (e) A special tax table is available for low income taxpayers reducing their tax payments.
- (f) Combined personal exemptions and standard deduction. An additional tax credit is allowed ranging from 75% to 0% based on state adjusted gross income. Exemption amounts are phased out for higher income taxpayers until they are eliminated for households earning over \$52,500.
- (g) The tax brackets reported are for single individuals. For married households filing separately, the same rates apply to income brackets ranging from \$500 to \$5,000; and the income brackets range from \$1,000 to \$10,000 for joint filers.
- (h) For joint returns, the tax is twice the tax imposed on half the income. A \$10 filing tax is charge for each return and a \$15 credit is allowed for each exemption.
- (i) Combined personal exemption and standard deduction.
- (j) Tax rate scheduled to decrease to 4.0% for tax year 2003.
- (k) The tax brackets reported are for single individual. For married couples filing jointly, the same rates apply for income under \$27,350 to over \$108,661.
- (l) The tax brackets reported are for single individual. For married couples filing jointly, the same rates apply for income under \$4,000 to over \$46,750.
- (m) The tax brackets reported are for single individuals. For married couples filing jointly, the same rates apply for income under \$20,000 to over \$150,000.
- (n) The tax brackets reported are for single individuals. For married couples filing jointly, the same rates apply for income under \$8,000 to over \$100,000. Married households filing separately pay the tax imposed on half the income.
- (o) The tax brackets reported are for single individuals. For married taxpayers, the same rates apply to income brackets ranging from \$21,250 to \$200,000. Lower exemption amounts allowed for high income taxpayers. Tax rate scheduled to decrease after tax year 2003.
- (p) Rates reported are for short form filers. Long form filers rates range from 2.67% for income under \$3,000 to 12% over \$50,000. Long form filers only can deduct federal income taxes. An additional \$300 personal exemption is allowed for joint returns or unmarried head of households.
- (q) Plus an additional \$20 per exemption tax credit. Rate reported are for tax year 2001, the 2002 rates will not be determined until July, 2001.
- (r) The rate range reported is for single persons not deducting federal income tax. For married persons filing jointly, the same rates apply to income brackets ranging from \$2,000 to \$21,000. Separate schedules, with rates ranging from 0.5% to 10%, apply to taxpayers deducting federal income taxes.
- (s) Deduction is limited to \$10,000 for joint returns and \$5,000 for individuals in Missouri and to \$3,000 in Oregon.
- (t) Federal Tax Liability prior to the enactment of economic Growth and Tax Relief Act of 2001.
- (u) One half of the federal income taxes are deductible.
- (v) The tax brackets reported are for single individuals. For married taxpayers, the same rates apply to income brackets ranging from \$10,000 to \$150,000.
- (w) Tax rate decreases are scheduled for tax years 2003.

STATE PERSONAL INCOME TAXES: FEDERAL STARTING POINTS

STATE	Relation to Internal Revenue Code	Tax Base
ALABAMA	---	---
ALASKA	no state income tax	
ARIZONA	1/1/01	federal adjusted gross income
ARKANSAS	---	---
CALIFORNIA	1/1/98	federal adjusted gross income
COLORADO	Current	federal taxable income
CONNECTICUT	Current	federal adjusted gross income
DELAWARE	Current	federal adjusted gross income
FLORIDA	no state income tax	
GEORGIA	1/1/01	federal adjusted gross income
HAWAII	12/31/00	federal taxable income
IDAHO	1/1/00	federal taxable income
ILLINOIS	Current	federal adjusted gross income
INDIANA	1/1/01	federal adjusted gross income
IOWA	1/1/01	federal adjusted gross income
KANSAS	Current	federal adjusted gross income
KENTUCKY	12/31/99	federal adjusted gross income
LOUISIANA	Current	federal adjusted gross income
MAINE	12/31/00	federal adjusted gross income
MARYLAND	Current	federal adjusted gross income
MASSACHUSETTS	Current	federal adjusted gross income
MICHIGAN	Current (a)	federal adjusted gross income
MINNESOTA	Current	federal taxable income
MISSISSIPPI	---	---
MISSOURI	Current	federal adjusted gross income
MONTANA	Current	federal adjusted gross income
NEBRASKA	Current	federal adjusted gross income
NEVADA	no state income tax	
NEW HAMPSHIRE	on interest & dividends only	
NEW JERSEY	---	---
NEW MEXICO	Current	federal adjusted gross income
NEW YORK	Current	federal adjusted gross income
NORTH CAROLINA	1/1/01	federal taxable income
NORTH DAKOTA	Current	federal taxable income
OHIO	Current	federal adjusted gross income
OKLAHOMA	Current	federal adjusted gross income
OREGON	Current	federal taxable income
PENNSYLVANIA	---	---
RHODE ISLAND	6/3/01	federal liability
SOUTH CAROLINA	12/31/00	federal taxable income
SOUTH DAKOTA	no state income tax	
TENNESSEE	on interest & dividends only	
TEXAS	no state income tax	
UTAH	Current	federal taxable income
VERMONT	6/3/01	federal liability
VIRGINIA	Current	federal adjusted gross income
WASHINGTON	no state income tax	
WEST VIRGINIA	1/1/00	federal adjusted gross income
WISCONSIN	12/31/00	federal adjusted gross income
WYOMING	no state income tax	
DIST. OF COLUMBIA	Current	federal adjusted gross income

Source: Compiled by the Federation of Tax Administrators from various sources.

--- state does not employ a federal starting point. Current indicates state has adopted IRC as currently in effect. Dates indicate state has adopted IRC as amended to that date.

(a) or 1/1/99, taxpayer's option.

Attachment B

**"Comparison of State and Local Retail Sales Taxes—July, 2001,"
"State Sales Tax Rates and Food and Drug Exemptions," and
State Sales Tax Rates and Vendor Discounts,"
Federation of Tax Administrators, February 2002**

Comparison of State and Local Retail Sales Taxes - July, 2001

	Food Items [1] Taxable (T) Exempt (E)	State Rate	Maximum Local Rate [2]	Maximum State/Local Rate [2]
Alabama	T	4.00	5.00	9.00
Alaska	T	---	6.00 [4]	6.00
Arizona	E	5.60	3.00	8.60
Arkansas	T	5.125	3.00	8.125
California	E	6.00	2.50	8.50
Colorado	E	2.90	4.50	7.40
Connecticut	E	6.00	---	6.00
District of Columbia	E	5.75	---	5.75
Florida	E	6.00	2.50	8.50
Georgia	E	4.00	3.00	7.00
Hawaii	T*	4.00	---	4.00
Idaho	T*	5.00	2.00	7.00
Illinois	T**	6.25	2.50	8.75
Indiana	E	5.00	---	5.00
Iowa	E	5.00	2.00	7.00
Kansas	T*	4.90	3.00	7.90
Kentucky	E	6.00	---	6.00
Louisiana	T [3]	4.00	5.50	9.50
Maine	E	5.00	---	5.00
Maryland	E	5.00	---	5.00
Massachusetts	E	5.00	---	5.00
Michigan	E	6.00	---	6.00
Minnesota	E	6.50	1.00	7.50
Mississippi	T	7.00	---	7.00
Missouri	T	4.225	4.00	8.225
Nebraska	E	5.00	1.50	6.50
Nevada	E	6.50	0.75	7.25
New Jersey	E	6.00	---	6.00
New Mexico	T	5.00	2.1875	7.1875
New York	E	4.00	4.50	8.50
North Carolina	E [5]	4.00	2.00	6.00
North Dakota	E	5.00	2.00	7.00
Ohio	E	5.00	2.00	7.00
Oklahoma	T	4.50	5.25	9.75
Pennsylvania	E	6.00	1.00	7.00
Rhode Island	E	7.00	---	7.00
South Carolina	T**	5.00	1.00	6.00
South Dakota	T*	4.00	2.00	6.00
Tennessee	T	6.00	2.75	8.75
Texas	E	6.25	2.00	8.25
Utah	T	4.75	2.00	6.75
Vermont	E	5.00	---	5.00
Virginia	T**	3.50	1.00	4.50
Washington	E	6.50	2.30	8.80
West Virginia	T	6.00	---	6.00
Wisconsin	E	5.00	0.60	5.60
Wyoming	T*	4.00	2.00	6.00

[1] Food purchased for consumption off-premises.

[2] Highest local rate known to be actually levied by at least one jurisdiction. Includes local taxes for general purposes and those earmarked for specific purposes (e.g. transit). Taxes applying only to specified sales (e.g. lodging or meals) are excluded.

[3] Exemption has been temporarily suspended for the state tax; food remains subject to local taxes.

[4] Alaskan cities and boroughs may levy local sales taxes from 1% to 6%.

[5] Food exempt from state tax, but subject to local taxes.

* Income tax credit allowed to offset sales tax on food.

** Food taxed at lower rate.

Source: "State Tax Guide," Commerce Clearing House, Inc.; Federation of Tax Administrators.

Compiled by the Washington Dept. of Revenue. Updated 10/18/2001, from website and state revenue tax agency responses.

**STATE SALES TAX RATES
AND FOOD & DRUG EXEMPTIONS**
(As of January 1, 2002)

STATE	Tax Rate (percentage)	EXEMPTIONS		
		Food (1)	Prescription Drugs	Nonprescription Drugs
ALABAMA	4		*	
ALASKA	none			
ARIZONA	5.6	*	*	
ARKANSAS	5.125		*	
CALIFORNIA (3)	7.25 (2)	*	*	
COLORADO	2.9	*	*	
CONNECTICUT	6	*	*	*
DELAWARE	none			
FLORIDA	6	*	*	*
GEORGIA	4	*	*	
HAWAII	4		*	
IDAHO	5		*	
ILLINOIS	6.25	1%	1%	1%
INDIANA	5	*	*	
IOWA	5	*	*	
KANSAS	4.9		*	
KENTUCKY	6	*	*	
LOUISIANA	4	(4)	*	
MAINE	5	*	*	
MARYLAND	5	*	*	*
MASSACHUSETTS	5	*	*	
MICHIGAN	6	*	*	
MINNESOTA	6.5	*	*	*
MISSISSIPPI	7		*	
MISSOURI	4.225	1.225	*	
MONTANA	none			
NEBRASKA	5	*	*	
NEVADA	6.5	*	*	
NEW HAMPSHIRE	none			
NEW JERSEY	6	*	*	*
NEW MEXICO	5		*	
NEW YORK	4	*	*	*
NORTH CAROLINA	4.5	(4)	*	
NORTH DAKOTA	5	*	*	
OHIO	5	*	*	
OKLAHOMA	4.5		*	
OREGON	none			
PENNSYLVANIA	6	*	*	*
RHODE ISLAND	7	*	*	*
SOUTH CAROLINA	5		*	
SOUTH DAKOTA	4		*	
TENNESSEE	6		*	
TEXAS	6.25	*	*	*
UTAH	4.75		*	
VERMONT	5	*	*	*
VIRGINIA	4.5 (2)	4.0% (5)	*	*
WASHINGTON	6.5	*	*	
WEST VIRGINIA	6		*	
WISCONSIN	5	*	*	
WYOMING (3)	4		*	
DIST. OF COLUMBIA	5.75	*	*	*

* - Indicates exempt from tax.

Source: Compiled by FTA from various sources.

(1) Some state tax food, but allow an (income) tax credit to compensate poor households. They are: ID, KS, SD, VT, and WY.

(2) Includes statewide local tax of 1.25% in California and 1.0% in Virginia.

(3) Tax rate may be adjusted annually according to a formula based on balances in the unappropriated general fund and the school foundation fund.

(4) Food sales are subject to local sales taxes. In LA, food sales will be exempt beginning 7/1/02.

(5) Tax rate on food is scheduled to decrease to 3.0% on 4/1/02. Statewide local tax is included.

STATE SALES TAX RATES AND VENDOR DISCOUNTS
(January 1, 2002)

STATE	STATE SALES TAX RATE	RANK	VENDOR DISCOUNT	MAX/MIN
ALABAMA	4.0%	38	5.0%-2.0% (1)	
ALASKA		N/A		
ARIZONA	5.6%	18	1.0%	\$10,000/year (max)
ARKANSAS	5.125%	19	2.0%	\$1,000/month (max)
CALIFORNIA (3)	6.00%	8	None	
COLORADO	2.9%	46	3.33% (4)	
CONNECTICUT	6.0%	8	None	
DELAWARE		N/A		
FLORIDA	6.0%	8	2.5%	\$30/report (max)
GEORGIA	4.0%	38	3.0%-0.5% (1)	
HAWAII	4.0%	38	None	
IDAHO	5.0%	20	None (5)	
ILLINOIS	6.25%	6	1.75%	\$5/year (min)
INDIANA (2)	5.0%	20	1.0%	
IOWA	5.0%	20	None	
KANSAS	4.90%	33	None	
KENTUCKY	6.0%	8	1.75%-1.0% (1)	
LOUISIANA	4.0%	38	1.1%	
MAINE	5.0%	20	None (5)	
MARYLAND	5.0%	20	1.2%-0.9% (1)	
MASSACHUSETTS	5.0%	20	None	
MICHIGAN	6.0%	8	0.5% (6)	\$6/month (min)
MINNESOTA	6.5%	3	None	
MISSISSIPPI	7.0%	1	2.0%	\$50/month (max)
MISSOURI	4.225%	37	2.0%	
MONTANA		N/A		
NEBRASKA	5.0%	20	2.5%-0.5% (1)	
NEVADA	6.5%	3	1.25%	
NEW HAMPSHIRE		N/A		
NEW JERSEY	6.0%	8	None	
NEW MEXICO	5.0%	20	None	
NEW YORK	4.0%	38	3.5%	\$85/month (max)
NORTH CAROLINA	4.5%	35	None	
NORTH DAKOTA	5.0%	20	1.5%	\$255/quarter (max)
OHIO	5.0%	20	0.75%	
OKLAHOMA	4.5%	35	2.25%	\$3,000/month (max)
OREGON		N/A		
PENNSYLVANIA	6.0%	8	1.0%	
RHODE ISLAND	7.0%	1	None	
SOUTH CAROLINA	5.0%	20	3.0%-2.0% (1)	\$3,000/year (max)
SOUTH DAKOTA	4.0%	38	None	
TENNESSEE	6.0%	8	2.0%-1.15% (1)	\$25/report (max)
TEXAS	6.25%	6	0.5% (7)	
UTAH	4.75%	34	1.5%	
VERMONT	5.0%	20	None (5)	
VIRGINIA (3)	3.5%	45	4.0%-2.0% (8)	
WASHINGTON	6.5%	3	None	
WEST VIRGINIA	6.0%	8	None	
WISCONSIN	5.0%	20	0.5%	
WYOMING	4.0%	38	None	
DIST. OF COLUMBIA	5.75%	17	1.0%	\$5,000/month (max)
U. S. MEDIAN	5.0%		2.0%-1.5% (1)	28 states allow vendor discounts

(1) In some states, the vendors' discount varies by the amount paid. In AL and SC, the larger discounts apply to the first \$100. In GA and NE, the larger discount applies to the first \$3,000. In TN and KY, the larger discounts apply to the first \$2,500 and \$1,000, while MD applies the larger discount to annual collections of \$6,000. The lower discounts apply to remaining collections above these amounts.

(2) Utilities are not permitted to take discount.

(3) Rate does not include a statewide local rate of 1.25% in CA and 1.0% in VA.

(4) Vendor discount applies to the state taxes collected. Discount for local option sales tax varies from 0% to 3.33%.

(5) Vendors are allowed to keep any excess collections prescribed under the bracket system.

(6) Vendor discount only applies to the first 4.0% of the tax.

(7) An additional discount of 1.25% applies for early payment.

(8) Discount varies; 4% of the first \$62,500, 3% of the amount to \$208,000, and 2% of the remainder.

Label

(See instructions on page 19.)

Use the IRS label. Otherwise, please print or type.

Presidential Election Campaign (See page 19.)

LABEL HERE

For the year Jan. 1-Dec. 31, 2001, or other tax year beginning 2001, ending 20
Your first name and initial Last name
If a joint return, spouse's first name and initial Last name
Home address (number and street). If you have a P.O. box, see page 19. Apt. no.
City, town or post office, state, and ZIP code. If you have a foreign address, see page 19.

OMB No. 1545-0074
Your social security number
Spouse's social security number

Important! You must enter your SSN(s) above.

Note. Checking "Yes" will not change your tax or reduce your refund. Do you, or your spouse if filing a joint return, want \$3 to go to this fund?

You Spouse
Yes No Yes No

Filing Status

- 1 Single
2 Married filing joint return (even if only one had income)
3 Married filing separate return. Enter spouse's social security no. above and full name here.
4 Head of household (with qualifying person). (See page 19.) If the qualifying person is a child but not your dependent, enter this child's name here.
5 Qualifying widow(er) with dependent child (year spouse died). (See page 19.)

Check only one box.

Exemptions

6a Yourself. If your parent (or someone else) can claim you as a dependent on his or her tax return, do not check box 6a
6b Spouse
6c Dependents: (1) First name Last name (2) Dependent's social security number (3) Dependent's relationship to you (4) if qualifying child for child tax credit (see page 20)
6d Total number of exemptions claimed

No. of boxes checked on 6a and 6b
No. of your children on 6c who:
lived with you
did not live with you due to divorce or separation (see page 20)
Dependents on 6c not entered above
Add numbers entered on lines above

Income

Attach Forms W-2 and W-2G here. Also attach Form(s) 1099-R if tax was withheld.

If you did not get a W-2, see page 21.

Enclose, but do not attach, any payment. Also, please use Form 1040-V.

Table with 3 columns: Line number, Description, and Amount. Lines 7-22 (Income), 23-33 (Adjusted Gross Income).

Adjusted Gross Income

Tax and Credits

Standard Deduction for--
People who checked any box on line 35a or 35b or who can be claimed as a dependent, see page 31.
All others:
Single, \$4,550
Head of household, \$6,650
Married filing jointly or Qualifying widow(er), \$7,600
Married filing separately, \$3,800

34 Amount from line 33 (adjusted gross income)
35a Check if: You were 65 or older, Blind; Spouse was 65 or older, Blind.
Add the number of boxes checked above and enter the total here
b If you are married filing separately and your spouse itemizes deductions, or you were a dual-status alien, see page 31 and check here
36 Itemized deductions (from Schedule A) or your standard deduction (see left margin)
37 Subtract line 36 from line 34
38 If line 34 is \$99,725 or less, multiply \$2,900 by the total number of exemptions claimed on line 6d. If line 34 is over \$99,725, see the worksheet on page 32
39 Taxable income. Subtract line 38 from line 37. If line 38 is more than line 37, enter -0-
40 Tax (see page 33). Check if any tax is from a Form(s) 8814 b Form 4972
41 Alternative minimum tax (see page 34). Attach Form 6251
42 Add lines 40 and 41
43 Foreign tax credit. Attach Form 1116 if required
44 Credit for child and dependent care expenses. Attach Form 2441
45 Credit for the elderly or the disabled. Attach Schedule R
46 Education credits. Attach Form 8863
47 Rate reduction credit. See the worksheet on page 36
48 Child tax credit (see page 37)
49 Adoption credit. Attach Form 8839
50 Other credits from: a Form 3800 b Form 8396 c Form 8801 d Form (specify)
51 Add lines 43 through 50. These are your total credits
52 Subtract line 51 from line 42. If line 51 is more than line 42, enter -0-

Other Taxes

53 Self-employment tax. Attach Schedule SE
54 Social security and Medicare tax on tip income not reported to employer. Attach Form 4137
55 Tax on qualified plans, including IRAs, and other tax-favored accounts. Attach Form 5329 if required
56 Advance earned income credit payments from Form(s) W-2
57 Household employment taxes. Attach Schedule H
58 Add lines 52 through 57. This is your total tax

Payments

If you have a qualifying child, attach Schedule EIC.

59 Federal income tax withheld from Forms W-2 and 1099
60 2001 estimated tax payments and amount applied from 2000 return
61a Earned income credit (EIC)
b Nontaxable earned income
62 Excess social security and RRTA tax withheld (see page 51)
63 Additional child tax credit. Attach Form 8812
64 Amount paid with request for extension to file (see page 51)
65 Other payments. Check if from a Form 2439 b Form 4136
66 Add lines 59, 60, 61a, and 62 through 65. These are your total payments

Refund

Direct deposit? See page 51 and fill in 68b, 68c, and 68d.

67 If line 66 is more than line 58, subtract line 58 from line 66. This is the amount you overpaid
68a Amount of line 67 you want refunded to you
b Routing number
c Type: Checking Savings
d Account number
69 Amount of line 67 you want applied to your 2002 estimated tax

Amount You Owe

70 Amount you owe. Subtract line 66 from line 58. For details on how to pay, see page 52
71 Estimated tax penalty. Also include on line 70

Third Party Designee

Do you want to allow another person to discuss this return with the IRS (see page 53)? Yes. Complete the following. No
Designee's name Phone no. Personal identification number (PIN)

Sign Here

Joint return? See page 19. Keep a copy for your records.

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.
Your signature Date Your occupation Daytime phone number
Spouse's signature. If a joint return, both must sign. Date Spouse's occupation

Paid Preparer's Use Only

Preparer's signature Date Check if self-employed Preparer's SSN or PTIN
Firm's name (or yours if self-employed), address, and ZIP code EIN Phone no.



Representative Eric Croft

HJR 36: Sponsor Statement CONSTITUTIONAL CAP ON INCOME OR SALES TAXES

Down here in Juneau at the legislative session, there is a lot of talk about new taxes. My constituents have been giving me an earful on this issue in faxes, public opinion messages, and phone calls. Some people support some of the new tax measures and some oppose any new taxes. A growing number express a guarded willingness to have new taxes if they can be sure that a new tax, begun at a reasonable level, will not grow over the years to excessive amounts. To meet this concern, I have introduced a constitutional amendment to limit the amount of any new sales or income tax to no more than five percent.

Alaskans need to feel secure that any new tax proposals will not grow unreasonably. My proposed constitutional amendment meets this concern. The idea of a statewide tax cap is similar to the approach taken by the Municipality of Anchorage in limiting the amount of property taxes that can be collected each year. This charter amendment has effectively constrained the municipal spending and protected municipal property owners. The municipal tax cap also maintains the relationship between economic growth and the ability of the municipality to pay for the demand for schools, roads, and police that accompanies economic development. Put more simply, when we grow the Anchorage economy by new construction this increases the tax cap, allowing the municipal government to meet the increased need for schools, roads, and police services. Anchorage has wisely chosen a method to restrain the growth of government that allows and encourages economic development. For these reasons, I chose this model for my tax cap constitutional amendment.

Some in the legislature have proposed a constitutional spending cap which would arbitrarily set a two or four percent limit on the growth of state services from year to year. While this approach has some appeal, it does nothing to meet the real concern about the growth of taxes. Under a spending cap, there is no limit to the amount of an income or sales tax. A cap on spending might mean that we have deteriorating schools but still pay high taxes. More importantly, it is impossible to sit here in 2002 and predict accurately the exact amount of schools, roads, or police we will need thirty or forty years into the future. It shows an astonishing legislative arrogance to even try. If we had imposed a two percent spending cap in 1960, would we have been able to keep up with the need for increased police, fire and other services during the pipeline boom? That is why we chose another approach; we chose to cap taxes rather than try to predict spending levels in the future.



REPRESENTATIVE ERIC CROFT

Sectional Analysis HJR 36

Subject: Sectional Summary of HJR 36, proposing an amendment to the Constitution of the State of Alaska relating to limiting the rate of state income and sales and use taxes.

To: Representative Norm Rokeberg, House Judiciary Committee Chairman

This resolution would place before Alaskan voters an amendment to the Alaska State Constitution placing a cap on taxes collected by the State of Alaska.

Section 1. Inserts a new section into Article IX of the Constitution of the State of Alaska to cap any income or sales or use tax levied by the State of Alaska. An income tax would be capped at five percent of the federal adjusted gross income as defined by federal tax law. A sales or use tax would be capped at five percent of the sale price.

Section 2. Places the amendment before the voters at the next general election.



FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR 36
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
 Title Constitutional amendment limiting BRU Elections
the rate of state income, sales and use taxes Component Elections
 Sponsor Representative Croft
 Requester House Judiciary Committee Component No. 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1.5	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1.5					
1005 GF/Program Receipts						
1037 GF/Mental Health:						
Other (Specify Type--Do not abbreviate)						
TOTAL	1.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. If this measure requires the printing of an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by Gall Fenumial, Election Administrative Supervisor Phone 465-3935
 Division Division of Elections Date/Time 2/13/02 4:03 PM
 Approved by: Lieutenant Governor Fran Ulmer Date 02/13/2002
 Agency Office of the Lieutenant Governor



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original documents after microfilm reproductions have been made.

William J. Carter

Signature of Camera Operator

10/14/2003

Date

SB

6

Withdrawn

22-LS0216U
Kurtz
4/26/02

**HOUSE CS FOR CS FOR SENATE BILL NO. 6(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION**

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATORS ELLIS, Davis

REPRESENTATIVES Guesc, Croft, Murkowski

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to required notice of eviction to mobile home park dwellers and**
2 **tenants before redevelopment of the park."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1. AS 34.03.225(a) is amended to read:**

5 (a) A mobile home park operator may evict a mobile home or a mobile home
6 park dweller or tenant only for one of the following reasons:

7 (1) the mobile home dweller or tenant has defaulted in the payment of
8 rent owed;

9 (2) the mobile home dweller or tenant has been convicted of violating
10 a federal or state law or local ordinance, and that violation is continuing and is
11 detrimental to the health, safety, or welfare of other dwellers or tenants in the mobile
12 home park;

1 (3) the mobile home dweller or tenant has violated a provision,
2 enforceable under AS 34.03.130, of the rental agreement or lease signed by both
3 parties and not prohibited by law including rent and the terms of agreement; and

4 (4) a change in the use of the land comprising the mobile home park,
5 or the portion of it on which the mobile home to be evicted is located; however, all
6 dwellers or tenants so affected by a change in land use shall be given at least 180 days'
7 notice, or longer if a longer notice period is provided in a valid lease or required by a
8 municipality; a dweller or tenant so affected by a change in land use shall be
9 given a quit date not earlier than May 1 and not later than October 15; a
10 municipality may establish a mobile home relocation fund and require that a
11 dweller or tenant so affected by a change in land use be given a longer notice
12 period or compensated from the fund for the cost of disconnecting, relocating,
13 and reestablishing the dweller's or tenant's mobile home.

22-LS0216\W
Kirtz
2/11/02

ADOPTED
2-13-02

HOUSE CS FOR CS FOR SENATE BILL NO. 6()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS ELLIS, Davis

REPRESENTATIVES Guess, Croft, Murkowski

A BILL

FOR AN ACT ENTITLED

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10 a federal or state law or local ordinance, and that violation is continuing and is
11 detrimental to the health, safety, or welfare of other dwellers or tenants in the mobile
12 home park;

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(3) the mobile home dweller or tenant has violated a provision, enforceable under AS 34.03.130, of the rental agreement or lease signed by both parties and not prohibited by law including rent and the terms of agreement; and

(4) a change in the use of the land comprising the mobile home park, or the portion of it on which the mobile home to be evicted is located; however, all dwellers or tenants so affected by a change in land use shall be given at least 270 [180] days' notice, or longer if a longer notice period is provided in a valid lease or required by a municipality; a dweller or tenant so affected by a change in land use shall be given a quit date not earlier than May 1 and not later than October 15; a municipality may establish a mobile home relocation fund and require that a dweller or tenant so affected by a change in land use be given a longer notice period or compensated from the fund for the cost of disconnecting, relocating, and reestablishing the dweller's or tenant's mobile home.

*Coghill
Withdrawn
for now
2-13-02*
*Conceptual
Amendment #1 = back to 180 days*

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 11, 2002

SUBJECT: Eviction of Mobile Home Park Dwellers Before Redevelopment
(Work Order No. 22-LS0216\W)

TO: Senator Johnny Ellis
Attn: Tyson Fick

FROM: Kathryn L. Kurtz ^{KK}
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

This bill requires that mobile home park dwellers and tenants being evicted due to a change in use of land be given 270 days notice, and a quit date between May 1 and October 15. It also specifies that municipalities may establish a relocation fund, and may require that affected dwellers and tenants be given a longer notice period or compensated from the fund.

KLK:med
02-134.med



Alaska State Legislature

Official Business, State Capitol, Juneau, Alaska, 99801

Senate Bill 6

In July 2000 a rezoning decision evicted 220 lower-income mobile home owners and their families. This change created both a net loss of mobile home spaces as well as a decrease in available lower income housing. As communities have grown, areas once considered marginal for development have become more desirable which means more rezoning and mass evictions are expected.

As the specter of rezoning was raised in the spring of 2000, Archbishop Francis Hurley and United Way Director Dennis McMillian formed a task force to address how relocations of mobile home communities impact the larger community. The "Anchorage Response to Manufactured Housing Community Relocation" Task Force Report was completed in September of 2000. This bill addresses the task force's legislative action recommendations.

What this bill does: It updates the Alaska Landlord Tenant Act to accommodate the needs of mobile home community members by changing the "notice to quit requirement" from 180 days to 270. Senate Bill 6 also allows for municipalities to "opt-in" to a mobile home relocation fund to be created and administered on the municipal level. Further, the final date for move out shall not fall during the winter months. The increased notice is intended to allow the displaced residents to find a new space for their mobile home, or save up the deposit, fees, or down payment before moving.

Who supports this bill: Catholic Social Services, the Archdiocese of Anchorage, Alaska Association of Realtors, the Salvation Army, the Municipality of Anchorage, and Alaska Manufactured Home Residents Advisory Council.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB 6 (FIN)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to required notice of eviction BRU Civil Division
to mobile home park dwellers and tenants . . ." Component Fair Business Practices
 Sponsor Senator Ellis
 Requester House Judiciary Committee Component No. 2206

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 CSSB 6 (FIN) requires that when a mobile home is to be evicted from a mobile home park because the land is to be used for another purpose, the date to quit the park must be between May 1 and October 15. In addition, at least 365 days notice must be provided to the dwellers or tenant, unless the mobile home park operator finds a suitable place for the mobile home and pays certain specified costs for moving the home, or \$5,000 whichever is less. In that case, 180 days notice is adequate, unless the lease provides for a longer notice period. The bill further provides that if ten or more mobile homes must be moved due to the change in land use, the mobile home park owner or operator can contribute \$5,000 per home to a pooled relocation fund to pay the specified costs, for which payment cannot exceed the owner or operator's total contribution amount.

Passage of this legislation will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone (907) 465-5370
 Division Attorney General's Office Date/Time 2/11/02 12:38 PM
 Approved by: Kathryn Daughhete for Bruce M. Botelho, Attorney General Date 2/11/2002
 Agency Department of Law

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PROPOSAL FOR MANUFACTURED HOME RELOCATION FUND

1. The Manufactured Home Relocation Fund is established in the state treasury for the purpose of providing funds to facilitate the relocation of manufactured homes affected by voluntary closures or changes in use of all or part of a manufactured home community.

2. Monies from the following sources will be deposited into the Manufactured Home Relocation Fund (MHRF).
 - a. The buyer of a manufactured home shall pay \$25 to the MHRF when title to the manufactured home is transferred.
 - b. Manufactured home owners who do not own the land upon which the home is located shall pay annually to the MHRF an assessment equal to fifty cents per one hundred dollars of the taxable assessed valuation of the home, calculated and collected by the local governing body.
 - c. In the event of a voluntary closure or change in use of all or part of a manufactured home community, the developer/owner of the manufactured home community shall pay to the MHRF five hundred dollars per manufactured home section for each manufactured home relocated or abandoned due to the change of use or voluntary closure.
 - d. The local governing body in which the voluntary closure or change in use occurs shall pay to the MHRF, for each of three years after the change in use or voluntary closure, fifty percent of the tax collected on

the difference between the taxable assessed valuation of the land before the closure or change in use and the taxable assessed valuation after the change in use.

3. The State of Alaska shall appropriate \$500,000 during fiscal year 2002 to be deposited into the MHRF as created above.
4. The developer/owner of the manufactured home community shall:
 - a. Notify all tenants in writing of a the voluntary closure or change in use at least 180 day before the voluntary closure or change in use, with a quit date during the calendar year falling no earlier than May 1 and no later than October 15.
 - b. Notify the director of the MHRF of a voluntary closure or change in use at least 180 days before the voluntary closure or change in use.
 - c. Notify all tenants affected by the voluntary closure or change in use of the existence of the MHRF.
5. If a tenant is required to move due to a voluntary closure or change in use, the tenant is entitled to payment from the MHRF for the lesser of the actual disconnection, relocation, and reestablishment costs or an amount of \$8,000 for a single section manufactured home and \$10,000 for a multi-section manufactured home.

6. If a tenant chooses to abandon a manufactured home when a voluntary closure or change in use occurs, the tenant is entitled to collect one-fourth of the maximum allowable moving expenses for the manufactured home as stated in 5.

7. The State of Alaska will create the Alaska Mobile Home Relocation Corporation, which shall consist of six members. The Alaska Manufactured Home Resident Advisory Council shall nominate three members. The Alaska Manufactured Housing Owners Association shall nominate three members. The Corporation will be empowered to administer the MHRF.

8. When the monies in the MHRF reach six million dollars, the collections cited in 1. a, b and c will cease. Collections will resume when the fund drops below five million dollars.

3

Anchorage Response To
Manufactured Housing Community
Relocations

Task Force Report

Overview

In the spring of 2000, Archbishop Francis Hurley contacted Dennis McMillian, Executive Director of United Way of Anchorage, concerning the inevitable relocation of residents of Alaskan Village Mobile Home Court. Archbishop Hurley was concerned that while many of the residents, though inconvenienced by the relocation, would be able to adapt to the change, some of the residents would not successfully move their home and adapt to new surroundings. There was legitimate concern that this relocation could, in effect, create a new group of high risk, potentially homeless, citizens.

In June of 2000, Dennis McMillian and Angela Liston representing the Archdiocese, met with members of the "Go Team", a grass-roots citizens group consisting of residents of Alaskan Village. At that meeting, it was determined that the emphasis of the Archdiocese and United Way effort would be to focus on researching how this relocation issue impacts the entire community and future neighborhood relocations, rather than focusing on the Alaskan Village move. However, it was also determined that if at all possible the effort would attempt to produce a report that could give guidance to the residents, the developer and the Municipality on the Alaskan Village relocation.

After that meeting, Dennis McMillian, Angela Liston, and Karleen Jackson, Executive Director of Catholic Social Services, (CSS), determined that United Way and CSS should convene a task force to review the issues and produce such a report. They met with members of the Assembly in mid-July to seek their approval and assistance in this effort and received their support.

On June 29, 2000, a group of forty citizens comprised of residents of manufactured home communities, professionals involved in the housing industry, government officials, bank officers, non-profit professionals, and planners met to discuss the issues and determine a course of action. This large group divided into four work groups with specific responsibilities. They were:

- Community Data - A group responsible for gathering the best available data on the number and location of manufactured home communities, the available spaces in those communities, and to the best of their ability, indicators of how such communities could identify their risk of re-development; and,
- Code Compliance - A group with the responsibility to look at existing building codes and code enforcement efforts regarding the manufactured housing industry in Anchorage and Alaska; and,
- Community Response - A group with responsibility to develop a comprehensive list of services available to assist individuals and/or their homes relocated by such re-development. They were also tasked to determine how this information could be made available to the public; and
- Community and Legal Support - This group was tasked with reviewing legislative actions taken in other states that could be useful in Alaska, and

determining what volunteer efforts in the community could lessen the impact on displaced residents.

The individual groups met during July and prepared a draft report for full group review on July 27. Final revisions were made and submitted by mid-September in preparation of this report.

The volunteers involved in this effort are to be commended for their long hours and hard work developing what we hope to be a non-biased report to the Anchorage Assembly and Mayor for review.

Team Members

<u>Name</u>	<u>Group Affiliation, if known</u>
-------------	------------------------------------

MHC Task Force Facilitators:

Dennis McMillian	United Way of Anchorage
Kelly Fehrman	Catholic Social Services
Karleen Jackson	Catholic Social Services

Community Data Team:

Facilitator:

Barbara Symmes	Providence
----------------	------------

Members:

Loretta DeBord	Alaska Village "Go" Team
Jewel Jones	MOA
Norman Kallander	CIHA
Kevin Waring	Anchorage Citizen
Bob Maier	Alaska Manufactured Homes Assn
Denise Henderson	Rep. Pete Kott
Sue Fison	MOA
Fred Jenkins	United Way
Sheila Howe	Northeast Community resident
Ronnie Stork	Muldoon Family Center
Pastor Ron Martinson	Alaska Lutheran Synod

Community Compliance Team:

Facilitator:

Tim Sullivan	Weed and Seed Project
--------------	-----------------------

Members

Melinda Taylor	Anchorage Assembly
Paul Johnson	HUD
David Pree	Rep. Eldon Mulder
Jeri Walters	NBA
Will Theuer	Anchorage Citizen
Mac Carey	Carey Homes
Mackenna John	Alaska Village "Go" Team
Hazel Welch	Manufactured Home Resident

Team Members (continued)

<u>Name</u>	<u>Group Affiliation, if known</u>
Community Response Team:	
Facilitator:	
Gail West	HUD
Members	
Jan Jones	Consumer Credit Counseling Services
Norm Kallendar	Cook Inlet Housing Authority
Mary Jane Michael	Anchorage Neighborhood Housing Services
Pastor Wilbert Mickens	Good Shepherd Baptist Mission
Brenda Moore	Christian Health Associates
Rev. Ted Moore	Leake Temple
Teresa Nelson	Key Bank
Judith DeSpain	Alaska Housing Finance Corp.
Lynn Taylor	Municipality of Anchorage
Sam Meneses	Catholic Social Services
Barbara Baker	AHFC
Kris Duncan	AHFC
Community and Legal Support Team:	
Community Response Team:	
Facilitator:	
Liz Forrer	Alaska Humanities Forum
Members:	
Angela Liston	Archdiocese of Anchorage
Julie Bailey	Northrim Bank
Chris Main	
Mac Carey	Carey Homes
MacKenna Johns	Alaska Village "Go" Team
Rebecca Powell	
Individuals not listed in teams above who attended Task Force Meetings:	
Laura Robertson	
Judy Billington	Manufactured Home Resident
Clark Rukelderfer (sp?)	Manufactured Home Resident
Lorna Roberts	Alaska Village "Go" Team
Lanny Bennett	Alaska Village "Go" Team
Miriam Mastacusa	Anch Assembly - Cheryl Clementson

Community Data

This team's task was to do research and present facts and data as a basis for assumptions that it or other teams might present in the final report.

Abbreviation: MHC = Manufactured Home Communities (this terminology is used to denote groups/communities of mobile homes/manufactured homes)

Facts:

1. Team leaders secured a map of the Anchorage bowl from the MOA showing all existing individual manufactured homes and manufactured home communities (MHC's). Two-thirds of MHC's and MH spaces lie within the Renaissance Zone and within northeast Anchorage.
2. Commercial redevelopment of MHC's reduces the availability of scarce residential land in the Anchorage Bowl. In this regard, one of the strategies recommended in the Draft Anchorage 2020 plan (page 55) is: "Avoid the loss of new housing capacity from rezoning of residential land for other uses". The effect on housing supply of potential rezoning of Alaska Village and other MHCs, as well as vacant residential land, is the issue this strategy was meant to address.
3. Because of location and size of tracts, MHC's are at risk for closure for commercial redevelopment.
4. More than 50% of manufactured homes in MHC's were built in the 1970's (MOA Planning Dept). Current zoning, codes, MHC restrictions, and age/condition of MHC's present significant obstacles to relocation of older manufactured homes.
5. The median value of manufactured homes in Anchorage is \$11,400 (MOA Planning Dept).
6. The 2000-2002 MOA Housing & Community Development Consolidated Plan notes the shortage of affordable housing stock. Access to both rental and homeownership opportunities is constrained among Anchorage's low and moderate income households. The only neighborhood in which the median selling prices for homes is affordable to very low, low, or moderate income families is Mountain View at \$69,607 (Housing MLS data updated 6/30/99)
7. Many of the existing MHC's have water, sewage, and soil contamination problems.
8. Four Seasons is the only existing MHC in Anchorage that is redeveloping into a modern MHC.
9. Thirty-four of the sixty-six MHC's in Anchorage have less than 30 spaces. Of the total of 5,713 spaces in MHC's in Anchorage, 4545 (80%) are occupied. Neeser Construction is surveying MHC's in Anchorage to determine the number of available spaces.

Assumptions:

1. Displacement of residents will continue as MHC's undergo rezoning and commercial redevelopment.
2. There is a shortage of public strategies to alleviate the loss of affordable housing stock caused by displacement of residents in MHC's that are closed.

Code Compliance

The study group met numerous times to discuss current codes and zoning that affect Manufactured Housing Communities (MHC) and the residents of those neighborhoods. These meetings were prompted by the recent request for a change in zoning at Alaska Village.

First, we had to examine the codes that applied to the MHC and determine if there were any codes that were extraordinary regarding Manufactured Housing. We found none. In fact, we observed that the code dealt well with the life, health and safety issues codes are intended to address.

However, what became obvious after interviewing members of the Alaska Village Community and other manufactured home representatives was that the Municipality's ability to enforce code was hampered by the judicial system. The judiciary is reluctant to enforce to the letter of the law when it means families are being evicted from their homes. The question of private property rights is ever present regarding enforcement in the manufactured housing communities.

Those homes that are pre 1976 are grandfathered, insofar as code is concerned. However if and when the home moves it then falls under the current code. Required updates can be quite costly. For instance, a home could need new wiring, a new electrical box, a new water heater, a new furnace, and a new roof, all in addition to the cost of physically moving the home. In some cases the home might not be worth moving, because of structural problems and the aforementioned code issues. Title of the homes is an issue for owners who did not receive one at the time of sale and still do not have one. Delinquent personal property taxes will be an issue for some.

We have also recently been made aware of inconsistency with regard to inspections. When a home is ready to move there is a pre-inspection to let the home owner know approximately what items will need to be replaced or repaired when they arrive at their new neighborhood. However, it seems that a different inspector requires different compliance at the new community that costs the homeowner much more that they had originally anticipated. Improved coordination and internal communication by the MOA would benefit the homeowners.

Options offered by the Code and Zoning Study Group are:

- The MOA could review its inspection process so that the homeowners will be impacted minimally by the stress of voluntary or involuntary move.
- The Municipal Assembly could resurrect the Manufactured Housing Ordinance that has been languishing in MOA Legal since December of 1998. This ordinance would permit post-1976 manufactured homes to be treated the same as conventional site-built homes.
 - Any zoning of residential land to business or commercial needs to be done with the highest concern for affordable housing needs in Anchorage...perhaps a land swap to make a no net loss of residential land.

Community Response

Committee Discussion

The committee identified four groups of people who may need the resources identified by the committee for assistance during the closure of a manufactured home community.

Those four groups are:

- potential homebuyers
- potential renters
- potentially homeless
- people who are able and want to move their current manufactured homes to a new community

Within the four groups, two subgroups were also identified:

- the disabled
- seniors

To gather information on resources that may be helpful to the four groups and two subgroups, the committee created a survey to identify a wide variety of resources.

Committee Action

The committee surveyed potential resources and identified an existing, but little used, database of resources for the homeless and very low income.

- surveyed all agencies, organizations and businesses that received the Anchorage Consolidated Plan
- surveyed utilities that may have delayed-payment plans or options for families who are unable to pay the full deposit for a new hook-up
- identified

Responses to the survey have been compiled and are currently being merged into the existing database of resources. Completion of this project is tentatively scheduled for mid-November 2000.

Once the final database is complete, it will be housed at the Municipality of Anchorage (through the Safe City program), and will be linked to: Alaska Housing Finance Corp., AKinfo, Cook Inlet Housing Authority and HUD Web pages.

Community and Legal Support

The first issue this group worked on was to understand the lifestyle of many residents of manufactured home communities. Many individuals strongly feel that living in manufactured housing, as compared to apartments or condominiums enhances their lives. They urge the Anchorage community to find ways and means to accommodate their choice to live in manufactured housing. Many feel that with current land use conditions, their lifestyle is in jeopardy.

This committee also determined that when a manufactured housing community is relocated, there should be formalized support from the larger community to help individuals adapt to the change. Although the comparison of persons displaced by a natural disaster did not ring true to all participants, all agreed that neighborhood relocation is a traumatic experience for those affected therefore support from others could help with the transition.

This committee recommends that some organization facilitate an event similar to A Day of Caring, to help residents successfully complete such relocations. The plan would be to call on volunteers and community groups to "adopt" individuals and/or families and assist them during their relocation. Work continues to determine the appropriate organization to head such an effort.

The other task of this group was to review legal options for the Municipality and State. The following pages describe some of these options.

Proposed Legal Protections of Mobile Home Communities

The recently proposed rezone of Alaskan Village Mobile Home Court has brought myriad issues to the fore, not the least of which is the inadequacy of current law in Alaska. The law provides only that the owner of a manufactured housing community who has chosen to redevelop the property for another use must give community residents a 180-day notice to vacate the property.¹

While the current law addresses only the issue of "notice", there are many related areas of financial and human impact which the landowner, developer, and MHC resident must resolve. Several problem areas could be addressed through state or municipal legislation.

The first issue is the human impact of any redevelopment of residential properties. At a recent Planning and Zoning Commission public hearing on Alaskan Village, several commissioners stated they could not address the displacement of manufactured housing community residents, causing immense frustration on the part of the residents. The Mobile Home Task Force recommends enactment of ordinance that requires a human impact statement whenever a MHC is considered for rezoning. For example:

The person or entity applying for a change of use of a MHC must submit a report to the Municipality on the impact of the conversion of use. Included in the report would be availability of adequate replacement housing, whether "real property" rental units or spaces in other MHC's parks, and the predicted actual relocation costs. The Municipal Assembly may require that, as a condition for the approval of the change of use, the person or entity applying for the change mitigate any adverse impact of the conversion.²

The Task Force suggests that a governmental organization/agency or some group other than the applicant for the land usage change should be the entity required to research, compile, and submit the impact statement.

A second and related issue is that many residents cannot afford to move their homes. The redevelopment of a MHC can force self-sufficient individuals and families into poverty and a position of requiring charity. The Task Force considered several legislative approaches to this problem including the following:

The owner of a manufactured housing community who has chosen to redevelop the land for another use must give community residents a 365-day notice to quit the property, with a quit date during the calendar year falling no earlier than April 1 and no later than September 30. An owner or developer can choose to give a 180-day notice contingent on:

- a) *the owner/developer finds suitable places for the residents to move their homes; and*

¹ AS 34.03.225

² See California Government Code 65863.7

- b) *the owner/developer pays the disconnection, relocation, and reestablishment costs (DRR)³ of the mobile home, or \$5,000, whichever is less.⁴*

Another approach to the financial difficulties that arise when a MHC is redeveloped and families are displaced is the development of a "relocation fund." The Task Force considered several possibilities for building and maintaining such a fund including the following:

The Municipality of Anchorage shall establish a "manufactured housing relocation fund" to be managed and invested by a director and a board. In case of a change of use, Mobile Home Community residents may apply to the fund for relocation expenses. The owner/developer will reimburse the fund a minimum of \$1000 per resident applying to the fund.⁵

The fund will be created through one or a combination of the following:

- a) *each manufactured home owner shall be assessed a personal property tax to be deposited into the "manufactured home relocation fund"; AND/OR*
- b) *the \$50 fee required at the time of the title transfer of a manufactured home will be deposited into the "manufactured home relocation fund"; AND/OR*
- c) *a portion of current personal property taxes of manufactured home owners shall be diverted to the "manufactured home relocation fund"; AND*
- d) *when the relocation fund reaches a specified dollar amount, the tax/fee will no longer be assessed.*

³ The disconnection, relocation, and reestablishment costs are defined as the cost of the actual physical move, including disconnecting and reconnecting utility hook-ups, obtaining the necessary permits, installing tie-downs, ground anchors and strapping, completing the blocking, leveling, insulating and skirting, and putting the exterior of the home in a MOA code compliant condition.

⁴ See Oregon Civil Code 90.630(6)(b)

⁵ See Arizona Code, Chapter 11, Section 33-1476 *et. seq.*

Conclusions

This task force was formed to focus attention on a specific segment of our community. While the Comprehensive Plan does address affordable housing, it did not include much specific mention of manufactured housing options. It is obvious to this group that while many Anchorage citizens may not regret the demise of this housing option, others see manufactured housing communities as a valid, viable, affordable housing choice and do not want Anchorage to lose this option.

Manufactured housing community resident's fear is that if their issues are not on the table for discussion, their housing option will eventually disappear through neglect. The task force is suggesting that more discussion be held on the benefits and challenges produced by and related to this housing option.

The task force also suggests that during relocations of manufactured housing communities, that all segments of the community should be mobilized, as in a "natural" disaster, to insure residents are not negatively impacted by the relocation.

Through the efforts of the members of the task force and organizations involved, the individual committee reports have outlined how appropriate responses can be made by all sectors of the larger community. Addressing code issues and legislation also seem to be in order.

The Task Force had not endorsed any specific legislative actions, but has outlined a selection of the many options available that could minimize or alleviate the negative impact currently experienced by displaced residents.