

**ALASKA STATE LEGISLATURE  
HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 4, 2003  
8:00 a.m.

**MEMBERS PRESENT**

Representative Bruce Weyhrauch, Chair  
Representative Jim Holm, Vice Chair  
Representative Nancy Dahlstrom  
Representative Bob Lynn  
Representative Paul Seaton  
Representative Ethan Berkowitz  
Representative Max Gruenberg

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 140

"An Act relating to benefits for retired teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner; and providing for an effective date."

- MOVED HB 140 OUT OF COMMITTEE

HOUSE BILL NO. 31

"An Act relating to initiative and referendum petitions; and providing for an effective date."

- HEARD AND HELD

HOUSE JOINT RESOLUTION NO. 5

Proposing an amendment to the Constitution of the State of Alaska relating to initiative and referendum petitions.

- HEARD AND HELD

**PREVIOUS ACTION**

BILL: HB 140

SHORT TITLE: BENEFITS FOR CERTAIN RIP PARTICIPANTS

SPONSOR(S): RLS BY REQUEST OF THE GOVERNOR

Jrn-Date	Jrn-Page		Action
02/28/03	0340	(H)	READ THE FIRST TIME - REFERRALS
02/28/03	0340	(H)	STA
02/28/03	0340	(H)	FN1: ZERO(ADM)
02/28/03	0340	(H)	GOVERNOR'S TRANSMITTAL LETTER
02/28/03	0340	(H)	REFERRED TO STATE AFFAIRS
03/04/03		(H)	STA AT 8:00 AM CAPITOL 102

BILL: HB 31

SHORT TITLE: INITIATIVE/REFERENDUM PETITIONS  
 SPONSOR(S): REPRESENTATIVE(S) WILLIAMS

Jrn-Date	Jrn-Page		Action
01/21/03	0039	(H)	PREFILE RELEASED (1/10/03)
01/21/03	0039	(H)	READ THE FIRST TIME - REFERRALS
01/21/03	0039	(H)	STA, JUD
01/21/03	0039	(H)	REFERRED TO STATE AFFAIRS
03/04/03		(H)	STA AT 8:00 AM CAPITOL 102

BILL: HJR 5

SHORT TITLE: CONST AM: INITIATIVE/REFERENDUM PETITIONS  
 SPONSOR(S): REPRESENTATIVE(S) WILLIAMS

Jrn-Date	Jrn-Page		Action
01/21/03	0025	(H)	PREFILE RELEASED (1/10/03)
01/21/03	0025	(H)	READ THE FIRST TIME - REFERRALS
01/21/03	0025	(H)	STA, JUD, FIN
01/21/03	0025	(H)	REFERRED TO STATE AFFAIRS
03/04/03		(H)	STA AT 8:00 AM CAPITOL 102

**WITNESS REGISTER**

GUY BELL, Director  
 Division of Retirement & Benefits  
 Department of Administration  
 Juneau, Alaska  
 POSITION STATEMENT: Presented HB 140.

TIM BARRY, Staff  
 to Representative Bill Williams  
 Alaska State Legislature  
 Juneau, Alaska  
 POSITION STATEMENT: Testified on behalf of the sponsor of HB 31  
 and the accompanying HJR 5.

**ACTION NARRATIVE**

**TAPE 03-15, SIDE A**

Number 0001

**CHAIR BRUCE WEYHRAUCH** called the House State Affairs Standing Committee meeting to order at 8:00 a.m. Representatives Holm, Dahlstrom, Lynn, Seaton, and Weyhrauch were present at the call to order. Representatives Berkowitz and Gruenberg arrived as the meeting was in progress.

HB 140-BENEFITS FOR CERTAIN RIP PARTICIPANTS

[Contains mention of HB 20]

Number 0030

CHAIR WEYHRAUCH announced that the first order of business was HOUSE BILL NO. 140, "An Act relating to benefits for retired teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner; and providing for an effective date."

Number 0062

GUY BELL, Director, Division of Retirement & Benefits, Department of Administration, noted that HB 140 is similar to HB 20, which passed out of the House State Affairs Standing Committee [as CSHB 20(STA) on February 18, 2003], but is narrower in focus. It allows someone who has participated in a state-sponsored retirement incentive program to return to state employment for the specific purpose of becoming a commissioner of a state agency. Highlighting the zero fiscal note, he explained that there is no cost to the retirement system because the full actuarial cost of the retirement incentive program was paid at the time the person retired, by the employer and the employee. He said there is no cost to the state, the Public Employees' Retirement System (PERS), or the Teachers' Retirement System (TRS).

CHAIR WEYHRAUCH ascertained that there were no questions from the committee and nobody waiting to testify.

Number 0188

REPRESENTATIVE HOLM moved to report HB 140 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 140 was reported from the House State Affairs Standing Committee.

HB 31-INITIATIVE/REFERENDUM PETITIONS

HJR 5-CONST AM: INITIATIVE/REFERENDUM PETITIONS

Number 0240

CHAIR WEYHRAUCH announced that the next order of business would be HOUSE BILL NO. 31, "An Act relating to initiative and referendum petitions; and providing for an effective date." [Also before the committee was HOUSE JOINT RESOLUTION NO. 5, Proposing an amendment to the Constitution of the State of Alaska relating to initiative and referendum petitions.]

Number 0302

TIM BARRY, Staff to Representative Bill Williams, Alaska State Legislature, presented HB 31 and the accompanying HJR 5 on behalf of Representative Williams, sponsor. He told members:

The right of the people to use the initiative process is an important part of Alaska's democracy. The framers of our constitution crafted an article in the state's constitution allowing citizens to get initiatives on the ballot, a right that does not exist in 26 other ... states. However, the framers tempered that right by requiring a substantial number of voters from a wide area of the state to sign a petition before any initiative gets on the ballot.

The signatures must total at least 10 percent of the people who voted in the most recent general election, and there has to be at least one signature from two-thirds of House districts, or 27 districts. The framers of the constitution specifically included this geographical distribution requirement in order to prevent any one area of the state from dominating the process.

The legislation before you changes the signature-gathering requirements to more accurately account for changes in communication and population distribution in Alaska since the constitution was written in 1956. HB 31/HJR 5 would require petition sponsors to get

signatures equaling at least 7 percent of the number of voters in the most recent general election in at least three-quarters of House districts, that is, 30 rather than 27 districts. This change supports the letter and spirit of the constitution, and brings more Alaskans from more parts of the state into the initiative process. The proposal exports and expands democracy.

Of the 24 ... states that have an initiative process, 13 have some sort of geographic distribution requirement for signatures. It is important that Alaska's initiative process be fair and represent the entire state, to avoid the kind of undue influence by interest groups and local areas that the framers of the constitution sought to avoid. This bill and the accompanying resolution, if passed by the legislature, will not change Alaskan law. The decision will be made by the people of Alaska in a vote on a constitutional amendment in November 2004.

Number 0547

REPRESENTATIVE HOLM asked what problems exist that call for this legislation.

MR. BARRY said he is new to Representative Williams' staff and doesn't know any specific motivation. He noted that other states such as California and Oregon have had a lot of initiatives that received a press coverage, and surmised that this could be one concern.

CHAIR WEYHRAUCH informed Representative Holm that the sponsor had advised him that information from the National Council of State Legislatures and information regarding initiatives in Alaska would be made available to the committee. In response to a question by Representative Berkowitz, he said his own intention wasn't to move [HB 31 and HJR 5] at the present hearing.

Number 0754

REPRESENTATIVE BERKOWITZ agreed with the need to be shown that there exists a substantial problem before the committee advances a constitutional amendment. He mentioned information in the committee packet regarding what 7 percent would do. He said it seems fairly insubstantial in [comparison with] obstacles it

would have raised for the initiatives listed there. He requested more information regarding whether 7 percent and a three-quarters [vote] are "magic" numbers.

MR. BARRY responded that the framers of the constitution discussed numbers such as two-thirds or three quarters. He highlighted the current requirement that [a petition] must have at least 10 percent of voters statewide, but said the number is arbitrary. He said, "The framers did put in a geographic distributional requirement; they specifically wanted there to be representation from around the state." He noted that communications and population patterns in the state have changed considerably since 1956. He said he thinks the sponsor's intent is to try to get true input around the state on initiatives.

Number 0920

REPRESENTATIVE BERKOWITZ opined that the constitution should not be messed with unless there is an indication it is broken and there is no recourse other than a constitutional amendment.

REPRESENTATIVE SEATON requested that the sponsor supply his reason for the 7 percent and for changing the constitutionally mandated two-thirds [vote] to three-quarters.

MR. BARRY replied that Article XI in the state constitution requires signatures from at least two-thirds of districts, which he said is arbitrary. He said the sponsor would like to see more involvement from people in more parts of the state.

REPRESENTATIVE BERKOWITZ asked, "That being the case, why not have a lower percentile requirement from all the districts?" He added, "You could conceivably do three-quarters of the districts and leave huge swaths of this state untouched." He gave an example of how just four districts cover approximately half the state.

MR. BARRY responded that various states use many different formulas. He said he thinks the sponsor would be interested in any formula offered by the legislature that would achieve his goal.

Number 1155

CHAIR WEYHRAUCH noted that one purpose in hearing the proposed legislation again at a later date is to get people with specific knowledge of the constitution to testify.

REPRESENTATIVE BERKOWITZ said he would withhold further comments until he'd heard other testifiers.

Number 1237

The committee took an at-ease from 8:15 a.m. to 8:18 a.m.

CHAIR WEYHRAUCH, noting the arrival of the sponsor, Representative Bill Williams, asked him if he would like to speak to the legislation. [Representative Williams declined. HB 31 and HJR 5 were held over.]

**ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 8:20 a.m.