

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

April 19, 2005

3:36 p.m.

MEMBERS PRESENT

Senator Gene Therriault, Chair
Senator Thomas Wagoner, Vice Chair
Senator Charlie Huggins
Senator Bettye Davis

MEMBERS ABSENT

Senator Kim Elton

COMMITTEE CALENDAR

Confirmation Hearings:

State Commission for Human Rights: M. Chris Hayes, Barbara J.
(Tamie) Miller, Randy H. Eledge, Lester C. Lunceford

CONFIRMATIONS ADVANCED

SENATE BILL NO. 172

"An Act relating to the presentation of initiatives and referenda on the ballot."

MOVED SB 172 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 172

SHORT TITLE: INITIATIVE/REFERENDUM BALLOT SUMMARY

SPONSOR(S): SENATOR(S) THERRIAULT

04/13/05	(S)	READ THE FIRST TIME - REFERRALS
04/13/05	(S)	STA
04/19/05	(S)	STA AT 3:30 PM BELTZ 211

WITNESS REGISTER

BARBARA (TAMIE) J. MILLER
Human Rights Commission
800 A Street, Suite 204
Anchorage, AK 99501-3669

POSITION STATEMENT: Human Rights Commission Confirmation Candidate

RANDY H. ELEDGE
Human Rights Commission
800 A Street, Suite 204
Anchorage, AK 99501-3669

POSITION STATEMENT: Human Rights Commission Confirmation Candidate

M. CHRIS HAYES
Human Rights Commission
800 A Street, Suite 204
Anchorage, AK 99501-3669

POSITION STATEMENT: Human Rights Commission Confirmation Candidate

LESTER C. LUNCEFORD
Human Rights Commission
800 A Street, Suite 204
Anchorage, AK 99501-3669

POSITION STATEMENT: Human Rights Commission Confirmation Candidate

JOE BALASH,
Staff to Senator Therriault
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Introduced SB 172

ACTION NARRATIVE

CHAIR GENE THERRIAULT called the Senate State Affairs Standing Committee meeting to order at [3:36:25 PM](#). Present were Senators Wagoner, Huggins, Davis and Chair Therriault.

CONFIRMATION HEARINGS

CHAIR GENE THERRIAULT opened the confirmation hearings for appointments to the Alaska Commission for Human Rights.

[3:37:07 PM](#)

The previous link contains an interview by the Senate State Affairs Committee of Barbara (Tamie) J. Miller who was up for initial appointment to the Alaska Commission for Human Rights.

[3:41:54 PM](#)

The previous link contains an interview by the Senate State Affairs Committee of Randy H. Eledge who was up for initial appointment to the Alaska Commission for Human Rights.

[3:44:06 PM](#)

The previous link contains an interview by the Senate State Affairs Committee of M. Chris Hayes who was up for initial appointment to the Alaska Commission for Human Rights.

[3:46:45 PM](#)

The previous link contains an interview by the Senate State Affairs Committee of Lester C. Lunceford who was up for reappointment to the Alaska Commission for Human Rights.

[3:48:49 PM](#)

CHAIR THERRIAULT informed the nominees that the interviews were brief because he hadn't heard any concerns expressed. He asked for a motion.

SENATOR WAGONER motioned to report the names of Chris Hayes, Barbara Miller Randy Eledge, and Lester Lunceford forward to the full body for confirmation.

CHAIR THERRIAULT announced that without objection the names would be forwarded for consideration at a joint session.

He called an at ease from [3:49:47 PM](#) to [3:53:31 PM](#).

SB 172-INITIATIVE/REFERENDUM BALLOT SUMMARY

[3:53:33 PM](#)

SENATOR GENE THERRIAULT announced SB 172 to be up for consideration.

JOE BALASH, Staff to Senator Therriault, explained SB 172 deals with the presentation of an initiative or a referendum and specifically how the language would appear on the ballot.

Current statute provides that the title of an initiative or referenda ballot question must be no more than six words. In addition there is a word limitation on the summary. Looking at some of the initiatives that have been filed with the Division of Elections it is apparent that they are becoming more sophisticated in the nuance of what they do, which makes it more difficult to stay within the six word limitation. SB 172 proposes to increase the number of words to a maximum of 25.

Allowing the Lieutenant Governor up to 25 words for the ballot title would provide opportunity for a more accurate description of the contents of the proposed law or the contents of a piece of legislation that is repealed or up for repeal by means of a referendum.

CHAIR THERRIAULT asked him to read the titles of some of the documents he reviewed.

MR. BALASH read from a petition submitted on April 6, 2004: "An initiative requiring the State of Alaska to vote on an act providing children and their families specific rights when children are in the custody of State Children's Services."

Another example was: "An initiative requiring seventy-five percent legislative majority or voter approval to impose new taxes or increase existing taxes, prohibiting real estate transfer taxes and providing for certain local options."

Distilling either to just six words would be a challenge so this is an effort to try and make sure that voters have a fair understanding of what they are voting on.

CHAIR THERRIAULT asked if all six words have always been used because his concern and reason for introducing the bill relates to the quip that politics is boiled down to a bumper sticker. The six-word limitation seems to lend the initiative process to that quip, but it would be more beneficial to the voter to have something that is more descriptive so they can better understand what is encapsulated.

He asked Mr. Balash if he had reviewed issues from recent ballots.

MR. BALASH replied in the 2004 general election there was the temporary appointment of a U.S. Senator, which was easy to describe and therefore not an issue. However, prohibiting bear baiting or feeding was more problematic because the issue was more complex than a simple prohibition. The issue of crimes and penalties was involved and went far beyond the practice of bear baiting.

In 2002 the issue of moving the legislative session to a different location was complicated because it called for a temporary move to Anchorage followed by a permanent move to Mat-Su.

A current issue that has the potential for a referenda is SB 141, the PERS/TRS issue. The bill contains 102 pages and the title doesn't even fit on one page. Clearly there is an organized group that could mount a referendum challenge.

Another has to do with the duties of the Department of Health and Social Services (DHSS) on public health and public health emergencies and disasters. The Alaska Civil Liberties Union (AkCLU) has raised issues and it's an organized group that might be willing to make some sort of effort. That title is nine lines long.

Clearly the issues are becoming more complex and that's particularly true with the more controversial issues. Therefore, the suggestion is to allow wider latitude.

CHAIR THERRIAULT questioned what level of authority the lieutenant governor would have to allow for description without imposing advocacy in titles.

MR. BALASH replied the statute requires that the title indicate the general subject of the proposition. It doesn't give authority to move one way or the other. He suggested that it's likely that a group would be territorial with regard to the impartiality granted by the lieutenant governor in the ballot title if it made the effort to get the issue on the ballot. It's likely the group would be willing to go to court over that.

CHAIR THERRIAULT asked if he had conversations with the Division of Elections or the Lieutenant Governor's Office over how they might construe to give the general subject and prevent either side from entering into advocacy.

MR. BALASH replied the conversation he had with the Lieutenant Governor's Office was to clarify that there would not be a requirement that a title contain 25 words. He hadn't been successful in discussing the issue with the director of the Division of Elections but he wasn't sure that they had any concerns that hadn't been addressed.

[4:03:42 PM](#)

SENATOR THOMAS WAGONER made the statement that he likes the proposition. The easier a proposition is to read and understand the better off you are.

CHAIR THERRIAULT said those who propose initiatives have to strike a balance between length for description and brevity to

maintain the reader's attention. You're more likely to vote no if don't understand what you read.

[4:04:59 PM](#)

CHAIR THERRIAULT noted Annette Kreitzer from the Lieutenant Governors Office was available for questions.

CHAIR THERRIAULT mentioned the one zero fiscal note and asked for the will of the committee.

[4:05:22 PM](#)

SENATOR WAGONER motioned to report SB 172 and attached fiscal note from committee with individual recommendations.

CHAIR THERRIAULT announced that without objection SB 172 would be forwarded to the next committee of referral.

There being no further business to come before the committee, Chair Therriault adjourned the meeting at [4:05:31 PM](#)