

HCR

50

# STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

## LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*N. NESS 2/20/90*

(7)

Date Referred: February 9, 1990

FURTHER REFERRALS:

JUDICIARY

Date of Committee Action: 2/20/90

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: HCR 50

HOUSE CONCURRENT RES. NO. 50 ENDORSE MARIJUANA INITIATIVE

Endorsing an initiative petition amending laws relating to the possession, use, and display of marijuana that makes possession of less than eight ounces of marijuana a crime.

RECOMMENDATIONS:

- be replaced with CS HCR 50 (HES)  the same title
- have attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact \_\_\_\_\_
- zero fiscal note HES Comm.
- zero with analysis \_\_\_\_\_
- fiscal note(s) \_\_\_\_\_
- zero fiscal note(s) \_\_\_\_\_
- zero fn/analysis \_\_\_\_\_

SIGNING DO PASS:

\_\_\_\_\_

Maury Beyer / good C.S.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SIGNING:

(Check approp. column)

Do Not Pass

No Rec

Amend

	Do Not Pass	No Rec	Amend
<u>Pat Jones</u>		X	
<u>Cherri Davis</u> <u>unsure about amendments</u>		✓	
<u>Mr. [unclear]</u>		✓	
<u>[unclear]</u>		✓	
_____			
_____			
_____			
_____			

[Signature]  
Chairman's Signature

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: Endorsing initiative  
process  
 Sponsor: Rep. Hanley  
 Requestor: House HESS Committee

Agency Affected: \_\_\_\_\_  
 BRU: \_\_\_\_\_  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

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

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

**FUNDING:** (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: House HESS Committee Phone: 465-3759  
 Division: \_\_\_\_\_ Date: 2/20/90

Approved by Commissioner: *Tom Nordlund* Date: 2/20/90  
 Agency: Staff - House HESS Committee

**Distribution (by preparer):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

HCR 50 - SUPPORTING INITIATIVE PETITION RELATING  
TO THE POSSESSION, USE AND DISPLAY OF MARIJUANA

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(Recriminalize Marijuana)
  
- III. . . . . District 15 1990 Survey Results  
(Recriminalize Marijuana)
  
- IV. . . . . Hellenthal & Associates, Inc.  
January 1990 Survey  
(Legality of Marijuana in the Home)

*Rep. Hanley*

VRMS TIME: 08:40  
GPVRIDOP-R1

STATE OF ALASKA -- DIVISION OF ELECTIONS  
PETITION STATISTICS REPORT FOR PETITION - ARMARI

DATE: 01/24/90  
PAGE: 1

ID: ARMARI  
TYPE: INITIATIVE

NAME: INITIATIVE PETITION RELATING TO REPEAL OF PERSONAL USE OF MARIJUANA

DATE APPLICATION RECEIVED: 12/19/88      DATE APPLICATION CERTIFIED: 04/03/89      DATE-PETITION CERTIFIED: 11/27/89

DATE BROCKETS DISTRIBUTED: 04/26/89      LAST DATE PETITION CAN BE RECEIVED: 04/26/90

SPONSORING GROUP NAME: MARIE G. MAJEWSKE  
ADDRESS: 4007 KINGSTON DRIVE  
ANCHORAGE, AK 99504  
333-0717

JURISDICTION RESTRICTED TO HOUSE DISTRICT:  
JURISDICTION RESTRICTED TO SENATE DISTRICT:  
JURISDICTION RESTRICTED TO JUDICIAL DISTRICT:  
JURISDICTION RESTRICTED TO MINOR POLITICAL SUBDIVISIONS:

NUMBER OF VOTES CAST IN PREVIOUS GENERAL ELECTION WITHIN JURISDICTION: 263433

COMMENTS: LINDA ADAMS, P.O. BOX 7171, KETCHIKAN; GARRY HUTCHISON, 367 LEANN, FBKS

SPONSOR TOTALS

TOTAL QUALIFIED	920
AUTO	1
MANUAL	919
TOTAL UNQUALIFIED	1A
DUPLICATE	0
NOT IN JURISDICTION	0
INACTIVE	0
NOT REGISTERED	12
ADDRESS NOT PROVIDED	0
UNABLE TO IDENTIFY	6
NOT YET PROCESSED	0
OTHER	0
TOTAL WITHDRAWN	0

VRMS TIME: 08:40  
G:\VP100P-P1

STATE OF ALASKA -- DIVISION OF ELECTIONS  
PETITION STATISTICS REPORT FOR PETITION - 88MARI

DATE: 01/24/98  
PAGE: 19

ID: 88MARI  
TYPE: INITIATIVE

NAME: INITIATIVE PETITION RELATING TO REPEAL OF PERSONAL USE OF MARIJUANA

TOTAL BOOKLETS ISSUED: 1030  
TOTAL BOOKLETS RECEIVED: 497  
TOTAL BOOKLETS ENTERED: 369

TOTAL SIGNATURES REQUIRED: 20343  
TOTAL QUALIFIED: 21439  
TOTAL UNQUALIFIED: 7568  
TOTAL POTENTIAL SIGNATURES: 42408  
TOTAL NOT YET PROCESSED: 0

NUMBER OF DISTRICTS IN STATE: 27  
NUMBER OF DISTRICTS EQUIPPED: 18  
NUMBER OF DISTRICTS WITH SIGNATURES: 27

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

1	2080
2	383
3	297
4	1873
5	467
6	283
7	558
8	1417
9	1584
10	1073
11	479
12	570
13	819
14	1426
15	1254
16	1086
17	279
18	1334
19	946
20	1510
21	860
22	238
23	201
24	149
25	161
26	59



Rep. Alyce Hanley and Rep. Loren Lemman  
**1990 LEGISLATIVE QUESTIONNAIRE**

**MARIJUANA**

**RECRIMINALIZE MARIJUANA**

Alaska is the only state to allow possession and personal use of marijuana by adults in their homes. In 1989 a citizen effort gathered enough signatures to place the question of changing Alaska's marijuana law on the 1990 ballot.

If the ballot proposition passes, the 4 ounces now allowed would become a class B misdemeanor. Should marijuana be illegal?

YES	746	NO	375	UNDECIDED	74
	6370		3190		690


1195 received for Dist 9

**RANDY PHILLIPS**  
 State Representative  
 P.O. Box 770142  
 Eagle River, Alaska 99577  
 (907) 694-4949

## 1990

### Report to the People

**REP. RANDY PHILLIPS**  
 Alaska House of Representatives



While in Session:  
 P.O. Box V  
 Juneau, Alaska 99811  
 (907) 465-4949

## 1990 LEGISLATIVE QUESTIONNAIRE

THANK YOU FOR PARTICIPATING IN MY 1990 LEGISLATIVE QUESTIONNAIRE. OF THE 10,800 QUESTIONNAIRES MAILED, 1,741 OR 16.1% WERE RETURNED. THE RESULTS ARE INDICATED BELOW. PERCENTAGES EXPRESSED IN EACH ANSWER REPRESENT A PERCENT OF THE TOTAL ANSWERING THAT QUESTION AND NOT A PERCENT OF THE TOTAL RETURNED.

### 1. ABORTION

Last year the United States Supreme Court in Webster v. Reproductive Health Services ruled that state legislatures could restrict abortions.

A. Should Alaska restrict a woman's access to abortions?      YES 34%    NO 66%      1733 TOTAL ANSWERS

B. Should the state spend state general fund dollars to provide abortions for women who are eligible for state public assistance programs?      YES 43%    NO 57%      1697 TOTAL ANSWERS

### 2. MARIJUANA

The Alaska Supreme Court, in the 1975 Ravin case (which was decided based, in part, upon the 1972 voter-approved constitutional amendment regarding right to privacy), allowed the possession by an adult of up to 4 ounces of marijuana in one's own home. However, possession of any amount is prohibited by current federal law. There are proposals before the legislature concerning the recriminalization of marijuana as well as a petition question which will be placed on the 1990 ballot.

Should the possession and/or use of up to 4 ounces of marijuana in one's own home be legal or illegal in Alaska?

LEGAL 32%    ILLEGAL 68%      1719 TOTAL ANSWERS

### 3. EDUCATIONAL ENDOWMENT FUND

Governor Cowper has proposed a constitutional amendment that, beginning in 1991, would dedicate at least 40% of the earnings of the Permanent Fund to be placed into an Educational Endowment Fund. Income earned from the Educational Endowment Fund would be appropriated to fund public elementary and secondary education in Alaska.

This endowment would have an impact on the Permanent Fund earnings, which provides for inflation-proofing of the Permanent Fund and the amount of Permanent Fund dividends paid to Alaskans. By the year 2000, the absence of inflation-proofing would reduce the Permanent Fund value by approximately 25%. The projected individual Permanent Fund Dividend check with and without the Educational Endowment Fund would be:

Year	Without Endowment	With Endowment
1995	\$1,038	\$ 982
2000	\$1,390	\$1,074
2005	\$1,733	\$1,075

Should the Educational Endowment Fund be adopted?      YES 27%    NO 73%      1701 TOTAL ANSWERS

# HELLENTHAL & ASSOCIATES, INC.



## INTRODUCTION AND METHODOLOGY

This report presents an analysis of a survey of Alaskan adults. The survey measured properties of Alaskan residents' demographics, and behaviors and attitudes. Research typically involves estimating the characteristics of a designated population. Because of the costs of conducting a census of all items in a population, and the adequacy of sample results, sample statistics were used to make statistical inferences concerning population parameters.

Six hundred and six (606) Alaskan adults were interviewed between January 19th and January 29th, 1990. Interviewing was conducted by telephone on a random digit basis. All Alaskan adults — within the survey universe — who are accessible by telephone, had an equal chance of being interviewed. The areas of Alaska surveyed were as follows:

AREA	FREQUENCY	PERCENT	MARGIN OF ERROR
Southeast.....	75.....	12.5%.....	+ 11.32%
Valdez-Kenai-MatSu.....	96.....	15.8%.....	+ 10.00%
Anchorage.....	267.....	44.1%.....	+ 6.00%
Greater Fairbanks.....	89.....	14.6%.....	+ 10.39%
Rural/Bush.....	79.....	13.8%.....	+ 11.03%
<b>TOTALS.....</b>	<b>606.....</b>	<b>100.0%.....</b>	<b>+ 3.98%</b>

At a 95% confidence level, the empirical proportions reported in this survey can be projected, within plus or minus 3.98%, to the entire Alaskan population of adults — aged 18 and over. This means one can be 95% sure that the frequencies reported in this survey are within 4.0% of the true Alaskan adult population proportions.

The following is an analysis of certain specialized tables concerning various Alaskan issues, images, attitudes, people, and behaviors by various subgroups of the population. The computer printouts accompanying this report should be consulted for a complete portrayal.

SECTION II:

LEGALITY OF MARIJUANA IN THE HOME

BY

POLITICAL AND GENERAL

DEMOGRAPHICS, BEHAVIORS AND PERCEPTIONS

LEGALITY OF MARIJUANA IN THE HOME AMONG ALL ADULTS  
 BY  
 POLITICAL AND GENERAL DEMOGRAPHICS, BEHAVIORS AND PERCEPTIONS

ROW PERCENTS  
 JANUARY 19TH THROUGH JANUARY 29TH, 1990  
 SAMPLE SIZE = 606; MARGIN OF ERROR = + OR - 3.98%

	LEGALITY OF MARIJUANA IN THE HOME:			TOTAL
	Legal	Illegal	Unde-	COL %
			cided	
AREA				
Southeast.....	35.0%	61.9%	3.1%	12.5%
Valdez-Kenai-MatSu.....	38.9%	59.9%	1.2%	15.8%
Anchorage.....	42.4%	55.2%	2.5%	44.1%
Fairbanks Area.....	40.5%	58.1%	1.4%	14.6%
Rural Alaska.....	24.1%	75.9%		13.0%
SENATE DISTRICTS IN ALASKA:				
Sen. Dist. A (Ketchikan).....	33.6%	61.0%	5.4%	3.6%
Sen. Dist. B (Haines & Sitka).....	37.0%	63.0%		3.7%
Sen. Dist. C (Juneau).....	34.5%	61.7%	3.8%	5.1%
Sen. Dist. D (Kenai).....	43.9%	52.9%	3.1%	6.3%
Sen. Dist. E (Cordova & Mat-Su).....	39.3%	59.3%	1.4%	11.5%
Sen. Dist. F (Hillside & Midtown).....	39.2%	56.4%	4.4%	13.2%
Sen. Dist. G (Sandlake & Spenard).....	38.5%	61.5%		8.8%
Sen. Dist. H (Downtown & Muldoon).....	52.3%	44.2%	3.5%	10.0%
Sen. Dist. I (East Anc. & Eagle River).....	36.9%	63.1%		10.0%
Sen. Dist. J (Delta & North Pole).....	43.3%	56.7%		5.1%
Sen. Dist. K (Fairbanks & University).....	39.1%	58.9%	2.1%	9.5%
Sen. Dist. L (Barrow & Nome).....	10.2%	89.8%		4.2%
Sen. Dist. M (Fort Yukon & Bethel).....	36.6%	63.4%		4.4%
Sen. Dist. N (Dillingham & Kodiak).....	24.9%	75.1%		4.4%
TOTAL ROW PERCENT.....	38.2%	59.9%	1.9%	100.0%

LEGALITY OF MARIJUANA IN THE HOME AMONG ALL ADULTS  
BY  
POLITICAL AND GENERAL DEMOGRAPHICS, BEHAVIORS AND PERCEPTIONS

ROW PERCENTS  
JANUARY 19TH THROUGH JANUARY 29TH, 1990  
SAMPLE SIZE = 606; MARGIN OF ERROR = + OR - 3.98%

	LEGALITY OF MARIJUANA IN THE HOME:			TOTAL COL %
	Legal	Illegal	Unde- cided	
REGISTERED TO VOTE?				
Yes.....	37.5%	60.7%	1.8%	85.2%
No.....	42.6%	55.2%	2.2%	14.8%
PARTY AFFILIATION:				
Democrat.....	40.9%	55.3%	3.8%	18.7%
Republican.....	30.5%	69.5%		27.5%
Libortarian.....	67.0%	33.0%		2.3%
Independent.....	40.2%	57.6%	2.3%	51.5%
VOTED IN 1986 GENERAL STATE ELECTION?				
Yes.....	36.0%	62.1%	1.9%	67.7%
No.....	42.9%	55.3%	1.8%	32.3%
VOTED IN 1988 GENERAL STATE ELECTION?				
Yes.....	35.2%	62.9%	1.9%	69.4%
No.....	45.0%	53.1%	1.9%	30.6%
STATE ELECTION VOTING BEHAVIOR:				
1986 Only.....	42.4%	57.6%		6.4%
1988 Only.....	34.4%	65.6%		8.1%
Both 1986 and 1988.....	35.4%	62.5%	2.1%	61.3%
Neither.....	45.8%	51.9%	2.4%	24.2%
IDEOLOGY OF RESPONDENT:				
Liberal.....	55.5%	41.9%	2.6%	37.1%
Moderate.....	37.0%	60.2%	2.8%	19.4%
Conservative.....	24.1%	75.1%	.8%	43.5%
INTEREST IN POLITICAL CAMPAIGNS:				
Very interested.....	37.0%	59.2%	3.8%	29.2%
Somewhat interested.....	36.5%	62.4%	1.2%	52.4%
Not very interested.....	45.3%	53.8%	.9%	18.4%
TOTAL ROW PERCENT.....	38.2%	59.9%	1.9%	100.0%

Original sponsor(s): REP. HANLEY, Martin, Hoffman, Barnes, Furnace, Leman, Hudson, Jacko, Miller, C.Davis, Collins, Boucher, Pettyjohn, Phillips, Rieger, Sharp, Shultz, Swackhammer, Taylor, Zawacki, Menard, Foster

1 IN THE HOUSE

BY THE HESS COMMITTEE

2 CS FOR HOUSE CONCURRENT RESOLUTION NO. 50 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Endorsing the initiative process and  
6 supporting the people's right to vote on  
7 laws making possession, use, and display  
8 of less than eight ounces of marijuana a  
9 class B misdemeanor.

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

11 WHEREAS more than 42,000 individuals in Alaska have exercised their  
12 constitutional right and have signed a petition to put before the voters  
13 the question of whether use, display, or possession of less than eight  
14 ounces of marijuana by an adult should be made a class B misdemeanor; and

15 WHEREAS Alaska statutes, along with the statutes of 38 other states,  
16 do not conform to the Federal Controlled Substance Act with respect to the  
17 scheduling of offenses related to the possession, use, and display of  
18 marijuana; and

19 WHEREAS Alaska is the only state in the United States that allows  
20 adults up to four ounces of marijuana for personal use in the home without  
21 criminal penalty, although six other states do not impose criminal pen-  
22 alties for possession of less than one ounce of marijuana; and

23 WHEREAS, based on the right to privacy section of the Alaska constitu-  
24 tion, the Alaska Supreme Court has determined that possession of marijuana  
25 by an adult in the home for personal consumption is constitutionally pro-  
26 tected; and

27 WHEREAS, because of publicity about the supreme court's decision,  
28 Alaska's youth may conclude that, under current law, possession and use of  
29 marijuana constitutes legal behavior when, in fact, under current federal

1 and state law, possession of marijuana by persons under 19 years of age is  
2 a crime; and

3 WHEREAS, while the possession of marijuana by persons under 19 years  
4 of age is illegal, possession of marijuana by adults in the home may cause  
5 marijuana to be more accessible to persons under 19 years of age; and

6 WHEREAS the Alaska Association of Student Governments has adopted  
7 resolutions at two statewide conferences urging the legislature to amend  
8 the current marijuana law to make the possession and use of less than four  
9 ounces of marijuana illegal; and

10 WHEREAS the Alaska Federation of Natives, several local governments,  
11 and several school districts and educational organizations across the state  
12 have passed resolutions encouraging the recriminalization of marijuana; and

13 WHEREAS the use of marijuana may impair visual tracking and depth  
14 perception and may reduce coordination, reaction time, and vigilance,  
15 making it dangerous to drive, fly, or operate machinery; and

16 WHEREAS the President of the United States has called upon government  
17 at all levels to enact laws and provide mechanisms to solve the problem of  
18 drug abuse in our country;

19 BE IT RESOLVED that the Sixteenth Alaska State Legislature joins  
20 Alaskans statewide in supporting the initiative process and thereby sup-  
21 ports the people's right to vote on the initiative question making posses-  
22 sion, use, and display of less than eight ounces of marijuana illegal a  
23 class B misdemeanor.

24 COPIES of this resolution shall be sent to the Honorable Myra M.  
25 Munson, commissioner of health and social services; the Alaska Peace Offi-  
26 cers Association; Citizens Coalition for the Recriminalization of Mari-  
27 juana; Alaskans for Drug Free Youth; the Alaska Federation of Natives; the  
28 Alaska Association of Student Governments; to each school board of a school  
29 district; and to the Honorable Ted Stevens and the Honorable Frank

1 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative,  
2 members of the Alaska delegation in Congress.  
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