

HJR

3

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: March 24, 1999

FURTHER REFERRALS:

Date of Committee Action: 4/26/99

The FINANCE Committee considered:

HJR 3

HOUSE JOINT RESOLUTION NO. 3

CONST. AM: WILDLIFE INITIATIVES

Proposing an amendment to the Constitution of the State of Alaska relating to initiatives regarding natural resources belonging to the state.

recommends it be replaced with the following committee substitute _____ the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date)
 fiscal note(s) _____ fiscal note(s) Of al Lt Gov 3/5/99

zero fiscal note(s) _____ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i> Thurnant				x
<i>[Signature]</i> Mulvan			✓	
<i>[Signature]</i> Bunn	✓			
<i>[Signature]</i> Kohney	x			
<i>[Signature]</i> Austin			x	
<i>[Signature]</i> J. Davis		x		
<i>[Signature]</i> Gussner		x		
<i>[Signature]</i> A. Davis				x
<i>[Signature]</i> J. Smith	x			
<i>[Signature]</i> Williams			x	

CO- CHAIR'S SIGNATURE _____
[Signature] Thurnant
[Signature] Mulvan

FISCAL NOTE

Bill Version: HJR 3

(H) Publish Date: 3/5/99

STATE OF ALASKA
1999 LEGISLATIVE SESSION

Revision Date/ 2/9/99 Dept. Affected Office of the Governor
 Title Constitutional Amendment relating to BRU Elective Operations
 initiatives regarding natural resources belonging to the state Component General and Primary
 Sponsor Representative Bunde
 Requester House Resources Committee Component Serial No. 22

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
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)						
TOTAL	1.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: _____

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. However, only six measures can be printed on an 8-1/2 by 14 inch ballot. If this measure requires printing an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by Gail Fenumial *Gail Fenumial* Phone 465-3935
 Division Division of Elections Date/Time 2/9/99 9:12 AM
 Approved by Lt. Governor Fran Ulmer *Fran Ulmer* Date 2/9/99
 Agency Office of the Lieutenant Governor

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Alaska State Legislature

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Representative_Con_Bunde@legis.state.ak.us

REPRESENTATIVE CON BUNDE

District 18

VICE-CHAIR: HOUSE FINANCE COMMITTEE
MEMBER: LEGISLATIVE BUDGET & AUDIT COMMITTEE

SPONSOR STATEMENT

HJR3

Proposing an amendment to the Constitution of the State of Alaska relating to initiatives regarding natural resources belonging to the state.

The purpose of this proposed amendment is to raise the bar for the passage of all natural resources ballot initiatives. HJR 3 will require a natural resources initiative to obtain a two-thirds vote of the people voting in order to pass. By raising the bar for management of our resources, we encourage the possibility that scientific data, both pro and con, will be available to the public to persuade them of the validity of the issues.

Resource management should be well reasoned and based on sound scientific principles. As a state we want to avoid the proliferation of initiatives that plagued California. We want to maintain access to our natural resources.

Recently, the Supreme Court of Alaska in Brooks v Wright, Opinion No. 5066, January 15, 1999, found that the legislature does not have exclusive law-making powers over natural resources and that management of natural resources belonging to the state is an appropriate subject for an initiative.

Our State's historic voter turn-out is not to our credit. The number of people who vote in an election is relatively small in relation to the number of registered voters in our state. HJR 3 will prevent something as important as resource management from being dictated by the "majority of the moment". Alaskans cannot properly maintain the resources they depend on for a living if we don't participate in the process. Alaska is the Owner State; we all have a stake in assuring that our resources are managed by a clear majority.

(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

130 Seward Street, Suite 410
Juneau, Alaska 99801-2115

MEMORANDUM

January 15, 1999

SUBJECT: HJR 3: Proposed constitutional amendment relating to initiatives regarding natural resources belonging to the state (Work Order No. 21-LS(0211-D))

TO: Representative Con Bunde
Attn: Patti Swenson

FROM: George Utermohle *GU*
Legislative Counsel

In a prior memorandum regarding an early version of HJR 3, I mentioned that there was an unresolved constitutional issue as to whether the people may propose an initiative measure that relates to management of fish and game or other natural resources belonging to the state. The concern that I expressed was that by setting a supermajority vote requirement for approval of initiatives relating to natural resources, HJR 3 would be explicitly recognizing the right of the people to propose such initiatives.

Just last Friday, January 15, 1999, the Alaska Supreme Court settled the question as to the power of the people to propose initiatives regarding management of natural resources. In a case that challenged the constitutionality of the proposed initiative that sought to ban the snaring of wolves (Brooks v. Wright, Opinion No. 5066, January 15, 1999; URL: <http://www.alaska.net/~akctlib/sp5066.txt> (copy enclosed)), the court found that the legislature does not have exclusive law-making powers over natural resources and that management of natural resources belonging to the state is an appropriate subject for an initiative.

Now that it is clear that the people may propose initiatives relating to management of natural resources¹, it is possible for you to offer HJR 3 without unintentionally affecting the determination as to whether the people ever had the power to propose initiatives relating to natural resources.

If I may be of further assistance, please advise.

GU:glc
99-008.glc
Enclosure

¹ The power of the people to propose an initiative on any matter, including the management of natural resources, is subject to art. XI, sec. 7, of the Alaska Constitution which reads (in relevant part): "The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation."

Alaska Forest Association, Inc.



111 STEDMAN SUITE 200
KETCHIKAN, ALASKA 99901-6539
Phone 907-225-6114
FAX 907-225-5920

February 24, 1999

The Honorable Con Bunde
Alaska House of Representatives
State Capitol
Juneau, AK 99801

Dear Representative Bunde: *Con*

Thank you for introducing House Joint Resolution 3, proposing a constitutional amendment raising the standard required for certain initiatives to become law.

The initiative and referendum process has been an important part of the American system of government since the founding of our country and remains so today. In recent years, however, initiatives have become a tool of choice for those who wish to unreasonably limit economic development, particularly in the development and utilization of natural resources. In such places as Maine and Oregon, for example, they have been used to promote prohibitions on timber harvest methods based, not on science, but on emotion. Alaska has seen several of these types of initiatives in recent years and we can reasonably anticipate more in the future. Moreover, we have watched as groups promoting initiatives have purposely mis-characterized the initiatives during the signature-gathering process so that signatories have been misled as to their real intent, thus inappropriately aiding the anti-development agenda of the initiative proponents. By these tactics, initiative promoters have been able to sidestep the reasoned debate and considerations that go into writing laws through the legislative process, thus perverting the system of representative government which Americans so highly (and appropriately) cherish.

For these reasons, the Alaska Forest Association endorses and supports HJR3, and pledges its best efforts to ensure that the measure is presented to the people at the next general election.

Thank you again for your interest in this matter and for introducing HJR3. Please feel free to call on me for any additional support AFA may be able to lend you in your effort to place this issue on the ballot.

Sincerely,

Jack E. Phelps
Executive Director

Letter of Support, HJR 3
February 24, 1999

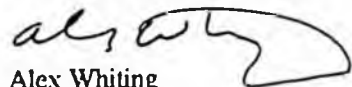
2-08-99

Representative Con Bunde
State Capitol, Room 104
Juneau, AK 99801-1182

Honorable Con Bunde,

I am following up an e-mail to you on the subject of HJR 3. I wanted to submit a hard copy (revised from my e-mail) to yourself. I followed your advise and have sent hard copies to all those whom you had named. I feel strengthening the public initiative process will go a long way towards protecting the future of consumptive use of wildlife in Alaska for many years to come. Again I appreciate your efforts in this objective. It is definitely prudent to address this issue at this time and I am glad you have taken the initiative (no pun intended). If there is anyway I can be of further assistance to you in this endeavor please contact me.

Thank you for your time and your service to the people of Alaska.



Alex Whiting
Kotzebue, AK

INITIATIVES APPEARING ON THE BALLOT IN ALASKA

		<u>FOR</u>	<u>AGAINST</u>
August 9, 1960	Relocate the State Capital	18,865	23,972
November 6, 1962	Relocate the State Capital	26,542	32,325
August 27, 1974	Relocate and Construct Capital	46,859	35,683
August 27, 1974	Conflicts of Interest	57,094	23,151
November 2, 1976	Repeal of Limited entry	44,304	75,125
November 7, 1978	Full Bondable Costs of Relocating the Capital	69,414	55,253
November 7, 1978	Disposal of State Lands	70,409	55,511
November 7, 1978	Refundable Deposits on Certain Beverage Containers	49,882	75,397
November 4, 1980	Establish Alaska General Stock Ownership Corporation	72,072	78,404
November 2, 1982	Claiming State Ownership of Federal Land	136,633	50,791
November 2, 1982	Limiting State Funding of Abortions	77,829	113,005
November 2, 1982	Personal Consumption of Fish and Game	76,679	111,770
November 6, 1984	Reducing Government Regulation of Transportation	116,891	78,663
August 26, 1986	Nuclear Weapons Freeze	80,326	57,125
November 8, 1989	Civil Liability	138,511	54,206
November 8, 1988	A State Community College Separate from University of Alaska	83,472	104,719
August 28, 1990	Amendments to the Alaska Railroad	31,612	107,269

Initiatives Appearing on the Ballot in Alaska

		<u>FOR</u>	<u>AGAINST</u>
August 28, 1990	Relating to the Regulation of Gambling and Establishing an Alaska Gambling Board	50,446	90,827
November 6, 1994	Relating to the Recriminalization of Marijuana	105,263	88,644
November 8, 1994	Relating to Changing the Capital to Wasilla	96,398	116,277
November 8, 1994	Relating to Banning Ballot Listing Certain Congressional Candidates	126,960	74,658
November 8, 1994	Relating to Voters Right to Know the Cost of Moving the Capital	119,089	66,157
November 5, 1996	Relating to Same Day Airborne Hunting of Certain Animals (95Hunt)	137,635	97,690
November 5, 1996	Relating to Ballot Information and Term Limits (95BITL) (overturned by court)	123,167	102,533
November 3, 1998	Relating to Prohibiting Billboards (97BILL)	160,922	61,401
November 3, 1998	Relating to Requiring Government to Use English (97ENGL)	153,107	70,085
November 3, 1998	Relating to Requiring a Term Limits Pledge for Candidates (97TERM)	109,613	108,731
November 3, 1998	Relating to Allowing Medical Use of Marijuana (97PSDM)	131,586	92,701
November 3, 1998	Relating to Trapping Wolves With Snares (97TRAP)	83,224	140,049

2/3
103345

78 5185225

2/3

T = 223273

The Initiative and Referendum States

Updated January 20, 1999

State	Statutes			Constitution	
	Initiative	Citizen Petition Referendum	Legislative Referendum	Initiative	Legislative Referendum
Alaska	I*	Yes	No	None	Yes
Arizona	D	Yes	Yes	D	Yes
Arkansas	D	Yes	Yes	D	Yes
California	D	Yes	Yes	D	Yes
Colorado	D	No	No	D	Yes
Florida	None	No	No	D	Yes
Idaho	D	Yes	Yes	None	Yes
Illinois	None	No	Yes	D	Yes
Kentucky	None	Yes	Yes	None	Yes
Maine	I	Yes	Yes	None	Yes
Maryland	None	Yes	Yes	None	Yes
Massachusetts	I	Yes	Yes	I	Yes
Michigan	I	Yes	Yes	D	Yes
Mississippi	None	No	No	I	Yes
Missouri	D	Yes	Yes	D	Yes
Montana	D	Yes	Yes	D	Yes
Nebraska	D	Yes	Yes	D	Yes
Nevada	D & I	Yes	Yes	D	Yes
New Mexico	None	Yes	Yes	None	Yes
North Dakota	D	Yes	Yes	D	Yes

Ohio	I	Yes	Yes	D	Yes
Oklahoma	D	Yes	Yes	D	Yes
Oregon	D	Yes	Yes	D	Yes
South Dakota	D	Yes	Yes	D	Yes
Utah	D & I	Yes	Yes	None	Yes
Washington	D & I	Yes	Yes	None	Yes
Wyoming	I*	Yes	No	None	Yes
US Virgin Is.	I	Yes	Yes	I	Yes

Initiative – a law and/or constitutional amendment introduced by the citizens either to the legislature or directly to the voters.

D – Direct Initiative; proposals that qualify go directly on the ballot

I – Indirect Initiative; proposals are submitted to the legislature, which has an opportunity to act on the proposed legislation. Depending on the state, the initiative question may go on the ballot if the legislature rejects it, submits a different proposal or takes no action.

I -- Alaska and Wyoming's initiative processes are usually considered indirect. However, instead of requiring that an initiative be submitted to the legislature for action, they only require that an initiative cannot be placed on the ballot until after a legislative session has convened and adjourned.*

Referendum – a process by which voters may express their judgment on statutes and/or constitutional amendments enacted by the legislature.

Restrictions on the Use of the Initiative

Alaska: No revenue measures, no appropriations, no acts affecting the judiciary, no local or special legislation. Limited to one subject.

California: Limited to one subject.

Colorado: Limited to one subject.

Florida: Limited to one subject.

Illinois: Allowed only for amendment of constitutional Article IV, relating to structural and procedural subjects concerning the legislative branch.

Maine: Any measure providing for an expenditure of funds in excess of those appropriated becomes inoperative 45 days after the legislature convenes.

Massachusetts: No measures relating to religion, the judiciary, specific appropriations and local or special legislation.

Michigan: The initiative power extends only to laws which the legislature may enact.

Mississippi: The initiative cannot be used to repeal or modify the state's Bill of Rights; to amend or repeal provisions relating to the state's public employees' retirement system; to amend or repeal Mississippi's constitutional right-to-work provision, or to modify the initiative process.

Missouri: Limited to one subject. Not used for appropriations of money other than new revenues created and provided for by the initiative. Cannot be used for any purpose prohibited by the state's constitution.

Montana: Cannot be used for appropriations or for local and special laws.

Nebraska: Limited to matters which can be enacted by legislation. The same measure cannot be initiated more often than once in three years.

Nevada: Initiative measures may not make an appropriation or require an expenditure of money unless a sufficient tax is provided as part of the initiative proposal.

North Dakota: Not for emergency measures. Not for appropriation measures for the support and maintenance of state departments and institutions.

Oklahoma: Initiatives rejected by the voters cannot be proposed again for three years by less than 25 percent of the state's legal voters.

Wyoming: Cannot be used to dedicate revenues; to make or repeal appropriations; to create courts; to define the jurisdiction of courts; to prescribe court rules; to enact local or special legislation or to enact legislation prohibited by the Wyoming constitution. The

same measure cannot be initiated more often than once in five years.

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