

HJR

3

HOUSE COMMITTEE REPORT

(9)

Date Referred to Committee: January 19, 1999

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 3-3-99

The RESOURCES Committee considered:

HIR 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) _____

zero fiscal note(s) _____

zero fiscal note(s) 2-9-99 Div. of Elections

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Scott Ogan</i>				<input checked="" type="checkbox"/>
<i>Nancy Larsner</i>			<input checked="" type="checkbox"/>	
<i>Severely Mitchell</i>			<input checked="" type="checkbox"/>	
<i>Paul ...</i>			<input checked="" type="checkbox"/>	
<i>John Harris</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE *Scott Ogan*

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HJR3

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

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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
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

POSITIONS	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
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 <u>Gail Fenuimial <i>Gail Fenuimial</i></u>	Phone <u>465-3935</u>
Division <u>Division of Elections</u>	Date/Time <u>2/9/99 9:12 AM</u>
Approved by <u>Lt. Governor Fran Ulmer <i>Fran Ulmer</i></u>	Date <u>2/9/99</u>
Agency <u>Office of the Lieutenant Governor</u>	

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(LEGAL SERVICES)

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Juneau, Alaska 99801-2165

MEMORANDUM

January 18, 1999

SUBJECT: HJR 3; Proposed constitutional amendment relating to initiatives regarding natural resources belonging to the state (Work Order No. 21-LS0211AD)

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 6599
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

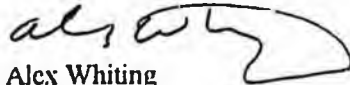
2-08-99

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



ALASKA MINERS ASSOCIATION, INC.

3305 Arctic #202, Anchorage, Alaska 99503 FAX: (907) 563-9225 Telephone: (907) 563-9229

March 12, 1999

Honorable ~~Gov. Bunde~~
Honorable Bill Williams
State House of Representatives
Capitol Building
Juneau, AK 99801

RE: HJR-3, Ballot Initiatives Regarding Natural Resources
HB-45, Requirements for Initiating Ballot Initiatives

Dear Representatives Bunde and Williams,

Thank you for the opportunity to comment on House Joint Resolution 3 and House Bill 45, both of which deal with ballot initiatives. The Alaska Miners Association wishes to go on record in support of both of these important bills. We also wish to urge that both bills be sufficiently broad to include ballot initiatives affecting the management of any natural resource rather than be limited to fish and game resources.

We were very pleased to see these bills introduced. There are recent examples from other states where ballot initiatives have been used to block scientific management of resources. A recent and extremely egregious example occurred in Montana where a ballot initiative was crafted to eliminate all metal mining. That initiative declared that the state could not approve any permit that included the use of cyanide. Existing mines are allowed to continue operating but they can not get changes or amendments to their permits and no new mines can be permitted.

Cyanide is utilized in nearly every hardrock gold mine in the world and in most other ore milling processes in the world. Cyanide is a potentially hazardous compound but it can be managed safely and is managed safely. Cyanide also readily decomposes from CN into CO₂ (carbon dioxide) and N₂ (nitrogen) when exposed to sunlight and/or oxygen. Furthermore, there has been no industrial death from cyanide in this country during the past 100 years. Just like gasoline, chlorine for water purification and other important compounds, cyanide use, transportation and storage can be managed safely.

In Montana these facts however did not prevail when a very well funded (it now appears that the Turner Foundation was the primary source) and emotional campaign was fought in the press.

Management of all Alaska's natural resources should be based on policies established by the Legislature and then carried out by the trained professionals in the State agencies. HJR-3 and HB-45 will help insure that this process is maintained while still providing the opportunity for serious issues to be addressed by the ballot initiative process. We urge passage of these bills.

Sincerely,

Steven C. Borell, P.E.
Executive Director

cc: Governor Tony Knowles

HOUSE JOINT RESOLUTION NO. 3

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE BUNDE

Introduced: 1/19/99

Referred: Resources, Judiciary, Finance

A RESOLUTION

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

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

4 * Section 1. Article XI, sec. 6, Constitution of the State of Alaska, is amended to read:

5 Section 6. Enactment. If a majority of the votes cast on the proposition favor
6 its adoption, the initiated measure is enacted, except that an initiated measure not
7 otherwise prohibited by Section 7 of this article that relates to the utilization,
8 development, or conservation of a natural resource belonging to the State,
9 including land and waters, is enacted only if at least two-thirds of the votes cast
10 on the proposition favor its adoption. If a majority of the votes cast on the
11 proposition favor the rejection of an act referred, it is rejected. The lieutenant
12 governor shall certify the election returns. An initiated law becomes effective ninety
13 days after certification, is not subject to veto, and may not be repealed by the
14 legislature within two years of its effective date. It may be amended at any time. An
15 act rejected by referendum is void thirty days after certification. Additional procedures
16 for the initiative and referendum may be prescribed by law.

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

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)

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Temporary						

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

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