

**HB 45**

**&**

**HJR 7**

**HOUSE COMMITTEE REPORT**

(7)

Date Referred to Committee: January 19, 1999

FURTHER REFERRALS:

Finance

Date of Committee Action: \_\_\_\_\_

The STATE AFFAIRS Committee considered:

HB 45

HOUSE BILL NO. 45

INITIATIVE/REFERENDUM PETITIONS

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

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) \_\_\_\_\_

| SIGNING WITH RECOMMENDATIONS | DP | DNP | NR | AM |
|------------------------------|----|-----|----|----|
| <i>Janette James</i>         | ✓  |     |    |    |
| <i>Hal S. ...</i>            |    | ✓   |    |    |
| <i>Bob ...</i>               |    | ✓   |    |    |
| <i>Bill ...</i>              | ✓  |     |    |    |
| <i>Scott ...</i>             | ✓  |     |    | ✓  |
|                              |    |     |    |    |
|                              |    |     |    |    |
|                              |    |     |    |    |
|                              |    |     |    |    |

CHAIR'S SIGNATURE *Janette James*

# Alaska State Legislature

Committees:  
Transportation, Chairman  
Resources  
Economic Development  
Rules



Representative William K. Williams

During Session:  
State Capitol  
Juneau, AK 99801-1182  
(907) 465-3424  
Fax (907) 465-3793

In Ketchikan:  
50 Front Street, Suite 203  
Ketchikan, AK 99901  
(907) 247-4672  
Fax (907) 225-7157

## Sponsor Statement

### HB 45/HJR 7

HB 45 and its companion measure, HJR 7, were introduced to ensure statewide support of an issue prior to it being put before the voters.

The legislation would require signatures from 15% of those who voted in the preceding general election in at least 75% of the house districts for a question to reach the ballot.

Currently, because of our population dispersal, initiative sponsors can easily gather the required signatures from single areas of the State. The current system does not require a statewide perspective in determining which topics will appear on the ballot as amendments to State law.

I am concerned that the whole of Alaska will suffer as a question after a question, of limited perspective, is placed on the ballot.

I urge your support of this legislation.

# Alaska State Legislature

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## Memorandum

To: Representative Jeannette James  
From: Representative William K. Williams *W.K.W.*  
Date: February 1, 1999  
Re: Scheduling HB 45 and HJR 7

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Please schedule HB 45 and its companion measure, HJR 7, for a State Affairs Committee meeting at your earliest convenience.

HB 45 and HJR 7 address the initiative and referendum process in the state.

Please contact Kyle Johansen, of my staff, at 6587 for further information.

Thank you.





AMENDMENT # 2

Ogan

LINE 12.

(2.) [AND] resident in [AT LEAST  
three-fourth] all of the house districts  
of the state; and

Failed

Yes 1

No ~~111~~ 1

Smalley

AMENDMENT 2  
~~CS HB No. 45~~

p. 2 line 1 Change 10% to 5%

CS ~~#B~~ HSR No. 7

p. 1 line 10 Change 10% to 5%

Failed

Yes II

No III



## ALASKA POPULATION OVERVIEW: 1998 ESTIMATES

Population of Alaska by Labor Market Area, Borough and Census Area, 1990-1998.

*For best results, print in landscape mode.*

| Area by Labor Market Region     | April 1<br>1990<br>Census | July 1<br>1991<br>Revised | July 1<br>1992<br>Revised | July 1<br>1993<br>Revised | July 1<br>1994<br>Revised | July 1<br>1995<br>Revised | July 1<br>1996<br>Revised |
|---------------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| <b>Alaska</b>                   | <b>550,043</b>            | <b>569,063</b>            | <b>586,684</b>            | <b>596,808</b>            | <b>600,765</b>            | <b>601,646</b>            | <b>604,966</b>            |
| <b>Anchorage Mat-Su Region</b>  | <b>266,021</b>            | <b>277,451</b>            | <b>288,461</b>            | <b>296,047</b>            | <b>301,208</b>            | <b>301,814</b>            | <b>303,680</b>            |
| Municipality of Anchorage       | 226,338                   | 235,631                   | 244,093                   | 249,398                   | 253,560                   | 252,876                   | 253,234                   |
| Matanuska-Susitna Borough       | 39,683                    | 41,820                    | 44,368                    | 46,649                    | 47,648                    | 48,938                    | 50,446                    |
| <b>Gulf Coast Region</b>        | <b>64,063</b>             | <b>65,179</b>             | <b>68,367</b>             | <b>68,799</b>             | <b>70,560</b>             | <b>70,930</b>             | <b>71,089</b>             |
| Kenai Peninsula Borough         | 40,802                    | 42,132                    | 43,456                    | 43,807                    | 45,072                    | 45,936                    | 46,658                    |
| Kodiak Island Borough           | 13,309                    | 13,019                    | 14,634                    | 14,591                    | 15,063                    | 14,571                    | 13,967                    |
| Valdez-Cordova Census Area      | 9,952                     | 10,028                    | 10,277                    | 10,401                    | 10,425                    | 10,423                    | 10,464                    |
| <b>Interior Region</b>          | <b>92,111</b>             | <b>95,123</b>             | <b>94,966</b>             | <b>96,234</b>             | <b>96,455</b>             | <b>96,234</b>             | <b>96,363</b>             |
| Fairbanks North Star Borough    | 77,720                    | 80,656                    | 80,256                    | 81,459                    | 81,838                    | 81,594                    | 81,889                    |
| Southeast Fairbanks Census Area | 5,913                     | 6,009                     | 6,120                     | 6,279                     | 6,317                     | 6,410                     | 6,200                     |
| Yukon-Koyukuk Census Area       | 8,478                     | 8,458                     | 8,590                     | 8,496                     | 8,300                     | 8,230                     | 8,274                     |
| Denali Borough /1               | 1,764                     | 1,781                     | 1,766                     | 1,793                     | 1,833                     | 1,837                     | 1,906                     |
| Yukon-Koyukuk Census Area       | 6,714                     | 6,677                     | 6,824                     | 6,703                     | 6,467                     | 6,393                     | 6,368                     |
| <b>Northern Region</b>          | <b>20,380</b>             | <b>20,895</b>             | <b>21,882</b>             | <b>22,056</b>             | <b>22,344</b>             | <b>22,414</b>             | <b>22,736</b>             |
| Nome Census Area                | 8,288                     | 8,522                     | 8,847                     | 8,864                     | 8,896                     | 8,897                     | 9,080                     |
| North Slope Borough             | 5,979                     | 6,182                     | 6,499                     | 6,647                     | 6,838                     | 6,924                     | 7,111                     |
| Northwest Arctic Borough        | 6,113                     | 6,191                     | 6,536                     | 6,545                     | 6,610                     | 6,593                     | 6,545                     |
| <b>Southeast Region</b>         | <b>68,989</b>             | <b>71,078</b>             | <b>72,609</b>             | <b>73,176</b>             | <b>73,075</b>             | <b>73,111</b>             | <b>73,645</b>             |
| Haines Borough                  | 2,117                     | 2,242                     | 2,230                     | 2,292                     | 2,332                     | 2,282                     | 2,352                     |
| Juneau Borough                  | 26,751                    | 27,580                    | 28,252                    | 28,443                    | 28,462                    | 28,719                    | 29,166                    |

|                                      |               |               |               |               |               |               |               |
|--------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Ketchikan Gateway Borough            | 13,828        | 14,355        | 14,635        | 14,714        | 14,756        | 14,775        | 14,655        |
| Prince of Wales-Outer Ketchikan C.A. | 6,278         | 6,551         | 6,608         | 6,796         | 6,776         | 6,740         | 6,996         |
| Sitka Borough                        | 8,588         | 8,878         | 9,058         | 9,082         | 8,943         | 8,873         | 8,651         |
| Skagway-Yakutat-Angoon C.A.          | 4,385         | 4,401         | 4,481         | 4,560         | 4,556         | 4,520         | 4,622         |
| Skagway-Hoonah-Angoon C.A.           | 3,680         | 3,679         | 3,801         | 3,853         | 3,829         | 3,750         | 3,823         |
| Yakutat Borough /2                   | 705           | 722           | 680           | 707           | 727           | 770           | 799           |
| Wrangell-Petersburg Census Area      | 7,042         | 7,171         | 7,345         | 7,289         | 7,250         | 7,202         | 7,203         |
| <b>Southwest Region</b>              | <b>38,479</b> | <b>39,337</b> | <b>40,399</b> | <b>40,496</b> | <b>37,123</b> | <b>37,143</b> | <b>37,453</b> |
| Aleutians East Borough               | 2,464         | 2,283         | 2,315         | 2,317         | 2,306         | 2,235         | 2,205         |
| Aleutians West Census Area           | 9,478         | 9,643         | 9,830         | 9,421         | 5,905         | 5,654         | 5,711         |
| Bethel Census Area                   | 13,656        | 13,974        | 14,339        | 14,555        | 14,935        | 15,223        | 15,312        |
| Bristol Bay Borough                  | 1,410         | 1,468         | 1,569         | 1,572         | 1,285         | 1,189         | 1,231         |
| Dillingham Census Area               | 4,012         | 4,169         | 4,247         | 4,360         | 4,303         | 4,391         | 4,476         |
| Lake & Peninsula Borough             | 1,668         | 1,737         | 1,805         | 1,807         | 1,807         | 1,817         | 1,810         |
| Wade Hampton Census Area             | 5,791         | 6,063         | 6,294         | 6,464         | 6,582         | 6,634         | 6,708         |

| Area by Labor Market Region     | July 1          | July 1                   | Change        |               | Average Annual                      |               |
|---------------------------------|-----------------|--------------------------|---------------|---------------|-------------------------------------|---------------|
|                                 | 1997<br>Revised | 1998<br>Provis-<br>ional | 1997-<br>1998 | 1990-<br>1998 | Rate of Change (%)<br>1997-<br>1998 | 1990-<br>1998 |
| <b>Alaska</b>                   | <b>609,311</b>  | <b>621,400</b>           | <b>12,089</b> | <b>71,357</b> | <b>2.0</b>                          | <b>1.5</b>    |
| <b>Anchorage Mat-Su Region</b>  | <b>306,709</b>  | <b>313,308</b>           | <b>6,599</b>  | <b>47,287</b> | <b>2.1</b>                          | <b>2.0</b>    |
| Municipality of Anchorage       | 254,542         | 258,782                  | 4,240         | 32,444        | 1.7                                 | 1.6           |
| Matanuska-Susitna Borough       | 52,167          | 54,526                   | 2,359         | 14,843        | 4.4                                 | 3.8           |
| <b>Gulf Coast Region</b>        | <b>71,566</b>   | <b>73,028</b>            | <b>1,462</b>  | <b>8,965</b>  | <b>2.0</b>                          | <b>1.6</b>    |
| Kenai Peninsula Borough         | 47,664          | 48,815                   | 1,151         | 8,013         | 2.4                                 | 2.2           |
| Kodiak Island Borough           | 13,552          | 13,848                   | 296           | 539           | 2.2                                 | 0.5           |
| Valdez-Cordova Census Area      | 10,350          | 10,365                   | 15            | 413           | 0.1                                 | 0.5           |
| <b>Interior Region</b>          | <b>96,584</b>   | <b>98,647</b>            | <b>2,036</b>  | <b>6,536</b>  | <b>2.1</b>                          | <b>0.8</b>    |
| Fairbanks North Star Borough    | 82,110          | 83,928                   | 1,818         | 6,208         | 2.2                                 | 0.9           |
| Southeast Fairbanks Census Area | 6,230           | 6,402                    | 172           | 489           | 2.7                                 | 1.0           |
| Yukon-Koyukuk Census Area       | 8,244           | 8,317                    | 73            | -161          | 0.9                                 | -0.2          |
| Denali Borough /1               | 1,892           | 1,864                    | -28           | 100           | -1.5                                | 0.7           |
| Yukon-Koyukuk Census Area       | 6,352           | 6,453                    | 101           | -261          | 1.6                                 | -0.5          |
| <b>Northern Region</b>          | <b>23,159</b>   | <b>23,649</b>            | <b>490</b>    | <b>3,269</b>  | <b>2.1</b>                          | <b>1.8</b>    |

|                                      |               |               |            |              |            |            |
|--------------------------------------|---------------|---------------|------------|--------------|------------|------------|
| Nome Census Area                     | 9,115         | 9,402         | 287        | 1,114        | 3.1        | 1.5        |
| North Slope Borough                  | 7,247         | 7,403         | 156        | 1,424        | 2.1        | 2.6        |
| Northwest Arctic Borough             | 6,797         | 6,844         | 47         | 731          | 0.7        | 1.4        |
| <b>Southeast Region</b>              | <b>73,712</b> | <b>74,285</b> | <b>573</b> | <b>5,296</b> | <b>0.8</b> | <b>0.9</b> |
| Haines Borough                       | 2,402         | 2,476         | 74         | 359          | 3.0        | 1.9        |
| Juneau Borough                       | 29,625        | 30,236        | 611        | 3,485        | 2.0        | 1.5        |
| Ketchikan Gateway Borough            | 14,490        | 14,231        | -259       | 403          | -1.8       | 0.3        |
| Prince of Wales-Outer Ketchikan C.A. | 6,868         | 6,884         | 16         | 606          | 0.2        | 1.1        |
| Sitka Borough                        | 8,702         | 8,779         | 77         | 191          | 0.9        | 0.3        |
| Skagway-Yakutat-Angoon C.A.          | 4,487         | 4,474         | -13        | 89           | -0.3       | 0.2        |
| Skagway-Hoonah-Angoon C.A.           | 3,666         | 3,664         | -2         | -16          | -0.1       | -0.1       |
| Yakutat Borough /2                   | 821           | 810           | -11        | 105          | -1.3       | 1.7        |
| Wrangell-Petersburg Census Area      | 7,138         | 7,205         | 67         | 163          | 0.9        | 0.3        |
| <b>Southwest Region</b>              | <b>37,581</b> | <b>38,483</b> | <b>902</b> | <b>4</b>     | <b>2.4</b> | <b>0.0</b> |
| Aleutians East Borough               | 2,211         | 2,177         | -34        | -287         | -1.5       | -1.5       |
| Aleutians West Census Area           | 5,328         | 5,389         | 61         | -4,089       | 1.1        | -6.7       |
| Bethel Census Area                   | 15,590        | 15,997        | 407        | 2,341        | 2.6        | 1.9        |
| Bristol Bay Borough                  | 1,250         | 1,297         | 47         | -113         | 3.7        | -1.0       |
| Dillingham Census Area               | 4,516         | 4,708         | 192        | 696          | 4.2        | 1.9        |
| Luke & Peninsula Borough             | 1,791         | 1,852         | 61         | 184          | 3.3        | 1.3        |
| Wade Hampton Census Area             | 6,895         | 7,063         | 168        | 1,272        | 2.4        | 2.4        |

Note: Revisions for the years 1991-1997 result from Revisions in U.S. and Alaska's State total by the U.S. Bureau of  
 1/ Denali Borough was Incorporated December 7, 1990.  
 2/ Yakutat Borough was incorporated September 22, 1992.  
 C.A. = Census Area.

[[Research and Analysis Home Page](#)] [[Department of Labor Home Page](#)] [[State of Alaska Home Page](#)]

 [Back to Population Data](#)

 Alaska Department of Labor, Research and Analysis Section, Demographics Unit.

*Greg Williams, State Demographer*

[Email greg\\_williams@labor.state.ak.us](mailto:greg_williams@labor.state.ak.us)

Alaska State House of Representatives  
**STATE AFFAIRS COMMITTEE**  
*Representative Jeannette James, Chair*



Rm 102, Capitol Building, Juneau

Phone 465-3743, Fax 465-2381

*Members:*

*Rep. John Coghill, Vice-Chair*  
*Rep. Bill Hudson*  
*Rep. Beth Kertula*  
*Rep. Scott Ogan*  
*Rep. Harold Smalley*  
*Rep. Jim Whitaker*

DATE: February 22, 1999  
TO: House State Affairs Committee Members  
FROM: Barbara Cotting, Committee Aide *BC*  
RE: Agenda for Tuesday, February 23 meeting

Tomorrow we will be hearing HB 80 (new information packets are attached) and RE-HEARING HB45 and HJR 7.

**The subcommittee for HB 45 and HJR 7 (Initiative/Referendum Petitions), Representatives James, Hudson, and Smalley, met last Friday and their proposed committee substitute will be available by tomorrow's meeting. I'm still waiting to receive it from the bill drafter. It changes all the 15% figures back to 10% but maintains the changes from two-thirds to three-fourths of the districts.**

Also attached is information you requested regarding procedures and statutes pertaining to initiative petitions, as well as minutes from the State Constitutional Convention of 1955.

See you tomorrow.

## 1998 Initiative Summary

|              |  |  |
|--------------|--|--|
| Wolf Snare   |  | 16 of 40 Districts meet HB45/HJR 7 Threshold (40%) |
|              |  |  |
| Term Limits  |  | 13 of 40 Districts meet HB45/HJR 7 Threshold (33%) |
|              |  |  |
| Marijuana    |  | 15 of 40 Districts meet HB45/HJR 7 Threshold (38%) |
|              |  |  |
| English Only |  | 16 of 40 Districts meet HB45/HJR 7 Threshold (40%) |
|              |  |  |
| Billboards   |  | 17 of 40 Districts meet HB45/HJR 7 Threshold (43%) |



|    |          |     |  |  |     |  |  |  |    |
|----|----------|-----|--|--|-----|--|--|--|----|
| 32 | npole    | 151 |  |  | 628 |  |  |  | no |
| 33 | npole    | 198 |  |  | 986 |  |  |  | no |
| 34 | npole    | 153 |  |  | 818 |  |  |  | no |
| 35 | valdez   | 227 |  |  | 781 |  |  |  | no |
| 36 | tanana   | 202 |  |  | 692 |  |  |  | no |
| 37 | kotzebue | 180 |  |  | 599 |  |  |  | no |
| 38 | nome     | 146 |  |  | 624 |  |  |  | no |
| 39 | akiak    | 217 |  |  | 681 |  |  |  | no |
| 40 | unalaska | 145 |  |  | 316 |  |  |  | no |
| 88 |          | 1   |  |  |     |  |  |  |    |

**Total Qualified Districts=13 or 33%**



|    |          |     |  |  |     |  |  |  |    |
|----|----------|-----|--|--|-----|--|--|--|----|
| 32 | npole    | 73  |  |  | 628 |  |  |  | no |
| 33 | npole    | 166 |  |  | 986 |  |  |  | no |
| 34 | npole    | 108 |  |  | 818 |  |  |  | no |
| 35 | valdez   | 236 |  |  | 781 |  |  |  | no |
| 36 | tanana   | 214 |  |  | 692 |  |  |  | no |
| 37 | kotzebue | 186 |  |  | 599 |  |  |  | no |
| 38 | nome     | 162 |  |  | 624 |  |  |  | no |
| 39 | akiak    | 161 |  |  | 681 |  |  |  | no |
| 40 | unalaska | 173 |  |  | 316 |  |  |  | no |
| 88 |          | 3   |  |  |     |  |  |  |    |

Total Qualified Districts=15 or 38%



|    |          |     |  |  |     |  |  |  |    |
|----|----------|-----|--|--|-----|--|--|--|----|
| 32 | npole    | 284 |  |  | 628 |  |  |  | no |
| 33 | npole    | 465 |  |  | 986 |  |  |  | no |
| 34 | npole    | 312 |  |  | 818 |  |  |  | no |
| 35 | valdez   | 271 |  |  | 781 |  |  |  | no |
| 36 | tanana   | 136 |  |  | 692 |  |  |  | no |
| 37 | kotzebue | 124 |  |  | 599 |  |  |  | no |
| 38 | rome     | 87  |  |  | 624 |  |  |  | no |
| 39 | akiak    | 152 |  |  | 681 |  |  |  | no |
| 40 | unalaska | 125 |  |  | 316 |  |  |  | no |
| 88 |          | 0   |  |  |     |  |  |  |    |

**Total Qualified Districts=16 or 40%**

| Billboards |         |                 |  |                              |  |  |                     |
|------------|---------|-----------------|--|------------------------------|--|--|---------------------|
| District   |         | # of signatures |  | # required under HB 45/HJR 7 |  |  | Qualified District? |
| 1          | ktn     | 31              |  | 954                          |  |  | no                  |
| 2          | sitka   | 103             |  | 1022                         |  |  | no                  |
| 3          | juneau  | 630             |  | 1108                         |  |  | no                  |
| 4          | juneau  | 409             |  | 1071                         |  |  | no                  |
| 5          | pow     | 163             |  | 811                          |  |  | no                  |
| 6          | kodiak  | 100             |  | 700                          |  |  | no                  |
| 7          | kenai   | 1095            |  | 1013                         |  |  | yes                 |
| 8          | kenai   | 540             |  | 891                          |  |  | no                  |
| 9          | kenai   | 346             |  | 811                          |  |  | no                  |
| 10         | anch    | 1162            |  | 1001                         |  |  | yes                 |
| 11         | anch    | 1030            |  | 786                          |  |  | yes                 |
| 12         | anch    | 1017            |  | 826                          |  |  | yes                 |
| 13         | anch    | 1569            |  | 976                          |  |  | yes                 |
| 14         | anch    | 553             |  | 641                          |  |  | no                  |
| 15         | anch    | 1043            |  | 644                          |  |  | yes                 |
| 16         | anch    | 586             |  | 457                          |  |  | yes                 |
| 17         | anch    | 1011            |  | 799                          |  |  | yes                 |
| 18         | anch    | 1640            |  | 929                          |  |  | yes                 |
| 19         | anch    | 1069            |  | 805                          |  |  | yes                 |
| 20         | anch    | 1032            |  | 805                          |  |  | yes                 |
| 21         | anch    | 1002            |  | 750                          |  |  | yes                 |
| 22         | anch    | 1142            |  | 1008                         |  |  | yes                 |
| 23         | anch    | 454             |  | 470                          |  |  | no                  |
| 24         | eagle   | 1072            |  | 863                          |  |  | yes                 |
| 25         | eagle   | 995             |  | 924                          |  |  | yes                 |
| 26         | wasilla | 939             |  | 896                          |  |  | yes                 |
| 27         | palmer  | 1180            |  | 1087                         |  |  | yes                 |
| 28         | willow  | 851             |  | 1059                         |  |  | no                  |
| 29         | fbx     | 419             |  | 1046                         |  |  | no                  |
| 30         | fbx     | 147             |  | 751                          |  |  | no                  |
| 31         | fbx     | 150             |  | 735                          |  |  | no                  |

|    |          |     |  |  |     |  |  |  |    |
|----|----------|-----|--|--|-----|--|--|--|----|
| 32 | npole    | 58  |  |  | 628 |  |  |  | no |
| 33 | npole    | 148 |  |  | 986 |  |  |  | no |
| 34 | npole    | 98  |  |  | 818 |  |  |  | no |
| 35 | valdez   | 297 |  |  | 781 |  |  |  | no |
| 36 | tanana   | 124 |  |  | 692 |  |  |  | no |
| 37 | kotzebue | 113 |  |  | 599 |  |  |  | no |
| 38 | nome     | 126 |  |  | 624 |  |  |  | no |
| 39 | akiak    | 112 |  |  | 681 |  |  |  | no |
| 40 | unalaska | 182 |  |  | 316 |  |  |  | no |
| 88 |          | 0   |  |  |     |  |  |  |    |

Total Qualified Districts=17 or 43%



|    |          |     |  |  |     |  |  |  |    |
|----|----------|-----|--|--|-----|--|--|--|----|
| 32 | npole    | 121 |  |  | 628 |  |  |  | no |
| 33 | npole    | 214 |  |  | 986 |  |  |  | no |
| 34 | npole    | 180 |  |  | 818 |  |  |  | no |
| 35 | valdez   | 205 |  |  | 781 |  |  |  | no |
| 36 | tanana   | 124 |  |  | 692 |  |  |  | no |
| 37 | kotzebue | 140 |  |  | 599 |  |  |  | no |
| 38 | nome     | 113 |  |  | 624 |  |  |  | no |
| 39 | akiak    | 113 |  |  | 681 |  |  |  | no |
| 40 | unalaska | 110 |  |  | 316 |  |  |  | no |
| 88 |          | 3   |  |  |     |  |  |  |    |

Total Qualified Districts=16 or 40%

CHAIRMAN R. RIVERS: Mrs. Sweeney.

SWEENEY: I would like to ask Mr. Taylor a question. On Section 4, the last line on page 1 and going to the top of page 2 it

provides that you will have eight per cent of the number of votes cast for governor in the preceding general election, at which the governor was elected. I am wondering if your Committee considered the possibility of a restriction in there similar to the one that is in the model constitution requiring that only a certain percentage of those signatures can come from a certain district. That is, that the petition must represent a large area rather than a restricted area.

TAYLOR: We did talk that over. We gave it consideration. We felt that with the geographical limitations of the state of Alaska, we felt that in view of the size of Alaska, the geographical size of it in proportion to the population, that if we put a limitation upon the number of voters that could come from any political subdivision or of any particular area, that it would make it very difficult up here by reason of the great sparsely populated areas, we did not hold that up. We felt it would make it very difficult if 25 per cent of, say 25 or 30 per cent of the petitions had to be from one division or one part of a division. Well, you could go in there and get those all right, but it is so difficult to circulate those petitions in the outlying precincts.

SWEENEY: On the other hand, I feel that, if just speaking of divisions now, if one division, for instance the Southeast, had a bit of legislation they wanted passed, they could get the eight per cent of the votes very easily and yet we would be imposing, if the legislature then passed whatever it was we wanted, we would be imposing our will on the whole of Alaska, and it seems to me that a portion should be required to come from another division, perhaps a third or even half from another section.

CHAIRMAN R. RIVERS: The Committee will be at ease for a moment while our guests pass out. (Guests left gallery.) The Committee will come to order.

TAYLOR: Mr. Chairman, I would like to answer Mrs. Sweeney's question in this way. Although as she states the eight per cent of the voters, of the number of voters that cast their votes for the governor at the previous election was secured in one division, that does not make it a law because that then is submitted, if they get the sufficient number of signatures on there, then it is submitted to the entire electorate and then it can be defeated by the voters of other divisions or political subdivisions whichever they might be, because the entire electorate then votes upon what eight per cent of the electorate initiated.

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**ARTICLE XI.**  
**INITIATIVE, REFERENDUM, AND**  
**RECALL.**

**SECTION 1. INITIATIVE AND REFERENDUM.** The people may propose and enact laws by the initiative, and approve or reject acts of the legislature by the referendum.

**SECTION 2. APPLICATION.** An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than one hundred qualified voters as sponsors, and shall be filed with the lieutenant governor. If he finds it in proper form he shall so certify. Denial of certification shall be subject to judicial review.

**SECTION 3. PETITION.** After certification of the application, a petition containing a summary of the subject matter shall be prepared by the lieutenant governor for circulation by the sponsors. If signed by qualified voters, equal in number to ten per cent of those who voted in the preceding general election and resident in at least two-thirds of the election districts of the State, it may be filed with the lieutenant governor.

**SECTION 4. INITIATIVE ELECTION.** An initiative petition may be filed at any time. The lieutenant governor shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than one hundred-twenty days after adjournment of the legislative session following the filing. If, before the election, substantially the same measure has been enacted, the petition is void.

**SECTION 5. REFERENDUM ELECTION.** A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. The lieutenant governor shall prepare a ballot title and proposition summarizing the act and shall place them on the ballot for the first statewide election held more than one hundred-eighty days after adjournment of that session.

**SECTION 6. ENACTMENT.** If a majority of the votes cast on the proposition favor its adoption, the initiated measure is enacted. If a majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected. The lieutenant governor shall certify the election returns. An initiated law becomes effective ninety days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date. It may be amended at any time. An act rejected by referendum is void thirty days after certification. Additional procedures for the initiative and referendum may be prescribed by law.

**SECTION 7. RESTRICTIONS.** 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. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

**SECTION 8. RECALL.** All elected public officials in the State, except judicial officers, are subject to recall by the voters of the State or political subdivision from which elected. Procedures and grounds for recall shall be prescribed by the legislature.

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**Table 2.3**  
**Characteristics of Area and Components**  
**of Population Change, U.S. and Alaska, 1980, 1990-1997**



| Area  | April 1, 1980-April 1, 1990 |                                     | April 1, 1990 to July 1, 1997 |            | Rate Per 1,000 Mid-Period Population | Deaths     | Rate Per 1,000 Mid-Period Population | Natural Increase | Net Migrants | Average Annual Rate of Change (%) | Percent of State Population End Date | Persons Per Square Mile |
|---|-----------------------------|-------------------------------------|-------------------------------|------------|--------------------------------------|------------|--------------------------------------|------------------|--------------|-----------------------------------|--------------------------------------|-------------------------|
|   | 1980, 1990                  | Population at the End of the Period | Population Change             | Births     |                                      |            |                                      |                  |              |                                   |                                      |                         |
| UNITED STATES /1<br>3,536,338 Sq. Mi.                   | 1980                        | 227,224,681                         |                               |            |                                      |            |                                      |                  |              |                                   | Alaska as % of U.S.                  |                         |
|   | 1980-90                     | 248,709,873                         | 21,485,192                    | 36,629,000 | 15.4                                 | 20,682,000 | 8.7                                  | 15,947,000       | 5,538,192    | 0.90                              | 0.19                                 | 54.20                   |
|   | 1990-91                     | 252,124,362                         | 3,414,489                     | 5,171,116  | 16.5                                 | 2,656,721  | 8.5                                  | 2,514,395        | 900,094      | 1.09                              | 0.22                                 | 70.33                   |
|   | 1991-92                     | 255,001,827                         | 2,877,465                     | 4,105,689  | 16.2                                 | 2,180,115  | 8.6                                  | 1,925,574        | 951,891      | 1.13                              | 0.23                                 | 72.11                   |
|   | 1992-93                     | 257,752,702                         | 2,750,875                     | 4,027,125  | 15.7                                 | 2,226,027  | 8.7                                  | 1,801,098        | 949,777      | 1.07                              | 0.23                                 | 72.89                   |
|   | 1993-94                     | 260,292,437                         | 2,539,735                     | 3,971,136  | 15.3                                 | 2,282,854  | 8.8                                  | 1,688,282        | 851,453      | 0.98                              | 0.23                                 | 73.61                   |
|   | 1994-95                     | 262,760,639                         | 2,468,202                     | 3,933,170  | 15.0                                 | 2,302,015  | 8.8                                  | 1,631,155        | 837,047      | 0.94                              | 0.23                                 | 74.31                   |
|   | 1995-96                     | 265,179,411                         | 2,418,772                     | 3,879,771  | 14.7                                 | 2,330,870  | 8.8                                  | 1,548,901        | 869,871      | 0.92                              | 0.23                                 | 74.99                   |
| 1996-97   | 267,636,061                 | 2,456,650                           | 3,901,790                     | 14.6       | 2,327,854                            | 8.7        | 1,573,936                            | 882,714          | 0.92         | 0.23                              | 75.68                                |                         |
| ALASKA<br>570,373.6 Sq. Mi.                             | 1980                        | 401,851                             |                               |            |                                      |            |                                      |                  |              |                                   | 100.0                                | 0.70                    |
|   | 1980-90                     | 550,043                             | 148,192                       | 115,963    | 24.4                                 | 19,673     | 4.1                                  | 96,290           | 51,902       | 3.1                               | 100.0                                | 0.98                    |
|   | 1990-91                     | 569,300                             | 19,257                        | 14,819     | 21.2                                 | 2,726      | 3.9                                  | 12,093           | 7,164        | 2.8                               | 100.0                                | 1.12                    |
|   | 1991-92                     | 587,129                             | 17,829                        | 11,734     | 20.3                                 | 2,205      | 3.8                                  | 9,529            | 8,300        | 3.1                               | 100.0                                | 1.23                    |
|   | 1992-93                     | 597,669                             | 10,540                        | 11,331     | 19.1                                 | 2,472      | 4.2                                  | 8,859            | 1,681        | 1.8                               | 100.0                                | 1.35                    |
|   | 1993-94                     | 601,555                             | 3,886                         | 10,970     | 18.3                                 | 2,397      | 4.0                                  | 8,573            | -4,687       | 0.6                               | 100.0                                | 1.25                    |
|   | 1994-95                     | 602,897                             | 1,342                         | 10,437     | 17.3                                 | 2,473      | 4.1                                  | 7,964            | -6,622       | 0.2                               | 100.0                                | 1.26                    |
|   | 1995-96                     | 607,314                             | 4,417                         | 10,051     | 16.6                                 | 2,662      | 4.4                                  | 7,389            | -2,972       | 0.7                               | 100.0                                | 1.26                    |
| 1996-97   | 611,300                     | 3,986                               | 10,000                        | 16.4       | 2,601                                | 4.3        | 7,399                                | -3,413           | 0.7          | 100.0                             | 1.27                                 |                         |
| ANCHORAGE/ MATANUSKA-SUSITNA REGION<br>26,391.2 Sq. Mi. | 1980                        | 192,247                             |                               |            |                                      |            |                                      |                  |              |                                   | 47.8                                 | 7.23                    |
|   | 1980-90                     | 266,021                             | 73,774                        | 54,805     | 23.9                                 | 8,109      | 3.5                                  | 46,696           | 27,078       | 3.2                               | 48.4                                 | 10.98                   |
|   | 1990-91                     | 277,582                             | 11,561                        | 6,999      | 20.6                                 | 1,212      | 3.6                                  | 5,787            | 5,774        | 3.4                               | 48.8                                 | 10.52                   |
|   | 1991-92                     | 288,953                             | 11,371                        | 5,676      | 20.0                                 | 969        | 3.4                                  | 4,707            | 6,664        | 4.0                               | 49.2                                 | 10.95                   |
|   | 1992-93                     | 297,466                             | 8,513                         | 5,543      | 18.9                                 | 1,123      | 3.8                                  | 4,420            | 4,093        | 2.9                               | 49.8                                 | 11.27                   |
|   | 1993-94                     | 302,134                             | 4,668                         | 5,413      | 18.1                                 | 1,101      | 3.7                                  | 4,312            | 356          | 1.6                               | 50.2                                 | 11.45                   |
|   | 1994-95                     | 302,451                             | 317                           | 5,313      | 17.6                                 | 1,159      | 3.8                                  | 4,154            | -3,837       | 0.1                               | 50.2                                 | 11.46                   |
|   | 1995-96                     | 304,843                             | 2,392                         | 4,964      | 16.3                                 | 1,256      | 4.1                                  | 3,708            | -1,316       | 0.8                               | 50.2                                 | 11.55                   |
| 1996-97   | 307,297                     | 2,454                               | 4,831                         | 15.0       | 1,196                                | 3.9        | 3,635                                | -1,181           | 0.8          | 50.3                              | 11.64                                |                         |
| MUNICIPALITY OF ANCHORAGE<br>1,697.6 Sq. Mi.            | 1980                        | 174,431                             |                               |            |                                      |            |                                      |                  |              |                                   | 43.4                                 | 102.75                  |
|   | 1980-90                     | 226,338                             | 51,907                        | 47,746     | 23.8                                 | 6,911      | 3.4                                  | 40,835           | 11,072       | 2.6                               | 41.1                                 | 133.33                  |
|   | 1990-91                     | 235,747                             | 9,409                         | 6,105      | 21.1                                 | 994        | 3.4                                  | 5,111            | 4,298        | 3.3                               | 41.4                                 | 138.67                  |
|   | 1991-92                     | 244,845                             | 9,098                         | 4,942      | 20.6                                 | 811        | 3.4                                  | 4,131            | 4,967        | 1.8                               | 41.7                                 | 144.23                  |
|   | 1992-93                     | 251,501                             | 6,656                         | 4,827      | 19.5                                 | 923        | 3.7                                  | 3,904            | 2,752        | 2.7                               | 42.1                                 | 148.15                  |
|   | 1993-94                     | 254,770                             | 3,269                         | 4,739      | 18.7                                 | 888        | 3.5                                  | 3,851            | -582         | 1.3                               | 42.4                                 | 150.08                  |
|   | 1994-95                     | 253,438                             | -1,332                        | 4,581      | 18.0                                 | 966        | 3.8                                  | 3,615            | -4,947       | -0.5                              | 42.0                                 | 149.29                  |
|   | 1995-96                     | 254,178                             | 740                           | 4,211      | 16.6                                 | 1,036      | 4.1                                  | 3,175            | -2,435       | 0.3                               | 41.9                                 | 149.73                  |
| 1996-97   | 254,849                     | 671                                 | 4,144                         | 16.3       | 958                                  | 3.8        | 3,186                                | -2,515           | 0.3          | 41.7                              | 150.12                               |                         |
| MATANUSKA-SUSITNA BOROUGH<br>24,693.6 Sq. Mi.           | 1980                        | 17,816                              |                               |            |                                      |            |                                      |                  |              |                                   | 1.4                                  | 0.72                    |
|   | 1980-90                     | 39,683                              | 21,867                        | 7,059      | 24.6                                 | 1,198      | 4.2                                  | 5,861            | 16,006       | 7.6                               | 7.2                                  | 1.61                    |
|   | 1990-91                     | 41,835                              | 2,152                         | 894        | 17.5                                 | 218        | 4.3                                  | 676              | 1,476        | 4.2                               | 7.3                                  | 1.69                    |
|   | 1991-92                     | 44,108                              | 2,273                         | 734        | 17.1                                 | 158        | 3.7                                  | 576              | 1,697        | 5.3                               | 7.5                                  | 1.79                    |
|   | 1992-93                     | 45,965                              | 1,857                         | 716        | 15.9                                 | 200        | 4.4                                  | 516              | 1,341        | 4.1                               | 7.7                                  | 1.86                    |
|   | 1993-94                     | 47,364                              | 1,399                         | 674        | 14.4                                 | 213        | 4.6                                  | 461              | 938          | 3.0                               | 7.9                                  | 1.92                    |
|   | 1994-95                     | 49,013                              | 1,649                         | 732        | 15.2                                 | 193        | 4.0                                  | 539              | 1,110        | 3.4                               | 8.1                                  | 1.99                    |
|   | 1995-96                     | 50,665                              | 1,652                         | 753        | 15.1                                 | 220        | 4.4                                  | 533              | 1,119        | 3.3                               | 8.3                                  | 2.05                    |
| 1996-97   | 52,448                      | 1,783                               | 687                           | 13.3       | 238                                  | 4.6        | 449                                  | 1,334            | 3.5          | 8.6                               | 2.12                                 |                         |
| GULF COAST REGION<br>59,486.9 Sq. Mi. /2                | 1980                        | 43,569                              |                               |            |                                      |            |                                      |                  |              |                                   | 10.8                                 | 0.73                    |
|   | 1980-90                     | 64,063                              | 20,494                        | 12,610     | 23.4                                 | 2,478      | 4.6                                  | 10,132           | 10,352       | 3.8                               | 11.6                                 | 1.09                    |
|   | 1990-91                     | 65,201                              | 1,138                         | 1,586      | 19.6                                 | 337        | 4.2                                  | 1,249            | -111         | 1.4                               | 11.5                                 | 1.10                    |
|   | 1991-92                     | 67,935                              | 2,734                         | 1,153      | 17.3                                 | 240        | 3.6                                  | 913              | 1,821        | 4.1                               | 11.6                                 | 1.14                    |
|   | 1992-93                     | 67,995                              | 60                            | 1,133      | 16.7                                 | 299        | 4.4                                  | 834              | -774         | 0.1                               | 11.4                                 | 1.14                    |
|   | 1993-94                     | 70,045                              | 2,050                         | 1,111      | 16.1                                 | 284        | 4.1                                  | 827              | 1,223        | 3.0                               | 11.6                                 | 1.18                    |
|   | 1994-95                     | 71,146                              | 1,101                         | 1,088      | 15.4                                 | 295        | 4.2                                  | 793              | 308          | 1.6                               | 11.8                                 | 1.20                    |
|   | 1995-96                     | 71,430                              | 284                           | 1,075      | 15.1                                 | 338        | 4.7                                  | 737              | -453         | 0.4                               | 11.8                                 | 1.20                    |
| 1996-97   | 72,076                      | 646                                 | 1,074                         | 15.0       | 353                                  | 4.9        | 721                                  | -75              | 0.9          | 11.8                              | 1.27                                 |                         |

**Table 2.3 (cont.)**  
**Characteristics of Area and Components**  
**of Population Change, U.S. and Alaska, 1980, 1990-1997**

| Area                                | April 1<br>1980, 1990<br>July 1<br>1991-97 | Population<br>at the End<br>of the Period | Population<br>Change | Births | April 1, 1980-April 1, 1990                   |        | April 1, 1990 to July 1, 1997                 |                     | Average<br>Annual<br>Rate of<br>Change<br>(%) | Percent<br>of State<br>Population<br>End Date | Persons<br>Per<br>Square<br>Mile |                 |
|-------------------------------------|--|---|----------------------|--------|---|--------|---|---------------------|---|---|----------------------------------|-----------------|
|                                     |  |   |                      |        | Rate<br>Per 1,000<br>Mid-Period<br>Population | Deaths | Rate<br>Per 1,000<br>Mid-Period<br>Population | Natural<br>Increase |   |   |                                  | Net<br>Migrants |
| <b>KENAI PENINSULA</b>              |  |   |                      |        |   |        |   |                     |   |   |                                  |                 |
| <b>BOROUGH</b>                      |  |   |                      |        |   |        |   |                     |   |   |                                  |                 |
| 16,078.9 Sq. Mi.                    | 1980                                       | 25,282                                    |                      |        |   |        |   |                     |   | 6.3   | 1.57                             |                 |
|                                     | 1980-90                                    | 40,802                                    | 15,520               | 7,724  | 23.4  | 1,510  | 4.6   | 6,214               | 9,306   | 4.7   | 7.4                              | 2.54            |
|                                     | 1990-91                                    | 42,149                                    | 1,347                | 962    | 18.6  | 204    | 3.9   | 758                 | 589   | 2.6   | 7.4                              | 2.62            |
|                                     | 1991-92                                    | 43,185                                    | 1,036                | 727    | 17.0  | 152    | 3.6   | 575                 | 461   | 2.4   | 7.4                              | 2.69            |
|                                     | 1992-93                                    | 43,330                                    | 145                  | 702    | 16.2  | 185    | 4.3   | 517                 | -372  | 0.3   | 7.2                              | 2.69            |
|                                     | 1993-94                                    | 44,757                                    | 1,427                | 688    | 15.6  | 194    | 4.4   | 494                 | 933   | 3.2   | 7.4                              | 2.78            |
|                                     | 1994-95                                    | 46,060                                    | 1,303                | 688    | 15.2  | 189    | 4.2   | 499                 | 804   | 2.9   | 7.6                              | 2.86            |
|                                     | 1995-96                                    | 46,881                                    | 821                  | 676    | 14.5  | 223    | 4.8   | 453                 | 368   | 1.8   | 7.7                              | 2.92            |
|                                     | 1996-97                                    | 48,098                                    | 1,217                | 677    | 14.3  | 259    | 5.5   | 418                 | 799   | 2.6   | 7.9                              | 2.99            |
| <b>KODIAK ISLAND BOROUGH</b>        |  |   |                      |        |   |        |   |                     |   |   |                                  |                 |
| 6,462.6 Sq. Mi.                     | 1980                                       | 9,939                                     |                      |        |   |        |   |                     |   | 2.5   | 1.54                             |                 |
|                                     | 1980-90                                    | 13,309                                    | 3,370                | 3,042  | 26.2  | 533    | 4.6   | 2,509               | 861   | 2.9   | 2.4                              | 2.06            |
|                                     | 1990-91                                    | 13,025                                    | -284                 | 428    | 26.0  | 77     | 4.7   | 351                 | -635  | -1.7  | 2.3                              | 2.02            |
|                                     | 1991-92                                    | 14,525                                    | 1,500                | 271    | 19.7  | 44     | 3.2   | 227                 | 1,273   | 10.9  | 2.5                              | 2.25            |
|                                     | 1992-93                                    | 14,391                                    | -134                 | 285    | 19.7  | 63     | 4.4   | 222                 | -356  | -0.9  | 2.4                              | 2.23            |
|                                     | 1993-94                                    | 14,951                                    | 560                  | 285    | 19.4  | 46     | 3.1   | 239                 | 321   | 3.8   | 2.5                              | 2.31            |
|                                     | 1994-95                                    | 14,633                                    | -318                 | 277    | 18.7  | 58     | 3.9   | 219                 | -537  | -2.1  | 2.4                              | 2.26            |
|                                     | 1995-96                                    | 14,062                                    | -571                 | 265    | 18.5  | 62     | 4.3   | 203                 | -774  | -4.0  | 2.3                              | 2.18            |
|                                     | 1996-97                                    | 13,547                                    | -515                 | 270    | 19.6  | 48     | 3.5   | 222                 | -737  | -3.7  | 2.2                              | 2.10            |
| <b>VALDEZ-CORDOVA C.A.</b>          |  |   |                      |        |   |        |   |                     |   |   |                                  |                 |
| 36,945.4 Sq. Mi.                    | 1980                                       | 8,348                                     |                      |        |   |        |   |                     |   | 2.1   | 0.23                             |                 |
|                                     | 1980-90                                    | 9,952                                     | 1,604                | 1,844  | 20.2  | 435    | 4.8   | 1,409               | 195   | 1.8   | 1.8                              | 0.27            |
|                                     | 1990-91                                    | 10,027                                    | 75                   | 196    | 15.7  | 56     | 4.5   | 140                 | -65   | 0.6   | 1.8                              | 0.27            |
|                                     | 1991-92                                    | 10,225                                    | 198                  | 155    | 15.3  | 44     | 4.3   | 111                 | 87  | 2.0   | 1.7                              | 0.28            |
|                                     | 1992-93                                    | 10,274                                    | 49                   | 146    | 14.2  | 51     | 5.0   | 95                  | -46   | 0.5   | 1.7                              | 0.28            |
|                                     | 1993-94                                    | 10,337                                    | 63                   | 138    | 13.4  | 44     | 4.3   | 94                  | -31   | 0.6   | 1.7                              | 0.28            |
|                                     | 1994-95                                    | 10,453                                    | 116                  | 123    | 11.8  | 48     | 4.6   | 75                  | 41  | 1.1   | 1.7                              | 0.28            |
|                                     | 1995-96                                    | 10,487                                    | 34                   | 134    | 12.8  | 53     | 5.1   | 81                  | -47   | 0.3   | 1.7                              | 0.28            |
| 34,067.4 Sq. Mi. /2                 | 1996-97                                    | 10,431                                    | -56                  | 127    | 12.1  | 46     | 4.4   | 81                  | -137  | -0.5  | 1.7                              | 0.31            |
| <b>INTERIOR REGION</b>              |  |   |                      |        |   |        |   |                     |   |   |                                  |                 |
| 190,477.8 Sq. Mi.                   | 1980                                       | 67,532                                    |                      |        |   |        |   |                     |   | 16.81   | 0.35                             |                 |
|                                     | 1980-90                                    | 92,111                                    | 24,579               | 20,560 | 25.8  | 3,124  | 3.9   | 17,436              | 7,143   | 3.08  | 16.75                            | 0.48            |
|                                     | 1990-91                                    | 95,164                                    | 3,053                | 2,507  | 21.4  | 409    | 3.5   | 2,098               | 955   | 2.61  | 16.72                            | 0.50            |
|                                     | 1991-92                                    | 96,053                                    | 889                  | 2,027  | 21.2  | 344    | 3.6   | 1,683               | -794  | 0.93  | 16.36                            | 0.50            |
|                                     | 1992-93                                    | 97,749                                    | 1,696                | 1,893  | 19.5  | 350    | 3.6   | 1,543               | 153   | 1.75  | 16.36                            | 0.51            |
|                                     | 1993-94                                    | 97,575                                    | -174                 | 1,848  | 18.9  | 394    | 4.0   | 1,454               | -1,628  | -0.18   | 16.22                            | 0.51            |
|                                     | 1994-95                                    | 96,509                                    | 1,066                | 1,747  | 18.0  | 393    | 4.0   | 1,354               | -2,420  | -1.10   | 16.01                            | 0.51            |
|                                     | 1995-96                                    | 96,839                                    | 330                  | 1,675  | 17.3  | 403    | 4.2   | 1,272               | -942  | 0.34  | 15.95                            | 0.51            |
|                                     | 1996-97                                    | 96,886                                    | 47                   | 1,719  | 17.7  | 372    | 3.8   | 1,347               | -1,300  | 0.05  | 15.85                            | 0.51            |
| <b>FAIRBANKS NORTH STAR BOROUGH</b> |  |   |                      |        |   |        |   |                     |   |   |                                  |                 |
| 7,362.4 Sq. Mi.                     | 1980                                       | 53,983                                    |                      |        |   |        |   |                     |   | 13.43   | 7.33                             |                 |
|                                     | 1980-90                                    | 77,720                                    | 23,737               | 16,995 | 25.8  | 2,353  | 3.6   | 14,642              | 9,095   | 3.60  | 14.13                            | 10.56           |
|                                     | 1990-91                                    | 80,693                                    | 2,973                | 2,142  | 21.6  | 320    | 3.2   | 1,822               | 1,151   | 3.00  | 14.17                            | 10.96           |
|                                     | 1991-92                                    | 81,412                                    | 719                  | 1,758  | 21.7  | 259    | 3.2   | 1,499               | -780  | 0.89  | 13.87                            | 11.06           |
|                                     | 1992-93                                    | 83,106                                    | 1,694                | 1,650  | 20.1  | 278    | 3.4   | 1,372               | 322   | 2.06  | 13.91                            | 11.29           |
|                                     | 1993-94                                    | 83,044                                    | -62                  | 1,605  | 19.3  | 295    | 3.6   | 1,310               | -1,372  | -0.07   | 13.80                            | 11.28           |
|                                     | 1994-95                                    | 81,797                                    | -1,247               | 1,520  | 18.4  | 306    | 3.7   | 1,214               | -2,461  | -1.51   | 13.57                            | 11.11           |
|                                     | 1995-96                                    | 82,289                                    | 492                  | 1,454  | 17.7  | 297    | 3.6   | 1,157               | -665  | 0.60  | 13.55                            | 11.18           |
|                                     | 1996-97                                    | 82,278                                    | -11                  | 1,470  | 17.9  | 309    | 3.8   | 1,161               | -1,172  | -0.01   | 13.46                            | 11.18           |
| <b>SOUTHEAST FAIRBANKS C.A.</b>     |  |   |                      |        |   |        |   |                     |   |   |                                  |                 |
| 25,994.1 Sq. Mi.                    | 1980                                       | 5,676                                     |                      |        |   |        |   |                     |   | 1.41  | 0.22                             |                 |
| 25,934.3 Sq. Mi. /3                 | 1980-90                                    | 5,913                                     | 237                  | 1,474  | 25.4  | 217    | 3.7   | 1,257               | -1,020  | 0.41  | 1.08                             | 0.23            |
|                                     | 1990-91                                    | 6,011                                     | 98                   | 149    | 20.0  | 24     | 3.2   | 125                 | -27   | 1.31  | 1.06                             | 0.23            |
|                                     | 1991-92                                    | 6,086                                     | 75                   | 91     | 15.0  | 21     | 3.5   | 70                  | 5   | 1.24  | 1.04                             | 0.23            |
|                                     | 1992-93                                    | 6,224                                     | 138                  | 90     | 14.6  | 24     | 3.9   | 66                  | 72  | 2.24  | 1.04                             | 0.24            |
|                                     | 1993-94                                    | 6,269                                     | 45                   | 115    | 18.4  | 40     | 6.4   | 75                  | -30   | 0.72  | 1.04                             | 0.24            |
|                                     | 1994-95                                    | 6,468                                     | 199                  | 108    | 17.0  | 32     | 5.0   | 76                  | 123   | 3.12  | 1.07                             | 0.25            |
|                                     | 1995-96                                    | 6,271                                     | -197                 | 106    | 16.6  | 36     | 5.7   | 70                  | -267  | -3.09   | 1.03                             | 0.24            |
|                                     | 1996-97                                    | 6,354                                     | 83                   | 124    | 19.6  | 26     | 4.1   | 98                  | -15   | 1.31  | 1.04                             | 0.25            |
| <b>YUKON-KOYUKUK C.A.</b>           |  |   |                      |        |   |        |   |                     |   |   |                                  |                 |
| 157,121.3 Sq. Mi.                   | 1980                                       | 7,873                                     |                      |        |   |        |   |                     |   | 1.96  | 0.05                             |                 |
| 148,258.4 Sq. Mi. /3                | 1980-90                                    | 8,478                                     | 605                  | 2,091  | 25.6  | 554    | 6.8   | 1,537               | -932  | 0.74  | 1.54                             | 0.05            |
|                                     | 1990-91                                    | 6,678                                     | -36                  | 189    | 20.0  | 54     | 5.7   | 135                 | -171  | -0.04   | 1.17                             | 0.05            |
|                                     | 1991-92                                    | 6,800                                     | 122                  | 155    | 23.0  | 52     | 7.7   | 103                 | 19  | 1.77  | 1.16                             | 0.05            |
|                                     | 1992-93                                    | 6,648                                     | -152                 | 133    | 19.8  | 44     | 6.5   | 89                  | -241  | -0.50   | 1.11                             | 0.04            |
|                                     | 1993-94                                    | 6,442                                     | -206                 | 104    | 15.9  | 55     | 8.4   | 49                  | -255  | -3.15   | 1.07                             | 0.04            |
|                                     | 1994-95                                    | 6,403                                     | -39                  | 92     | 14.3  | 50     | 7.8   | 42                  | -81   | -0.61   | 1.06                             | 0.04            |
|                                     | 1995-96                                    | 6,373                                     | -30                  | 88     | 13.8  | 67     | 10.5  | 21                  | -51   | -0.47   | 1.05                             | 0.04            |
|                                     | 1996-97                                    | 6,355                                     | -18                  | 104    | 16.3  | 34     | 5.3   | 70                  | -88   | -0.28   | 1.04                             | 0.04            |

Table 6a. Population of Unincorporated Places of 25 to 999: 1970 and 1960—Continued

[Places shown in this table are not recognized as places in the tables by size and type of place. For information on boundary changes and meaning of symbols see text]

| Unincorporated Places of 25 to 999 | Census Divisions             | 1970       |        |         | 1960       |        |         | Percent change |
|------------------------------------|------------------------------|------------|--------|---------|------------|--------|---------|----------------|
|                                    |                              | Population | Number | Percent | Population | Number | Percent |                |
| Stevens Village (U).....           | Upper Yukon.....             | 74         | ...    | ...     | 74         | ...    | ...     |                |
| Stony River (U).....               | Kuskokwim.....               | 74         | ...    | ...     | 74         | ...    | ...     |                |
| Summit (U).....                    | Matanuska-Susitna.....       | 34         | 39     | -12.8   | 34         | 39     | -12.8   |                |
| Suntrana (U).....                  | Yukon-Koyukuk.....           | 67         | 81     | -17.3   | 67         | 81     | -17.3   |                |
| Sutton (U).....                    | Matanuska-Susitna.....       | 76         | 162    | -53.1   | 76         | 162    | -53.1   |                |
| Talkeetna (U).....                 | Matanuska-Susitna.....       | 182        | 76     | 139.5   | 182        | 76     | 139.5   |                |
| Tanacross (U).....                 | Southeast Fairbanks.....     | 84         | 102    | -17.6   | 84         | 102    | -17.6   |                |
| Tanunak (U).....                   | Bethel.....                  | 274        | 183    | 49.7    | 274        | 183    | 49.7    |                |
| Tatitlek (U).....                  | Valdez-Chitina-Whittier..... | 111        | 96     | 15.6    | 111        | 96     | 15.6    |                |
| Tenakee Springs (U).....           | Angeon.....                  | 86         | 109    | -21.1   | 86         | 109    | -21.1   |                |
| Tetlin (U).....                    | Southeast Fairbanks.....     | 114        | 122    | -6.6    | 114        | 122    | -6.6    |                |
| Thorne Bay (U).....                | Prince of Wales.....         | 443        | ...    | ...     | 443        | ...    | ...     |                |
| Tok (U).....                       | Southeast Fairbanks.....     | 214        | 129    | 65.8    | 214        | 129    | 65.8    |                |
| Toksook Bay (U).....               | Bethel.....                  | 257        | ...    | ...     | 257        | ...    | ...     |                |
| Tuluknak (U).....                  | Bethel.....                  | 195        | 137    | 42.3    | 195        | 137    | 42.3    |                |
| Tuntutuliak (U).....               | Bethel.....                  | 158        | 144    | 9.7     | 158        | 144    | 9.7     |                |
| Twin Hills (U).....                | Bristol Bay.....             | 67         | ...    | ...     | 67         | ...    | ...     |                |
| Tyonek (U).....                    | Kenai-Cook Inlet.....        | 232        | 187    | 24.1    | 232        | 187    | 24.1    |                |
| Uaslekleet (U).....                | Nome.....                    | 434        | 574    | -24.4   | 434        | 574    | -24.4   |                |
| Usibelli (U).....                  | Yukon-Koyukuk.....           | 102        | 30     | 240.0   | 102        | 30     | 240.0   |                |
| Usibelli Mine (U).....             | Yukon-Koyukuk.....           | 65         | ...    | ...     | 65         | ...    | ...     |                |
| Venetie (U).....                   | Upper Yukon.....             | 112        | 107    | 4.7     | 112        | 107    | 4.7     |                |
| Ward Cove (U).....                 | Ketchikan.....               | 105        | 69     | 52.2    | 105        | 69     | 52.2    |                |
| Wasilla (U).....                   | Matanuska-Susitna.....       | 300        | 112    | 167.9   | 300        | 112    | 167.9   |                |
| West Petersburg (U).....           | Wrangell-Petersburg.....     | 36         | 26     | 38.5    | 36         | 26     | 38.5    |                |
| Wildwood Station (U).....          | Kenai-Cook Inlet.....        | 750        | ...    | ...     | 750        | ...    | ...     |                |
| Willow (U).....                    | Matanuska-Susitna.....       | 38         | 78     | -51.3   | 38         | 78     | -51.3   |                |
| Woody Island (U).....              | Kodiak.....                  | 41         | 78     | -47.4   | 41         | 78     | -47.4   |                |

Table 7. Population of Incorporated Places of 10,000 or More: Earliest Census to 1970

[Data are shown for earliest census for which available. For meaning of symbols, see text]

| Places           | Population | Change from preceding census |         | Places           | Population | Change from preceding census |         |
|------------------|------------|------------------------------|---------|------------------|------------|------------------------------|---------|
|                  |            | Number                       | Percent |                  |            | Number                       | Percent |
| <b>ANCHORAGE</b> |            |                              |         | <b>FAIRBANKS</b> |            |                              |         |
| 1970.....        | 48,029     | 3,792                        | 8.6     | 1970.....        | 14,771     | 1,460                        | 11.0    |
| 1960.....        | 44,237     | 32,983                       | 293.1   | 1960.....        | 13,311     | 7,540                        | 130.7   |
| 1930.....        | 11,254     | 7,759                        | 222.0   | 1950.....        | 5,771      | 2,316                        | 67.0    |
| 1939.....        | 3,495      | 1,218                        | 53.5    | 1939.....        | 3,455      | 1,354                        | 64.4    |
| 1929.....        | 2,277      | 421                          | 22.7    | 1929.....        | 2,101      | 946                          | 81.5    |
| 1920.....        | 1,856      | ...                          | ...     | 1920.....        | 1,159      | -2,386                       | -67.4   |
|                  |            |                              |         | 1910.....        | 3,541      | ...                          | ...     |

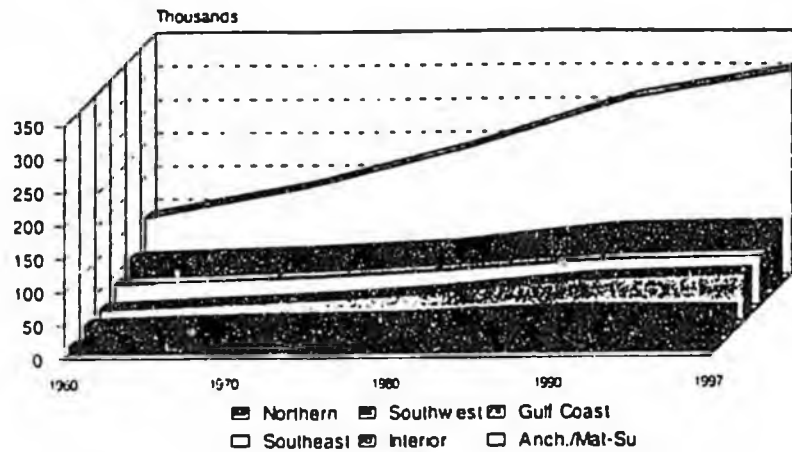
Table 8. Population in 1970 of Areas Annexed Between 1960 and 1970

[For meaning of symbols, see text]

| Incorporated Places of 2,000 or More, 1960 | 1970 population |              |                 | 1960 population | Change, 1950 to 1970 in 1950 area |
|--|-----------------|--------------|-----------------|-----------------|-----------------------------------|
|  | Total           | In 1960 area | In annexed area |                 |                                   |
| All places <sup>1</sup> .....              | 83,012          | 77,469       | 5,543           | 76,693          | 77.6                              |
| Anchorage city.....                        | 48,029          | 47,189       | 840             | 44,237          | 2,952                             |
| Fairbanks city.....                        | 14,771          | 11,538       | 3,233           | 13,311          | -1,773                            |
| Juneau city.....                           | 6,050           | 5,936        | 114             | 6,797           | -851                              |
| Ketchikan city.....                        | 6,994           | 6,078        | 916             | 6,483           | -105                              |
| Kodiak city.....                           | 3,796           | 3,413        | 383             | 2,628           | 785                               |
| Sitka city.....                            | 3,370           | 3,315        | 55              | 3,237           | 76                                |

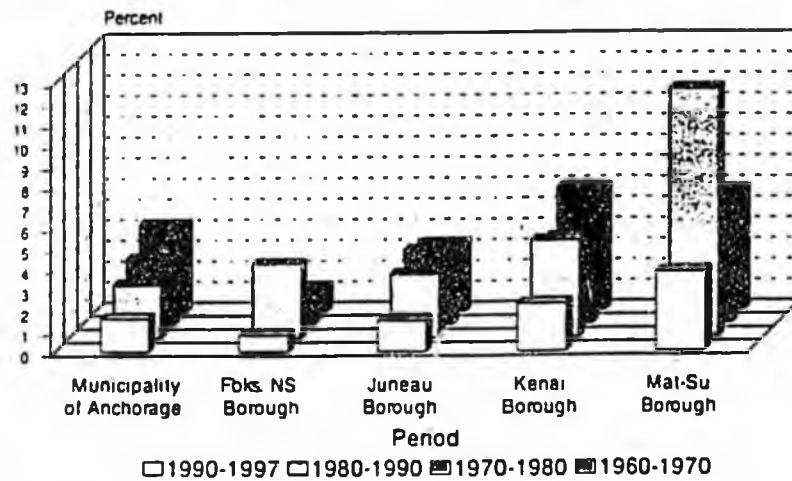
<sup>1</sup>Excludes Nome city; information on number of persons in annexed area not available.

**Figure 2.1**  
**Population by Labor Market**  
**Region—1960, 1970, 1980, 1990, 1997**



Source: Alaska Department of Labor, Research and Analysis Section, Demographics Unit

**Figure 2.2**  
**Annual Average Rates of Growth:**  
**Five Largest Alaska Boroughs 1960-1997**



Source: Alaska Department of Labor, Research and Analysis Section, Demographics Unit

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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February 1, 1999

Representative Scott Ogan, Co-Chair  
House Resources Committee  
State Capitol  
Juneau Alaska 99811

Hand-Delivered

Re: HJR 3

Dear Representative Ogan:

Per your request to Jim Baldwin, enclosed are copies of some of the constitutional convention debates regarding art. XII, sec. 11 of the Alaska Constitution regarding initiatives and citations to it by the parties in the Brooks v. Wright case which addressed the placement of the wolf snare initiative on the ballot.

Please let me know if you require further information.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By: Kathleen Strasbaugh  
Assistant Attorney General

KS:jn  
Enclosures

cc: Representative Con Bunde, sponsor  
John Lindback, Chief of Staff  
Office of the Lieutenant Governor  
Pat Pourchot, Legislative Director  
Office of the Governor  
Frank Rue, Commissioner  
Department of Fish and Game  
Deborah Behr, Assistant Attorney General  
James L. Baldwin, Assistant Attorney General

stitution, we are confronted with "by the legislature" and "by law", we will be in conflict with our initiative provision unless we prescribe in our initiative provision that all these things cannot be done by the legislature. That is what concerns me. I think, practically speaking, it would be absurd for an initiative provision to define "waters" to begin with. Now I will grant the possibility that it could happen, but it being so unusual to have such a thing, it will be a much better constitution if we use "by law" recognizing that it could possibly be referred to initiative.

RILEY: The Committee, as Mr. Hellenthal pointed out and those who were present this morning, used the word deliberately just against that remote possibility. Now, sooner or later I am sure that the matter will probably be threshed out here at the instance of Style and Drafting, but in any event, we submit it as "defined by the legislature".

PRESIDENT EGAN: Is there objection to the unanimous consent request?

TAYLOR: I will object, because I would like to ask a question. Mr. Riley, does the amendment "as defined by the legislature" refer back to fish and wildlife, too?

RILEY: No, it does not. "Wildlife, and waters as defined by the legislature,".

PRESIDENT EGAN: If there is no objection, the proposed committee amendment is ordered adopted. Are there other committee amendments? Are there other committee amendments, Mr. Riley?

COGHILL: Mr. President, could I ask a question on this proposed amendment to Mr. Riley -- on the one we just finished?

PRESIDENT EGAN: You may ask a question if there is no objection.

COGHILL: On that, Mr. Riley, it would be the feeling of the Committee that the legislature could not regulate any of their wildlife to the point of, say, domesticating moose or providing for such development of any source of wildlife that is held in their own natural state?

RILEY: No, that was not in the Committee's contemplation at all. We wished simply to meet the objection raised last evening by Mr. Poulsen, as you will recall. He and others, including the Committee, have been quite concerned about the problem as stated by him as concerns small bodies of water on privately owned

DAVIS: No member of the Judiciary Committee worked on the subcommittee, and Mr. McLaughlin made it clear at the time we started consideration of this article that he wanted no part of styling this particular article so that it could not be said that the substantive committee was handling this matter. Is that clear? At the outset the subcommittee here took this judiciary article to pieces and put it back together in several respects. For that reason you cannot take this article and read it against the enrolled copy without reading both of them completely because a hurried reading of the Style and Drafting copy would indicate that some portions have been left out, where in fact, that is not the case. As a quick resume on that, if you were to read this article in a hurry, you would see right away that the enrolled copy said that the judicial council should consist of six members, where the Style and Drafting Committee says the judicial council shall consist of seven members. Now, the reason for that is that a reading of the article will show, the enrolled copy will show they actually intended seven members all the time but they were worried about how they were going to get the supreme court justice on that committee when in fact he had not been appointed at the beginning. We have taken care of that by a separate section at the end, Section 18, which we have separated out of the body of the judicial article and which we intend to have go into a transitional ordinance. We believe that since the staggered terms of judicial council will only happen once, I mean the setup of it will only happen once, after you once get the council appointed, the terms will be staggered and thereafter the problem does not arise, so we believed it was not either necessary or desirable to keep the language about staggered terms in the body of the constitution, and for that reason we have made a separate section which we intend to lift out of the body of the judicial article and put it in a transitional measure. The same thing is true in a different manner as to the question that a service in the armed forces is not an office of profit. You will remember that that appears in one position in the present judicial article. Now, it has already come out on the floor in at least one other article and probably will come in others, and we figured that that matter could best be handled by a general provision in the constitution that service in the armed forces is not an office of profit as provided in the constitution, and for that reason once again we lifted that language out of the particular section and set it up in a separate section at the end of the judicial article. I think that is Section 17, as I remember it, with the intention that that section will be taken out of the judicial article and fitted into the proper place in the entire constitution. Now, to get to Steve's problem here. He has got his whole copy marked up on the side -- "initiative, initiative" -- and he started to ask a question, and that is a good question. As quick as we started working on this article, we found that we had used, interchangeably, the terms "by the legislature" or "by law". You will remember at the time the judicial article was considered by the Convention we had not yet considered the initi-

ative, and I am satisfied in my own mind, and I think that the Judiciary Committee agrees with me on this point, that at the time the article was before the Convention that we meant exactly the same when we said "by law" or "by the legislature". After we adopted, at least tentatively, an initiative article of course it was obvious that the terms "by the legislature" and "by law" are no longer synonymous. They might mean two different things because the initiative initiates laws. For that reason in order to try to keep the thinking of the Convention in our first draft of this matter we kept the terms all the way through just as they were in their enrolled copies. Wherever it said "by the legislature" we left it that way; wherever it said "by law" we left them that way. Then, in order to try to resolve the problem -- I should back up just a minute -- there is considerable feeling by some people, and I might say that I am one of them, that the setting up and the jurisdiction of the courts is something that should properly be handled by the legislature and not left to the initiative and for that reason in an attempt to find out where we were going on this thing, we held a combined meeting of some members from Style and Drafting, some from the Judiciary Committee, and some from the Initiative Committee, to find out how it was best to handle this problem, and the result of that meeting was that most members, I think we had only one dissent, but most members felt in that bunch that the courts should be something that should be handled by the legislature and not by the initiative, but it was not unanimous, and we do not know how the body as a whole feels, but as a result of that meeting we agreed that probably the best way to handle this thing would be to change the judicial article to provide "by law" in each case, and then to request the body to make a further exception in the initiative article when it came before the body to exempt the jurisdiction in the make-up of the courts from the initiative article. With that in mind then we did in our next and final draft change all of these provisions to read "by law" wherever it had said "by law" or "by the legislature". We changed them except in two instances here where it is obvious we couldn't have meant anything but the legislature. One of those instances is where the legislature by a vote of two houses, of each house, must approve any change of the rules. The other was in connection with the confirmation of members of the judicial council; once again it was so written we couldn't have meant anything but "the legislature" so with that in mind we went through the article and changed everywhere it said "by the legislature" or "by law". With those two exceptions we changed it to read "by law". That, then, was the purpose for my question at the time we started the resources article. I asked as to whether, when you say "legislature" do you mean "legislature" or do you mean "by law", and the answer by the Committee was that when we say "legislature" we mean legislature, not initiative. It occurs to me and to some of the others that have been working on this, that if each article that comes in is going to have things that they feel should be limited to action by the legislature, that then we are going to make the

initiative article as long as a sled track and completely unworkable if we say, "The initiative shall apply except, except, except, except", and so we have thought it would be best if the Convention wishes to limit some of these things to action by the legislature, to adopt a general miscellaneous provision to the effect that when the article says "legislature" it means just that, and when it says "by law", it will mean action by either the legislature or by the initiative. If we adopt that approach, then the article which we have prepared here is wrong to that extent if the body decides that they want the courts to be set up by the legislature and not by the legislature and the initiative. Now that is something we will have to decide here, but I think, Steve, that answers what you were asking. I think that I have pretty well covered the matter here. I do have between my draft of the enrolled copy and my copy, my original copy of Style and Drafting, I believe with a little work I can tell anybody where a particular article came from or where a particular article went in the final draft. Now I don't have it in too good shape, but I think I can find it. One thing further I wish to state, that the article has been checked by a member from the Judiciary Committee, and by the Judiciary Committee as a whole, and I believe that they have no exceptions or objections to it except in the question of whether the courts are going to be set by the initiative or not, and that point is before the body.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Point of information, Mr. President. Mr. Davis said the rule-making power or the changes in rules must be approved by a two-thirds vote of the legislature. I do not read it that way. Did you so state just a moment ago?

DAVIS: I think I did, Mr. Rivers, but what I meant was -- I wasn't, of course, talking about that particular section except as an illustration. The section itself will control, and what it says is that it will stand unless disapproved.

V. RIVERS: I still don't read it that way.

DAVIS: All right, I will read it then.

V. RIVERS: I was just checking the enrolled copy to see. Mr. President, I merely wanted the record straight. It does not say "shall be approved by a two-thirds vote of the legislature", it says that "it may be changed by a two-thirds vote of the legislature". That is an entirely different action.

DAVIS: I heard, although I did not attempt to read that particular section, Mr. Rivers, I was only using it as a matter of illustration.

MCLAUGHLIN: To confirm what Mr. Davis has said, we had a representative of the Judiciary Committee present and I believe it is the unanimous agreement of the Committee that there have been no substantive changes made by Style and Drafting, unless those substantive changes on the matter of "provided by law" or "provided by the legislature", which in substance will be left to the body except upon motion of amendment by Mr. Robertson.

PRESIDENT EGAN: Are there questions with relation to Section 1? Mr. Robertson.

ROBERTSON: Amendments are not up now, are they?

PRESIDENT EGAN: We are in the process of accepting or rejecting the report of the Style and Drafting Committee.

ROBERTSON: Mr. President, I would like to ask Mr. McLaughlin, the Chairman of the Judiciary Branch Committee, if it is not true that the Judiciary Branch Committee when submitting this proposal did not intend in Section 1 that where the words "by law" are used, it means "by the legislature"?

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: You place me in an awkward position, Mr. Robertson, because frankly I don't know what we intended. We hadn't discussed the initiative and I cannot speak for the Committee, but we did use in many instances "legislature" interchangeably with "law", although that might not be the viewpoint of many members of the Committee.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, point of inquiry. Must we not settle, first of all, before we can proceed upon the suggestion of the Committee on Style and Drafting as outlined by Mr. Davis, because Mr. Davis said that should that suggestion be accepted, then in some instances here the report of the Committee on Style and Drafting as to this particular article must be changed?

PRESIDENT EGAN: Is it the wish of the body that at this time that a motion be made on that subject from the floor and we discuss it and settle it before we go section by section? Mr. Kilcher.

KILCHER: Mr. President, since the thought of the initiative was not clear when this article was first adopted in second reading, I think that each section should be viewed in the light of the initiative. I don't think it would be wise to either reject or adopt a motion that includes or excludes initiative for the whole article. There may well be instances where matters should be left to the legislature and there may be a few instances where the initiative might get due consideration.

PRESIDENT EGAN: Mr. McLaughlin.

MCLAUGHLIN: Mr. Chairman, I wanted to rectify a statement to the embarrassment of Mr. Robertson. I did not mean it that way, but when he says "Did the Committee intend it to be the 'legislature'", I would say by elimination "yes"; where we said "by law" we thought in terms of the legislature because of the fact we were not even thinking of the initiative, and "by law" we did in fact treat it in terms of the legislature.

PRESIDENT EGAN: Mr. Metcalf.

METCALF: Mr. Chairman, I served on both committees, both the Initiative and Judiciary, and it was my own personal thought that we said or used the phrase "by law" we meant the legislature and not the initiative or the referendum.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: In order to have something before us, I move that in Section 1 wherever the words "by law" are used that they be changed to read "by the legislature", and I move that the rule be suspended.

ROBERTSON: I second the motion.

PRESIDENT EGAN: Mr. Johnson moves that the rules be suspended and that the words "by law" wherever they appear, be changed to read "by the legislature" in each case where those words appear in Section 1. Mr. Robertson.

ROBERTSON: I would suggest that if Mr. Johnson is agreeable that that also apply to Section 2, Section 3, Section 4, Section 9, Section 11, and Section 13.

JOHNSON: I certainly have no objection. However, in light of Mr. Kilcher's observation I thought that in order to expedite it, it might be better to proceed section by section. However, I am perfectly willing to include the other sections because they certainly apply.

PRESIDENT EGAN: Is it your wish that the other sections be included?

JOHNSON: It is.

PRESIDENT EGAN: Then the motion will include the words wherever they appear in the proposal.

ROBERTSON: No, only in those particular sections I mentioned.

V. RIVERS: I will ask Mr. Robertson if he included Section 11 there?

ROBERTSON: Yes, I mentioned Section 11 and Section 13.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. President, I would like to ask the proposer of the motion a question now in order to get the thinking; if we vote on the question I want to know what we have done. Mr. Johnson, by proposing this motion is it your intention that if the motion passes, that by using the word "legislature" that we have meant that we have limited the operation to the legislature and the initiative does not apply in those instances? Is that your intention?

JOHNSON: That is my intention.

PRESIDENT EGAN: Mr. McNees.

MCNEES: Mr. President, I fail to see any great threat anywhere throughout this article, and I read it carefully last night; I spent a little better than two hours on it last night comparing it with the enrolled copy. I fail to see any threat whatsoever to the judiciary article by leaving the words "by law" remain in the article where they are found. The basis of constitutional law is that certain rights are reserved, certain reservations are made within the constitution and all other laws are left up to the legislature and to the people. Inasmuch as this body has gone on record as favoring the initiative, I do not feel that we should relegate it to a position of second- or third- or fourth-class nature in the formation of the statutory laws of our new proposed state. I have heard many discussions, informal on this subject this morning, and I think that we are probably being faced by some bugaboos that actually are not there. I am a firm believer that the initiative is something that belongs in our constitution just as much as I feel that the legislature belongs in our constitution. I don't feel that we can separate them and say that one law is going to have greater value or greater realm of power than a law stemming from some other source. I would heartily oppose any effort here to say, carte blanche, without serious discussion and study on the part of every delegate in this room that we can go through and say Section 1, 2, 3, and with the exception of Section 11, we are going to change the words "by law" to read the "legislature". I don't feel that that would be the will of this group; I certainly do not feel it would be the will of the people who elected us here. I think we must give much more consideration to it than that.

PRESIDENT EGAN: The Chair would like to state that ordinarily the motion to suspend the rules is not debatable, but inasmuch as within that motion to suspend the rules the proposed amendment was included, that it is permissible to discuss the question before us. Mr. Collins.

COLLINS: As Chairman of the Committee on the Initiative, Referendum and Recall, I would like to ask Mr. Davis if this move would not take the power of the initiative out. The initiative is a law itself. Of course, we have provided in the initiative for Section 3, "The legislature shall prescribe the procedure to be followed, the exercise of the power and initiative and referendum except as herein provided." I am just wondering if it would not take the power of the initiative away. Our Committee would firmly stand by the initiative. Mr. Taylor is not here, he is Vice Chairman of this Committee. I am sorry he is not here, but before a move is made I would like to have the opinion of the Committee, my Committee on the Initiative and Referendum. I think it is very vital at this point. If they endeavor to take away the power of the initiative I oppose it, and I want the backing of the Committee.

PRESIDENT EGAN: Mr. Davis.

DAVIS: Mr. Collins, in my opinion, to answer your question, in my opinion, if we adopt the motion which has been proposed we have taken away the power of the initiative as to the subjects covered in these particular articles.

COLLINS: Can you make that exception?

DAVIS: I don't see why not. I intended, if this carries, I intended certainly to provide somewhere in here a miscellaneous article in the constitution to the effect that when we have used the words "the legislature" as distinguished from "by law", that action then was limited to the legislature in those particular places. To further go ahead with what you mentioned, you will remember that we held a committee meeting which included members from your Committee. I don't remember whether you were there or not, but Mr. Taylor was there.

COLLINS: I was there.

DAVIS: At that time it was proposed, I think without dissent so far as that committee of committees was concerned, that we would offer an amendment to the initiative article to specifically eliminate, to specifically exclude the setup and jurisdiction of the courts from the initiative article. That is what we had agreed to do at that time, but this other thing has come up since. That is why we have the problem now, that apparently other committees are talking the same position and if they do we will have more exceptions in the initiative than we have initiative. That is the point I was trying to get at awhile ago. Now it is purely a matter of policy here as to whether the body itself wants to exempt the jurisdiction and the make-up of the courts from the initiative. So far as I, as an individual am concerned, I do favor that, but that is something that the body itself has got to decide; neither Style and Drafting nor either of the substantive committees can decide

that point.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, to carry this forward to what seems to me to be a logical conclusion, I wonder if the makers of the motion would be willing to hold it in abeyance until we decide the more basic question as outlined by Mr. Davis. It seems to me we have to decide that basic method of procedure before we know what we are going to do when we change or don't change the words in this article, "as prescribed by law". It wouldn't affect your motion, Mr. Johnson, but don't you think it might be better to settle the basic procedure first?

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: I assume what Mr. White has in mind is perhaps a division on the question and we vote --

WHITE: I have in mind, Mr. Johnson, if you would agree to hold it in abeyance and move in line with the later suggestion of the Committee on Style and Drafting that a miscellaneous provision be adopted by the Convention as outlined by Mr. Davis.

JOHNSON: I beg your pardon, I have no objection to that.

PRESIDENT EGAN: Mr. McCutcheon.

MCCUTCHEON: Mr. President, it appears to me that this is the basic question right now. The proposal that Mr. Johnson has offered is the basic question. It does not only apply to this particular article but it can apply and may apply to all other articles and we are now at this time arguing a differentiation between "by law" and "by legislature", so it seems to me that the point could be argued very clearly at this time.

WHITE: That is correct, but Style and Drafting has changed this article in some respects to read "as prescribed by law". In doing so they intended that at first that under the initiative an exception be made for the judiciary.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: Point of order, Mr. President, I think that is a misstatement of fact. The Style and Drafting Committee, in my opinion, has no right to recommend a change in the substance of the whole constitution. I recognize that Mr. Davis, in presenting this thing, did the best he could and probably did it right, but the fact of the matter is that any decision that was made was a decision that was improper in itself, and it was simply, our job is to point this problem up and not to recommend a solution to the thing.

WHITE: Mr. President, in answer to Mr. McCutcheon, I maintain that settling the basic method of procedure at this time would not affect Mr. Johnson's motion or any discussion of it that may ensue. The only thing it would do is clarify what our procedure is going to be in each case. If Mr. Johnson agrees to hold his motion in abeyance as he had agreed, then I am prepared to make a motion.

PRESIDENT EGAN: Has Mr. Johnson agreed then that his motion will be held in abeyance and will not be before us at this time? Do you ask unanimous consent that it be held in abeyance?

JOHNSON: I do.

PRESIDENT EGAN: Is there objection to that request? Hearing no objection then, the motion as has been made by Mr. Johnson will be held in abeyance until a later time. Mr. White still has the floor if he has a motion.

WHITE: Mr. President, I move that it be the policy of the Convention to adopt a miscellaneous provision which shall say that when the constitution says "the legislature" it means the legislature only and that when it says "by law" it means by the state or by the legislature. I so move.

PRESIDENT EGAN: Is there a second?

MCNEES: I second the motion.

PRESIDENT EGAN: Mr. McNees seconds the motion.

MARSTON: Is it open for discussion?

PRESIDENT EGAN: The motion is open for discussion. Mr. Marston.

MARSTON: May I ask a question of Mr. Davis? What position has Style and Drafting taken on the initiative where it says "by law" or "by legislature", have they also done the same thing on the initiative powers going into the legislature?

DAVIS: Mr. Marston, Mr. Hurley had the right idea awhile ago when he said that Style and Drafting cannot decide that. I do not agree with Mr. Hurley when he said we shouldn't propose a solution if we had one because I think somebody has got to do it, but at the minute in working on the initiative article this point doesn't come up. Had this matter been limited to the judicial and had the body wanted to limit action on the judiciary to the legislature we could have then proposed an amendment to the initiative article which would have taken care of that, but so far as I see, the action taken now won't have any effect at all on the initiative article as such. It will, certainly if adopted, take certain things away from the initiating power that might be given unless the motion were adopted.

CHIEF CLERK: "That it be the policy of the Convention to adopt a miscellaneous provision which shall say that 'when the constitution says "the legislature" it means the legislature only and that when it says "by law" it means by initiative or by the legislature.'"

PRESIDENT EGAN: "r Ralph Rivers.

R. RIVERS: Mr. President, we have reached a very fundamental question, and we are going to be making a very fundamental decision. If we distinguish between the meaning of the words "by law" or "by the legislature" we are raising a substantive question in every case where those words appear. I have talked to various committee people and most of them say that they did not have the distinction clearly in mind when they drafted their proposals. They used them more or less interchangeably without stopping to think of the distinctions. If we are going to raise a substantive question on the meaning of those words, then we get into the problem of whether all these articles should go back to their standing committees for decision on that fundamental substantive question which is involved or else we will just keep them on the floor here and we will fight it out every time one of those terms arises as to what we mean by it. Of course, only the body can make the final decision. As far as the Judiciary is concerned, the members of that Committee were thinking only of the legislature. Ours was among the first out and we didn't stop to think about the distinction. We used the words interchangeably. However, the Judiciary is pretty well-constructed right in the constitution. The initiative power does not extend to changing the constitution. We have our courts with the main jurisdiction defined and the judicial council and everything we have written in here; the initiative could not touch it. However, we have said "by law" with regard to about seven points, as Mr. Robertson pointed out this morning. One is that inferior courts could be established by law, and the salaries of justices and judges could be changed by law, and the number of justices of the supreme court may be increased, but only upon request of the supreme court, so that would not apply. And then additional qualifications are prescribed by law for judges. I am perfectly secure as far as the judiciary article is concerned. I don't think the public is going to concern itself by initiative, whether it is going to change the salary of judges or create an inferior court. We have the broad question before us and that is what I am speaking to. The Judiciary raised this because we think those are not proper subjects for the initiative. Neither are they subjects that the public is going to be interested in from the standpoint of the initiative, and I feel if we go through with the distinction that Mr. Barrie White would establish here -- I really fully approve of having him raise the point at this time -- I feel that every proposal that comes before us from now on in third reading is before us on a substantive question as to what we mean by those particular terms and I doubt that the remaining

14 days is long enough for us to fight that battle out every time we come across those terms. So, in the interest of the entire Constitutional Convention, I am willing to let the Judiciary take a chance. I am not speaking for any of my colleagues on the Committee. I am willing to let Judiciary take a chance, and I am willing to say that let the initiative apply wherever it would ordinarily apply without making that distinction, because if we start giving an initiative which we have done, and then say, "except this, except this", and take every proposal and treat that as a matter of substance, for the rest of this Convention during the third reading, I am afraid we are just about wrecking the operation, so if the Convention votes this down, Mr. Barrie White's amendment, I am going to propose one to the effect that those words may be used interchangeably wherever applicable insofar as the initiative is concerned. If we take that decision now we can go ahead and wind up this Convention. Otherwise, I don't see where we are coming out.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: Mr. President, I agree entirely with Mr. Rivers that we will be spending the rest of our days worrying as to what exactly the meaning of each of those words is. It seems to me that in the passing of the proposed article on direct legislation, we made a decision in this particular matter; we said as follows: "The initiative and referendum may not be used as a means of earmarking revenues for making or defeating of appropriations of public funds or for local or special legislation." We specifically exempted those. I don't think it is right for us as an afterthought to start going through the whole constitution and add additional items that are not subject to the initiative. I personally am not a believer in the initiative; however, if you have it, let's be honest about it; let's be above board about it. If you believe that certain items should be exempted let's put them into Section 5 of Article 3 and specifically exempt them from the initiative instead of going through each article, section by section, and by hidden meanings prevent the people from exercising the initiative.

PRESIDENT EGAN: Miss Awes.

AWES: I agree with Mr. Fischer that we adopted the initiative with certain exceptions which appear in that article. The proposal that is before us now was decided before we adopted the initiative, so I think the problem is with it, and it seems to me that Style and Drafting acted very properly when they used a consistent term "by the law", the one they chose, and I think in this case we should decide the matter as a substantive matter. The other proposals where we are concerned with it, I think all came up after the initiative was adopted, and therefore, I think the Style and Drafting should continue to use the term "by law" and I think then it would be understood that the

CROSS: Mr. President, when we were writing this constitution and these articles we made no distinction between "legislature" and the "law". I am opposed to going ahead and making that distinction now. I can foresee hours and hours of debate on that. Let's get back to the question and vote this down.

PRESIDENT EGAN: Mr. White.

WHITE: Mr. President, I won't feel badly at all if this motion is voted down. I merely proposed it as a means of clearing the air and establishing basic policy. Whether or not we agree with Miss Awes that we do or do not need such a provision, I think if you want to exempt a number of things from the initiative we do need such a provision, because there seems to be some doubt among the delegates as to what we have meant in the past when we say "by the legislature" or "by law", and I propose it only as a means of clearing the air.

PRESIDENT EGAN: Mr. Rosswog.

ROSSWOG: I was delayed in arriving here and I would like to be allowed not to vote on this subject because I have not heard all the debate. I ask to abstain.

PRESIDENT EGAN: You ask to abstain? The question is, "Shall the proposed motion as offered by Mr. White be adopted by the Convention?"

METCALF: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll with the following result:

Yeas: 18 - Barr, Buckalew, Coghill, Collins, Cooper, Davis, Johnson, Kilcher, Laws, McCutcheon, McNealy, Nerland, Nolan, Peratrovich, Poulsen, Reader, Robertson, Taylor.

Nays: 34 - Armstrong, Awes, Boswell, Cross, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hermann, Hilscher, Hinckel, Hurley, King, Knight, Lee, Londborg, McLaughlin, McNees, Marston, Metcalf, Nordale, Riley, R. Rivers, V. Rivers, Smith, Stewart, Sundborg, Sweeney, Walsh, White, Wien, Mr. President.

Absent: 2 - Hellenthal, VanderLeest.

Abstaining: 1 - Rosswog.)

PRESIDENT EGAN: The Convention will come to order. The Chief

Nays: 20 - Coghill, Collins, Emberg, H. Fischer, V. Fischer, Hilscher, Hinckel, Hurley, Kilcher, Knight, Lee, Londborg, McNees, Marston, Peratrovich, V. Rivers, Smith, Stewart, Sundborg White.

Absent: 2 - Hellenthal, VanderLeest.)

CHIEF CLERK: 33 yeas, 20 nays and 2 absent.

PRESIDENT EGAN: So the "nays" have it and the rules have not been suspended. Are there other questions with relation to Section 1? Mr. Johnson.

JOHNSON: Mr. President, I ask unanimous consent to withdraw my motion, that is the remainder of the motion.

PRESIDENT EGAN: Mr. Johnson asks unanimous consent that the motion be withdrawn. It actually should not have been before us. Mr. McLaughlin.

MCLAUGHLIN: Mr. Chairman, I will try it again. I asked for unanimous consent to the suspension of the rules so that I may introduce a motion.

PRESIDENT EGAN: The Convention will come to order.

MCCUTCHEON: Point of information. I would like to hear the matter of the motion before I rule on that, or whether I would object.

PRESIDENT EGAN: Mr. McLaughlin, would you inform the body.

MCLAUGHLIN: It is my intent, if the rules are suspended, to introduce the following motion to be adopted by the Convention or rejected by the Convention: "That it is the intent of the Convention that all provisions of the constitution which include the words 'by the legislature' or 'the legislature', unless clearly inapplicable or unless specifically excluded from the initiative and referendum by the article on the initiative and referendum, shall be subject to the initiative and referendum."

HERMANN: I think the motion ought to be submitted to Style and Drafting. (Laughter)

PRESIDENT EGAN: The Convention will come to order. Mr. McLaughlin asks unanimous consent for the suspension of the rules in order that he may introduce such a motion. Is there objection?

BUCKALEW: I object.

PRESIDENT EGAN: Objection is heard. Did you so move, Mr.

McLaughlin?

MCLAUGHLIN: I so move.

KNIGHT: I second the motion.

PRESIDENT EGAN: The question is, "Shall the rules be suspended?"  
The Chief Clerk will call the roll.

(The Chief Clerk called the roll with the following result:

Yeas: 47 - Armstrong, Awes, Barr, Boswell, Collins,  
Cooper, Cross, Davis, Doogan, Emberg, E.  
Fischer, V. Fischer, Gray, Harris, Hermann,  
Hilscher, Hinckel, Hurley, Johnson, Kilcher,  
King, Knight, Laws, Lee, Lomborg, McCutcheon,  
McLaughlin, McNealy, McNees, Metcalf, Nerland,  
Nolan, Nordale, Reader, Riley, R. Rivers, V.  
Rivers, Robertson, Rosswog, Smith, Stewart,  
Sundborg, Sweeney, Taylor, Walsh, White, Wien.

Nays: 6 - Buckalew, Coghill, Marston, Peratrovich,  
Poulsen, Mr. President.

Absent: 2 - Hellenthal, VanderLeest.)

CHIEF CLERK: 47 yeas, 6 nays and 2 absent.

PRESIDENT EGAN: The "yeas" have it and the rules have been  
suspended. Mr. McLaughlin.

MCLAUGHLIN: Do I now move, Mr. Chairman?

PRESIDENT EGAN: Would you submit it to the Chief Clerk please.

TAYLOR: May we have five minutes to look that over, please?

PRESIDENT EGAN: If there is no objection the Convention will be  
at recess for two minutes.

#### RECESS

PRESIDENT EGAN: The Convention will come to order. The Chief  
Clerk will please read the proposed amendment as offered by Mr.  
McLaughlin.

CHIEF CLERK: "That it is the intent of the Convention that all  
provisions of the constitution which include the words 'by the  
legislature' or 'the legislature', unless clearly inapplicable  
or unless specifically excluded from the initiative and referen-  
dum by the article on the initiative and referendum, shall be  
subject to the initiative and referendum."

PRESIDENT EGAN: Mr. Cooper.

COOPER: Point of order. The other day a rule was adopted in addition to the other rules that we had which said that any amendment that was long would have to be mimeographed and I would like to ask to have this mimeographed.

MCLAUGHLIN: Mr. Chairman, may I point out this is not an amendment to anything. It is merely a statement of intent.

PRESIDENT EGAN: Do you still raise your point of order?

COOPER: No, I will withdraw it.

HARRIS: Mr. President, I would like to ask Mr. McLaughlin a question if I may.

PRESIDENT EGAN: You may, Mr. Harris, if there is no objection.

HARRIS: Mr. McLaughlin, if the words "by law" are stated I guess that would also apply to the initiative and referendum as well as the legislature?

MCLAUGHLIN: Yes, that is clearly the understanding of this body at the moment that "by the law" makes it subject to the initiative and referendum, if I may speak on this, Mr. Chairman.

PRESIDENT EGAN: You may speak on this, Mr. McLaughlin, but did you so move?

MCLAUGHLIN: I so move.

BARR: I second it.

PRESIDENT EGAN: Mr. McLaughlin moves, seconded by Mr. Barr.

MCLAUGHLIN: Regrettably this is wordy, but the wordiness is necessary so that we cover in most of the problems that confront Style and Drafting. All we are asking is that the Convention notes immediately that where we use in any article, have used in any article the expression "by the legislature" or we have used in any article the proposal, the words "the legislature", unless those things obviously are inapplicable they are subject to the initiative and the referendum unless they are otherwise specifically excluded from the article on the initiative and referendum. What do I mean by that? I mean by that this: where we say "the legislature shall provide", automatically on the adoption of this constitution, Style and Drafting can say, we can substitute the words "by law". It means that where we say "further provision shall be made by the legislature", Style and Drafting upon adoption of this can say they mean "according to law", or "by law", because we automatically have then confirmed, in a sense, the article on the initiative and

referendum and said unless you are specifically--you have been specifically exempted by the article on the initiative and referendum, this section of the constitution where the expression "the legislature" is used is subject to the article on the initiative and referendum and it means "by the law". You have a "yes" or a "no". We don't intend to insert anything in here in the constitution. It is a statement of intent, but it means that now and hereafter Style and Drafting has a clear directive from the Convention. What do I mean here by "unless clearly inapplicable"? I will give you the best example; it has been used before. Certainly we wouldn't intend, where you read in the article on the judiciary that the supreme court may adopt rules which may be, in substance, disapproved by two-thirds of each house of the legislature, because it was obviously meant from that context that that couldn't be subject to the initiative, and so we are clearly indicating here that where we use the expression "by the legislature" or the expression "the legislature" we mean completely, thoroughly, and wholeheartedly know that it is subject not only to the initiative but to the referendum, and where it is clearly inapplicable, even 55 idiots would agree that it was inapplicable. That is not a reflection upon the body, Mr. Chairman, if it is, it is upon myself alone. Thank you. (Laughter)

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: I am afraid I haven't anything witty to say.

PRESIDENT EGAN: Mr. Johnson has the floor.

JOHNSON: I would like to point out that while normally I am in agreement with our distinguished Judiciary Chairman, I am afraid here that his motion isn't going to help us a great deal because it certainly does not resolve the problem we are faced with in this judiciary article, and I don't know how to solve that; I tried by a motion but that failed, rather the suspension of the rules failed, and as I said before, I don't see how the adoption of Mr. McLaughlin's motion is going to help us in solving the problem that still, I believe, exists in the judiciary article. The McLaughlin motion may help the Style and Drafting Committee in the future -- I don't know about that -- but certainly so far as the judiciary article is concerned, I don't think that it has resolved the question.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President, I would like to support the motion. If it is adopted it will facilitate the work of Style and Drafting, immeasurably. Beyond that I say there is a solution for Mr. Johnson, and the solution is, if he doesn't want the judiciary article to be subject to action by the initiative or referendum, the way to state that and state it unmistakably is to write it in as one of the restrictions on the use of the

initiative in the initiative article, and if the body wants to do that, that is the place to put it. I am sure, and I think every man and woman here will agree with me, that as we considered these matters on the floor we did not stop to think each time that the use of the term "by the legislature" or "by law" was used whether we were distinguishing between whether a thing would be subject to the initiative or not. We did use those terms interchangeably. I know they were used interchangeably in my own thinking at least as we looked at the proposals before us. There is one other alternative still before us, and that is when we get around to it we may not even adopt the article on the initiative and referendum. I myself am in favor of it; I think it ought to be in the constitution, but to let Style and Drafting get on with its work it would help greatly in that work if we adopt Mr. McLaughlin's motion.

PRESIDENT EGAN: Mr. White.

WHITE: This is a logical sequence and only logical sequence to voting down the motion that I made previously.

PRESIDENT EGAN: Mr. Coghill.

COGHILL: Mr. President, may I ask a question of Mr. McLaughlin?

PRESIDENT EGAN: You may.

COGHILL: On your proposed amendment, let's just take for an example in your local government article on boroughs would the legislature that provides for the performance of services to unorganized boroughs, would that be "the law shall provide"?

MCLAUGHLIN: That would be "it shall be provided by law".

PRESIDENT EGAN: Mrs. Nordale.

NORDALE: May I ask a question of Mr. McLaughlin? It wasn't your intent to preclude the Committee on Style and Drafting to occasionally use "by the legislature" just for variety, was it?

MCLAUGHLIN: It was not, but if intelligence conflicts with variety I would say that variety would have to go by the board. Mr. Chairman, I might answer one of the objections that came from Mr. Johnson. If Mr. Johnson, after the adoption of this, wants to raise the question immediately as to whether or not the judiciary article is subject to the referendum, he need merely move to strike all the expressions "be established by law" and substitute the word therein "legislature".

PRESIDENT EGAN: The question is, "Shall the proposed motion as offered by Mr. McLaughlin be adopted by the Convention?" All those in favor of the adoption of the proposed motion will signify by saying "aye", all opposed by saying "no". The

"ayes" have it and the proposed motion is ordered adopted. Are there questions with relation to Section 1? Mr. McCutcheon.

MCCUTCHEON: Mr. President, in view of the action that has just been taken by the body, I will move that the judiciary article be sent back to Style and Drafting for further consideration in drafting.

TAYLOR: I second the motion and ask unanimous consent.

PRESIDENT EGAN: Unanimous consent is asked that the judiciary article be sent back to Style and Drafting for further consideration in drafting.

SUNDBORG: Is this debatable?

PRESIDENT EGAN: Recommit, is that your motion, Mr. McCutcheon?

MCCUTCHEON: Yes, that is what it amounts to.

PRESIDENT EGAN: Recommit is debatable, yes, it is, Mr. Sundborg.

SUNDBORG: We don't want it back. We have already labored over this for more than two weeks. We have inserted in here "by law". If we get it back that is all we could do, as I can see it.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, it just seems to me that this should be recommitted to Judiciary Committee because they know what they mean in each case, and then it should come out on the floor for adoption. They could consult with Style and Drafting, perhaps.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: When the initiative and referendum article finally comes before us, Mr. Barr, I am quite sure our Committee is going to move an exclusion of the formation and jurisdiction of the courts in the judiciary article, but I think we ought to go ahead and clear this and get it into third reading and take the other up in due course.

PRESIDENT EGAN: The question is, "Shall the report of the Committee on Style and Drafting on Committee Proposal No. 2 be recommitted back to the Style and Drafting Committee for further consideration?" All those in favor of recommitting the proposal to the Style and Drafting Committee for further consideration will signify by saying "aye", all opposed by saying "no". The "noes" have it and the proposal is before us. Mr. Robertson.

ROBERTSON: I move that it be recommitted to Judiciary Branch

SUNDBORG: We are aware of those two, and we will take care of them appropriately here. I was just wondering if there may be some others that in the course of the Convention have been given to some committee or have been assigned for further study and have not come before us again.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: I do not recall seeing the one in regard to suffrage and elections, which referred to the election of 1924. Does that belong here or in Ordinances?

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I believe it has been passed in third reading, and will be among the provisions in the schedule of transitional measures and ordinances. I believe it was reported out again by Mr. McNealy's committee along with the Alaska-Tennessee Plan.

PRESIDENT EGAN: Mr. Rivers had one he was working on. Mr. Rivers.

V. RIVERS: Well, I have in mind what I consider to be a problem of omission, and that is the question of financing in the transition period. I mentioned that the other day. I also have in mind as to whether or not we should have a sort of a severability or savings clause in here, so that if the Congress should find they are not able to accept certain clauses, such specifically as the fish trap clause, that we would not lose the balance. I was just thinking about that and I mentioned that before dinner. I have talked it over with a few. I wonder if it might not be well to have it.

PRESIDENT EGAN: Mr. Sundborg, do you have a Committee explanation to make in relation to this article?

SUNDBORG: Mr. President, the general and miscellaneous provisions have been gathered from all points here in the Convention and collected in the Engrossment and Enrollment Committee and turned over to our Committee. Some of them have been drafted in the first instance by Style and Drafting, and we gave those just as critical a going-over as we did the others as to language. The redraft was prepared by a subcommittee consisting of Mr. Davis, Mr. Fischer, and myself. And we have asked Mr. Fischer to explain the changes that have been made and to answer any questions by delegates.

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: Mr. President, there are no basic changes in the various sections as they are before you. There is an additional section inserted, as you will note, Section 9, that is a clari-

fication of the use of the terms "by law" and "by the legislature" as they are used in this Constitution. It was deemed desirable to include this provision to make sure that the courts do follow the intent of this Convention in deciding upon various questions that may come up. We will ask for a suspension of the rules to consider this matter.

PRESIDENT EGAN: Are you asking for that suspension at this time? You mean for the inclusion of this section?

V. FISCHER: Yes, I think it properly should come after the language has been approved. If you would like me to, I can just run through quickly and advise the members where the various sections came from. Section 1 is Section 1 in the enrolled copy; 2 and 2 are the same; 3 comes from 3; 4 is the same as No. 4 was before -- in most cases they are practically the same wording; 5 has the same number as previously. Section 6 is composed of what were Section 7 as well as Section 8 in the enrolled draft. We combined those into one section. What is Section 7 now previously was Section 9. What is Section 8 previously was Section 10. Section 9, as I mentioned, is new. Section 10 comes from Section 11; Section 11 comes from 13; Section 12 comes from 6; Section 13 comes from 6; and as Mr. Sundborg mentioned, Section 12 of the enrolled copy is not as yet ready for presentation and will be brought in as an addendum to this report at a future time for separate approval. I will be glad to answer any questions. ✓

PRESIDENT EGAN: Are there any questions to be directed to Mr. Fischer on any of the sections? Mr. Cooper.

COOPER: Mr. President, in line 21, page 2, Section 6, should not the words "persons of" be stricken?

V. FISCHER: They probably could be. I don't think that they add very much to the language as it stands here.

PRESIDENT EGAN: Are there other questions relating to Article XII? If not, are there any committee amendments to be offered at this time? Mr. Fischer.

V. FISCHER: Mr. President, I would like to ask unanimous consent that the rules be suspended for the purpose of considering the inclusion of Section 9.

PRESIDENT EGAN: Mr. Fischer moves and asks unanimous consent that the rules be suspended for the purpose explained. Mr. McLaughlin.

McLAUGHLIN: Mr. Chairman, the objection is merely a technicality, but on page 2, line 21, "including persons of both sexes.", should not that read, "shall be construed as including either

sex."? (laughter)

PRESIDENT EGAN: Mr. Fischer.

V. FISCHER: I think I would rather not answer that question while we are in the middle of a request for the suspension of the rules.

McLAUGHLIN: I will withdraw that objection.

PRESIDENT EGAN: Mr. Fischer asks unanimous consent that the rules be suspended in order that he might offer Section 9 as an amendment to this article. Is there objection? Hearing no objection the rules are suspended. Mr. Fischer, you might offer your proposed amendment.

V. FISCHER: Mr. President, I move that Section 9 be approved for inclusion in Article XII of this Constitution. I ask unanimous consent.

PRESIDENT EGAN: Mr. Fischer moves and asks unanimous consent that Section 9 be adopted as a part of Article XII, the Article on General and Miscellaneous provisions. Is there objection? Hearing no objection, the amendment is ordered adopted. Are there other committee amendments, Mr. Fischer?

FISCHER: Mr. President, on page 2, line 7, change the word "dischage" to "discharge".

PRESIDENT EGAN: Unanimous consent is asked that the rules be suspended. Hearing no objection, it is so ordered. Mr. Fischer, you ask unanimous consent for the adoption of that change? Hearing no objection, it is so ordered.

V. FISCHER: I would like to ask the grammarian of the Convention whether "construing" is properly spelled on line 19 of page 2.

HERMANN: Yes.

V. FISCHER: The committee has no further amendments, Mr. President.

PRESIDENT EGAN: Mr. McLaughlin.

McLAUGHLIN: I think that the Committee on Style and Drafting is avoiding the issue, and it may cause some embarrassment in future generations. I move that the word "both" on line 21, page 2, be stricken, and in lieu thereof the word "either" be inserted.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: May I ask a question of Mr. McLaughlin? And use the singular for "sex"?

# Alaska State Legislature

Committees:  
Transportation, Chairman  
Resources  
Economic Development  
Rules



Representative William K. Williams

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## MEMORANDUM

From: Representative Bill Williams *W.K.W.*  
To: Members, House State Affairs Committee  
Date: February 17, 1999  
Re: HB 45/HJR 7 (Changing initiative Procedures)

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Attached are minutes from the State Constitutional Convention of 1955. These excerpts are specific to discussion that took place during the February 11<sup>th</sup> meeting. Reading these minutes may help you better understand the history of the issue. As you can see, many of the questions that were posed during the last State Affairs committee meeting were discussed in 1955.

Also attached is a list of convention delegates names and hometowns.

Thank you for your attention.

WILLIAM A. EGAN

President of the Convention

/s/

THOMAS B. STEWART

Secretary of the Convention

Attest:

Signed and the Seal of the

State of Alaska affixed this

(seal) 14th day of May, 1965.

/s/

HUGH J. WADE

Secretary of State

ALASKA CONSTITUTIONAL CONVENTION

University of Alaska

1955

DELEGATES AND OFFICERS

WILLIAM A. EGAN -- President

FRANK PERATROVICH -- First Vice President

RALPH J. RIVERS -- Second Vice President

---

MILDRED R. HERMANN - Temporary President

THOMAS B. STEWART -- Secretary

KATHERINE T. ALEXANDER -- Chief Clerk

---

Alaska Place of Date of

Delegate Home Resident Birth Birth

Since

Armstrong, R. Rolland Juneau 1940 Pennsylvania 1910

Awes, Dorothy J. Anchorage 1945 Minnesota 1918

Barr, Frank Fairbanks 1932 Illinois 1903

Boswell, John C. Fairbanks 1926 Oregon 1905

Buckalew, Seaborn J. Anchorage 1950 Texas 1920

Coghill, John B. Nenana 1925 Alaska 1925

Collins, E. B. Fairbanks 1904 Indiana 1873

Cooper, George D. Fairbanks 1949 Colorado 1923

Cross, John M. Kotzebue 1934 Kansas 1895

Davis, Edward V. Anchorage 1939 Idaho 1910

Doogan, James P. Fairbanks 1914 Alaska 1914

Egan, William A. Valdez 1914 Alaska 1914

Emberg, Truman C. Dillingham 1935 Minnesota 1909

Fischer, Mrs. E.A. Anchorage 1905 Washington 1905

(Helen)

Alaska Place of Date of

Delegate Home Resident Birth Birth

Since

Fischer, Victor Anchorage 1950 Germany 1924

Gray, Douglas Douglas 1912 Montana 1908

Harris, Thomas C. Valdez 1950 Oklahoma 1926

Hellenthal, John S. Anchorage 1915 Alaska 1915

Hermann, Mildred R. Juneau 1919 Indiana 1891

Hilscher, Herb Anchorage 1906 Washington 1902

Hinckel, Jack Kodiak 1922 Massachusetts 1901

Hurley, James Palmer 1933 California 1915

Johnson, Maurice T. Fairbanks 1937 Minnesota 1901

Kilcher, Yule F. Homer 1936 Switzerland 1913

King, Leonard H. Haines 1920 Michigan 1901

Knight, William W. Sitka 1919 England 1889  
Laws, W. W. Nome 1935 Washington 1884  
Lee, Eldor R. Petersburg 1920 Alaska 1920  
Londborg, Maynard D. Unalakleet 1946 Nebraska 1921  
McCutcheon, Steve Anchorage 1911 Alaska 1911  
McLaughlin, George W. Anchorage 1949 New York 1914  
McNealy, Robert J. Fairbanks 1940 Nebraska 1907  
McNees, John A. Nome 1942 Idaho 1917  
Marston, M. R. Anchorage 1941 Washington 1900  
Metcalf, Irwin L. Seward 1927 Washington 1908  
Nerland, Leslie Fairbanks 1930 Yukon Territory 1902  
Nolan, James Wrangell 1920 Massachusetts 1901

Alaska Place of Date of  
Delegate Home Resident Birth Birth  
Since

Nordale, Katherine D. Juneau 1925 Washington 1902  
Peratrovich, Frank Klawock 1895 Alaska 1895  
Poulsen, Chris Anchorage 1935 Denmark 1904  
Reader, Peter L. Nome 1934 North Dakota 1913  
Riley, Burke Haines 1938 Montana 1914  
Rivers, Ralph J. Fairbanks 1906 Washington 1903  
Rivers, Victor C. Anchorage 1906 Washington 1905  
Robertson, R. E. Juneau 1906 Iowa 1885  
Rosswog, John H. Cordova 1905 Washington 1904  
Smith, W. O. Ketchikan 1932 New Mexico 1907  
Stewart, B. D. Sitka 1910 Montana 1878  
Sundborg, George Juneau 1938 California 1913  
Sweeney, Dora M. Juneau 1907 Minnesota 1907

Taylor, Warren A. Fairbanks 1909 Washington 1891

VanderLeest, H. R. Juneau 1908 Michigan 1882

Walsh, M. J. Nome 1905 Ireland 1882

White, Barrie M. Anchorage 1947 New York 1923

Wien, Ada B. Fairbanks 1907 Alaska 1907

LONDBORG: I have an amendment. It is the one I submitted before the recess. I would like to resubmit it.

PRESIDENT EGAN: The Chief Clerk may read the proposed amendment. The amendment was not voted upon, is that right?

LONDBORG: It was not voted upon, I had asked that it be withdrawn.

CHIEF CLERK: This was to Section 4, is that right?

LONDBORG: I believe so. It is in the Ralph Rivers amendment. I think you will find it better on page 2, line 8 of the changed copy, although I can't legally attach it to that.

CHIEF CLERK: "After the word 'signatures' in the next to the last sentence of the Ralph Rivers amendment, delete the rest of the sentence and substitute the following: 'from each of two-thirds of the election districts of the State with signatures equalling not less than 3% of the number of voters casting ballots for governor in each such district in the preceding general election at which a governor was elected'."

PRESIDENT EGAN: What is your pleasure, Mr. Londborg?

LONDBORG: I move the adoption of the amendment.

JOHNSON: I second the motion.

PRESIDENT EGAN: The question is open for discussion and the Chief Clerk might read the proposed amendment once more.

CHIEF CLERK: You can find it on page 5 of the journal of the 42nd day, next to the last paragraph, it is the bottom of the page.

PRESIDENT EGAN: Is there discussion of the proposed amendment? Mr. Londborg.

LONDBORG: The reason for this proposed amendment is to make it a little more clear that there should be at least more than one signature in each of these two-thirds of the districts. As the proposal now reads, they are to obtain signatures in at least two-thirds of the election districts of the state. Now, as I take it, that would mean that a person wanting to start an initiative, if he would get ten per cent of the total votes cast in one city, then he could send out or go out, either way, and just get one signature in each of two-thirds remaining districts and that would make the petition valid. Probably he would get two or three to play safe, but he would only have to get one. He would get a signature in each of the two-thirds districts and I believe that when we have such an important thing as an initiative and if the legislature has failed to the great extent that initiative is necessary, then that initiative should be a vital interest over all the state and not just in one area, and I believe that that interest will be best shown if we have at least three per cent of the voters in each of those two-thirds districts signing. Now three per cent is not very high. I put that purposely low so that it would not make it hard to get the signatures in any one of those areas, but at least it should be

more than one signature in two-thirds of the elective districts. That is not going to make the initiative, I don't believe, any harder to work but it will at least show and prove that that proposed bill or that proposed law is gaining interest over the whole state, not just a local affair that the ten per cent would indicate if they were taken from one city or one locality and just go out and get one signature to comply with our initiative.

PRESIDENT EGAN: Mr. Ralph Rivers.

R. RIVERS: I am going to support the amendment because I think it makes good sense.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: I am going to vote against the amendment because I don't think it makes good sense. The reasoning behind it sounds perfectly logical but I call attention to the fact that in this proposal that we have so far, we have at least three types of initiative which are not possible. We have put safeguards on it as far as the people are concerned so that the Territorial legislature will not be faced with a law they do not want. I think we also should remember that the initiative petition is just the beginning, that it will still be referred to the people for a vote throughout the Territory of Alaska, and I am sure by that time there will be sufficient discussion of it so it will be taken up, but I have the feeling we have gone to too large an extent in legislating this matter of initiative and referendum in the first place. We are continually getting into numbers. We are getting into things that are subject to critical glances from the people that are trying to get the job done, and I think generally that the less restrictions that we put on this thing the better off we are going to be, and I don't think the amendment will serve the purpose that the proposer thinks it will.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Mr. Chairman, I believe I agree with Mr. Hurley's position on this. Even though the signatures originate in one area I want you to note that in Section 5 it states, "Neither the initiative nor referendum may be used as a means of making or defeating appropriations of public funds or earmarking of revenues nor for local or special legislation." Well, if there is no special local interest in the legislation, even though the signatures should come from a local area, if it is an overall general legislation, it would be my assumption that they would probably try to get as widespread number of signatures as possible to get as widespread interest as possible. I see no reason to impose some other percentage figure now. I don't see we gain a thing by it. I think it is an extra handicap and does not add to but detracts from the initiative and referendum as we now have it.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: I would like to close this short debate. In answer to the last objection, I don't believe Section 5 is a safeguard at

all. It just merely says that they may not be used for means of earmarking revenues, etc., but there still may be a law that one locality might particularly want, maybe it isn't pertaining to them, but it may pertain to the whole state, but the state may not be particularly interested in it. and the initiative may spring out of a populous area and they could get the ten per cent in just an overnight campaign and get the one signature out around, and then in answer to the former objection where we should not make it hard or things of that nature, let us remember that the initiative is not enacting laws by an apportionment representation. We are enacting laws by popular vote, and we have set up a machinery in the legislature to make our laws and they are sitting representing the various areas of the country, but when it comes to a popular vote, then you will find that it is where the people are that is going to count, and I think as a safeguard, and again I say it is not a high safeguard but very low, if you get three per cent of the qualified voters in these two-thirds districts you will have a good indication of whether it is of statewide interest.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Londborg be adopted by the Convention?"

LONDBORG: Mr. President, I request a roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll on the proposed amendment.

(The Chief Clerk called the roll with the following result:

Yeas: 17 - Barr, Boswell, Cross, Hinckel, Johnson, Kilcher, Laws, Londborg, McNealy, Metcalf, Nerland, Poulsen, Reader, R. Rivers, Stewart, Sweeney, Walsh.

Nays: 31 - Barr, Coghill, Collins, Cooper, Doogan, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hurley, King, Knight, Lee, McCutcheon, McLaughlin, McNees, Marston, Nordale, Riley, V. Rivers, Rosswog, Smith, Sundborg, VanderLeest, White, Wien, Mr. President.

Absent: 7 - Armstrong, Buckalew, Davis, Nolan, Peratrovich, Robertson, Taylor.)

CHIEF CLERK: 17 yeas, 31 nays and 7 absent.

PRESIDENT EGAN: The "nays" have it, and the proposed amendment has failed of adoption. Mr. Sundborg.

PRESIDENT EGAN: The Chief Clerk will please read Mr. Johnson's amendment.

CHIEF CLERK: "Page 1, Section 4, line 18. Strike word 'eight' at the end of the line and insert in lieu thereof the word 'fifteen'."

JOHNSON: I move the adoption of the amendment.

PRESIDENT EGAN: Mr. Johnson moves the adoption of the proposed amendment.

MCNEALY: I second the motion.

GRAY: I would like to ask the mover how he arrived at the figure "fifteen". I had in mind "twenty-five" but I don't know what

the difference is between eight, ten, or fifteen per cent.

JOHNSON: I suppose I arrived at my fifteen like you arrived at your twenty-five. It was simply an estimate of what I thought would be a far better percentage of the electorate needed to initiate a proposal under this act. It seemed to me that eight per cent was a little bit low.

SUNDBORG: I think we should all be clear that all that this figure refers to is the percentage of the electors or of those voting at the last election who would have to sign a petition in order to get it voted upon. It does not mean that eight or fifteen percentage means it goes into effect. It just puts it on the ballot. I venture if we change this to fifteen there would be very few initiative measures would ever get on the ballot. That is quite a high percentage to get when you carry petitions around.

LONDBORG: If you can't get fifteen per cent to put it on the ballot they certainly would not get enough to pass it when it does come out. I think it should be a little bit higher than eight per cent because it's not eight per cent of the qualified electors, it's only eight per cent of the ones that voted, and I think we ought to have it a little bit higher to preclude any possibility of throwing in legislation that might also call for special elections and a lot of expense.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, I am not an authority on the subject, but I understand there are other states who have as high a percentage as 15 and I believe one has as high as 20 per cent. I can't quote the number of states. I would like to hear from some of the Committee that has investigated that.

MARSTON: Mr. Chairman, the average requirement is eight per cent of the states that have this form of law. The average is eight per cent.

PRESIDENT EGAN: Mr. Kilcher, did you want the floor?

KILCHER: Yes, I advise that this amendment be defeated. It is exorbitantly high and I intend to suggest an amendment at a

much lower figure than this. The average is slightly less than eight per cent, as far as my figures show. Considering the distance and geography of Alaska, we should rather have a figure lower than eight or leave it as it is. That defeats the purpose of the measure.

GRAY: I feel that this is an important figure. I feel that this is the one place, if this is a constitutional measure, to insure that the people want the measure rather than some small

group in one locality. I believe that this figure should be sufficiently high. Under a republican form of government we are going to legislate through our legislature. We want to keep the principle of the law ultimately belongs to the people, and I think the figure should denote and be used only at a time that the legislature is not conforming to the wishes of the people, and that is why I believe this figure is very important, and by this figure I think we save the initiative for the constitution or we lose it due to the cumbersome expenses of practice of possibly poor legislation.

PRESIDENT EGAN: If there is no further discussion -- Mr. Barr?

BARR: Mr. President, as I stated before, I am against the basic idea of an initiative but I realize it has some value if it is in the constitution. In fact it may be a deterrent on the actions of legislature if they know it is there and could be used, but my main fear was it would be used too often for no good purpose. I may change my mind and vote for it if this figure of fifteen per cent is adopted.

PRESIDENT EGAN: Mr. Victor Rivers.

V. RIVERS: Mr. President, I think that possibly the adoption of this 15 per cent motion would make the program of the initiative unworkable. I notice that the states that used the initiative for statutory purposes, there are none of them that are above ten. Now I will grant that for purposes of amending the constitution there are some states that go as high, I believe, as thirty. I think it would be an error to adopt this fifteen per cent because of the fact it would be practically impossible to get that number of signatures on the petition required to initiate an initiative.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: Mr. President, now they call this a petition by the voters, how to get a certain per cent of it. Now in looking at it another way, it is a motion by a certain percentage of the electors that they would like to have something voted on. Now you say eight per cent is too much, but as important as this session is, less than two per cent of the body of this house can initiate anything they want to before this body and have it voted on, so why should you have to have the electors, eight per cent or fifteen per cent more. Eight per cent I think is a fair compromise. We discussed that considerably in the Committee, but when you figure that less than two per cent in here can start something, all a man has to do is to make a motion. That one man is less

than two per cent and everybody considers it, so I think if we have eight per cent on this initiative, that is plenty.

PRESIDENT EGAN: Mr. Marston.

MARSTON: Eight per cent is a little higher than the average state that uses this law. Now we know how hard it was to go out and get 250 names on a paper to get the chance to run for this Constitutional Convention. It was a lot of work for most of us to go out and do it ourselves. To get one of these initiative measures before the people it takes over 2,000 people to sign up. You would not get any place if you had to get 2,000. You would not be here and neither would I. It's a hurdle high enough if they feel that 2,000 votes to get on the ballot is what you have to get, they have a cause and then the people have a chance to say "yes or "no". I think eight per cent is right.

BOSWELL: I wondered if the Committee had studied the statistics of voting and about what eight per cent would require. Is that the figure -- 2,000?

MARSTON: My recollection is 27,000 votes here all over Alaska. Eight per cent of that is 2,160.

BOSWELL: I would speak in favor of a higher figure than eight per cent. It seems to me that one of the things, one of the abuses is that a number of bills could get introduced with a few voters and with only 2,000 it seems to me that it would be very easy for one locality to get 2,000 votes on a particular issue. That is why I would favor a higher figure, and I think fifteen per cent is about right.

PRESIDENT EGAN: Mr. Hurley.

HURLEY: If Alaska had a static population I would be inclined to agree, but I feel we have an expanding population, and by the time we become a state, the people that are concerned with introducing proposals, our population and our voting population will be such that eight per cent will be a reasonable figure.

PRESIDENT EGAN: Mr. Barr.

BARR: Mr. President, talking about the difficulty of getting that number of signatures to a petition, I maintain it is pretty easy to get a petition signed. I know of one candidate to this Constitutional Convention who merely typed up some petitions and mailed them to friends and he got 800 signatures with no effort on the part of himself.

PRESIDENT EGAN: Mr. Gray.

GRAY: I have to rise a second time because of that 200-vote

deal. The gentleman on that pointed directly at me. I wish to cite right now the principle of the thing. On the extraneous, unimportant matters, we don't care what the percentage is, two per cent, but on these important matters we must raise it to a higher value.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: Mr. President. I would just like to say that the effect of the amendment, if it is adopted, would be that in Alaska right now in order to get any measure up before the people on an initiative basis, it would require 4,050 signatures on petitions. That is a lot of signatures to try to go out and get in Alaska. That is what fifteen per cent of 27,000 is. This is not going to carry the proposition. This is what is required to simply get it on the ballot so the people can have a chance to vote on it. The eight per cent now in there, as Mr. Marston said, would require slightly over 2,000, so that is what we are voting on.

ROSSWOG: Mr. Chairman. I would like to say a few words.

PRESIDENT EGAN: Mr. Rosswog.

ROSSWOG: I think it should be hard to get these petitions out and have them filled out, and I would be in favor of a little higher figure than the eight per cent.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: I am recalling the other arguments that have been made prior to this particular question. And if you will recall various people stated "Well, when the legislature fails to enact some necessary legislation the people can put the blocks to them. If the legislature has fallen down that much, it is not going to be any trouble at all to get fifteen per cent because they are all going to be up in arms. If the legislature has fallen down that much and they have to resort to the initiative, I think you can get fifteen per cent, if it's that important.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: I take my second turn here. I still believe it should be a lot higher. If that small percentage can throw the wheels in motion and perhaps calls for a special election and have \$40,000 every time a few people get together and want it if it does not happen to fall on a primary or general election, I think it should be relatively hard to do it because if it is something that that many people want, I am sure you can get the signatures. There have been various experiments performed on the idea of getting people to sign their names, and they say in cities that one out of ten will refuse to sign their signatures on a petition and perhaps not even look at the petition.

COOPER: I would like to point out that the figure fifteen per cent as used in the proposal, the figures that were presented on the floor were fifteen percent of 27,000 votes, and the last general election, as I recall I am not letter perfect on these figures -- was over 40,000. Is that correct? Might I ask if any of the delegates know?

PRESIDENT EGAN: Twenty seven thousand the Chair believes, or something like that.

COOPER: Of the general election?

PRESIDENT EGAN: Twenty seven thousand, six hundred and something.

COOPER: I just wanted to point out in argument that the delegate that was elected at large with the greatest number of votes.

Territory wide, received 7,000 votes, which in effect would be a signature. The 15 per cent of the 27,000 votes then would be over 4,000 signatures. I believe it is a little high.

R. RIVERS: That delegate was running in a field of seven candidates. The 27,000 reflects the number of votes cast per delegate. I believe.

HILSCHER: According to the report of PAS slightly less than eight per cent seems to be the average in the states where this provision applies. Those states have a far more static population than we have. They are closely allied through transportation, through numerous radio stations, telephones, and it is much easier to get your message across. Here in Alaska where we have such a large area, the great distances between our towns and communities, our lack of communications comparable to those in the states places an additional penalty upon our people. So if we are to adopt the fifteen per cent, we might in essence from the standpoint of inconvenience, be setting it up almost at 25 per cent. I am in favor of the figure as it stands at the present time in Section 4, at eight per cent.

HINCKEL: I originally proposed or composed an article in which I set forth fifteen per cent. In Committee they changed my mind and I agreed to the eight per cent. In view of the fact that we have now removed all restrictions on the voters, a voter does not have to be able to read, etc., the qualified elector who would be permitted to sign this petition, I now favor that we raise the percentage back to a higher figure than eight - possibly as high as fifteen.

UNIDENTIFIED DELAGATE: Question.

TAYLOR: I would like to say too that some of the states don't favor too large petitions. New York with three or four million voters, you can't present a petition that has more than 50,000 signatures, so it is a very small percentage of the voters that are on the petition because they are too bulky, there is too much trouble checking them. So in New York State you can't get more than 50,000 people on which would be a small percentage.

MCNEALY: I had not intended to speak on this, but everybody is taking a turn. The point is that I have some amendments to offer here which if the fifteen per cent went through I would be inclined to go along with the initiative and not offer my proposed amendments. Mr. Taylor speaks of New York. I think there are others here in the body who talked with Congressman O'Brien from New York. He said in one of his last words of parting from a little meeting, he said, "Don't get stuck like the State of New York with an initiative system or you will be spending out a good percentage of the Territory's money. You will find that your

initiative elections will cost you far more than your regular elections. As a Congressman from New York I sincerely hope you do not write the initiative into the constitution." I think this fifteen per cent would be somewhat of a safeguard against too many elections at least.

PRESIDENT EGAN: The question is, "Shall the proposed amendment as offered by Mr. Johnson be adopted by the Convention?" That is changing "eight per cent" to read "fifteen per cent". All those in favor of the adoption of the amendment will signify by saying "aye", all opposed by saying "no".

SWEENEY: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll with the following result:

Yeas: 25 - Armstrong, Aves, Barr, Boswell, Buckalew, Cross, Doogan, V. Fischer, Gray, Hinckel, Johnson, Laws, Londborg, McCutcheon, McNealy, Nerland, Nolan, Poulsen, Reader, Rosswog, Sweeney, Walsh, White, Wien, Mr. President.

Nays: 23 - Coghill, Collins, Cooper, Davis, Emberg, Harris, Hermann, Hilscher, Hurley, Kilcher, Knight, Lee, McLaughlin, McNees, Marston, Metcalf, Nordale, Peratrovich, R. Rivers, V. Rivers, Smith, Stewart, Taylor.

Absent: 7 - H. Fischer, Hellenthal, King, Riley, Robertson, Sundborg, VanderLeest.)

CHIEF CLERK: 25 yeas, 23 nays and 7 absent.

PRESIDENT EGAN: And so the motion has carried and the amendment is ordered adopted.

V. RIVERS: It takes a majority of all of the members to which the body is entitled for final action.

PRESIDENT EGAN: The Chair will declare a two-minute recess.

PRESIDENT EGAN: The Chief Clerk will please read Mr. Johnson's amendment.

CHIEF CLERK: Do you want this one taken up next?

JOHNSON: Yes, please.

CHIEF CLERK: "Page 2, line 3. Section 4, after word 'chosen' add new sentence. 'The petition shall be from two-thirds of the voting precincts.'"

JOHNSON: Mr. President, I move the adoption of the amendment.

PRESIDENT EGAN: "The petition shall be from two-thirds of the voting precincts" -- where, Mr. Johnson, of the Territory?

JOHNSON: Of course it would be from the state.

PRESIDENT EGAN: The Chair stands corrected.

CHIEF CLERK: Do you want to add that?

JOHNSON: It is not necessary.

PRESIDENT EGAN: Do you move the adoption of the proposed amendment?

JOHNSON: I do.

ROBERTSON: I second the motion.

JOHNSON: I might explain, Mr. President, that it occurs to me that under the present wording that a petition could be circulated in one large population area and the required number of signatures be obtained from that one population area, and I believe that it would be better or equitable to have the petitions circulated in at least two-thirds of the voting precincts and signatures obtained all around the state rather than just in one locality.

PRESIDENT EGAN: Mr. Marston.

MARSTON: We went all through this, and in this big land of Alaska we said the other day one voting precinct was bigger than 40 of the states, and we concluded it was not fair if we want the initiative to work, to chase them all over the great land of Alaska to get these petitions. You nullify it. Here is one man with five petitions here. It is not improving this thing. If you want to nullify it, this is one way to do it. We worked on it for about four weeks, good men, even if I was on there, the rest of them anyway, and we decided that some of these people -- we had it in there. We took it out. It was too big a land to chase them over the mountains and across the rivers and the oceans to get this scattered vote, so I wish if you want this initiative and referendum you would hold back on a lot of these amendments. They are not improving it. That is the reason we did not put it in there. We considered Mr. Johnson's amendment carefully. I would like to hear some of the other Committees on this

PRESIDENT EGAN: The question is, "Shall Mr. Johnson's proposed amendment be adopted by the Convention?" Mr. Davis.

DAVIS: May I ask Mr. Johnson a question? If I understood your explanation correctly, Mr. Johnson, what you intended was that the petition should be circulated or that signatures should be secured from at least two-thirds. It seems to me the form does not quite carry out what you are trying to do. I am in favor of the suggestion that I think you are trying to make there.

JOHNSON: We could add the words "shall be circulated in at least two-thirds of the voting precincts." I will accept Mr. Davis' suggested amendment, and insert, "The petition shall contain signatures from at least two-thirds of the election districts of the State."

PRESIDENT EGAN: Mr. Davis, do you offer that proposed amendment?

DAVIS: Yes.

PRESIDENT EGAN: Is there objection to Mr. Davis's proposed amendment to the amendment? Mr. McLaughlin.

MCLAUGHLIN: Are you substituting the word "circulating" and do not require signing, Mr. Davis?

DAVIS: Either "circulated" or "signatures should be secured from". Either one would be all right from my standpoint. But as it reads it says, "it shall be from" and I think it is meaningless.

MCLAUGHLIN: I am just anxious to know what the amended amendment is.

DAVIS: I will say "circulated" as an amendment.

PRESIDENT EGAN: Mr. Cooper.

COOPER: Mr. President, I have the same question in mind, and in my mind it would have been at least two-thirds of the voting precincts that would be represented, and that would indicate at least one vote from at least two-thirds of the voting precincts in Alaska.

PRESIDENT EGAN: Mr. Lonsborg.

LONDBORG: I can certainly see a value in having signatures from that many of the precincts. That would be one of the best ways to get the people all over the State of Alaska acquainted with what is coming up, otherwise many people will have to depend on radio or newspapers, etc., to find out and first thing you know there is a special election and a lot of them will have the initiative before them to vote and come to the polls and probably have not had a chance to talk it over and can't read, and we are going to have a lot of confusion, but if it can be circulated around I think it is going to stimulate a lot of interest and a lot of study on the initiative.

PRESIDENT EGAN: Mr. Metcalf.

METCALF: I am partially in favor of Mr. Johnson's motion, and I am against it for the use of the phraseology "of all the voting precincts", which would be a difficult job. I would like to amend the motion and make it similar to the Missouri Constitution. what they say on the matter. I would like to amend the motion and say "the major political subdivisions" and put the word "each" before that. In other words, you have Nome, Fairbanks, Anchorage, and Juneau, and you have to get two-thirds of your signatures from those major areas, and you won't work a hardship on the people with the initiative.

PRESIDENT EGAN: Mr. Metcalf, at the present time the particular motion cannot be further amended in its present state. There has already been an amendment to the proposed amendment offered and an amendment to the amendment to the amendment the Chair would hold would be out of order at this time. Mr. Stewart.

STEWART: Mr. President, just one question of information. Would the word "circulating include posting in a public place?"

DAVIS: Mr. President, in order to get away from the confusion which I caused here. I would like to withdraw the proposed amendment, putting it back to Mr. Johnson's amendment, then we can start over again.

PRESIDENT EGAN: If there is no objection, Mr. Davis asks unanimous consent to withdraw his proposed amendment to the amendment.

MCNEALY: I object.

PRESIDENT EGAN: That will take a motion before we can discuss it further. Mr. Davis.

DAVIS: I move that I be allowed to withdraw my proposed amendment to Mr. Johnson's amendment.

JOHNSON: I second.

MCNEALY: I withdraw my objection.

PRESIDENT EGAN: The proposed amendment to the amendment was withdrawn. Mr. Metcalf.

METCALF: I should like to read the amendment to Mr. Johnson's motion here.

PRESIDENT EGAN: If you could get it in writing. The Convention will sit at ease for a minute or two. The Convention is at ease. The Convention will come to order. Mr. Johnson.

JOHNSON: Mr. President, I ask leave by unanimous consent to withdraw my original amendment and substitute in lieu thereof a different wording which I have placed on the Secretary's desk.

PRESIDENT EGAN: Mr. Johnson asks unanimous consent that he be allowed to withdraw his original amendment and substitute another amendment. Is there objection? If there is no objection it is so ordered, and the Chief Clerk may read the proposed amendment.

CHIEF CLERK: "Page 2, line 3, Section 4, after word 'chosen' add a new sentence. 'The petition shall contain signatures from at least two-thirds of the election districts of the State.'"

JOHNSON: I move the adoption of the amendment as read.

ROBERTSON: I second it.

PRESIDENT EGAN: The motion is open for discussion. Mr.

Smith.

SMITH: Mr. President, my recollection of the Committee discussion on this question was that under Section 3 the legislature would have the authority to require that signatures be obtained from as many legislative districts as they might deem necessary. The Committee felt, that is my version of the Committee feeling was, that due to the changes which will inevitably come, that the legislature could safely make those requirements. They could change those requirements to meet changing conditions and, therefore, I am opposing the amendment.

TAYLOR: I would just like to substantiate the remarks of Mr. Smith. We went over this quite carefully. We argued pro and con as to whether we should put anything in about where the petition was to be circulated, how many names to it, studied the other states' provisions along these same lines, and we felt due to our geographical limits that it would be better to leave that to the legislature. Now that is an untried thing in Alaska, and if we put this in here the legislature then would be unable to change it. It would take a constitutional amendment to make any change in the method of getting the signatures or where you got them from. So we thought we would leave this thing in the fluid stage so if there was an attempt to initiate legislation by this method, and they found out that the provision by law pursuant to the article was unwieldly, cumbersome, and made it practically impossible to get a measure through, that the legislature could change it at the first session if they realize it should be done. So we purposely left that out. We felt it would be better to leave it fluid so by trial and error we can find out what is the best manner to handle this, so I would think that the amendment should be defeated.

PRESIDENT EGAN: Mr. Hinckel.

HINCKEL: I was going to state for the advocacy of the delegates that the original wording we had in there was that not over 25 per cent of the signatures on a petition should come from any one political subdivision, and we all agreed that it would probably be adequate but as Mr. Taylor has said, we finally decided that we might be wrong and it would be better to leave it to the legislature so it could be amended or changed without all the trouble of going through constitutional amendment.

PRESIDENT EGAN: Mr. Cooper.

COOPER: Line 25 on page 2, actually Section 5, says this measure of the initiative shall not pertain to local or special legislation. Therefore, I don't think the amendment is in any way, shape or form out of order. If the people of the state at-large are to be affected by eventual legislation, then I believe that petition should be distributed within at least two-thirds of the voting precincts.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: There seems to be a feeling here that this is making it too hard to get an initiative. I would like to call the attention to the initiative provision in the State of Missouri where they not only ask that it be circulated in two-thirds of the congressional districts of the state, but that it be signed by a certain per cent of the legal voters. Now in the case of the constitutionality amendment it is eight per cent. In case of the law it is five per cent, which I think would compare to our fifteen per cent of those who voted. This is five per cent of the legal voters and it shall be signed by five per cent of the voters in each of two-thirds of the districts, so they certainly have their initiative a lot harder than we are proposing here.

PRESIDENT EGAN: Mrs. Hermann.

HERMANN: Mr. President, I think we are losing sight of one of the main things to be considered in connection with this proposal. These amendments and others that have already been adopted, as well as some of the sections themselves, are clearly attempts to replace fundamental law with statutory law, and I think that the whole thing of setting up the procedure for initiative and referendum, which is now being clumsily done by the body, should be left in the hands of the legislature. I have said once on this floor, if I have said it once I have said it a dozen times and probably will say it that many more, we have got to leave things to the legislature that belong among the legislature's functions, and instead of trying to write statutory law into the constitution of the State of Alaska let's get down to brass tacks and write the fundamental law on which the legislature may base its actions. I am against the amendment.

SUNDBORG: I have to take a view opposite to that of Mrs. Hermann's, something which I do not often do, for the reason that this provision would cover not only initiative petitions but referendum petitions, and I do not believe it proper to leave in the hands of the legislature the writing of basic provisions on how petitions which would override and defeat actions which the legislature has taken would have to be handled. Now under your view it is open here if we don't mention it, and it is open to the legislature to put up any kind of a provision it wants, it could require that there would have to be signatures from every voting precinct in the state which would defeat it because it would be impossible to get such signatures, and I don't believe that if we are going to have the referendum at all which is the process for the people to say, "We don't want this law which the legislature has just passed. We don't want to leave it to the legislature to set up the ground rules of how those things are going to be

handled. I think that the amendment as now submitted does not require very much. All it says is that the petition shall contain signatures from at least two-thirds of the election districts of the state. The Apportionment Committee is bringing out a report which is going to set up 24 election districts in the state. This would require that anyone who wants to get a matter on the ballot would only have to have signatures from 16 of those election districts. Say that we need 4,000 as it is in Alaska today, he could have 3,985 signatures from the City of Anchorage and he could get one each from the other 16 election districts and he's on the ballot. Now I don't think that is going to restrict very many initiative or referendum petitions.

PRESIDENT EGAN: Mr. Buckalew.

BUCKALEW: I certainly agree with Mrs. Hermann. It seems to me a lot of delegates, and I have had the same idea myself up to this point, that you can't write into the constitution provisions that are going to take care of every imaginary evil that might come up. I think you can't trust the legislature. We are going to trust the judges. We have created judges. We have given to the judges the power to incarcerate people and even hang them, and it is not any more illogical to trust the legislature. I might say that I offered an amendment which I think will cure all of this discussion, and I don't mean any reflection on Mr. Collins or his Committee, but I certainly agree with Mrs. Hermann. Now you can see the hassle we have gotten into over whether it is going to be ten or fifteen per cent, and it is all legislation, and if it proves to be unworkable you have got to amend the constitution to change it, and Mrs. Hermann is absolutely right.

MCLAUGHLIN: Without committing myself either way, I am just a little bit puzzled. Under Mrs. Hermann's suggestion it would all be left to the legislature. If the legislature exercises its authority under Section 3 prescribing the procedures to be followed in the exercise of powers of initiative and referendum, it makes it an emergency act, and you can't have a referendum on your referendum.

PRESIDENT EGAN: Mr. Smith.

SMITH: Mr. President, the only value for the initiative and referendum procedure is if there is a clear channel for enactment of legislation by the people. That is, if it goes directly from the people bypassing the legislature. If you give the legislature the power to block that channel, then you just as well as have no initiative and referendum at all. Now this is the second time I have had to change my mind on the question that is concerned with this, but I will now support the amendment offered.

PRESIDENT EGAN: Mr. Taylor.

TAYLOR: I think, in answering Mr. Smith's objections, he possibly loses sight of the fact that this Convention, if we adopt this proposal would be bound by it, as it says "No law shall be enacted to hamper, restrict or impair the exercise of powers reserved herein...by the people." They have got to pass the legislation. It has got to be introduced. It has got to be implemented.

by the proper legislative measure. Let us trust the legislature. Let us leave this just as much as basic law as we possibly can.

Otherwise, we are coming out of here with a constitution that the voters will not ratify. Maybe some of these amendments are put in for the purpose of defeating the constitution.

PRESIDENT EGAN: Mr. Davis.

DAVIS. Mr. President, I want to say that I agree, strange as it may seem, with what Mrs. Hermann has said here. I think a good deal that is in this bill as written is legislation. The amendment which Mr. Johnson offered and which I supported was a matter to amend something that is legislation in my opinion to make the thing clearer and more nearly responsive to the will of the people of the whole rather than one section. That was the reason for offering the amendment. I would agree right off that if this part of Section 4 could be stricken as legislation.

PRESIDENT EGAN: Mr. Johnson.

JOHNSON: Mr. President, I resent the implication that I have offered any amendments for the purpose of defeating this constitution. I don't believe that Delegate Taylor had any right to make such an inference. I think that any delegate here has the right to offer amendments as long as they feel they are justified and it is part of the subject matter at hand. Now certainly in this instance, the constitutions that have been read to us, clearly indicate that this provision which is now before us by way of amendment is not unusual. There is nothing strange about it, and as Delegate Sundborg points out, it is not an impractical proposition because you can get, as he says, 3,995 signatures in Anchorage and get the rest of them, one signature from the other 15 voting precincts, so it is not an impractical proposition. It still acts as an additional safeguard on the misuse of the initiative. Yesterday I was opposed to the initiative principle, but the delegation in the Committee of the Whole voted to support the principle, and it is now in our constitution and will be I assume, but I still think that we have the right to make it as strong as possible because certainly it can be very easily misused as has been pointed out, and a special election under the initiative could cost the taxpayers \$40,000 and you might have a number of those special elections every year, and it runs into money, and I don't think we are going to have any too much money after we become a state, at least not for awhile, so I believe it is a reasonable safeguard and that the amendment should be passed.

PRESIDENT EGAN: Mr. McNealy.

MCNEALY: Mr. President, I am a strong advocate of leaving matters to the legislature, but I want to point out that when you start writing legislation into the constitution then you have got to write more legislation in order to supplement the legislation that you already have written in, and I too want to call attention to Section 3, the last line where it states, "No law shall be enacted to hamper, restrict, or impair the exercise of powers reserved herein by the people. If this is left blank, the percentage of the voters

who must sign the petition, and if it is left in the blank about what districts they shall be signed in, then I can foresee and very clearly there will be untold litigation, because if the legislature attempted to pass a bill and required fifteen per cent of the signatures, the people, or a small segment, would attack it on the grounds that it was hampering or restricting or impairing the voters. If the legislature attempted to say that the petitions had to be secured in certain districts they could always refer back to this clause here of hampering, restricting, or impairing. I think as long as we started writing legislation into this, unless the matter is clearly spelled out in the bill and left up to the legislature, then we must spell out these things in order to protect against future court action.

PRESIDENT EGAN: The Chair is going to adhere to the rule. Mr. Taylor, that each delegate is allowed two times around. Mr. Kilcher.

KILCHER: Point of information. I would like to address a question to Mr. Johnson. If Mr. Johnson's amendment should be adopted, would that leave enough power to the legislature later on to determine the percentage of signatures required in each of the two-thirds of the legal subdivisions?

JOHNSON: Offhand, I would say no, but it seems to me that it might be construed that if the legislature should determine later that each voting precinct would have to produce a proportionate share of the signatures, that might be in contravention of the constitutionality. I am not enough of a constitutional lawyer to know, but my offhand opinion is that this provision as it is now before us would make it flexible, and if the legislature attempted to put any restrictions on that flexibility, that it would not be improper.

PRESIDENT EGAN: Mr. Kilcher

KILCHER: Personally I think that the legislature would be entitled to make further specifications that are not limited by any of the constitutional sections, and I hope that it will, and provided that I am right in my assumption, I am in favor of Mr. Johnson's amendment.

ARMSTRONG: If Section 4 is to stay in the act, it seems to me that we have to have this provision. I want to revert back to the thing that Mr. Marston constantly talks about, the people. I have a feeling so often that when I vote on the wrong side of an issue that I am voting against the people because that word has been underscored so emphatically. I think that to eradicate sectionalism and provincialism from Alaska we must have an expression from as many sections of the state as possible. I think one of the great things that is hampering us now is the feeling that one area wants to dominate another area, and I will vote for this amendment because of my inner feeling that this is bridging all of these depressions of sectionalism. It is asking for a widespread opinion on a piece of legislation. If folks say "Well, we are not intelligently" enlightened on this enough so that we

can sign this petition, then let them dig into it before they sign :: It will probably give a wider base of opinion when it comes to a vote. We can probably vote on it more intelligently. I will support this amendment if we are keeping in Section 4.

BOSWELL: I move the previous question.

HERMANN: I second the motion.

PRESIDENT EGAN: The question is, "Shall the previous question be ordered?" All those in favor of the question will signify by saying "aye", all opposed by saying no. The "ayes have it and the previous question is ordered. The question is, "Shall Mr. Johnson's proposed amendment be adopted by the Convention?" All those in favor --

TAYLOR: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll. Will the Chief Clerk please read the amendment.

CHIEF CLERK: "Page 2, line 3, Section 4, after the word 'chosen' add a new sentence, 'The petition shall contain signatures from at least two-thirds of the election districts of the State.'"

PRESIDENT EGAN: The question is, "Shall the proposed amendment be adopted by the Convention?" The Chief Clerk will call the roll.

(The Chief Clerk called the roll with the following result:

Yeas: 38 - Armstrong, Barr, Boswell, Coghill, Collins, Cooper, Davis, Doogan, H. Fischer, Gray, Harris, Hellenthal, Hilscher, Johnson, Kilcher, Knight, Laws, Lee, Lomborg, McLaughlin, McNealy, McNees, Marston, Nolan, Poulsen, Reader, R. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 13 - Aves, Buckalew, Emberg, Hermann, Hinckel, Hurley, King, Metcalf, Nordale, Peratrovich, Riley, V. Rivers, Taylor.

Absent: 4 - Cross, V. Fischer, McCutcheon, Nerland.)

CHIEF CLERK: 38 yeas, 13 nays and 4 absent.

PRESIDENT EGAN: The "ayes" have it and the proposed amendment is ordered adopted. Mr. Hellenthal.

R. RIVERS: I now move the adoption of the amendment in the form presently presented and before you.

PRESIDENT EGAN: The Chief Clerk will read the proposed amendment.

CHIEF CLERK: "Page 1, Section 4, strike lines 13 to 18 inclusive, and lines 1 to 5 inclusive, on page 2 and substitute the following: 'Section 4. Prior to general circulation, an initiative petition containing a draft of the proposed law in bill form shall be signed by ten qualified electors as sponsors and have its sufficiency as to form certified by the attorney general. Denial of certification shall be reviewable by the court. If certified to be sufficient the initiative or referendum petition containing a summary of the subject matter prepared by the attorney general may then be circulated and must be signed by qualified electors equal to 15% of the number of votes cast for governor in the preceding general election at which the governor was chosen. The petition shall contain signatures from at least two-thirds of the election districts of the State. The petition may be filed with the attorney general who shall prepare a ballot title or proposition designating and summarizing the substance of the proposed law which proposition shall go upon the ballot as hereinafter provided.'

PRESIDENT EGAN: Is there a second to the motion by Mr. Ralph Rivers?

BARR: I second the motion.

PRESIDENT EGAN: It has been moved and seconded, and the motion is open for discussion. Mr. Taylor.

TAYLOR: I have an amendment to offer. It is on the desk, an amendment changing "15" as a per cent in the unnumbered lines here, but it is the last word in the original proposal, changing the 15% to "10%".

PRESIDENT EGAN: Your amendment is out of order at this time. This motion is before us. A new amendment is on the floor at this time.

TAYLOR: Amending the amendment though.

PRESIDENT EGAN: Amending the "15%" to "10%"? Mr. Taylor then offers an amendment to the amendment seeking to change to read "10%". Is there a second?

MARSTON: I second the motion.

SWEENEY: I object.

PRESIDENT EGAN: The question is on the amendment to the amendment seeking to make it ten per cent of the number of votes cast. Mrs. Sweeney.

SWEENEY: This matter was voted on in the Committee of the Whole last night, and in coming into the plenary session we adopted the oral report of the Committee. Now I don't feel that we can vote on that issue again any more than we can vote on the 19 or 20 years again.

PRESIDENT EGAN: Mrs. Sweeney, the Chair does not recall that we ever voted on ten per cent. But anything that happened in the Committee of the Whole session would just come to the plenary session as a recommendation. That is all. Mr. Sundborg.

SUNDBORG: Mr. President, I believe Mrs. Sweeney's recollection is perhaps incorrect and that we did in plenary session amend from the figure eight to fifteen per cent. I don't believe we discussed that matter at all in Committee of the Whole.

PRESIDENT EGAN: No one could again offer the amendment and be in order to make it eight per cent. Mrs. Sweeney, but the Chair will have to rule that the particular amendment to the amendment offering ten per cent as the figure is in order. Mr. Taylor.

TAYLOR: I would like to speak briefly. I think this has been argued pro and con at the time that the original proposal was eight per cent. I think a number of the Committee have spoken against the fifteen per cent on the grounds that it would positively make it impossible or so difficult to circulate a petition for an initiative that it would render the law inoperative. Now as Mr. Londborg said, this morning he was reading some statistics in Missouri, and to initiate a law it only requires five per cent. Now, of course, we realize that in Missouri it is much easier to get petitions circulated. The transportation problem is nothing. The people who circulate them can drive around different places and counties and get them signed. Here with the vast distances and the difficulties of transportation, it would be a little bit difficult. So that would leave us, if we adopt the ten per cent still twice as high as the State of Missouri where transportation is very easy. So I think ten per cent would be a good compromise.

PRESIDENT EGAN: Mr. Londborg.

LONDBORG: I think if we read the Missouri Constitution carefully we will find that it "five per cent of the qualified electors". We are only asking for a certain per cent of the governor's vote. There is a lot of difference because I don't think half or maybe a third of the people who can vote go out and vote. So actually five per cent in Missouri would be equivalent to maybe fifteen or twenty per cent here. Not only that, they also require five per cent of the electors in each of two-thirds of the voting precincts. We are saying that they can get all but fourteen, I believe it is, in one precinct and then just go out and spot enough so that they qualify in the two-thirds in the other.

PRESIDENT EGAN: Mrs. Sweeney.

SWEENEY: I don't go along with Mr. Taylor that this is going to be such a difficult task to get the fifteen per cent. Every petition will have at least ten sponsors, and if they know it is going to have to come from two-thirds of the legislative districts, those ten sponsors will in all likelihood come from ten different districts or maybe five. If you have 4,000 votes to get it requires each sponsor to secure 400 votes, and I believe it should be left at fifteen per cent.

MARSTON: The 19 states who have the initiative and referendum laws have averaged a little below eight per cent requirement.

We went over this document and this figure with the experts here. It was in keeping with their thinking, and eight per cent is higher than the average of the 19 states who have this, and it is the right number. I want to warn the people here of one thing I see coming up. The person or persons who are issuing most of these amendments are people against initiative and referendum. I know that.

PRESIDENT EGAN: The Chair will have to hold from here on that the Chair will have to declare any one out of order if they allude to the motives behind any delegate.

MARSTON: Can I say who is for and against? It has been said on the floor.

PRESIDENT EGAN: This does not particularly refer to your statements, but the Chair is going to have to hold firm on allusions as to what might be the motives of other delegates on the floor.

MARSTON: Eight per cent is above the average required. If you want the initiative and referendum to work, if you want the people of Alaska to have a chance to initiate and recall laws, keep it at eight per cent. That is the right figure. Ten per cent would be plenty high. Fifteen per cent rules it out. It is not effective.

PRESIDENT EGAN: Mr. Harris.

HARRIS: I am both in agreement and in disagreement with Mr. Taylor's proposal. Ten per cent at the present time with our present voting population perhaps would be a little low. Also, I have an amendment on the desk, and if Mr. Taylor would adopt the latter part of my amendment, I think maybe we would straighten this situation out. I would go ten per cent provided however that no petition shall have less than 5,000 signatures.

SUNDBORG: Question.

COOPER: I move the previous question.

PRESIDENT EGAN: Mr. Cooper moves the previous question.

BUCKALEW: I second the motion.

PRESIDENT EGAN: The question is, "Shall the previous question be ordered?" All those in favor of ordering the previous question will signify by saying "aye", all opposed "no". The ayes" have it and the previous question has been ordered. The question is, "Shall Mr. Taylor's proposed amendment to the amendment be adopted by the Convention?"

JOHNSON: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

(The Chief Clerk called the roll with the following result:

Yeas: 29 - Coghill, Collins, Davis, Doogan, Emberg, H. Fischer, Harris, Hermann, Hinckel, Hurley,  
Kilcher, King, Knight, Lee,  
McLaughlin, McNealy, McNees, Marston, Metcalf, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers,  
Smith, Stewart,  
Sundborg, Taylor, VanderLeest.

Nays: 21 - Armstrong, Aves, Barr, Boswell, Buckalew, Cooper, Gray, Hellenthal, Johnson, Laws,  
Londborg, Nolan, Poulsen,  
Reader, Robertson, Ross, Rog, Sweeney, Walsh, White, Wien, Mr. President.

Absent: 5 - Cross, V. Fischer, Hilscher, McCutcheon, Nerland.)

V. RIVERS: I move and ask unanimous consent that we adopt that amendment.

PRESIDENT EGAN: Mr. Victor Rivers moves that the proposed amendment be adopted.

JOHNSON: I object.

V. RIVERS: I so move.

SMITH: I second the motion.

PRESIDENT EGAN: The question is open for discussion. Mr. Victor Rivers.

V. RIVERS: Mr. President, it seems to me in view of the geographical distribution of the country and in view of the varied interests, economic and otherwise, that we would be defeating practically the purpose of the initiative and referendum if we require two-thirds of the districts to be represented on this petition. I think that half is a fair figure. It seems to me that if you were going to have an initiative or referendum on mining matters that in all probability it would be very hard to get votes for that initiative in two-thirds of the districts where their main interests perhaps would lie in fish, or fur, or timber. I put this amendment in in all sincerity, because I think it will make the initiative and referendum more workable and more fair if we allow it to go through.

PRESIDENT EGAN: Mr. Sundborg.

SUNDBORG: I would like to say that we are talking not about precincts here, which at the present time there are something like 400 in the Territory, but about election districts under the constitution, and my understanding is that the Committee on Apportionment will bring in a proposal which will specify there will be 24 election districts. That would mean if we leave it the way it is that it would require at least one person's signature only from 16 of the districts to be among either ten or fifteen per cent as we may vote tomorrow on Mr. McNealy's motion to reconsider. The way Mr. Rivers would propose to change it, it would be necessary to get signatures from only 12 different districts, that is 12 signatures would be necessary, one from each district, making up a total of around 4,000 at the present time. I feel that as it is it is not at all cumbersome or difficult. If we had required that a large number had to be obtained from the districts, it might be, but all that is necessary is one lone signature from each district.

PRESIDENT EGAN: Mr. Kilcher.

KILCHER: Fellow delegates, I hope that most of you are more aware of this issue that is getting more and more confused than I am. As I have shown on the last vote, and I want to be well aware that those among you who are in favor of the initiative in principle should see that any other attempt to emasculate the initiative as such should be voted down, and I see that Mr. Rivers' amendment is in favor of reinjecting some strength in the initiative. Since Section 3 has been amended to take more rights away

from the people, since the first sentence will give the legislature the right to prescribe procedures, it is only fair that we reduce the "two-thirds" to one-half" because if those that are opposed now and in the future to the initiative will have their way, they will have the legislature immediately to go about and have strict procedures established, for instance that in two-thirds of all the election districts we will have to have the full 15 per cent of signatures prorated in each district. I think the legislature will try to do that, and if they try to do it, if it is unconstitutional, it will have to be the people who go to the court and prove that such an act by the legislature would be unconstitutional. I think the legislature would get away with it and I wouldn't blame them for trying. It is not true that it will take only eleven signatures, one signature from each of the other eleven districts, and the one that tries to "railroad" something, I have no doubt whatsoever that those elements opposed to the initiative in the legislature will circumscribe the necessary procedure where we would end up by having two thirds of all the election districts required to furnish 15 per cent of the signatures. They would not rest quiet before they have that. Consequently, they will make the initiative unworkable. Consequently I am in favor of Mr. Rivers' amendment that only half of the election districts be required to furnish signatures. I have no doubt that before long they will be required to furnish each 16 per cent of the signatures, and be well aware of that, that attempt will be made, and all in favor of the initiative in principle should vote in favor of Mr. Rivers' amendment.

PRESIDENT EGAN: The question is -- Mr. Victor Rivers. V.

RIVERS: I ask that the roll be called.

PRESIDENT EGAN: The question is, "Shall the proposed amendment offered by Mr. Victor Rivers be adopted by the Convention?" The Chief Clerk will call the roll.

(The Chief Clerk called the roll with the following result:

Yeas: 26 - Aves, Coghill, Doogan, Emberg, H. Fischer, Gray, Harris, Hermann, Hilscher, Hinckel, Hurley, Kilcher, King, Knight, Lee, McNees, Marston, Nordale, Peratrovich, Riley, R. Rivers, V. Rivers, Smith, Stewart, Taylor, VanderLeest.

Nays: 26 - Armstrong, Barr, Boswell, Buckalew, Collins, Cooper, Davis, V. Fischer, Hellenthal, Johnson, Laws, Londborg, McLaughlin, McNealy, Metcalf, Nolan, Poulsen, Reader, Robertson, Rosswog, Sundborg, Sweeney, Walsh, White, Wien, Mr. President.

Absent: 3 - Cross, McCutcheon, Nerland.)

CHIFF CLERK: 26 yeas, 26 nays and 4 absent.

PRESIDENT EGAN: So the motion has failed of adoption. Mr. Buckalew

## **SUMMARY OF BASIC PROCEDURES FOR INITIATIVE PETITIONS**

*State of Alaska  
Division of Elections*

**Note:** This summary is not intended to be a substitute for reading Alaska Statute 15.45.010 – 15.45.20 and Alaska Administrative Code 6 AAC 25.240.

There are two steps to the initiative process:

1. The **submission of an application** to circulate a petition.
2. The actual **circulation and submission of a completed petition** with a sufficient number of qualified voters' signatures.

### ***THE APPLICATION***

#### **What are the requirements of the application?**

1. A \$100 deposit made payable to the State of Alaska. The deposit will be refunded IF the petition is properly filed, or forfeited if it is not properly filed. (A petition is considered properly filed if the Lieutenant Governor can certify the petition for the ballot.)
2. The designation and signatures of three prime sponsors with a statement that they are the initiative committee representing all sponsors. Prime sponsors need to also sign on the application as sponsors of the petition.
3. The proposed bill.
4. The signatures of at least 100 qualified voters who will serve as sponsors for circulation purposes. (Printed name, signature, address, and an identifier which assists the Division of Elections in determining that the signers are qualified voters.) A copy of the proposed bill must be attached to each signature page. Each signature page must contain a statement that the voter signed the application with the proposed bill attached.

#### **What is the required form and content of the proposed bill?**

1. It must be confined to one subject.
2. The subject of the bill must be expressed in the title.
3. It must contain the enacting clause, "Be it enacted by the People of the State of Alaska."

Summary of Basic Procedures  
for Initiative Petitions

4. It cannot propose subjects restricted under Article XI, Section 7 of the Alaska Constitution to:
  - a) dedicate revenues;
  - b) make or repeal appropriations;
  - c) create courts;
  - d) define jurisdiction of courts or prescribe rules;
  - e) enact local or special legislation.
5. It cannot amend the Alaska Constitution.

**Where is the application filed?**

The completed application and deposit must be submitted to the Lieutenant Governor.

**What happens after the application is filed?**

1. The Lieutenant Governor has the signatures reviewed by the Division of Elections for verification of the required 100 qualified voters.
2. The Department of Law reviews the application for legal content and advises the Lieutenant Governor.

**Why would the application be denied?**

Application will be denied if it is determined that:

1. it is not in proper form and/or does not include all the required elements;
2. the bill covers an issue restricted by the constitution, or that the bill is not in proper form;
3. there are an insufficient number of qualified voter sponsors.

**What happens when the application is certified?**

1. Upon certification, the Lieutenant Governor will notify sponsors of acceptance and include a copy of the Department of Law's formal legal opinion and impartial summary.

Summary of Basic Procedures  
for Initiative Petitions

2. The prime sponsors have the opportunity to review the impartial summary and title of the bill proposed by the Department of Law.
3. The Division of Elections prepares the petition for circulation.

***THE PETITION***

**Who prepares the petition booklets?**

1. The Division of Elections is responsible for printing 500 petition booklets and the initial distribution to the prime sponsors.
2. The prime sponsors distribute petition booklets to each of the other qualified sponsors who will circulate the petition and gather the required signatures.

**What is the filing deadline?**

Sponsors have one year from the day they were notified that petition booklets were available for distribution to gather signatures and submit the petition to the Division of Elections.

**What are the requirements of a sufficient petition?**

1. The petition must contain the signatures of qualified voters equal to ten percent of the number of votes cast in the general election prior to when the application was filed.
2. The signatures of qualified voters must include residents of at least 2/3 of the state's election districts.
3. Each petition booklet must include a sworn and notarized statement by the circulating sponsor that the sponsor was the *only* person who gathered the signatures in that petition booklet, that each signature was made in the sponsor's presence, that the signatures are of the person who signed, that the person who signed was registered when they signed, that the sponsor has not received more than \$1 per signature, that the sponsor has not paid anyone to sign the booklet, and that the payment agreement and the sponsor's name was displayed on the booklet pages. A petition booklet may be self-certified if a notary public is not available.
4. Upon verification by the Division of Elections that the petition contained a sufficient number of signatures and that the petition booklets were submitted with the proper attestations and within the one year filing period, the petition will be certified.

**What if the petition contains an insufficient number of signatures?**

1. If it is obvious that the petition, when filed *on* the deadline, does not contain an adequate number of signatures, the petition will be rejected and the sponsors will have no opportunity to correct the deficiency.
2. If it is obvious that the petition, when filed *before* the deadline, does not contain an adequate number of signatures, the petition will be returned to the sponsor and it may be resubmitted with more signatures within the one year filing deadline.

**When will the initiative appear on the ballot?**

If the petition has been certified, the initiative will be placed on the ballot for the first statewide primary, general, or special election after:

1. the petition has been filed;
2. a legislative session has convened and adjourned; and
3. a period of 120 days has expired since the adjournment of the legislature.

**EXAMPLE:**

If a petition is filed before a legislative session convenes in an odd-numbered year, the petition will be on the Primary Election ballot in the next even-numbered year.

If a petition is filed any time before a legislative session convenes in an even-numbered year, the petition will be on the General Election ballot in that even-numbered year.

**When does the proposed initiative become law?**

1. If a majority of the voters vote in favor of the initiative, the measure passes.
2. The law will become effective 90 days following certification of the election results.

**For more information contact:**

Division of Elections  
P.O. Box 110017  
Juneau, AK 99811-0017  
(907) 465-4611

<http://www.gov.state.ak.us/lsgov/elections/homepage.html>

## INITIATIVE, REFERENDUM, AND RECALL INFORMATION

*State of Alaska, Division of Elections*

The initiative, referendum, and recall procedures appear in AS 15.45.010 - 15.45.720 and 6 AAC 25.240 and 245. The following information summarizes these statutes and regulations. *This information should not be considered a substitute for reading the statutes and regulations in their entirety.*

### DEFINITIONS

The *initiative* is the procedure by which THE PEOPLE (instead of the legislature) can introduce a law. A specified number of voters propose the law to eventually appear on a ballot to be voted on by the people. (Ref. AS 15.45.010-245)

The *referendum* is the procedure by which the people approve or reject a law passed by the legislature. The referendum petition must be filed *within 90 days after the adjournment of the legislative session at which the law was passed*, to eventually appear on a ballot to be voted on by the people. (Ref. AS 15.45.250)

The *recall* is the procedure by which the people may recall from office the governor, lieutenant governor, or members of the state legislature. The recall question will eventually appear on a ballot to be voted on by the people. (Ref. AS 15.45.470)

### STEPS IN THE PROCESS

The three petition processes described in this document all follow the same basic steps:

- **Preparation of language** by petition committee for application
- **Collection of signatures** of qualified voters who agree to circulate the petition
- **Application** for a petition presented to the Lieutenant Governor
- **Review** by the Lieutenant Governor, Department of Law, and Division of Elections
- **Petition printed** by the Division of Elections for the petition committee
- **Collection of signatures** of qualified voters who support the petition
- **Filing of the petition** with the Division of Elections
- **Review** of the signatures by the Division of Elections
- **Notification** by the Lieutenant Governor if the petition was or was not sufficient
- **Notification** to the Legislature that the petition was successful
- **Ballot language** prepared

## RESTRICTIONS

### Initiative

No initiative may be proposed to:

1. dedicate revenues;
2. make or repeal appropriations;
3. create courts;
4. define the jurisdiction of courts or prescribe their rules; or
5. enact local or special legislation.  
(*Ref. AS 15.45.010*)

### Referendum

No referendum may be applied to:

1. dedication of revenues;
2. appropriation;
3. local or special legislation; or
4. laws necessary for the immediate preservation of the public peace, health, or safety.  
(*Ref. AS 15.45.250*)

### Recall

1. The application for a recall petition may not be filed during the first 120 days of the term of office of any state public official subject to recall.
2. The recall petition may not be filed if the public official has less than 180 days left to serve in that office. (*Ref. AS 15.45.610*)

## HOW TO FILE AN APPLICATION

### Initiative

An initiative is proposed by filing an application with the Lieutenant Governor. A deposit of \$100 must accompany this application which is refundable IF the petition is properly filed; retained if the petition is not properly filed. (A petition is considered properly filed if the Lieutenant Governor can certify the petition for the ballot.)  
(*Ref. AS 15.45.020*)

## Initiative, Referendum, and Recall

The form of an application must include:

1. the proposed bill to be initiated;
2. a statement that the sponsors are qualified voters who signed the application with the proposed bill attached;
3. the designation and signatures of three prime sponsors with a statement that they are the initiative committee representing all sponsors relating to the initiative; and
4. the signatures and addresses of no less than 100 qualified voters.

*Ref. AS 15.45.030 and 6 AAC 25.240(b)*

The form of the proposed bill must conform to the following specifications:

1. it must be confined to one subject;
2. the subject of the bill must be expressed in the title;
3. the enacting clause of the bill must be, "Be it enacted by the People of the State of Alaska;" and
4. the bill must not include a restricted subject. (*See "Restrictions" outlined above.*)  
*(Ref. AS 15.45.040)*

### Referendum

A referendum is proposed by filing an application with the Lieutenant Governor. A deposit of \$100 must accompany the application which is refundable IF the petition is properly filed; retained if the petition is not properly filed. (A petition is considered properly filed if the Lieutenant Governor can certify the petition for the ballot.)

*(Ref. AS 15.45.260)*

The form of the application must include:

1. the act to be referred;
2. a statement that the sponsors are qualified voters who signed the application with the proposed bill attached;
3. the designation and signatures of three prime sponsors with the statement that they are the referendum committee representing all sponsors relating to the referendum; and
4. the signatures and addresses of no less than 100 qualified voters.

*(Ref. 15.45.270)*

**Recall**

A recall is proposed by filing an application with the Director of the Division of Elections. A deposit of \$100 must accompany the application which is refundable IF the petition is properly filed; retained if the petition is not properly filed. (A petition is considered properly filed if the Lieutenant Governor can certify the petition for the ballot.) (*Ref. AS 15.45.480*)

The form of the application must include:

1. the name and office of the person to be recalled;
2. the grounds for recall described in particular in not more than 200 words;
3. a statement that the sponsors are qualified voters who signed the application with the statement of grounds for recall attached;
4. the designation and signatures of three prime sponsors with a statement that they are the recall committee representing all sponsors and subscribers in matters relating to the recall;
5. the signatures of at least 100 qualified voters who subscribe to the application as sponsors for purposes of circulation; and
6. the signatures and addresses of qualified voters equal in number to ten percent of those who voted in the preceding general election in the state or in the senate or electoral district of the official sought to be recalled.

*NOTE:* An April 19, 1991 legal opinion from the Attorney General's Office states that office is willing to perform a preliminary review of the sponsors' recall application before sponsors undertake the expense and time necessary to obtain signatures from the required ten percent of qualified voters who voted in the preceding general election.

**REVIEW OF APPLICATIONS**

**Initiative**

After legal advisement from the Department of Law is obtained, the Lieutenant Governor either certifies the application or denies certification. In either case, the initiative committee is advised of the Lieutenant Governor's action.  
(*Ref. AS 15.45.070*)

## Initiative, Referendum, and Recall

The Lieutenant Governor shall deny certification if it is determined that:

1. the proposed bill to be initiated is not in required form;
2. the application is not substantially in the required form; or
3. there is an insufficient number of qualified sponsors.

*(Ref. 15.45.080)*

### Referendum

Within seven calendar days after the date the application is received, the Lieutenant Governor shall review the application. Legal advisement from the Department of Law is obtained. The Lieutenant Governor either certifies or denies certification and informs the referendum committee of the decision. *(Ref. 15.45.300)*

The Lieutenant Governor shall deny certification if it is determined that:

1. the application is not substantially in the required form;
2. there is an insufficient number of qualified sponsors; or
3. more than 90 days have expired since the adjournment of the legislative session at which the referred act was passed.

*(Ref. 15.45.310)*

### Recall

After legal advisement from the Department of Law is obtained, the Director of the Division of Elections either certifies the application or denies certification. In either case, the recall committee is notified of the decision. *(Ref. AS 15.45.540)*

The Director shall deny certification if it is determined that:

1. the application is not substantially in the required form;
2. the application was filed during the first 120 days of the term of office of the official subject to recall or within less than 180 days of the termination of the term of office of any official subject to recall;
3. the person named in the application is not subject to recall; or
4. there is an insufficient number of qualified subscribers.

*(Ref. 15.45.550)*

## PREPARING THE PETITION

For the *initiative* or *referendum*, petition books are printed in a quantity that will allow full circulation throughout the state. For the *recall*, petition books are printed in a number reasonably calculated to allow full circulation throughout the state or throughout the senate or election district of the official sought to be recalled.  
(*Ref. AS 15.45.090, 15.45.320 and 6 AAC 25.240*)

### Initiative

If the application is certified, petitions are prepared containing:

1. a copy of the proposed bill (if 500 words or less);
2. an impartial summary of the subject matter of the bill;
3. a statement of warning as prescribed in *AS 15.45.100*;
4. sufficient space for signatures and addresses;
5. sufficient space at the bottom of each page for the sponsor and payment information required by *AS 15.45.130(8)*; and
6. other specifications prescribed by the Lieutenant Governor.  
(*Ref. AS 15.45.090 and 6 AAC 25.240*)

The impartial summary will appear on the ballot if the petition is properly filed.  
(*Ref. 15.45.180*)

### Referendum

If the application is certified, petitions will be prepared within 7 calendar days after the date of certification containing:

1. a copy of the Act to be referred (if 500 words or less);
2. an impartial summary of the subject matter of the act;
3. a statement of warning as prescribed in *AS 15.45.330*;
4. sufficient space for signatures and addresses; and
5. other specifications prescribed by the Lieutenant Governor.  
(*Ref. AS 15.45.320*)

### Recall

If the application is certified, petitions are prepared containing:

1. the name and office of the person to be recalled;
2. the statement of the grounds for recall included in the application;
3. the statement of warning as required in *AS 15.45.570*;
4. sufficient space for signatures and addresses; and
5. other specifications prescribed by the Director of Elections.  
(*Ref. AS 15.45.560*)

## FILING THE PETITION

### Initiative

Before an initiative petition is filed, each petition book must be certified by an affidavit by the sponsor who circulated the petition. This affidavit states:

1. the person signing the affidavit is a sponsor;
2. the person is the only circulator of the petition book;
3. the signatures were made in the sponsor's presence;
4. the signatures, to the best of the sponsor's knowledge, are those of the persons whose names are signed;
5. the signatures are of persons who were qualified voters on the date of signature;
6. the sponsor has not entered into an agreement in violation of *AS 15.45.110(c)*;
7. the sponsor has not violated *AS 15.45.110(d)*, and
8. the sponsor prominently placed their name and payment arrangements on the petition.  
(*Ref. AS 15.45.130, 15.45.360, 15.45.600 and 6 AAC 25.240 (g) and (h)*)

The sponsors must file the petition *within one year* from the time the sponsors received notice from the Lieutenant Governor that the petitions were ready for delivery to them. If the petition is not filed within one year, *the petition has no force or effect*.  
(*Ref. AS 15.45.140 and 6 AAC 25.240 (c), (d), and (e)*)

## Initiative, Referendum, and Recall

The petition must be signed by qualified voters:

1. equal in number to ten percent of those who voted in the preceding General Election; and
2. resident in at least two-thirds of the election districts of the state. (There are 40 election districts in Alaska.)  
(*Ref. AS 15.45.140*)

### Referendum

Before a referendum petition is filed, each petition book must be certified by an affidavit by the sponsor who circulated the petition. This affidavit states:

1. the person signing the affidavit is a sponsor;
2. the person is the only circulator of the petition book;
3. the signatures were made in the sponsor's presence; and
4. the signatures, to the best of the sponsor's knowledge, are those of the persons whose names are signed.  
(*Ref. AS 15.45.360*)

The sponsors must file the petition *within 90 days* after the adjournment of the legislative session at which the Act was passed. (*Ref. AS 15.45.370*)

The petition must be signed by qualified voters:

1. equal in number to ten percent of those who voted in the preceding General Election; and
2. resident in at least two-thirds of the election districts of the state.

### Recall

Before a recall petition is filed, each petition book must be certified by an affidavit by the sponsor who circulated the petition. This affidavit states:

1. the person signing the affidavit is a sponsor;
2. the person is the only circulator of the petition book;
3. the signatures were made in the sponsor's presence; and
4. the signatures, to the best of the sponsor's knowledge, are those of the persons whose names are signed.  
(*Ref. 15.45.600*)

## Initiative, Referendum, and Recall

The petition may not be filed if the public official subject to recall has less than 180 days left in his or her term of office. (*Ref. AS 15.45.610*)

The petition must be signed by qualified voters equal in number to 25% of those who voted in the preceding general election in the state or in the senate or house district of the official sought to be recalled.

### REVIEWING THE PETITION

For either an initiative or a referendum, the Lieutenant Governor must review it within 60 days from the date the petition was filed. The Lieutenant Governor then notifies the committee whether the petition was properly or improperly filed and also at which election the proposition will appear on the ballot. (*Ref. AS 15.45.150 and AS 15.45.380*)

For a recall petition, the Director of the Division of Elections shall review it within 30 days of the date of filing, and shall notify the recall committee and the person subject to recall whether the petition was properly or improperly filed. (*AS 15.45.620*)

If the initiative, referendum or recall petition is properly filed, the \$100 deposit will be refunded. (*AS 15.45.020, 15.45.260 and 15.45.480*)

### IMPROPER FILING

#### Initiative

An initiative is improperly filed if:

1. there is an insufficient number of qualified subscribers; or
2. the subscribers were not resident in at least two-thirds of the election districts of the state.

(*Ref. AS 15.45.160 and 6 AAC 25.240 (f)*)

#### Referendum

A referendum is improperly filed if:

1. there is an insufficient number of qualified subscribers;
2. the subscribers were not resident in at least two-thirds of the election districts of the state; or
3. the petition was not filed within 90 days after the adjournment of the legislative session at which the Act was passed.

(*Ref. AS 15.45.390*)

### Recall

A recall petition is improperly filed if:

1. there is an insufficient number of qualified subscribers; or
2. the petition was filed within less than 180 days of the termination of the term of office of the official subject to recall.

(Ref. AS 15.45.630)

## FILING A SUPPLEMENTARY PETITION

### Initiative

There is no time allowed to gather or submit supplementary signatures for an initiative petition.

### Referendum

If a referendum is improperly filed, the referendum committee may amend and correct the petition by circulating and filing a supplementary petition *within ten days* of the date that notice was given by the Lieutenant Governor. However, 90 days must not have expired since the adjournment of the legislative session at which the Act was passed. (Ref. AS 15.45.400)

### Recall

If a recall petition is improperly filed, the committee may amend and correct the petition by circulating and filing a supplementary petition within 20 days of the date that notice was given, if filed within less than 180 days of the termination of the term of office of the person subject to recall. (Ref. AS 15.45.640)

## PLACING THE PROPOSITION ON THE BALLOT

### Initiative

The proposition will be placed on the election ballot of the first statewide general, special or primary election that is held after:

1. the petition has been filed;
2. a legislative session has convened and adjourned; and
3. a period of 120 day has expired since the adjournment of the legislative session.

(Ref. AS 15.45.190)

**Referendum**

The proposition will be placed on the ballot for the first statewide general, special or primary election that is held more than 180 days after adjournment of the legislative session at which the Act was passed. *(Ref. AS 15.45.420)*

**Recall**

If the petition is properly filed, and if the office is not vacant, the Director shall prepare the ballot and shall call a special election to be held not less than 60, nor more 90, days after the date that notification is given that the petition was properly filed. If a primary or general election is to be held not less than 60, nor more than 90, days after the date that notification is given that the petition was properly filed, the special election shall be held on the date of the primary or general election. *(Ref. 15.45.650)*

**For more information contact:**

Division of Elections  
P.O. Box 110017  
Juneau, AK 99811-0017  
(907) 465-4611

<http://www.gov.state.ak.us/lsgov/elections/homepage.html>

# Alaska State Legislature

Committees:  
Transportation, Chairman  
Resources  
Economic Development  
Rules



Representative William K. Williams

During Session:  
State Capitol  
Juneau, AK 99801-1182  
(907) 465-3424  
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50 Front Street, Suite 203  
Ketchikan, AK 99901  
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## MEMORANDUM

From: Representative William K. Williams *AKW*  
To: State Affairs Committee Members  
Date: February 19, 1999  
Re: HB 45/HJR 7 (Initiative Petition circulation statutes and codes)

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Attached are the statutes and codes relating to defining initiative sponsors and the physical circulation of the petitions.

deposit shall be retained if a petition is not properly filed. If a petition is properly filed, the deposit shall be refunded. (§ 9.02 ch 83 SLA 1960; am § 22 ch 125 SLA 1962)

NOTES TO DECISIONS

Quoted in Citizens Coalition for Tort Reform, Inc. v. McAlpine, 810 P.2d 162 (Alaska 1991).

Stated in Burgess v. Miller, 654 P.2d 273 Alaska 1982).

**Sec. 15.45.030. Form of application.** The application shall include (1) the proposed bill to be initiated, (2) a statement that the sponsors are qualified voters who signed the application with the proposed bill attached, (3) the designation of an initiative committee of three sponsors who shall represent all sponsors and subscribers in matters relating to the initiative, and (4) the signatures and addresses of not less than 100 qualified voters. (§ 9.03 ch 83 SLA 1960)

NOTES TO DECISIONS

Stated in Boucher v. Engstrom, 528 P.2d 456 (Alaska 1974).

Cited in Thomas v. Bailey, 595 P.2d 1 (Alaska 1979).

**Sec. 15.45.040. Form of proposed bill.** The proposed bill shall be in the following form:

- (1) the bill shall be confined to one subject;
- (2) the subject of the bill shall be expressed in the title;
- (3) the enacting clause of the bill shall be: "Be it enacted by the People of the State of Alaska;"
- (4) the bill may not include subjects restricted by AS 15.45.010. (§ 9.04 ch 83 SLA 1960)

NOTES TO DECISIONS

Single subject standard is enacted at this section with respect to initiatives; whether this limitation is within the legislature's power under Alaska Const. art. XI, is questionable; but Alaska Const., art. XII, § 11, makes the law making power equal, and the restriction in Alaska Const., art. II, § 13, therefore, applies to initiatives. Yute Air Alaska, Inc. v. McAlpine, 698 P.2d 1173 (Alaska 1985).

The legislature expanded the scope of the

lieutenant governor's review of the initiative application in enacting this section, which requires that a determination be made as to whether unconstitutional subjects were included. Boucher v. Engstrom, 528 P.2d 456 (Alaska 1974), overruled on other grounds, McAlpine v. University of Alaska, 762 P.2d 81 (Alaska 1988).

Cited in Thomas v. Bailey, 595 P.2d 1 Alaska 1979).

**Sec. 15.45.050. Manner of notice.** Notice to the initiative committee on any matter pertaining to the application and petition may be served on any member of the committee in person or by mail addressed to a committee member as indicated on the application. (§ 9.05 ch 83 SLA 1960)

NOTES TO DECISIONS

This section is the only statutory provision regulating the manner of notice concerning initiative applications. Boucher v. Engstrom, 528 P.2d 456 (Alaska 1974), overruled on other grounds.

McAlpine v. University of Alaska, 762 P.2d 81 Alaska 1988).

Cited in Thomas v. Bailey, 595 P.2d 1 (Alaska 1979).

**Sec. 15.45.060. Designation of sponsors.** The qualified voters who subscribe to the application are designated as sponsors. The initiative committee may designate additional sponsors by giving written notice to the lieutenant governor of the names and addresses of those so designated. (§ 9.06 ch 83 SLA 1960)

Cited in Thomas v. Bailey, 1979).

**Sec. 15.45.070. Review.** shall review the application of the grounds for denial.

Quoted in Citizens Coalition v. McAlpine, 810 P.2d 162 (Alaska 1991).

**Sec. 15.45.080. Bases** deny certification upon de  
(1) the proposed bill to  
(2) the application is n  
(3) there is an insuffic

Cited in Boucher v. Engstrom 1974; Thomas v. Bailey, 595 P

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## NOTES TO DECISIONS

Cited in *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

**Sec. 15.45.070. Review of application for certification.** The lieutenant governor shall review the application and shall either certify it or notify the initiative committee of the grounds for denial. (§ 9.07 ch 83 SLA 1960)

## NOTES TO DECISIONS

Quoted in *Citizens Coalition for Tort Reform, Inc. v. McAlpine*, 810 P.2d 162 (Alaska 1991). Cited in *Boucher v. Engstrom*, 528 P.2d 456 (Alaska 1974); *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

**Sec. 15.45.080. Bases of denial of certification.** The lieutenant governor shall deny certification upon determining in writing that

- (1) the proposed bill to be initiated is not in the required form;
- (2) the application is not substantially in the required form; or
- (3) there is an insufficient number of qualified sponsors. (§ 9.08 ch 83 SLA 1960)

## NOTES TO DECISIONS

Cited in *Boucher v. Engstrom*, 528 P.2d 456 (Alaska 1974); *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

**Sec. 15.45.090. Preparation of petition.** If the application is certified, the lieutenant governor shall prescribe the form of and prepare petitions containing (1) a copy of the proposed bill if the number of words included in both the formal and substantive provisions of the bill is 500 or less, (2) an impartial summary of the subject matter of the bill, (3) the warning prescribed in AS 15.45.100, (4) sufficient space for signature and address, (5) sufficient space at the bottom of each page for the information required by AS 15.45.130(8), and (6) other specifications prescribed by the lieutenant governor to assure proper handling and control. Petitions, for purposes of circulation, shall be prepared by the lieutenant governor in a number reasonably calculated to allow full circulation throughout the state. The lieutenant governor shall number each petition and shall keep a record of the petition delivered to each sponsor. Upon request of the committee, the lieutenant governor shall report the number of persons who voted in the preceding general election. (§ 9.09 ch 83 SLA 1960; am § 1 ch 80 SLA 1998)

**Effect of amendments.** — The 1998 amendment, redesignated former paragraph (5) as paragraph (6), effective September 7, 1998, added paragraph (5), and made minor stylistic changes.

## NOTES TO DECISIONS

**Sufficiency of summary.** — In preparing summary of subject matter of proposed bill, the lieutenant governor is entitled to rely on the premise that readers of the summary understand that in the absence of explicit language to the contrary, state initiatives are intended to change state law and bind the state government, not federal law and the federal government, thus he need not give "special" reminders to the voters regarding the scope of a state initiative. *Burgess v. Miller*, 654 P.2d 273 (Alaska 1982). Summary's prediction as to proposed bill's effect was amply supported by text of bill, consequently the summary's use of the language "would prevent" was neither misleading nor inaccurate. *Burgess v. Miller*, 654 P.2d 273 (Alaska 1982).

**Sec. 15.45.100. Statement of warning.** Each petition shall include a statement of warning that a person who signs a name other than the person's own on the petition, or who knowingly signs more than once for the same proposition at one election, or who signs the petition when knowingly not a qualified voter, is guilty of a class B misdemeanor. (§ 9.10 ch 83 SLA 1960; am § 173 ch 100 SLA 1980)

**Sec. 15.45.110. Circulation by sponsor; prohibitions and penalty.** (a) The petitions may be circulated throughout the state only by a sponsor and only in person.

(b) A sponsor shall display identification containing the sponsor's name when circulating a petition.

(c) A sponsor may not receive payment or agree to receive payment that is greater than \$1 a signature, and a person or an organization may not pay or agree to pay an amount that is greater than \$1 a signature, for the collection of signatures on a petition.

(d) A person or organization may not knowingly pay, offer to pay, or cause to be paid money or other valuable thing to a person to sign or refrain from signing a petition.

(e) A person or organization that violates (b) — (d) of this section is guilty of a class B misdemeanor.

(f) In this section,

(1) "organization" has the meaning given in AS 11.81.900;

(2) "other valuable thing" has the meaning given in AS 15.56.030(d);

(3) "person" has the meaning given in AS 11.81.900. (§ 9.11 ch 83 SLA 1960; am § 2 ch 80 SLA 1998)

**Cross references.** — For applicability provisions relating to the 1998 enactment of subsection (b), see § 8(a), ch. 80, SLA 1998 in the 1998 Temporary and Special Acts. For applicability provisions relating to the 1998 enactment of subsections (c) — (f), see § 8(b),

ch. 80, SLA 1998 in the 1998 Temporary and Special Acts.

**Effect of amendments.** — The 1998 amendment, effective September 7, 1998, added subsections (b)–(f).

**Sec. 15.45.120. Manner of signing and withdrawing name from petition.** Any qualified voter may subscribe to the petition by signing the voter's name and address. A person who has signed the initiative petition may withdraw the person's name only by giving written notice to the lieutenant governor before the date the petition is filed. (§ 9.12 ch 83 SLA 1960)

**Sec. 15.45.130. Certification of sponsor.** Before being filed, each petition shall be certified by an affidavit by the sponsor who personally circulated the petition. The affidavit must state in substance that (1) the person signing the affidavit is a sponsor, (2) the person is the only circulator of that petition, (3) the signatures were made in the sponsor's actual presence, (4) to the best of the sponsor's knowledge, the signatures are those of the persons whose names they purport to be, (5) the signatures are of persons who were qualified voters on the date of signature, (6) the person has not entered into an agreement with a person or organization in violation of AS 15.45.110(c), (7) the person has not violated AS 15.45.110(d) with respect to that petition, and (8) the sponsor prominently placed, in the space provided under AS 15.45.090(5) before circulation of the petition, in bold capital letters, the sponsor's name and, if the sponsor has received payment or agreed to receive payment for the collection of signatures on the petition, the name of each person or organization that has paid or agreed to pay the sponsor for collection of signatures on the petition. In determining the sufficiency of the petition, the lieutenant governor may not count subscriptions on petitions not properly certified. (§ 9.13 ch 83 SLA 1960; am § 3 ch 80 SLA 1998)

**Cross references.** — For applicability provisions relating to the 1998 amendments to this section, see § 8(c), ch. 80, SLA 1998 in the 1998 Temporary and Special Acts.

**Effect of amendments.** — The 1998 amendment, effective September 7, 1998, substituted "must" for "shall" in the second sentence, added paragraphs (5)–(7), and made minor stylistic changes.

**Sec. 15.45.140. Filing of petition.** The sponsors must file the initiative petition within one year from the time the sponsors received notice from the lieutenant governor that the petitions were ready for delivery to them, and the petition must be signed by qualified voters equal in number to 10 per cent of those who voted in the preceding general election and resident in at least two-thirds of the election districts of the state. If

the petition is not filed, it has no force or effect.

**Opinions of attorney general.** — An initiative petition was accepted for filing, i.e., a number of purportedly valid signatures were filed in the office of the attorney general in this respect, February 1, 1998. An initiative petition was found to contain an insufficient number of signatures to be filed and later supplemented.

Quoted in *Burgess v. State*, 1982).

**Sec. 15.45.150.** R. A petition was filed, the initiative committee election the proposition.

**Sec. 15.45.160.** B. lieutenant governor upon determining that the subscribers were not state. (§ 9.16 ch 83 SLA 1960)

**Sec. 15.45.170.** S.

**Cross references.** — relating to the 1998 amendments.

**Sec. 15.45.180.** P. properly filed, the lieutenant governor shall prepare a ballot title, indicate the general purpose of the proposition in not more than 100 words, give a title of not more than 10 words, and shall be worded in accordance with the law. (§ 9.18 ch 83 SLA 1960)

**Effect of amendment.** — added subsection (b).

Quoted in *Burgess v. State*, 1982).

**Sec. 15.45.190.** P. direct the director to conduct a statewide general election. (1) the petition has not been filed and (2) a legislative session is in progress.

penalty. (a) The petitioner only in person. name when circu-

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e initiative petition lieutenant governor must be signed by ed in the preceding istricts of the state. If

the petition is not filed within the one year period provided for in this section, the petition has no force or effect. (§ 9.14 ch 83 SLA 1960; am § 1 ch 128 SLA 1971)

**Opinions of attorney general.** — An initiative petition must be sufficient on its face before it may be accepted for filing, i.e., it must have the requisite number of purportedly valid signatures before it may be filed in the office of the attorney general; a petition deficient in this respect should be returned to the sponsors. February 1, 1984 Op. Att'y Gen.

An initiative petition which, on its face, is seen to contain an insufficient number of signatures may not be filed and later supplemented to cure the deficiency.

February 1, 1984 Op. Att'y Gen.

AS 15.45.170 authorizes a supplementary petition, but that privilege is afforded only when a petition, believed to contain a sufficient number of signatures of qualified voters, is later found to contain signatures of persons who are not qualified voters. In such a case, the latent defect of numbers may be cured, but where the defect is patent, the petition may not be accepted for filing. February 1, 1984 Op. Att'y Gen.

#### NOTES TO DECISIONS

Quoted in *Burgess v. Miller*, 654 P.2d 273 (Alaska 1982).

Cited in *Boucher v. Engstrom*, 528 P.2d 456 (Alaska 1974).

**Sec. 15.45.150. Review of petition.** Within not more than 60 days of the date the petition was filed, the lieutenant governor shall review the petition and shall notify the initiative committee whether the petition was properly or improperly filed, and at which election the proposition shall be placed on the ballot. (§ 9.15 ch 83 SLA 1960)

**Sec. 15.45.160. Bases for determining the petition was improperly filed.** The lieutenant governor shall notify the committee that the petition was improperly filed upon determining that (1) there is an insufficient number of qualified subscribers, or (2) the subscribers were not resident in at least two-thirds of the election districts of the state. (§ 9.16 ch 83 SLA 1960)

*Sec. 15.45.170. Submission of supplementary petition. [Repealed, § 7 ch 80 SLA 1998.]*

**Cross references.** — For applicability provisions relating to the 1998 repeal of this section, see § 8(e), ch. 80, SLA 1998 in the 1998 Temporary and Special Acts.

**Sec. 15.45.180. Preparation of ballot title and proposition.** (a) If the petition is properly filed, the lieutenant governor, with the assistance of the attorney general, shall prepare a ballot title and proposition. The ballot title shall, in not more than six words, indicate the general subject of the proposition. The proposition shall, in not more than 100 words, give a true and impartial summary of the proposed law.

(b) The proposition prepared under (a) of this section shall comply with AS 15.60.005 and shall be worded so that a "Yes" vote on the proposition is a vote to enact the proposed law. (§ 9.18 ch 83 SLA 1960; am § 1 ch 104 SLA 1988)

**Effect of amendments.** — The 1988 amendment added subsection (b).

#### NOTES TO DECISIONS

Quoted in *Burgess v. Miller*, 654 P.2d 273 (Alaska 1982).

**Sec. 15.45.190. Placing proposition on ballot.** The lieutenant governor shall direct the director to place the ballot title and proposition on the election ballot of the first statewide general, special, or primary election that is held after

- (1) the petition has been filed;
- (2) a legislative session has convened and adjourned; and

or. The director will, in his or her discretion, prescribe reasonable rules and procedures for the orderly conduct of recounts.

(b) In the conduct of a recount, the director will open and count properly cast absentee ballots that are received after the deadlines established in AS 15.20.051(e) and (h) but before the completion of a recount. (Eff. 6/23/86, Register 99; am 8/6/87, Register 103)

Authority: AS 15.15.010 AS 15.20.430 AS 15.20.480

**6 AAC 25.210. REMOVAL OF NAME FROM PRIMARY BALLOT.** A candidate's name will appear on the primary election ballot unless written notice of the candidate's withdrawal from the primary is received by the director not later than 4:30 p.m. on the 40th day before the date of the primary election. (Eff. 6/23/86, Register 99)

Authority: AS 15.15.010 AS 15.25.055

**6 AAC 25.220. APPOINTMENT OF ELECTION OFFICIALS.** (a) The party district committee's recommendation of nominees for appointment as election judges or clerks, presented to the election supervisor as required by AS 15.10.150, is final, and not subject to alteration by the committee, after the established deadlines.

(b) The list of names recommending nominees appointment to the state canvassing board under AS 15.10.180, is final, and not subject to alteration by the state central committee, after the deadline established in AS 15.10.180.

(c) Once an appointment of a representative of a party to the data processing review board has been approved by the party district committee, or by the state chairman of the party, that approval is final and not subject to alteration. (Eff. 6/23/86, Register 99)

Authority: AS 15.10.150 AS 15.15.010  
AS 15.10.180 AS 15.20.600

**6 AAC 25.230. PRESERVATION OF ELECTION BALLOTS.** All ballots and stubs may be destroyed 30 days after the certification of the state ballot counting review unless an application for recount has been filed and not completed, except that ballots and stubs for an election in which a candidate for President, Vice President, United States Senator or United States Representative seeks office must be preserved for 22 months after the election. (Eff. 8/6/87, Register 103)

Authority: AS 15.15.010 AS 15.15.470

**6 AAC 25.240. INITIATIVE PETITIONS.** (a) Upon certification of the application for an initiative petition, the director will prepare petition booklets for circulation by petition sponsors in the general manner

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prescribed by AS 15.45.090. The director will prepare and have printed 500 sequentially numbered official petition booklets that will be sent, or otherwise made available for delivery to a member of the initiative committee or his or her designee for distribution to qualified sponsors. The initiative committee or a designee may request additional booklets. Upon the director's approval of the request, additional numbered booklets will be printed by the director and made available to the initiative committee or a designee, or printed by the initiative committee in a format approved by the director. The cost of printing additional booklets in excess of 500 must be paid by the initiative committee.

(b) Each subscriber to the petition shall provide his or her printed name, physical residence address and city, and signature or mark. The subscriber's voter registration number or social security number will be requested for identification purposes; however, provision of this information is optional.

(c) All petition booklets must be filed together as a single instrument, and must be accompanied by a written statement signed by the submitting sponsor acknowledging the number of booklets included in the submission.

(d) The sponsors may file the petition at any time before the close of business on the 365th day after the date that notice is given to the sponsors that the petition booklets are ready for initial distribution. If the 365th day falls on a weekend or holiday, the deadline is the close of business on the next regular business day.

(e) The petition must be filed in person, by mail or other shipping method at the office of the director in Juneau, or at the request of the sponsor, at a regional election office approved by the director.

(f) A petition that at the time of submission, contains on its face an insufficient number of booklets or signed subscriber pages required for certification will be determined by the director to have a patent defect. A petition that contains a patent defect and that is:

(1) filed on the deadline specified in (d) of this section will be certified as insufficient and no supplemental circulation and filing period will be provided;

(2) filed before the deadline specified in (d) of this section will be declared incomplete and returned to the sponsor for resubmission; the resubmitted petition must be filed by the deadline specified in (d) of this section.

(g) A petition booklet that has been issued to a sponsor is not transferable to any other sponsor and may not be circulated by any other sponsor than to whom it was initially issued. The member of the initiative committee or the designee responsible for distribution

(1) may issue a numbered booklet only to a qualified sponsor whose eligibility has been verified by the director;

(2) shall maintain a record and account for each numbered petition booklet and the sponsor to whom it was issued, on a form provided by the director;

(3) shall submit a completed and signed copy of the record of issued booklets to the director on a regular schedule as approved by the director:

(4) shall submit a final completed and signed copy of the record of any and all issued booklets not yet reported, to the director before filing the petition.

(h) The signatures contained in a petition booklet filed under (c) of this section will not be counted in determining the sufficiency of the petition if

(1) the booklet was circulated by a person whose name as a sponsor was not submitted to the director in writing as required by AS 15.45.030 and AS 15.45.060, or whose eligibility as a qualified sponsor was not verified by the director;

(2) the booklet was circulated by a sponsor other than the sponsor to whom it was originally issued; or,

(3) the issuance of the booklet was not recorded and reported to the director under (g) of this section before the filing of the petition.

(i) In AS 15.45.010 — 15.45.245, for the purpose of circulating a petition, "preceding general election" means the last general election held before the date the application for initiative was filed with the lieutenant governor. (Eff. 8/6/87, Register 103; am 7 5 88, Register 107; am 7 17 88, Register 107; am 6/21/90, Register 115; am 5 12 90, Register 115)

Authority: AS 15.15.010 AS 15.45.100  
AS 15.45.090 AS 15.45.110

Editor's note: The street address of the director's office is 240 Main Street, Suite 300, Juneau, AK 99811. The mailing address of the director's office is P.O. Box AF, Juneau, AK 99811-0195.

**6 AAC 25.245. DISTRIBUTION, CIRCULATION, AND CERTIFICATION OF REFERENDUM PETITIONS.** Procedures for the distribution, circulation, and certification of referendum petitions are the same as those prescribed in 6 AAC 25.240 for initiative petitions, except that (d) of that section, relating to the deadline for filing the petition, does not apply. Instead, the sponsors must file a referendum petition within 90 days after the adjournment of the legislative session during which the Act was passed, as provided in AS 15.45.370. If the 90th day falls on a weekend or holiday, the deadline is the close of business on the next regular business day. (Eff. 6 21 90, Register 115)

Authority: AS 15.15.010 AS 15.45.340 AS 15.45.390  
AS 15.15.320 AS 15.45.360 AS 15.45.400  
AS 15.45.330 AS 15.45.370

**6 AAC 25.250. BY-MAIL ELECTIONS.** Repealed 5 12 90.

URGENT FAX FOR MEMBERS OF STATE AFFAIRS

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PLEASE CONSIDER FOR SAM HEARING THURS

RE: CHANGING SIGNATURE DISTRIBUTION REQUIREMENT  
FOR INITIATIVES 3 pages

FROM: Michele Keck 524 E. 12<sup>TH</sup> ANCH. 277-1646

I am very involved in the initiative process in Alaska. I have helped organize signature drives for the initiatives relating to Campaign Finance Reform, Airborne Wolf Hunting, Billboards, and Medical Marijuana. Speaking from my involvement in the initiative process & not from any political viewpoint, I feel this bill will severely restrict the public process for all Alaskans. Due to the high signature requirements and the decrease in the number of public places that allow signature gathering, it is already near impossible for an average citizen to organize a signature drive. The current difficulty is evident by the number of campaigns that rely on paid signatures to reach their goal. I am convinced that making the signature requirement harder will entirely remove the initiative process from the public and into the hands of well funded outside organizations. I strongly feel this bill will not achieve its desired outcome because the place to stop bad initiatives is not in the signature phase since the majority of people sign petitions

With the intent to Bring an issue to a Public Debate + Vote. Usually, less than 5% of the people that sign initiative petitions actually ask about any details of the initiative enough to make a decision about the issue. Most sign knowing they are putting the issue to a vote of the people and they take the time to look at both sides during elections. Making the signature requirement HARDER won't change how initiatives are "pitched". I have witnessed many Trappers sign the ANTI-SNARE initiative because they were asked "if they wanted to sign to vote on whether or not Wolf SNARING should continue" AND MANY Natives signed the English only initiative because they would get to vote on "uniting all Alaskan people". It is not until the campaign that both sides are brought to full debate.

MAKING the distribution requirement higher will NOT MAKE SIGNERS examine the issue more closely, it will only drive up the price of initiative campaigns to FAVOR professional outside interests rather than encouraging AK citizens to participate in the public process. I strongly oppose this legislation, and if the distribution requirement must be raised, then the overall number of signatures required should be lowered. I feel another solution may be to require the full text of the initiative to be printed in the petition booklets to allow people

the opportunity to know exactly what they  
are signing. Currently, signers can only rely  
on the short printed summary and the opinion  
of the signature gatherer to understand the  
initiative. (3)

Most importantly the public is NOT STUPID,  
and should be TRUSTED TO VOTE DOWN BAD  
Ideas + Initiatives. (as recently proven by  
the anti-share initiative)

Please Preserve The Democratic + Public  
Process! Vote Against STRICTER  
Initiative signature Requirements.

Michele Kech

277-1646

please keep me updated on the status of this bill

Thank you for this opportunity.

-----End of February 20, 1999 testimony-----

After listening to other testimony and sitting down to write this, I want to add a few more thoughts.

In my first few paragraphs above, I mentioned leadership and public voting. Although I very strongly believe that we should not let the public or the press keep our Commissioners and Departments from properly executing their functions under the rules put in place by the Legislature, I am convinced that we would see far fewer contentious ballot measures if the same Legislature or Commissioners exercised leadership in promoting open discussion on the merits and drawbacks of various solutions. My view on elected officials has always been that they are our representatives, and should vote for us in a representative manner, or in a manner that in their considered opinion is at least in our best interest. However, I think they also have an obligation to educate us about how and why they make their decisions. Many people will vote, but in between elections they will only complain about the legislative process based on their own perspective of what would be best for themselves. That is where the leadership comes in. If the Legislature debates behind closed doors, refuses to advance options for discussion, or focuses on pointing out the weaknesses of the other side's argument without offering their own solution, then we will see an increase in ballot measures from every interest group on every subject. People will vote, based on the most recently appealing rhetoric, and that can result in a hamstring Department - mandated by the state constitution or legislation to do the best job it can using sound facts/research, labeled in the public eye as ineffective, in reality understaffed or undersupported by leadership, and in the end punitively budgeted as a message to clean up their act. It doesn't matter if we are talking about DPYS, ADF&G, the Troopers, or DOT. We need to work together to find solutions to problems, support those solutions once they are selected, give the Departments the tools they need to carry out those solutions, and lead the public dialog or otherwise educate the public on why that is the best plan. And if the political willpower to make tough decisions is not there, then get out of the way and let the people vote - on that specific issue, if not on who should be there to make the decisions.

Rep. James, thank you for valuing my comments enough to ask for them in writing. I want to stress that none of the above is directed at any one person or party, but is equally applicable to all. (For example, the Legislature and the Governor could cease the "crisis" bit and discuss the budget only in terms of a stable, long-range plan. And the public could be better-educated on the fact that the Legislature *chooses*, every year, what to do with the vast majority of the Permanent Fund's earnings. This is not a "crisis," this is a choice, albeit a tough one, on how to manage the affairs of the state.) There is a great deal of dissatisfaction among voters today with all government, and the time is ripe to put politics aside and solve the current and future problems of Alaska.

Again, thank you for your time and consideration.

Sincerely,



David Karalunas  
Life-long Alaskan and citizen of Fairbanks

dk

cc: Interior Delegation

Governor's Office

# FISCAL NOTE

**STATE OF ALASKA**  
**1999 LEGISLATIVE SESSION**

**BILL NO. HB45**

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Office of the Governor  
 Title Relating to initiative and referendum petitions BRU Elective Operations  
 Component General and Primary  
 Sponsor Representative Williams  
 Requester House State Affairs 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            | 3.0        |             |            |            |            |            |
| Supplies               |            |             |            |            |            |            |
| Equipment              |            |             |            |            |            |            |
| Land & Structures      |            |             |            |            |            |            |
| Grants & Claims        |            |             |            |            |            |            |
| Miscellaneous          |            |             |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>3.0</b> | <b>-0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

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**FUND SOURCE** (Thousands of Dollars)

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|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts    |            |            |            |            |            |            |
| 1003 GF Match            |            |            |            |            |            |            |
| 1004 GF                  | 3.0        |            |            |            |            |            |
| 1005 GF/Program Receipts |            |            |            |            |            |            |
| 1037 GF/Mental Health    |            |            |            |            |            |            |
| Other (Specify Type)     |            |            |            |            |            |            |
| <b>TOTAL</b>             | <b>3.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

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 required programming changes to the Voter Registration Election Management System (VREMS) and testing of the changes prior to implementation into the production environment.

Prepared by Gail Fenumia Phone 465-3935  
 Division Division of Elections Date/Time 2/9/99 9:45 AM  
 Approved by Lt. Governor Fran Ulmer Date 2/9/99  
 Agency Office of the Lieutenant Governor

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# FISCAL NOTE

**STATE OF ALASKA**  
**1999 LEGISLATIVE SESSION**

**BILL NO. HJR7**

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Office of the Governor  
 Title Constitutional Amendment relating to BRU Elective Operations  
initiative and referendum petitions Component General and Primary  
 Sponsor Representative Williams  
 Requester House State Affairs 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          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>1.5</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**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)     |            |            |            |            |            |            |
| <b>TOTAL</b>             | <b>1.5</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

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 Fenumiaik *Gail Fenumiaik* Phone 465-3935  
 Division Division of Elections Date/Time 2/9/99 9:43 AM  
 Approved by Lt. Governor Fran Ulmer *Fran Ulmer* Date 2/9/99  
 Agency Office of the Lieutenant Governor

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(no subject)

**Subject:** (no subject)

**Date:** Thu, 04 Feb 1999 11:27:20 -0900

**From:** Barbara Cotting <Barbara\_Cotting@legis.state.ak.us>

**Organization:** Alaska State Legislature

**To:** Shari Kochman <shari\_kochman@gov.state.ak.us>

Hi,

I've added two more bills to next week's State Affairs schedule and need fiscal notes:

HB 45 Initiative/Referendum Petitions  
HJR7 Const. Am " " "

They will affect Elections, and I'm not sure if there are any others.

Barbara