

HB

347

<TARGET><BILL>HB 347</BILL><SUBJECT>HB
347</SUBJECT><COMM>HJUD27</COMM></TARGET>

ALASKA STATE LEGISLATURE

REPRESENTATIVE KURT OLSON

- Chair: Labor and Commerce
- Vice Chair: Rules, Administrative Regulation Review
Economic Development Trade & Tourism
- Member: Energy, Legislative Budget & Audit

Session: January - April
State Capitol, Room 24
Juneau, AK 99801-1182
Phone: 907-465-2693
Fax: 907-465-3835



Official Business

Interim: May - December
145 Main Street Loop, Ste 221
Kenai, AK 99611
Phone: 907-283-2690
Fax: 907-283-2763

House Bill 347 Sponsor Statement

“An Act prohibiting the use of municipal funds to support or oppose an initiative proposal to circulate a petition for a ballot initiative, or to influence the outcome of an election concerning a ballot initiative, without approval by municipal voters at an election.”

Currently municipalities can spend thousands of dollars on consultants and paid signature collectors to influence the outcome of a ballot initiative. Requiring voters to approve the use of funds for special interests keeps the agenda of the municipality aligned with its voters, and prohibits municipalities from spending copious amounts of money to advance their own agendas.

This legislation empowers all citizens of a municipality by giving them the chance to weigh in on important issues. Giving citizens the opportunity to approve or disapprove of spending for a ballot initiative makes them acutely aware of exactly how municipal funds are being spent.

The intent of HB 347 is to keep the ballot initiative process fair, and to ensure that the priorities of the municipality are the same as the priorities of its citizens.

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Sectional Analysis House Bill 347

"An Act prohibiting the use of municipal funds to support or oppose an initiative proposal to circulate a petition for a ballot initiative, or to influence the outcome of an election concerning a ballot initiative, without approval by municipal voters at an election."

Section 1. Amends AS 15.13.145 (d) to include expenditures that have been authorized by municipal voters.

Section 2. Adds a new subsection to AS 15.13.145 to include funds that have been approved by municipal voters at an election.

HOUSE BILL NO. 347

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES OLSON, Millett, Stoltze, Feige, Thomas, Johansen, Keller, Pruitt, Saddler, Lynn, Fairclough, Tammie Wilson

Introduced: 2/22/12

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act prohibiting the use of municipal funds to support or oppose an initiative**
2 **proposal to circulate a petition for a ballot initiative, or to influence the outcome of an**
3 **election concerning a ballot initiative, without approval by municipal voters at an**
4 **election."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 *** Section 1.** AS 15.13.145(d) is amended to read:

7 (d) When expenditure of money is authorized by (b) or (c) of this section and
8 is used to influence the outcome of an election, or if an expenditure of money is
9 authorized by municipal voters under (e) of this section, the expenditure
10 [EXPENDITURES] shall be reported to the commission in the same manner as an
11 individual is required to report under AS 15.13.040.

12 *** Sec. 2.** AS 15.13.145 is amended by adding a new subsection to read:

13 (e) Money held by a municipality may be used to support or oppose an
14 initiative proposal filed with the lieutenant governor under AS 15.45.020 or filed with

1 a municipal clerk under AS 29.26.110, to circulate a petition for an initiative, or,
2 subject to (b) of this section, to influence the outcome of an election concerning a
3 ballot initiative, but only if use of the funds for that purpose has been approved by
4 municipal voters at an election.



LEGISLATIVE RESEARCH SERVICES

Alaska State Legislature
Division of Legal and Research Services
State Capitol, Juneau, AK 99801

(907) 465-3991 phone
(907) 465-3908 fax
research@legis.state.ak.us

Memorandum

TO: Representative Kurt Olson
FROM: Tim Spengler, Legislative Analyst
DATE: March 9, 2012
RE: State Prohibitions on Spending Municipal Funds on Initiatives without Voter Approval
LRS Report 12.215

You asked if any states prohibit the use of municipal funds to support or oppose an initiative proposal without voter approval.

Briefly, we identified no states with specific statutory provisions prohibiting the use of municipal funds to support or oppose an initiative (or other political or electoral matter) *without* voter approval.¹ Most of the states we reviewed, however, prohibit municipalities from expending funds for such purposes *regardless* of whether municipal voters approve of such actions or not.

Fourteen of the 20 states we reviewed prohibit the use of public funds to support or oppose an initiative.² Those states are Arizona; California; Georgia; Florida; Idaho; Massachusetts; Montana; Nevada; New Mexico; North Dakota; Oregon; Utah; Washington; and Wyoming.³ It is interesting to note that none of the 11 Western States that we contacted (where initiatives are more commonly used) allow for the use of municipal funds to support or oppose an initiative. On the other hand, six of the nine states (excluding Florida, Georgia, and Massachusetts) that we contacted in the Northeast and South do not have such prohibitions.⁴

Below we provide an example of statutory language from the California Government Code 54964:

a) An officer, employee, or consultant of a local agency may not expend or authorize the expenditure of any of the funds of the local agency to support or oppose the approval or rejection of a ballot measure, or the election or defeat of a candidate, by the voters. . . "Ballot measure" means an initiative, referendum, or recall measure certified to appear on a regular or special election ballot of the local agency, or other measure submitted to the voters by the governing body at a regular or special election of the local agency.

As previously noted, such state laws do not allow for the use of municipal funds for *any* political advocacy, not just advocacy pertaining to initiatives. Also, it appears that most or all of these states *do* allow municipalities to expend funds to provide *informational or educational* background materials regarding an initiative.

A few years ago, a wide-ranging effort was made in Alaska to prohibit public spending on political advocacy. The "Alaska Anti-Corruption Act," Ballot Measure 1, was on the primary election ballot in August of 2010. The initiative would have banned the

¹ For this report, we reviewed numerous state statutes and election websites, communicated with personnel from the National Conference of State Legislatures, the Initiative and Referendum Institute, the Council of State Governments, Ballot Access News, National League of Cities, and spoke with officials from many state municipal leagues.

² It is likely that a number of other states also have provisions prohibiting the use of municipal funds to advocate for or against a ballot initiative.

³ In Idaho, Massachusetts and New Mexico, the prohibition is not codified in law but rather, pursuant to court rulings. (We were unable to identify the court case particulars in New Mexico.) Relevant statutory citations (or case law) are as follows: Arizona (ARS 9-500.14), California (CAL. Gov. Code 54964), Georgia (OCGA 21-5-30.2 and 21-5-3), Florida (FS 106.113), Idaho (pursuant to *Ameritel vs. Greater Boise Auditorium District*, 141 Idaho 849), Massachusetts (pursuant to *Anderson vs. City of Boston*, 367 Mass. 178), Montana (MCSA 2-2-121), Nevada (NRS 281A.520), New Mexico (pursuant to court decision), North Dakota (NDCC 16.1-10), Oregon (ORS 260.432), Utah (UCA 20A-11-1203), Washington (RCW 42.17A.555), and Wyoming (WSA 9-13-105(b) and 22-26-116).

⁴ The states we identified that do not have laws prohibiting the spending of municipal funds for such purposes are Alabama, Connecticut, Maine, New Hampshire, Rhode Island, and Virginia. Again, there were numerous states that we did not contact and likely a number of those also do not prohibit municipalities from expending funds on initiatives.

use of public funds for political campaigns and lobbying by state and local government agencies and school districts to support or oppose ballot measures, lobby to pass a law, or request public funding. The measure failed as nearly 61 percent of voters cast their ballots against it.

While Ballot Measure 1 had the support of a number of groups such as Alaskans for Open Government and the Committee to Stop Corruption, it was opposed by such entities as the Alaska Chamber of Commerce, the Resource Development Council, the Alaska Municipal League, the Anchorage School Board and Assembly, and the Alaska Democratic Party.

The *Fairbanks Daily News-Miner*, which also opposed the measure, stated the following in their editorial published on August 20, 2010:

Proponents of the measure say average voters should bring such troubles to the attention of legislators. The average voter might do so, but why cut out an authoritative source? We elect mayors, assembly members and school board members to represent us. And our local government officers shouldn't have to wait for a call from Juneau before they do that job. Alaskans should vote "no" on Ballot Measure 1.

We hope this is helpful. If you have questions or need additional information, please let us know.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version HB 347
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) HB347-DCCED-DCRA-02-24-12 Dept. Affected Commerce
 Title USE OF MUNICIPAL FUNDS FOR INITIATIVES Appropriation Community and Regional Affairs
 Allocation Community and Regional Affairs
 Sponsor Representative Olson
 Requester House State Affairs OMB Component Number 2879

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs 0.0 (separate supplemental appropriation required;
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial Version

Prepared by Scott Ruby
 Division Community and Regional Affairs
 Approved by JoEllen Hanrahan, Director Administrative Services
Commerce, Community and Economic Development

Phone (907) 269-4569
 Date/Time 2/23/2012 2:30pm
 Date 2/24/2012

FISCAL NOTE

**STATE OF ALASKA
2012 LEGISLATIVE SESSION**

BILL NO. HB 347

Analysis

This bill authorizes municipalities to expend funds to influence the outcome of a statewide ballot initiative, if the expenditure is approved by voters. It also adds a requirement that if a municipality authorizes funds to be spent to influence the outcome of a ballot initiative election, the expenditures must be reported to the Alaska Public Offices Commission.

There is no anticipated fiscal impact to the Division of Community and Regional Affairs.



City of Homer

City Manager

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907-235-8121, X-2222

Fax (907) 235-3148 E-mail: wwrede@ci.homer.ak.us Web Site: www.ci.homer.ak.us

March 30, 2012

Chair Gatto
House Judiciary Committee
State Capitol
Juneau, AK 99801

RE: HB 347 "An Act prohibiting the use of municipal funds to support or oppose an initiative proposal to circulate a petition for a ballot initiative, or to influence the outcome of an election concerning a ballot initiative, without approval by municipal voters at an election."

Dear Chair Gatto,

The City of Homer appreciates the opportunity to comment on HB 347 which is currently before your committee and scheduled to be heard on Monday.

A municipality has the duty to educate and inform constituents about ballot initiatives so the people can make an educated choice when voting on an initiative. I am concerned that HB 347 would restrict a municipality's ability to provide factual information to the voting public. AS.15.13.145(b) already requires that if a municipality is going to take a position or advocate for an initiative they must appropriate any funds spent on such advocacy through an ordinance. This provides for an accountable public process regarding the advocacy action. Requiring a special election before spending any funds on advocacy activity would be expensive and not allow enough time for the meaningful distribution of information.

HB 347 would have a negative impact on informed public discourse and I urge you not to support this legislation in its current form.

Thank you for your time and attention.

Sincerely,

Walt Wrede
City Manager, City of Homer

Cc:

Representative Thompson

Representative Keller

Representative Lynn

Representative Pruitt

Representative Gruenberg

Representative Holmes

Representative Hawker

Representative Seaton

Senator Stevens

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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Mail Stop 3101

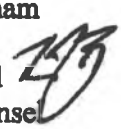
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 2, 2012

SUBJECT: Questions relating to the constitutionality of HB 347
(Work Order No. 27-LS1396A)

TO: Representative Kurt Olson
Attn: Anna Latham

FROM: Alpheus Bullard 
Legislative Counsel

4/2/12

Rep. Gruenberg:
State cases?

Anna asked two questions about HB 347. The questions, and my responses are below. Please note that I have paraphrased the questions for clarity.

Does HB 347 raise any issues under either the state or federal constitutions? Do municipalities have a right to "free speech" under the United States' Constitution?

It is my legal opinion that HB 347, which prohibits the use of municipal funds to support or oppose an initiative proposal, to circulate a petition for a ballot initiative, or to influence the outcome of an election concerning a ballot initiative, without approval by municipal voters at an election, is constitutional under the free speech clauses of both the state and federal constitutions, and I do not see any other potential constitutional issues.

You asked whether municipalities have a right to "free speech." This is a broad question involving the complex "government speech doctrine" that itself, exists in a larger body of First Amendment jurisprudence which has been evolving rapidly in the last few years.¹ Accordingly, I've limited my response to the subject of HB 347, a state constraint on certain municipal expenditures.

Under our system of government in which voters' opinions are supposed to shape the policies of government, the expenditure of municipal funds to influence voter opinion

¹ See *Citizens United v. Federal Election Commission*, 558 U.S. ___, 130 S. Ct. 876 (January 21, 2010) (government cannot suppress political speech, in the form of independent election campaign expenditures, on the basis of the speaker's corporate identity), *Holder v. Humanitarian Law Project*, 561 U.S. ___, 130 S. Ct. 2705 (June 21, 2010) (upholding a federal law prohibiting material support to groups designated as terrorists, this is the first time a restriction on political speech has survived the strict scrutiny test) and *Sorrell v. IMS Health Inc.*, ___ U.S. ___, 131 S. Ct. 2653, (June 23, 2011) (some government restrictions on commercial speech should be subjected to some sort of "heightened" scrutiny as opposed to "intermediate" scrutiny).

Representative Kurt Olson
April 2, 2012
Page 2

could easily be construed as a threat to democratic electoral processes. The distinctive role played by government as both a possible threat to, and participant in, our system of freedom of expression warrants caution in analyzing municipal speech as a subject of First Amendment protection. However, in application to HB 347, the issue is not complex, because it involves a state statutory limitation on municipal speech.

Political subdivisions of States--counties, cities, or whatever--never were and never have been considered as sovereign entities." *Reynolds v. Sims*, 377 U.S. 533, 575, 84 S. Ct. 1362, 12 L. Ed. 2d 506 (1964). They are instead "subordinate governmental instrumentalities created by the State to assist in the carrying out of state governmental functions." *Ibid.*; see also *Louisiana ex rel. Folsom v. Mayor and Administrators of New Orleans*, 109 U.S. 285, 287, 3 S. Ct. 211, 27 L. Ed. 936 (1883) ("Municipal corporations are instrumentalities of the State for the convenient administration of government within their limits"). State political subdivisions are "merely . . . department[s] of the State, and the State may withhold, grant or withdraw powers and privileges as it sees fit." *Trenton v. New Jersey*, 262 U.S. 182, 187, 43 S. Ct. 534, 67 L. Ed. 937 (1923) . . .

Ysursa v. Pocatello Educ. Ass'n, 555 U.S. 353, 362 (2009).

A municipality, as a political subdivision of the state, is a subordinate unit of government created by the state to carry out delegated governmental functions. Such a political subdivision, "created by a state for the better ordering of government, has no privileges or immunities under the federal constitution which it may invoke in opposition to the will of its creator." *Id.* at 363 citing *Williams v. Mayor of Baltimore*, 289 U.S. 36, 40, 53 S. Ct. 431, 77 L. Ed. 1015 (1933). The state is the sovereign body from which any municipal power must flow. Consequently, if the legislature decides to limit the authority of a municipality to "speak" in relation to initiative campaigns, the municipality does not enjoy any First Amendment protection from the statutory limitation on municipal expenditures.

Would it be unconstitutional to prohibit the use of municipal funds to support or oppose an initiative proposal, to circulate a petition for a ballot initiative, or to influence the outcome of an election concerning a ballot initiative?

For the reasons articulated above, the legislature could constitutionally prohibit the use of municipal funds to support or oppose an initiative proposal, to circulate a petition for a ballot initiative, or to influence the outcome of an election concerning a ballot initiative with or without the approval of municipal voters.

If you have further questions, please do not hesitate to contact me.

TLAB:plm
12-197.plm

ALASKA STATE LEGISLATURE

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MEMORANDUM

TO: Representative Max Gruenberg

FROM: Anna Latham, Staff to Rep. Olson

DATE: March 27, 2012

RE: HB 347

At the State Affairs meeting on March 22, you asked for any legal research related to HB 347.

Originally our office requested that a bill was drafted prohibiting the payment of initiative petition circulators. This draft had constitutional conflicts, but I am enclosing the related memo from Legal Services because it touches on the issue of free speech and first amendment rights.

I have requested that Legal Services look into the constitutionality of HB 347, particularly regarding the free speech rights of municipalities.

Please feel free to contact our office with any additional questions regarding this bill.

LEGAL SERVICES

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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 19, 2012

SUBJECT: Prohibiting payment of initiative petition circulators
(Work Order No. 27-LS1218\A)

TO: Representative Kurt Olson
Attn: Konrad Jackson

FROM: Alpheus Bullard *TLB*
Legislative Counsel

This memorandum accompanies the draft bill described above. The bill prohibits the payment of initiative petition circulators.¹ This memorandum is to alert you to constitutional issues raised by the bill.

While the legislature may statutorily regulate the initiative process in order to keep the process open, fair, and free of corruption, the United States Supreme Court has held that a state may not prohibit the payment of initiative petition circulators.

In Meyer v. Grant, 486 U.S. 414 (1988), the Supreme Court found a Colorado statute that prohibited payment for the circulation of initiative petitions unconstitutional because the state could not demonstrate that the statute, which burdened initiative sponsors' ability to communicate their message, was necessary in order to meet the state's concerns. The Court found that initiative petition circulation is "core political speech" entitled to substantial First Amendment protection and that states may not burden the exercise of the right to petition through use of the initiative by prohibiting the payment of petition circulators.

If you have questions, would like a bill drafted that provides limitations on how initiative petition circulators may be paid, or if I can be of further assistance, please do not hesitate to contact me.

TLAB:plm:ljw
12-027.plm

Enclosure

¹ The prohibition you requested applies only to circulators soliciting signatures for initiatives. It does not apply to persons soliciting signatures for a referendum (AS 15.45.340(b) and (c)) or recall of an elected state official (AS 15.45.580(b) and (c)).

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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GOVERNOR

LABOR & STATE AFFAIRS
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PHONE: (907) 269-6612
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March 27, 2012

Anna Latham, Legislative Aide
Office of Representative Olson
State Capitol, Room 24
Juneau, Alaska 99801

Re: House Bill No. 347

Dear Ms. Latham,

You have asked two questions about House Bill No. 347—a bill which will limit a municipality's ability to appropriate public money to support or oppose a ballot initiative or question. Your first question was whether this proposed law infringes on a municipality's free speech rights. The answer is no. Second, you asked whether the law would prohibit a municipal officer from flying to Juneau to testify on issues related to their district during session. The answer is also no. Allow me to elaborate.

First, House Bill No. 347 is constitutional.

Governmental entities—including municipalities—have no independent First Amendment rights.¹ Municipalities are not treated like individual citizens for purposes of constitutional inquiries, and the legislature is allowed to restrict municipal appropriations for speech related activities.² Recently, in *Associated Students of Univ. of Cal. at Santa Barbara v. Regents of the Univ. of Cal.*, a federal district court held that a public university's decision to prohibit using public funds for ballot initiative speech was not a violation of a student group's constitutional rights.³

¹ See, e.g., *Demery v. Arpaio*, 378 F.3d 1020, 1032-33 (9th Cir. 2004) (affirming that “the Bill of Rights protects the individual from the government, not the other way around”).

² *Buckley v. Valeo*, 424 U.S. 1, 93-108 (1976). See also *Regan v. Taxation with Representation of Washington*, 461 U.S. 540, 546, 549 (1983) (affirming that First Amendment rights do not require state subsidization of First Amendment speech).

³ *Associated Students of Univ. of Cal. at Santa Barbara v. Regents of the Univ. of Cal.*, 2007 WL 196747, at 4 (N.D. Cal. 2007).

In House Bill No. 347, the legislature proposes to limit a municipality's ability to spend during the ballot initiative process. The new law would allow a municipality to appropriate ballot initiative funds only if, by popular vote, the citizens of the municipality agree to do so. The legislature is also considering whether to eliminate the municipality's ability to fund ballot initiative activities altogether. Either law would be constitutional. If challenged, there would be no genuine issue of fact regarding whether the money appropriated was public money. As such, the legislature's decision to restrict funding is simply a decision not to subsidize free speech; a choice which is always at the discretion of the legislature.⁴ And because this law would not restrict an individual's freedom of speech, it is constitutional.

Second, House Bill No. 347 does not prevent a municipal member from representing the district's interests during the legislative session. Municipal officers acting within the scope of their duties are exempt from Alaska's comprehensive lobbying laws.⁵ Appropriating funds for a municipal officer to travel to Juneau during session to "lobby" is not implicated by House Bill No. 347.⁶

Sincerely,

MICHAEL C. GERAGHTY
ATTORNEY GENERAL

By: 

John M. Ptacin
Assistant Attorney General

JMP/ljt

cc: Deborah Behr, Section Chief, Department of Law, Legislation & Regulations
Section (*via email*)
Cori Badgley, Legislative Liaison, Department of Law, Legislation & Regulations
Section (*via email*)

⁴ *Id.* at 8.

⁵ AS 24.45.161(a)(2) (2010).

⁶ Under House Bill No. 347, a municipal member could not go to Juneau during session solely for purposes of ballot initiative advocacy. But that is not likely ever the intention of sending a municipal member to Juneau during the session.

AMENDMENT # 6

OFFERED IN THE HOUSE
TO: HB 347

M BY REPRESENTATIVE GRUENBERG

- 1 Page 1, line 4, following "election":
- 2 Insert "; and providing for an effective date"
- 3
- 4 Page 2, following line 4:
- 5 Insert a new bill section to read:
- 6 "* Sec. 3. This Act takes effect August 29, 2012."

OK.
passed

Melanie Lesh
465-2029

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: HB 347

1 Page 1, line 1:

2 Delete "**municipal funds**"

3 Insert "**state funds held by a municipality**"

4

5 Page 1, line 2:

6 Delete "**an**"

7 Insert "**a state**"

8

9 Page 1, line 4, following "**election**":

10 Insert "**;** relating to the reporting of certain expenditures ~~to influence the outcome~~
11 ~~of an election~~"

12

13 Page 1, line 8:

14 Delete "**an**"

15 Insert "**a state** [AN]"

16

17 Page 1, line 13:

18 Delete "**Money**"

19 Insert "**State money**"

20

21 Page 1, line 14, through page 2, line 1:

22 Delete "**or filed with a municipal clerk under AS 29.26.110**"

23

- 1 Page 2, line 2:
- 2 Delete "an"
- 3 Insert "a state"

4/2/12

27-LS1396A.3
Bullard
4/2/12

AMENDMENT # 1

OFFERED IN THE HOUSE
TO: HB 347

M BY REPRESENTATIVE GRUENBERG

- 1 Page 2, line ⁴2, following "election":
- 2 Insert "paid for by the state"

M amdt. to amdt. Δ 4 . OK.

Statewide elect.
Rep. Gruenberg - Cost of 1st elect.
would have to be pd by state

Rep. Olson amdt. would mean
state paid twice. Reimburse
local govts...? for cost of

Call vote:

Y	N
11	111

failed

AMENDMENT

#3

OFFERED IN THE HOUSE
TO: HB 347

BY REPRESENTATIVE GRUENBERG

fails

- 1 Page 2, line 4, following "election.":
- 2 Insert "However, if the municipality fails to have the use of funds for that purpose
- 3 approved by municipal voters, or if the result of the election to have the use of funds approved
- 4 by municipal voters is not certified before the date of the election at which the initiative will
- 5 be on the ballot, the results of the election on the initiative may not be invalidated on the basis
- 6 of failure of the municipality to comply with this subsection."

Rep. Gruenb: munic. could just ignore if they fail to have pre-election.

RG: spent \$ you're first having
DH: pre-election - is the whole election potent.
invalid?

RP: recess analogy.

RT:

Y	N
—	—

Leg ✓

27-LS1396A.5
Bullard
4/2/12

#6

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 347

m
— BY REPRESENTATIVE GRUENBERG
w/d Obj. Keller

- 1 Page 1, line 4, following "election":
- 2 Insert "; and providing for an effective date"
- 3
- 4 Page 2, following line 4:
- 5 Insert a new bill section to read:
- 6 "* **Sec. 3.** This Act takes effect August 29, 2012."

O.K.

max. after primary.
Olson: OK.

AMENDMENT #4

OFFERED IN THE HOUSE
TO: HB 347

M BY REPRESENTATIVE GRUENBERG

withdrawn

1 Page 1, line 4, following "election":

2 Insert "; and relating to the liability of municipal officials"

3
4 Page 1, line 12:

5 Delete "a new subsection"

6 Insert "new subsections"

7
8 Page 2, following line 4:

9 Insert a new subsection to read:

10 "(f) A municipal official may not be held liable for the failure of a
11 municipality to comply with (e) of this section."

Rep. Olson: no problem.

Rep. Lynn: ? immunity

AB: not sure.

Rep. Gruenberg: violation

§ 'corrupt practice'

As 15.56

penalty?

not sure

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 347

BY REPRESENTATIVE GRUENBERG

1 Page 1, line 1:

2 Delete "**prohibiting**"

3 Insert "**relating to**"

4

5 Page 1, lines 3 - 4:

6 Delete ", **without approval by municipal voters at an election**"

7

8 Page 1, line 8:

9 Delete "**or if an**"

10 Insert "**unless the**"

11

12 Page 1, line 9:

13 Delete "**authorized**"

14 Insert "**prohibited**"

15

16 Page 2, line 3:

17 Delete "but only if"

18 Insert "unless"

19 Delete "approved"

20 Insert "prohibited"

Say 2029

27-LS1396A.8
Bullard
4/2/12

Conceptual
AMENDMENT #5

OFFERED IN THE HOUSE
TO: HB 347

M BY REPRESENTATIVE GRUENBERG
obj.

1 Page 1, line 1:
2 Delete "**municipal funds**"
3 Insert "**state funds held by a municipality**"

4
5 Page 1, line 2:
6 Delete "**an**"
7 Insert "**a state**"

OK
amdt to amdt.

am. (8
9 Page 1, line 4, following "**election**":
10 Insert "**; relating to the reporting of certain expenditures to influence the outcome**
11 **of an election**"

OK !

12
13 Page 1, line 8:
14 Delete "**an**"
15 Insert "**a state** [AN]"

16
17 Page 1, line 13:
18 Delete "**Money**"
19 Insert "**State money**"

20
21 Page 1, line 14, through page 2, line 1:
22 Delete "**or filed with a municipal clerk under AS 29.26.110**"
23

- 1 Page 2, line 2:
- 2 Delete "an"
- 3 Insert "a state"

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 347

BY REPRESENTATIVE GRUENBERG

1 Page 1, line 1:

2 Delete "**municipal funds**"

3 Insert "**state funds held by a municipality**"

4

5 Page 1, line 2:

6 Delete "**an**"

7 Insert "**a state**"

8

9 Page 1, line 4, following "**election**":

10 Insert "**; relating to the reporting of certain expenditures to influence the outcome**
11 **of an election**"

12

13 Page 1, line 8:

14 Delete "**an**"

15 Insert "**a state** [AN]"

16

17 Page 1, line 13:

18 Delete "**Money**"

19 Insert "**State money**"

20

21 Page 1, line 14, through page 2, line 1:

22 Delete "**or filed with a municipal clerk under AS 29.26.110**"

23

HJUD 4/2/12

27-LS1396A.9
Bullard
4/2/12

AMENDMENT #2

OFFERED IN THE HOUSE
TO: HB 347

M BY REPRESENTATIVE GRUENBERG
obj. Keller

1 Page 1, line 1:

2 Delete "**prohibiting**"

3 Insert "**relating to**"

4

5 Page 1, line 2, following "**proposal**":

6 Insert "**or**"

7

8 Page 1, lines 2 - 4:

9 Delete ", or to influence the outcome of an election concerning a ballot initiative,
10 without approval by municipal voters at an election"

11

12 Page 1, line 9:

13 Delete "by municipal voters"

14

15 Page 2, line 1:

16 Delete "AS 29.26.110,"

17 Insert "AS 29.26.110 or"

18

19 Page 2, lines 1 - 3:

20 Delete ", or, subject to (b) of this section, to influence the outcome of an election
21 concerning a ballot initiative"

22

23 Page 2, lines 3 - 4:

Rep. Gruenberg:
Same std. as other ballot
measure.
(AS 15.13.145)

AB: This applies to
petitions, etc.

KO: late amdt.

Y N
— —
11 111

1 Delete "use of the funds for that purpose has been approved by municipal voters at an
2 election"

3 Insert "funds for that purpose have been specifically appropriated for that purpose by a
4 municipal ordinance"

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 347

BY REPRESENTATIVE GRUENBERG

1 Page 1, line 1:

2 Delete "**prohibiting**"

3 Insert "**relating to**"

4

5 Page 1, line 2, following "**proposal**":

6 Insert " ,"

7

8 Page 1, lines 3 - 4:

9 Delete "**, without approval by municipal voters at an election**"

10

11 Page 1, line 9:

12 Delete "**authorized by municipal voters**"

13 Insert "**made by a municipality**"

14

15 Page 2, lines 3 - 4:

16 Delete "only if use of the funds for that purpose has been approved by municipal
17 voters at an election"

18 Insert "a municipality shall identify

19 (1) each source of funding used for that purpose; and

20 (2) for each source of funding over \$1,000, the amount of funds provided"

A M E N D M E N T

OFFERED IN THE HOUSE
TO: HB 347

BY REPRESENTATIVE GRUENBERG

1 Page 1, line 1, following "of":

2 Insert "**certain**"

3

4 Page 2, line 3, following "if":

5 Insert

6 "(1)"

7

8 Page 2, line 4, following "election":

9 Insert "; or

10 (2) the funds were contributed to the municipality by a private person
11 for the purpose of supporting or opposing the initiative"

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 347

BY REPRESENTATIVE GRUENBERG

1 Page 1, line 1, following "of":

2 Insert "**certain**"

3

4 Page 1, line 2, following "**proposal**":

5 Insert ","

6

7 Page 2, line 3, following "if":

8 Insert

9 "(1)"

10

11 Page 2, line 4, following "election":

12 Insert "; or

13 (2) the amount of funds used by the municipality for that purpose
14 would be less than the estimated cost of holding the election at which municipal voters
15 would approve or disapprove the use of funds for that purpose"

House Judiciary ~ Monday, April 2nd, 2012

(GAVEL IN) Let's call this meeting of the House Judiciary Committee to order.

It is ____ p.m. Monday, April 2nd, 2012.

Present are:

___ Representative Thompson

___ Representative Lynn

___ Representative Keller

___ Representative Pruitt

___ Representative Gruenberg

___ Representative Holmes

___ and Myself, Representative Gatto

First – I would like to Thank Rep. Steve Thompson for stepping up to Chair the House Judiciary Committee in my absence. From all reports, and as I personally witnessed, thanks to Gavel to Gavel, he has done an admirable job. Thank you.

Secondly – Let's move on to Housekeeping: Please disable your electronic devices, if they're left on - even on vibrate - they may interfere with the recording system. Thank you.

We have new bill today:

HB 347

USE OF MUNICIPAL FUNDS FOR INITIATIVES

"An Act prohibiting the use of municipal funds to support or oppose an initiative proposal to circulate a petition for a ballot initiative, or to influence the outcome of an election concerning a ballot initiative, without approval by municipal voters at an election."

Here to continue discussing the bill is Rep. Kurt Olson and/Anna Latham, Staff to Rep. Olson

Rep. Olson, please come to the table, put your name on the record and let us take up where we ~~left off~~ on HB 347.

BILL PRESENTATION

Thank you Representative Olson.

Is there anyone online or in the room who would like to provide public testimony?

Public testimony:

KO - Paid signature gatherers.
- Kathy Wasserman AML

- Walt Wrede , City Manager, City of Homer (I believe he will be on the offnet)

_____ please put your name and affiliation on the record and begin your testimony.

Does the committee have any questions for _____.

Is there anyone else who would like to provide public testimony on HB 347?

Public comment is now closed.

That brings the bill, HB 347 back before the committee for discussion. Are there any further questions for the sponsor?

Can I have a motion to move HB 347, (27-LS1396/A), with individual recommendations, and with attached fiscal note from committee?

Rep. Thompson: I move to report HB 347, (27-LS1396/A), with committee recommendations, and with attached fiscal note from committee.

Any objection, have Susan call the roll. If not, HB 347 moves from committee.

On Wednesday we will hear:

(H)JUDICIARY

Apr 04 Wednesday 1:00 CAPITOL 120

+ **SB 82** FOSTER CARE LICENSING/STATE CUSTODY

+ **HB 269** COMMON INTEREST COMMUNITIES

+ Bills Previously Heard/Scheduled

Having concluded our scheduled business for today... At _____
p.m., I adjourn today's meeting of the House Judiciary Committee (GAVEL
OUT).