

ALASKA LEGISLATURE

1925

HOUSE and SENATE FINANCE COMMITTEE FILES, 1999 - 2000

REV

CODE ORDINANCE

By: M. Scott
Introduced: 9/18/98
Public Hearing: 9/29/98
Adopted: 9/29/98

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 98-134**

AN ORDINANCE AMENDING MATANUSKA-SUSITNA BOROUGH 1.45 VIOLATIONS, ENFORCEMENTS, AND PENALTIES BY ADDING SECTION 1.45.045 AUTHORIZING THE IMPOSITION OF A STATE-IMPOSED SURCHARGE ON CERTAIN PENALTIES.

BE IT ENACTED:

* Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the borough code.


* Section 2. Amendment of chapter. MSB 1.45 is hereby amended by adding a new section to read as follows:

1.45.045 PENALTY SURCHARGE AUTHORIZATION AND COLLECTION.

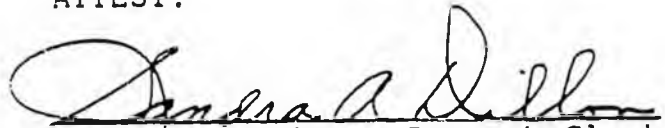
The surcharge required to be imposed pursuant to AS 12.55.039 is authorized and shall be imposed as a surcharge on penalties imposed for the violation of an ordinance, code provision, or regulation of the Matanuska-Susitna Borough brought under a citation or criminal complaint that would require a proceeding in the Alaska court system if the defendant were to enter a plea of not guilty. The court may impose and collect the surcharge on all penalties imposed by the court or fines and bail forfeitures that are paid to the court.

Section 3. Effective date. Ordinance Serial No. 98-134 shall take effect upon adoption by the borough assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 29th day of September, 1998.


DARCIE K. SALMON, Borough Mayor

ATTEST:


SANDRA A. DILLON, Borough Clerk

(SEAL)

PERKINS COIE LLP

1029 WEST THIRD AVENUE, SUITE 300 • ANCHORAGE, ALASKA 99501-1970
TELEPHONE: 907 279-6561 • FACSIMILE: 907 276-3108

February 25, 2000

VIA FACSIMILE - (907) 465-3835

Deb Davidson
Legislative Aide
State Capitol
Juneau, AK 99801

Re: House Bill 43 "An act relating to police training surcharges imposed for violations of municipal ordinances"

Dear Ms. Davidson:

Thank you for your letter of February 17, 2000, inviting me to comment on House Bill 43.

I still believe that AS 29.25.074 is completely unnecessary, and should be repealed in its entirety. You referred to court system personnel reservations about whether the Legislature has the ability to require imposition of surcharges on municipal ordinance violations without such a provision. Such concerns seem baseless. Whatever is required in AS 29.25.074(a) could just as well be required in AS 12.55.039, and, I submit, it already is. This statute creates a surcharge imposed by the State for the benefit of the State for services rendered by the State. It seems silly that the legislation requires the cities' "authorization" to collect a surcharge when they have no power to refuse. AS 12.55.039 is clear that the surcharge must be collected. The cities' so-called authorization is mere charade.

However, because you indicate that AS 29.25.074 will be retained, I do have a suggestion to improve the provision that will allow the cities to avoid unnecessary entanglement in the collection of and accounting for the state surcharge. I suggest that AS 29.25.074(a) be amended to read as follows:

(a) In addition to any fine or other penalty, a defendant who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of a violation of a municipal ordinance for which a surcharge is required to be imposed under AS 12.55.039 shall

{09901-4001/AA003671.386}

February 25, 2000

Page 2

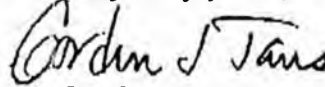
be assessed the applicable surcharge. The surcharge shall be collected and deposited into the general fund of the state under AS 12.55.039 and accounted for under AS 37.05.142.

As you can see, this proposal eliminates transferring money from the state court system to the municipalities and then back to the state. It also eliminates the need for the Legislature to appropriate a ten percent reimbursement to the municipalities.

I think this approach makes a lot more sense and will turn out to be a much more efficient way of getting a state tax into the state coffers.

Thank you again for asking for my comments on HB 43.

Very truly yours,



Gordon J Tans

GJT:sc

cc: Walton Smith

PERKINS COIE LLP

1029 WEST THIRD AVENUE, SUITE 300 • ANCHORAGE, ALASKA 99501-1970
TELEPHONE: 907 279-8561 • FACSIMILE: 907 276-3108

GORDON J TANS
TANSO@PERKINSCOIE.COM

February 4, 1999

Via Facsimile

Representative Gary Davis
State Capitol
Juneau, AK 99801

Re: House Bill 43

Dear Representative Davis:

I want to thank you and your staff for inviting me to comment on House Bill 43, which relates to Chapter 56 SLA 1998. This bill addresses the police training surcharges imposed for violation of municipal ordinances.

As a city attorney for seven Alaska cities, I see big problems with AS 29.25.074, which provides:

(a) A municipality may not enforce an ordinance for which a fine of \$30 or more or imprisonment is prescribed as a penalty unless the municipality authorizes the imprisonment of and provides for the collection of the surcharge required to be imposed under AS 12.55.039. The surcharge shall be deposited into the general fund of the state and accounted for under AS 37.05.142. Subject to appropriation, the legislature may reimburse a municipality that collects a surcharge required to be imposed under AS 12.55.039 for the cost to the municipality in collecting the surcharge and transmitting the surcharge to the state. The reimbursement may not exceed 10 percent of the surcharge collected and transmitted to the state.

(b) This section applies to home rule and general law municipalities. (§ 8 oh 56 SLA 1998)

[09901-0001/AA990330.019]

Representative Davis
February 4, 1999
Page 2

As I look at these statutes, I see no purpose whatsoever for AS 29.25.074, and I especially see no reason why the legislature should choose to render a municipal ordinance unenforceable in these circumstances. AS 12.55.039, which imposes the surcharge, is completely self-sufficient. It effectively imposes the surcharge, and a city or other municipality does not need to do any more to have the state collect the surcharge. AS 29.25.074(a) is simply superfluous.

Furthermore, something needs to be done to effect proper implementation of this law. One of the cities I represent was told by the local magistrate that the court system (a state agency) would collect the surcharge and pay it over to the city. Why doesn't the court system pay the money directly to the state general fund, where it must go according to statute? When the state pays it to the city, then the city must receive, account for, and then pay it right back to the state, all at an administrative expense that is not sufficiently covered by the 10 percent reimbursement clause. What is the point to this circuitous route of money handling? It is causing at least one city manager considerable aggravation.

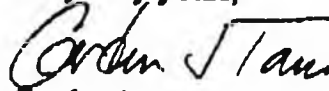
What am I missing here? What is the concern that AS 29.25.074 is supposed to address? Is there a concern that a municipality will itself collect a surcharge pursuant to an ordinance enforcement program that does not include the court system? If that is the issue, then it should be addressed in plain terms by requiring the city to pay over any directly collected surcharges to the state. There is no need to impose the draconian measure of rendering all municipal ordinances unenforceable if the municipality fails to adopt a surcharge that is already effectively imposed by state law. In my view, HB 43 does nothing to improve AS 29.25.074. There is no practical difference between making the ordinance unenforceable or making the penalty unenforceable.

As enacted in 1998, AS 29.25.074 just doesn't make any sense to me. And I am afraid that HB 43, section 2, just doesn't solve the problems I see. I urge the legislature to seriously consider repealing AS 29.25.074 in its entirety. I don't see that anything would be missing -- the surcharge would continue to be collected under the authority of AS 12.55.039, which by its own terms clearly applies to violations of municipal ordinances.

Representative Davis
February 4, 1999
Page 3

Again, thank you for sending me a copy of this bill and giving me a chance to have my say.

Very truly yours,


Gordon J Tans

GJT:go



Fairbanks North Star Borough

Office of the Mayor

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1300

Fax 907/459-1100

Email mayor@co.fairbanks.ak.us

March 4, 1999

The Honorable Gary Davis
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Re: HB 43

Dear Representative Davis:

Thank you for your letter of January 22 regarding HB 43. We appreciate your willingness to revisit the police training surcharge on violations of municipal ordinances.

We agree that the addition of the phrase "a penalty for violation of" in AS 29.25.074(a) (HB 43, p.2, line 9) would be helpful. It is possible that a municipality could choose to request an injunction (rather than a fine) to enforce an ordinance, and the failure to impose a surcharge should not cause the entire ordinance to be found invalid.

We would, however, like to request that the legislature exempt from the surcharge municipalities such as the Fairbanks North Star Borough that have no law enforcement powers, and therefore no police training program. The borough does not appear eligible to receive surcharge funds from the Alaska police training fund, since AS 18.65.225 authorizes appropriations to "municipalities that conduct their own police training programs."

The only violations for which the Fairbanks North Star Borough has routinely imposed penalties are on animal control citations. Since September, 1998, this borough has collected \$100 in surcharges, an average of \$20 per month. The cost

Letter to Representative Davis

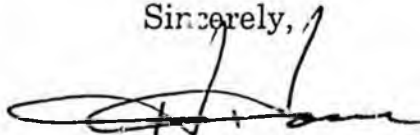
March 4, 1999

Page 2

of accounting, collection, and transmitting this minimal amount is hardly cost-effective for either the borough or the state.

While we appreciate the concept of requiring offenders to contribute toward the cost of police training, the legislation passed last year imposed an additional burden on the borough without any apparent benefit.

Sincerely,

A handwritten signature in black ink, appearing to read "Hank Hove", written over a horizontal line.

Hank Hove
Mayor

HH:rlf

HICKS, BOYD, CHANDLER & FALCONER

ATTORNEYS AT LAW
SUITE 200
825 WEST EIGHTH AVENUE
ANCHORAGE, ALASKA 99501
TELEPHONE: (907) 272-8401
TELECOPIER: (907) 274-3698

February 18, 1999

VIA FACSIMILE - (907) 465-3835

Ms. Deborah L. Davidson
Legislative Aide
to Representative Gary Davis
State Capitol
Juneau, AK 99801

RE: Comments to HB 43

Dear Ms. Davidson:

Thank-you for inviting my comments to HB 43 introduced by Representative Davis. Indeed, there is a need to revisit the 1998 amendment to AS 12.55.039. I represent a number of municipalities throughout the State. We learned to our chagrin last year that the surcharge amendment, which we assumed had only been intended to apply to municipal traffic violations, applied to every municipal violation, civil or criminal.

The 1998 revisions have forced municipalities to scurry to revise their codes so that the courts will assess fines imposed under municipal ordinance for zoning, sales tax, animal control and similar violations. For instance, in Nome, Judge Esch would not assess a fine for curfew violations until the City could provide him with a copy of the amending ordinance. In several cases, municipalities have had to pass more than twenty (20) amendments to their respective codes to authorize the collection of the surcharge now required to be imposed by AS 12.55.039.

Here are our comments on the proposed legislation:

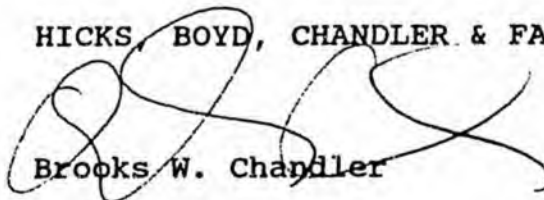
Section 1. I recommend adding the word "criminal" before the word "penalty" to avoid a possible ambiguity.

Ms. Deborah L. Davidson
February 18, 1999
Page 2

Section 2. Thank you for this amendment. Last year's legislation created a possible loophole to enforcement of a zoning ordinance, for instance, only because there was no surcharge to any penalty associated with the zoning ordinance. This amendment solves this unintended result. On behalf of our municipal clients, I appreciate the efforts of Representative Davis.

Very truly yours,

HICKS, BOYD, CHANDLER & FALCONER



Brooks W. Chandler

BWC/lhf
kas@ourchrg.kr

KETCHIKAN GATEWAY BOROUGH

Office of the Borough Attorney • 344 Front Street • Ketchikan, Alaska 99901

Scott A. Brandt-Erichsen
Borough Attorney

(907) 228-6635
Fax: (907) 247-6625

January 29, 1999

Deborah L. Davidson
Legislative Aide
145 Main Street, Lp., 223
Kenai, Alaska 99611

Dear Ms. Davidson:

Thank you for the copy of the proposed House Bill 43 provided with your letter dated January 22, 1999. Like many other communities, the Ketchikan Gateway Borough found it necessary to adopt a change to its municipal code last fall in order to address the enforcement difficulty created by the new AS 29.25.074.

Your letter indicates that there are two problems that HB 43 seeks to address: 1) application of AS 29.25.074 to civil enforcement actions; and 2) the risk that a municipal ordinance could be declared invalid for failure to impose the statutorily required surcharge.

While I concur that these two issues should be addressed, and while the Ketchikan Gateway Borough has largely avoided the problem for the present by enacting a surcharge provision as required, I am concerned about the civil/criminal penalty distinction.

The Ketchikan Gateway Borough Code, like that in many other communities, contains a catch-all penalty section which states, in essence, that any violation of the code is subject to punishment through "a fine of up to \$500.00, or up to 30 days imprisonment, or both such fine or imprisonment." A copy of Ketchikan Gateway Borough Code section 1.10.030 as it appeared prior to the addition of the surcharge is attached. By comparison, Anchorage Municipal Code section 1.45.010, as of my most recent supplement, had a general penalty of \$300.00 or 30 days imprisonment. My copy of Fairbanks North Star Borough Code section 1.04.010 provides for a \$1000.00 fine, imprisonment of up to 90 days, or both.

Letter to Deborah L. Davidson
January 27, 1999
Page 2

Because each code violation thus carries with it a potential incarceration, unless a specific penalty is provided for which does not include incarceration, the terminology "misdemeanor or a violation of municipal ordinance" on line 12 of the bill will impact more municipal offenses than may be intended. AS 11.81.900 defines a misdemeanor as a crime for which a sentence of imprisonment for a term of more than one year may not be imposed. If misdemeanor is intended to apply to all offenses for which any period of incarceration under a year may be imposed, even if that period is a maximum of thirty to ninety days, then the \$50.00 surcharge would apply to all municipal code violations under the Ketchikan Gateway Borough code, except for those violations which specifically provide for a penalty that does not include incarceration.

I would suggest that the higher \$50.00 surcharge only be applied where the period of incarceration may be greater than 6 months. Otherwise, a \$50.00 fine for firecrackers, for example, would potentially include a \$50.00 surcharge.

If you have questions regarding this letter, please contact me at your convenience.

Sincerely,

KETCHIKAN GATEWAY BOROUGH



Scott A. Brandt-Erichsen
Borough Attorney

Enclosure

cc:

Georgianna Zimmerle, Borough Manager w/o encl.
Sue Bethel, Borough Clerk w/o encl.
Geoffrey Bullock, KGB Lobbyist w/o encl.
Gerald Lee Sharp, Esq., Preston, Gates & Ellis w/o encl.
Michael Gatti, Attorney for Mat-Su Borough w/o encl.
Ardith Lynch, Attorney for Fairbanks North Star Borough w/o encl.
Colette Thompson, Attorney for Kenai Peninsula Borough w/o encl.

Letter to Deborah L. Davidson
January 27, 1999
Page 3

Colette Thompson, Attorney for Kenai Peninsula Borough w/o encl.
John Corso, Attorney for City and Borough of Juneau w/o encl.
Theron Cole, Attorney for City and Borough of Sitka w/o encl.
Joe Levesque, Attorney for North Slope Borough w/o encl.
Mary Hughes, Attorney for the Municipality of Anchorage w/o encl.

ss/1/asl.hb43

of the Code, also includes the causing, securing, aiding or abetting of another person to do said act; and such causing, securing, aiding or abetting of a prohibited act is itself a prohibited act.
(Code 1969, § 1.10.030)

State law reference—Accessories and accomplices, AS 12.15.

Sec. 1.10.030. General penalty.

Every act prohibited by the Code, or the omission or failure to perform any act required by the Code, is a misdemeanor and, unless another penalty is elsewhere expressly provided for such act, omission or failure, every person convicted of a violation of any provision of this Code shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

The penalty provided by this section shall, unless a penalty is expressly elsewhere provided, apply to the amendment of any section of the Code whether or not such penalty is reenacted in the amendatory ordinance.

(Code 1969, § 1.10.040)

Annotations—Under an ordinance providing that violators shall be punished by a fine or by imprisonment a municipal magistrate clearly exceeded his authority when he imposed a sentence of both fine and imprisonment. *Lapham v. Haines*, 374 P2d 239, 1962.

The requirement for a jury trial on petty offenses is extended to any criminal prosecution in which a direct penalty of incarceration may be included. It also includes offenses that may result in loss of a valuable license, such as a driver's license or a license to pursue a common calling, occupation, or business. The only exclusions are such relatively innocuous offenses as wrongful parking, minor traffic violations, and violations relating to regulation of property, sanitation, building codes, fire codes, and other legal measures that are regulatory rather than criminal. *Baker v. Fairbanks*, 471 P2d 386, 1970.

State law reference—Penalties, AS 29.48.200.

Sec. 1.10.035. Headings.

The catchlines of the several sections of this Code printed in boldface type, titles, headings, chapter heads, section and subsection heads or titles, editor's notes, cross references and state law references, unless set out in the body of the section itself,

HB

45

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 26, 1999

FURTHER REFERRALS:

Date of Committee Action: 4/26/99

The FINANCE 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 CS HB 45 (FIN) 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) 1st of Lt 900 2/26/99

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>[Signature]</i>	Thermon			X	
<i>[Signature]</i>	Mindes	✓			
<i>[Signature]</i>	Bunde	✓			
<i>[Signature]</i>	Kubers	X			
<i>[Signature]</i>	Kennedy			X	
<i>[Signature]</i>	J. Davis	X			
<i>[Signature]</i>	Grueszinski	X			
<i>[Signature]</i>	Dr. Davis	X			
<i>[Signature]</i>	Williams	X			
<i>[Signature]</i>	Foster	X			

CHAIR'S SIGNATURE _____

[Signature]
Thermon

[Signature]
Mindes

FISCAL NOTE

Bill Version: CSHB 45 (STA)
(H) Publish Date: 2/26/99

STATE OF ALASKA 1999 LEGISLATIVE SESSION

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						
TOTAL OPERATING	3.0	0.0	0.0	0.0	0.0	0.0

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

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

Estimate of any current year (FY99) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This figure includes the cost of 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 Gall Fenumia Phone 465-3935
 Division Division of Elections Date/Time 2/9/99 9:45 AM
 Approved by C. Lt. Governor Fran Ulmer Date 2/9/99
 Agency Office of the Lieutenant Governor

FISCAL NOTE

Bill Version: CSHB 45 (STA)
 (H) Publish Date: 2/26/99

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

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pg 2 line 1

CS FOR HOUSE BILL NO. 45(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/26/99

Referred: Finance

Sponsor(s): REPRESENTATIVE WILLIAMS

A BILL

FOR AN ACT ENTITLED

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

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

4 * Section 1. AS 15.45.140 is amended to read:

5 Sec. 15.45.140. Filing of petition. (a) The sponsors must file the initiative
6 petition within one year from the time the sponsors received notice from the lieutenant
7 governor that the petitions were ready for delivery to them. The [, AND THE]
8 petition may be filed with the lieutenant governor only if it meets all of the
9 following requirements: it is [MUST BE] signed by qualified voters

10 (1) equal in number to 10 percent of those who voted in the preceding
11 general election;

12 (2) [AND] resident in at least three-fourths [TWO-THIRDS] of the
13 house [ELECTION] districts of the state; and

14 (3) who, in each of the house districts described in (2) of this

1 subsection, are equal in number to at least 10 percent of those who voted in the
 2 preceding general election in the house district.

3 (b) If the petition is not filed within the one year period provided for in (a)
 4 of this section, the petition has no force or effect.

5 * Sec. 2. AS 15.45.370 is amended to read:

6 Sec. 15.45.370. Filing of petition. The sponsors may file the petition

7 (1) only within 90 days after the adjournment of the legislative session
 8 at which the act was passed; and

9 (2) only if it meets all of the following requirements: it is signed by
 10 qualified voters

11 (A) equal in number to 10 percent of those who voted in the
 12 preceding general election;

13 (B) [AND] resident in at least three-fourths [TWO-THIRDS]
 14 of the election districts of the state; and

15 (C) who, in each of the house districts described in (B) of
 16 this paragraph, are equal in number to at least 10 percent of those who
 17 voted in the preceding general election in the house district.

18 * Sec. 3. CONDITIONAL EFFECT OF ACT. This Act takes effect only if a constitutional
 19 amendment requiring signatures from 10 percent of the qualified voters who voted in the
 20 district in the preceding general election in each of three-fourths of the house districts of the
 21 state is passed by the legislature and approved by the voters at the 2000 general election.

22 * Sec. 4. If this Act takes effect under sec. 3 of this Act, it takes effect on the effective
 23 date of the amendment described in sec. 3 of this Act.

Alaska State Legislature

Member:
House Finance
Subcommittee Chair:
Transportation
Environmental Conservation
Subcommittee Member:
Fish and Game



Representative William K. Williams

During Session
State Capitol
Juneau, AK 99801-1133
(907) 465-3424
Fax (907) 465-3795

In Ketchikan:
50 Front Street, Suite 203
Ketchikan, AK 99921
(907) 247-4672
Fax (907) 225-7157

Sponsor Statement

CS HJR 7 (STA)/CS HB 45 (STA)

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

The legislation would require signatures from 10% of those who voted in the preceding general election in at least 75% of the house districts for a question to reach the ballot. It also requires signatures from 10% of the total number of voters in the prior election.

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 question after question, of limited perspective, is placed on the ballot.

I urge your support of this legislation.

FISCAL NOTE

Bill Version: CSHB 45 (STA)
 (H) Publish Date: 2/26/99

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Other (Specify Type)						
TOTAL	3.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This figure includes the cost of 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 Fenumial 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

COMMITTEE COPY

HB

45

SFIN

FILE

HB 45

was referred to the
Senate Finance
Committee

Hearing(s) were held

The bill did not move
from Committee

February 3, 2000

MEMO TO FILE

TO: Finance Committee

BILL/RES. NO.: **CSHB 45(FIN) am**

ATTENTION: Heidi, Vicki
Senate Secretary's Office

This bill/resolution has not yet received a **do pass** recommendation.

Please leave this note in the file.

Thank you.

Alaska State Legislature

Member:
House Finance
Subcommittee Chair:
Transportation
Environmental Conservation
Subcommittee Member:
Fish and Game



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 HJR 7/HB 45

HJR 7 and HB 45 were introduced to ensure statewide consideration and discussion of an initiative petition before it is put on the ballot. The legislation requires signatures equal to 10% ballots cast in the prior General Election (same as current law) and 4% of ballots cast from 30 of the 40 Election Districts.

Currently, initiatives can be put onto the ballot with very limited perspective. Constructive analysis of a question, from a statewide perspective, does not currently occur. Right now signatures equaling 10% of ballots cast is required. In addition, initiative sponsors must obtain one signature from 27 districts. One signature from a district is hardly representative of a districts opinion on an issue.

In past elections the greatest support for initiatives has come from one general area of the State, the Anchorage-MatSu region. The legislation is intended to further statewide discussion of an issue before it reaches the voters on Election Day.

Alaska's population distribution is much different now than it was when our Constitution was approved. Today, initiative supporters can collect signatures in a limited area and get a question on the ballot. The legislation will facilitate a broader discussion of potential ballot questions, thus helping to create a balanced question which considers effects on all the citizens of Alaska.

As we write laws in the Capitol many perspectives are taken into account as issues are discussed through the committee process. During this process healthy debate, from representatives of all areas of the state, is conducted. This healthy debate gives all members opportunity to see how their lawmaking will affect areas that they do not represent. Pertinent questions are asked and legislation is constantly amended to take into account those concerns.

In closing, this legislation would get people from all over the state more involved in the initiative process. This in turn can create an atmosphere of healthy debate and ensure questions which reach the ballot have a statewide perspective.

March 27, 2000

Senator Sean Farnell, Co-Chair
Senator John Torgerson, Co-Chair
Senate Finance Committee
5th Floor, Capitol
Juneau, AK 99801

Dear Senators:

I am worried that HB 45 and HJR 7 will not guarantee the citizens of Alaska the ability to fairly participate in the lawmaking process.

I was once involved in a volunteer effort to gather signatures for a ballot initiative. It took up two of my weekend days, and I learned a lot from listening to other's views when asked to sign. It was a great way to personally participate in the public decision-making process on a grassroots level. Alaska is a small enough community to be able to work together to organize and make a difference amongst ourselves. However, if our rights are infringed upon by making it harder to pass citizen initiatives, then getting anything passed will be like one bulldozer trying to move Denali.

The unfairness of big outside special interests that exists now is unfair. By requiring all districts to have more signatures, these two bills take the grassroots volunteer energy that this state was built upon and forces them to go big-time. We are going to be looking at large-scale movements that will take lots more energy and money just to get something up for a vote to the people. I find the large interest and big money in politics disgusting. What you will have, will be exactly that.

Even if a ballot initiative is successful in passing a vote of the public, the legislature still withholds a great deal of power in dealing with the new law. For instance, if they do not like a citizen-passed initiative, the legislature has the power to amend or repeal it after two years. Remember that not all of the energy that has gone into ballot initiatives in the past has been successful.

I ask that you leave the citizens of Alaska accessible rights to pass laws ourselves, not force this issue into a big-money affair.
Sincerely,

Anissa Berry-Frick
PO Box 0118
Port Alexander, AK 99836

Cc: Senate Finance Committee members

**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.

A-1

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 P. HERMANN - Temporary President

THOMAS B. STEWART -- Secretary

KATHERINE T. ALEXANDER -- Chief Clerk

1955

Alaska Place of Date of

Delegate Home Resident Birth Birth

Since

A. mstrong, 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 1933 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

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 onehalf" 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.)

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

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

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 is "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:

C-4

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, Awes, Barr, Boswell, Buckalew, Cooper, Gray, Hellenthal, Johnson, Laws, Londborg, Nolan, Poulsen, Reader, Robertson, Rosswog, Sweeney, Walsh, White, Wien, Mr. President.

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

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 election 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, Cros Hinckel, Johnson, Kilcher, Laws, Londborg, McNealy, Metcalf, Nerland, Poulsen, Reader, R. Rivers, Stewart, Sweeney, Walsh.

Nays: 31 - Barr, Cognill, 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, VanderLceest, 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.

E-1

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 its 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.

F-4

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?

E-5

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

E-6

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, Awes, 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.

F. 2

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. Londborg.

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.

F-3

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.

F-4

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.

F-5

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

F-6

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 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

F-7

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

F-9

can sign this petition, then let them dig into it before they sign it. 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, Londborg, McLaughlin, McNealy, McNees, Marston, Nolan, Poulsen, Reader, R. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Var JerLcest, Walsh, White, Wien, Mr. President.

Nays: 13 - Awes, 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.

6-1

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.

P 13/176

ConsCommitteeInitiatives.doc

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8/13/1970

Constitutional Convention Minutes.doc

Election 1998

of Signatures gathered by District for the 1998 Ballot

	District	Wolf	Terms	Marijuana	English	Billboards		
	1	48	28	34	24	31		
	2	475	52	50	27	103		
	3	1354	678	798	36	630		
	4	1266	746	823	36	409		
	5	224	91	100	25	163		
	6	144	540	520	115	100		
	7	438	421	314	504	1095		
	8	418	508	385	855	540		
	9	243	808	254	588	346		
	10	1027	958	957	1090	1162		
	11	1095	979	1070	1003	1030		
	12	1027	935	1046	980	1017		
	13	1440	966	1136	1013	1569		
	14	821	745	685	645	553		
	15	1432	934	1147	1077	1043		
	16	1403	1154	1369	1099	586		
	17	1253	1193	1327	1228	1011		
	18	1291	972	1132	1096	1640		
	19	1227	1105	1238	1163	1069		
	20	1181	954	1068	1142	1032		
	21	1138	1098	1130	1027	1002		
	22	1106	985	972	995	1142		
	23	640	677	608	614	454		
	24	977	1053	932	871	1072		
	25	863	1059	974	1006	995		
	26	765	870	895	1033	939		
	27	691	963	940	1053	1180		
	28	919	1006	1070	998	851		
	29	481	302	280	407	419		
	30	252	193	174	393	147		
	31	251	205	180	425	150		
	32	121	151	73	284	58		
	33	214	198	166	465	148		
	34	180	153	108	312	98		
	35	205	227	236	271	297		
	36	124	202	214	136	124		
	37	140	180	186	124	113		
	38	113	146	162	87	126		
	39	113	217	161	152	112		
	40	110	145	173	125	182		

		27,210	24,797	25,087	24,524	24,738
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Election 1998 - District Summary

Wolf

4% - 30 Districts
5% - 27 Districts
6% - 25 Districts
7% - 22 Districts
8% - 21 Districts
9% - 21 Districts
10% - 20 Districts

English Only

4% - 32 Districts
5% - 30 Districts
6% - 26 Districts
7% - 25 Districts
8% - 22 Districts
9% - 21 Districts
10% - 21 Districts

Term Limits

4% - 32 Districts
5% - 26 Districts
6% - 26 Districts
7% - 24 Districts
8% - 24 Districts
9% - 23 Districts
10% - 22 Districts

Billboards

4% - 27 Districts
5% - 27 Districts
6% - 25 Districts
7% - 23 Districts
8% - 23 Districts
9% - 21 Districts
10% - 21 Districts

Medical Dope

4% - 27 Districts
5% - 24 Districts
6% - 24 Districts
7% - 23 Districts
8% - 23 Districts
9% - 22 Districts
10% - 22 Districts

Information formatted by Representative Williams based
on data from the Division of Elections.

3/27/2000

Election 1998

Qualified Under New Law?							
District	4%	5%	6%	7%	8%	9%	10%
1	NONE	NONE	NONE	NONE	NONE	NONE	NONE
2	W	NONE	NONE	NONE	NONE	NONE	NONE
3	W,T,E,B	W,T,M,B	W,T,M,B	W,T,M,B	W,T,M,B	W,T,M	W,M
4	W,T,E,B	W,T,M,B	W,T,M	W,T,M	W,T,M	W,T,M	W,T,M
5	W	NONE	NONE	NONE	NONE	NONE	NONE
6	T,M	T,M	T,M	T,M	T,M	T,M	T,M
7	ALL	W,T,E,B	W,T,E,B	E,B	B	B	B
8	ALL	ALL	ALL	W,T,E,B	T,E,B	E,B	E
9	ALL	T,E,B	W,T,E,B	T,E	T,E	T,E	T,E
10	ALL	ALL	ALL	ALL	ALL	ALL	ALL
11	ALL	ALL	ALL	ALL	ALL	ALL	ALL
12	ALL	ALL	ALL	ALL	ALL	ALL	ALL
13	ALL	ALL	ALL	ALL	ALL	ALL	ALL
14	ALL	ALL	ALL	ALL	ALL	ALL	ALL
15	ALL	ALL	ALL	ALL	ALL	ALL	ALL
16	ALL	ALL	ALL	ALL	ALL	ALL	ALL
17	ALL	ALL	ALL	ALL	ALL	ALL	ALL
18	ALL	ALL	ALL	ALL	ALL	ALL	ALL
19	ALL	ALL	ALL	ALL	ALL	ALL	ALL
20	ALL	ALL	ALL	ALL	ALL	ALL	ALL
21	ALL	ALL	ALL	ALL	ALL	ALL	ALL
22	ALL	ALL	ALL	ALL	ALL	ALL	ALL
23	ALL	ALL	ALL	ALL	ALL	ALL	ALL
24	ALL	ALL	ALL	ALL	ALL	ALL	ALL
25	ALL	ALL	ALL	ALL	ALL	ALL	ALL
26	ALL	ALL	ALL	ALL	ALL	ALL	ALL
27	ALL	ALL	ALL	ALL	ALL	ALL	T,M,E,B
28	A'L	ALL	ALL	ALL	ALL	ALL	ALL
29	ALL	W,E,B	W,B	NONE	NONE	NONE	NONE
30	W,E	W,E	E	E	NONE	NONE	NONE
31	W,T,E	W,E	E	E	E	NONE	NONE
32	E	E	E	NONE	NONE	NONE	NONE
33	E	E	E	E	NONE	NONE	NONE
34	E	E	NONE	NONE	NONE	NONE	NONE
35	T,M,E,B	E,B	NONE	NONE	NONE	NONE	NONE
36	T,M	NONE	NONE	NONE	NONE	NONE	NONE
37	T,M	NONE	NONE	NONE	NONE	NONE	NONE
38	NONE	NONE	NONE	NONE	NONE	NONE	NONE
39	T	NONE	NONE	NONE	NONE	NONE	NONE
40	W,T,E,B	ALL	B,M,T	M,B	M,B	NONE	NONE

W=Wolf Snare
T=Term Limits
M=Marijuana
E=English Only
B=Billboards

Election 1998-(Based on Ballots Cast in 1996 General Election)

Information formatted by Representative Williams based on data from the Division of Elections

District		Ballots						
		Cast '96	4%	5%	6%	7%	8%	9%
1	Ktn	6358	254	318	381	445	509	572
2	Sitka	6810	272	341	408	477	544	613
3	Juneau	7388	296	369	443	517	591	665
4	Juneau	7143	286	357	429	500	571	643
5	POW	5406	216	270	324	378	432	487
6	Kodiak	4667	187	233	280	327	373	420
7	Kenai	6750	270	338	405	473	540	608
8	Kenai	5943	238	297	357	416	475	535
9	Kenai	5404	216	270	324	378	432	486
10	Anch	6676	267	334	401	467	534	601
11	Anch	5242	210	262	315	367	419	472
12	Anch	5505	220	275	330	385	440	495
13	Anch	6507	260	325	390	455	521	586
14	Anch	4271	171	214	256	299	342	384
15	Anch	4293	172	215	258	301	343	386
16	Anch	3049	122	152	183	213	244	274
17	Anch	5324	213	266	319	373	426	479
18	Anch	6194	248	310	372	434	496	557
19	Anch	5367	215	268	322	376	429	483
20	Anch	5369	215	268	322	376	430	483
21	Anch	5004	200	250	300	350	400	450
22	Anch	6723	269	336	403	471	538	605
23	Anch	3134	125	157	188	219	251	282
24	Eagle River	5753	230	288	345	403	460	518
25	Eagle River	6159	246	338	370	431	493	554
26	Wasilla	5974	239	299	358	418	478	538
27	Palmer	7245	290	362	435	507	580	652
28	Willow	7058	282	353	423	494	565	635
29	FBX	6973	279	349	418	488	558	628
30	FBX	5007	200	250	300	350	401	451
31	FBX	4903	196	245	294	343	392	441
32	N. Pole	4189	168	209	251	293	335	377
33	N. Pole	6571	263	329	394	460	526	591
34	N. Pole	5450	218	273	327	382	436	491
35	Valdez	5205	208	260	312	364	416	468
36	Tanana	4611	184	231	277	323	369	415
37	Kotzebue	3995	160	200	240	280	320	360
38	Nome	4161	166	208	250	291	333	374
39	Akiak	4543	182	227	273	318	363	409
40	Unalaska	2104	84	105	126	147	168	189

Total

218,428	8,737	10,951	13,103	15,289	17,473	19,657
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Election 2000 (# of signatures certified by Lt. Gov.)

District		Tax Cap	Dope	Wage*
1	Ktn	29	45	231
2	Sitka	34	56	57
3	Juneau	45	230	603
4	Juneau	45	181	528
5	POW	56	80	142
6	Kodiak	117	331	82
7	Kenai	618	422	335
8	Kenai	587	447	371
9	Kenai	342	281	404
10	Anch	1304	885	498
11	Anch	1188	1069	555
12	Anch	1100	900	520
13	Anch	958	1276	553
14	Anch	687	647	482
15	Anch	860	1352	599
16	Anch	968	1426	832
17	Anch	1419	1187	651
18	Anch	1447	1286	572
19	Anch	1363	1202	713
20	Anch	951	1051	577
21	Anch	1071	1181	937
22	Anch	1228	803	701
23	Anch	682	570	535
24	E. River	1162	778	700
25	E. River	1361	899	670
26	Wasilla	1374	1007	642
27	Palmer	2142	1415	632
28	Willow	1587	1378	803
29	Fbx	310	265	712
30	Fbx	290	218	618
31	Fbx	302	238	669
32	N. Pole	187	148	319
33	N. Pole	405	333	656
34	N. Pole	230	205	295
35	Valdez	293	218	204
36	Tanana	203	288	409
37	Kotz	191	285	232
38	Nome	259	214	145
39	Akiak	235	209	188
40	UnAk	161	194	151
Total		27,791	25,200	19,523

*The Minimum Wage Initiative failed to get the required 10% of total statewide ballots cast from the prior General Election and will not appear on the 2000 Ballot.

Information formatted by Representative Williams based on data provided by the Division of Elections.

3/27/2000

Election 2000 - Qualified under HJR 7?

Tax Cap

4% - 34 Districts
5% - 30 Districts
6% - 27 Districts
7% - 22 Districts
8% - 21 Districts
9% - 21 Districts
10% - 20 Districts

Legalize Dope

4% - 34 Districts
5% - 28 Districts
6% - 25 Districts
7% - 23 Districts
8% - 20 Districts
9% - 19 Districts
10% - 19 Districts

Minimum Wage

4% - 36 Districts
5% - 32 Districts
6% - 30 Districts
7% - 28 Districts
8% - 24 Districts
9% - 18 Districts
10% - 18 Districts

Information formatted by Representative Williams
based on data from the Division of Elections

3/27/2000

Election 2000-(Based on Ballots Cast in 1998 General Election)

of signatures required under different percentage scenarios

<u>District</u>		<u>3%</u>	<u>4%</u>	<u>5%</u>	<u>6%</u>	<u>7%</u>	<u>8%</u>	<u>9%</u>	<u>10%</u>
1	Ktn	151	201	251	302	352	402	452	503
2	Sitka	177	236	295	353	412	471	530	589
3	Juneau	216	288	360	432	504	576	648	720
4	Juneau	201	268	336	403	470	537	604	671
5	POW	148	197	246	295	345	394	443	492
6	Kodiak	121	161	201	242	282	322	362	403
7	Kenai	205	273	342	410	478	547	615	683
8	Kenai	178	237	296	355	414	473	533	592
9	Kenai	157	209	261	313	366	418	470	522
10	Anch	208	277	347	416	485	555	624	693
11	Anch	159	212	265	318	371	424	477	530
12	Anch	173	232	290	347	405	463	521	580
13	Anch	190	253	317	380	443	506	570	633
14	Anch	98	130	163	195	228	261	293	326
15	Anch	129	172	215	258	300	343	386	429
16	Anch	95	126	158	190	221	253	285	316
17	Anch	160	213	266	320	373	426	480	533
18	Anch	234	313	391	469	547	625	703	781
19	Anch	167	223	279	334	390	446	502	557
20	Anch	160	213	267	320	373	427	480	533
21	Anch	149	199	249	298	348	398	448	497
22	Anch	200	267	333	400	467	533	600	667
23	Anch	81	108	135	162	189	216	242	269
24	E. River	170	227	283	340	397	453	510	567
25	E. River	183	244	305	366	427	488	549	610
26	Wasilla	192	256	320	384	448	512	576	640
27	Palmer	236	315	393	472	551	629	708	787
28	Willow	233	311	389	466	544	622	700	777
29	Fbx	208	277	347	416	485	554	624	693
30	Fbx	143	190	238	285	333	380	428	475
31	Fbx	141	188	234	281	328	375	422	469
32	N. Pole	109	145	181	217	253	289	326	362
33	N. Pole	192	256	319	383	447	511	575	639
34	N. Pole	140	186	233	279	326	372	419	465
35	Valdez	151	201	251	301	351	401	451	502
36	Tanana	143	190	238	286	333	381	429	476
37	Kotz	122	162	203	244	284	325	365	406
38	Nome	132	176	221	265	309	353	397	441
39	Akiak	141	188	235	282	330	377	424	471
40	UnAk	77	102	128	153	179	204	230	256
Total		6,470	8,622	10,833	12,932	15,088	17,242	19,401	21,555

Information formatted by Representative Williams based on information provided by the Division of Elections

SENATE FINANCE COMMITTEE

SIGN-IN

HB 45-INITIATIVE/REFERENDUM PETITIONS

NAME: Gail Fenomiai Subject/Bill No: HB45
Co./Dept./Title: Elections Phone: 3935
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

HB

50

(File 1)

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: January 21, 1999

FURTHER REFERRALS:

Date of Committee Action: 4/9/99

The FINANCE Committee considered:

HB 50

HOUSE BILL NO. 50

OPERATING BUDGET APPROPRIATIONS

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

recommends it be replaced with the following committee substitute CSHB 50(Fin) 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>Edon Huel</i>	MULDER	X			
<i>Gene Theriault</i>	Theriault	X			
<i>Van Bunde</i>	Bunde	✓			
<i>Eric Kohring</i>	Kohring				X
<i>Ellen Austerman</i>	Austerman			X	
<i>John J. Davis</i>	J. Davis				X
<i>Ben Grossindorf</i>	Grossindorf				X
<i>Walter Moses</i>	Moses				X
<i>John J. Davis</i>	J. Davis			X	
<i>William Williams</i>	Williams			X	
<i>Robert Foster</i>	Foster				X

CO-CHAIR'S SIGNATURE *Edon Huel* *Gene Theriault*
mulder Theriault

FY00 Operating Budget - Front Section Analysis

Insurance Fees - Reappropriation

Sec: 15 Governor	Total GF:	1,500.0	Total Non GF:	0.0
GF/Prgm		1,500.0		

Reappropriates the June 30, 1999 balance of FY99 general fund program receipts (insurance fees) under AS 21.06.250 for FY00 Department of Commerce and Economic Development, Division of Insurance operating costs. The FY98 and FY99 carryforward amounts were \$1,700.0 and \$2,665.0 respectively. A safe estimate for the FY00 carryforward is \$1,500.0.

Land Disposal

Sec: 16 Governor	Total GF:	250.0	Total Non GF:	0.0
Gen Fund		250.0		

Appropriates general fund receipts in the fiscal years ending June 30, 2000 and June 30, 2001 from land sales at Naukati Bay on Prince of Wales Island (not to exceed \$50.0) and Valkenar Bay on Gravina Island (not to exceed \$200.0) to the Department of Natural Resources for land sale preparation costs. **This appropriation amount was not included in the total amount of the appropriations bill.**

Marine Highway System Fund

Sec: 17 Governor	Total GF:	0.0	Total Non GF:	27,509.5
Marine Hwy		27,509.5		

General fund appropriation to the Alaska marine highway system fund. The amount of the transfer can be found in the Marine Highway Stabilization Fund component of the DOT/PF budget. FY99 - \$27,358.1 and FY00 - \$27,509.5.

Motor Fuel Tax

Sec: 18 Governor	Total GF:	28,324.5	Total Non GF:	0.0
Gen Fund		28,324.5		

This section appropriates estimated amounts from the unreserved special accounts in the general fund to the general fund to be available operating funding from the following sources:

Special highway fuel tax account	\$23,924.5
Special aviation fuel tax account	\$ 5,400.0

This income is based on the existing 8 cents per gallon tax.

FY00 Operating Budget - Front Section Analysis

Occupational Licensing - Reappropriation

Sec: 19 Governor	Total GF:	1,000.0	Total Non GF:	0.0
GF/Prgm	1,000.0			

Reappropriates the June 30, 1999 balance of FY99 general fund program receipts (occupational licensing fees) under AS 08.01.065 for FY00 Department of Commerce and Economic Development, Division of Insurance operating costs. The FY98 and FY99 carryforward amounts were \$1,386.4 and \$1,529.5 respectively. FY00 estimate \$1,000.0.

Oil and Hazardous Substance Release Prevention Account

Sec: 20 Governor	Total GF:	0.0	Total Non GF:	10,900.0
Oil/Haz Fd	10,900.0			

Appropriates the balance of the unreserved special accounts in the general fund to the Oil and Hazardous Substance Release Prevention Account from:

Subsection 1 Prevention mitigation account AS 46.08.020(b) Estimated to be \$5,618.8

The prevention mitigation account receives money recovered from parties responsible for containment and cleanup of oil or other hazardous substances, as well as fines, penalties or damages as a result of prevention measures. The Governor did not include this estimated amount.

Subsection 2 Prevention surcharge levied under AS 43.55.300 Estimated to be \$10,900.0

The prevention account contains appropriations from the special account in the general fund to the OHSRPR fund from the 3 cent surcharge collected in the general fund during the prior year. (FY99 deposits are appropriated from the general fund for FY00 expenditures.)

Oil and Hazardous Substance Release Response Account

Sec: 21 Governor	Total GF:	0.0	Total Non GF:	0.0
Oil/Haz Fd	0.0			

Appropriates the balance of the unreserved special accounts in the general fund to the Oil and Hazardous Substance Release Response Account from:

Subsection 1 Response mitigation account AS 46.08.020(b) Estimated to be \$416.1

The response mitigation account receives money recovered from parties responsible for containment and cleanup of oil or other hazardous substances, as well as fines, penalties or damages as a result of emergency response measures. The Governor did not include this estimated amount.

Subsection 2 Response surcharge levied under AS 43.55.300 Estimated to be \$0.0

The response account contains appropriations from the special account in the general fund to the OHSRPR fund from the 2 cent surcharge collected in the general fund during the prior year. This surcharge is only required when the balance of the OHSRRA drops below \$50 million.

FY00 Operating Budget - Front Section Analysis

Performance Measures

Sec: 22 Governor

The Governor's intent language requests that the goals, strategies, and performance measures be stated in separate resolution. The concern is that the appropriations bill may not conform to Article II, Section 13 that requires that appropriations bills be confined to appropriations.

Real Estate Surety Fund

Sec: 23 Governor

Total GF: 0.0

Total Non GF: 0.0

Surety Fnd 0.0

Per AS 08.88.450, the balance of the real estate surety fund that exceeds \$500.0 is appropriated to the Department of Commerce and Economic Development, Division of Occupational Licensing for purposes relating to the real estate surety fund for the fiscal year ending June 30, 2000. The statute clearly states that amounts in the fund may not exceed \$500.0 and amounts in excess of \$250.0 may be appropriated for real estate educational purposes. See section 39 of this analysis.

Retained Fees

Sec: 24 Governor

This language addresses the need to appropriate vendor compensation and/or bankcard services fees that are not directly appropriated by the state for vendors or banking institutions that collect fees on behalf of the state. This originated from fish and game fishing, hunting and trapping license sales where the vendor retained a portion of the sale instead of the vendor submitting the full collection and the state reimbursing the vendor for expenses related to selling licenses. Agencies should be directed to include these fees in their annual budget requests.

Safety Advisory Council - Reappropriation

Sec: 25 Governor

Total GF: 100.0

Total Non GF: 0.0

GF/Prgm 100.0

Reappropriates Safety Council program receipts not expended in FY99 to be carried forward into FY00 for the governors safety conference. FY99 carryforward was \$130.0. FY00 estimated \$100.0.

FY00 Operating Budget - Front Section Analysis

Salary and Benefit Adjustments

Sec: 26 Governor

FY00 pay increases for University of Alaska employees. The amount (unknown) is the net amount for three items: salary adjustments, health benefit adjustments and changes in contribution rates for the Public Employees Retirement System.

Salmon Enhancement Tax

Sec: 27 Governor

Appropriates general fund salmon enhancement tax receipts to the Department of Commerce and Economic Development for payment in FY00 to qualified regional aquaculture associations. This amount is not included in the operating budget general fund spending totals. FY98 - \$4,072.7, FY99 - \$4,100.0 and FY00 - \$4,100.0. This is "pass-through" money.

Shared Taxes and Fees

Sec: 28 Governor

Total GF: 22,000.0

Total Non GF:

0.0

Gen Fund 22,000.0

Appropriates general funds to the Department of Revenue in the amounts necessary to refund local governments their share of taxes and fees collected for payment in FY99.

FY98 \$22,199.6, FY99 and FY00 are anticipated to be a similar amount.

State Debt and Other Obligations

Sec: 29 Governor

Total GF: 5,739.1

Total Non GF:

93,471.4

Gen Fund 5,739.1 Int Airprt 2,877.5 School Fnd 45,529.5 Debt Ret 45,064.4

This section provides for the states debt service obligations.

Subsection (a) interest on revenue anticipation notes is appropriated from the general fund to the Department of Revenue for payment of interest on notes.

Subsection (b) amount required to be paid by the state for principal and interest on state bonds is appropriated from the general fund to the state bond committee for payment on those bonds.

Subsection (c) \$5,739.1 from GF to Alaska Debt Retirement Fund

Subsection (d) \$16,287.8 from Debt Retirement Fund for trustee fees and lease payments related to certificates of participation for real property

Subsection (e) \$2,518.0 from Debt Retirement Fund for payment of debt service and trustee fees on general obligation bonds

Subsection (f) \$2,877.5 from International Airports Revenue Fund for payment of debt service and trustee fees on international airport revenue bonds

Subsection (g) \$71,788.1 from Debt Retirement Fund (\$26,258.6) and School Fund (\$45,529.5) to the Department of Education for state aid for costs of school construction

FY00 Operating Budget - Front Section Analysis

State Debt and Other Obligations

State Training and Employment Program

Sec: 30 Governor Total GF: 0.0 Total Non GF: 400.0

Empl Trng 400.0

The State Training and Employment Program is funded from the Employment and Training Program Account that is funded by a contribution of one-half of one percent from each employees wages. Unspent balances must be lapsed from this account into the unemployment compensation fund. For FY99 this language was changed so that unspent balances must be lapsed from this account into the employment assistance and training program account. FY00 estimated \$400.0.

Statutory Budget Reserve

Sec: 31 Governor

In the event that unrestricted revenues are less than necessary for FY00 appropriations, the amount necessary to balance revenue and general fund appropriations is appropriated to the general fund from any balance that may be available from the Statutory Budget Reserve Fund.

Storage Tank Assistance Fund

Sec: 32 Governor Total GF: 0.0 Total Non GF: 5,489.7

Storg Tank 5,489.7

Appropriates from the OHSRPR Fund, prevention account (non-general fund) to the Storage Tank Assistance Fund. FY98 - \$2,910.6, FY99 - \$4,364.8, FY00 - \$5,489.7. For FY98 language was included that allowed the legislature to capitalize the storage tank assistance fund with any general fund registration fees collected on underground petroleum storage tanks or tank systems. In SLA 98 the language was changed so that the fees collected would be considered unrestricted general fund revenue and are replaced with \$700.0 from the oil and hazardous substance release prevention account.

Student Loan Program

Sec: 33 Governor

The amount from student loan borrowers of the Alaska Commission on Postsecondary Education that is assessed for loan origination fees for the fiscal year ending June 30, 2000, is appropriated to the origination fee account within the student loan fund of the Alaska Student Loan Corporation.