

ALASKA LEGISLATURE COMMITTEE FILES

1993-1994

8672

435

8170

HOUSE STATE AFFAIRS

Rep. Menard
1/22/93
HJR6

TABLE ONE
THREE SCENARIOS PRESENTING
YEARS SERVED BY INDIVIDUALS IN THE ALASKA HOUSE OF REPRESENTATIVES
1959 - 1991

Number of Years Served	Nonconsecutive Terms Counted Together		Nonconsecutive Terms Counted Separately*		Appointments Not Considered**		
	Number of Individuals	Percent	Number of Individuals	Percent	Number of Individuals	Percent	
1-2	a	134	42.9%	163	47.8%	161	48.2%
3-4	b	73	23.4%	83	24.3%	78	23.4%
5-6	c	54	17.3%	52	15.2%	53	15.9%
7-8	d	27	8.7%	25	7.3%	23	6.9%
9-10	e	12	3.8%	10	2.9%	11	3.3%
11-12	f	7	2.2%	4	1.2%	3	0.9%
13-14		2	0.6%	1	0.3%	2	0.6%
15-16		2	0.6%	2	0.6%	2	0.6%
17-18		1	0.3%	1	0.3%	1	0.3%
Total		312	100%	341	100%	334	100%

* Twenty-five representatives served two nonconsecutive terms; two served three nonconsecutive terms

** Terms were calculated disregarding resignations, deaths and appointments. Nonconsecutive terms were counted separately.

- a: Nonconsecutive terms counted together 9 served 1 year (7 were appointed; 2 died)
 Nonconsecutive terms counted separately 10 served 1 year (7 were appointed; 1 resigned; 2 died)
- b: Nonconsecutive terms counted together 5 served 3 years (3 were appointed; 2 resigned)
 Nonconsecutive terms counted separately 6 served 3 years (4 were appointed; 2 resigned)
- c: Nonconsecutive terms counted together 3 served 5 years (1 was appointed; 1 resigned; 1 died)
 Nonconsecutive terms counted separately 2 served 5 years (2 died)
- d: Nonconsecutive terms counted together 1 served 7 years (resigned)
 Nonconsecutive terms counted separately 2 served 7 years (1 was appointed; 1 resigned)
- e: Nonconsecutive terms counted together 3 served 9 years (all resigned)
 Nonconsecutive terms counted separately 2 served 9 years (both resigned)
- f: Nonconsecutive terms counted together 1 served 11 years (died)

TABLE TWO
THREE SCENARIOS PRESENTING
YEARS SERVED BY INDIVIDUALS IN THE ALASKA SENATE
1959 - 1991

Number of Years Served		Nonconsecutive Terms Counted Together		Nonconsecutive Terms Counted Separately*		Appointments Not Considered**	
		Number of Individuals	Percent	Number of Individuals	Percent	Number of Individuals	Percent
1-2	a	31	26.5%	34	27.9%	26	22.8%
3-4	b	35	29.9%	38	31.1%	38	33.3%
5-6		13	11.1%	15	12.3%	14	12.3%
7-8		16	13.7%	15	12.3%	17	14.9%
9-10	c	9	7.7%	8	6.6%	7	6.1%
11-12		4	3.4%	3	2.5%	2	1.8%
13-14	d	4	3.4%	4	3.3%	5	4.4%
15-16		2	1.7%	2	1.6%	2	1.8%
17-18		1	0.9%	1	0.8%	1	0.9%
19-20		1	0.9%	1	0.8%	1	0.9%
21-22		1	0.9%	1	0.8%	1	0.9%
Total		117	100%	122	100%	114	100%

* Five senators served two nonconsecutive terms.

** Terms were calculated disregarding resignations, deaths and appointments. Nonconsecutive terms were counted separately.

- a: Nonconsecutive terms counted together 7 served 1 year (5 were appointed; 2 resigned)
 Nonconsecutive terms counted separately 7 served 1 year (5 were appointed; 2 resigned)
- b: Nonconsecutive terms counted together 2 served 3 years (both resigned)
 Nonconsecutive terms counted separately 2 served 3 years (both resigned)
- c: Nonconsecutive terms counted together 4 served 9 years (2 were appointed; 1 expelled; 1 died)
 Nonconsecutive terms counted separately 4 served 9 years (2 were appointed; 1 resigned; 1 exp)
- d: Nonconsecutive terms counted together 1 served 13 years (resigned)
 Nonconsecutive terms counted separately 1 served 13 years (resigned)

Prepared by the Legislative Research Agency, February 1991 (91-115B).

Rep. Menard
1/22/93
HJR 6

TABLE THREE
TOTAL YEARS SERVED BY INDIVIDUALS ELECTED TO BOTH HOUSES
OF THE ALASKA LEGISLATURE

<u>Number of Years Served</u>	<u>Number of Individuals</u>	<u>Percent of Total</u>	<u>Note</u>
4	4	7.0%	Does not include 1 representative later appointed to serve final year of vacated Senate seat.
6	9	15.8%	Includes 1 who served 5.5 years before resigning
8	16	28.1%	Includes 1 who served 6.5 years before resigning Does not include 1 representative later appointed to serve final year of vacated Senate seat
10	9	15.8%	Does not include 1 representative later appointed to serve final year of vacated Senate seat
12	5	8.8%	Includes 1 who served 9 years before dying.
14	5	8.8%	Includes 1 who served 15 years (served 1 year and resigned; later served 14 years)
16	3	5.3%	Includes 1 who served 15 years before resigning
18	3	5.3%	
22	2	3.5%	
30	<u>1</u>	<u>1.8%</u>	
TOTAL	57	100.0%	

Notes of Interest:

Three individuals in addition to the above 57 were appointed to serve 1-year terms in the opposite house of which they had been elected.

Three individuals first served in the Senate and later served in the House; 1 was elected to the House immediately following his term in the Senate.

Eleven individuals first served in the House and later served in the Senate; 42 were elected to the Senate immediately following their terms in the House.

TABLE FOUR
YEARS SERVED BY INDIVIDUALS IN THE ALASKA HOUSE OF REPRESENTATIVES
1959-1991

(Individual terms are counted separately for those serving nonconsecutive terms)

Number of Years	Representatives Elected Since Statehood		Representatives Elected 1959 - 1969		Representatives Elected 1971 - 1979		Representatives Elected 1981 - 1991	
	#	%	#	%	#	%	#	%
1-2 a	163	47.8%	80	53.3%	44	43.6%	39	43.3%
3-4 b	83	24.3%	37	24.7%	26	25.7%	20	22.2%
5-6 c	52	15.2%	19	12.7%	15	14.9%	18	20.0%
7-8 d	25	7.3%	8	5.3%	9	8.9%	8	8.9%
9-10 e	10	2.9%	4	2.7%	2	2.0%	4	4.4%
11-12	4	1.2%	1	0.7%	2	2.0%	1	1.1%
13-14	1	0.3%			1	1.0%		
15-16	2	0.6%			2	2.0%		
17-18	1	0.3%	1	0.7%				
Total	341	100%	150	100%	101	100%	90	100%

* Twenty-five representatives served two nonconsecutive terms; two served three nonconsecutive terms.

- a: Representatives elected since statehood: 10 served 1 year (7 were appointed; 1 resigned; 2 died)
 Representatives elected 1959-1969: 6 served 1 year (3 were appointed; 1 resigned; 2 died)
 Representatives elected 1971-1979: 4 served 1 year (all were appointed)
- b: Representatives elected since statehood: 6 served 3 years (4 were appointed; 2 resigned)
 Representatives elected 1959-1969: 4 served 3 years (2 were appointed; 2 resigned)
 Representatives elected 1971-1979: 1 served 3 years (appointed)
 Representatives elected 1981-1991: 1 served 3 years (appointed 1/90)
- c: Representatives elected since statehood: 2 served 5 years (2 died)
 Representatives elected 1959-1969: 1 served 5 years (died)
 Representatives elected 1971-1979: 1 served 5 years (died)
- d: Representatives elected since statehood: 2 served 7 years (1 was appointed; 1 resigned)
 Representatives elected 1971-1979: 2 served 7 years (1 was appointed; 1 resigned)
- e: Representatives elected since statehood: 2 served 9 years (2 resigned)
 Representatives elected 1959-1969: 1 served 9 years (resigned)
 Representatives elected 1981-1991: 1 served 9 years (resigned)

Rev. Memorandum
 1/22/93
 HJR 6

**TABLE FIVE
 YEARS SERVED BY INDIVIDUALS IN THE ALASKA SENATE
 1959-1991**

(Individual terms are counted separately for those serving nonconsecutive terms)

Number of Years	Senators Elected Since Statehood		Senators Elected 1959 - 1969		Senators Elected 1971 - 1979		Senators Elected 1981 - 1991	
	#	%	#	%	#	%	#	%
1-2 a	34	27.9%	18	30.0%	4	12.5%	12	40.0%
3-4 b	38	31.1%	19	31.7%	11	34.4%	8	26.7%
5-6 c	15	12.3%	8	13.3%	2	6.3%	5	16.7%
7-8 d	15	12.3%	10	16.7%	3	9.4%	2	6.7%
9-10 e	8	6.6%	2	3.3%	4	12.5%	2	6.7%
11-12	3	2.5%			2	6.3%	1	3.3%
13-14	4	3.3%	1	1.7%	3	9.4%		
15-16	2	1.6%	1	1.7%	1	3.1%		
17-18	1	0.8%			1	3.1%		
19-20	1	0.8%			1	3.1%		
21-22	1	0.8%	1	1.7%				
Total	122	100%	60	100%	32	100%	30	100%

* Five senators served two nonconsecutive terms.

- a: Senators elected since statehood: 7 served 1 year (5 were appointed; 2 resigned)
 Senators elected 1959-1969: 4 served 1 year (2 were appointed; 2 resigned)
 Senators elected 1971-1979: 1 served 1 year (appointed)
 Senators elected 1981-1991: 2 served 1 year (both were appointed)
- b: Senators elected since statehood: 2 served 3 years (both resigned)
 Senators elected 1959-1969: 1 served 3 years (resigned)
 Senators elected 1971-1979: 1 served 3 years (resigned)
- c: Senators elected since statehood: 4 served 9 years (2 were appointed; 1 resigned; 1 expelled)
 Senators elected 1971-1979: 4 served 9 years (2 were appointed; 1 resigned; 1 expelled)
- d: Senators elected since statehood: 1 served 13 years (resigned)
 Senators elected 1959-1969: 1 served 13 years (resigned)

Rep. Menard
1/22/93
HJR 6

TABLE ONE
TURNOVER IN THE ALASKA HOUSE OF REPRESENTATIVES SINCE STATEHOOD

Leg.	Incumbents	%	Freshmen	%	Served Before	%	Notes
2nd 1961-62	17	42.5%	23	57.5%		0.0%	2nd session appointee replaced a freshman -- did not return in 1963.
3rd 1963-64	23	57.5%	13	32.5%	4	10.0%	4 freshmen previously served in the house. 2nd session appointee replaced an incumbent -- didn't return in 1965
4th 1965-66	16	40.0%	20	50.0%	4	10.0%	2 freshmen previously served in the house (1 by appointment); 2 in the senate. Appointee replaced an incumbent -- was elected in 1967
5th 1967-68	15	37.5%	22	55.0%	3	7.5%	2 freshmen previously served in the house; 1 in the senate. Appointee replaced freshman 2/68 -- was elected in 1969
6th 1969-70	23	57.5%	12	30.0%	5	12.5%	3 freshmen previously served in the house; 2 in the senate
7th 1971-72	19	47.5%	17	42.5%	4	10.0%	4 freshman previously served in the house. Appointee replaced freshman 1/72 -- did not return in 1973.
8th 1973-74	20	50.0%	16	40.0%	4	10.0%	4 freshmen previously served in the house. Appointee replaced an incumbent 1/74 -- did not return in 1975.
9th 1975-76	18	45.0%	22	55.0%		0.0%	1 freshman previously served in the house; 1 was appointed 1/75 -- was elected in 1977. Appointee replaced an incumbent 4/75 -- was elected in 1977; appointee replaced an incumbent 1/76 -- was elected in 1977.
10th 1977-1978	25	62.5%	14	35.0%	1	2.5%	1 freshman previously served in the house; Appointee replaced incumbent in 4/77 -- did not return in 1979.
11th 1979-80	23	57.5%	15	37.5%	2	5.0%	2 freshmen previously served in the house
12th 1981-82	28	70.0%	12	30.0%		0.0%	
13th 1983-84)	17	42.5%	22	55.0%	1	2.5%	1 freshman previously served in the house. Appointee replaced a freshmen 5/84 -- was elected in 1985
14th 1985-86	21	52.5%	17	42.5%	2	5.0%	1 freshman previously served in the house; 1 in the senate
15th 1987-88	27	67.5%	12	30.0%	1	2.5%	1 freshman previously served in the house
16th 1989-90	33	82.5%	7	17.5%		0.0%	Appointee replaced an incumbent 1/90 -- was elected in 1991
17th 1991-92	26	65.0%	13	32.5%	1	2.5%	1 freshman had previously served in the house; 1 was appointed 1/91
18th 1993-94	17	42.5%	19	47.5%	4	10.0%	2 freshman had previously served in the house; 2 freshmen had previously served in the house & senate

Rep. Mendel
1/22/93
HSPG

TABLE TWO
TURNOVER IN THE ALASKA SENATE SINCE STATEHOOD

Leg.	Incumbents	%	Freshmen	%	Served Before	%	Notes
2nd 1961-62	15	75.0%	5	25.0%		0.0%	
3rd 1963-64	12	60.0%	7	35.0%	1	5.0%	1 freshman previously served in the house; 1 was appointed in 1962 -- was elected in 1964; 1 was appointed in 1963 -- was elected in 1965
4th 1965-66	16	80.0%	1	5.0%	2	10.0%	1 freshman previously served in the senate; 2 in the house
5th 1967-68	6	30.0%	7	35.0%	7	35.0%	1 freshman previously served in the senate; 6 in the house
6th 1969-70	16	80.0%	1	5.0%	3	15.0%	3 freshmen previously served in the house; appointee replaced an incumbent 3/70 -- was elected in 1971
7th 1971-72	14	70.0%	1	5.0%	5	25.0%	5 freshmen previously served in the house; appointee replaced incumbent 1/72 -- was elected in 1973
8th 1973-74	15	75.0%	0	0.0%	5	25.0%	5 freshmen previously served in the house; appointee replaced incumbent 4/73 -- did not return in 1975
9th 1975-76	11	55.0%	4	20.0%	5	25.0%	5 freshmen previously served in the house; appointee (from house) replaced incumbent 1/75 -- was elected in 1977
10th 1977-78	18	90.0%	1	5.0%	1	5.0%	1 freshman previously served in the house.
11th 1979-80	13	65.0%	4	20.0%	3	15.0%	3 freshmen previously served in the house
12th 1981-82	16	80.0%	2	10.0%	2	10.0%	2 freshmen previously served in the house; appointee replaced incumbent 3/82 -- did not return in 1983
13th 1983-84	14	70.0%	6	30.0%	3	15.0%	1 freshman previously served in the senate; 2 in the house
14th 1985-86	16	80.0%	1	5.0%	3	15.0%	1 freshman previously served in the senate; 2 in the house
15th 1987-88	15	75.0%	1	5.0%	4	20.0%	4 freshmen previously served in the house; appointee replaced incumbent 2nd session -- did not return in 1989
16th 1989-90	16	80.0%	0	0.0%	4	20.0%	4 freshmen previously served in the house
17th 1991-92	15	75.0%	1	5.0%	4	20.0%	4 freshmen previously served in the house; appointee (from house) replaced incumbent 1/91
18th 1993-94	8	40.0%	2	10.0%	10	50.0%	9 freshmen previously served in the house; 1 in the senate

HJR

7

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HJR 7

Revision Date: _____
Title: Proposing amendments to the
Constitution...relating to applications for initiatives...
Sponsor: Representative Sitton
Requestor: Representative Sitton

Department Affected: Legislative Affairs Agency
BRU: Legislative Council

Component: Session Expenses

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director
Division: Administrative Services

Pamela A. Stoops

Phone: 465-3850
Date: 1/19/93

Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency

Warren W. Endicott

Date: 1/19/93

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov. , & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HJR 7

Revision Date: _____
Title: Amendment to the Constitution RE: use of initiative to amend
State Constitution
Sponsor: Representative Sitton
Requestor: _____

Department Affected: Office of the Governor
BRU: Division of Elections
Component: General and Primary Elections
COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	2.2*	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: 0

ANALYSIS: (Attach a separate page if necessary.)*This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on the measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing and additional ballot card, the fiscal impact would be 53.4.

Prepared by: Charlot E. Thickstun, Director *Charlot E. Thickstun* Phone: 465-4611
Division: Division of Elections Date: 1/15/93

Approved by Commissioner: Lt. Governor John B. Coghill *J. B. Coghill*
Agency: Office of the Lt. Governor Date: 1/15/93

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Representative Joe Sitton

TO: Representative Al Vezey
Chair, House State Affairs Committee

FROM: Representative Joe Sitton *JS*

SUBJECT: Request for Hearing - House Joint Resolution 7

DATE: January 19, 1993

I would like to request the House State Affairs Committee hold a hearing on House Joint Resolution 7. I am attaching a sponsor statement, together with a memorandum from legislative counsel, Jack Chenoweth which will serve as a sectional analysis. In addition, there is a copy of the appropriate articles from the Alaska Constitution.

I have requested a fiscal note and position paper from the Administration and anticipate that they will be forthcoming by the end of this week.

Thank you for your consideration of this request.

JS:pt
Attachments

Alaska State Legislature

While in Fairbanks
119 N. Cushman St.
Suite 203
Fairbanks, AK 99701
907-456-8161



While in Juneau
State Capitol
Juneau, AK 99801-1182
907-465-2327
907-465-4713

Representative Joe Sitton

SPONSOR STATEMENT

HOUSE JOINT RESOLUTION 7

by

Representative Joe Sitton

House Joint Resolution would enable the voting public to propose amendments to the Constitution by the use of the initiative process.

Under Article XI, Section 1 of the Constitution of the State of Alaska, the people may "enact law by the initiative and approve or reject acts of the legislature by the referendum."

However, there are presently only two provisions for amending the Constitution.

Article XIII, Section 3 provides that "if during any ten-year period a constitutional convention has not been held, the lieutenant governor shall place on the ballot for the next general election the question: 'Shall there be a Constitutional Convention?'" Article XIII Section 4 of the Constitution further provides that a Constitutional Convention may "amend or revise the Constitution, subject only to ratification of the people."

Constitutional amendments may also be proposed by the legislature through a joint resolution. These proposed amendments require approval by two-thirds of each chamber before they can be referred to the voters as a ballot initiative.

As we have seen in the 1992 election, the public did not support the convening of a Constitutional Convention. It is my belief that the voters hold the Constitution in high regard and were concerned about the "Pandora's Box" which might have been opened during a Convention. However, it is also my firm conviction that the voters wish to have a direct voice in amending the Constitution for specific purposes and that, if so empowered, they would not act capriciously.

It is in this spirit that I have introduced HJR 7. I believe that the people are basically "the boss" and ought to be able, except for light and transient reasons, to put a proposal to amend the Constitution on the ballot.

This concept has the support of the Governor. As he stated in his State of the State address on January 13, 1993, "...I ask for your support to allow the Alaska people to amend the Constitution through initiative and referendum. Several of the authors of Alaska's Constitution have told me that this is the one major shortcoming in the document they wrote...The people should participate. They are usually ahead of Government..."

I urge the House State Affairs Committee's favorable consideration of this resolution.

Attached please find a copy of a memorandum from Jack Chenoweth, the legislative counsel who drafted this resolution. His memorandum should also serve as a sectional analysis.

Attachments

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2079
Mail Stop 3101

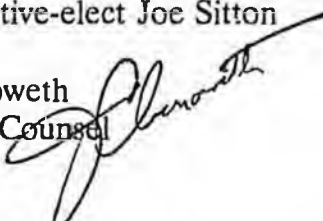
130 Seward Street, Suite 405
Juneau, Alaska 99801-2105

MEMORANDUM

December 1992

SUBJECT: Draft resolution to allow amendment of the state constitution by initiative (Work Order No. 8LS-0235/A)

TO: Representative-elect Joe Sitton

FROM: Jack Chenoweth
Legislative Counsel 

Enclosed is a draft of a resolution that would allow the people to propose amendments to the state constitution by the initiative process. Your request has been assigned a work order number for purposes of internal paperwork management in this office. Since I am assigned, generally, work on election-related topics, the preparation of a draft based on your request was assigned to me. I would expect to follow this measure through the legislative process and work with you and any committees of referral to prepare any changes and present any necessary legal analysis.

A constitutional amendment is proposed by presentation of a joint resolution. The changes you seek to make are set out in a proposed House Joint Resolution bearing your name as the sponsor.

*

I have your written outline that transmitted the work order request. If you have a copy, you will quickly see that I followed some of what you had specifically asked and declined to include other portions.

I did not include in the draft the language "All powers of government derive from the people; the people have the right to amend by petition their state constitution." Inclusion of this kind of material within a proposed constitutional amendment is unnecessary: the fact that the set of amendments proposed would provide the people the opportunity to amend the state constitution directly is sufficient of itself to establish the right, and further comment within the body of the proposed amendments as to the reasons underlying the purpose or intent of the amendments is unwarranted.

Representative-elect Joe Sitton

December 1, 1992

Page 2

I did not include the request to prohibit amendment of the constitution "for light and transient reasons or without adequate public debate." As to the former point, it seems to me, one cannot say that any element of the state's constitution is of sufficient fluff that it ought to be free of the reach of an amendment through the initiative process; material within the state constitution should be amendable by whatever process is authorized for amending the state constitution. In addition, such a provision would require the courts to judge whether a particular reason was sufficient. This concept would be better addressed by requiring a certain percentage of signatures or votes for a proposed amendment.

As to the second, I trust that the mechanism currently in place for handling statutory amendments through the initiative process--a minimal 120 period following legislative adjournment after the initiative is offered and a requirement that the question appear on the general election ballot--ought to be enough to provide an opportunity for public debate; if it is not, then we need to revisit more generally the question of the adequacy of existing procedures.

Where you had left a blank for the required percentage of voters necessary to sign the constitutional amendment initiative petition(s), I simply relied on the existing 10 percent requirement of current article XI, section 3. If you want a different figure--higher or lower--you need to tell me and I will redraft. Again, in this draft, a majority of the votes cast in favor of an initiated constitutional amendment is sufficient to permit its adoption; if you want a supermajority requirement--say, 60%--you need to advise me of that.

*

You asked that the proposed amendment receive some kind of advance legal review, coupled with "protection from political obstructionism by the Attorney General's office." Advance review of all initiative petitions, before permission is given to circulate them, is provided by law, AS 15.45.070 and following sections. In conjunction with that review, the law makes no distinction between honest evaluations and reviews that may amount to asserted instances or examples of political obstruction.

While any modifications to try to set limits on an attorney general's review of the content of an initiative may, in my view, probably better be made in the context of a statutory amendment rather than incorporation within a proposed constitutional amendment, I have tried to be responsive to this point of your request within this measure. It seems to me that the current problems arise out of the latitude that may be given to the following underscored language of current article XI, section 2 of the state constitution:

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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.

I respectfully suggest that the reference to "in proper form" provides the lieutenant governor wider latitude to undertake a review than may be warranted. As you will readily see, in the accompanying bill draft, I have deleted the "in proper form" provision and substituted new language that lays out exactly what an application for initiative petition and--since this section also deals with referenda--what an application for a referendum petition must disclose. I have adapted these provisions from the related requirements of statutory law. Only if the material required is not submitted or if the proposed initiated amendment or law touches upon subject matter that, under other provisions of the constitution, may not lawfully be made the subject of an initiative petition, or if a referendum application is untimely filed, may the lieutenant governor deny the application. Also, I add a sentence that should make it clear that it is the lieutenant governor--and not any other state official--whose decision on this point is final. Now the lieutenant governor is free to seek legal counsel on these points but, as this provision is written, his or her decision--and not the counsel or decision of any other state official--would be final, subject only to judicial review. Note, too, that I have expanded the decision that is subject to judicial review from "denial" to any decision: Suppose the lieutenant governor determines that an initiative application that obviously attempts to make an appropriation is presented, in violation of article XI, section 7, or that a referendum application is not timely filed, in violation of article XI, section 5, and he certifies either or both. Surely a judicial determination on the point should be made quickly, and the erroneous decision to certify should also be subject to judicial review before the state incurs the expense of an election.

I respectfully suggest that this is a workable approach somewhat consistent with your objectives. Please review and advise me as to your reaction.

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In the attached draft:

The amendment made by **bill section 1**, page 1, lines 5 - 8, simply authorizes the people to propose constitutional amendments, as well as laws, by the initiative process.

The first amendment made by **bill section 2**, at page 1, line 10, expands the initiative application method to cover proposed constitutional amendments as well as proposed

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laws. The remaining changes in the bill section are discussed above. Other changes may be either technical or stylistic. The people may petition for proposed "laws," not "bills" ("bills" are measures that are offered and advance within the legislative process). Also, whenever the opportunity presents itself, we regularly try to remove from the body of the law unnecessary gender references (i.e. "he") and substitute gender-neutral references (in this instance, "the lieutenant governor").

The changes made in **bill section 3**, page 2, lines 17, and 20 - 21, expand current constitutional requirements applicable to initiated laws to also cover initiated constitutional amendments.

I propose extensive drafting changes within **bill section 4**, beginning at the bottom of page 2, but the net effect is merely to separate into each of the topics covered in that section into separate subsections. The substantive addition appears in subsection (b), page 2, beginning at line 31, addressing the effective date of initiated constitutional amendments that are approved by the voters. All the rest of the material is intended to clarify the existing initiative and referendum procedural requirements that already are set out in that section.

The changes made in **bill section 5**, beginning near the middle of page 3, make a distinction in article XIII, section 1, between constitutional amendments proposed by the legislature and note that constitutional amendments may also be proposed directly through the initiative process.

The language of **bill section 6** is a standard or "boilerplate" provision that directs that these amendments be submitted to the voters at the general election of November, 1994.

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I trust this provides a sufficient summary explanation of the principal provisions of this draft resolution and the reasons that I did not follow your instructions in their entirety. Please contact me with any changes or questions.

If, after review of the measure and this memo, you believe this draft is in proper order and you want to introduce it, you need to call the office and let us know. You may "prefile" the measure: If you let us know by December 30, we will run the measure in final and release it publicly on Monday, January 4. If you contact us and give approval after December 30 and before noon on January 6, the measure will be publicly released on Friday, January 8. If you are uncertain in your mind as to what you want to do with the measure, you may, of course, hold off until the start of the regular session, January 11, or later.

JBC:gc
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Enclosure

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.

- I. General Consideration.
- II. Initiative.
- III. Referendum.

I. GENERAL CONSIDERATION.

Liberal construction. — In matters of initiative and referendum, the people are exercising a power reserved to them by the constitution and laws of the state, and the constitutional and statutory provisions under which they proceed should be liberally construed. *Municipality of Anchorage v. Frohne*, Sup. Ct. Op. No. 1477 (File Nos. 3050, 3104), 563 P.2d 3 (1977).

The right of initiative and referendum, sometimes referred to as direct legislation, should be liberally construed to permit exercise of that right. *Thomas v. Bailey*, Sup. Ct. Op. No. 1835 (File Nos. 4204, 4220), 595 P.2d 1 (1979).

Section does not apply to appropriations. — The Alaska Constitution withdraws from the people the right to initiative and referendum with respect to appropriations. *Municipality of Anchorage v. Frohne*, Sup. Ct. Op. No. 1477 (File Nos. 3050, 3104), 568 P.2d 3 (1977).

II. INITIATIVE.

The right to propose and enact laws by the initiative is reserved to the people of the state of Alaska by this section. *Boucher v. Engstrom*, Sup. Ct. Op. No. 1097 (File No. 2232), 528 P.2d 456 (1974).

The initiative may be used only to enact laws. *Starr v. Hagglund*, Sup. Ct. Op. No. 98 (File No. 246), 374 P.2d 316 (1962).

And not for the purpose of constitutional amendment. — See *Starr v. Hagglund*, Sup. Ct. Op. No. 98 (File No. 246), 374 P.2d 316 (1962).

The subject of the initiative must constitute such legislation as the legislative body to which it is directed has the power to enact. *Municipality of Anchorage v. Frohne*, Sup. Ct. Op. No. 1477 (File Nos. 3050, 3104), 568 P.2d 3 (1977).

An initiative may be used to repeal a law since to read this section so as to sever the power to repeal from the initiative, thus eliminating popular votes on previous initiatives, on statutes not subject to referendum, i.e., those for which the time limit has passed, and on parts of statutes as opposed to an entire enactment, is illogical given the very intent, subject to express exceptions, to vest the voting public with legislative power equal to the legislature's power. April 14, 1975, Op. Att'y Gen.

In the context of this article, the referendum has a restricted scope of operation: First, a referendum may only reject "acts of the legislature" and not acts by initiative; second, a referendum may address only acts passed by an immediately preceding legislative session; and third, a referendum may reject only entire acts of the legislature and not sections thereof. Thus, unless a law sought to be rejected falls within the ambit of the "acts" described, a referendum is unavailable. April 14, 1975, Op. Att'y Gen.

III. REFERENDUM.

The referendum is a veto power. — 196? Op. Att'y Gen., No. 18.

It is analogous to the veto power vested in the governor by art. II, § 15, of the Alaska Constitution. 1963 Op. Att'y Gen., No. 18.

The referendum and the veto power serve similar functions in legislative process. 1963 Op. Att'y Gen., No. 18.

Hence, the limitations of one apply to the other except as distinctions are specified in the constitution. 1963 Op. Att'y Gen., No. 18.

The purpose of the veto is to prevent the adoption of the undesirable legislation. 1963 Op. Att'y Gen., No. 18.

And nature. — The veto power is not a power to change the effect of proposed laws or to do anything concerning them except to approve or disapprove them as a whole. 1963 Op. Att'y Gen., No. 18.

"Act" refers to entire act of legislature. — The word "act," as used in the referendum provisions of this article, refers to an entire act of the legislature and not to sections of acts. 1963 Op. Att'y Gen., No. 18.

The veto power may be exercised only against entire bills. 1963 Op. Att'y Gen., No. 18.

And it may not be exercised upon sections of bills. 1963 Op. Att'y Gen., No. 18.

Were the referendum interpreted as extending to sections of act, it's avowed purpose to approve or disapprove acts would be frustrated. It would in many cases result in exactly that which it is not intended to do. It would change the effect of a proposed law, and frustrate the legislative purpose. 1963 Op. Att'y Gen., No. 1b.

Except in the case of appropriation bills. — See 1963 Op. Att'y Gen., No. 18.

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. [Amendment approved August 25, 1970]

Effect of amendment. — The amendment, approved August 25, 1970 (6th Legislature's SJR 2), substituted "lieutenant governor" for "secretary of state" in the second sentence.

The intent of this section is obviously to insure that the proposed initiative or referendum has some substantial support before the state is subjected to the expense involved in printing of formal petitions regarding the measure. 1963 Op. Att'y Gen., No. 17.

This article is rather unique in that it provides for two separate stages in the preparing of an initiative or referendum for submission to the electorate. Before circulating a petition, the proponents of an initiative or referendum must first circulate an application "containing the bill to be initiated or the act to be referred" and obtain the signatures of not less than one hundred qualified voters as sponsors of the application. 1963 Op. Att'y Gen., No. 17.

Section implemented by AS 15.45.270. — The state legislature has

Referendum does not suspend effect of act. — The natural import of the provisions of this article and art. II of the Alaska Constitution is that the filing of a referendum petition does not suspend the effect or operation of the act referred. *Walters v. Cease*, Sup. Ct. Op. No. 182 (File No. 447), 388 P.2d 263 (1964).

Hence, if rejected, act remains in effect for thirty days after certification of election returns. — If an act is rejected by the people in a referendum election, it nevertheless remains in full force and effect until thirty days after certification of the election returns by the secretary of state [now lieutenant governor]. *Walters v. Cease*, Sup. Ct. Op. No. 182 (File No. 447), 388 P.2d 263 (1964).

Applied in *Walters v. Cease*, Sup. Ct. Op. No. 235 (File No. 518), 394 P.2d 670 (1964).

interpreted and implemented this section by passing a statute (AS 15.45.270) requiring the application for a referendum petition to include the act to be referred. 1963 Op. Att'y Gen., No. 17.

Summary not permitted. — The constitution does not permit a summary of an act to be substituted for a copy of the act in the application. 1963 Op. Att'y Gen., No. 17.

The word "form" is the antithesis of the word "substance." Substance is that which is essential in content and goes to the merits of the issue. Substance pertains to matters which affect the basic rights of parties. 1959 Op. Att'y Gen., No. 35.

Alaska Const., art. II, § 13 applies to form of initiative. — The requirement that the lieutenant governor certify as to the form of the application under this section would be meaningless if the general provisions of Alaska Const., art. II, § 13 did not apply. There would be nothing to certify to since the article on initiative sets out no particular form of an initiative. 1959 Op. Att'y Gen., No. 36.

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The lieutenant governor acts in a ministerial capacity. 1959 Op. Att'y Gen., No. 35.

He may investigate voting qualifications of signers. — The lieutenant governor can make such inquiry and investigation as to the voting qualifications of individual signers of an initiative application as appears reasonably necessary in his discretion. 1959 Op. Att'y Gen., No. 35.

But he may look only at form and not substance of application. — 1959 Op. Att'y Gen., No. 35. But see Boucher v. Engstrom, Sup. Ct. Op. No. 1097 (File No. 2232), 528 P.2d 456 (1974), cited below.

The legislature expanded the scope of the lieutenant governor's review of the initiative application in enacting AS 15.45.040, which requires that a determination be made as to whether unconstitutional subjects were included. Boucher v. Engstrom, Sup. Ct. Op. No.

1097 (File No. 2232), 528 P.2d 456 (1974).

Improper form. — The application for referendum petition submitted was not in proper form and it was necessary for the proponents of the measure to prepare an application containing the text of ch. 52, SLA 1963, and secure the necessary number of signatures to this application before they could validly prepare a petition for circulation under Alaska Const., art. XI, § 3. 1963 Op. Att'y Gen., No. 17.

Where ch. 52, SLA 1963, contained seven sections affecting many different sections of the Alaska Statutes, it was not adequately described by the words "legislation enacted by the last legislative assembly pertaining to the formation of mandatory boroughs in the State of Alaska." 1963 Op. Att'y Gen., No. 17.

Quoted in Walters v. Cease, Sup. Ct. Op. No. 182 (File No. 447), 388 P.2d 263 (1964).

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. [Amendment approved August 25, 1970]

Cross reference. — See note to Alaska Const., art. XI, § 2.

Effect of amendment. — The amendment, approved August 25, 1970 (6th Legislature's SJR 2), substituted

"lieutenant governor" for "secretary of state" in the first and second sentences.

Quoted in Walters v. Cease, Sup. Ct. Op. No. 182 (File No. 447), 388 P.2d 263 (1964).

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. [Amendment approved August 25, 1970]

Effect of amendment. — The amendment, approved August 25, 1970 (6th Legislature's SJR 2), substituted "lieutenant governor" for "secretary of state" in the second sentence.

P.2d 731 (1975).

This section must be interpreted broadly and not narrowly as to the scope of legislative power. Warren v. Boucher, Sup. Ct. Op. No. 1205 (File No. 2315), 543

Purpose of amending section prior to its adoption. — As originally introduced, this section provided that laws proposed by the initiative shall be submitted to the voters "at an election not later than 180 days after the adjournment of the legislative session following the filing of the petition." This proposal was

amended before adoption to read as it does now. The purpose of the amendment, as explained by one of its sponsors, was to do away with the high costs of special elections for such matters (estimated at \$40,000), by requiring that the initiative proposition go on the ballot at a statewide election, whether it be primary or a general election or a special election called for some other purpose. *Starr v. Hagglund*, Sup. Ct. Op. No. 98 (File No. 246), 374 P.2d 316 (1962).

An initiative proposition may be placed on the ballot for the first available statewide election held more than 120 days after adjournment of the legislative session following its filing because of special circumstances. *Starr v. Hagglund*, Sup. Ct. Op. No. 98 (File No. 246), 374 P.2d 316 (1962).

This section was not designed with the objective of depriving the people of the right to vote if by reason of circumstances, such as an injunction preventing the secretary of state [now lieutenant governor] from placing an initiative proposition on the ballot, it became impossible to submit the proposition at the "first" statewide election held within the prescribed time. *Starr v. Hagglund*, Sup. Ct. Op. No. 98 (File No. 246), 374 P.2d 316 (1962).

The words "substantial" or "substantially" are relative, inexact terms. Their meaning is quite elusive. The meaning of such terms can be derived only by reference to all the circumstances surrounding the context in which they are used. *Warren v. Boucher*, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).

The term "substantially the same measure" must be viewed against the total structure contemplated in this article in the matter of direct legislation. *Warren v. Boucher*, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).

When substantial similarity exists. — If in the main the legislative act achieves the same general purpose as the initiative, if the legislative act accomplishes that purpose by means or systems which are fairly comparable, then substantial similarity exists. *Warren v. Boucher*, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).

It is not necessary that the two measures correspond in minor particulars, or even as to all major features, if the subject matter is necessarily complex or if it requires comprehensive treatment. *Warren v. Boucher*, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).

Legislative discretion. — It is clear that the legislative act need not conform to the initiative in all respects, and that the framers intended that the legislature should have some discretion in deciding how far the legislative act should differ from the provisions of the initiative. *Warren v. Boucher*, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).

The broader the reach of the subject matter, the more latitude must be allowed the legislature to vary from the particular features of the initiative. *Warren v. Boucher*, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).

Legislature may vary terms of initiative by amendment. — The constitution vests broad authority in the legislature to vary the terms of an initiated law, after its adoption, by the process of amendment. This power amounts to a check or balance against the initiative process. *Warren v. Boucher*, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).

And by enactment covering same subject as initiative. — If the legislature has broad power of amendment, it follows that it has broad power to change an initiative by an enactment covering the same subject as the initiated measure. *Warren v. Boucher*, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).

This section does not expressly confer on any branch or agency the power to determine whether an act and an initiative are "substantially the same." *Warren v. Boucher*, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).

Power of legislature to enact method for such determination. — This section and Alaska Const., art. V, § 3, and art. XII, § 11, when read in harmony, give the legislature the power to enact a method of determining whether an act and an initiative are "substantially the same," as used in this section. *Warren v. Boucher*, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).

AS 15.45.210 enacted to effectuate this section. — Alaska Statute 15.45.210, delegating authority to the lieutenant governor to determine whether an act and an initiative are substantially the same, was enacted to effectuate this section. *Warren v. Boucher*, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).

The delegation of power in AS 15.45.210 is both reasonable and constitutional. *Warren v. Boucher*, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).

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Delegation to the lieutenant governor of the authority to determine whether an act and an initiative are substantially the same is based on sound, practical considerations, is to a logical governmental officer, and is definitionally

narrow. Warren v. Boucher, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).

Cited in Walters v. Cease, Sup. Ct. Op. No. 182 (File No. 447), 388 P.2d 263 (1964).

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. [Amendment approved August 25, 1970]

Effect of amendment. — The amendment, approved August 25, 1970 (6th Legislature's SJR 2), substituted "lieutenant governor" for "secretary of state" near the beginning of the second sentence.

Act may be effective several months prior to commencement of 90-day period. — An act of the legislature with

an immediate effective date could conceivably be signed into law early in a legislative session, and would be in actual operative effect for several months prior to the commencement of the 90-day period in which a petition for referendum may be filed under this section. Walters v. Cease, Sup. Ct. Op. No. 182 (File No. 447), 388 P.2d 263 (1964).

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. [Amendment approved August 25, 1970]

Effect of amendment. — The amendment, approved August 25, 1970 (6th Legislature's SJR 2), substituted "lieutenant governor" for "secretary of state" near the beginning of the third sentence.

The constitutional specification as to effective date is plain on its face. An initiative becomes effective 90 days after the date on which the lieutenant governor certifies the election returns approving it. August 19, 1975, Op. Att'y Gen.

Only repeal is prohibited by the state constitution, not amendments. August 19, 1975, Op. Att'y Gen.

Legislature may vary terms of initiative by amendment. — The constitution vests broad authority in the

legislature to vary the terms of an initiated law, after its adoption, by the process of amendment. This power amounts to a check or balance against the initiative process. Warren v. Boucher, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).

The legislature is vested with broad authority to amend laws enacted by the people through the initiative process. Warren v. Thomas, Sup. Ct. Op. No. 1484 (File No. 2919), 568 P.2d 400 (1977).

And by enactment covering same subject as initiative. — If the legislature has broad power of amendment, it follows that it has broad power to change an initiative by an enactment covering the same subject matter as the initiated

This section is construed to be a blanket consent by Alaska to such proper reservations of rights or powers to the United States as may be contained in the act admitting Alaska to the Union. *Metlakatla Indian Community, Annette Island Reserve v. Egan*, Sup. Ct. Op. No. 42 (File Nos. 21, 22, 23), 362 P.2d 901 (1961), vacated and remanded on other grounds in 369 U.S. 45, 82 S. Ct. 552, 7 L. Ed. 2d 562 (1962).

No specific limitations to mineral alienation were set forth in the constitution by this provision. Nor were any terms or conditions incorporated by reference to an existing statute or code since the Statehood Act was yet to be enacted by Congress. *State v. Lewis*, Sup. Ct. Op. No. 1364 (File No. 3039), 559 P.2d 630, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (1977).

Constitution merely contains consent to be bound by such reservations as Congress requires. — The Alaska Constitution did not contain any specific restrictions on alienation but merely a consent to be bound by such reservations as would be required by Congress. *State v. Lewis*, Sup. Ct. Op. No. 1364 (File No. 3039), 559 P.2d 630, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (1977).

This section is similar to Alaska Const., art. VIII, § 9, in expressing advance consent to terms or conditions which might be required by Congress as a condition to admission of Alaska to the Union. *State v. Lewis*, Sup. Ct. Op. No. 1364 (File No. 3039), 559 P.2d 630, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (1977).

All that was required to release the restrictions required by Congress was congressional consent. *State v. Lewis*, Sup. Ct. Op. No. 1364 (File No. 3039), 559 P.2d 630, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (1977).

And state constitutional amendment is not mandated. — After Congress has given its consent to a change in terms, a state constitutional amendment is not mandated to alter the compact. *State v. Lewis*, Sup. Ct. Op. No. 1364 (File No. 3039), 559 P.2d 630, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (1977).

No impediment to authorized land exchange. — This section and Alaska Const., art. VIII, § 9 impose no impediment to an exchange of land authorized by Congress and the state legislature even though the exchange involves a conveyance of mineral rights by the state. *State v. Lewis*, Sup. Ct. Op. No. 1364 (File No. 3039), 559 P.2d 630, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (1977).

Chapter 19, SLA 1976, is constitutional. — Chapter 19, SLA 1976, which authorized a three-way exchange of land between the state of Alaska, the United States government and a regional corporation of Alaska natives, which exchange was to pass all of the state's rights in the land including the mineral subsurface estate, was constitutional since there is no constitutional prohibition against alienation of mineral rights which precludes this land exchange. *State v. Lewis*, Sup. Ct. Op. No. 1364 (File No. 3039), 559 P.2d 630, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (1977).

Once congressional consent to release the restrictions required by Congress was secured, the Alaska legislature, in agreeing to the disposition of the land and mineral rights by ch. 19, SLA 1976, was not violating any specific provision of the Alaska Constitution. *State v. Lewis*, Sup. Ct. Op. No. 1364 (File No. 3039), 559 P.2d 630, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (1977).

Article XIII

Amendment and Revision

Section 1. Amendments. Amendments to this constitution may be proposed by a two-thirds vote of each house of the legislature. The lieutenant governor shall prepare a ballot title and proposition summarizing each proposed amendment, and shall place them on the ballot for the next general election. If a majority of the votes cast on the proposition favor the amendment, it shall be adopted. Unless otherwise provided in the amendment, it becomes effective thirty days after the

Constitutional amendment — After Congress has made a change in terms, a constitutional amendment is not binding on the compact. State v. Lewis, Sup. Ct. Op. No. 1364 (File No. 3039), 559 P.2d 630, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (1977).

Authority to authorize land exchange and Alaska Statehood Act, § 9 impose no restriction on the exchange of land between the state and the federal government through the exchange of mineral rights by the state. State v. Lewis, Sup. Ct. Op. No. 1364 (File No. 3039), 559 P.2d 630, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (1977).

SLA 1976, is Chapter 19, SLA 1976, provides for a free-way exchange of land between the State of Alaska, the federal government and a regional compact with Alaska natives, which includes all of the state's mineral rights including the mineral rights which are prohibited by the Alaska Statehood Act since the Alaska Statehood Act prohibits the exchange of mineral rights which are prohibited by the Alaska Statehood Act. State v. Lewis, Sup. Ct. Op. No. 1364 (File No. 3039), 559 P.2d 630, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (1977).

Consent to release land by Congress was required by the legislature, in the Alaska Statehood Act, Chapter 19, SLA 1976, was a specific provision of the Alaska Statehood Act. State v. Lewis, Sup. Ct. Op. No. 1364 (File No. 3039), 559 P.2d 630, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (1977).

Constitution may be amended by the legislature. The Alaska Statehood Act, Chapter 19, SLA 1976, provides that they be placed on the ballot and cast on the day after the

certification of the election returns by the lieutenant governor. [Amendment approved August 25, 1970; amendment approved August 27, 1974]

Effect of amendments. — The amendment, approved August 25, 1970 (6th Legislature's SJR 2), substituted "lieutenant governor" for "secretary of state" in the second and last sentences.

The amendment approved August 27, 1974 (8th Legislature's HJR 20) substituted "general" for "statewide" near the end of the second sentence.

The United States Congress has no power to amend a state's constitution. State v. Lewis, Sup. Ct. Op. No. 1364 (File No. 3039), 559 P.2d 630, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (1977).

This article provides two methods of amending the constitution: (1) by a constitutional convention, followed by a ratification of the proposed amendment by the people, and (2) by a proposal that has obtained a two-thirds vote of each house of the legislature, and is adopted by the people by a majority vote at a statewide election. State v. Hagglund, Sup. Ct. Op. No. 98 (File No. 246), 374 P.2d 316 (1962).

The constitution of the State of Alaska provides only two means for its amendment. This section authorizes such amendments by a two-thirds vote of each house of the legislature thereafter approved by a majority vote at the next statewide election. Alaska Const., art. XIII, § 4 provides for amendments by a constitutional convention subject to ratification by the people. State v. Lewis, Sup. Ct. Op. No. 1364 (File No. 3039), 559 P.2d 630, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (1977).

Section 2. Convention. The legislature may call constitutional conventions at any time.

Quoted in Wade v. Nolan, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966); Boucher v. Bomhoff, Sup. Ct. Op. No. 775 (File No. 1487), 495 P.2d 77 (1972).

Section 3. Call by Referendum. If during any ten-year period a constitutional convention has not been held, the lieutenant governor shall place on the ballot for the next general election the question: "Shall there be a Constitutional Convention?" If a majority of the votes cast on the question are in the negative, the question need not be placed

The Alaska Constitution may not be amended by popular vote alone, without prior action by either the legislature or a constitutional convention. State v. Lewis, Sup. Ct. Op. No. 1364 (File No. 3039), 559 P.2d 630, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (1977).

Adoption of proposition in Statehood Act did not amend constitution. — Although included in Alaska Statehood Act, § 8(b), 48 U.S.C. Prec. § 21, was the provision that in the event that three propositions to be submitted to the voters were adopted by a majority vote, "the proposed constitution of the proposed State of Alaska . . . shall be deemed amended accordingly," and although the propositions were adopted, the Alaska Constitution was not thereby amended to include "the terms or conditions of the grants of land" set forth in Alaska Statehood Act, § 6(i), since there was no state legislature in existence at the time of passage of the Statehood Act, the territorial legislature never approved an amendment incorporating the restrictions of Alaska Statehood Act, § 6(i), which relates to mineral land grants, into the Alaska Constitution, and no constitutional convention was called to act on the matter. State v. Lewis, Sup. Ct. Op. No. 1364 (File No. 3039), 559 P.2d 630, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (1977).

Quoted in Wade v. Nolan, Sup. Ct. Op. No. 346 (File No. 731), 414 P.2d 689 (1966).

Stated in 1969 Op. Att'y Gen. No. 6.

HJR

8

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HJR 8

Revision Date: January 19, 1993 Dept. Affected: Lieutenant Governor
 Title: Authorize the Use of Initiative BRU: Division of Elections
to Amend the Constitution Component: Ballot
 Sponsor: Representative Terry Martin
 Requestor: House State Affairs Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	0	0				
TRAVEL	0	0				
CONTRACTUAL	0	2,500				
SUPPLIES	0	0				
EQUIPMENT	0	0				
LAND & STRUCTURES	0	0				
GRANTS, CLAIMS	0	0				
MISCELLANEOUS	0	0				
TOTAL OPERATING	0	2,500				

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:		GF				
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF		2,500				
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL		2,500				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary)

Ballot question for public voters 300,000

Prepared by: House State Affairs Committee
 Division: Legislature
 Approved by Commissioner: _____
 Agency: _____

Phone: 465-3719
 Date: January 19, 1993
 Date: _____

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ELECTIVE DISTRICT 14
ELMENDORF A.F.B.
EAST ANCHORAGE
GOVERNMENT HILL

REP. TERRY MARTIN

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ANCHORAGE, AK 99504
PHONE: 333-6990

DURING SESSION
P.O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE: 465-3783

Alaska House of Representatives

MEMORANDUM

DATE: January 14, 1993
TO: Representative Al Vezey, State Affairs Chair
FROM: Representative Terry Martin *T.M.*
RE: HJR 8 - Use of Initiative

Attached is a copy of HJR 8, proposing an amendment to the Constitution of the State of Alaska authorizing the use of initiative to amend Alaska's Constitution.

The primary intent of this legislation is to allow voters in Alaska to amend their constitution directly, rather than depending on a stagnate legislature or a constitutional convention. In consideration of the numerous constitutional amendments previous legislatures have not passed or stalled in committee, in addition to the fact that the question of the Constitutional Convention was presented to the voters in the 1992 General Election and soundly defeated, it would seem reasonable to propose the use of initiative in amending the constitution.

I would formally like to request that you please schedule HJR 8 at your earliest convenience. If you have any questions or concerns, please contact my aide Tom Anderson at 6618.

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Alaska House of Representatives

MEMORANDUM

DATE: January 14, 1993
TO: Representative Al Vezey, State Affairs Chair
FROM: Representative Terry Martin *T.M.*
RE: HJR 8 - Use of Initiative

Thank you for scheduling HJR 8 so expeditiously. My aide Tom Anderson will be in contact with your committee aide with regards to supporting documentation and a bill directory. If you have any questions, please contact him at 6618.

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Alaska House of Representatives

SECTIONAL ANALYSIS

HJR 8

Authorizing the use of the initiative to amend
the Constitution of the State of Alaska.

Section 1

Allows voters to propose and enact constitutional amendments
(as well as laws) by the use of initiative.

Section 2

Makes a technical adjustment to Article XI, sec. 2, of the Alaska
Constitution, adding that the application proposing an initiative may
contain a constitutional amendment (or a proposed law and/or a
referendum).

Section 3

Adds the proposal of a constitutional amendment as a possible
ballot title and proposition and voids the petition if the same
amendment has already been proposed.

Section 4

Defines the disposition of the proposed constitutional
amendment by stating that if a majority of the votes cast favors the
amendment, the amendment becomes effective 30 days after the
lieutenant governor certifies the election returns. There are also minor
verbiage revisions for law and referendum action.

Section 5

Adds to Article XI, sec. 4, of the Alaska Constitution, that amendments may also be proposed by initiative, as opposed to by the legislature solely.

Section 6

States that if this resolution passes, it will placed on the next general election ballot.

ELECTIVE DISTRICT 14
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Alaska House of Representatives

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SPONSOR SUMMARY

HJR 8

"People Need Direct Initiative"

In the 1992 State of the State message to legislators, Governor Walter J. Hickel solicited support of two major issues that have been advocated by the citizens over the past 37 years. The governor called upon the legislature to pass constitutional amendments for limited terms of elected officials as well as decreasing the length of legislative sessions, thereby giving the people the final decision in the November General Election. In his recent State of the State Address, Governor Hickel's message was a reiteration stressing the need for the initiative to amend the constitution. History has proven the total failure of the legislature in passing legislation of interest to the citizens, fearing it may be detrimental to their own personal benefit.

Since the 2nd Session of the 1st Legislature (1960), there have been 550 resolutions introduced by legislators to amend the constitution, 29 of which have gone before the voters and of these, 20 were approved and 9 were rejected. The most persistent issue since 1969 has been the length of the legislative session for which 46 bills have been introduced. In 1983, Joe Hayes, then Speaker of the House, succeeded in passing a 120 day session which we now operate under. Today, most people feel the legislative session should be limited to 90 days or less.

Since 1968, legislatures have introduced 29 bills on behalf of the people to elect the attorney general. Other issues introduced by the constitutional changes were: Limitation of terms (24 times) and there has been little openness by the legislature on this issue; establishment of a unicameral system (14 times); legislative reapportionment - which legislators have failed to accomplish even after ordered by the Supreme Court (16 times); and the right to bear arms (11 times).

The biggest failure of these legislatures, in terms of advocating their own adjustment of the constitution, has been the annulment of regulations. This issue has been introduced 11 times in a 12 year period (1980-1992), of which on 3 occasions, the issue went to the ballot after getting two-third approval from each house, only to be defeated by the voters 3 times.

The earliest resolution introduced to amend the Constitution was in 1961 to approve the election of the attorney general by the people. Anyone following the proceedings of the convention of '55 knows this issue was a "hot potato" that was sidelined by friendly maneuvers and the insistence of harmony to develop a constitution. Some who disagreed on this matter thought it would be easier to present as a single issue on the ballot of '62 and let the people voice their opinions. Since then, the 17 legislatures that have represented the people over the past three decades have introduced this "Granddaddy" of all resolutions - to elect the attorney general, 28 times. This is a prime example of a special interest group (attorneys and the governor who is in office at the time), literally prohibiting the voice of the people from being heard. At the time of statehood (1959), there were only 12 elected attorney generals in the 49 states. Today, 43 states elect their attorney generals.

This issue vividly portrays the fact that our constitution is far from a model representative for other states to follow, but instead, is an example of limited democracy controlled by excessive powers given to a "too powerful" legislature and executive branch. As these two control who will be the attorney general, they also diminish the people's avenue to settle grievances with the state without having to hire a private attorney to fight a Department of Law, which in 1993 employs 213 lawyers dedicated to protecting bureaucracy against the people.

The initiative and referendum are often referred to as "direct democracy" or "direct legislation" powers of the people which should always be at the disposal of the citizenry. However, the delegates who met in Fairbanks seem to have suffered from a negative faith in the people's ability to decide matters for their own well-being, and showed it by placing limitations in the Constitution on the normal provisions of direct democracy.

In explanation of the thought processes of the members of the constitutional convention author Gordon S. Harrison states in A Citizen's Guide to the Constitution on the State of Alaska, "Alaska's convention delegates were ambivalent about direct democracy, for while they authorized it on one hand, they greatly restricted its use on the other. Constitutional hedges on the use of the initiative and referendum reflect faith on the part of convention delegates in the wisdom and responsibility of the legislature, fear on the part of some delegates that these devices would be exploited by special interests on their own narrow purposes, and outright suspicion by others of the passions and impulses of the voters." Isn't it interesting that those once average citizens had suddenly been endowed with omniscience and superior wisdom as elected officials, viewing the Alaska Constitution as an untouchable document, only to be revised by their particular legislation.

Every ten years the people have the right to call a convention, the question of which appeared again on the ballot in November of 1992 and was soundly defeated by factions in Southeast Alaska, fearful of a Capitol move, and by special interest groups promoting pseudo fears at a cost of over \$33,000 from a Juneau committee to defeat the ballot question, while continuing to prosper from our outdated Constitution. As a result, the only way the people can change their own constitution is through the initiative process.

It is imperative that the voters in Alaska recognize they are equally as capable at making constitutional amendments as elected officials. If the citizens think they are not equal in wisdom and thoughtful thinking to legislators, then they can let their destiny be controlled by individuals suggesting their abilities lack the necessary intelligence and vote against the amendment to the State Constitution. In this context, there are six positive reasons why the people should fight to gain back their inalienable right to direct legislation:

- 1.) Direct legislation will reduce the empowerment of political parties, political bosses, and entrenched legislators.
- 2.) Direct legislation will reduce power and repeal action of special interests.
- 3.) Direct legislation will educate the people and allow them to develop civic virtue.
- 4.) Citizens are better (or at least equally) suited to decide public policy questions than are elected representatives.
- 5.) Citizens want to decide public policy issues directly, and permitting them to have full participation will decrease public apathy and dissatisfaction with government.
- 6.) Direct initiatives (grass root legislation) issues on the ballot for election day increases the percentage of the public turning out to vote.

JAN. 15, 1993

Making Laws at the Ballot Box

In 23 states voters are about to decide a lot more than who's going to hold office. They'll set policy on everything from taxes to gambling to the death penalty to euthanasia to limiting the terms of their lawmakers.

Tommy Neal

When American voters go to the polls this month, in many states they will be asked to make decisions far beyond the relatively simple question of which political candidates deserve their vote. That will be so especially in the 23 states allowing public policy questions to be placed on the ballot by citizen petitions—the initiative process.

Although the process varies from state to state, there are two basic methods for placing questions on the ballot in the 23 initiative states: by petition or by legislative action. Petitions require a specified number of signatures, which must be verified by the state's elections official—usually the secretary of state. In every state except Delaware, legislatures place constitutional amendments on the ballot for ratification. In initiative and referendum states, ballot questions may also invite approval of previously enacted legislation, as in South Dakota this year, where voters will have an opportunity to approve or reject legislation concerning the siting, construction and operation of a solid waste disposal facility. Advisory questions also may be placed on the ballot by the legislature.

The initiative and referendum process is primarily a western phenomenon, going back to the populist days of the 1890s. Oregon and South Dakota were the first states to adopt the initiative system, in 1898. Of the 23 initiative states, 17 are west of the Mississippi. And of those, the initiative has been most fre-

quently used in California, Oregon, Colorado, Arizona and North Dakota. This year will be no exception. Those five states account for 56 of the 122 questions in the initiative states. Successful petition drives put 71 initiatives on the ballot and state legislatures were responsible for 49 questions. Two questions on legislation enacted in 1991 were referred for voter approval along with a salary commission recommendation for increases in legislators' pay.

Until this year no state could match California in the number and confusion of ballot questions faced by voters. In 1990, California's information pamphlet required to be sent to all registered voters was 222 pages in length and would have taken the average voter 10 hours to read, even excluding the actual initiative texts, which are placed at the back

of the pamphlet. The 1992 version is 64 pages, excluding the texts. But California, the perennial ballot question champion, no longer holds that distinction. This year it's Arizona with 14 proposals on the ballot, followed by California and Colorado with 13 each. Oregon, consistently in the top five states in the numbers game, has only nine questions for residents to ponder in 1992.

While the 1992 questions are wide-ranging, the most common are those dealing with fiscal issues and term limitations. Fiscal questions—including tax, budget and bond issues—are perennial favorites. Term limits are new to the exercise. Voters in California, Colorado and Oklahoma approved the first term limitation initiatives in 1990. This year the issue will be on the ballot in 15 states.

Following in popularity are gambling and environmental measures. Gambling issues will be on the ballot in six states, ranging from riverboat gambling in Missouri to a repeal of video lottery in South Dakota. For sheer confusion, however, no state approaches Colorado, where the ballot will include five separate, and conflicting, gambling



Key Statewide Ballot Questions November 1992

	State	Proposition	Type	
General Government	AZ	Designates Martin Luther King Day as a state holiday	L	
		Increases legislative salaries	R	
	CA	Creates office of California analyst	L	
		Establishes Auditor General as constitutional office	L	
	ME	Requires state to fund mandates imposed on local governments	L	
	WA	Reforms campaign finance	I	
Criminal Justice	AZ	Requires the death penalty to be administered by lethal injection	L	
	CO,IL,MO	Allows crime victims to participate in legal proceedings	I/L	
Taxation and Budget	AZ	Requires two-thirds legislative vote for tax or fee increase	L	
	CA	Increases governor's power over budget; cuts welfare benefits	I	
		Increases business taxes and income tax on wealthy; reduces sales tax	I	
	CO	Increases state sales tax by 1 cent for education	L	
		Limits state and local spending; requires voter approval for tax increases	I	
	CT	Limits state spending to inflation rate or state income growth	L	
	FL	Limits property assessment increases to 3 percent per year	I	
		Creates a "Taxpayer Bill of Rights"	I	
	ID	Limits property taxes to 1 percent of market value	I	
	MI	Cuts school taxes 30 percent; limits assessment increases	I	
		Limits state equalized valuation increases to 5 percent	I	
	ND	Taxes waste disposal to fund environment programs	I	
		Increases sales tax by one-half cent for water projects	I	
		OK	Levies provider taxes to fund Medicaid	L
		OR	Rolls back tax limits on business property; provides renter tax relief	I
		RI	Imposes state spending limit	I
	SD	Imposes personal and corporate income tax; reduces property tax; exempts food and clothing from sales tax	I	
Education	CO	Allows school vouchers	I	
	IL	Creates an "Education Bill of Rights"	I	
Health	AZ	Prohibits abortion	L	
	CA	Requires employers to provide basic health care coverage	I	
		Allows physician assisted death	I	
	AR,MA	Increases cigarette and smokeless tobacco taxes for health programs	I/L	
Environment	AZ	Regulates wildlife management	I	
	CA	Provides \$1 billion funding plan for rail transit	I	
	CO	Earmarks lottery proceeds for outdoor purposes	I	
	MA	Requires reduced, reusable or recyclable packaging	I	
	OH	Requires a warning label on hazardous materials and creates a tax on businesses that release toxic chemicals	I	
Civil Liberties	CO	Bans state or local laws protecting rights of homosexuals	I	
	OR	Requires government to discourage homosexuality	I	
Gambling	CO	Allows gambling in certain areas (4 initiatives)	I	
	MO	Allows simulcasting of horse racing	L	
		Allows riverboat gambling	L	
	NE,MS	Authorizes a state lottery	I	
	SD	Repeals video lottery	I	
	UT	Allows pari-mutuel wagering	I	
Miscellaneous	OR,WY	Bans triple truck trailers	I	
Term limits	AZ,AR,CA, FL,MI,MO, MT,ND,NE, NY,OH,OR, SD,WA,WY	Limits the terms of state or federal office holders or both	I	

KEY: I=Initiative; L=Placed on ballot by legislature; R=Referendum on salary commission recommendation


Note: Proposals listed may not have been qualified for state ballots at press time.

Source: Compiled by NCSL.

questions. Two of the Colorado questions propose to expand gambling from four to 31 towns and counties in rural areas, one would authorize casino gambling in Denver but exclude it from other metro areas, another authorizes gambling in a rural town in western Colorado but would also impose a moratorium on additional gaming throughout the state until 2000, and still another—proposed by the legislature—provides for a local veto on gambling, even where it has been previously approved by initiative. If more than one of the Colorado gaming issues passes, it could lead to California-style litigation, where two conflicting initiatives on the subject of campaign finance were approved by the voters in 1988 and the ensuing litigation stretched out over four years.

Environmental issues are not as prominent as they were two years ago, when California voters rejected "Big Green," sometimes characterized as the most ambitious environmental initiative ever offered and attacked by opponents on the grounds that it would increase food costs and would also lead to the elimination of many jobs. In Oregon this year, two questions involve a nuclear power plant and one concerns fishing on the lower Columbia river. Environmental questions in other states involve various aspects of wildlife, parks and recreation. There are 14 environmental questions on the 1992 ballots, compared to 16 in that category in 1990.

Abortion, a public policy issue frequently faced by voters in past elections, is noticeable by its absence in 1992, with only one question on that subject on this year's ballot in Arizona. The California ballot includes an equally controversial issue—physician-assisted death. The California initiative, sometimes labeled the euthanasia question, authorizes a mentally competent adult to request "aid in dying" when a terminal condition is diagnosed.

Whatever the questions, if voting patterns follow the trend of recent elections, relatively few initiatives will be approved. In 1990, 32 percent of the questions passed. Proposals placed on the ballot by legislative action fared much better, with a success rate of 56 percent in 1990. Questions placed on the ballot by legislative action, however, tend to be less controversial than those that result from successful petition drives. 

Throwing Out the Rascals (And Those who Aren't)

Nobody's sure what is sparking term-limit proposals across the country. Maybe it's generalized rage; maybe it's a partisan plot. Whatever it is, it's spreading.

Nancy Rhyme

James Madison worried when he wrote in Federalist No. 53 that "a few members as happens in all such assemblies will by frequent re-election become members in long standing and will be masters of public business, and perhaps not unwilling to avail themselves of those advantages." Today's citizens are worried that there are far too many "members of long standing" in state legislatures and the Congress and they've reacted with term limit initiatives certified for the ballot in 15 states.

A movement to "throw the rascals out," that started two years ago in California, Colorado and Oklahoma, is raising a rumpus across the country. Some say it's an independent, grass-roots movement of state activists who believe that government under the status quo no longer works. Others believe it's an effort by the national Republican party to regain control of Congress. Whatever the motive, voters will have their say on the tenure of legislators on Nov. 3 in 15 of the 23 states with the initiative process, and it took hundreds of thousands of certified signatures to put the issue on those ballots. Whatever the outcome, the landscape of American politics has already been changed. In 29 states this year Democrats and Republicans alike introduced more than 100 bills to limit legislative terms, none of which survived.

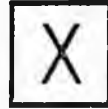
Turnover statistics evidently haven't

Nancy Rhyme is NCSL's specialist on term-limit proposals.

been convincing. State senates turned over an average of 72 percent between 1979 and 1989. This means that roughly three out of every four senators elected in 1978 were not there when legislatures convened in 1989. In state assemblies and houses the average was 75 percent. The number of new state lawmakers coming into office after the November 1990 election was 18 percent. Of the 7,461 state legislators 1,374 were new members. Leadership figures show a similar turnover. A 10-year look indicates 88 percent of the senate presidents in 1989 were not senate presidents in 1979. The same for speakers. Ninety-four percent of those serving in 1989 were new since 1979.

No one can deny that public opinion of government and elected officials is at an all-time low. Citizens are frustrated by Congress' inability to reach consensus on budget matters, appalled by the U.S. Senate Judiciary Committee's performance in the confirmation hearings of Supreme Court Justice Clarence Thomas, and disgusted by the check bouncing fiasco in the House bank and the savings and loan scandal. They are equally frustrated by state and local governments' continual stalemate on a variety of issues. The Michigan Legislature and Governor John Engler locked horns over the elimination of general welfare assistance for 80,000 recipients. California Governor Pete Wilson and Speaker Willie Brown squared off for 64 days before the 1993 budget was adopted. Last year, 11 states missed their statutory

The voters' choice



by Elaine S. Knapp

Democrats won eight of 12 governorships on Nov. 3 ballots, giving the party a 30 to 18 margin nationally, with two independent governors. Republicans made small gains in state legislative chambers.

Voters re-elected Democratic gubernatorial incumbents in Indiana, Rhode Island, Vermont and West Virginia. In open races, Democrats lost North Dakota, but retained Washington state and won seats vacated by GOP governors in Delaware, Missouri and North Carolina. Republicans kept open seats in Montana, New Hampshire and Utah.

Jim Hunt, governor from 1976-1984, was elected again, becoming the first North Carolina governor to serve three terms. He defeated Republican Lt. Gov. Jim Gardner to succeed GOP Gov. James G. Martin.

In New Hampshire, former Attorney General Steve Merrill will replace fellow Republican Gov. Judd Gregg, who was elected to the U.S. Senate. Democratic state Rep. Deborah Arnesen's support for a state income tax dogged her gubernatorial quest.

Montana GOP Attorney General Marc Racicot defeated Democratic state Rep. Dorothy Bradley for Gov. Stan Stephens' chair.

Republican Elizabeth Ann Leonard could not unseat Rhode Island Gov. Bruce Sundlun. Other winning Democratic incumbents were Indiana Gov. Evan Bayh, Vermont Gov. Howard Dean and West Virginia Gov. Gaston Caperton. Also in Vermont, Barbara Snelling, widow of the late governor, won the lieutenant governorship.

Delaware elected its first Democratic governor in 20 years. U.S. Rep. Thomas R. Carper beat the GOP's B. Gary Scott. Outgoing Republican Gov. Michael N. Castle won Carper's House seat.

Missouri Democratic Lt. Gov. Mel Carnahan defeated GOP Attorney General William Webster to replace Gov. John Ashcroft, a Republican.

In Washington, former U.S. Rep. Mike Lowry succeeds fellow Democrat Booth Gardner by defeating GOP Attorney General Ken Eikenberry. Washington state Sen. Patty Murray, a Democrat, became one of six women nationwide in the U.S. Senate.

Utah Republican Mike Leavitt, an insurance executive, replaces exiting Gov. Norman Bangerter by defeating Democrat Stewart Hanson. North Dakota Democratic Gov. George Sinner will turn over his office to Edward T. Schafer, the Republican businessman who defeated Democratic Attorney General Nicholas Spaeth.

In Puerto Rico, Dr. Pedro Rosello, a pediatrician, of the New Progressive Party that supports statehood won the governorship. He defeated Sen. Victoria Munoz Mendoza, daughter of the founder of the Popular Democratic Party that favors continued commonwealth status.

An Arkansas court Nov. 5 ruled Democrat Lt. Gov. Jim Guy Tucker would succeed Gov. Bill Clinton, who swept 32 states in winning 370 electoral votes for president.

Most of the 6,350 state legislative seats elected Nov. 3 in 45 states stayed in Democratic hands. Before the election, Democrats held both houses in 29 states, Republicans six states and control was split in 14 states. Nebraska has a nonpartisan Legislature.

Among formerly split states, Republicans won legislative control in Arizona, Kansas, Idaho and Michigan. Republicans also captured chambers held by Democrats in Illinois, Iowa, Montana, Nevada and Vermont. Florida's formerly Democratic Senate split 20-20. The New Progressive Party picked up the Puerto Rico Legislature.

Democrats won the South Dakota Senate to split control there. Massachusetts Democrats picked up seven more seats, taking away GOP Gov. William Weld's veto-proof Senate.

Democrats were in a tight race to keep control of Michigan's House, which was split 55-55 at press time.

One quarter of the nation's 7,500 state legislators will be new because many incumbents retired or lost primaries following redistricting. Nearly 90 percent of incumbents on the Nov. 3 ballot, however, were re-elected.

Alabama, Louisiana, Maryland, New Jersey and Virginia did not hold legislative elections.

Among more than 230 ballot questions nationwide, congressional or legislative term limits of 12 years or less were adopted in 14 states: Arizona, Arkansas, California, Florida, Michigan, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Washington and Wyoming. In the opposite vein, Kentucky voted to allow governors and statewide officers to run for a second term, and Rhode Island increased the governor's term to four years. New Jersey gave the Legislature veto power over executive regulations.

Arizona became the last state to honor Martin Luther King Jr. with a holiday.

continued on page 15

DEC. 1992

The voters' choice

from page 7

Other issues included:

- **Gay rights.** Oregon opposed condemning homosexuality. Colorado denied homosexuals antidiscrimination protections.

- **Right to die.** California rejected allowing doctors to help terminally ill adults with a painless death.

- **Abortion.** Maryland guaranteed abortion rights. Arizona defeated an abortion ban.

- **Schools.** Colorado rejected public and private school vouchers. Illinois refused to make education a fundamental right and to increase state funding.

- **Lotteries.** Georgia, Mississippi and Nebraska cleared the way for state lotteries. Missouri approved riverboat gambling. Idaho banned casino gambling.

- **ERA.** Iowa defeated an Equal Rights Amendment.
- **Crime.** Victims' rights were bolstered in Colorado, Illinois, Missouri, Kansas and New Mexico. New Jersey extended capital punishment to crimes resulting in unintended death. The District of Columbia refused to adopt the death penalty.

- **Finance.** California voters defeated Gov. Pete Wilson's bid for greater budget power and welfare cuts, but approved repealing the tax on snack foods. Colorado and Connecticut adopted state spending limits. Massachusetts increased the tax on cigarettes and smokeless tobacco for health education. Property tax relief measures lost in Idaho, Michigan and Wisconsin, but passed in Florida, Kansas and Oklahoma. Maine required the state to fund local government mandates. South Dakota defeated an income tax. Virginia approved a "rainy day" fund and \$613 million in bond projects. □

Table 1.3
CONSTITUTIONAL AMENDMENT PROCEDURE: BY INITIATIVE
Constitutional Provisions

<i>State</i>	<i>Number of signatures required on initiative petition</i>	<i>Distribution of signatures</i>	<i>Referendum vote</i>
Arizona.....	15% of total votes cast for all candidates for governor at last election.	None specified.	Majority vote on amendment.
Arkansas.....	10% of voters for governor at last election.	Must include 5% of voters for governor in each of 15 counties.	Majority vote on amendment.
California.....	3% of total voters for all candidates for governor at last election.	None specified.	Majority vote on amendment.
Colorado.....	5% of total legal votes for all candidates for secretary of state at last general election.	None specified.	Majority vote on amendment.
Florida.....	3% of total votes cast in the state in the last election for presidential electors.	3% of total votes cast in each of 1/2 of the congressional districts.	Majority vote on amendment.
Illinois(a).....	3% of total votes cast for candidates for governor at last election.	None specified.	Majority voting in election or 3/5 voting on amendment.
Massachusetts(b).....	3% of total votes cast for governor at preceding biennial state election (not less than 25,000 qualified voters).	No more than 1/4 from any one county.	Majority vote on amendment which must be 30% of total ballots cast at election.
Michigan.....	10% of total voters for governor at last gubernatorial election.	None specified.	Majority vote on amendment.
Missouri.....	3% of legal voters for all candidates for governor at last election.	The 3% must be in each of 2/3 of the congressional districts in the state.	Majority vote on amendment.
Montana.....	10% of qualified electors, the number of qualified electors to be determined by number of votes cast for governor in preceding general election.	The 10% to include at least 10% of qualified electors in each of 2/5 of the legislative districts.	Majority vote on amendment.
Nebraska.....	10% of total votes for governor at last election.	The 10% must include 5% in each of 2/5 of the counties.	Majority vote on amendment which must be at least 35% of total vote at the election.
Nevada.....	10% of voters who voted in entire state in last general election.	10% of total voters who voted in each of 75% of the counties.	Majority vote on amendment in two consecutive general elections.
North Dakota.....	4% of population of the state.	None specified.	Majority vote on amendment.
Ohio.....	10% of total number of electors who voted for governor in last election.	At least 5% of qualified electors in each of 1/2 of counties in the state.	Majority vote on amendment.
Oklahoma.....	15% of legal voters for state office receiving highest number of voters at last general state election.	None specified.	Majority vote on amendment.
Oregon.....	8% of total votes for all candidates for governor at last election at which governor was elected for four-year term.	None specified.	Majority vote on amendment.
South Dakota.....	10% of total votes for governor in last election.	None specified.	Majority vote on amendment.

(a) Only Article IV, The Legislature, may be amended by initiative petition.

(b) Before being submitted to the electorate for ratification, initiative

measures must be approved at two sessions of a successively elected legislature by not less than one-fourth of all members elected, sitting in joint session.

SUBMITTED BY REP. MARTIN
HJR 8

11/29/93

Table 1.4
PROCEDURES FOR CALLING CONSTITUTIONAL CONVENTIONS
Constitutional Provisions

State or other jurisdiction	Provision for convention	Legislative vote for submission of convention question(a)	Popular vote to authorize convention	Periodic submission of convention question required(b)	Popular vote required for ratification of convention proposals
Alabama	Yes	Majority	ME	No	Not specified
Alaska	Yes	No provision(d)	(c)	10 years(c)	Not specified(c)
Arizona	Yes	Majority	(e)	No	MP
Arkansas	No		No		
California	Yes	2/3	MP	No	MP
Colorado	Yes	2/3	MP	No	ME
Connecticut	Yes	2/3	MP	20 years(f)	MP
Delaware	Yes	2/3	MP	No	No provision
Florida	Yes	(g)	MP	No	Not specified
Georgia	Yes	(d)	No	No	MP
Hawaii	Yes	Not specified	MP	9 years	MP(h)
Idaho	Yes	2/3	MP	No	Not specified
Illinois	Yes	3/5	(i)	20 years	MP
Indiana	No		No		
Iowa	Yes	Majority	MP	10 years; 1970	MP
Kansas	Yes	2/3	MP	No	MP
Kentucky	Yes	Majority(j)	MP(k)	No	No provision
Louisiana	Yes	(d)	No	No	MP
Maine	Yes	(d)	No	No	No provision
Maryland	Yes	Majority	ME	20 years; 1970	MP
Massachusetts	No			No	Not specified
Michigan	Yes	Majority	MP	16 years; 1978	MP
Minnesota	Yes	2/3	ME	No	3/5 voting on proposal
Mississippi	No		No		
Missouri	Yes	Majority	MP	20 years; 1962	Not specified(l)
Montana	Yes(m)	2/3(n)	MP	20 years	MP
Nebraska	Yes	3/5	MP(o)	No	MP
Nevada	Yes	2/3	ME	No	No provision
New Hampshire	Yes	Majority	MP	10 years	2/3 voting on proposal
New Jersey	No		No		
New Mexico	Yes	2/3	MP	No	Not specified
New York	Yes	Majority	MP	20 years; 1957	MP
North Carolina	Yes	2/3	MP	No	MP
North Dakota	No		No		
Ohio	Yes	2/3	MP	20 years; 1932	MP
Oklahoma	Yes	Majority	(e)	20 years	MP
Oregon	Yes	Majority	(e)	No	No provision
Pennsylvania	No		No		
Rhode Island	Yes	Majority	MP	10 years	MP
South Carolina	Yes	(d)	ME	No	No provision
South Dakota	Yes	(d)	(d)	No	(p)
Tennessee	Yes(q)	Majority	MP	No	MP
Texas	No		No		
Utah	Yes	2/3	ME	No	MP
Vermont	No		No		
Virginia	Yes	(d)	No	No	MP
Washington	Yes	2/3	ME	No	Not specified
West Virginia	Yes	Majority	MP	No	Not specified
Wisconsin	Yes	Majority	MP	No	No provision
Wyoming	Yes	2/3	ME	No	Not specified
American Samoa	Yes	(r)	No	No	ME(s)
Puerto Rico	Yes	2/3	MP	No	MP

SUBMITTED BY REP. MARTIN
HJTB

HJR

9

STATE OF ALASKA
1993 LEGISLATIVE SESSION

No. 1
Bill Version: HJR 9
(H) Publish Date: 2/3/93

Revision Date: _____
Title: Amendment to the Constitution RE: prohibiting imposition of taxation without voter approval
Sponsor: Representative Martin
Requestor: _____

Department Affected: Office of the Governor
BRU: Division of Elections
Component: General and Primary Elections
COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	2.2*	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: 0

ANALYSIS: (Attach a separate page if necessary.) *This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on the measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be 53.4.

Prepared by: Charlot E. Thickstun, Director *Charlot E. Thickstun* Phone: 465-4611
Division: Division of Elections Date: 1/15/93
Approved by Commissioner: Lt. Governor John B. Coohill *John B. Coohill*
Agency: Office of the Lt. Governor Date: 1/15/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HJR 9

Revision Date: _____ Dept. Affected: Revenue
 Title: Prohibiting the imposition of state personal income taxation, state ad BRU: Revenue Operations
valorem taxation on real property, or state retail sales taxation without the approval... Component: Income & Excise Audit
 Sponsor: Representative Martin
 Requestor: Representative Martin COMPONENT SERIAL NO. 113

Expenditures/Revenues: (Thousands of Dollars)

	FY94	FY95	FY96	FY97	FY98	FY99
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						

REVENUE FUND SOURCE:

--	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS: -

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ 0.00

ANALYSIS: (Attach a separate page if necessary)
 The requirement of voter approval prior to the implementation of certain taxes has no operating budget impact on the Department of Revenue.

Prepared by: Rod R. Mourant *Rod R. Mourant* Phone: 465-2300
 Division: Commissioner's Office Date: 1/15/93
 Approved by Commissioner: Darrel J. Rexwinkel *Darrel J. Rexwinkel* Date: 1/15/93
 Agency: Revenue

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FISCAL NOTE

BILL NO. HJR 9

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: _____
Title: Amendment to the Constitution RE: prohibiting imposition of taxation
without voter approval
Sponsor: Representative Martin
Requestor: _____

Department Affected: Office of the Governor
BRU: Division of Elections
Component: General and Primary Elections
COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	2.2*	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: 0

ANALYSIS: (Attach a separate page if necessary.) *This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on the measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be 53.4.

Prepared by: Charlot E. Thickstun, Director *Charlot E. Thickstun* Phone: 465-4611
Division: Division of Elections Date: 1/15/93

Approved by Commissioner: Lt. Governor John B. Coghill *John B. Coghill*
Agency: Office of the Lt. Governor Date: 1/15/93

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ELECTIVE DISTRICT 14
ELMENDORF A.F.B.
EAST ANCHORAGE
GOVERNMENT HILL

REP. TERRY MARTIN



Alaska House of Representatives

HOME
355 DONNA DR., #11
ANCHORAGE, AK 99504
PHONE: 333-6990

DURING SESSION
P.O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE: 465-3783

SPONSOR SUMMARY

HJR 9

Requiring the approval of the voters for the imposition of state income tax, state ad valorem tax on real property, or state retail sales taxation

HJR 9 is intended to prevent exorbitant and disproportionate taxes from harming Alaskan residents. Taxation, whether of income, property, or retail merchandise, is not the answer to increasing state revenues.

Need for Legislation

At present, Alaskans enjoy paying the lowest annual tax per household in the nation, averaged in our state at \$1,632. Nationwide, the movement to prevent legislatures from implanting tax hikes is spiraling upward. The most recent states to have eliminated the ability of legislatures to impose tax increases without popular vote are: Arizona, Florida, Idaho, Michigan, Colorado, and Oklahoma. The latter two actually require a supermajority to approve any tax increases.

These advances in the elimination of unwarranted taxation are indicative of the national trend. In Alaska, voters are extremely apprehensive about new and elevated taxes. The general viewpoint has been to work in conjunction with the legislature, rather than to grant them full autonomy over taxation. HJR 9 would transfer the power to tax from the legislature to the citizenry.

ELECTIVE DISTRICT 14
ELMENDORF A.F.B.
EAST ANCHORAGE
GOVERNMENT HILL

REP. TERRY MARTIN



Alaska House of Representatives

HOME
355 DONNA DR., #11
ANCHORAGE, AK 99504
PHONE: 333-6990

DURING SESSION
P.O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE: 465-3783

SECTIONAL ANALYSIS

HJR 9

Requiring the approval of the voters for the imposition of state income tax, state ad valorem tax on real property, or state retail sales taxation

Section 1.

Amends Article IX, sec. 1 of the Constitution of the State of Alaska by prohibiting any imposition of state income tax, ad valorem taxation on real property, or retail sales tax, without the approval of the voters of the state.

Section 2.

Places the amendment proposed by the resolution before the voters throughout the state in the next general election.

Fiscal Issues Crowd November Ballots

Tax and spending issues are perennial favorites in the initiative states. This year is no exception.

Scott Mackey

A broad range of fiscal matters will be before the voters in at least 18 states this month. Issues range in importance from easing debt restrictions on local governments to a major transfer in budget authority from the legislature to the governor.

Unlike previous years when fiscal ballot initiatives primarily sought to limit taxes and spending, this year's proposals include nearly an equal number of measures that would increase taxes or change the mix of revenue sources to make the state's tax system more progressive.

State voters will make decisions on budget process reforms, state lotteries, liberalizing fiscal restrictions on local governments, and property tax relief. With this mix 1992 may not be the "tax revolt" year that some observers predicted in the wake of widespread state tax increases in 1990 and 1991.

Budget Process Reforms

Citizens in five states—California, Connecticut, Florida, Missouri and Rhode Island—will vote on changes in the legislative budget process. The most significant change could be in California, where voters will decide

whether or not to give the governor almost unilateral control over the budget process if the Legislature fails to meet certain deadlines.

Legislatures in Connecticut and Rhode Island have placed constitutional amendments before the voters that would impose new limits on state spending. The Rhode Island measure is

Colorado voters could conceivably approve tax increases and a tax limitation on the same ballot.

modeled after Delaware's law, which limits general fund appropriations to 98 percent of the revenue estimate and requires additional revenues to be placed in a "rainy day fund." Fund balances could be used for repayment of debt service or capital construction projects only if they exceed 3 percent of the revenue estimate. The Connecticut proposal would limit state spending to the percentage increase in inflation or state personal income, whichever is greater. The General Assembly could override the limit with a three-fifths vote and an emergency declaration by the governor.

Florida voters will decide whether to

approve a statutory "Taxpayers' Bill of Rights" similar to those in 13 other states. Another measure would place new restrictions on Florida's budget process, such as requiring a three-day layover between committee approval and floor consideration of appropriation bills. Missouri voters will decide whether to create a constitutionally protected "rainy day fund."

Limitations on Legislative Tax Powers

Voters in Arizona and Colorado will decide whether to place new restrictions on the legislature's ability to raise taxes. The Arizona measure would require a two-thirds legislative vote for tax increases; tax measures vetoed by the governor would require a three-fourths majority to override. In Colorado, an initiative would require voter approval for any new tax increases unless they were adopted by a two-thirds legislative vote.

If these initiatives are approved, Arizona and Colorado would join seven other states with supermajority requirements for tax increases. Voters in Oklahoma approved a three-fourths supermajority requirement in a September referendum.

Property Tax Changes

Property tax limitations will be on the ballot in Colorado, Florida, Idaho and Michigan. The Colorado initiative would require voter approval for property tax increases above certain limits, while the Florida initiative would limit assessment increases to 3 percent per year. Similar to California's Proposition 13, assessments would be brought up to market value when the home is sold or substantial renovations are completed.

The Idaho initiative calls for a cap on

Scott Mackey specializes in state and local tax issues for NCSL.

property taxes at 1 percent of market value. While Idaho is generally a low property tax state, there are certain areas where property tax payments greatly exceed this 1 percent cap. These areas would be forced to roll back property tax rates.

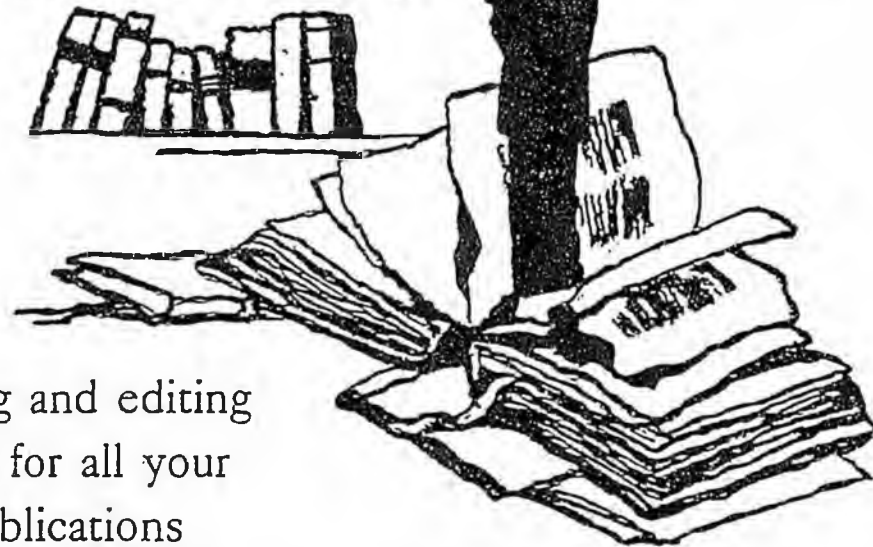
Two competing initiatives will be on the ballot in Michigan. The "cut and cap" proposal, sponsored by the gover-

nor, would roll back school taxes by 30 percent and limit future assessment increases to 3 percent annually. Another measure, referred to the voters by the Legislature, would limit annual increases in state equalized valuation to the inflation rate or 5 percent, whichever is lower.

Four other states have property tax measures on the ballot. Kansas voters

will decide whether to amend the constitution to allow the Legislature to create a classified assessment system, which allows different types of property to be valued for tax purposes at different levels. The state constitution now contains a uniformity clause that requires all property to be treated the same. Voters in Arkansas, California and Oklahoma will consider limited

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Governors Take Proposals to the People

Governors in three states, unable to win legislative support for their fiscal agendas, are seeking to bypass the legislature with initiatives on the November ballot. Voters in California, Colorado and Michigan will decide major tax and budget questions that could alter their states' fiscal landscape for many years to come.

In California, Governor Pete Wilson is seeking voter approval of a measure that would substantially alter the balance of power between the legislature and the executive in the budget process. Not surprisingly, the Legislature would come out on the short end of the stick. The measure would reduce the time for legislative consideration of the budget by nearly two months. It would require the Legislature to submit the budget bill to the governor by June 15 and require that the budget be signed into law by July 1. Failure to meet these deadlines would trigger "fiscal emergency" powers that would give the governor almost unilateral control over program expenditures for the fol-

lowing fiscal year. The governor would also have the option of vetoing budget bills that meet the June 15 deadline in order to create the "fiscal emergency" that would give him these expanded powers.

The Wilson initiative would also cut welfare grants by 25 percent. And as a final jab at the Legislature, the initiative would suspend lawmakers' (and the governor's) pay between July 1 and such time as the budget is passed and signed into law.

Colorado Governor Roy Romer was unable to win legislative approval for a tax increase to boost state funding for K-12 education, so he launched an initiative crusade. A ballot measure sponsored by Romer would increase the state sales tax from 3 percent to 4 percent and earmark the proceeds for education.

A school finance reform bill enacted in 1988 committed Colorado to major increases in school funding in the early 1990s. The state finds itself in the same boat as others that promised K-12 mon-

ey during the 1980s that they cannot afford now. While the legislature has boosted school funding substantially, the state has not fully funded the increases required by the 1988 law.

Michigan voters will decide whether to approve a 30 percent rollback in school property taxes proposed by Governor John Engler. Governor Engler's "cut and cap" initiative would also limit the future growth in property assessments to 3 percent annually. The initiative requires the state to make up local school revenues lost because of the 30 percent rollback. However, revenues lost due to the 3 percent limitation on assessment increases would not be reimbursed through state aid. Engler argues that Michigan's property tax burden, which is among the highest in the country, is hurting small businesses and is responsible for Michigan's chronically high unemployment. Opponents, including state teachers' groups, counter that Engler's argument is a red herring and that the initiative would devastate schools.

property tax exemptions.

Liberalizations of Local Tax Restrictions

Not all of the ballot measures will restrict taxes and spending. Voters in Arizona will decide whether to relax spending and debt restrictions on local governments. Missouri citizens will vote on allowing local governments to pass tax increases with a four-sevenths majority instead of a two-thirds majority. Florida voters will decide whether to give counties the authority to levy a penny sales tax.

In California, a broad tax increase package would significantly weaken the portion of Proposition 13 that limits taxes on business property. The current law limits assessment increases for business property to 2 percent annually, unless the business is sold or substantially renovated. The proposed ballot measure would require business property to be reassessed at full market value every three years, unless the business could

prove that 50 percent of its stock had not changed hands during the 3-year period. Passage of this initiative could provide local governments in California with between \$550 million and \$1.2 billion in new revenue in FY 1994.

In Oregon, voters will decide whether to increase taxes on business property by liberalizing the property tax limits approved in 1990. Under the proposal, business property taxes for schools would be limited to 2 percent of market value. The cap under current law, once fully phased in, is 0.5 percent of value.

Tax Increases and Tax Shifts

Tax increases will be on the ballot in Arkansas, California, Colorado, Massachusetts, North Dakota and Oklahoma. Included are cigarette tax increases (Arkansas and Massachusetts), sales tax increases (Colorado and North Dakota), and Medicaid provider taxes (Oklahoma). California's "soak the rich" ini-

tiative would raise personal income tax rates and most business taxes while reducing sales taxes by a quarter-cent and repealing the sales tax on candy and snack foods. It would also reinstate the renter credit for higher income renters.

A South Dakota initiative would create a new personal and corporate income tax with graduated rates ranging from 2 percent to 5 percent. It would also repeal the sales tax on food, clothing and utilities and roll back property taxes.

The broad range of fiscal initiatives on the 1992 ballot defy sweeping generalizations. In Colorado, for example, voters could conceivably approve tax increases and a tax limitation on the same ballot. Arizona voters could liberalize local tax restrictions at the same time that they severely restrict state tax options. What seems clear is that governors and citizens of some states are moving to circumvent the legislature in ways that threaten the legislative role in budgeting and policymaking. □

Money

January

Volume 22 Number 1

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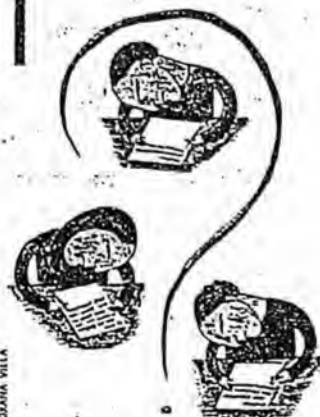
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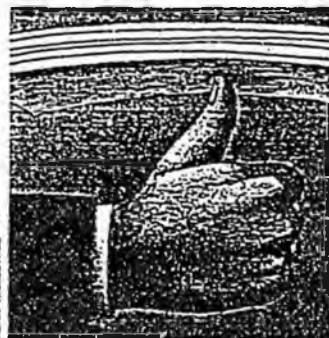
Cover photographs by Ken Probst

Per Ulmer
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HJR9

NEW READERS' POLL



TELL US YOUR IDEAS.
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could risk having New York State and City insist that they are due taxes on your interest, dividends and capital gains as well as the income from your job. While New Jersey will give you a credit for the New York taxes, your final bill will be the same as if you lived in Manhattan.

It can be difficult to prove that you aren't actually a resident of the high-tax state even though you own a home there. The reason: If you spend more than half the year in the high-tax state, you meet the definition of resident used by many states. You can try to prove otherwise by, say, showing that you vote in the other state, register your car there and belong to social clubs and send your kids to schools there. But fewer and fewer revenue-hungry states accept such evidence as conclusive. In the end, you may have to either pay up or give up your second home. "Domicile is a state of mind," says Gattegno, "but the burden of proof is all yours."

■ **If you're married, don't automatically file a standard joint state return.** Ten states (Arkansas, Delaware, Iowa, Kentucky, Maryland, Mississippi, Missouri, Montana, Tennessee and Virginia) and the District of Columbia give a special break to married couples in which both spouses have income and file a joint federal return. These states let a couple calculate each spouse's state tax separately—at lower effective rates than if they filed jointly—and file a so-called joint-separate return. For example, a Virginia couple with one spouse earning \$40,000 and the other \$20,000, two children and \$10,000 in itemized deductions would pay a 1992 state tax of \$2,434 by filing jointly. With a joint-separate return, however, the couple would pay only \$2,204, a \$230 saving. "Two-earner couples should calculate their taxes both ways to find the lower tax," advises Kenneth Zemsky, a partner with Ernst & Young in New York City.

■ **Look into triple-tax-exempt bonds.** If you're in the 28% federal tax bracket or higher and live in a state with heavy income taxes, you might consider buying municipal bonds issued in your home state. That's because they are triple-tax-free: Any income they generate is exempt from federal, state and local taxes. (Only Indiana, Utah and, in some cases, North Dakota exempt income from other states' munis.) For example, Fidelity's New York Tax-Free High-Yield Fund, which, despite its name, invests primarily in investment-grade bonds, is 100% tax-exempt for residents of New York State. For top-bracket taxpayers—a combined effective rate of 39.51% if they live in New York City—the fund's current 5.39% yield is equivalent to 8.91% from a taxable investment. (For more about investing in municipal bonds, see page 82.)

■ **Consider investing in Treasury securities.** While income from Treasury bills, notes and bonds is taxed federally, it is free of all state and local taxes. You can buy Treasuries direct from the Federal Reserve

FROM \$1,632 IN ALASKA TO \$10,016 IN NEW YORK

What's the difference between living in Alaska and in New York? For a typical two-income family of four that subscribes to MONEY, as much as 17 feet of snow a year and \$8,384 in state and local taxes—the widest gap in our fourth annual study of such taxes.

The table at right lists the tax load of a family that earned \$72,385 in 1992, plus \$2,782 in interest, \$455 in dividends and \$1,472 in capital gains. They spent \$35,112 on food, clothing, prescription drugs, household goods, a new car (\$12,456) and other items. Their two autos consumed 1,912 gallons of gas.

The first two columns show each state's rank and the family's combined bill for state and local income, sales, property and gas taxes. The third column grades each state on the likelihood of tax increases in 1993 or 1994, according to tax experts: A, no major tax hikes expected (seven states); B, moderate chance (16); C, strong probability (15); and D, best bet (13). Property taxes are estimates of this family's bill in each state. Tax rates in the comments column are for couples filing jointly in 1992.

All state income tax estimates were provided by the state and local tax group of Ernst & Young, the international accounting and management consulting firm.

—Deborah Lohso

Other sources: Verex Inc.; *A Fair Cry From Fair* by Citizens for Tax Justice and the Institute on Taxation and Economic Policy. Notes: ¹Additional local income tax may also be assessed. ²Local income tax calculated on state return. ³"None" means state imposes no death tax; "0" means no tax applies to spouse or child heir.

State	Rank	State and Local Tax Bill	Grade	Comments
1 Alaska	1	\$1,632	A	
2 Wyoming	2	\$1,632	A	
3 Nevada	3	\$1,632	A	
4 Florida	4	\$1,632	A	
5 Tennessee	5	\$1,632	A	
6 South Dakota	6	\$1,632	A	
7 New Hampshire	7	\$1,632	A	
8 Texas	8	\$1,632	A	
9 Washington	9	\$1,632	A	
10 North Dakota	10	\$1,632	A	
11 Delaware	11	\$1,632	A	
12 Alabama	12	\$1,632	A	
13 Louisiana	13	\$1,632	A	
14 Mississippi	14	\$1,632	A	
15 New Mexico	15	\$1,632	A	
16 West Virginia	16	\$1,632	A	
17 Missouri	17	\$1,632	A	
18 South Carolina	18	\$1,632	A	
19 Arizona	19	\$1,632	A	
20 Indiana	20	\$1,632	A	
21 Kentucky	21	\$1,632	A	
22 Montana	22	\$1,632	A	
23 Oklahoma	23	\$1,632	A	
24 Kansas	24	\$1,632	A	
25 Pennsylvania	25	\$1,632	A	
26 Iowa	26	\$1,632	A	
27 Arkansas	27	\$1,632	A	
28 Illinois	28	\$1,632	A	
29 Virginia	29	\$1,632	A	
30 North Carolina	30	\$1,632	A	
31 Colorado	31	\$1,632	A	
32 Georgia	32	\$1,632	A	
33 New Jersey	33	\$1,632	A	
34 Michigan	34	\$1,632	A	
35 California	35	\$1,632	A	
36 Idaho	36	\$1,632	A	
37 Nebraska	37	\$1,632	A	
38 Ohio	38	\$1,632	A	
39 Utah	39	\$1,632	A	
40 Vermont	40	\$1,632	A	
41 Hawaii	41	\$1,632	A	
42 Minnesota	42	\$1,632	A	
43 Rhode Island	43	\$1,632	A	
44 Connecticut	44	\$1,632	A	
45 Oregon	45	\$1,632	A	
46 Maryland	46	\$1,632	A	
47 Maine	47	\$1,632	A	
48 Massachusetts	48	\$1,632	A	
49 Wisconsin	49	\$1,632	A	
50 District of Columbia	50	\$1,632	A	
51 New York	51	\$10,016	D	

Compiled by Kirsten Chancellor and Deborah Lohso

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Y-O-U-R-T-A-X-E-S

Total annual tax on typical household	Grade for risk of future tax hikes	Tax on earned income				State wide rate	Highest combined state and local	Death tax on		Comments	
		For singles earning \$35,000	For two-income married earning \$50,000	For two-income married earning \$75,000	For two-income married earning \$100,000			\$600,000 estate left to spouse	\$600,000 estate left to child		
\$1,632	A	None	None	None	None	0.00%	7.00%	\$1,479	None	None	Most tax revenue from the oil and gas industry
2,946	B	None	None	None	None	3.00%	6.00%	1,451	None	None	Most tax revenue from oil company and sales taxes
3,539	B	None	None	None	None	6.50%	7.00%	1,161	None	None	Most tax revenue from sales, gambling and gas taxes
3,846	D	None	None	None	None	6.00%	7.00%	1,730	None	None	Most tax revenue from sales, use and admissions taxes
4,038	C	None	None	None	None	7.00%	8.75%	1,147	0	0	Certain interest and dividend income taxed at 5%
4,284	C	None	None	None	None	4.00%	8.00%	2,331	0	\$41,250	Primary source of tax revenue: sales and gas taxes
4,591	D	None	None	None	None	0.00%	0.00%	4,023	0	0	Dividends and interest over \$2,400 taxed at 5%
4,647	D	None	None	None	None	6.25%	8.25%	2,245	None	None	Revenue mainly from sales and oil company taxes
4,694	C	None	None	None	None	7.00%	8.20%	1,890	None	None	Revenue mostly from sales, property and corporate taxes
5,292	B	\$751	\$721	\$1,547	\$2,399	5.00%	6.00%	1,948	None	None	Top rate: 12% on taxable income over \$50,000
5,354	C	1,812	1,822	3,351	4,950	0.00%	0.00%	1,234	0	31,250	Top rate: 7.7% on taxable income over \$40,000
5,552	D	1,267	1,652	2,442	3,222	4.00%	9.50%	617	None	None	Top rate: 5% on taxable income over \$6,000
5,752	D	895	1,195	1,829	2,456	4.00%	10.00%	925	0	17,050	Top rate: 6% on taxable income over \$50,000
5,792	B	1,185	1,251	2,339	3,427	7.00%	7.00%	1,200	0	0	Top rate: 5% on taxable income over \$10,000
5,948	B	1,329	1,489	3,038	4,824	5.125%	6.875%	902	None	None	Top rate: 8.5% on taxable income over \$41,600
5,981	B	1,260	1,695	3,230	4,855	6.00%	6.00%	527	None	None	Top rate: 6.5% on taxable income over \$60,000
6,047	C	1,265	1,660	2,612	3,552	4.225%	7.725%	1,154	None	None	Top rate: 6% on taxable income over \$9,000
6,531	C	1,728	2,005	3,465	4,964	5.00%	6.00%	1,381	None	None	Top rate: 7% on taxable income over \$10,500
6,637	B	1,271	1,402	2,436	3,578	5.00%	8.50%	1,781	None	None	Top rate: 7% on taxable income over \$300,000
6,712	C	1,156	1,564	2,414	3,264	5.00%	5.00%	1,613	0	24,950	Rate: a flat 3.4% of federal AGI, with modifications
6,744	B	1,641	2,131	3,436	4,742	6.00%	6.00%	1,137	0	45,350	Top rate: 6% on taxable income over \$0.00
6,781	D	1,552	2,199	3,776	5,393	0.00%	0.00%	2,301	0	0	Top rate: 11% on taxable income over \$57,600
6,907	C	1,885	2,051	3,574	5,097	4.50%	9.50%	1,062	0	17,725	Top rate: 7% on taxable income over \$21,000
6,935	A	1,630	1,395	2,755	4,153	4.90%	6.90%	1,923	0	21,750	Top rate: 6.45% on taxable income over \$60,000
6,969	B	1,033	1,475	2,213	2,950	6.00%	7.00%	2,069	\$35,880	36,000	Rate: a flat 2.8% on a broad base of taxable income
7,006	A	1,667	1,967	3,176	4,468	5.00%	6.00%	2,052	0	39,825	Top rate: 9.98% on taxable income over \$47,700
7,074	B	1,690	2,289	3,812	5,335	4.50%	7.50%	902	None	None	Top rate: 7% on taxable income over \$25,000
7,125	D	1,020	1,323	2,045	2,767	6.25%	8.75%	2,357	None	None	Rate: a flat 3% of modified federal AGI; 2.75% in 1993
7,217	B	1,537	2,061	3,312	4,563	4.50%	4.50%	2,159	None	None	Top rate: 5.75% on taxable income over \$17,000
7,263	B	1,973	2,274	3,797	5,320	6.00%	6.00%	1,232	0	7,000	Top rate: 7.75% on taxable income over \$100,000
7,268	A	1,455	1,716	2,804	3,892	3.00%	9.00%	1,884	None	None	Rate: a flat 5% of modified federal taxable income
7,301	C	1,682	1,991	3,295	4,602	4.00%	6.00%	1,637	None	None	Top rate: 6% on taxable income over \$10,000
7,371	A	750	997	1,791	3,178	6.00%	6.00%	3,772	0	0	Top rate: 7% on taxable income over \$150,000
7,493	B	1,513	1,914	3,064	4,214	4.00%	4.00%	2,866	0	34,300	Rate: a flat 4.6% of taxable income
7,605	C	1,512	1,159	2,897	4,920	7.25%	8.50%	1,998	None	None	Top rate: 11% on taxable income over \$414,400
7,634	A	2,119	2,272	4,033	5,817	5.00%	7.00%	1,492	None	None	Top rate: 8.2% on taxable income over \$40,000
7,728	D	1,371	1,545	2,961	4,466	5.00%	6.50%	2,703	0	5,800	Top rate: 6.92% on taxable income over \$45,000
7,751	D	1,655	1,396	2,648	4,153	5.00%	7.00%	1,537	2,100	30,100	Top rate: 6.9% on taxable income over \$100,000
7,892	A	1,839	2,242	3,596	4,943	6.00%	7.25%	1,751	None	None	Top rate: 7.2% on taxable income over \$7,500
7,962	D	1,562	1,494	3,323	5,332	5.00%	5.00%	2,750	None	None	Top rate: 34% of federal income tax above \$13,100
8,272	C	2,783	3,015	5,182	7,358	4.00%	4.00%	1,079	None	None	Top rate: 10% on taxable income over \$41,000
8,311	C	2,041	2,326	4,067	5,607	6.50%	7.50%	2,027	None	None	Top rate: 8.5% on taxable income over \$83,300
8,314	C	1,476	1,416	3,038	4,761	7.00%	7.00%	2,928	None	None	Rate: 27.5% of modified federal tax liability
8,389	C	1,377	1,071	3,037	4,500	6.00%	6.00%	3,245	0	37,895	Rate: a flat 4.5% of taxable income
8,390	D	2,469	2,930	4,889	5,847	0.00%	0.00%	2,910	None	None	Top rate: 9% on taxable income over \$10,000
8,568	B	2,295	2,814	4,446	6,078	5.00%	5.00%	2,698	5,000	6,000	Top rate, with local surtax: 9% over \$150,000
8,611	D	2,030	1,965	3,907	5,884	6.00%	6.00%	2,495	None	None	Top rate: 9.89% on taxable income over \$75,000
8,764	B	1,952	2,594	4,082	5,569	5.00%	5.00%	2,732	23,500	55,500	Rate on earned income is 5.95%; unearned, 12%
8,770	B	2,113	2,474	3,985	5,554	5.00%	5.50%	2,813	None	None	Top rate: 6.93% on taxable income over \$20,000
9,348	C	2,505	2,856	4,829	6,878	6.00%	6.00%	2,296	None	None	Top rate: 9.5% on taxable income over \$20,000
10,016	D	1,846	2,157	4,108	5,821	4.00%	8.50%	3,255	0	25,500	Top rate: 7.875% on taxable income over \$26,000

ELECTIVE DISTRICT 14
ELMENDORF A.F.B.
EAST ANCHORAGE
GOVERNMENT HILL

REP. TERRY MARTIN

HOME
355 DONNA DR., #11
ANCHORAGE, AK 99504
PHONE: 333-6990

DURING SESSION
P.O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE: 465-3783

Alaska House of Representatives

MEMORANDUM

DATE: January 14, 1993
TO: Representative Al Vezey, State Affairs Chair
FROM: Representative Terry Martin *THM*
RE: HJR 9, Voter Approval of Taxation

Thank you for scheduling HJR 9. My aide, Tom Anderson, will supply the necessary documentation for the committee prior to the first scheduled public hearing.

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Alaska House of Representatives

MEMORANDUM

DATE: January 14, 1993
TO: Representative Al Vezey, State Affairs Chair
FROM: Representative Terry Martin *TMM*
RE: HJR 9, Voter Approval of Taxation

This is a formal request to please schedule HJR 9 in the State Affairs Committee at your earliest convenience.

HJR 9 establishes the requirement of approval by voters for any proposed law establishing a state income tax, ad valorem tax on real property, or state retail tax.

My aide, Tom Anderson, will follow up with the supporting documentation and summary. If you have any questions, please contact him at 6618.

HJR 9
Rep MARTIN
1-28-93

THE 1992 CASE AGAINST ALASKAN STATE INCOME TAX



"Blessed Be A State Without Income Tax"

Representative Terry Martin - April 15, 1992

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4. WILL TAXING THE WORKING-CLASS CONTROL GOVERNMENT SPENDING?
5. INCOME TAXES VS. PERMANENT FUND DIVIDEND!

THE 1992 CASE AGAINST INCOME TAXES IN ALASKA

They say it was individual pride of achievement that developed Alaska. The miracle of Alaska was forged when the dreams of men and women put on work clothes. As pioneers, they set forth armed with self-esteem, ambition, and the resolve to compete and excel on their own.

How ironic it is today that some of these same people and their children are demanding larger cash handouts because they arrived first.

Edward Gibbon wrote about the Athenians, "They wanted comfortable life and they lost it all - security, comfort and freedom. When they finally wanted not to give to society, but for society to give to them; when the freedom they worked for was freedom from responsibility, Athens ceased to be free and was never free again." They learned that when the people failed to exercise their control over government, the public servants turned to public masters.

The question is - when does a welfare state destroy the free society that established it? It is the sober truth that as long as government cares for the people, the people will not care for themselves. From great societies of the past: Rome, Athens, Great Britain, our forefathers instilled in their people the principle that nothing is free; that socialism pulls few up, but drags many down; and a completely unnecessary tax, used to prop up such a system, is nothing more than punishment for working.

Whenever the government spends or taxes a single dollar more than it needs, it sprouts another seed of poisonous inflation.

Looking to government for "security" destroys the self-reliance that built America and Alaska. You cannot vote yourself security - you must earn it. You cannot bribe poverty to go away - you must work it to death.

The encouragement of pressure groups to "get theirs" at the expense of the working people - by threatening elected officials with defeat - will destroy the self-reliant class and the will to achieve. If the state legislature had more confidence in a hard-work, free-enterprise future than in a cash-for-vote present, there would be a glorious Alaskan future, and it could start now.

We have already indirectly paid a tax to the state by paying for the high cost of oil. The state saved these taxes in the name of the Permanent Fund.

There will always be the indigent, sick and old who cannot produce and must be taken care of by the rest of us. This is a form of charity which is right, rather than a form of government security, which is not a right. The bottom line is that it is of our own individual doing, earned by our hard work.

THE HISTORY OF INCOME TAX

The first income tax, in the modern sense, was imposed in England by William Pitt in 1799 to help pay for the wars against Napoleon. It was abolished after the Peace of Amiens in 1802. The following year, when war broke out with France again, the tax was reimposed. After Waterloo, it was again abolished. Then, in 1842, the British government adopted the



income tax as a permanent feature of its revenue system.

In 1861, the United States government levied a tax on income for the first time in its history. All income in excess of \$800.00 was taxed at a 3 percent rate. This wartime tax was abolished after the Civil War.

The 16th Amendment to the Constitution, legalizing federal income taxes as a permanent fund-raising device, was adopted in 1913. It began as an amendment to a bill in Congress lowering the tariff on imports. The idea was that the small deficit from reduced tariff receipts could be taken care of by a tiny tax on prosperous incomes. The 1990 Almanac presents an informative synopsis on the early history of income tax. It states that " The nation had few taxes in its early history. From 1791 to 1802, the United States Government was supported by internal taxes on distilled spirits, carriages, refined sugar, tobacco and snuff, property sold at auction, corporate bonds, and slaves. The high cost of the War of 1812 brought about the nation's first sales taxes on gold, silverware, jewelry, and watches. In 1817, however, Congress did away with all internal taxes, relying on tariffs on imported good to provide sufficient funds for running the Government."

The almanac continues by revealing that in 1862, "in order to support the Civil War effort, Congress enacted the nation's first income-tax law. It was a forerunner of our modern income tax in that it was based on the principles of graduated, or progressive, taxation and of withholding income at the source. During the Civil War, a person earning from \$600 to \$10,000 per year paid tax at the rate of 3%. Those with incomes of more than \$10,000 paid taxes at a higher rate. Additional sales and excise taxes were added, and an "inheritance" tax also made its debut. In 1866, internal revenue collections reached their highest point in the nation's 90-year history - more than \$310 million, an amount not reached again until 1911."

"The Act of 1862 established the office of Commissioner of Internal Revenue. The Commissioner was given the power to assess, levy, and collect taxes, and the right to enforce the tax laws through seizure of property and income and through prosecution. His powers and authority remain very much the same today. "

"In 1868, Congress again focused its taxation efforts on tobacco and distilled spirits and eliminated the income tax in 1872. It had a short-lived revival in 1894 and 1895. In the latter year, the U.S. Supreme Court decided that the income tax was unconstitutional because it was not apportioned among the states in conformity with the Constitution."

The history concludes with discussion of taxes in the early Twentieth Century. The almanac states, "By 1913, with the 16th Amendment to the Constitution, the income tax had become a permanent fixture of the U.S. tax system. The amendment gave Congress legal authority to tax income and resulted in a revenue law that taxed incomes of both individuals and corporations. In fiscal year 1918, annual internal revenue collections for the first time passed the billion-dollar mark, rising to \$5.4 billion by 1920. With the advent of World War II, employment increased, as did tax collections - to \$7.3 billion. The withholding tax on wages was introduced in 1943 and was instrumental in increasing the number of taxpayers to 60 million and tax collections to \$43 billion by 1945."

What started this whole tariff business anyway? When the Moors were masters of Spain, their ships would lie in wait for merchant vessels coming through the Straits of Gibraltar bound for Italy, Greece and Egypt. The Moors were no fools, and instead of plundering the vessels, they levied a sort of blackmail, with a fixed scale of payment based on the value of the cargo. This amount was determined at their port of Tarifa; thus originated the word "tariff". Some people still think a tariff is a form of piracy, even after all these years of government sanction.

The history of Alaska's tax system has been described as follows by Claus M Naske, a professor of history at the University of Alaska, Fairbanks:

"Territorial Alaska's tax system consisted of a conglomeration of heterogeneous taxes imposed by both Congress and the territorial Legislature for different purposes, on different bases, with many forms of rate schedules and a variety of administrative provisions.

Congress imposed the first taxes in response to the gold rushes of the late 1890's. In 1899, it passed a criminal code and code of criminal procedure that, among other things, imposed some 43 license taxes on specific businesses.

Congress passed the second Organic Act in 1912, which, among other things, gave Alaska a territorial Legislature to meet biennially. Between 1913 and 1948, the Legislature developed a tax system of its own. It consisted of a number of taxes and fees levied on the fisheries and mining industries, Alaska's two major economic activities.

There also was an inheritance tax as well as a patchwork quilt of miscellaneous business, professional, and occupational taxes and fees. In addition, the territory also participated in the Federal Social Security Program on the same basis as the contiguous states, and after World War II, at the urging of Territorial Governor Ernest Gruening, the territorial Legislature provided a generous Veteran's Loan and Bonus Program financed by a general sales tax, 1 percent on retail and 0.5 percent on wholesale sales.

Still another character of the system then (and now) was the narrowness of the tax base. For example, the territorial tax commissioner reported that during the calendar years 1947 and 1948, some 91.25 percent of the tax revenues collected came from a mere five

sources. The salmon industry contributed 21.25 percent, liquor excise taxes 21.31 percent, motor fuel and motor vehicles 15.65 percent, gross sales tax 28.8 percent, and the school head tax 4.12 percent.

Territorial residents had the habit of asking Congress to provide funds for any number of services. The federal government maintained Alaska's judicial system, managed its fish and game resources, paid the salaries and expenses of the Territorial Legislature, built its roads, trails and tramways and educated its Native children. The territory, it is true, made some minor annual contributions to some of these programs. By and large, however, the territory's hardy pioneers expected Uncle Sam to foot the bill for most activities normally conducted and paid for by territorial and local government.

Governor Gruening battled for 10 years, from 1939 until 1949, for a modern tax system. Finally, in the latter year, [the] Legislature passed a modern tax system, including a personal income tax."

From Reaching for a Star by Gerald Bowkett, an example of how Alaskans reacted to the imposition of the federal income tax:

TAXATION WITHOUT REPRESENTATION

FAIRBANKS, April 4, 1956 - (AP) - A federal court jury ... last night freed an Alaskan who had pleaded not guilty to ... income tax evasion on grounds that he did not believe in "taxation without representation."

Jack Marler ... was found innocent of charges that he willfully failed to file income tax returns...

...The defendant's attorney, Edgar Paul Boyko of Anchorage, announced before the trial that he would make the case "a test of the income tax laws as applied to the Territory of Alaska."

...In his instruction, the judge [U.S. District Judge Vernon D. Forbes] had told the jurors that the defense of "taxation without representation" was not valid, but the jury could take this defense into account in determining whether or not Marler had willfully failed to file his returns...

...U.S. Attorney Ted Stevens said he did not believe that this case was in any way a test of the federal income tax laws as applied to Alaska ...

WASHINGTON, April 19, 1956 - (AP) - An Internal Revenue Service Spokesman today shattered any dreams Alaskans might hold that a recent Fairbanks jury verdict might relieve them from federal tax responsibility.

...[The spokesman said] ... the case ... "establishes no precedent ... In this particular case the jury found for the taxpayer. In their opinion, his failure to file was not willful. That and nothing more. He [Jack Marler] must pay taxes for all the years he failed to file or pay ..."

The state personal income tax imposed in 1949, remained in effect until it was repealed by the state legislature in 1980. In today's debate concerning the reimposition of this tax, people seem to have forgotten that they used to pay state income tax, and how big a bite it took. That was and always should be the first direct bonus Alaskans receive in sharing the state's wealth from oil revenues. Those who are working can look at their paycheck and see \$0.00 taken out for state taxes.

All working Alaskans can compute their weekly or monthly dividend by simply multiplying their federal withholding tax by 16%, the amount of the tax at the time of its repeal. You may want to see your total tax dividends over the years since 1979. To do this, just add up your gross federal income tax for the last twelve years, and determine an additional 16% that would have gone to the state coffers.

The working people of Alaska have saved more than \$9 billion in state income taxes since the taxes were repealed in 1980. On the other hand, all Alaskans have received a total of \$3.125 billion in permanent fund dividend checks.

States with the highest taxes usually have the lowest growth rate in income and economic well-being. Higher taxes lessen economic growth. In Alaska,

unstable industry taxes cause businesses to stay away. The best way for legislatures to improve economic conditions in any state is to reduce taxes of all natures.

A new adage was introduced to rationalize an income tax, namely "Who ever heard of representation without taxation?" I have and I see nothing wrong in this. This is the way our country has operated for more than 126 years, except for a brief period during the Civil War. What is really bad and certainly constitutionally questionable, is taxation without equal representation. Alaska is the only state where a simple majority in the legislature can impose a tax on its citizens - this means 21 members in the House of Representatives and 11 members of the Senate. Until the reapportionment of 1992, our state was so malapportioned, the majority of legislators did not represent the majority of the citizens. This brings to mind the famous aphorism, "Power corrupts: absolute power corrupts absolutely." Few people realize the awesome power given to a few elected officials by Alaska's Constitution, Article IX,



The combination of taxes has become so burdensome that it is shackling America

Section 1. One may wonder if the framers of the Alaska Constitution ever considered what the Boston Tea Party was all about.

Those who have the power of taxation are not necessarily the best-informed. According to a special opinion editorial in the Washington Post on March 13, 1992 by George F. Will, the tax revolt of 1970s is alive and well in the 90s. In 1990 the people of New Jersey, the second richest state with a median household income over \$40,000, elected Governor Jim Florio, a Democrat, on the promise of no new

taxes and won (sound familiar!). Upon assuming office he promptly raised taxes far more than the deficit required. His tax increases had redistributive purposes, particularly for helping poor school districts.

The people of New Jersey did not feel as though they had anything extra for government to play with considering their style of living. They were most agitated about the \$2.8 billion tax increase - the largest in their state history. Thus, last November 1991, when Democrats controlled both houses of the state legislature, the voters returned the favor by replacing them with a veto-proof Republican majority in both houses.

To counter the newly promoted myth that "an income tax will encourage the public to decrease demands on government or force legislators to reduce spending," we need only to review ancient, medieval, and modern history. However, the quickest way of evaluating this myth is to acknowledge current budget problems of states with income taxes. Californians struggling with a major deficit in 1991 tried to solve its problems by increasing new taxes over \$7 billion and piling on an explosion of anti-growth regulations.

Throughout the nation, tax-cutting, grassroots legions are once again circulating statewide initiatives to try and control their legislature's excessive use of taxes. Here are a few initiatives proposed for November, 1992, that exemplify a freedom the Alaska citizens are deprived of since this state's constitution gives exclusive powers of taxation to the legislature only:

Oklahoma: In March, 1992, Voters approved State Question 640 which requires voter approval of any tax hike that doesn't achieve a 3/4 vote in each house of the legislature. The Oklahoma measure mirrors the model legislation of the American Legislative Exchange Council (ALEC's) Tax and Fiscal Policy Task Force which mandates a super-majority vote in the legislature for any tax increase.

Michigan: Signatures have been gathered for proposal to cut school property taxes by 30% over five years and limit future assessment hikes.

Colorado: Proposal would require voter approval of higher taxes, new debt and state spending hikes above inflation.

Oregon: Activists seek support for a move to require a vote of at least three-fifths of the legislature for tax hikes.

Clearly, other state legislatures are finding that there is a rising voter discontent with increased state spending and tax. One measure which is emerging in other states is the prevention of the legislature from placing emergency clauses on revenue bills which would allow the measure to go into effect immediately. This prevention statute will allow the voters time to circulate petitions on any tax increases prior to implementation of laws requiring new revenues. In Alaska the people are constitutionally prohibited from interfering with legislative appropriations and sources of revenue (taxes).

There are taxpayers' petition drives in a number of other states such as Arizona, Florida, North Dakota and Washington, but such is not allowed in Alaska. The last time a group of citizens tried this (1982), it was ruled as unconstitutional through an interpretation of an assistant attorney general that limiting the source of revenues for taxation would infringe on the untouchable powers of the legislature to appropriate. From this, one is to assume the powers of taxation are superior to the guaranteed right of petition in Alaska.

Obviously, Alaskans' right of petition is severely limited and the pro-tax legislators who defend the stand for additional taxation are bubbling with joy in recognition of the barrier preventing the petition drive. Many Alaskan are unaware that their rights have been stripped through liberal and undemocratic interpretations.

Taxing the working class and transferring the revenues to the non-working segment of a population is the worst sort of socialism a state government can practice. Can we not learn from the downfall of eastern Europe and the U.S.S.R.?

Every time the big spenders create a crisis in Alaska - "tax, tax, tax" is always their answer. They forward the idea that increased taxes reduce the size of government. People think the world of communism and socialism is over, unfortunately in Alaska the charms of these bells ring loudly in the halls of Juneau.

California's super crazy new cracker tax is another example showing that paying taxes does little to curtail the appetite of tax-hungry liberal legislators. In order to balance the budget, or at least make a dent in the deficit, California increased the 6 percent sales tax by a cent and a quarter on sales of certain items such as magazines, ship and aviation fuel, bottled water, and snack foods. So what's a taxable snack? Not peanuts, pork rinds or doughnuts. All crackers are, except saltines, graham crackers, animal crackers and arrowroot. Granola bars are taxed, granola isn't. Hershey milk chocolate chips are exempt, a Hershey milk chocolate bar is taxed. Tostitos tortilla chips are exempt, Doritos tortilla chips are taxed. (Did someone forget to make a campaign contribution to the finance chairman or to the war chest of the controlling political party?)

The out-of-control spending frenzy of New York's government led to the raise of taxes over \$1 billion for each year from 1989 to 1991 (total \$3 billion) and still the fiscal year budget for 1992 faced a \$6 billion deficit. This state, with the highest tax burden in the nation, will increase its spending another 7 percent this year with its credit rating cut to the third-lowest in the nation.

The myth of a tax-paying public having control of a wild spending legislature should not be employed in Alaska. Be aware that a simple majority of legislators can impose a tax on a majority of the citizenry whom they do not represent. The time to

speak out against the tax movement is now, during the fall election on November 3rd, 1992.

Proponents of reimposing the income tax argue that, at 4%, the tax would be on par with what other states levy, but they overlook the fact that with a much higher per capita income, at \$28,182, Alaskans would end up paying more in hard dollars. The more you tax the people, the less ability they have for economic survival.

In 1986, Governor Cowper's Office of Management and Budget developed graphs and charts purporting to compare the income various family groupings would receive from the permanent fund to the amount they would pay in personal income tax. The idea behind it was to graphically illustrate how well-off taxpayers will be with the PFD offsetting their taxes. The graph was quite misleading. Remember, you must first include the total PFD received in your gross income, which causes your taxes to increase. Since the tax on the PFD is not withheld, you will pay, either by receiving a smaller federal refund, or by sending in a bigger check with your 1040 form.

For a single individual who must pay federal taxes on their PFD first, at an average of \$20.00 per \$100.00, or from an \$931.00 PFD check, subtract \$188.00. In this case, the individual may receive \$743.00 clear from their PFD after federal taxes, but would still have to pay an additional \$30.00 to the state income tax plus 4% of gross = \$1,440 of one's annual wages for a person whose income is \$36,000.

Misguiding assumptions were used to lead families and married couples into accepting the tax, instead of capping the size of the PFD checks. The major misconception is not taking reality into computation. In the highest percentage of cases for families in Alaska both parents are working and taxed. Instances where a multi-member parent unit has only one breadwinner are clearly the exception, not the rule.

So, in computing how your family will actually advance in total income, be sure you include the tax to be paid by each working member of the family and subtract it from the total dividends received.

The second major factor to be aware of is that these comparisons are made on tax levels of 3.2% and 5.6%. Once the tax is put into law, not voted on by the public, how quickly will it rise? If the most recent state tax level at 16% of federal is used, how then does your gross tax level compare with PFD income? Be careful in the use of terms when you evaluate the difference of 16% of federal tax and 4% or 5% of your gross income. The income tax may sound much less (at 4% or 5%) but keep in mind that it loses the innocence of the so-called "truth", when the true intent gouges out the most tax.

A vivid example of this would be to look at an individual whose gross earnings are \$18,000. If this person is single with no dependents, whereas the federal tax would be \$2,505.60 in one year, 16% would amount to approximately \$400. This is compared to the wondrous savings of a personal income tax which would take 5% of the gross equalling \$900. In the same respect, one who earns \$36,000 gross would have \$6,927 removed for federal tax, 16% of which is approximately \$1,107 vs. the personal income tax of 5% on the gross amounting to \$1,800. Obviously there is major discrepancy resulting in a much greater amount paid through the personal income tax method. Yet again, it is evident that those who have the power of taxation are not necessarily the best informed.

When one considers the tremendous amount of revenue the State of Alaska received during FY 1980s, it is illogical, irrational, unnecessary and, most importantly unjustifiable to tax the working people of this state. Should we reduce the workers of Alaska to slavery to a government that has billions of dollars in savings, and gives out hundreds of millions of dollars in "cold" cash that no other state would dream of doing.

Last year, 532,174 people applied for permanent fund dividend checks. Of that group, approximately 158,000 with incomes above \$15,000 would pay an income tax, if enacted. Remember, only working people and those with high pensions would pay taxes. For 1991, \$464 million was given out in dividend checks. All workers available for taxation would have to pay approximately \$3000 for state income taxes to equal this giveaway.

Is it really fair, logical, or economically sound to give 184,000 children checks for \$931.00 each while taxing their parents twice or three times that amount? This is no way to secure the happiness of the people. You are going to tax Mom and Dad just to give the kids a dividend check. It used to be the responsibility of the parents to give their children an allowance. Today we are telling the children that from now on they shouldn't bug Mom and Dad about an allowance - just talk to your legislator. In most cases, with both parents working and considering a high percentage of single parents working in Alaska, there will be no net gain from the dividend checks, because the taxes will be higher than the dividends.

Let's compare taxing the working class to give \$3,000 to everyone over 65. Is it really fair (and of what government purpose) to tax a single parent who is barely making ends meet, while giving a bonus to retired persons who, in more than 25% of cases, have larger incomes. The average per capita income for Alaska in 1990 was \$28,187.00. All persons over 65 receive a bonus plus their permanent fund dividend check. The bonus amounts to \$63,000,000 for 21,000 people, which if continued, would come from 63,000 workers who are taxed at least \$1,000 each. All working people making more than \$15,000 would be taxed - which would in many cases go to someone who is drawing a higher income in retirement. Of the 21,000 senior citizens who, as of March 1, 1991, were receiving \$3,000 each; 5,000 had incomes of

\$30,000 or more. It would take 15,000 taxpayers, at \$1,000 each, just to pay \$15,000,000 for this group whose incomes already exceed the average Alaskan's annual wage. This amounts to stealing from the have-nots to give to those who have enough. Those who are proposing this unjustified tax on the people who toil for their bread (so others can eat it) must realize the burden they are placing on the people who can least afford it. When legislators impose an unnecessary tax on the state's citizens, we hurt hundreds of thousands of people. This is especially true when we try to regulate human behavior (force charity), since some envision themselves the redistributors of personal income.

Some legislators reason it to be the purpose of government to equalize economic power. Can the working people of Alaska carry the increased burden of government spending to support the desires of a large non-working segment of our state who demand not only unnecessary services, but in addition, enormous amounts of cold cash to elevate their buying power? I find no reason why we must concern ourselves with the redistribution of the working people's personal income while we continue to give out hundreds of millions of dollars to every citizen who does nothing to earn it.

Now the question is, "How many non-workers can the workers support?" We have to know where the line of refusal to support stops in our system. Maybe it runs until it becomes impossible for the workers to handle the job any longer or when they see they can have a higher income by not working. Are we approaching the breaking point? Here are some of the figures for people who help increase the costs of government, but for obvious reasons contribute little to pay those costs: 179,939 under the age of 19; 25,000 college students in Alaska at full-time equivalency; 22,095 seniors over the age of 65, 3/4 of whom have no tax liability; 2,350 inmates in the state correction system; 17,300 average per year unemployed - a

total of 229,384 individuals receiving permanent fund dividend checks (excluding felons who are now ineligible). In essence, this results in the employed workers of Alaska being forced to pay for almost 230,000 dividend checks distributed to individuals who are not working.

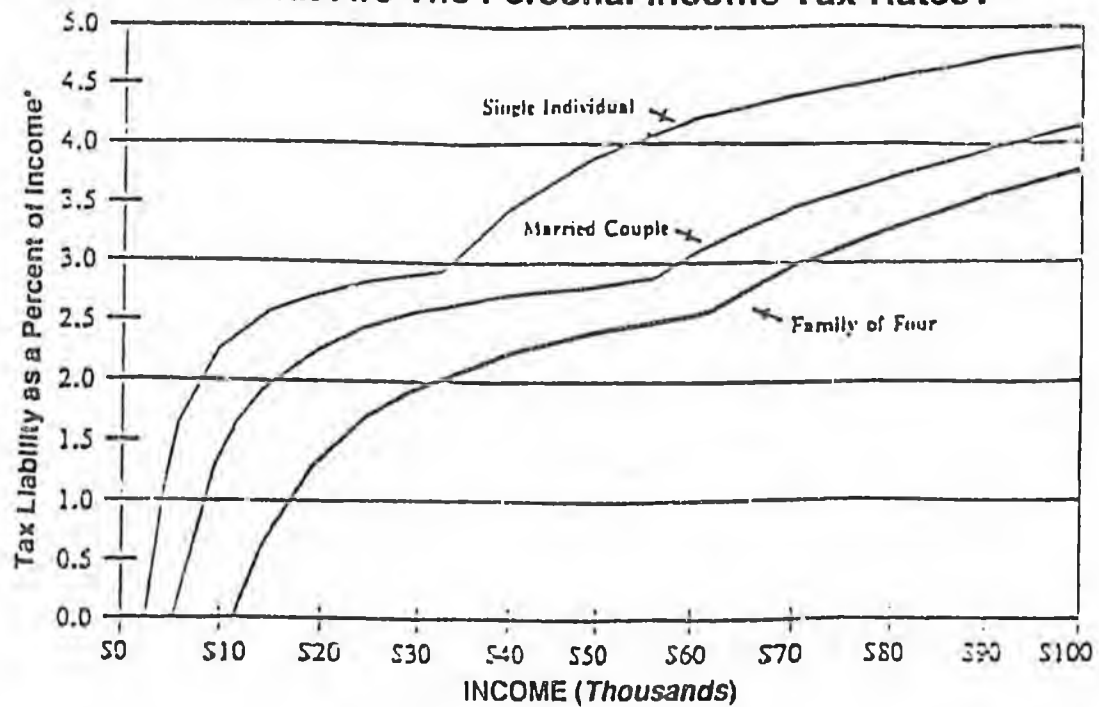
Taxing the working-class and giving the revenues to the non-working segment of a population is the worst sort of inflation a state government can put into the economy.

An interesting side note to this issue is that under the permanent fund dividend program "hold harmless" provisions, the state will pay \$24 million in federal income taxes on behalf of certain low-income PFD recipients to ensure that they will not be taxed, because they exceed their low-income limits and thereby become ineligible for federal government programs they are currently covered under. An additional \$5 million plus is allocated by the state to pay federal taxes under the hold harmless benefit for recipients of the longevity bonus, who would become ineligible for programs such as medicaid with the additional income. Each of the 155,000 taxpayers would have to pay \$120 to pay this tax of the "poor".

Of course, these hold harmless provisions are just two tax exemption benefits allowed to certain groups of people. Another well-known state subsidy is the payment of \$3 million in property taxes to municipalities on behalf of senior citizens. How about the state paying 80% of monthly rents for thousands who claim poverty but the income from the state is not counted.

Too many of my colleagues are crawling all over each other to be canonized as the patron saint and savior of the permanent fund dividend program.

What Are The Personal Income Tax Rates?



Many legislators fail to see that the income tax they propose will take away any dividend the working-class and their children would receive. The new tax form the Department of Revenue designed from HB154 and proposed by members of the House Democrats in 1988 would have been sent to each taxpayer, making it clear by telling the taxpayer to subtract the dividend credit from their tax liability. The Department also estimates a rebate to the state of \$16.6 million from the dividends. Thus families earning more than \$25,000 for single taxpayers or \$40,000 for joint statements, will be deprived of the income of their children's dividend checks. Families (including children) who keep their income below \$12,000 a year will receive a full allocation of dividend checks.

Emotional slogans are useful for rallying people to a cause, but slogans are no substitute for thought. Take, for instance, "we must have an income tax to make the non-resident worker pay for working in the state." The Department of Revenue, in a hypothetical case, analyzed that a \$300 million income tax scenario would only bring in \$17 million from out-of-state workers. Does it make sense,

then, to tax ourselves \$283 million just to get \$17 million? Resident workers would pay 95% of the tax, while out-of-staters would pay 5%.

Another rationale for paying state income taxes is that they can be deducted from your federal tax. Because we have no state income tax, \$86 million stays with the federal government each year (out of \$399 million in federal taxes paid by Alaskans). This is termed the "federal tax leakage." In other words, if we had a state income tax, 22 cents out of every dollar in income tax paid to the IRS would stay in the state. Does it make sense to tax the working class \$316 million to save the \$86 million? If this is the case, then the same logic should apply to other leakages to the federal government. Why not stop giving out permanent fund dividends and save that \$100 million leakage? Is this not a reasonable trade-off? And who will benefit? - the working people. With the PFD check increasing each year, the federal tax leakage will dramatically increase.

I cannot really blame the Juneau representatives for pushing a state income tax because the program itself would employ, at a minimum, 92 new people with a payroll of at least \$4.1 million (\$50,000 for the average employee including benefits), plus an enormous start-up cost with new machinery and office space required. At the same time, we will still be employing 92 full-time equivalent employees to give out the dividend checks.

Currently, state employees and teachers across the state are complaining or threatening to go on strike for a 3% to 4% pay increase. However, many of them also say they support an income tax. I am bewildered by their rationalization. Don't they realize that an income tax is also a reduction in their wages? Do they not realize that government workers and teachers far and above receive a higher salary than the average private worker and would pay a higher percentage of taxes. As everyone has shared equally in the wealth of Alaska through the PFD checks, so everyone should also be willing to share equally in the loss through a reduction in

the PFD. With an income tax, working people are being forced to take too great a portion of the burden in replacing the lost revenues.

Others who advocate reimposing the state income tax say people were more interested in government when they paid taxes. This is really grabbing at straws, and is not borne out by the facts. Figures show in Alaska that the public's participation in government, in terms of percentages of people who voted, has risen since the end of the income tax in 1980. I find the private sector even more interested today in protecting their pocketbooks from the government.

We should consider the tax revolt fever going on all over the nation. Take a hint from the state of Michigan, where the people recalled five Democrat state senators who voted to increase their income taxes, and replaced them with conservative Republicans. I wouldn't be surprised to find a lot of requests for recall procedures in this state, to be used on those who pass any bill for a new income tax or see a lot of new faces after the November 3, 1992 election in the state legislature.

No other state allows a simple majority of the legislature to increase taxes on the citizens. A number of states, by their constitution or state laws, require a 2/3 or 3/4 majority, and one state even requires 4/5 of each house before a new tax increase can become effective. Voter approval is required in more than half the states, while here in Alaska, the people are denied this opportunity. The citizens of Alaska, in 1983, were even denied the right to petition through the initiative process for the right to vote on taxation.

It borders on tyranny if our current legislature would invoke a new tax on the citizens, the majority of whom they do not represent. It certainly would be an affront to the principles of a republic if such action were implemented.

We in Alaska have a golden opportunity to avoid the mistake numerous states and Congress have made by preventing the state from engaging in

inflationary deficit spending, and forcing taxation on our children and our children's children - taxation they will be paying until the death of democracy.

On the other hand, what a unique legacy we can establish in Alaska, perhaps for the other states to emulate. where future generations - every child born in Alaska - can hope to grow up to enjoy no state taxation. Blessed may be the young Alaskans for they shall not inherit state debt. Once they start providing for themselves, being independent, self-reliant Alaskan breadwinners, they can be sure the state will not take a big slice of it. A new income tax is the worst type of capital punishment we could impose on the future generations, especially when the state is collecting more taxes than is absolutely necessary. This may be considered legalized robbery. It is said that the income tax has made more liars out of the American people than any other institution. Alaska does not need to add to this temptation.

Once a new tax is put into law, there would be no limit to how high future legislatures could raise it. Nor would there be any limit on the growth of state government as some suggest. You don't see the federal government decrease as people pay taxes, nor did the state government decrease when an income tax was imposed. The new tax is a threat to every individual's personal and family well-being. The state does not need the extra revenue. The legislature was not created to devour the savings of the widows, nor the income of the single parent who struggles to provide for the needs of her or his children.

BLESSED BE A STATE WITHOUT INCOME TAX!!!

BLESSED BE A STATE WITHOUT INCOME TAX!!!



ALASKA
INCOME TAX PROPOSALS
by

House Democrats
1984

House Democrats
1988

House Democrats
1990

House Democrats
1992

How many times can you shoot yourself in the foot?

STATE OF ALASKA EXPENDITURES

PER CAPITA COMPARISON

48	times the national average on	AIRPORTS
29	times the national average on	FISH & GAME
13	times the national average on	INTEREST ON DEBT
9	times the national average on	PUBLIC BUILDINGS
8	times the national average on	JUDICIAL/LEGAL ADMN.
8	times the national average on	NATURAL RESOURCES
7	times the national average on	GOVERNMENT ADMN.
6	times the national average on	FINANCIAL ADMN.
6	times the national average on	HIGHWAYS

4	times the national average on	TOTAL STATE SPENDING

4	times the national average on	CORRECTIONS
3	times the national average on	PARKS & RECREATION
3	times the national average on	HEALTH
2.5	times the national average on	TRANSFERS - LOCAL GOV
1.8	times the national average on	HIGHER EDUCATION
1.8	times the national average on	PUBLIC WELFARE
0.6	times the national average on	HOSPITALS

Source: U.S. Department of Commerce, Bureau of the Census, State Government Finances in 1989, August, 1990.