

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672

9997 HOUSE STATE AFFAIRS

Ms. Dorothy L Walters
2701 Wesleyan Dr
Anchorage AK, 99508 384-1821
Non Constituent Supports
BILL#: SB 20 LICENSURE OF ASSISTED LIVING FACILITIES
SUBJECT:

MESSAGE: PLEASE SUPPORT SE 20 AND HB 16. PUBLIC APPEAL TO ALL
LEGISLATORS TO HELP PROTECT QUALITY OF LIFE OF ELDERS AND SERIOUS
INCAPACITATED SENIOR CITIZENS AND LONG-TERM CARE BY HAVING ALL
SERVICES REGULATED. THANKS FOR YOUR SUPPORT.
DISTRIBUTION: 60

Mr. David E Calvert
205 E Dimond Blvd #444
Anchorage AK, 99515 522-7540
Non Constituent Supports
BILL#: SB 20 LICENSURE OF ASSISTED LIVING FACILITIES
SUBJECT:

MESSAGE: PLEASE SUPPORT SB 20 AND HB 16 AND THE ELDER.
DISTRIBUTION: 60

Ms. Laura G Goggins
PO Box 230002
Anchorage AK, 99523 562-3335
Non Constituent Supports
BILL#: SB 20 LICENSURE OF ASSISTED LIVING FACILITIES
SUBJECT:

MESSAGE: PLEASE SUPPORT SB 20 AND HB 16.
DISTRIBUTION: 60

Ms. Sue L Ridling
3820 E 72nd Ave
Anchorage AK, 99507 330-8117
Non Constituent
BILL#:

SUBJECT: BUDGET
MESSAGE: I AM OPPOSED TO AN INCOME TAX, TAPPING THE PERMANENT FUND
OR ADOPTING GASOLINE TAXES. LEGISLATORS AND THE GOVERNOR NEED TO
BRING GOVERNMENT SPENDING IN WITH AVAILABLE DOLLARS AND STOP
BOWING TO SPECIAL INTEREST. IF THE STATE DOESN'T HAVE THE MONEY,
DON'T FUND THE SERVICE TO THE SAME LEVEL.
DISTRIBUTION: 60

Ms. Melissa Beu
PO Box 469
Girdwood AK, 99587 783-3117
Non Constituent Supports
BILL#: SB 20 LICENSURE OF ASSISTED LIVING FACILITIES
SUBJECT:
MESSAGE: PLEASE SUPPORT HB 16 AND SB 20 AND ANY FURTHER
LEGISLATION TO HELP PROTECT AND ENHANCE THE QUALITY OF LIFE FOR
THE SERIOUSLY INCAPACITATED CITIZENS IN LONG-TERM CARE.
DISTRIBUTION: 60

Mr. Rick Blodgett
PO Box 532
Teller AK, 99778 642-3261
Non Constituent Supports
BILL#: SB 20 LICENSURE OF ASSISTED LIVING FACILITIES
SUBJECT:
MESSAGE: & HB 16. PLEASE SUPPORT THESE BILLS AND ANY OTHER
LEGISLATION THAT SHOULD COME ALONG THAT WOULD ENHANCE THE CARE OF
THOSE PIONEERS OF OUR GREAT STATE. I BELIEVE THAT THE DIRECTION OF
THESE BILLS IS THE PROPER DIRECTION FOR A START.
DISTRIBUTION: 60

Mr. Edwin G Beu Jr
PO Box 102072
Anchorage AK, 99510 333-2200
Non Constituent Supports
BILL#: SB 20 LICENSURE OF ASSISTED LIVING FACILITIES
SUBJECT:
MESSAGE: PLEASE SB 20 AND HB 16 AND ANY FURTHER LEGISLATION TO
HELP PROTECT AND ENHANCE THE QUALITY OF LIFE FOR ALASKAN SENIORS
AND RADICALLY INCAPACITATED ELDERS IN LONG-TERM CARE.
DISTRIBUTION: 60

Ms. Elva A Travis
1218 E 19th Ave #D307
Anchorage AK, 99501 276-2856
Non Constituent Supports
BILL#: SB 20 LICENSURE OF ASSISTED LIVING FACILITIES
SUBJECT:
MESSAGE: PLEASE SUPPORT SB 20 AND HB 16.
DISTRIBUTION: 60

Ms. Raeanne Caress
PO Box 76
Cantwell AK, 99729 000-0000
Non Constituent Supports
BILL#: SB 20 LICENSURE OF ASSISTED LIVING FACILITIES
SUBJECT:
MESSAGE: AND HB 16.. PLEASE PROTECT ALASKA'S SENIORS.
DISTRIBUTION: 60

Ms. Francena Salvage
18722 Guillemot Cir
Anchorage AK, 99516 345-4444
Non Constituent Supports
BILL#: SB 20 LICENSURE OF ASSISTED LIVING FACILITIES
SUBJECT:
MESSAGE: & HB 16. PLEASE SUPPORT THESE BILLS.
DISTRIBUTION: 60

Ms. Peggy E Bohannon
PO Box 110388
Anchorage AK, 99511 345-6857
Non Constituent Supports
BILL#: SB 20 LICENSURE OF ASSISTED LIVING FACILITIES
SUBJECT:
MESSAGE: PLEASE SUPPORT SB 20 AND HB 16 AND ANY FURTHER
LEGISLATION TO HELP PROTECT AND ENHANCE THE QUALITY OF LIFE FOR
ALASKA'S ELDERLY.
DISTRIBUTION: 60

Ms. Mary Segelhorst
3115 Princeton Wy
Anchorage AK, 99508 277-6835
Non Constituent Supports
BILL#: SB 20 LICENSURE OF ASSISTED LIVING FACILITIES
SUBJECT:
MESSAGE: PLEASE SUPPORT HB 16 AND SB 20.
DISTRIBUTION: 60

Mr. N E Segelhorst
3115 Princeton Wy
Anchorage AK, 99508 277-6835
Non Constituent Supports
BILL#: SB 20 LICENSURE OF ASSISTED LIVING FACILITIES
SUBJECT:
MESSAGE: PLEASE SUPPORT THE FOLLOWING: HB 16 AND SB 20. THIS IS IN
THE BEST INTEREST FOR THE PEOPLE INVOLVED IN THE PROBLEM.
DISTRIBUTION: 60

Ms. Cindy L Kirsch
401 Dailey Ave #4
Anchorage AK, 99515 269-8731

Non Constituent Supports

BILL#: HB 16 LICENSURE OF ASSISTED LIVING FACILITIES

SUBJECT:

MESSAGE: PLEASE SUPPORT HB 16 AND SB 20 AND ANY FURTHER
LEGISLATION TO HELP PROTECT AND ENHANCE THE QUALITY OF LIFE FOR
THE SERIOUSLY INCAPACITATED CITIZENS IN LONG-TERM CARE.

DISTRIBUTION: 60

Ms. Mary Jane Margeson
1401 W 13th Ave
Anchorage AK, 99501 278-9275

Non Constituent Supports

BILL#: SB 20 LICENSURE OF ASSISTED LIVING FACILITIES

SUBJECT:

MESSAGE: AND HB 16: I STRONGLY SUPPORT THESE BILLS TO OFFER
INCREASED PROTECTION TO MY FATHER WHO SUFFERS FROM ALZHEIMERS IN
THE PIONEERS HOME. THESE BILLS WILL OFFER SAFETY CURRENTLY LACKING
AND ENHANCE THE QUALITY OF LIFE FOR ALL ALASKANS.

DISTRIBUTION: 60

RETIREMENT BENEFITS FOR CORRECTIONAL WORKERS

Assumption that start pay is \$30,000

	COLA@1.5%	Annual Salary	Retirement Rate	Annual	Accumulated	Monthly
				Accrued Retirement	Retirement	Retirement Pay
Year 1	Start Pay	\$ 30,000.00	2.00%	\$ 600.00	\$ 600.00	\$ 50.00
Year 2	\$ 450.00	\$ 30,450.00	2.00%	\$ 609.00	\$ 1,209.00	\$ 100.75
Year 3	\$ 456.75	\$ 30,906.75	2.00%	\$ 618.14	\$ 1,827.14	\$ 152.26
Year 4	\$ 463.60	\$ 31,370.35	2.00%	\$ 627.41	\$ 2,454.54	\$ 204.55
Year 5	\$ 470.56	\$ 31,840.91	2.00%	\$ 636.82	\$ 3,091.36	\$ 257.61
Year 6	\$ 477.61	\$ 32,318.52	2.00%	\$ 646.37	\$ 3,737.73	\$ 311.48
Year 7	\$ 484.78	\$ 32,803.30	2.00%	\$ 656.07	\$ 4,393.80	\$ 366.15
Year 8	\$ 492.05	\$ 33,295.35	2.00%	\$ 665.91	\$ 5,059.70	\$ 421.64
Year 9	\$ 499.43	\$ 33,794.78	2.00%	\$ 675.90	\$ 5,735.60	\$ 477.97
Year 10	\$ 506.92	\$ 34,301.70	2.00%	\$ 686.03	\$ 6,421.63	\$ 535.14
Year 11	\$ 514.53	\$ 34,816.22	2.25%	\$ 783.37	\$ 7,205.00	\$ 600.42
Year 12	\$ 522.24	\$ 35,338.47	2.25%	\$ 795.12	\$ 8,000.11	\$ 666.68
Year 13	\$ 530.08	\$ 35,868.55	2.25%	\$ 807.04	\$ 8,807.16	\$ 733.93
Year 14	\$ 538.03	\$ 36,406.57	2.25%	\$ 819.15	\$ 9,626.30	\$ 802.19
Year 15	\$ 546.10	\$ 36,952.67	2.25%	\$ 831.44	\$ 10,457.74	\$ 871.48
Year 16	\$ 554.29	\$ 37,506.96	2.25%	\$ 843.91	\$ 11,301.65	\$ 941.80
Year 17	\$ 562.60	\$ 38,069.57	2.25%	\$ 856.57	\$ 12,158.21	\$ 1,013.18
Year 18	\$ 571.04	\$ 38,640.61	2.25%	\$ 869.41	\$ 13,027.62	\$ 1,085.64
Year 19	\$ 579.61	\$ 39,220.22	2.25%	\$ 882.45	\$ 13,910.08	\$ 1,159.17
Year 20	\$ 588.30	\$ 39,808.52	2.25%	\$ 895.69	\$ 14,805.77	\$ 1,233.81
Year 21	\$ 597.13	\$ 40,405.65	2.50%	\$ 1,010.14	\$ 15,815.91	\$ 1,317.99
Year 22	\$ 606.08	\$ 41,011.73	2.50%	\$ 1,025.29	\$ 16,841.21	\$ 1,403.43
Year 23	\$ 615.18	\$ 41,626.91	2.50%	\$ 1,040.67	\$ 17,881.88	\$ 1,490.16
Year 24	\$ 624.40	\$ 42,251.31	2.50%	\$ 1,056.28	\$ 18,938.16	\$ 1,578.18
Year 25	\$ 633.77	\$ 42,885.08	2.50%	\$ 1,072.13	\$ 20,010.29	\$ 1,667.52
Year 26	\$ 643.28	\$ 43,528.36	2.50%	\$ 1,088.21	\$ 21,098.50	\$ 1,758.21
Year 27	\$ 652.93	\$ 44,181.29	2.50%	\$ 1,104.53	\$ 22,203.03	\$ 1,850.25
Year 28	\$ 662.72	\$ 44,844.01	2.50%	\$ 1,121.10	\$ 23,324.13	\$ 1,943.68
Year 29	\$ 672.66	\$ 45,516.67	2.50%	\$ 1,137.92	\$ 24,462.05	\$ 2,038.50
Year 30	\$ 682.75	\$ 46,199.42	2.50%	\$ 1,154.99	\$ 25,617.03	\$ 2,134.75
Year 31	\$ 692.99	\$ 46,892.41	2.50%	\$ 1,172.31	\$ 26,789.34	\$ 2,232.45
Year 32	\$ 703.39	\$ 47,595.79	2.50%	\$ 1,189.89	\$ 27,979.24	\$ 2,331.60
Year 33	\$ 713.94	\$ 48,309.73	2.50%	\$ 1,207.74	\$ 29,186.98	\$ 2,432.25
Year 34	\$ 724.65	\$ 49,034.38	2.50%	\$ 1,225.86	\$ 30,412.84	\$ 2,534.40
Year 35	\$ 735.52	\$ 49,769.89	2.50%	\$ 1,244.25	\$ 31,657.09	\$ 2,638.09

20 yr employee

3 highest yrs	\$ 39,808.52	1st ten years = 10 X .020 =	\$ 7,844.62
	\$ 39,220.22	2nd ten years = 10 x .0225 =	\$ 8,825.20
	\$ 38,640.61	Total Annual Retirement	\$ 16,669.82
	\$ 117,669.35	Monthly retirement	\$ 1,389.15
divided by three	\$ 39,223.12		

25 yr employee

3 highest yrs	\$ 42,885.08	1st ten years = 10 X .020 =	\$ 8,450.89
	\$ 42,251.31	2nd ten years = 10 x .0225 =	\$ 9,507.25
	<u>\$ 41,626.91</u>	Total Annual Retirement	\$ 17,958.13
	\$ 126,763.30	Monthly retirement	\$ 1,496.51
divided by three	\$ 42,254.43		

30 yr employee

3 highest yrs	\$ 46,199.42	1st ten years = 10 X .020 =	\$ 9,104.01
	\$ 45,516.67	2nd ten years = 10 x .0225 =	\$ 10,242.01
	<u>\$ 44,844.01</u>	Total Annual Retirement	\$ 19,346.01
	\$ 136,560.10	Monthly retirement	\$ 1,612.17
divided by three	\$ 45,520.03		

35 yr employee

3 highest yrs	\$ 49,769.89	1st ten years = 10 X .020 =	\$ 9,807.60
	\$ 49,034.38	2nd ten years = 10 x .0225 =	\$ 11,033.55
	<u>\$ 48,309.73</u>	Total Annual Retirement	\$ 20,841.15
	\$ 147,114.00	Monthly retirement	\$ 1,736.76
divided by three	\$ 49,038.00		

ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House State Affairs

Committee on **HB 16**

Committee Name
Dated April 20, 1999

Bill / Subject

The Alzheimer's Association Alaska Chapter would like to support House Bill 16. The Association feels it is a conflict of interest to have the Division of Senior Services license the Pioneer Homes and the Division of Alaska Longevity Services operate and budget the Homes as well as other assisted living homes.

Assisted Living is the caregiving environment of choice for those suffering with Alzheimer's Disease and related dementia's, and no longer able to live in their own home environment. We feel there will be a growing need for these types of homes with an increased need for good and consistent licensing and standards of care.

SIGNED:

Mary H. Weymiller, Board Member
Testifier

Representing the Alzheimer's Association
Alaska Chapter
240 E. Tudor Road
Suite 110
Anchorage, AK. 99503
907-561-3313

TO: REPRESENTATIVE JEANETTE JAMES
HOUSE STATE AFFAIRS
FAX (907) 465-2381

FROM: LESLEE OREBAUGH, ADM.
PARKSIDE ASSISTED LIVING, INC.
VOICE (907) 276-5593
FAX (907) 276-5583

DATE: APRIL 21, 1999

SUBJECT: HB 16

No. of Pages: 3
(Including this page)

Message to Receiver:

Please see attached letter

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If you have received this transmission in error, contact the sender at (907) 276-5593

Parkside

Assisted Living, Inc.
309 East 24th Ave.
Anchorage, AK 99503

Phone (907) 276-5593
Fax (907) 276-5583
Call (907) 360-2942

April 20, 1999

House State Affairs

RE: HB 16 Licensure of Assisted Living Facilities

Ladies and Gentlemen:

I would like you to think long and hard about HB 16. While I agree with Ms. Purdy's desire to see a continuity of standards for licensing, the "where it should go" bothers me greatly.

Why do you want to fix something that is "basically" not broken?

Why are we frantically searching for "just that right place" to put the assisted living licensing?

Assisted Living is a very young and fragile industry that is just beginning to blossom. And, the Division of Senior Services has helped nurture this industry. However, we still have so very far to go. By moving the licensing portion of assisted living at this time may just break the spirit we have all worked hard to develop.

Until the Pioneer Homes made the front pages of the newspaper with its many ailments, there was not this paranoia. I suggest that you fix your problem, not assisted living.

Pioneer Homes is the problem. It has taxes the budget of DSS. Pioneer Homes is in direct competition with the rest of us, makes far more money than we do, and yet sucks the very life from us all. I do not believe that government should be in direct competition with private enterprise. I would suggest to you that perhaps you might consider selling or leasing your precious Pioneer Homes to a major corporation such as the Marriot Hotels, Lutheran Homes, Providence Health Systems, etc. Bare minimum, return the Pioneer Homes to skilled nursing where it belongs. The State moved Pioneer Homes into the Assisted Living Home arena to make more money. In so doing, you ignored your constituents. And, it would appear from the articles in the newspaper you ignored your residents.

Moving Assisted Living Home Licensing to Skilled Nursing Facilities is NOT the answer. I refuse to believe that Assisted Living Homes can cohabitate with SNF's and not have severe changes made in Assisted Living over the next few years, if nothing else, in attitudes alone. We are not a "Facility." We are "home."

A Member of the
Alaska Caregivers
Association



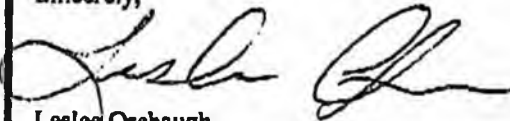
House State Affairs
April 20, 1999

Page 2

Parkside
Assisted Living, Inc.

There is some talk of moving the assisted living homes currently licensed with DMHDD into DSS, with the exception of the homes over 15 beds. Those homes would be moved to the SNF area. I support consolidation, even encourage consolidation; the Tag Committee which helped form these laws did not intend a split such as this. But again, this idea is truly unacceptable! Homes over 15 beds belong with their smaller sister homes. Parkside is NOT a facility, NOT an institution. We are 16 beds and yet we are a "home like setting." I invite you to visit us at any time, on any day — do not call, drop in, introduce yourself, and tell the staff you would like a tour. Please visit with Providence Horizon House and their "home-like setting." They are quite different from us, yet they to have been able to maintain a "home-like setting." We have been able to stay away from institutional living and yet careful to stay within the state laws and guidelines. Do not penalize us for the State's problems. Instead give us the tools we need to work with. Leave licensing alone.

Sincerely,



Leslee Orebaugh
Administrator

An assisted living community

4140 Frier Street
Anchorage, Alaska
99508

Tel 907 261-4140
Fax 907 261-4160



FAX COVER SHEET

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DATE:

4/21/99

NAME:

Representative
Jeannette James

COMPANY:

FAX NO.:

465-2381

PHONE NO.:

800-565-3743

OF PAGES:

4

(includes cover page)

FROM:

Sue Samot

ADMIN PHONE: 261-4140

FAX: 261-4160

NURSE PHONE: 261-4145

FAX: 261-4198

COMMENTS: I was happy to testify, but cannot
tomorrow. Please accept this letter concerning
#Bike. There are many issues.

I have included a flyer on a public
forum about assisted living if you
happen to be in the neighborhood!


Thank you

Sue Samot

An assisted living community

4140 Folker Street
Anchorage, Alaska
99508

Tel 907 261-4145
Fax 907 261-4160



April 21, 1999

Representative Jeannette James, Chair
House State Affairs Committee
State Capitol
Juneau, Alaska 99811

Dear Representative James and House State Affairs Committee Members:

HB 16 is coming up for consideration by your committee. As director of Providence Horizon House, assisted living for the elderly, I would like to make comment on this proposed bill.

First, I would like to say that I believe the author and supporters of the bill mean well. We all support the oversight of a business that deals with the physically and mentally disabled and frail elderly. However, we must be thoughtful about the type of oversight and where the oversight is located to make sure this new housing industry blossoms and remains under the social model of delivery of services versus the medical model. This business can be safe without becoming overburdened with regulations, surveyors and the self-perpetuating paperwork the nursing home industry is straining under.

Assisted living did not come into existence in the State of Alaska until July of 1995. It has been available in the Lower '48 for many years. This business gives people an opportunity to live in a non-medical, home-like setting. The social model, giving people a choice in their lifestyle is one of the main tenets of assisted living. If HB 16 is supported, it will change the nature of the business by its very placement with those who survey home health agencies and nursing homes. This can do irreparable harm to this blossoming business. Orientation, training and a review of the impact the Medicaid waiver programs have had on the assisted living business would be a far better way of improving this system than hiring more surveyors.

At a time when we are scrutinizing the high cost of government, it seems wasteful to spend \$904,000 + on an oversight system which is in a state of flux due in large part because of the Pioneer's Homes. We, as Alaskans, need to clearly review the State of Alaska being in a business which competes with the private sector. If there is a conflict of interest with licensing being located in the Department of Administration, it is because of the Pioneer's Home system. Must we wrench around the entire assisted living business to suit the State being in the same business?

These same issues are reflected in the child foster care system. As a former CPS and licensing worker, I had a problem with the licensing agent and consumer being within one state agency. Ombudsman Purdy is well aware of this problem within the adult system. But licensing of all homes needs to be addressed. HB 16 is an attempt at a quick fix with a big price tag for only the adult assisted living business. What about the kids?

Please do not recommend that HB16 go forward. We need a thorough examination of the assisted living business and the likely impact placing surveyors for this business in with skilled nursing services. We need to consider all licensing of homes for adults and children.

Assisted living is a market driven business and can be very cost effective for the state and the individual resident. Please, let us not oversee with medical eyes. Let the licensing for these unique housing alternatives remain with the Division of Senior Services until we can figure out the problems and solutions on a statewide basis. To assign medical model surveyors for this business will cause great expense to the State, the industry and eventually to the consumer.

If you have any questions or would like to discuss this matter further, please do not hesitate to contact me at 261-4140.

Thank you for this opportunity to address this issue. Good luck in all your difficult deliberations.

Respectfully,



Sue H. Samct, M.SW
Director

Assisted Living Home Away From Home *A Public Forum*

- What is it?
- What do we want it to be?
- What's happening nationally?
- Alaskans need to plan the future for this growing residential service.

4-6p.m. April 30th

Anchorage Senior Center 1300 East 19th Street

**Presented by Alaska Caregivers Association
Providence Health System, Division of Senior Services.**

**OFFICE OF THE LONG TERM CARE OMBUDSMAN
ALASKA COMMISSION ON AGING
STATE OF ALASKA
3601 C. STREET SUITE 260
ANCHORAGE, ALASKA 99503-5929
Telephone: (907) 563-6393 Fax: (907) 561-3862
Toll Free in Alaska: (800) 730-6393**

April 13, 1999

Representative Jeannette James, Chair
House State Affairs Committee
State Capitol
Juneau, Alaska 99811

Re: HB 16 – Relocation of Assisted Living Home Licensing

Dear Representative James:

This letter is written in **support of the passage of HB 16**. This legislation would consolidate the assisted living home licensing functions currently administered in two different departments. This legislation places the licensing function under one supervisor and in one unit. This unit, Health Facility Licensing and Certification, currently licenses a large portion of long term care services: nursing homes and home health.

There are approximately 90 assisted living homes licensed by the Division of Senior Services in the Department of Administration (DSS). There are approximately 125 assisted living homes licensed by the Division of Mental Health and Developmental Disabilities in the Department of Health and Social Services (DMH/DD). The statutes and regulations currently are applied inconsistently even though the statutory authority for all assisted living homes is AS 47.33.

The current placement of assisted living home licensing in DSS raises an issue of conflict of interest since the Pioneers' Homes are also located in the Department of Administration. There are other programs that may also cause an appearance of or actual conflict of interest. Licensing must not have the appearance of favoring some assisted living homes because of their willingness to accept low income clients, clients from an institution or special needs residents. The programs of the department in which they are housed should not influence licensors. Licensing actions ensure compliance with uniform minimal standards of safety, quality of care and quality of life for people who use the services.

People using assisted living homes will be better served by placing assisted living home licensors with the licensors for nursing home and home health licensors. By consolidating the functions in one unit, all staff will receive similar training. The licensors for all of these long term care services will have a better understanding of the continuum of long term care service delivery: medical and social model. There is a higher

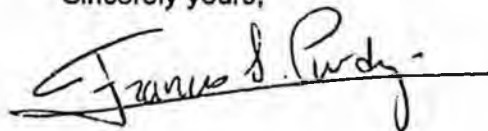
likelihood for up-to-date information to be disseminated throughout the system, e.g. restraint reduction and prevention, medication administration, appropriate activities delivery, and respect for resident's rights and quality of life.

The fiscal note attached to this bill should be closely reevaluated. There are 1.5 to 2 licensing personnel in DMH/DD and 4 to 5 licensing personnel in DSS. The fiscal note should transfer these 5.5 - 7 FTE and separately address an increase to this staffing level. If new staff is needed to recruit or develop new assisted living homes or train current assisted living home owners, this should not be done with staff or funds identified for licensing assisted living homes. While it also may be desirable to change the method for inspection and monitoring assisted living homes, that change should not be included with this legislation. It is more reasonable to transfer the current licensing function and enforce the current statutes and regulations. Later, if new regulations or statutes must be developed then a fiscal impact for that change can be brought forward. The fiscal note should only address the cost of physically moving the licensing function, not enlarging or changing it.

Effective licensing provides compliance with minimal standards, the lowest standards permissible according to law. This legislation is necessary in order to provide timely, consistent and impartial enforcement of current assisted living homes statutes and regulations. Alaskans who choose or need to reside in assisted living homes need to be assured that at least the lowest standards permissible are being enforced!

Please call on me if I can provide more information to you on this topic.

Sincerely yours,



FRANCES S. PURDY
LONG TERM CARE OMBUDSMAN

c. Representative Eric Croft
Representative Fred Dyson
Jane Demmert, Alaska Commission on Aging

Lisa Caress-Beu

2420 Chitnook Avenue

Anchorage, AK 99516

907.345.0515 tel./fax

Lisa.Beue@gcl.net

April 12, 1999

Representative Jeanette James, Chair

House State Affairs Committee

Juneau, AK 99801

For distribution to the members of the House State Affairs Committee:

I am unable to attend the hearing on HB16 on April 13, 1999 at 8:00am but would like to send my testimony to be considered.

In my opinion, HB16 represents a needed change within the licensing and enforcement system of the Pioneers' Homes and other Assisted Living Homes within Alaska. Currently statutes and regulations are frequently not enforced, violations are not issued and investigations are unproductive, even when they are enforced, it is not done uniformly or on a timely basis. The licensing division of Health and Social Services is experienced in enforcement of the more established nursing home statutes and regulations. This experience would be helpful in increasing the effectiveness of Assisted Living Home licensing. The dual housing of these two offices seems a logical step for proper administration.

Senior citizens of Alaska, particularly those in long term care facilities, deserve careful consideration of their plight. Vulnerable adults would benefit greatly from a more effective licensing and enforcement division to protect and oversee their conditions of care.

Representative Croft, along with Senator Ellis, has investigated the current system and found that changes are needed. Senators Ward, Wilken, Green and others have held hearings and have found that licensing violations certainly have not been issued to the Pioneers' Homes. Please support these needed changes by passage of this bill.

Sincerely,



Lisa Caress-Beu



MARTY MARGESON
 Margeson Real Estate
 Anchorage Downtown Bed & Breakfast
 at "Raspberry Meadows"
 1401 West 13th Avenue
 Anchorage, AK 99501
 907-278-9275, FAX 279-9282

April 12, 1999

HEARING HOUSE BILL 16, SENATE BILL 20

I am in favor of changing the licensing and enforcement system of assisted living homes from the Department of Administration to Health and Social Services. The current state licensing enforcement system is not working for the state-owned Pioneer Home. My father, a resident at the Anchorage Pioneer Home has experienced 6 assaults and 6 falls in a year - his right to safety as a vulnerable adult has been violated on numerous occasions. Yet, the Pioneer Home has not been issued any safety violations. Last month I read the Ombudsman's report on Golden Years - licensing was quick to review and issue violations for this privately owned facility - in fact their review and recommendation for hiring more staff took a month. It seems Licensing can quickly handle complaints in small privately owned facilities but not the state owned mega-structured Pioneer Home. I filed complaints on 2 of my dad's assaults in December with Licensing, and have not received a response because I am told the Licensing Dept is short-staffed - this is true. But, it is also true that Licensing is part of Administration, as is the Pioneer Home - can the judge fairly convict his son in court? My father's assault was in the newspaper - Licensing did not call and investigate last summer when the assault occurred; the Pioneer Home did not report the assault; in fact the Pioneer Home failed to tell me about 2 of my dad's previous assaults until I finally obtained his records with the help of the Attorney General.

Licensing has failed to respond to the Ombudsman's Report of Oct. 1998 regarding the Pioneer Home Pharmacy. Not only does this report illustrate numerous safety issues, but also the violation of a resident's right to choose his own medical provider.

My dad's falls and assaults were financially as well as emotionally costly, and since his insurance did not cover the costs he will be looking at using stipend funds quicker. Furnishing and funding a good authority to investigate and enforce health-safety licensing violations is good risk management - one wrongful death suit from short-staffing could be more costly than funding this bill.

Our vulnerable Seniors need protection now. I was appalled to read that 75% of the residents in the nursing wing of our Anchorage Assisted Living home experience restraints whereas only 10% of acute care nursing home residents are restrained. I was encouraged to read that nursing homes want to reduce restraint use to 5%. Nursing Homes are supervised by Health and Social Services; we should move our licensing to their division and hire enough staff to police our home and protect our vulnerable adults. **WE MUST MAKE THIS CHANGE A UNITED NON-PARTISAN EFFORT TO PROTECT OUR ALASKAN ELDERS - MEN AND WOMAN PHYSICALLY AND MENTALLY HANDICAPPED DO NOT DESERVE ASSAULTS OR ABUSE** - they need to be allowed to die with love, dignity, and good care - they deserve the same respect and carefully budgeting we give our vulnerable children. I ask you to please work with this bill - we need it now - we need immediate over-sight with enough staff to advocate for Seniors in our Pioneer Homes.

Marty Margeson

Number of Assisted Living Homes Per District

District	# of Homes
1	2
2	2
3	6
4	1
5	0
6	0
7	9
8	7
9	0
10	8
11	13
12	9
13	6
14	2
15	3
16	8
17	7
18	3
19	10
20	5
21	8
22	13
23	6
24	9
25	4
26	4
27	9
28	4
29	2
30	4
31	4
32	0
33	3
34	4
35	3
36	1
37	3
38	0
39	5
40	0

Number of Assisted Living Homes Per District

District	# of Homes
1	2
2	2
3	6
4	1
5	0
6	0
7	9
8	7
9	0
10	8
11	13
12	9
13	6
14	2
15	3
16	8
17	7
18	3
19	10
20	5
21	8
22	13
23	6
24	9
25	4
26	4
27	9
28	4
29	2
30	4
31	4
32	0
33	3
34	4
35	3
36	1
37	3
38	0
39	5
40	0

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HB 16

Revision Date: _____
Title: Licensure of Assisted Living Facilities
Sponsor: Representative Croft
Requestor: (H) STA

Department Affected: Administration
BRU: Senior Services
Component: Protection, Community Services, & Administration
COMPONENT SERIAL NO. 2083

Expenditures/Revenues: (Thousands of Dollars)
Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2000	FY 2001	FY2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES	(72.3)					
TRAVEL	0.0					
CONTRACTUAL	(5.0)					
SUPPLIES	(0.8)					
EQUIPMENT	0.0					
LAND & STRUCTURES	0.0					
GRANTS, CLAIMS	0.0					
MISCELLANEOUS						
TOTAL OPERATING	(78.1)	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(78.1)					
1005 GF/Program Receipts	0.0					
1037 GF/Mental Health	0.0					
OTHER						
TOTAL	(78.1)	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 99) cost: \$ _____

POSITIONS:

FULL-TIME	-1.5					
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The Division of Senior Services currently licenses 90 assisted living homes. The statute change would remove responsibility for licensing and investigation from the Department of Administration. The Division has 1.5 FTE positions available currently for that function. This would move the responsibility to the Department of Health and Social Services. The Division of Senior Services would continue to be responsible for Assisted Living technical assistance and development of assisted living homes statewide for all homes who support the elderly and adults with physical disabilities.

Prepared by: Kay L. Burrows
Division: Senior Services

Phone: (907) 269-3665
Date: _____

Approved by Commissioner: Robert Poe Jr.
Agency: Department of Administration

Date: 4/12/99

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FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO HB 16

Revision Date/Time (Note if correction): _____ Dept. Affected: Health and Social Services
 Title: Transfer assisted living licensure to the Dept. of Health & Social Services BRU: Medical Assistance Admin
 Sponsor: Representative Croft Component: Certification & Licensing
 Requestor: House (STA) COMPONENT SERIAL NO. 245
 See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

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

OPERATING	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
PERSONAL SERVICES	554.6	554.6	554.6	554.6	554.6	554.6
TRAVEL	94.9	113.8	136.6	163.9	196.7	236.1
CONTRACTUAL	166.7	67.3	68.6	70.1	71.9	74.1
SUPPLIES	24.8	29.8	35.7	42.9	51.5	61.8
EQUIPMENT	63.6	1.0	1.0	1.0	1.0	1.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	904.6	766.5	796.5	832.5	875.7	927.6
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGES IN REVENUES (	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	904.6	766.5	796.5	832.5	875.7	927.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (, 'ease specify)						
TOTAL	904.6	766.5	796.5	832.5	875.7	927.6

Estimate of any current year (FY1999) cost: \$0.0

POSITIONS:

FULL-TIME	9	9	9	9	9	9
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

The fiscal impact on Health Facilities Licensing & Certification would be considerable with the transfer of all assisted living licensure. There are 225 assisted living homes (ALH) with a current growth rate of 20%. Licenses presently are good for 2 years. Under current regulations, ALH homes with 1-2 beds are not required to have a license, but may request a "Voluntary License." ALH homes with 3 beds or greater must have a license. Licensure inspections are generally done biennially with a sample inspected on an annual bases.

Calculations for this FN assumes a need for increased oversight of ALHs. In light of this, it is anticipated that licensure surveys (inspections) would be conducted annually on all ALHs including the 1-2 bed homes with voluntary licenses of which there are 78.

Prepared by: Shelby Larsen *BL* Phone: (907)561-8081
 Division: Medical Assistance Date/Time: 3/5/99 7:46 AM
 Approved by Commissioner: Karen Perdue, Commissioner Date: 3/5/99
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):**Personal Service needs are calculated as follows:**

- 6 Health Facilities Surveyor I positions (Range 18);
- 1 Health Facilities Surveyor II (Supervisor Range 20)
- 1 Administrative Clerk III
- 1 Administrative Assistant I

The Health Facilities Surveyor I and II positions are based on the estimated hours required to perform annual surveys including follow up visits to ensure compliance following a standard licensure survey, initial surveys of new AL homes, background check implementation and complaint investigations. Total required surveyor hours including travel and office time is estimated to be about 10,150. One FTE is estimated to have 1,450 available hours annually after subtracting holidays and minimal annual and sick leave.

Recommended professional surveyors would include Social Workers or equivalent and Registered Nurses. This mix is based on a national survey of survey agencies which license both ALHs and nursing homes. All these states use RNs for survey activities and some utilize social workers to complement the teams.

It is estimated that the Administrator would require at least 35% of his time to this program. This was included in salaries and benefits. Additionally, because this would result in a 75% increase in workload and responsibility for the administrator, and at the suggestion of the DMA Director, costs related to a reclassification of this position up one range was factored in.

Travel expenditures were calculated as follows:

AL homes were divided into 3 categories. The following represents the estimated average number of days required for each category and the estimated number of surveyors required.

Beds	Number of homes	Average survey days	Est. # of surveyors
1-15 beds	200 homes	1.73 days	1.2
16-50 beds	15 homes	3.5 days	2.3
51-> beds	5 homes	4.5 days	3.25

Survey activities include annual survey of all homes, initial surveys, follow up survey, and complaint investigations. Travel costs were calculated on actual airfare, lodging, car rental and per diem costs to the locations of each home. Administrative travel is based on an estimated 5 program related annual trips to Juneau.

Travel cost increases for FY2001 through FY2005 were based on the 20% growth rate.

Contractual costs

Contractual costs for FY2000 include required relocation of HFL&C. New office Space was based on a cost of \$1.85/sq. ft./month. It would be necessary to relocate HFL&C, including existing staff. This would require new office space for the 20 employees for a total need of 5150 sq. ft. This is a one time cost of \$100,100.

Additional one time expenses related to relocation include:

- * Computer system connectivity - \$10,000
- * Computer system wiring/Lan installation - \$1,500

ANALYSIS (cont.):**Additional contractual costs include:**

- * Office space - \$60,922 (Current office space costs were subtracted from estimated total)
- * Maintenance/repair of office equipment - \$1,353
- * Office copier/equipment rental - \$3,505
- * Insurance & Bonds, Risk Management

The additional contractual cost increases for FY2001 through FY2005 were based on the 20% growth rate.

Supplies estimated for FY2000 include:

- * Communication/postage - \$15,342 (based on a percentage of current costs multiplied by the increase % of staff required)
- * Supplies - \$6,317 (based on a percentage of current costs multiplied by the increase % of staff required)
- * Printing/binding/subscriptions - \$3,158 (based on a percentage of current costs multiplied by the increase % of staff required)

Supply cost increases for FY2001 through FY2005 were based on the 20% growth rate.

Equipment costs include:

- * Computers (work stations) - \$22,500 (one time expense)
- * Computers (laptop for onsite reports) - \$7,611 (one time expense)
- * Server - \$15,000 (one time expense)
- * Battery Backup/UPS/HUB - \$5,000 (one time expense)

Equipment costs for FY2001 through FY2005 were estimated at a minimum \$1,000/year.

These estimates represent resources that would be expected in order to run an effective ALH licensure program, and to ensure ALHs are providing safe and adequate services. It provides for necessary complaint investigations.

Fees

Licensure fees if collected would not be expected to offset expenditures by much. Licensure fees currently collected by DMHDD and Senior Services would be estimated to bring the following if annual licensure was required:

Annual application fees	- \$14,175
Additional bed fees	- \$24,500
Total	- \$38,675

This does not include any fees paid by voluntary licensed ALHs.

This Fiscal Note does not include program receipts as a funding source.

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HB 16

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Transfer assisted living licensure to the BRU: Institutions and Administration
Department of Health and Social Services Component: Mental Health/DD Admin
 Sponsor: Croft COMPONENT SERIAL NO. 310
 Requestor: State Affairs, HES See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY00	FY01	FY02	FY03	FY04	FY05
PERSONAL SERVICES	(25.0)	(25.0)	(25.0)	(25.0)	(25.0)	(25.0)
TRAVEL	(5.1)	(5.1)	(5.1)	(5.1)	(5.1)	(5.1)
CONTRACTUAL	(5.0)	(5.0)	(5.0)	(5.0)	(5.0)	(5.0)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(35.1)	(35.1)	(35.1)	(35.1)	(35.1)	(35.1)

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	(10.1)	(10.1)	(10.1)	(10.1)	(10.1)	(10.1)
1037 GF/Mental Health	(25.0)	(25.0)	(25.0)	(25.0)	(25.0)	(25.0)
Other (please specify)						
TOTAL	(35.1)	(35.1)	(35.1)	(35.1)	(35.1)	(35.1)

POSITIONS:

FULL-TIME						
PART-TIME	-1					
TEMPORARY						

Estimate of any current year (FY99) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

In FY95, the Division received \$100.0 through Ch 130 SLA 1994 for implementation of SB 249 - Regulation of Assisted Living Homes. The funds were appropriated into the MHDD Administration component. In FY96, \$10.1 of program receipt authority was awarded to receive and expend the licensing fees collected in support of the program. The \$110.1 provides funding for 1.5 FTE positions, a full-time community care licensing specialist and a half-time developmental disabilities program specialist. The total cost of these positions is \$90.0. Travel costs are \$15.0 a year. Another \$5.1 is allocated for training, phone, and supplies. These two positions provide for initial licensing of new homes, renewal of license for existing homes bi-annually, and investigations of allegations of neglect or abuse, as required by regulation.

Prepared by: Leonard Abel, Ph.D. Phone: 465-3370
 Division: Mental Health and DD Date: 03/05/99
 Approved by Commissioner: Karen Perdue, Commissioner Date: 3/5/99
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

The annual licensing on-site reviews also includes technical assistance to assure compliance with regulations and statutes. These positions also work on finding and developing new assisted living homes.

Because assisted living homes serve persons with mental illness or a developmental disability, additional services need to be provided to assure that assisted living home staff have the skills and knowledge needed. Assisted living home administrators and their staff have a wide range of skills and knowledge. In order to be proactive with health and safety issues for division beneficiaries living in assisted living more is required than what would be done by a DMA licensing unit. By moving the licensing function, the technical assistance that the Division provides could be lost.

Two positions, a full-time community care licensing specialist and a half-time developmental disabilities program specialist currently license and monitor the quality of life in over 130 assisted living homes. The types of activities that need to be done to supplement the licensing process are:

1. Education and training in safety matters such as First Aid, CPR, Mandt Training, medication training, decomposition signs in a resident (emotionally/mental), facility management training. Unfortunately there is staff (because of a high turnover and low salary) without knowledge on how to properly work with mentally ill or developmentally disabled consumers.
2. The development of the standards of care and the organization of a team that could apply the standards to the homes during annual visits to assure quality care are needed.
3. Coordination with the Division of Senior Services for providing technical assistance is also needed. There are currently 133 DMHDD assisted living home licenses and 85 licensed homes by the Division of Senior Services. DMHDD has persons with developmental disabilities or mental illness living in Division of Senior Services licensed homes.
4. Annual site reviews are needed to ensure health and safety minimums are in place and that appropriate care is being provided that assures the Quality of Life rights are being met.
5. The development of additional enhanced assisted living homes is needed to assist with the planned downsizing of API.

The DMHDD effort will require retention of the full-time position to handle the volume of work. This position is either a developmental disabilities specialist or a mental health clinician.

This position is at a Range 19, with an estimated salary of \$65.0 and travel budget of \$10.0. A total of \$75.0 of the original \$110.1 will be retained by DMHDD.

DMHDD will transfer the remaining funds to the Division of Medical Assistance to support the half-time position. A total of \$35.1 will be transferred, as described in the Expenditures/Revenues section above.

HB 45

&

HJR 7

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 19, 1999

FURTHER REFERRALS:

Finance

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

HB 45

HOUSE BILL NO. 45

INITIATIVE/REFERENDUM PETITIONS

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

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

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

CHAIR'S SIGNATURE *Janette James*

Alaska State Legislature

Committees:
Transportation, Chairman
Resources
Economic Development
Rules



Representative William K. Williams

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

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

Sponsor Statement

HB 45/HJR 7

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

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

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

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

I urge your support of this legislation.

Alaska State Legislature

Committees:
Transportation, Chairman
Resources
Economic Development
Rules



Representative William K. Williams

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

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

Memorandum

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

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

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

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

Thank you.

AMENDMENT # 2

Egan

LINE 12.

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

Failed

Yes 1

No ~~111~~ 1

Smalley

AMENDMENT 2
~~CS HB No. 45~~

p. 2 line 1 Change 10% to 5%

CS ~~#B~~ HSR No. 7

p. 1 line 10 Change 10% to 5%

Failed

Yes II

No III



ALASKA POPULATION OVERVIEW: 1998 ESTIMATES

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

For best results, print in landscape mode.

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

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

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

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

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

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

Greg Williams, State Demographer

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



Rm 102, Capitol Building, Juneau

Phone 465-3743, Fax 465-2381

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

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

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

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

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

See you tomorrow.

1998 Initiative Summary

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

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

Total Qualified Districts=13 or 33%

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

Total Qualified Districts=15 or 38%

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

Total Qualified Districts=16 or 40%

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

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

Total Qualified Districts=17 or 43%

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

Total Qualified Districts=16 or 40%

CHAIRMAN R. RIVERS: Mrs. Sweeney.

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

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

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

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

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

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

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ARTICLE XI.
INITIATIVE, REFERENDUM, AND
RECALL.

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

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

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

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

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

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

SECTION 7. RESTRICTIONS. The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

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

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



Area	April 1, 1980-April 1, 1990		April 1, 1990 to July 1, 1997		Rate Per 1,000 Mid-Period Population	Deaths	Rate Per 1,000 Mid-Period Population	Natural Increase	Net Migrants	Average Annual Rate of Change (%)	Percent of State Population End Date	Persons Per Square Mile
	1980-1990	Population at the End of the Period	Population Change	Births								
UNITED STATES /1 3,536,338 Sq. Mi.	1980	227,224,681									Alaska as % of U.S.	
	1980-90	248,709,873	21,485,192	36,629,000	15.4	20,682,000	8.7	15,947,000	5,538,192	0.90	0.19	54.20
	1990-91	252,124,362	3,414,489	5,171,116	16.5	2,656,721	8.5	2,514,395	900,094	1.09	0.22	70.33
	1991-92	255,001,827	2,877,465	4,105,689	16.2	2,180,115	8.6	1,925,574	951,891	1.13	0.23	72.11
	1992-93	257,752,702	2,750,875	4,027,125	15.7	2,226,027	8.7	1,801,098	949,777	1.07	0.23	72.55
	1993-94	260,292,437	2,539,735	3,971,136	15.3	2,282,854	8.8	1,688,282	851,453	0.98	0.23	73.61
	1994-95	262,760,639	2,468,202	3,933,170	15.0	2,302,015	8.8	1,631,155	837,047	0.94	0.23	74.31
	1995-96	265,179,411	2,418,772	3,879,771	14.7	2,330,870	8.8	1,548,901	869,871	0.92	0.23	74.99
1996-97	267,636,061	2,456,650	3,901,790	14.6	2,327,854	8.7	1,573,936	882,714	0.92	0.23	75.68	
ALASKA 570,373.6 Sq. Mi.	1980	401,851									100.0	0.70
	1980-90	550,043	148,192	115,963	24.4	19,673	4.1	96,290	51,902	3.1	100.0	0.98
	1990-91	569,300	19,257	14,819	21.2	2,726	3.9	12,093	7,164	2.8	100.0	1.12
	1991-92	587,129	17,829	11,734	20.3	2,205	3.8	9,529	8,300	3.1	100.0	1.23
	1992-93	597,669	10,540	11,331	19.1	2,472	4.2	8,859	1,681	1.8	100.0	1.35
	1993-94	601,555	3,886	10,970	18.3	2,397	4.0	8,573	-4,687	0.6	100.0	1.25
	1994-95	602,897	1,342	10,437	17.3	2,473	4.1	7,964	-6,622	0.2	100.0	1.26
	1995-96	607,314	4,417	10,051	16.6	2,662	4.4	7,389	-2,972	0.7	100.0	1.26
1996-97	611,300	3,986	10,000	16.4	2,601	4.3	7,399	-3,413	0.7	100.0	1.27	
ANCHORAGE/ MATANUSKA-SUSITNA REGION 26,391.2 Sq. Mi.	1980	192,247									47.8	7.23
	1980-90	266,021	73,774	54,805	23.9	8,109	3.5	46,696	27,078	3.2	48.4	10.98
	1990-91	277,582	11,561	6,999	20.6	1,212	3.6	5,787	5,774	3.4	48.8	10.52
	1991-92	288,953	11,371	5,676	20.0	969	3.4	4,707	6,664	4.0	49.2	10.95
	1992-93	297,466	8,513	5,543	18.9	1,123	3.8	4,420	4,093	2.9	49.8	11.27
	1993-94	302,134	4,668	5,413	18.1	1,101	3.7	4,312	356	1.6	50.2	11.45
	1994-95	302,451	317	5,313	17.6	1,159	3.8	4,154	-3,837	0.1	50.2	11.46
	1995-96	304,843	2,392	4,964	16.3	1,256	4.1	3,708	-1,316	0.8	50.2	11.55
1996-97	307,297	2,454	4,831	15.0	1,196	3.9	3,635	-1,181	0.8	50.3	11.64	
MUNICIPALITY OF ANCHORAGE 1,697.6 Sq. Mi.	1980	174,431									43.4	102.75
	1980-90	226,338	51,907	47,746	23.8	6,911	3.4	40,835	11,072	2.6	41.1	133.33
	1990-91	235,747	9,409	6,105	21.1	994	3.4	5,111	4,298	3.3	41.4	138.67
	1991-92	244,845	9,098	4,942	20.6	811	3.4	4,131	4,967	1.8	41.7	144.23
	1992-93	251,501	6,656	4,827	19.5	923	3.7	3,904	2,752	2.7	42.1	148.15
	1993-94	254,770	3,269	4,739	18.7	888	3.5	3,851	-582	1.3	42.4	150.08
	1994-95	253,438	-1,332	4,581	18.0	966	3.8	3,615	-4,947	-0.5	42.0	149.29
	1995-96	254,178	740	4,211	16.6	1,036	4.1	3,175	-2,435	0.3	41.9	149.73
1996-97	254,849	671	4,144	16.3	958	3.8	3,186	-2,515	0.3	41.7	150.12	
MATANUSKA-SUSITNA BOROUGH 24,693.6 Sq. Mi.	1980	17,816									1.4	0.72
	1980-90	39,683	21,867	7,059	24.6	1,198	4.2	5,861	16,006	7.6	7.2	1.61
	1990-91	41,835	2,152	894	17.5	218	4.3	676	1,476	4.2	7.3	1.69
	1991-92	44,108	2,273	734	17.1	158	3.7	576	1,697	5.3	7.5	1.79
	1992-93	45,965	1,857	716	15.9	200	4.4	516	1,341	4.1	7.7	1.86
	1993-94	47,364	1,399	674	14.4	213	4.6	461	938	3.0	7.9	1.92
	1994-95	49,013	1,649	732	15.2	193	4.0	539	1,110	3.4	8.1	1.99
	1995-96	50,665	1,652	753	15.1	220	4.4	533	1,119	3.3	8.3	2.05
1996-97	52,448	1,783	687	13.3	238	4.6	449	1,334	3.5	8.6	2.12	
GULF COAST REGION 59,486.9 Sq. Mi. /2	1980	43,569									10.8	0.73
	1980-90	64,063	20,494	12,610	23.4	2,478	4.6	10,132	10,352	3.8	11.6	1.09
	1990-91	65,201	1,138	1,586	19.6	337	4.2	1,249	-111	1.4	11.5	1.10
	1991-92	67,935	2,734	1,153	17.3	240	3.6	913	1,821	4.1	11.6	1.14
	1992-93	67,995	60	1,133	16.7	299	4.4	834	-774	0.1	11.4	1.14
	1993-94	70,045	2,050	1,111	16.1	284	4.1	827	1,223	3.0	11.6	1.18
	1994-95	71,146	1,101	1,088	15.4	295	4.2	793	308	1.6	11.8	1.20
	1995-96	71,430	284	1,075	15.1	338	4.7	737	-453	0.4	11.8	1.20
1996-97	72,076	646	1,074	15.0	353	4.9	721	-75	0.9	11.8	1.27	

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

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

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

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

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

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

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

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

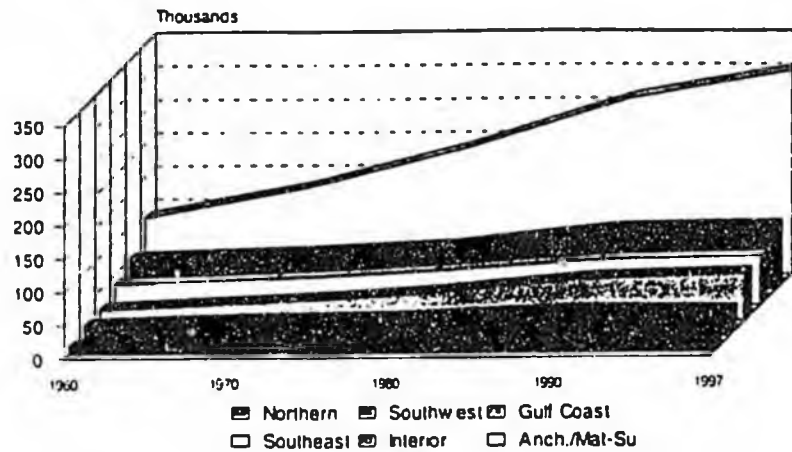
Table 8. Population in 1970 of Areas Annexed Between 1960 and 1970

[For meaning of symbols, see text]

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

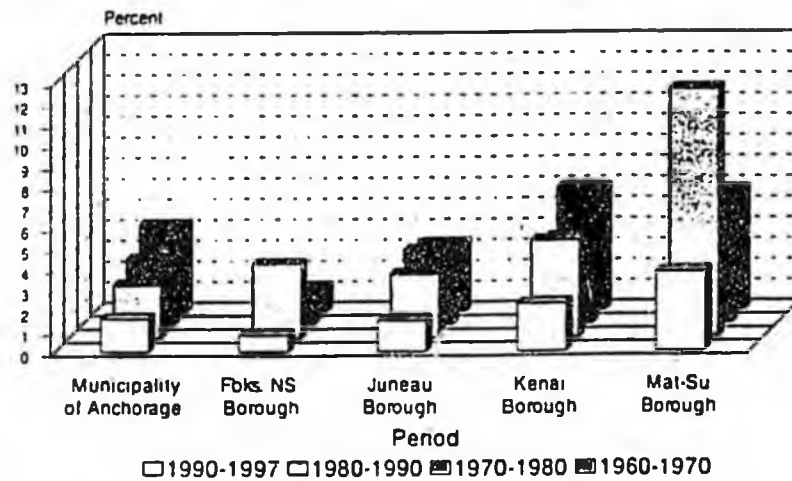
¹Excludes Nome city; information on number of persons in annexed area not available.

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



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

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



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

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

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February 1, 1999

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

Hand-Delivered

Re: HJR 3

Dear Representative Ogan:

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

Please let me know if you require further information.

Sincerely,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By: Kathleen Strasbaugh
Assistant Attorney General

KS:jn
Enclosures

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRESIDENT EGAN: Mr. Victor Rivers.

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

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

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

DAVIS: All right, I will read it then.

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

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

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

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

ROBERTSON: Amendments are not up now, are they?

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

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

PRESIDENT EGAN: Mr. McLaughlin.

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

PRESIDENT EGAN: Mr. White.

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

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

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

PRESIDENT EGAN: Mr. McLaughlin.

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

PRESIDENT EGAN: Mr. Metcalf.

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

PRESIDENT EGAN: Mr. Johnson.

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

ROBERTSON: I second the motion.

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

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

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

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

JOHNSON: It is.

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

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

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

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

PRESIDENT EGAN: Mr. Davis.

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

JOHNSON: That is my intention.

PRESIDENT EGAN: Mr. McNees.

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

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

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

PRESIDENT EGAN: Mr. Davis.

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

COLLINS: Can you make that exception?

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

COLLINS: I was there.

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

that point.

PRESIDENT EGAN: Mr. White.

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

PRESIDENT EGAN: Mr. Johnson.

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

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

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

PRESIDENT EGAN: Mr. McCutcheon.

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

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

PRESIDENT EGAN: Mr. Hurley.

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

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

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

JOHNSON: I do.

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

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

PRESIDENT EGAN: Is there a second?

MCNEES: I second the motion.

PRESIDENT EGAN: Mr. McNees seconds the motion.

MARSTON: Is it open for discussion?

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

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

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

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

PRESIDENT EGAN: "r Ralph Rivers.

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

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

PRESIDENT EGAN: Mr. Fischer.

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

PRESIDENT EGAN: Miss Awes.

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

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

PRESIDENT EGAN: Mr. White.

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

PRESIDENT EGAN: Mr. Rosswog.

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

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

METCALF: Roll call.

PRESIDENT EGAN: The Chief Clerk will call the roll.

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

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

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

Absent: 2 - Hellenthal, VanderLeest.

Abstaining: 1 - Rosswog.)

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

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

Absent: 2 - Hellenthal, VanderLeest.)

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

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

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

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

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

PRESIDENT EGAN: The Convention will come to order.

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

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

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

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

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

BUCKALEW: I object.

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

McLaughlin?

MCLAUGHLIN: I so move.

KNIGHT: I second the motion.

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

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

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

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

Absent: 2 - Hellenthal, VanderLeest.)

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

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

MCLAUGHLIN: Do I now move, Mr. Chairman?

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

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

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

RECESS

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

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

PRESIDENT EGAN: Mr. Cooper.

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

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

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

COOPER: No, I will withdraw it.

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

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

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

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

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

MCLAUGHLIN: I so move.

BARR: I second it.

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

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

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

PRESIDENT EGAN: Mr. Johnson.

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

PRESIDENT EGAN: Mr. Johnson has the floor.

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

PRESIDENT EGAN: Mr. Sundborg.

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

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

PRESIDENT EGAN: Mr. White.

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

PRESIDENT EGAN: Mr. Coghill.

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

PRESIDENT EGAN: You may.

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

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

PRESIDENT EGAN: Mrs. Nordale.

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

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

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

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

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

TAYLOR: I second the motion and ask unanimous consent.

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

SUNDBORG: Is this debatable?

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

MCCUTCHEON: Yes, that is what it amounts to.

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

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

PRESIDENT EGAN: Mr. Barr.

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

PRESIDENT EGAN: Mr. Ralph Rivers.

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

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

ROBERTSON: I move that it be recommitted to Judiciary Branch

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

PRESIDENT EGAN: Mrs. Hermann.

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

PRESIDENT EGAN: Mr. Sundborg.

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

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

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

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

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

PRESIDENT EGAN: Mr. Fischer.

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

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

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

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

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

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

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

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

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

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

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