

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10435 HOUSE STATE AFFAIRS

275

30 to approximate the amount of tax due on those wages, salaries, or crew shares under
31 this chapter for that taxable year:

01 (2) shall remit the tax withheld to the department accompanied by a
02 return on a form prescribed by the department at the times required by the department
03 by regulation;

04 (3) is liable for the payment of the tax required to be deducted and
05 withheld under this section but is not liable to any individual for the amount of the
06 payment; and

07 (4) shall furnish to the employee on or before January 31 of the
08 succeeding year, or within 30 days after a request by the employee after the
09 employee's termination if the 30-day period ends before January 31, a written
10 statement on a form prescribed by the department showing

11 (A) the name and taxpayer identification number of the
12 employer;

13 (B) the name and social security number of the employee;

14 (C) the total amount of wages, salary, or crew shares for the
15 taxable year; and

16 (D) the total amount deducted and withheld as tax for the
17 taxable year.

18 (b) The department shall publish the rate of withholding required by this
19 section.

20 (c) In this section,

21 (1) "employee" includes an individual who receives compensation on a
22 crew share basis in connection with a commercial fishing activity;

23 (2) "employer" includes a person who pays compensation to an
24 individual on a crew share basis in connection with a commercial fishing activity.

25 * Sec. 7. AS 43.20.340 is amended by adding new paragraphs to read:

26 (12) "individual" means a natural person, married or unmarried, adult
27 or minor, subject to payment of income tax under 26 U.S.C. (Internal Revenue Code);

28 (13) "nonresident" means an individual who is not a resident or part-
29 year resident;

30 (14) "resident" means an individual who, for the entire taxable year,
31 was domiciled in the state or resided in the state.

01 * Sec. 8. AS 43.08.085; AS 43.20.012, and 43.20.013 are repealed.

02 * Sec. 9. The uncodified law of the State of Alaska is amended by adding a new section to
03 read:

04 SEVERABILITY. Under AS 01.10.030, if any provision of this Act, or the

05 application of a provision of this Act to any person or circumstance is held invalid, the
 06 remainder of this Act and the application to other persons is not affected.

07 Sec. 10. The uncodified law of the State of Alaska is amended by adding a new section to
 08 read:

09 RETROACTIVE APPLICATION. Sections 1 - 5, 7, and 8 of this Act are retroactive
 10 to January 1, 2002.

HB

2000

22-LS0781\c
Ford
4/5/01

CS FOR HOUSE BILL NO. 200(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE JUDICIARY COMMITTEE

A BILL
FOR AN ACT ENTITLED

1 **"An Act establishing July 3 as Drunk Driving Victims Remembrance Day."**

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

3 *** Section 1.** AS 44.12 is amended by adding a new section to read:

4 **Sec. 44.12.090. Drunk Driving Victims Remembrance Day.** Drunk Driving
5 Victims Remembrance Day is established on July 3 of each year to commemorate the
6 victims of drunk driving. The governor shall issue a proclamation to commemorate
7 the day. The day may be observed by suitable observances and exercises by civic
8 groups and the public.

ALASKA STATE LEGISLATURE

HOUSE JUDICIARY COMMITTEE

Representative Norman Rokeberg, Chairman
Representative Scott Ogan, Vice-Chairman
Representative John Coghill
Representative Jeannette James
Representative Kevin Meyer
Representative Ethan Berkowitz
Representative Albert Kookesh



State Capitol
Juneau, AK 99801-1182
Telephone: (907) 465-4990
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Heather M. Nobrega
Counsel to Committee

MEMORANDUM

To: Rep. John Coghill, Chairman
House State Affairs Committee

From: Rep. Norman Rokeberg, Chairman
House Judiciary Committee

Date: March 20, 2001

Re: Request to Hear House Bill 200

A handwritten signature in black ink, appearing to read "Norman Rokeberg".

The House Judiciary Committee respectfully requests that HB 200, Drunk Driving Remembrance Day, be scheduled for a hearing.

Attached are:

1. HB 200
2. Sponsor Statement
3. Anchorage Daily News article

HOUSE BILL NO. 200

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

BY THE HOUSE JUDICIARY COMMITTEE

**Introduced: 3/19/01
Referred: State Affairs**

A BILL

FOR AN ACT ENTITLED

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3 * **Section 1.** AS 44.12 is amended by adding a new section to read:

4 **Sec. 44.12.090. Drunk Driving Victims Remembrance Day.** Drunk Driving
5 Victims Remembrance Day is established on July 3 of each year to commemorate the
6 individuals who died as a result of a traffic accident involving a drunk driver. The
7 governor shall issue a proclamation to commemorate the day and shall direct that the
8 Alaska flag be flown at half-mast on that day. The day may be observed by suitable
9 observances and exercises by civic groups and the public.

ALASKA STATE LEGISLATURE

HOUSE JUDICIARY COMMITTEE

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Sponsor Statement for HB 200

On July 3, 2000, an Anchorage man with six previous drunk driving convictions was allegedly driving drunk when he struck and killed Jessie Withrow. Jessie, a college student, was riding her bike down the sidewalk on Minnesota Drive when she was hit. Jessie's death is just one tragedy in a numerous string of drunk driving deaths that occurred throughout the state last year.

By establishing July 3rd as Drunk Driving Victims Remembrance Day, we create a day when drunk driving victims like Jessie, and others, can be remembered. July 3rd has been chosen by Mothers Against Drunk Driving because it was the day of Jessie's death, and because it is right before a major summer holiday when Alaskans are more susceptible to drinking and driving accidents.

Alaska will be the first state in the union to establish a day devoted to commemorating the individuals who died as a result of a traffic accident involving a drunk driver. Drinking and driving has reached epidemic proportions in our state. By establishing a Drunk Driving Victims Remembrance Day, we hope to bring awareness to this problem, and help prevent future victims of drunk driving.

The committee urges your support of this bill.

#UN
5 July
2000

Pickup hits, kills bicyclist

Police say man drunk
had 6 previous DWIs

By LISA DEMER
Daily News reporter

An Anchorage man with six previous drunk driving convictions was driving drunk when he struck and killed a college student riding her bicycle on the sidewalk along Minnesota Drive late Monday, Anchorage police said.

Russell D. Carlson, 39, who had a 2-year-old child in the truck with him, was charged with manslaughter, child abuse, driving while intoxicated and driving while his license was revoked, according to police.

The bicyclist was Jessie Withrow, who grew up in Anchorage and



Jessie Withrow died Tuesday in Anchorage.

BICYCLIST: Student enjoyed friends, family, music

Continued from Page A-1

was a dean's list student at Bates College in Lewiston, Maine. She was pronounced dead at Providence Alaska Medical Center on Tuesday afternoon.

Police Lt. Bob Griffiths said Carlson had six DWI convictions in Alaska. Details about those cases were not available Tuesday because of the July Fourth holiday.

The crash happened about 11:30 p.m. Carlson was driving a white full-size pickup, police spokesman Ron McGee said.

Witnesses told police that Carlson was weaving and driving fast while heading south on Minnesota. He ran into a Ford Explorer that had stopped for a red light on Northern Lights Boulevard, then went on the sidewalk and struck Withrow on

her bike, according to police. His truck then went into the parking lot of the Aurora Village Shopping Center and crashed into three parked cars, police said.

The 2-year-old child and another man in the truck were not hurt, police said. The relationship between Carlson and the child wasn't clear.

Family friends of the young woman who died described her as exceptionally bright and creative.

"Jessie was a very unusual child. It was like she was way grown up beyond her years. She was destined to do great things. The world is going to be a cheated place for the fact she was not able to achieve her potential," said Susan Peck, who has a daughter close to Withrow and who is a friend of Withrow's mother, Wendy.

Withrow wrote for Perfect World, the

teen-oriented pages in the Anchorage Daily News. She sang with her mother at the Renaissance Festival and the Anchorage Folk Festival. She served on the Anchorage Youth Court, helping kids who had gotten in trouble. In 1998, she graduated with honors from Steller Secondary School and won a scholarship to Bates College, a liberal arts school. She was home for summer break and would have been a junior, studying English.

"Her friends, her family and her music were the things she enjoyed the most," said another family friend, Ray Booker.

Carlson is being held at Cook Inlet Pre-Trial Facility on \$100,000 bail.

Reporter Lisa Demer can be reached at ldemer@adn.com and 257-4390.

See Back Page, BICYCLIST

Flag Lowering

State Statute

AS 44.12.080 - Pearl Harbor Remembrance Day

AS 44.12.085 - Dutch Harbor Remembrance Day

In addition to honoring the death of various Alaskan political figures and law enforcement officials killed in the line of duty, Governor Knowles has ordered the Alaska flag flown at half-staff on the following:

USS Cole Bombing, 10/13/2000

Fallen Police Officers, 5/12/2000

State employees killed in car crash, 4/20/2000

(note: this was for Martin Richard and Ladd Macaulay who were killed by a drunk driver)

Alaska Airlines crash victims, 2/2/2000

President George Washington, 12/14/1999

Justice Harry A. Blackmun, 3/8/1999

Oil Pioneer Bill Bishop, 2/12/1999

King Hussein, 2/8/1999

Justice Lewis F. Powell, 8/28/1998

Korean War Armistice, 7/27/1998

Barry Goldwater, 6/3/1998

Alex Miller, 1/30/1998

Thomas E. Thompson, 12/3/1997, flags lowered in Sitka and Petersburg for this fishing industry leader

Sec. 44.12.080. Pearl Harbor Remembrance Day.

Pearl Harbor Remembrance Day is established on December 7 of each year to commemorate the attack on Pearl Harbor on December 7, 1941, and to honor the individuals who died as a result of the attack. The governor shall issue a proclamation to commemorate the day and shall direct that the Alaska flag be flown at half-mast on that day. Pearl Harbor Remembrance Day may be observed by suitable observances and exercises by civic groups and the public.

(§ 1 ch 28 SLA 1995)

Effective dates. Section 1, ch. 28, SLA 1995, which enacted this section, took effect on August 10, 1995.

Sec. 44.12.085. Dutch Harbor Remembrance Day.

Dutch Harbor Remembrance Day is established on June 3 of each year to commemorate the attack on Dutch Harbor on June 3, 1942, and to honor the individuals who died as a result of the attack and those inhabitants of Attu and Kiska who fell into enemy hands three days later and were held captive in Japan until the end of World War II. On Dutch Harbor Remembrance Day the many servicemen who died in 1943 while recapturing Attu and Kiska from the Japanese are also honored for their diligent service to the United States and to the state. The governor shall issue a proclamation to commemorate Dutch Harbor Remembrance Day and shall direct that the Alaska flag be flown at half-mast on that day. The day may be observed by suitable observances and exercises by civic groups and the public.

(§ 1 ch 38 SLA 1995)



OFFICE OF THE GOVERNOR
Press Releases



October 13, 2000

Release 00257

FLAGS LOWERED FOR VICTIMS OF USS COLE BOMBING

President, Governor Order Flags Lowered through Monday Evening for Service Members Slain in Terrorist Bombing

As a mark of respect for those who died aboard the United States Navy Destroyer, USS Cole, President Clinton ordered all U.S. flags lowered to half-staff through sunset on Monday.

The Cole was struck yesterday by an apparent terrorist bomb as it was docking in the port of Aden, Yemen to refuel. The bomb tore a 20-by 40-foot hole in the destroyer's hull and killed 6 American sailors, with 11 missing and presumed dead, and 36 sailors injured.

President Clinton called the bombing a "despicable and cowardly act," and vowed to find those responsible and hold them accountable.

This morning, the President ordered the flag of the United States to be flown at half-staff through sunset, Monday, October 16, 2000. In accordance with accepted flag protocol, Gov. Tony Knowles ordered state flags lowered to half-staff for the same period.

##

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OFFICE OF THE GOVERNOR
Press Releases



May 12, 2000
Release 00125

**FLAGS LOWERED MONDAY IN MEMORY OF FALLEN POLICE OFFICERS
Knowles Joins President Clinton in Marking Peace Officers Memorial Day**

Monday, May 15, has been declared Peace Officers Memorial Day by President Bill Clinton, who has ordered the United States flag lowered to half-staff on that day. Gov. Tony Knowles has also ordered state flags lowered to half-staff on that day.

"The loss of any police officer is a tragedy, and as a nation, we mourn and remember these men and women who made the ultimate sacrifice by giving their lives." Clinton said in a proclamation marking Peace Officers Memorial Day.

Knowles noted that Palmer Police Officer James Rowland was killed a year earlier, on Saturday, May 15, 1999, while responding to a routine call in a grocery store parking lot. Rowland was the first police officer killed in the line of duty in the history of the Palmer Police Department and his name was added to the Alaska Police Officers Memorial in Anchorage today.

"While we can never repay the debt we owe to these fallen officers and their families, we can and must honor their memory by carrying on their crusade to make America, and Alaska, a better and safer place," Knowles said.

In honor of all peace officers who have fallen in the line of duty, President Clinton and Gov. Knowles have ordered national and state flags lowered to half-staff on Peace Officers Memorial Day, Monday, May 15, 2000.

##

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**OFFICE OF THE GOVERNOR**
Press Releases

April 20, 2000

Release 00106

FLAGS LOWERED FOR STATE EMPLOYEES KILLED IN CAR CRASH
Martin Richard, Ladd Macaulay on Official State Business at Time of Accident

Gov. Tony Knowles ordered state flags lowered to half-staff today and tomorrow in memory of two state employees killed in an automobile accident while on official business. The accident yesterday afternoon took the lives of Martin Richard and Ladd Macaulay, both of Juneau. A third state employee, Steve McGee, also of Juneau, was injured in the accident.

"We reach out with our sympathies and condolences to the family and friends of Martin Richard and Ladd Macaulay, two dedicated state employees who enriched the state through their public service, their commitment to their families, their love of Alaska, and numerous other personal contributions," Knowles said.

Martin Richard, 50, was a 21-year state employee who served as director of the Division of Investments since 1986. Ladd Macaulay, 57, was a loan officer for the Division who previously served as director of the DIPAC hatchery in Juneau. They and McGee had been inspecting hatcheries on the Kenai Peninsula and were returning to Anchorage in a rental car when a pick-up truck crossed the centerline of the Seward Highway at mile 37.5 and collided with them head on. Richard and Macaulay were pronounced dead at the scene.

"Our co-workers are like family, because we often spend more hours every day with them than those we are close to outside the workplace," said Deborah Sedwick, Commissioner of the Department of Community and Economic Development. "Let us honor the memory of Martin and Ladd by reminding ourselves that life is fragile and that we need to treasure those close to us and find time for the things we want to do in life."

McGee, 49, a biologist with the Alaska Department of Fish and Game, was injured and taken to hospital where he is listed in stable condition. The driver of the pick-up truck also survived and is hospitalized. State Troopers are investigating the possibility that the driver of the pick-up may have been under the influence of alcohol at the time of the accident.

In recognition of their service to the people and the State of Alaska, Gov. Tony Knowles has ordered state flags lowered to half-staff on Thursday and Friday, April 20 and 21, in memory of Martin Richard and Ladd Macaulay.

##

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OFFICE OF THE GOVERNOR
Press Releases



February 2, 2000
Release 00032

FLAGS LOWERED FOR ALASKA AIRLINES CRASH VICTIMS

Gov. Tony Knowles today ordered state flags lowered to half-staff through the morning of Monday, February 7, in memory of the victims of Alaska Airlines Flight 261. The jetliner crashed Monday afternoon off the California coast with 83 passengers and 5 crewmembers aboard.

At least five Alaskans are known to have been aboard the flight, including Alaska business and Native leader Morris Thompson, his wife Thelma, and daughter Sheryl. Also on board were Malcolm Branson and Janice Stokes of Ketchikan, both employees of the Alaska Marine Highway System.

"This tragic accident touches the entire Alaska family deeply," Knowles said. "We offer our prayers and condolences to the families and friends of all those who were lost in this tragic accident and lower our flags as a symbol of our sorrow."

In the memory of all the victims of Flight 261, Gov. Knowles ordered state flags lowered to half-staff through the morning of Monday, February 7.

##

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Press Releases



February 2, 2000

Release 00032

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**OFFICE OF THE GOVERNOR**
Press Releases

December 14, 1999

Release 99240

FLAGS LOWERED IN MEMORY OF GEORGE WASHINGTON
200th Anniversary of Death of Nation's First President

President William Clinton has ordered flags lowered to half-staff over federal buildings today in recognition of the 200th anniversary of the death of the nation's first President, George Washington. Gov. Tony Knowles has ordered state flags lowered as well.

Born in 1732 into a Virginia planter family, Washington learned the morals, manners, and body of knowledge requisite for an 18th century Virginia gentleman. He pursued interests in the military arts and western expansion. At 16, Washington helped survey the Shenandoah region and was later commissioned a lieutenant colonel, fighting the first skirmishes of what grew into the French and Indian War.

When the Second Continental Congress assembled in Philadelphia in May, 1775, Washington, one of the Virginia delegates, was elected Commander in Chief of the Continental Army. On July 3, 1775, at Cambridge, Massachusetts, he took command of his ill-trained troops and embarked upon a war that was to last six grueling years.

He realized early that the best strategy was to avoid a general confrontation with the British and instead harass their troops. Ensuing battles saw him fall back slowly, then strike unexpectedly. Finally in 1781, with the aid of French allies, he forced the surrender of the British at Yorktown.

Washington longed to retire to his home at Mount Vernon but he soon realized that the new nation was not functioning well under its Articles of Confederation. He became a prime mover in the steps leading to the Constitutional Convention at Philadelphia in 1787 and when the new Constitution was ratified, the Electoral College unanimously elected Washington as President. He served from 1789 until 1797.

Wearied of politics, Washington retired at the end of his second term and in his Farewell Address, he urged his countrymen to forswear excessive partisanship and geographical distinctions. He died of a throat infection on December 14, 1799.

President Clinton has ordered the nation's flag lowered to half-staff today in memory of George Washington. In accordance with state protocol, Gov. Tony Knowles has ordered Alaska flags lowered to half-staff today as well.

##

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Tony Knowles
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NEWS RELEASE

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FOR IMMEDIATE RELEASE: March 8, 1999 99-044

FLAGS LOWERED FOR JUSTICE HARRY A. BLACKMUN

President Bill Clinton ordered U.S. flags lowered through dusk Tuesday for retired Supreme Court Justice Harry A. Blackmun. Gov. Tony Knowles ordered state flags also to be flown at half-staff in honor of the late Justice.

Blackmun, author of the 1973 Roe vs. Wade decision legalizing abortion and more than 350 other Supreme Court rulings, died Thursday at age 90. He had retired in 1994 after serving more than 24 years on the nation's highest court.

In recognition of Justice Blackmun's service and contributions as a member of the Supreme Court, Gov. Knowles ordered Alaska flags lowered through Tuesday, March 9, 1999.

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NEWS RELEASE

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FOR IMMEDIATE RELEASE: February 12, 1999 99-027

FLAGS LOWERED MONDAY FOR OIL PIONEER BILL BISHOP

Anchorage Geologist Discovered Swanson River Oil Field

Gov. Tony Knowles ordered state flags in Anchorage lowered to half-staff on Monday, February 15, in memory of William C. "Bill" Bishop. Bishop died Wednesday in Anchorage from complications of pneumonia. He was 79.

Born May 13, 1919, in Dalhart, Texas, Bishop served in the U.S. Marine Corps during World War II and earned a Bronze Star for valor. After the war, Bishop studied geology at UCLA and in 1950, began work for California-based Richfield Oil Company. His work for the company, later named ARCO, took him to Italy, Egypt and Alaska.

In 1956, as the story goes, Bishop led a Richfield Oil team exploring the Kenai Peninsula. Near Swanson River, he kicked the ground cover with his boots and declared, "Drill here." The well struck oil and became the first major oil discovery in Alaska. The Swanson River field would ultimately yield over 250 million barrels of crude. Bishop's boots were later bronzed and placed in the Alaska State Museum.

Bishop worked for ARCO until 1968. He later worked with the Alaska Division of the Western Oil and Gas Association, the Alaska State Bank and the Bristol Bay Native Corporation. He served a term as chairman of the State Chamber of Commerce and was inducted into the Alaska Business Hall of Fame in 1994.

Bishop is survived by his wife Margee; daughters Dawn Kleweno and Kathy Fredrickson and their families. Funeral services are planned for Monday, February 15, at All Saints Episcopal Church in Anchorage.

In recognition of his contributions to Alaska, Gov. Tony Knowles ordered state flags in Anchorage lowered to half-staff on Monday, February 15, 1999, in memory of oil pioneer Bill Bishop.

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NEWS RELEASE

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FOR IMMEDIATE RELEASE: Feb. 8, 1999 99-024

FLAGS LOWERED FOR JORDAN'S KING HUSSEIN

President Bill Clinton ordered U.S. flags lowered through Tuesday for Jordan's King Hussein. Gov. Tony Knowles ordered state flags also be flown at half-staff in honor of the late Arab leader.

Hussein, 63, died Sunday after a long battle with cancer. He was buried today in the Hashemite family cemetery on the grounds of his royal palace in Amman. Clinton, three former U.S. presidents and other dignitaries went to Jordan to pay their final respects.

According to the monarch's wishes, Abdullah bin Al Hussein, 37, was sworn in as Jordan's new king just hours after his father died.

In recognition of Hussein's contributions as a peacemaker in the Middle East, Gov. Knowles ordered Alaska flags lowered through Tuesday, Feb. 9, 1999.



OFFICE OF THE GOVERNOR
Press Releases



September 18, 1998
Release 98245

FLAGS LOWERED MONDAY FOR SERGEANT DAVE CHURCHILL
Fish and Wildlife Protection Officer Dedicated Husband and Foster Parent

Gov. Tony Knowles ordered state flags lowered to half-staff on Monday, September 21, in memory of Sergeant Dave Churchill, a Fish and Wildlife Protection Officer who died Wednesday, September 16, while on duty on the Alaska Peninsula.

Churchill, 51, was hired by the Department of Public Safety in 1986 as an Alaska State Trooper. His career with the Department included numerous assignments from homicide investigations to big game poaching investigations. At the time of his death, Churchill was in the process of being promoted to Sergeant and was being transferred from Big Lake to King Salmon as Bristol Bay Region Supervisor.

Dave Churchill and his wife, Linda, who survives him, were dedicated foster parents who, according to a friend, helped raise several children.

Memorial services for Churchill are scheduled for Monday, September 21, 7 p.m., at the Assembly of God Church in Wasilla. In recognition of Dave Churchill's service to the State of Alaska, Gov. Tony Knowles ordered state flags lowered to half-staff on Monday, September 21.

##

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OFFICE OF THE GOVERNOR
Press Releases



August 28, 1998
Release 98225

**CIGARETTE SALES DECLINING IN ALASKA BUT TOBACCO TAX REVENUE INCREASES,
HEADS TO SCHOOL FUND**

President Bill Clinton has ordered the national flag lowered Monday in memory of Lewis F. Powell Jr. The retired Associate Justice of the Supreme Court of the United States died Tuesday, August 25 at the age of 90.

Powell was appointed to the Supreme Court by President Nixon in 1971 and served for 15 years, retiring in 1987. Funeral services are planned for Monday, August 31, and as a mark of respect for his memory, the President ordered the flag of the United States to be flown at half-staff on that day.

Gov. Tony Knowles has ordered Alaska State flags to be lowered on that day in Justice Powell's honor.

##

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NEWS RELEASE



FOR IMMEDIATE RELEASE: July 24, 1998 98-199

FLAGS LOWERED SUNDAY IN MEMORY OF KOREAN WAR ARMISTICE

State and federal flags will be flown at half-staff on Sunday, July 26, 1998, in recognition of National Korean War Veterans Armistice Day. President Bill Clinton proclaimed the day in recognition of the sacrifices made by American men and women during the Korean War.

"Forty-three years ago, a negotiated cease-fire ended 3 years of open warfare on the Korean Peninsula," President Clinton said. "This cease-fire came after more than 54,000 American deaths and the capture of thousands of our brave soldiers, sailors, airmen and Marines. For those who returned home, the armistice brought mixed emotions - too many of their comrades-in-arms remained prisoners of war or missing in action, and the importance of this Cold War conflict has yet to be understood.

"Today, as the United States and South Korea maintain a strong partnership and democracy sweeps the globe, we remember the extraordinary sacrifices made by our men and women in uniform during the Korean conflict, and we pay tribute to their courage and their commitment to freedom. As American service men and women support the cause of peace around the world, we honor the proud legacy of our Korean War veterans who gave of themselves so that others might live in liberty," the President said.

The Presidential proclamation, issued today, orders federal flags lowered to half-staff on Sunday, July 26, 1998, in memory of the Americans who died as a result of their service in Korea. Pursuant to the proclamation, Gov. Tony Knowles ordered state flags lowered to half-staff on Sunday, July 26, 1998, in memory of Alaskans who died during the conflict.

-30-

Note: As flags have been lowered today in memory of the police officers killed in the line of duty in the Nation's Capitol in Washington, D.C., it would be appropriate to lower flags this evening and raise them Monday morning.

FLAGS LOWERED FOR BARRY GOLDWATER

National and State Flags to Fly at Half Staff, Wednesday, June 3

President Bill Clinton has ordered the national flag lowered Wednesday in memory of Sen. Barry M. Goldwater. The former Senator from Arizona died Friday, May 29 at the age of 89.

Funeral services are planned for Wednesday, June 3, and as a mark of respect for his memory, the President ordered the flag of the United States to be flown at half-staff on that day.

Gov. Tony Knowles has ordered Alaska State flags to be lowered on that day in the Senator's honor.

[Return](#) to the June listing of Press Releases.

Posted by: R. Orford, 6/3/98, Alaska State Library

FLAGS LOWERED FOR FORMER EGAN AIDE ALEX MILLER

Gov. Tony Knowles today ordered flags lowered to half staff through Sunday, Feb. 1, in honor of Anchorage resident Alex Miller. The longtime lobbyist and former legislative assistant to Gov. William Egan died of heart failure on Thursday in Anchorage. He was 75.

Miller was born on Oct. 11, 1922, in Juneau. He attended the University of Alaska and a Seattle business college. During World War II, he joined the Army Air Corps. He and his wife, Doris, married in 1948.

Miller was active in Democratic Party politics. In 1960, he was a member of the Alaska delegation to the Democratic National Convention. From 1970-73, he served as Gov. Egan's chief legislative assistant. During that time, Miller worked to get state employees collective bargaining rights. Later, he became an influential lobbyist working for various corporate interests in the Capitol.

Miller is survived by his wife of Anchorage and six children. Funeral arrangements are pending.

In recognition of Alex Miller's service to the State of Alaska, Gov. Tony Knowles ordered state flags lowered to half staff through sundown on Sunday, Feb. 1, 1998.

[Return](#) to the January listing of Press Releases.

Posted by: R. Orford, 1/30/98, Alaska State Library

SOUTHEAST FLAGS LOWERED FOR FISHING INDUSTRY LEADER

Gov. Tony Knowles today ordered state flags lowered to half staff in Sitka and Petersburg through Wednesday, Dec. 3, in memory of Thomas E. Thompson. The Sitka resident died Saturday, Nov. 29, of an apparent heart attack while working on his boat. He was 75.

Born to Norwegian immigrants in 1922 in Petersburg, Thompson went to work for Petersburg Cold Storage at the age of 15. Later, he joined his father in the fish-buying business.

Thompson studied business at Washington State College in Portland and served in the U.S. Army during World War II. In 1961, he took over as manager at the Petersburg Cold Storage. With three partners, he later started Petersburg Fisheries Inc.

In the late '60s, Thompson was named executive vice president of Icicle Seafoods, where he was instrumental in turning the business into one of the largest seafood companies in the state. In 1973, Thompson oversaw Petersburg Fisheries' acquisition of Sitka Sound Seafoods, a business he later purchased outright.

Thompson was retired at the time of his death. He is survived by his wife, Lorraine, of Sitka; his mother, Ann, of Petersburg; four children; seven grandchildren and two great-grandchildren. Survivors also include his sister, June Naze, of Soldotna. Services for Thompson were set for 1 p.m. today at Sitka Lutheran Church, and Friday morning at Petersburg Lutheran Church.

In recognition of Thomas Thompson contributions to the Southeast Alaska fishing industry, Gov. Tony Knowles ordered flags lowered to half staff through sundown on Wednesday, Dec. 3, 1997.

[Return](#) to the December listing of Press Releases.

Posted by: R. Orford, 12/10/97, Alaska State Library

HOUSE BILL NO. 200

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 3/19/01
Referred: State Affairs

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing July 3 as Drunk Driving Victims Remembrance Day."

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

3 * Section 1. AS 44.12 is amended by adding a new section to read:

4 Sec. 44.12.090. Drunk Driving Victims Remembrance Day. Drunk Driving
5 Victims Remembrance Day is established on July 3 of each year to commemorate the
6 ~~individuals~~ ^{victims} who died as a result of a traffic ~~incident~~ ^{incident} involving a drunk driver. ^{et} The
7 governor shall issue a proclamation to commemorate the day, and ~~shall direct that the~~
8 ~~Alaska flag be flown at half-mast on that day.~~ The day may be observed by suitable
9 observances and exercises by civic groups and the public.

ALASKA STATE LEGISLATURE

HOUSE JUDICIARY COMMITTEE

Representative Norman Rokeberg, Chairman
Representative Scott Ogan, Vice-Chairman
Representative John Coghill
Representative Jeannette James
Representative Kevin Meyer
Representative Ethan Berkowitz
Representative Albert Kookesh



State Capitol
Juneau, AK 99801-1182
Telephone: (907) 465-4990
Fax: (907) 465-2040

Heather M. Nobrega
Counsel to Committee

Sponsor Statement for HB 200

On July 3, 2000, an Anchorage man with six previous drunk driving convictions was allegedly driving drunk when he struck and killed Jessie Withrow. Jessie, a college student, was riding her bike down the sidewalk on Minnesota Drive when she was hit. Jessie's death is just one tragedy in a numerous string of drunk driving deaths that occurred throughout the state last year.

By establishing July 3rd as Drunk Driving Victims Remembrance Day, we create a day when drunk driving victims like Jessie, and others, can be remembered. July 3rd has been chosen by Mothers Against Drunk Driving because it was the day of Jessie's death, and because it is right before a major summer holiday when Alaskans are more susceptible to drinking and driving accidents.

Alaska will be the first state in the union to establish a day devoted to commemorating the individuals who died as a result of a traffic accident involving a drunk driver. Drinking and driving has reached epidemic proportions in our state. By establishing a Drunk Driving Victims Remembrance Day, we hope to bring awareness to this problem, and help prevent future victims of drunk driving.

The committee urges your support of this bill.

Pickup hits, kills bicyclist

#UN
5 July
2000

Police say man drunk had 6 previous DWIs

By LISA DEMER
Daily News reporter

An Anchorage man with six previous drunken driving convictions was driving drunk when he struck and killed a college student riding her bicycle on the sidewalk along Minnesota Drive late Monday, Anchorage police said.

Russell D. Carlson, 39, who had a 2-year-old child in the truck with him, was charged with manslaughter, child abuse, driving while intoxicated and driving while his license was revoked, according to police.

The bicyclist was Jessie Withrow, who grew up in Anchorage and



Jessie Withrow died Tuesday in Anchorage.

See Back Page, BICYCLIST

BICYCLIST: Student enjoyed friends, family, music

Continued from Page A-1

was a dean's list student at Bates College in Lewiston, Maine. She was pronounced dead at Providence Alaska Medical Center on Tuesday afternoon.

Police Lt. Bob Griffiths said Carlson had six DWI convictions in Alaska. Details about those cases were not available Tuesday because of the July Fourth holiday.

The crash happened about 11:30 p.m. Carlson was driving a white full-size pickup, police spokesman Ron McGee said.

Witnesses told police that Carlson was weaving and driving fast while heading south on Minnesota. He ran into a Ford Explorer that had stopped for a red light on Northern Lights Boulevard; then went on the sidewalk and struck Withrow on

her bike, according to police. His truck then went into the parking lot of the Aurora Village Shopping Center and crashed into three parked cars, police said.

The 2-year-old child and another man in the truck were not hurt, police said. The relationship between Carlson and the child wasn't clear.

Family friends of the young woman who died described her as exceptionally bright and creative.

"Jessie was a very unusual child. It was like she was way grown up beyond her years. She was destined to do great things. The world is going to be a cheated place for the fact she was not able to achieve her potential," said Susan Peck, who has a daughter close to Withrow and who is a friend of Withrow's mother, Wendy.

Withrow wrote for Perfect World, the

teen-oriented pages in the Anchorage Daily News. She sang with her mother at the Renaissance Festival and the Anchorage Folk Festival. She served on the Anchorage Youth Court, helping kids who had gotten in trouble. In 1998, she graduated with honors from Steller Secondary School and won a scholarship to Bates College, a liberal arts school. She was home for summer break and would have been a junior, studying English.

"Her friends, her family and her music were the things she enjoyed the most," said another family friend, Ray Booker.

Carlson is being held at Cook Inlet Pre-Trial Facility on \$100,000 bail.

Reporter Lisa Demer can be reached at ldemer@adn.com and 257-4390.

Subject: [Fwd: Flags]
Date: Thu, 05 Apr 2001 10:48:35 -0800
From: Erika McConnell <Erika_McConnell@gov.state.ak.us>
Organization: Alaska Office of the Governor
To: Rynnieva W Moss <Rynnieva_Moss@legis.state.ak.us>

----- Original Message -----

Subject: Flags
Date: Thu, 05 Apr 2001 09:10:49 -0900
From: Bob King <bob_king@gov.state.ak.us>
Organization: Alaska Office of the Governor
To: Erika B Mcconnell <erika_mcconnell@gov.state.ak.us>

I find only two days in which flags are lowered by state statute:
Pearl Harbor Remembrance Day, Dec. 7
Dutch Harbor Remembrance Day, June 3

We also lower on:
Memorial Day, Nov. 11
Peace Officers Memorial Day, May 15

We have also lowered flags by Presidential order on Korean War Armistice Day, July 26.

04/09/01 1020 (S) RETURN TO SECOND FOR AM 9 UNAN CONSENT
04/09/01 1021 (S) AM NO 9 OFFERED & WITHDRAWN
04/09/01 1021 (S) AUTOMATICALLY IN THIRD READING
04/09/01 1021 (S) PASSED Y11 N9
04/09/01 1022 (S) EFFECTIVE DATE(S) ADOPTED Y20 N-
04/09/01 1022 (S) HOFFMAN NOTICE OF RECONSIDERATION

Similar Subject Match or Exact Subject Match

ASSESSMENTS

BOARDS & COMMISSIONS

BOUNDARIES

EDUCATION

ELECTIONS

MUNICIPALITIES

TAXATION

UNORGANIZED BOROUGH

Bill Root: Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR



TO REPORT PROBLEMS WITH BASIS INQUIRY

Return to Basis Main Menu (22 Legislature)

Return to Legislature Home Page

HB

2022



ALASKA STATE LEGISLATURE
REPRESENTATIVE JOHN HARRIS
STATE CAPITOL 513, JUNEAU, ALASKA 99801-1182 (907) 465-4859

Sponsor Statement

HB 202 – “An Act granting park rangers status as peace officers under the public employees’ retirement system; and providing for an effective date.”

A.S. 39.35.370(a)(2) determines which public employees receive a 20-year retirement benefit. Currently that benefit is limited to peace officers and fire fighters. House Bill 202 proposes to amend the definition of “peace officers” to include Commissioned Park Rangers. If this were to occur, Park Rangers would also receive the 20-year retirement benefit.

Park Rangers are Department of Natural Resources employees who are designated by the Commissioner of DNR as peace officers of the state of Alaska under A.S. 41.21.955(b). They are commissioned law enforcement personnel who have been granted the authority in state parks to enforce criminal laws and regulations. It is a crime to resist arrest by a Park Ranger and there is a penalty for refusing a Park Rangers request for assistance. Park Rangers carry firearms and may use deadly force under certain circumstances. They conduct search and rescue, pursue and arrest persons who violate criminal laws, investigate criminal activities, gather evidence and testify in court about their law enforcement actions.

Approximately half of all Alaska State Park Rangers work seasonally and some work as few as 7 months per year. Under the current retirement system, a park ranger who works nine months in a calendar year would be required to work 40 years to receive 30 years of retirement credit. Under the current system, that park ranger would retire based on actual age rather than time served in the system. It is very unlikely that a seasonal park ranger would receive the full retirement benefit from a 30-year retirement system. Moving these state employees to the 20-year retirement system is the right thing to do.

Alternatively, Park Rangers could be granted the benefits of the 20-year retirement system while not expanding the definition of “peace officer” to include Park Rangers. This could be accomplished by amending A.S. 39.35.370(a)(2) to include the term “Park Ranger” as a separate category of individuals who receive this benefit. A definition of “Park Ranger” would need to be included in A.S. 39.35.680 that clearly identifies Commissioned Park Rangers as a unique employee class within state service. This change would require an amendment to contribution rates and retirement benefit percentage ratings. This alternative would permit the park rangers to receive the 20-year retirement benefit without including them under the definition of “peace officers”.



HOUSE STATE AFFAIRS COMMITTEE

STATE CAPITOL, ROOM 102
465-4963

MEMORANDUM

COMMITTEE MEMBERS

Rep. John Coghill
Chairman
Room 102
465-3719

Rep. Hugh Fate
Vice-Chair
Room 416
465-4976

Rep. Jeannette James
Room 214
465-3743

Rep. Gary Stevens
Room 428
465-4925

Rep. Peggy Wilson
Room 409
465-3824

Rep. Harry Crawford
Room 426
465-3438

Rep. Joe Hayes
Room 422
465-3466

Date: April 20, 2001

To: Representatives Pete Kott, Eldon Mulder, Bill Williams,
Jeannette James, Beverly Masek, and John Harris

From: Representative John Coghill, Chairman
House State Affairs Committee

Re: Recruitment and Retention of State Employees

In recent weeks there has been several pieces of legislation introduced and referred to House State Affairs with regard to retirement and benefits issues.

While we passed HB 242 on to House Finance, the influx of HB 170 and HB 202, as well as, the intent of Representative James to introduce legislation addressing social workers and Representative Williams to introduce legislation to address juvenile counselors is evidence that there is an overall problem to be address by the State Affairs Committee before any of this legislation can be passed.

During testimony on HB 170 April 19th, Kevin Brooks said his department is doing a salary survey on game biologists, but the survey will not be completed before adjournment.

I am interested in the State Affairs Committee reviewing the recruitment, retirement, and retention of our state workforce, as well as, salary issues for state employees in the broad context. I will be working with Sharon Barton in the Division of Personnel and Guy Bell with Retirement and Benefits to address these issues.

It's obvious that these bills will not be passed this year and the interim is an excellent time to work on the bigger picture. Sharon Barton and Guy Bell indicated to my staff just this morning that they share my concern about the piecemeal process of the series of bills now working their way through the legislature.

(b) Each person designated in (a) of this section may, when enforcing the provisions of this chapter or a regulation adopted under this chapter,

(1) execute a warrant or other process issued by an officer or court of competent jurisdiction;

(2) administer or take an oath, affirmation or affidavit; and

(3) arrest or issue a citation to a person who violates a provision of this chapter or a regulation adopted under this chapter. (§ 1 ch 161 SLA 1970; am § 2 ch 102 SLA 1984)

Revisor's notes. — Enacted as AS 41.20.210. Renumbered as AS 41.20.045 in 1970. Renumbered again in 1983.

Sec. 41.21.960. Form and issuance of citation. (a) When a peace officer stops or contacts a person concerning the commission of a misdemeanor offense committed within a park or recreational facility subject to the department's supervision, the officer may issue a citation to the person, subject to the provisions of AS 12.25.180 — 12.25.230. The person receiving the citation may not be required to endorse the citation.

(b) The state supreme court shall identify those offenses that are amenable to disposition without court appearance and shall establish by rule or order a schedule of bail amounts, not to exceed fines prescribed by law, for those offenses. Before establishing or amending the schedule of bail amounts required by this subsection, the supreme court shall appoint and consult with an advisory committee consisting of two persons from the department, two district court judges, one member of the House Resources Committee, and one member of the Senate Resources Committee of the legislature. If the offense for which the citation is issued is one that may be disposed of without court appearance, the citing officer shall write on the citation the amount of bail applicable to the cited offense.

(c) A person cited for an offense for which a bail amount has been established under (b) of this section may, within 15 days from the date of the citation, mail or personally deliver to the clerk of the court having jurisdiction over the place where the offense occurred

(1) the amount of bail indicated on the citation for that offense; and

(2) a copy of the citation indicating the offender's waiver of appearance, plea of no contest, and direction to forfeit the bail and any items seized from the offender.

(d) When bail has been forfeited under this section, a judgment of conviction shall be entered. Forfeiture under this section of bail and items seized from the offender is a complete satisfaction for the offense, and the clerk of the court shall provide the offender with a receipt stating that fact if requested.

(e) If the person cited fails to pay the bail amount or appear in court as required, the citation shall be considered a summons for a misdemeanor charge and the offender shall be proceeded against in the manner prescribed by law.

(f) Notwithstanding other provisions of law, if a person cited for a misdemeanor for which a bail amount has been established under (b) of this section appears in court and is found guilty, the penalty that is imposed for the offense may not exceed the bail amount for that offense established under (b) of this section. (§ 3 ch 102 SLA 1984; am § 4 ch 25 SLA 1995; am § 46 ch 30 SLA 1996)

Cross references. — For parks bail forfeiture schedule, see Alaska Court Rule of Administration 43.3.

Effect of amendments. — The 1995 amendment, effective August 9, 1995, added "if requested" at the end of subsection (d).

The 1996 amendment, effective May 16, 1996, substituted "Forfeiture under this section of bail and items seized" for "Bail forfeited under this section and the forfeiture of items seized" at the beginning of the second sentence of subsection (d).

Sec. 41.21.990. Definitions. In this chapter

(1) "scenic park" means relatively spacious areas of outstanding natural significance, where major values are in their natural geological, faunal or floral characteristics, the purpose of which is directed primarily toward the preservation of its outstanding natural

LEGAL SERVICES

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

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

MEMORANDUM

January 30, 2002

SUBJECT: Can State Park Rangers be classified as Peace Officers in PERS by resolution or bill? (HB202)

TO: Representative John Harris
Attn: John Manley

FROM: Barbara R. Craver 
Legislative Counsel

You have asked whether a resolution or a bill is the better vehicle in order to classify state park rangers as peace officers in the Public Employees' Retirement System (PERS). You provided me with a copy of a letter from Mr. John Zimmerli in which he asks that you sponsor a resolution to urge PERS to treat park rangers as peace officers.

I disagree with Mr. Zimmerli, I do not think that "PERS just needs to follow existing law" as the existing law does not clearly include park rangers. In my opinion, the law is not so clear as Mr. Zimmerli believes. A bill such as HB 202 which specifically includes state park rangers is needed if the legislature wishes PERS to treat them as peace officers.

"Peace officer" is defined for purposes of the PERS statutes as:

(28) "peace officer" or "fire fighter" means an employee occupying a position as a peace officer, chief of police, regional public safety officer, correctional officer, correctional superintendent, fire fighter, fire chief, or probation officer[.]

AS 39.35.680(28). As you can see, this language contains a circular definition ("peace officer means a person occupying a position as a peace officer") which fails to offer much guidance in resolving whether park rangers are to be considered peace officers under PERS. The division has adopted regulations to clarify the definition. 2 AAC 35.850(a) states:

(a) Except as may be expressly authorized by AS 39.35, a "peace officer" means only a person who is a regular employee of a police agency or organization which is part of the state or a political subdivision of the state, and who has primary responsibility for the prevention and detection of crime and the enforcement of the fish and game, penal, traffic or

Representative John Harris
January 30, 2002
Page 2

highway laws of the state or employing political subdivision. A "fireman" or "fire chief" means only a person who is a regular employee of a fire agency or organization of the state or a political subdivision of the state and who is authorized to act under AS 18.70.

The definition has been in the regulations since 1984. It limits peace officer status in PERS to persons employed by governmental police agencies and police organizations.

Another attorney in this office has spoken to Kay Gouyton about this exact issue. Ms. Gouyton is an auditor for the Division of Retirement and Benefits. She explained that under the regulation, the division requires that to be given peace officer status, a person must work for a police agency or police organization, be certified by the Alaska Police Standards Council or meet comparable certification standards, and have law enforcement capabilities. In her opinion, the regulation's long history and the fact that other groups that have desired to receive peace officer status have approached the legislature directly for an amendment to the statutory definition suggests that any change to the treatment of park rangers under PERS should be accomplished through legislation.

To avoid uncertainty and the expense of litigation and to ensure that the legislature's intention with regard to the question was applied, in my opinion, the issue is best resolved through clarifying legislation.

If I may be of further assistance, please advise.

BRC:med
02-083.med

JOHN J. ZIMMERLI
P.O. BOX 83989
FAIRBANKS, AK 99708-3989
(907) 457-3907

December 26, 2001

The Honorable Representative John Harris
State Capitol, Rm. 3
Juneau, AK 99801-1182

RE: Concurrent Resolution on State Park Rangers' retirement

Dear Representative Harris,

Best regards this new year! I would like to request your assistance with a Resolution.

Currently, there are 38 commissioned State Park Rangers employed by the state. The State provides them with extensive training, uniforms, pistols and shotguns, defensive equipment, body armor, and specially marked vehicles. They conduct all aspects of law enforcement, firefighting, search and rescue, and other emergency response. Yet, they do not have the same benefits of other peace officers of the state, namely 20-year retirement.

Would you please sponsor and support a concurrent resolution by the legislature, directing the Public Employees Retirement System (PERS) to induct commissioned Park Rangers into the 20-year system?

Draft Resolution:

Resolution by the 22nd Legislature regarding inclusion of State Park Rangers in the 20-year retirement system.

WHEREAS, State Park Rangers are commissioned under AS 41 as peace officers of the State, and
WHEREAS, State Park Rangers are rigorously trained and qualified as law enforcement officers, and
WHEREAS, State Park Rangers actively investigate crimes, issue citations, make arrests, pursue criminals,
provide emergency response and assistance, fight fires, and participate in search-and-rescue operations,
and

WHEREAS, duties and responsibilities of State Park Rangers require the same professional standards and expectations of other peace officers who are currently qualified for 20-year Peace Officer/Firefighter retirement,

THEREFORE, be it resolved that the Legislature hereby supports and recommends that State Park Rangers be immediately included in 20-year PERS retirement.

State Park Rangers in the Department of Natural Resources are "peace officers":

Sec. 41.21.955. Enforcement authority.

(a) For offenses committed within parks and recreational facilities subject to the department's supervision, the following persons are peace officers of the state and they shall enforce the provisions of this chapter and the regulations adopted under this chapter:

- (1) an employee of the department authorized by the commissioner;
- (2) a police officer in the state;

- (3) any other person authorized by the commissioner.
- (b) Each person designated in (a) of this section may, when enforcing the provisions of this chapter or a regulation adopted under this chapter,
 - (1) execute a warrant or other process issued by an officer or court of competent jurisdiction;
 - (2) administer or take an oath, affirmation or affidavit; and
 - (3) arrest or issue a citation to a person who violates a provision of this chapter or a regulation adopted under this chapter.

There are only two definitions of "peace officer" and Park Rangers meet both:
Sec. 01.10.060. Definitions.

(a) In the laws of the state, unless the context otherwise requires,

(7) **"peace officer" means**

- (A) an officer of the state troopers;
- (B) a member of the police force of a municipality;
- (C) a village public safety officer;
- (D) a United States marshal or deputy marshal; and
- (E) **an officer whose duty it is to enforce and preserve the public peace;**

Note that under the above definition, an officer employed by the Department of Public Safety, Division of Fish & Wildlife Protection is NOT a peace officer, because they are not a Division of State Troopers employee, and it is NOT their duty to enforce and preserve the public peace. Yet, they qualify for 20-year retirement. One of the most important jobs of a commissioned Ranger IS to enforce and preserve the public peace and to provide a safe environment for the public. Park Rangers are not currently included in 20-year retirement.

Sec. 11.81.900. Definitions.

(a) For purposes of this title, unless the context requires otherwise,

- (41) **"peace officer" means a public servant vested by law with a duty to maintain public order or to make arrests, whether the duty extends to all offenses or is limited to a specific class of offenses or offenders;**

This statute has been interpreted to give commissioned Rangers authority to enforce all criminal laws of the state. It would also extend to Fish & Wildlife Protection officers.

The words are clear: A commissioned Ranger is a peace officer of the state, as defined by statute. There is no other interpretation! The Legislature knows (knew) what a "peace officer" is, defined "peace officer" in AS 01 and AS 11, and conferred that status specifically in AS 41.

State Troopers receive their "peace officer" status the same way that Park Rangers do:

Sec. 18.65.080. Powers and duties of department and members of state troopers.

The Department of Public Safety and each member of the state troopers is charged with the enforcement of all criminal laws of the state, and has the power of a peace officer of the state or a municipality and those powers usually and customarily exercised by peace officers. Each member of the state troopers may prevent crime, pursue and apprehend offenders, obtain legal evidence, institute criminal proceedings, execute any lawful warrant or order of arrest, make an arrest without warrant for a violation of law committed in the presence of the state trooper, and may cooperate with other law enforcement agencies in detecting crime, apprehending criminals, and preserving law and order in the state.

PERS retirement:

The Department of Administration, Division of Retirement & Benefits/PERS decides who is eligible for 20-year retirement. Their guiding statutory definition is, Sec. 39.35.680. Definitions.

In this chapter, unless the context otherwise requires,

(28) "peace officer" or "fire fighter" means an employee occupying a position as a peace officer, chief of police, correctional officer, correctional superintendent, fire fighter, fire chief, or probation officer;

Since Park Rangers are "peace officers" under all other statutes, there is no reason for them to not be included as "peace officers" under AS 39.

6/2/93 letter from Robert F. Stalnaker, Director, DoA Division of Retirement & Benefits (my highlight):

"The criteria for participation in the '20-and-out' retirement system does not depend on whether certain job classes are exposed to risks, carry weapons, or are understaffed. The '20-and-out' criteria is more aligned to the ability of an employee to continue performing their required duties after certain lengths of time or after certain ages."

HB 202

Representatives Harris and Kerttula generously introduced and sponsored HB 202 last year, but that bill is not really necessary. PERS just needs to follow existing law as outlined above, and this resolution will encourage them to do that.

There are a bunch of old, "broken-down" Park Rangers with over 20 years of service who are still trying to do the job of young recruits. They might not necessarily be providing the best service to the public. Let's give these people the choice to get out while they can.....

Thank you very much for your assistance.



John Zimmerli
Chief Ranger, Fairbanks District

Home contact: PO Box 83989
Fairbanks, AK 99708-3989
457-3907
johnz@gci.net

Work contact: Alaska State Parks
3700 Airport Way
Fairbanks, AK 99709
451-2697

SARA K. WILBER

P.O. Box 878804
Wasilla, Alaska 99637
(907)373-5890

March 19, 2002

Write State Testimony

Dear Representative Coghill,

I am writing to express my support of House Bill 202 - which would extend twenty year retirement benefits to Alaska's State Park Rangers.

My husband, John Wilber, has worked for Alaska State Parks since 1985. He started out as a Natural Resource Technician, and then became a Park Ranger. I too, worked as a Natural Resource Technician for Alaska State Parks. I enjoyed my work and hoped to "move up" in the system. However, in order to become a State Park Ranger, a law enforcement commission was required. I made the conscious decision to leave Alaska State Parks, as I did not want to pack a gun and become a law enforcement officer. I chose a different career path.

My husband, on the other hand, made the choice to become a Park Ranger with Alaska State Parks. The state Job Class Specification for Park Ranger says:

that identified positions my require candidates to be eligible for peace officer status.

John's position was such that he was required to receive his commission. So, John received his law enforcement training at the Public Safety Academy in Sitka. He worked hard and became a commissioned peace officer. He wears Park Ranger badge #3.

John has been a Park Ranger for 16 years. The job of a Park Ranger is varied, as defined by the state's Job Class Specifications:

Under direction, is responsible for the resource protection, public safety operation, maintenance, development and interpretive services of a unit(s) of the state park system.

Over the years, John has had extensive law enforcement training and refresher courses. John is a firearms instructor and certifies other Rangers on their firearms. John has established and maintained professional relationships with other local and state law enforcement agencies.

John worked as a Kenai River Park Ranger for three seasons. He then transferred up to Nancy Lake State Recreation Area in Willow. He manages the popular Willow Creek combat fishery. On a busy summer weekend, there may be up to 2000 people within the recreation area. John often works late shifts, as this is when most problems occur in the area. Thus, Park Rangers are faced with a plethora of law enforcement situations, such as assault, child abuse, deaths, domestic violence, DWI's, motor vehicle accidents, as well as fish and game violations.

Several winters ago, John and fellow Park Ranger Dennis Heikes, were involved in a stakeout at Nancy Lake State Recreation Area. They were hoping to catch thieves who were breaking and entering vehicles in the recreation area. John and Dennis arrested the suspects. While searching the suspect's vehicle, John

and Dennis found weapons hidden under the front seat of the car.

After this arrest, I talked with my husband about my safety concerns for our family in relation to the law enforcement work he does. There were newspaper articles about this arrest. I was concerned about the possibility of harassment from the criminals. As a result of this incident, and in order to help protect our family, we changed our phone to an unlisted number.

As the spouse of a peace officer, I worry about my husband's safety on a daily basis. Every morning before heading off to work he puts on his weapon. This is a reminder to me, and our ten year old daughter Kiersten, of the kind of work he does and the types of potential deadly situations he might face each work day. I silently hope and pray that he will make it home safely each night.

Currently, there are 38 commissioned State Park Rangers. They are hard working and dedicated state employees who deserve the support and recognition of peace officer status and the benefits of a twenty year retirement system. Please support House Bill 202.

At present, Park Rangers may retire after thirty years of state time. As you can see, based on the law enforcement work they do, they should be eligible for twenty year retirement. Please help make this a reality!

In closing, I thank you for your time and attention to this very important matter. I look forward to your support. Please contact me if you have any questions concerning this issue.

Sincerely,

A handwritten signature in cursive script that reads "Sara K. Wilber". The signature is written in dark ink and has a fluid, connected style.

Sara K. Wilber

HB

213

April 26, 2001

TO: HOUSE STATE AFFAIRS COMMITTEE

Re: House Bill 213 and House Joint Resolution 25
Limitations on initiatives

I have attached materials relating to House Bill 45, from the previous session, when this bill and joint resolution were considered and rejected. These materials are still pertinent.

It appears that the present bill is even worse than the bill that was previously rejected. Last session, the number of signatures required to meet each of the 30 additional required benchmarks was 4% - in the new bill it is 7%.

There is no reason that Republicans should lead the charge to deprive the voters of Alaska of their right to initiative. In particular, we want to elect a Republican governor at the next election, and retain Republican seats in the newly reapportioned legislature. We cannot have a proposed Constitutional amendment on the ballot which allows our opponents to argue that the Republicans want to deprive the voters of Alaska of their initiative rights.

If have any particular questions, please let me know.

Very truly yours,

KENNETH P. JACOBUS, P.C.

By


Kenneth P. Jacobus

KPJ/me

Encl.

January 24, 2000

TO: SENATE JUDICIARY COMMITTEE

Re: House Bill 45, Limitations on Initiatives

Dear Chairman Taylor and Committee Members,

I am the legal counsel for the Republican Party of Alaska and have worked on several initiative petitions. I will be testifying today at the hearing on this bill, but did want to submit certain information in writing. These comments are my own as an individual and do not represent any policy or statement of the Republican Party of Alaska.

First, the members of the committee must read two excellent articles by Liz Ruskin and Martha Bellisle at Page One of the Metro Section of the Anchorage Daily News of Sunday, January 23, 2000. These articles present an excellent, accurate and objective view of the issues.

House Bill 45 proposes and requires the adoption of a Constitutional Amendment to limit the rights of Alaskan voters to participate in the initiative process. Article One, Section Two of the Alaska Constitution specifically provides:

All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole.

Especially given the present political situation in Alaska, there is no way that anyone can justify a Constitutional amendment to restrict the initiative power of the people. It will end up being another massive embarrassment to the Republican legislators and Republican Party if this Constitutional amendment is placed on the ballot. There will be massive criticism across the entire political spectrum.

I can understand that certain legislators did not like certain laws that were enacted by the initiative, but this is no reason to restrict the rights of the people to enact these laws. Under our Constitution and our form of government, the power of the people is supreme, and the rights of the people should not be limited because some legislators did not like what the people did.

In addition, there is no problem which needs to be addressed, except the problems created by the Legislature itself when it previously limited the people's initiative rights. These limitations were

Senate Judiciary Committee
January 24, 2000
Page 2

in violation of the Constitution of the United States, and greatly increased the costs and risks involved in an initiative petition.

Despite the relative simplicity of the process and lower costs as compared to states such as California or Oregon, we have only a small number of petitions, only a smaller number of which actually make it to the ballot.

PROPOSED ADDITIONAL LIMITATIONS

HB 45 proposes that the present Constitutional requirement of 10% of the number of votes cast statewide in the last general election, including at least one signature from each of 27 election districts, be changed to 10% of the number of votes cast statewide in the last general election, including at least 4% from each of 30 election districts. This additional limitation is not appropriate, particularly where we are going to have to amend our basic document of government - the Alaska Constitution - to do so.

One proposed justification for change is that it will force initiatives to be more broadly based. Upon closer examination, this is not a problem. For example, the 1998 Official English for Government initiative, processed under prior law, submitted multiple signatures from all 40 election districts. I am certain, without checking, that the initiatives which are going to be on the ballot in 2000 - hemp and property tax limitation - also have multiple signatures from all or almost all of the election districts. In order to pass the law once it is on the ballot, broad-based support is important. The circulators already seek this broad-based support from the beginning during their signature-gathering processes.

For example, both the hemp and property tax limitation petitions actually had people circulating petitions in most parts of Alaska - all the way from south-east to north of the Arctic Circle. Petition circulators actually flew or drove to other areas of Alaska in order to collect signatures. The petition upon which I am now working - instant run-off voting (IRV) - has actually distributed petitions to volunteer circulators who are responsible for circulation in all 40 election districts. This has been done, in part, in order to educate voters in all areas as to what the proposed law is all about. I am continuing to add additional local areas for circulation. For example, yesterday I mailed a petition to Nikiski for volunteer signature-gathering.

Another proposed justification for change is to insure that petitions are local and volunteer rather than paid efforts. Any proposed change which makes the process more difficult, however, has exactly the opposite result. Each change makes a locally-based volunteer petition more difficult, without affecting the ability of a well-funded petition to get on the ballot. A good example is

Senate Judiciary Committee
January 24, 2000
Page 3

the 2000 hemp initiatives. Actually, there were two proposed marijuana initiatives gathering signatures for the 2000 ballot. 99HEMP, the one that will make the ballot, was funded by California-based hemp crusader Jack Herer. 99MJNA, a local initiative to revise state drug laws, tried to rely completely on volunteers and failed miserably in the attempt to gather sufficient signatures. A local initiative to raise alcohol taxes also relied on volunteers. Despite having more than 200 volunteers gathering signatures, it did not obtain sufficient signatures to make the 2000 ballot.

As an aside, no one should fear well-paid initiative petition efforts, even from sources outside of Alaska. If the idea is not good, the voters will defeat it. Also, the Daily News Articles cite a study of 168 initiative petitions in 8 states done by Elisabeth Gerber, a political science professor at the University of California, San Diego. From this study, Professor Gerber concluded that the more money that is spent on an initiative, the more likely it is that the initiative will fail.

At present, about 23,000 valid signatures are needed to place an initiative on the ballot. Petitions have a signature validity rate of from 70 to 75%. Two years ago, if a petition came up short of valid signatures, there was an additional 30 days allowed during which a supplemental petition could be submitted to make up the shortfall. Then, a petitioner could be safe turning in 30,000 signatures, knowing that there was an additional 30 days to make up any shortfall that might occur. (Cost - a combination of \$30,000 @ \$1/signature or substantial volunteer hours) Now that the Legislature has removed the grace period, a petitioner cannot be safe turning in less than 40,000 signatures, because there is no opportunity to make up any shortfall. (Cost - a combination of \$40,000 @ \$1/signature or 1 1/3 times as many volunteer hours) I have not calculated the effect of House Bill 45 on the cost of petitioning because it would be too time consuming with too much estimating involved. I know that a petitioner would need to turn in many more than 40,000 signatures, at substantial additional cost, because a petitioner could not afford to miss the required 4% of valid signatures in each of 30 election districts.

The year 2000 is a presidential election year, will have property tax limitation and hemp legalization on the ballot, and may very well also include a \$25,000 Permanent Fund payout. One can reasonably expect a large voter turn-out. This means that the number of signatures required for an initiative petition will substantially increase after the 2000 general election, even without any change at all in the Alaska Constitution or laws.

HB 45 will kill volunteer petitions. Volunteer petitions already have one foot in the grave because the 30 day grace period has been taken away. I believe that we will see the effect of the removal of the grace period in a month or so. The minimum wage petition turned in sufficient

Senate Judiciary Committee
January 24, 2000
Page 4

signatures. If the petitioners did not actually validate their own signatures prior to turning them in, however, it will be a miracle if they have sufficient valid signatures to make the ballot. These petitioners will have no time to gather the few additional signatures necessary, and all their prior efforts will have gone for nothing.

In summary, there is no problem which needs to be addressed by Constitutionally-restricting the voters' right of initiative and to try to do so is counter-productive in several ways. This bill should not be enacted.

CHANGES WHICH ARE NEEDED

There are various provisions which do need to be enacted, as follows:

(1) Those provisions of the present law which violate the U.S. Constitution need to be repealed.

(2) The grace period should be reinstated at 30 or 45 days, in order to breathe life back into local volunteer petition efforts. This will decrease the number of signatures that need to be collected initially and decrease the cost and effort that must be put in by local volunteers.

(3) The \$1/signature limit should be removed, and allow the matter to be determined by free enterprise. First, price controls never work and people look for ways to get around them. Second, although a year ago I believed that the \$1/signature limitation was Constitutionally valid, I no longer believe that it is. This limit effectively prevents the exercise of the right of petition. The year 2000 volunteer petitions did not make the ballot. The right of petition is now exercised through the use of paid circulators. People who believe in an issue are generally extremely busy, and would rather contribute money to hire people to gather signatures than stand in the winter cold in front of a large box store in Fairbanks gathering signatures themselves. In addition, it takes a certain type of person who is willing to stand in the cold and ask total strangers to sign a petition. Most people do not have that type of personality or physical constitution.

The economy of Alaska and the United States has changed substantially since a year ago. Unemployment is down. It is no longer possible to hire sufficient competent circulators at \$1/signature in order to mount an effort with paid circulators. This point was made in the Daily News Articles by Rick Arnold of National Voter Outreach, a professional signature-gatherer, who can no longer bid on Alaska petitions because of this limitation. In the lower 48, payments of more than \$1/signature are being made. Alaska is known as a difficult location, justifying higher rates, because many signatures must be collected during the winter months to meet an early

Senate Judiciary Committee
January 24, 2000
Page 5

January turn-in date.

In summary, the \$1/signature limit should be removed because I believe that it unconstitutionally prevents the right to petition.

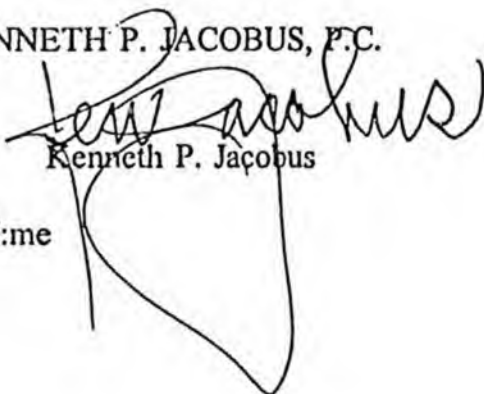
(4) Another problem exists which circulators have been trying to address on a case-by-case basis which relates to access to public areas for purposes of gathering signatures. Circulators, volunteer and paid, are being evicted from places that they clearly should be allowed to gather signatures. A "guaranteed access" law needs to be enacted in order to protect the right to petition.

If you have any questions, or need further information, please let me know and I will try to help.

Very truly yours,

KENNETH P. JACOBUS, P.C.

By



Kenneth P. Jacobus

KPJ:me



To the office of Senator John Torgerson

Mary,

Thanks for listening to my comments concerning changes which in my opinion will make the initiative process very difficult if not impossible for the average voter. I'm referring to HB 45.

I've worked on a number of issues over the years and look forward to working on even more. I'm sure the Senator recognizes the importance of the initiative process in putting before the voters issues which, for one reason or another, the legislature is reluctant to or unwilling to pass. In the past these issues have included medical marijuana and in the future I expect school choice to be in that category.

It is already very difficult to place issues on the ballot. The biggest obstacle to placing issues on the ballot is finding a location to work. One would think that the First amendment would assure petitioners access to public (government) property. Sadly this is not the case. I and my fellow circulators have been threatened with arrest while petitioning at the post offices, the Sullivan Arena, the 5th Avenue parking garage and even from the sidewalk in front of the Fifth Avenue Mall.

I would ask that if we are going to make it harder to put issues before the voters that we also make two more changes. First, restore the grace period. It used to be that if a petition was submitted with enough signatures but with insufficient distribution that circulators were given another 30 days to correct the deficiency. If we raise the distribution requirement even higher, then the grace period needs to be restored. Imagine the frustration of gathering more than enough signatures in every district but one and having all the hard work and expense go for naught simply because we got one too few signatures in just one district even though we got hundreds extra in every other district.

Second, add an amendment guaranteeing the right to petition the public wherever the public is invited. This would mean that at malls and shopping centers petitioners would be able to gather signatures. That is the law in California, Oregon, Washington, New Jersey, New York and Massachusetts thanks to favorable rulings by state supreme courts regarding the wording in the respective state constitutions regarding the right to petition one's government.

Thanks,
Al Andors
248-2636



Alaska State Legislature Senator Johnny Ellis

Visit our Website!
www.akdemocrats.org

ACTION ALERT!!!

Please post and distribute

FOR IMMEDIATE RELEASE: January 28, 2000

Contact: Sen. Johnny Ellis, Member of Senate Judiciary Committee, 1-888-330-3704

Anti-Liberty Bill Tolls for Legislature's Republican SuperMajority – Not for Alaska Citizens



Oppose Rep. Bill Williams' House Bill 45

The Senate Judiciary Committee will take public testimony Wednesday, Feb. 2 at 1:30 p.m. on a bill that would severely limit the public's freedom to put initiatives on the ballot. House Bill 45, sponsored by Republican Rep. Bill Williams of Saxman, is the Republican Supermajority's latest effort to thwart or overturn the will of the people. Please call your Legislative Information Office to testify against this bill.

"The system is not broken and doesn't need to be fixed," said Sen. Johnny Ellis, D-Anchorage. "Anything that interferes with the people's ability to petition the government is highly suspect."

Citizen initiatives are authorized by Title 11 of Alaska's Constitution and have been increasingly effective in enacting laws – bypassing the Alaska Legislature. In the 1960s there were only seven initiatives. Today, applications have grown sixfold. Some elected officials believe the increase stems from dissatisfaction with elected officials.

"Clearly, we're seeing more petitions because people are frustrated with the Republicans' extremist agenda," said Sen. Johnny Ellis, D-Anchorage.


In 1996, former Republican Sen. Bert Sharp was successful in passing legislation to limit citizen initiatives. Similar legislation was struck down by the U.S. Supreme Court and defined as "excessively restrictive of political speech." So what does the Majority do? Sponsor another bill to limit citizen initiatives. In recent years, Sen. Loren Leman sponsored a bill changing the highly-popular medicinal marijuana initiative and Sen. Pete Kelly sponsored legislation to overturn the airborne wolf-hunting ban, which was enacted by a majority vote of Alaskans.

Testify against HB 45 – The Anchorage Legislative Information Office is located at 716 W. 4th Ave., Suite 200, (907) 269-0111. You can testify against this bill by teleconference.

Oppose HB 45 – Send a FREE Public Opinion Message to your State Legislator TODAY! The Anchorage Legislative Information Office is located at 716 W. 4th Ave., Suite 200, (907) 269-0111. They can help you locate your legislator and send them your message.

Oppose HB 45 – Send a letter to your Legislator TODAY! (Letters are the most effective)
Address: Representative or Senator (name), State Capitol, Juneau, AK 99801

Anchorage Daily News



Michael Carey
Editorial Page Editor

Patrick Dougherty
Editor

Fuller A. Cowell, Publisher, 1993-1999
Gerald E. Galt, Publisher, 1984-1993
Katharine Fanning, Editor and Publisher, 1971-1983
Lawrence Fanning, Editor and Publisher, 1967-1971
Founded in 1946 by Norman C. Brown

Initiative limits

Be careful with the people's rights

Some lawmakers want to make it harder for Alaskans to put initiatives on the ballot.

There are reasons to re-examine the initiative process. Increased use of ballot initiatives, the growth of a for-profit initiative industry and the fear of government by initiative with a host of unforeseen consequences are three good ones.

But companion pieces of legislation in the Senate Judiciary Committee, House Bill 45 and House Joint Resolution 7, have been introduced

Wider discussion of statewide issues is a good idea. But it's questionable whether these bills widen the discussion or curtail it by making it harder to have a discussion that matters.

basically because some people don't like what's been on the ballot recently.

The legislation would make no change in the total number of petition signatures required to put an initiative on the ballot. The Alaska Constitution puts that number at 10 percent of Alaskans who voted in the last general election.

However, petition backers would have to include in that 10 percent voters in at least 30 of the state's 40 House districts and in each of those districts would

need to collect the signatures equal to at least 4 percent of the number of people in that district who voted in the last general election.

Now, the Alaska Constitution requires at least one signature from two-thirds of the state's House districts.

Rep. Bill Williams, D-Saxman, said the legislation will involve more of the state in the initiative process from the beginning, before anything reaches the ballot.

What that means is that initiative backers couldn't deploy signature collectors at prime Anchorage locations and all but ignore the rest of the state — what one observer called “urban imperialism.”

Wider discussion of statewide issues is a good idea. But it's questionable whether these bills widen the discussion or curtail it by making it harder to have a discussion that matters.

Let's remember that all Alaskans can participate in the months-long discussion that precedes an election.

Legislation backers like Pete Buist of the Alaska Trappers Association and Dick Bishop of the Alaska Outdoors Council argue that recent anti-trapping and anti-hunting initiatives have been bankrolled by Outside interests that forced Alaskans to spend time and treasure against them.

But initiatives require an investment of time and money. So does opposition to them.

Few organizations here — on either side of any issue — are entirely free of Outside money. In the battle over the wolf-snaring ban voted down in November 1998, backers had tapped Outside groups like Friends of Animals for about \$117,500 by late October. Foes had about \$94,000 in Outside help.

Whatever the arguments about Outside influence, the heart of the matter is that qualified Alaska voters put enough signatures on the petition to put the initiative on the ballot. Those opposed didn't like seeing it there, and the thought of making the ballot a longer reach is tempting.

There are strong reasons to resist that temptation.

- Is it wise to change the Alaska Constitution and make the initiative right harder to exercise for the sake of blocking a few initiatives we don't like or because in recent years we've had an increase in the initiative process? While the constitution isn't writ in stone, neither should we amend it to fit passing shifts in the political landscape.

- The Legislature can amend law enacted by initiative so that it doesn't violate other laws or leave us with unintended consequences. That's a safeguard built into the system.

- People who call for tougher initiative standards now may regret them come the day they're trying to gather signatures for a cause of their own.

- Alaskans in and out of the Legislature decry “ballot-box biology” over fish and game issues, arguing that the voting booth is no place for such decisions. If that's the issue, let's return to legislation seeking to limit initiatives on those questions only. That legislation is debatable, too. But it does not seek to tighten the initiative process for every issue to keep a few off the ballot.

The Senate Judiciary Committee held a short hearing on the bills this week. More hearings are planned. Good. Let's air the issue out. But it would be a mistake to impose tougher initiative requirements only because we don't like the results of a few elections or because we don't want to clutter the ballot. Democracy is messy and imperfect and entails risk.

Rep. Williams' bill would hardly crush democracy if it passed. But whenever we consider tightening constitutional limits on people's rights, we had best go slowly — and err on the side of those rights.

**STATUS OF ACTIVE PETITIONS
2002 ELECTION**

Initiative	Initiative (Description)	Application Certified Date	Petition Booklets Rec'd	Petition Booklets filed Date	# of Signatures submitted	# of Qualified Signatures	# of Signatures Needed	Initiative Certified Date	Primary/General	Approx. No. of Signatures Per Month
01GSLN	All-Alaskan Gasline	9/4/2001	9/12/2001	1/11/2002	42,000+	In the process	28,782		G	10,500
01MNWG	Minimum Wage	3/12/2001	4/5/2001	11/29/2001	49,482	30,745	28,782	1/3/2002	G	6185
01CHGE	Legislative Session Move	7/23/2001	7/31/2001	1/10/2002	40,000	In the process	28,782		G	6666
99PRVT	Amending Election Process	10/23/1999	10/28/1999	10/26/2000	30,000	22,841	22,715	12/21/2000	P	2500

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR 25
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
 Title Constitutional amendment relating BRU Elections
to initiative and referendum petitions Component Elections
 Sponsor Representative Williams
 Requester House State Affairs Component No. 21

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1.5	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	1.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	1.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. If this measure requires the printing of an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by: Gail Fenumiai, Election Administrative Supervisor Phone 465-3935
 Division: Division of Elections Date/Time 1/31/02 3:33 PM
 Approved by: Lieutenant Governor Fran Ulmer Date 01/31/2002
 Agency: Office of the Lieutenant Governor

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 213
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
 Title An Act relating to initiative and BRU Elections
referendum petitions Component Elections
 Sponsor Representative Williams
 Requester House State Affairs Committee Component No. 21

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	0.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Gail Fenumiai, Election Administrative Supervisor Phone 465-3935
 Division: Division of Elections Date/Time 1/31/02 3:39 PM
 Approved by: Lieutenant Governor Fran Ulmer Date 01/31/2002
 Agency: Office of the Lieutenant Governor

Alaska State Legislature

Co-Chair
House Finance Committee
Subcommittee Chair
Environmental Conservation
Courts

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

Representative William K. Williams

January 27, 2002

Representative John Coghill
Chairman, House State Affairs Committee
Room 102A, State Capitol
Juneau, Alaska 99801

Re: HB 213 / HJR 25

Dear Representative Coghill:

Enclosed are two documents I would like added to the packet of materials for the hearing on February 7, 2002. The first document relates to similar legislation requiring a geographic distribution of initiative petition signatures in the Washington Legislature. The second document is a spreadsheet showing recent initiative activity. Thank you.

Sincerely,

Bill
Representative Bill Williams

Alaska State Legislature

Co-Chair
House Finance Committee
Subcommittee Chair
Environmental Conservation
Courts

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

Representative William K. Williams

Sponsor Statement for HB 213/HJR 25 Initiative Petitions

Contact: Randy Ruaro, Aide to Representative Bill Williams, at (907) 465-2812

"An act relating to initiative and referendum petition; and providing for an effective date"

House Bill 213 / House Joint Resolution 25 ("HB 213 / HJR 25") were introduced to ensure statewide consideration and discussion of an initiative petition. The legislation requires a minimum amount of broad geographic support for the submission of an initiative petition to the people of the State of Alaska. HB 213 / HJR 25 would change existing law and require the following before an initiative petition can be submitted to the people:

- * the initiative sponsor to gather signatures from at least 3/4 of the house districts of the State of Alaska as opposed to 2/3 of the house districts; and
- * the number of signatures in each house district would have to equal at least seven percent of the number of voters in that house district who voted in the last general election.

In past elections the greatest support for initiatives has come from one general area of the State, the Anchorage-Mat-Su region. Alaska's population distribution is much different now than it was when our Constitution was approved. Today, initiative supporters could, in theory, collect a large majority of the total signatures needed in a limited area such as Anchorage and only one to two signatures in other house districts and succeed in getting an issue on the ballot as an initiative.

As we write laws in the Capitol many perspectives are taken into account as issues are discussed through the committee process and public hearings are held. During this process, healthy debate, from representatives and citizens from all over the state is conducted. Pertinent questions are asked and legislation is constantly amended to take into account those concerns.

HB 213 / HJR 25 is an attempt to mandate fairness and open debate in the initiative process for all citizens in the State of Alaska.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 213
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affect: OOG
Title: An Act relating to initiative and referendum BRU: Elective Operations
petitions _____ Component: Elections
Sponsor: Representative Williams
Requester: House State Affairs Committee Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Gail Fenuniai Phone 465-3935
Division: Division of Election Date/Time 04/23/2001 11:11AM
Approved by: Lieutenant Governor Fran Ulmer Date 04/23/2001
Agency: Office of the Lieutenant Governor

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FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 213
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affect: OOG
Title: An Act relating to initiative and referendum BRU: Elective Operations
petitions Component: Elections
Sponsor: Representative Williams
Requester: House State Affairs Committee Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Gail Fenumiai Phone 465-3935
Division: Division of Election Date/Time 04/23/2001 11:11AM
Approved by: Lieutenant Governor Fran Ulmer Date 04/23/2001
Agency: Office of the Lieutenant Governor

The Constitution of the State of Alaska

Adopted by the Constitutional Convention
February 5, 1956

Ratified by the People of Alaska
April 24, 1956

Became Operative with the Formal
Proclamation of Statehood
January 3, 1959

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Preamble

We the people of Alaska, grateful to God and to those who founded our nation and pioneered this great land, in order to secure and transmit to succeeding generations our heritage of political, civil, and religious liberty within the Union of States, do ordain and establish this constitution for the State of Alaska.

Article I

Declaration of Rights

Section 1. Inherent Rights. This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment

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shall review their activities, collect and publish local government information, and perform other duties prescribed by law.

Cross references. — The agency established in the executive branch to advise and assist local governments is the Department of Community and Regional Affairs (AS 44.47).

NOTES TO DECISIONS

Stated in *Walters v. Cense*, 394 P.2d 670 (Alaska 1964).

Section 15. Special Service Districts. Special service districts existing at the time a borough is organized shall be integrated with the government of the borough as provided by law.

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.

Cross references. — For restrictions on initiatives, see Alaska Const., art. XI, § 7.

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

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

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

The referendum is a veto power analogous to the veto power vested in the governor by Alaska Const., art. II, § 15. 1963 Op. Att'y Gen. No. 18.

The referendum and the veto power serve similar functions in legislative process; hence, the limitations of one apply to the other except as distinctions are specified in the constitution. 1963 Op. Att'y Gen. No. 18.

The purpose of the veto is to prevent the adoption of the undesirable legislation; the veto power is not a power to change the effect of proposed laws or to do anything concerning them except to approve or disapprove them as a whole. 1963 Op. Att'y Gen. No. 18.

The veto power may be exercised only against entire bills, and it may not be exercised upon sections of bills except in the case of appropriation bills. 1963 Op. Att'y Gen. No. 18.

Were the referendum interpreted as extending to sections of act, its avowed purpose to approve or disapprove acts would be frustrated. It would in many cases result in exactly that which it is not intended to do. It would change the effect of a proposed law, and frustrate the legislative purpose. 1963 Op. Att'y Gen. No. 18.

NOTES TO DECISIONS

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

I. GENERAL CONSIDERATION.

Liberal construction. — In matters of initiative and referendum, the people are exercising a power reserved to them by the constitution and laws of the State, and the constitutional and statutory provisions under which they proceed should be liberally construed. *Municipality of Anchorage v. Frohne*, 568 P.2d 8 (Alaska 1977).

The right of initiative and referendum, sometimes

referred to as direct legislation, should be liberally construed to permit exercise of that right. *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

Scope of initiative power. — The people's power to enact legislation by initiative is not greater than that of the legislature. *Alaskans for Legislative Reform v. State*, 887 P.2d 960 (Alaska 1994).

Section does not apply to appropriations. — The Alaska Constitution withdraws from the people the right to initiative and referendum with respect to

appropriations. *Municipality of Anchorage v. Frohne*, 568 P.2d 3 (Alaska 1977).

Applied in *Walters v. Cease*, 394 P.2d 670 (Alaska 1964).

Quoted in *Alaska Conservative Political Action Comm. v. Municipality of Anchorage*, 745 P.2d 936 (Alaska 1987); *Citizens Coalition for Tort Reform, Inc. v. McAlpine*, 810 P.2d 162 (Alaska 1991).

Cited in *Shetters v. State*, 832 P.2d 181 (Alaska Ct. App. 1992).

II. INITIATIVE.

The initiative may be used only to enact laws. *Starr v. Hagglund*, 374 P.2d 316 (Alaska 1962).

And not for the purpose of constitutional amendment. — See *Starr v. Hagglund*, 374 P.2d 316 (Alaska 1962).

The subject of the initiative must constitute such legislation as the legislative body to which it is directed has the power to enact. *Municipality of Anchorage v. Frohne*, 568 P.2d 3 (Alaska 1977).

Single subject standard is enacted at AS 15.45.040 with respect to initiatives; whether this limitation is within the legislature's power under Alaska Const., art. XI, is questionable; but Alaska Const., art. XII, § 11, makes the law making power equal, and the restriction in Alaska Const., art. II, § 13, therefore, applies to initiatives. *Yute Air Alaska, Inc. v. McAlpine*, 698 P.2d 1173 (Alaska 1985).

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.

Effect of amendments. — The amendment, effective October 10, 1970 (6th Legislature's SJR 2 (1970)), substituted "lieutenant governor" for "secretary of state" in the second sentence.

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

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

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

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

The word "form" is the antithesis of the word "substance." Substance is that which is essential in content and goes to the merits of the issue. Substance pertains to matters which affect the basic rights of

Subject matter of wildlife management is not clearly inapplicable to the initiative process, based upon the language and history of the constitutional provisions regarding the initiative process. *Brooks v. Wright*, 971 P.2d 1025 (Alaska 1998).

Prohibiting use of wolf trap snares. — Since the legislature does not have exclusive law-making powers over natural resources issues merely because of the state's management role over wildlife set forth in Alaska Const., art. VIII, the issue of prohibiting the use of snares to trap wolves is not clearly inapplicable to the initiative process. *Brooks v. Wright*, 971 P.2d 1025 (Alaska 1998).

III. REFERENDUM.

Referendum does not suspend effect of act. The natural import of the provisions of this article and art. II of the Alaska Constitution is that the filing of a referendum petition does not suspend the effect or operation of the act referred. *Walters v. Cease*, 388 P.2d 263 (Alaska 1964).

Rejected act remains in effect for thirty days after certification of election returns. — If an act is rejected by the people in a referendum election, it nevertheless remains in full force and effect until thirty days after certification of the election returns by the secretary of state (now lieutenant governor) *Walters v. Cease*, 388 P.2d 263 (Alaska 1964).

parties. 1959 Op. Att'y Gen. No. 35.

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

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

The lieutenant governor can make such inquiry and investigation as to the voting qualifications of individual signers of an initiative application as appears reasonably necessary in his discretion, but he may look only at form and not the substance of an application. 1959 Op. Att'y Gen. No. 35. But see *Boucher v. Engstrom*, 528 P.2d 456 (Alaska 1974), cited below.

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

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

NOTES TO DECISIONS

Quoted in *Walters v. Cease*, 388 P.2d 263 (Alaska 1964).

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

Cited in *Citizens Coalition for Tort Reform, Inc. v. McAlpine*, 810 P.2d 162 (Alaska 1991); *Shetters v. State*, 832 P.2d 181 (Alaska Ct. App. 1992).

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 house districts of the State, it may be filed with the lieutenant governor.

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

Effect of amendment. — The amendment, effective October 10, 1970 (6th Legislature's SJR 2 (1970)), substituted "lieutenant governor" for "secretary of state" in the first and second sentences.

Effect of amendment. — The amendment effective January 3, 1999 (20th Legislature's SCS CSHJR 44(JUD)), substituted "house districts" for "election districts" in the last sentence.

Opinions of attorney general. — An initiative petition which, on its face, is seen to contain an insufficient number of signatures may not be filed and later supplemented to cure the deficiency. February 1, 1984 Op. Att'y Gen.

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

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

NOTES TO DECISIONS

Sufficiency of summary. — In preparing summary of subject matter of proposed bill, the lieutenant governor is entitled to rely on the premise that readers of the summary understand that in the absence of explicit language to the contrary, state initiatives are intended to change state law and bind the state government, not federal law and the federal government, thus he need not give "special" reminders to the voters regarding the scope of a state initiative. *Burgess v. Miller*, 654 P.2d 273 (Alaska 1982).

Summary's prediction as to proposed bill's effect was amply supported by text of bill, consequently the summary's use of the language "would prevent" was neither misleading nor inaccurate. *Burgess v. Miller*, 654 P.2d 273 (Alaska 1982).

Quoted in *Walters v. Cease*, 388 P.2d 263 (Alaska 1964).

Cited in *Yute Air Alaska, Inc. v. McAlpine*, 698 P.2d 1173 (Alaska 1985); *Shetters v. State*, 832 P.2d 181 (Alaska Ct. App. 1992).

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.

Effect of amendments. — The amendment, effective October 10, 1970 (6th Legislature's SJR 2(1970)), substituted "lieutenant governor" for "secretary of state" in the second sentence.

Opinions of attorney general. — An initiative

petition must be filed before the start of the legislative session in order to be presented to the electorate at the first state-wide election held 120 or more days after the conclusion of that session. February 1, 1984 Op. Att'y Gen.

NOTES TO DECISIONS

This section must be interpreted broadly and not narrowly as to the scope of legislative power. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

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

following the filing of the petition." This proposal was amended before adoption to read as it does now. The purpose of the amendment, as explained by one of its sponsors, was to do away with the high costs of special elections for such matters (estimated at \$40,000), by requiring that the initiative proposition go on the ballot at a statewide election, whether it be primary or a general election or a special election called for some

other purpose. *Starr v. Hagglund*, 374 P.2d 316 (Alaska 1962).

Placement on statewide election ballot. — An initiative proposition may be placed on the ballot for the first available statewide election held more than 120 days after adjournment of the legislative session following its filing because of special circumstances. *Starr v. Hagglund*, 374 P.2d 316 (Alaska 1962).

This section was not designed with the objective of depriving the people of the right to vote if by reason of circumstances, such as an injunction preventing the secretary of state (now lieutenant governor) from placing an initiative proposition on the ballot, it became impossible to submit the proposition at the "first" statewide election held within the prescribed time. *Starr v. Hagglund*, 374 P.2d 316 (Alaska 1962).

The words "substantial" or "substantially" are relative, inexact terms. Their meaning is quite elusive. The meaning of such terms can be derived only by reference to all the circumstances surrounding the context in which they are used. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

The term "substantially the same measure" must be viewed against the total structure contemplated in this article in the matter of direct legislation. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

When substantial similarity exists. — If in the main the legislative act achieves the same general purpose as the initiative, if the legislative act accomplishes that purpose by means or systems which are fairly comparable, then substantial similarity exists. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

It is not necessary that the two measures correspond in minor particulars, or even as to all major features, if the subject matter is necessarily complex or if it requires comprehensive treatment. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

Legislative discretion. — It is clear that the legislative act need not conform to the initiative in all respects, and that the framers intended that the legislature should have some discretion in deciding how far the legislative act should differ from the provisions of the initiative. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

The broader the reach of the subject matter, the more latitude must be allowed the legislature to vary from the particular features of the initiative. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

Legislature may vary terms of initiative by amendment. — The constitution vests broad authority in the legislature to vary the terms of an initiated law, after its adoption, by the process of amendment. This power amounts to a check or balance against the initiative process. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

And by enactment covering same subject as initiative. — If the legislature has broad power of amendment, it follows that it has broad power to change an initiative by an enactment covering the same subject as the initiated measure. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

Determining whether act and initiative are "substantially the same." — This section does not expressly confer on any branch or agency the power to determine whether an act and an initiative are "substantially the same." *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

Power of legislature to enact method for such determination. — This section and Alaska Const. art. V, § 3, and art. XII, § 11, when read in harmony, give the legislature the power to enact a method of determining whether an act and an initiative are "substantially the same," as used in this section. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

AS 15.45.210 enacted to effectuate this section. — Alaska Statute 15.45.210, delegating authority to the lieutenant governor to determine whether an act and an initiative are substantially the same, was enacted to effectuate this section. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

The delegation of power in AS 15.45.210 is both reasonable and constitutional. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

Delegation to the lieutenant governor of the authority to determine whether an act and an initiative are substantially the same is based on sound, practical considerations, is to a logical governmental officer, and is definitionally narrow. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

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

Cited in *Walters v. Cease*, 388 P.2d 263 (Alaska 1964); *Yute Air Alaska, Inc. v. McAlpine*, 698 P.2d 1173 (Alaska 1985); *Citizens Coalition for Tort Reform, Inc. v. McAlpine*, 810 P.2d 162 (Alaska 1991); *Shetter v. State*, 832 P.2d 181 (Alaska Ct. App. 1992).

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.

Effect of amendments. — The amendment, effective October 10, 1970 (6th Legislature's SJR 2(1970)), substituted "lieutenant governor" for "secretary of state" near the beginning of the second sentence.

NOTES TO DECISIONS

Act may be effective several months prior to commencement of 90-day period. — An act of the legislature with an immediate effective date could conceivably be signed into law early in a legislative session, and would be in actual operative effect for several months prior to the commencement of the 90-day period in which a petition for referendum may be filed under this section. *Walters v. Cease*, 388 P.2d 263 (Alaska 1964).

Section 6. Enactment. If a majority of the votes cast on the proposition favor it,

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.

Effect of amendments. — The amendment, effective October 10, 1970 (6th Legislature's SJR 2(1970)), substituted "lieutenant governor" for "secretary of state" near the beginning of the third sentence.

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

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

The legislature could amend the capital move initiative, initiative No. 1, at any time to alter or delete: (1) the requirement that the capital site contain no less than 100 square miles of state land or lands available to the state at no cost and (2) the requirement that the site selected be more than 30 miles from Anchorage or Fairbanks. August 19, 1975 Op. Att'y Gen.

NOTES TO DECISIONS

Legislature may vary terms of initiative by amendment. — The constitution vests broad authority in the legislature to vary the terms of an initiated law, after its adoption, by the process of amendment. This power amounts to a check or balance against the initiative process. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

The legislature is vested with broad authority to amend laws enacted by the people through the initiative process. *Warren v. Thomas*, 568 P.2d 400 (Alaska 1977).

And by enactment covering same subject as initiative. — If the legislature has broad power of amendment, it follows that it has broad power to change an initiative by an enactment covering the same subject matter as the initiated measure. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

What constitutes repeal. — Amendments to an initiated law that only reduced the penalties for violation of the law and clarified some of the language did not constitute a repeal of the initiated law. *Warren v. Thomas*, 568 P.2d 400 (Alaska 1977).

AS 15.45.440 adopted almost verbatim the lan-

guage of this section for establishing the time when an act rejected by referendum shall become void. *Walters v. Cease*, 388 P.2d 263 (Alaska 1964).

Act not suspended between its effective date and its rejection by referendum. — In the light of the clear wording of this section and Alaska Const., art. II, §§ 17 and 18, the framers of the constitution and the people who adopted it intended that the effectiveness of an act passed by the legislature should not be suspended during the period between its effective date and its rejection by the referendum. If they had intended otherwise they would have expressly so provided in the constitution. *Walters v. Cease*, 388 P.2d 263 (Alaska 1964).

Procedures for placement of initiative on election ballot. — See *Boucher v. Engstrom*, 528 P.2d 456 (Alaska 1974), overruled on other grounds, *McAlpine v. University of Alaska*, 762 P.2d 81 (Alaska 1988).

Applied in State ex rel. *Hammond v. Allen*, 625 P.2d 844 (Alaska 1981).

Cited in Citizens Coalition for Tort Reform, Inc. v. McAlpine, 810 P.2d 162 (Alaska 1991); *Shettlers v. State*, 832 P.2d 181 (Alaska Ct. App. 1992).

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.

Cross references. — For restrictions on the form of bills, see art. II, § 13 of this constitution.

Opinions of attorney general. — Authorizing

school service areas to submit their budgets to the people by referendum would violate this section. 1961 Op. Att'y Gen. No. 24.

NOTES TO DECISIONS

- I. General Consideration.
- II. Appropriations.
- III. Local or Special Legislation.

I. GENERAL CONSIDERATION.

Strict compliance required. — The restrictions of this section are important conditions on the initiative right that require strict compliance. *Citizens Coalition for Tort Reform, Inc. v. McAlpine*, 810 P.2d 162 (Alaska 1991).

Subject cannot exceed authority of legislature. — The subject of the initiative must constitute such legislation as the legislative body to which it is directed has the power to enact. *Municipality of Anchorage v. Frohne*, 568 P.2d 3 (Alaska 1977).

Initiative and referendum restricted to ordinances. — The power of both initiative and referendum is restricted to legislative ordinances, and does not extend to administrative measures. *Wolf v. Alaska State Hous. Auth.*, 514 P.2d 233 (Alaska 1973).

Matter subject to review is also subject for initiative. — If the subject matter of an ordinance were properly subject to popular review, then it also would be a proper subject for popular initiative. *Wolf v. Alaska State Hous. Auth.*, 514 P.2d 233 (Alaska 1973).

Initiative attempting to alter or supplement existing court rules. — Lieutenant governor properly denied certification of an initiative that would have set maximum allowable levels of attorney's fees in personal injury cases, where the initiative constituted an attempt to prescribe a rule of court in violation of this section and would have altered or supplemented existing court rules regulating contingent fees. *Citizens Coalition for Tort Reform, Inc. v. McAlpine*, 810 P.2d 162 (Alaska 1991).

Applied in *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

Quoted in *Walters v. Cease*, 388 P.2d 263 (Alaska 1964); *Abrams v. State*, 534 P.2d 91 (Alaska 1975); *City of Fairbanks v. Fairbanks Convention & Visitors Bureau*, 818 P.2d 1153 (Alaska 1991).

Cited in *Thomas v. Bailey*, 611 P.2d 536 (Alaska 1980); *Shettlers v. State*, 832 P.2d 181 (Alaska Ct. App. 1992).

II. APPROPRIATIONS.

Appropriation purpose prohibited. — The language of this section prohibits initiatives for the purpose of making appropriations. *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

General wording of appropriation limitation. — Though most state constitutions with referendum and initiative provisions have some limitation relating to appropriations, Alaska's appropriation limitation is worded more generally than that of most other states. *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

By the term "appropriations," this section prohibits an initiative whose primary object is to require the outflow of state assets in the form of land as well as money. *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

"Appropriations" includes statutes that set aside a specific amount of lands and direct it be given away in the manner required by a 1978 initiative, entitled "The Alaska Homestead Act," which gave away to any resident of three or more years who would conduct a survey, file two papers, and pay a nominal filing fee public assets in the form of state land, and which imposed no obligations on the applicant after he or she received the land. *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

Alaska Homestead Act held appropriations initiative. — The law proposed by a 1978 initiative entitled "The Alaska Homestead Act" was, for pur-

poses of this section, a law making an appropriation and, therefore, an illegitimate subject for initiative. *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

A 1978 initiative entitled "The Alaska Homestead Act" would have substantially depleted the state government of valuable assets just as surely as an initiative allotting to residents of specified years large sums of money. In the same manner, it constituted an appropriation and hence could not be enacted by initiative. *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

The fact that a survey might be costly did not change the essential nature of a 1978 initiative entitled "The Alaska Homestead Act" as an appropriations initiative. The applicant would have paid the surveyor; no compensation or service was rendered to the state. The stated purpose and effect of the initiative on the state treasury would still be an expenditure of state assets in the form of public lands. *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

Sale of municipal utility for one dollar. — An initiative which would require a municipality to sell a municipally-owned utility to a private nonprofit cooperative corporation for one dollar violated this section because it would make an appropriation. *Alaska Conservative Political Action Comm. v. Municipality of Anchorage*, 745 P.2d 936 (Alaska 1987).

Provision transferring property between university systems. — The term "appropriation" includes the setting aside of property other than money. Hence, the provision in an initiative transferring from the University of Alaska to the community college system of Alaska such real and personal property as was necessary to the independent operation and maintenance of the community college system, could be deemed to be an appropriation and, therefore, violative of this section. *McAlpine v. University of Alaska*, 762 P.2d 81 (Alaska 1988).

Although laws which merely create new government programs or liabilities do not constitute appropriations, the provision of an initiative which transferred funds from the University of Alaska to the community college system of Alaska was an appropriation, since it designated the use of state assets in a manner which was executable, mandatory, and reasonably definite with no further legislative action. *McAlpine v. University of Alaska*, 762 P.2d 81 (Alaska 1988).

Initiative to set priorities among different salmon harvest users. — Salmon are public assets of the state which may not be appropriated by initiative, and an initiative to require the Board of Fisheries, after providing for the biological escapement needs of Alaska's salmon stocks, to reserve a priority for the harvest needs for each particular salmon stock of personal use, sport, and subsistence fisheries prior to allocating a portion of the harvestable surplus to commercial fisheries was an appropriation of state assets in violation of this provision, as well as A.S. 15.46.010. *Pullen v. Ulmer*, 923 P.2d 54 (Alaska 1996).

III. LOCAL OR SPECIAL LEGISLATION.

This section expressly exempts "local or special legislation" from both the initiative and the referendum. *Wolf v. Alaska State Hous. Auth.*, 514 P.2d 233 (Alaska 1973).

Mandatory Borough Act not subject to referendum. — Being local and special legislation, ch. 52, SLA 1963 (Mandatory Borough Act), is not subject to the referendum provision of this article. *Walters v. Cease*, 394 P.2d 670 (Alaska 1964).

Chapter 52, SLA 1963 (Mandatory Borough Act), is both local and special legislation because it applies only to a limited number of geographical areas, rather than being widespread in its operation throughout the

state, and because its method for incorporating organized boroughs is peculiar to the few selected localities where it is applicable. *Walters v. Cease*, 394 P.2d 670 (Alaska 1964).

(Proposed Amendment).

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, permit, regulate, or prohibit the taking or transportation of wildlife, prescribe seasons or methods for the taking of wildlife, 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.

Editor's notes. — This amendment was proposed by 2000 Legislative Resolve 48, and will be voted upon at the general election to be held in November, 2000.

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.

NOTES TO DECISIONS

Stated in *McCormick v. Smith*, 793 P.2d 1042 (Alaska 1990); *Von Stauffenberg v. Committee for an Honest & Ethical Sch. Bd.*, 903 P.2d 1055 (Alaska 1995).

Article XII

General Provisions

Section 1. State Boundaries. The State of Alaska shall consist of all the territory, together with the territorial waters appurtenant thereto, included in the Territory of Alaska upon the date of ratification of this constitution by the people of Alaska.

Section 2. Intergovernmental Relations. The State and its political subdivisions may cooperate with the United States and its territories, and with other states and their political subdivisions on matters of common interest. The respective legislative bodies may make appropriations for this purpose.

Section 3. Office of Profit. Service in the armed forces of the United States or of the State is not an office or position of profit as the term is used in this constitution.

NOTES TO DECISIONS

Meaning of phrase "position of profit". — See *Begich v. Jefferson*, 441 P.2d 27 (Alaska 1968).

Section 4. Disqualification for Disloyalty. No person who advocates, or who aids or belongs to any party or organization or association which advocates, the overthrow by force or violence of the government of the United States or of the State shall be qualified to hold any public office of trust or profit under this constitution.

Section 5. Oath of Office. All public officers, before entering upon the duties of their offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the

SUBSTITUTE SENATE JOINT RESOLUTION 8206

State of Washington

57th Legislature

200 Regular Session

By Senate Committee on State & Local Government (originally sponsored by Senators Hargrove, McDonald, Jacobsen, Long, Costa, Regala, Snyder, Winsley, T. Sheldon, Gardner, McCaslin, Morton, Haugen, Rasmussen, Hochstatter, Honeyford, Oke and McAuliffe)

READ FIRST TIME 02/20/01.

1 BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
2 STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

3 THAT, At the next general election to be held in this state the
4 secretary of state shall submit to the qualified voters of the state
5 for their approval and ratification, or rejection, an amendment to
6 Article II, section 1 of the Constitution of the state of Washington to
7 read as follows:

8 Article II, section 1. The legislative authority of the state of
9 Washington shall be vested in the legislature, consisting of a senate
10 and house of representatives, which shall be called the legislature of
11 the state of Washington, but the people reserve to themselves the power
12 to propose bills, laws, and to enact or reject the same at the polls,
13 independent of the legislature, and also reserve power, at their own
14 option, to approve or reject at the polls any act, item, section, or
15 part of any bill, act, or law passed by the legislature.

16 (a) Initiative: The first power reserved by the people is the
17 initiative. Every such petition shall include the full text of the
18 measure so proposed. In the case of initiatives to the legislature and
19 initiatives to the people, the number of valid signatures of legal
20 voters required shall be equal to eight percent of the votes cast for
21 the office of governor at the last gubernatorial election preceding the

1 initial filing of the text of the initiative measure with the secretary
2 of state. After January 1, 2003, petition signatures must be
3 distributed among the congressional districts of the state so that at
4 least six of the congressional districts each have a number of valid
5 signatures of legal voters equal to at least one-ninth of the votes
6 cast for the office of governor at the last gubernatorial election
7 before the initial filing of the text of the initiative measure with
8 the secretary of state.

9 Initiative petitions shall be filed with the secretary of state not
10 less than four months before the election at which they are to be voted
11 upon, or not less than ten days before any regular session of the
12 legislature. If filed at least four months before the election at
13 which they are to be voted upon, he shall submit the same to the vote
14 of the people at the said election. If such petitions are filed not
15 less than ten days before any regular session of the legislature, he
16 shall certify the results within forty days of the filing. If
17 certification is not complete by the date that the legislature
18 convenes, he shall provisionally certify the measure pending final
19 certification of the measure. Such initiative measures, whether
20 certified or provisionally certified, shall take precedence over all
21 other measures in the legislature except appropriation bills and shall
22 be either enacted or rejected without change or amendment by the
23 legislature before the end of such regular session. If any such
24 initiative measures shall be enacted by the legislature it shall be
25 subject to the referendum petition, or it may be enacted and referred
26 by the legislature to the people for approval or rejection at the next
27 regular election. If it is rejected or if no action is taken upon it
28 by the legislature before the end of such regular session, the
29 secretary of state shall submit it to the people for approval or
30 rejection at the next ensuing regular general election. The
31 legislature may reject any measure so proposed by initiative petition
32 and propose a different one dealing with the same subject, and in such
33 event both measures shall be submitted by the secretary of state to the
34 people for approval or rejection at the next ensuing regular general
35 election. When conflicting measures are submitted to the people the
36 ballots shall be so printed that a voter can express separately by
37 making one cross (X) for each, two preferences, first, as between
38 either measure and neither, and secondly, as between one and the other.
39 If the majority of those voting on the first issue is for neither, both

1 fail, but in that case the votes on the second issue shall nevertheless
2 be carefully counted and made public. If a majority voting on the
3 first issue is for either, then the measure receiving a majority of the
4 votes on the second issue shall be law.

5 (b) Referendum. The second power reserved by the people is the
6 referendum, and it may be ordered on any act, bill, law, or any part
7 thereof passed by the legislature, except such laws as may be necessary
8 for the immediate preservation of the public peace, health or safety,
9 support of the state government and its existing public institutions,
10 either by petition signed by the required percentage of the legal
11 voters, or by the legislature as other bills are enacted: *Provided,*
12 That the legislature may not order a referendum on any initiative
13 measure enacted by the legislature under the foregoing subsection (a).
14 The number of valid signatures of registered voters required on a
15 petition for referendum of an act of the legislature or any part
16 thereof, shall be equal to or exceeding four percent of the votes cast
17 for the office of governor at the last gubernatorial election preceding
18 the filing of the text of the referendum measure with the secretary of
19 state.

20 (c) No act, law, or bill subject to referendum shall take effect
21 until ninety days after the adjournment of the session at which it was
22 enacted. No act, law, or bill approved by a majority of the electors
23 voting thereon shall be amended or repealed by the legislature within
24 a period of two years following such enactment: *Provided,* That any
25 such act, law, or bill may be amended within two years after such
26 enactment at any regular or special session of the legislature by a
27 vote of two-thirds of all the members elected to each house with full
28 compliance with section 12, Article III, of the Washington
29 Constitution, and no amendatory law adopted in accordance with this
30 provision shall be subject to referendum. But such enactment may be
31 amended or repealed at any general regular or special election by
32 direct vote of the people thereon.

33 (d) The filing of a referendum petition against one or more items,
34 sections, or parts of any act, law, or bill shall not delay the
35 remainder of the measure from becoming operative. Referendum petitions
36 against measures passed by the legislature shall be filed with the
37 secretary of state not later than ninety days after the final
38 adjournment of the session of the legislature which passed the measure
39 on which the referendum is demanded. The veto power of the governor

1 shall not extend to measures initiated by or referred to the people.
2 All elections on measures referred to the people of the state shall be
3 had at the next succeeding regular general election following the
4 filing of the measure with the secretary of state, except when the
5 legislature shall order a special election. Any measure initiated by
6 the people or referred to the people as herein provided shall take
7 effect and become the law if it is approved by a majority of the votes
8 cast thereon: *Provided*, That the vote cast upon such question or
9 measure shall equal one-third of the total votes cast at such election
10 and not otherwise. Such measure shall be in operation on and after the
11 thirtieth day after the election at which it is approved. The style of
12 all bills proposed by initiative petition shall be: "Be it enacted by
13 the people of the State of Washington." This section shall not be
14 construed to deprive any member of the legislature of the right to
15 introduce any measure. All such petitions shall be filed with the
16 secretary of state, who shall be guided by the general laws in
17 submitting the same to the people until additional legislation shall
18 especially provide therefor. This section is self-executing, but
19 legislation may be enacted especially to facilitate its operation.

20 (e) The legislature shall provide methods of publicity of all laws
21 or parts of laws, and amendments to the Constitution referred to the
22 people with arguments for and against the laws and amendments so
23 referred. The secretary of state shall send one copy of the
24 publication to each individual place of residence in the state and
25 shall make such additional distribution as he shall determine necessary
26 to reasonably assure that each voter will have an opportunity to study
27 the measures prior to election.

28 BE IT FURTHER RESOLVED, That the secretary of state shall cause
29 notice of this constitutional amendment to be published at least four
30 times during the four weeks next preceding the election in every legal
31 newspaper in the state.

--- END ---

SENATE BILL REPORT

SJR 8206

As Reported By Senate Committee On:
State & Local Government, February 19, 2001
Ways & Means, March 6, 2001

Brief Description: Requiring a geographic distribution of initiative petition signatures.

Sponsors: Senators Hargrove, McDonald, Jacobsen, Long, Costa, Regala, Snyder, Winsley, T. Sheldon, Gardner, McCaslin, Morton, Haugen, Rasmussen, Hochstatter, Honeyford, Oke and McAuliffe.

Brief History:

Committee Activity: State & Local Government: 2/1/01, 2/19/01 [DPS-WM, DNP].
Ways & Means: 2/27/01, 3/6/01 [DP2S, DNP].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: That Substitute Senate Joint Resolution No. 8206 be substituted therefor, and the substitute joint resolution do pass and be referred to Committee on Ways & Means.

Signed by Senators Patterson, Chair; Gardner, Hale, Haugen, Horn, McCaslin, T. Sheldon and Swecker.

Minority Report: Do not pass.
Signed by Senator Roach.

Staff: Eugene Green (786-7405)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Joint Resolution No. 8206 be substituted therefor, and the second substitute joint resolution do pass.

Signed by Senators Brown, Chair; Hewitt, Honeyford, Long, Parlette, Rasmussen, Regala, Sheahan, Snyder, Winsley and Zarelli.

Minority Report: Do not pass.

Signed by Senators Constantine, Vice Chair; Fairley, Vice Chair; Fraser, Kline, Kohl-Welles and Rossi.

Staff: Steve Jones (786-7440)

Background: The Constitution of Washington State vests legislative authority in the Legislature, but reserves to the people the power to propose, enact or reject bills independent of the Legislature. The first power reserved to the people is the initiative. Article II, Section 1, requires an initiative petition to have valid signatures equal to 8 percent of the votes cast

for the office of Governor at the last gubernatorial election preceding the initial filing of the initiative.

The number of initiatives certified to the ballot, or receiving the requisite number of signatures, in the last eight years has more than doubled over the previous two ten-year periods. The number of initiatives passed during these periods has remained relatively unchanged.

Summary of Second Substitute Bill: Article II, Section 1 of the Constitution of Washington State is amended so that at least 6 of the congressional districts each have a number of valid signatures equal to at least one-ninth of the required signatures.

Second Substitute Bill Compared to Substitute Bill: A technical drafting error is corrected and it extends the effective date from 2003 to 2004.

Substitute Bill Compared to Original Bill: The original joint resolution prohibits the validation of signatures from any congressional district in excess of one-sixth of the total number of signatures required.

Appropriation: None.

Fiscal Note: Available.

Effective Date: January 1, 2004.

Testimony For: This will assure broad geographic support for the submission of an initiative measure to the Legislature or the people. The delayed effective date will reduce the fiscal impact of the bill by allowing additional time for the development of a statewide voter registration database.

Testimony Against: (original bill) People should not feel their signature is "wasted."

Testified: Senator Jim Hargrove, prime sponsor (pro); Steve Gano (pro); Tony Wells, Hunters Heritage Council (pro); Alan Worrell (pro); Cherie Davidson, League of Women Voters (con); Jim King, Citizens for Outdoor Recreation (con); Ed Owens, Citizens for Responsible Wildlife Management, Salmon for Washington (pro); David Elliott, Office of Secretary of State; Linda Johnson, WA Farm Bureau (pro).

1/18/02 5:46 p.m.

WASHINGTON STATE LEGISLATURE
History of SJR8206

SJR8206 Requiring a geographic distribution of initiative petition signatures.

Sponsors: Senators Hargrove; McDonald; Jacobsen; Long; Costa; Regala; Snyder; Winsley; T. Sheldon; Gardner; McCaslin; Morton; Haugen; Rasmussen; Hochstatter; Honeyford; Oke; McAuliffe

Companion Bill(s): HJR4207

-- 2001 REGULAR SESSION --

Jan 17 First reading, referred to State & Local Government.
Feb 20 SLG - Majority; 1st substitute bill be substituted, do pass.
And refer to Ways & Means.
Minority; do not pass.
Referred to Ways & Means.
Mar 7 WM - Majority; 2nd substitute bill be substituted, do pass.
Minority; do not pass.
Mar 8 Passed to Rules Committee for second reading.
Made eligible to be placed on second reading.
Mar 9 Placed on second reading by Rules Committee.
Mar 13 2nd substitute bill substituted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 34; nays, 15; absent, 0.
-- IN THE HOUSE --
Mar 15 Held on first reading.
Mar 22 First reading, referred to State Government.
Apr 22 By resolution, returned to Senate Rules Committee for third reading.

-- 2001 1ST SPECIAL SESSION --

-- IN THE SENATE --

Apr 25 By resolution, reintroduced and retained in present status.

-- 2002 REGULAR SESSION --

Jan 14 By resolution, reintroduced and retained in present status.
Jan 16 On motion, referred to Ways & Means.

**STATUS OF ACTIVE PETITIONS
2002 ELECTION**

Initiative	Initiative (Description)	Application Certified Date	Petition Booklets Rec'd	Petition Booklets filed Date	# of Signatures submitted	# of Qualified Signatures	# of Signatures Needed	Initiative Certified Date	Primary/General	Approx. No. of Signatures Per Month
01GSLN	All-Alaskan Gasline	3/4/2001	9/12/2001	1/11/2002	42,000+	In the process	28,782		G	10,500
01MNWG	Minimum Wage	3/12/2001	4/5/2001	11/29/2001	49,482	30,745	28,782	1/3/2002	G	6185
01CHGE	Legislative Session Move	7/23/2001	7/31/2001	1/10/2002	40,000	In the process	28,782		G	6666
99PRVT	Amending Election Process	10/23/1999	10/28/1999	10/26/2000	30,000	22,841	22,715	12/21/2000	P	2500