

January 19, 1993

The Honorable John B. "Jack" Coghill
Lieutenant Governor
State of Alaska
P.O. Box AA
Juneau AK 99811-0111

Re: Review of initiative application; prohibit herbicides derived from petrochemical compounds
Our file: 663-93-0172

Dear Lieutenant Governor Coghill:

You have asked us to review the application for an initiative petition for a bill that would prohibit herbicides derived for petrochemical compounds from being applied to state lands, water, or rights-of-way. In short, we find that the application and proposed bill meet the minimum, formal requirements of state law.

The application meets the requirements of AS 15.45.030, in that it includes the proposed bill, a statement that the sponsors are qualified voters who signed with the proposed bill attached, and a designation of a three-member initiative committee. The remaining requirement of AS 15.45.030, is that the application contain the signatures and addresses of not less than 100 qualified voters. AS 15.45.030(4). Your office must determine that this requirement has been met before you issue a petition.

The proposed bill reads:

Be it enacted by the People of the State of Alaska:
"Herbicides derived from petrochemical compounds shall not be applied to state lands, waters, or rights-of-ways."

This proposed bill meets the requirements of AS 15.45.040, in that it is confined to one subject, the subject is expressed in the title, the enacting clause is in proper form, and the bill contains

no subjects restricted by AS 15.45.010. That section restates the restrictions contained in article XI, section 7 of the Alaska Constitution, as follows:

The law-making powers assigned to the legislature may be exercised by the people through the initiative. However, no initiative may be proposed to dedicate revenues, to make or repeal appropriations, to create courts, to define the jurisdiction of courts or prescribe their rules, or to enact local or special legislation.

AS 15.45.010.

We note that the language of the proposed bill is ambiguous as to the meaning of "state." "State" could mean all lands, water, and rights-of-ways located **within** the boundaries of the State of Alaska. Alternatively, "state" could be interpreted to include only those lands, water, and rights-of-ways **owned or controlled** by the State of Alaska, thereby, excluding federal or privately owned lands, water, and rights-of-way from the prohibition. These and other questions of the proposed bill, which will be of special importance if the initiative passes, should not affect your review of the form of the application for a petition. Boucher v. Engstrom, 528 P.2d 456 (Alaska 1974).

Provided your office determines that AS 15.45.030(4) has been met (signatures and addresses of not less than 100 qualified voters), you may certify the application and notify the initiative committee. Preparation of the petition may then commence in accordance with AS 15.45.090. With respect to an impartial summary of the subject matter (AS 15.45.090(2)), we recommend the following language:

Prohibiting Application of Herbicides
Derived From Petrochemical Compounds

This initiative would amend state law by prohibiting the application of herbicides that are derived from petrochemical compounds to state lands, water, or rights-of-way.

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Please do not hesitate to call if you have questions.

Sincerely yours,

CHARLES E. COLE
ATTORNEY GENERAL

By:
Marjorie L. Odland
Assistant Attorney General

MLO:cp

cc: Charlot Thickstun, Director
Division of Elections

Cynthia Sykes, Alaskans for a Herbicide-Free
Environment

Paul Bratton, Alaskans for a Herbicide-Free Environment