

MEMORANDUM

State of Alaska
Department of Law

To: The Honorable Loren Leman
Lieutenant Governor

Date: June 11, 2003

File No.: 663-03-0188

Tel. No.: 465-3600

From: Marjorie L. Vandor
Assistant Attorney General
Labor & State Affairs – Juneau

Re: Initiative Petition Application
Regarding Baiting or Intentional
Feeding of Bears

We have reviewed the application for an initiative for a proposed bill entitled “An Act Prohibiting the Baiting or Intentional Feeding of Bears.” We conclude that the application meets form requirements of AS 15.45.030 and AS 15.45.040. Our analysis follows.

I. Form of the Application

We have reviewed the application for compliance with statutory form requirements. AS 15.45.030 provides:

Form of application. The application shall include (1) the proposed bill to be initiated, (2) a statement that the sponsors are qualified voters who signed the application with the proposed bill attached, (3) the designation of an initiative committee of three sponsors and subscribers in matters relating to the initiative, and (4) the signature and addresses of not less than 100 qualified voters.

Here, the application includes the bill to be initiated and a statement that the sponsors are qualified voters. An initiative committee of three sponsors is designated. On May 19, 2003, the Division of Elections verified that at least 100 of the voters who signed the application are qualified voters. And, the signature pages accompanying the application contain a statement that the proposed bill was attached at the time the sponsors and the qualified voters signed the application. Thus, all requirements of AS 15.45.030 appear to have been met.

II. Form of the Proposed Bill

We have also reviewed the proposed bill to determine whether it meets statutory form requirements. AS 15.45.040 provides:

Form of proposed bill. The proposed bill shall be in the following form:

- (1) the bill shall be confined to one subject;
- (2) the subject of the bill shall be expressed in the title;
- (3) the enacting clause of the bill shall be: "Be it enacted by the People of the State of Alaska;"
- (4) the bill may not include subjects restricted by AS 15.45.010.

We find that the proposed bill is confined to one subject with the subject expressed in the title, and includes the correct enacting clause. The proposed bill does not include any subjects restricted from enactment by initiative under Alaska Constitution article XI, section 7, and AS 15.45.010.¹

III. Content of the Proposed Bill

The proposed initiative, as attached to the application, consists of one section. It amends the Fish and Game Code, AS 16.05, by adding a new section, AS 16.05.781, that would make it a Class A misdemeanor to bait or intentionally feed bears for the purpose of hunting, photographing or viewing. The proposed initiative also provides a definition of "to bait" or "to intentionally feed" as it applies to AS 16.05.781. The proposed new law reads:

AS 16.05.781. Baiting or intentional feeding of bears prohibited. (a) A person may not bait or intentionally feed a bear for the purpose of hunting, photographing, or viewing.

(b) Under this section, to "bait" or "intentionally feed" means to intentionally give, deposit, distribute, discard, scatter or otherwise expose any attractant or edible material in order to attract or entice a bear to enter into, or to remain in, a location or area.

(c) A person who violates this section is guilty of a Class A misdemeanor.

¹ An initiative may not be proposed to dedicate revenue, 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.

IV. Impartial Summary -- AS 15.45.090(2)

We propose the following impartial summary of the initiative for inclusion in the initiative petition booklets pursuant to AS 15.45.090(2):

INITIATIVE PROHIBITING BAITING OR INTENTIONAL FEEDING OF BEARS

This bill would make it a crime for a person to bait or intentionally feed a bear in order to hunt, photograph, or view a bear. Under this bill, a person may not feed a bear on purpose or use any item or substance, including food or other edible matter, in order to entice a bear into an area, or to stay in an area. A person who violates this law would be guilty of a Class A misdemeanor.

This summary has a Flesch test score of 68.995. We believe that this is an acceptable score of readability under AS 15.60.005.

Please contact me if this office can be of further assistance with this initiative petition application.

MLV:jn

cc: Laura Glaiser, Director
Division of Elections

Paul Joslin, Petition submitter
Lowell Thomas, Jr., Initiative sponsor
George R. Pollard, Initiative sponsor
John E. Erickson, Initiative sponsor