

# BALLOT MEASURE NO. 1

## Constitutional Amendment Resident Preference

(1988 Legislative Resolve No. 99 CSHJR 18 (Fin))

### BALLOT LANGUAGE

(As it will appear on the November 8, 1988, General Election Ballot)

This amendment adds a new part to the state constitution. The new part will allow the state to give preference to residents of the state over people who are not residents of the state, to the same extent allowed by the U.S. Constitution.

Shall this new part be added to the state constitution and become law?

YES

NO

### VOTES CAST BY MEMBERS OF THE 15TH ALASKA LEGISLATURE ON FINAL PASSAGE

House:	Yeas	38
	Nays	0
	Excused	1
	Absent	1
Senate:	Yeas	20
	Nays	0

### LEGISLATIVE AFFAIRS AGENCY SUMMARY

This amendment adds a new section to the state constitution. The new part would allow the state in some cases to prefer state residents to nonresidents. The state would still have to comply with the Constitution of the United States. It has an equal rights clause and a privileges and immunities clause. The clauses limit discrimination against nonresidents. The state also has an equal rights clause. The state courts use a stricter test to enforce the state clause than the federal courts use to enforce the federal clause. The proposed amendment would let the state grant as much preference for state residents as the federal constitution allows.

### FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT

*What follows is the actual text of the proposed amendment that would become part of the State Constitution if the measure is passed by the voters.*

\*Section 1. Article 1, Constitution of the State of Alaska, is amended by adding a new section to read:

SECTION 23: RESIDENT PREFERENCE. This constitution does not prohibit the State from granting preferences, on the basis of Alaska residence, to residents of the State over nonresidents to the extent permitted by the Constitution of the United States.

\*Section 2. The amendment proposed by this resolution shall be placed before the voters of the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and the election laws of the state.

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# BALLOT MEASURE NO. 1

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## STATEMENT IN SUPPORT

Ballot Measure No. 1 will finally give Alaskan voters a say on the issue of Alaska hire.

Voter approval of Ballot Measure No. 1, a proposed amendment to Alaska's Constitution to give the state clear authority to grant certain preferences to its own citizens consistent with the U.S. Constitution, will give state resident preference laws a fighting chance in the courts.

I introduced House Joint Resolution 18 (Ballot Measure No. 1) to give the voters a chance to correct a potentially serious problem with Alaska law. To put it simply, Alaska's Constitution has been interpreted as being far more restrictive in terms of resident preference laws than what is required under the Federal Constitution. Many of our most important resident preference laws, such as longevity bonus, permanent fund dividends, local hire, bidders' preference, etc. stand a much better chance of meeting a constitutional challenge under the federal constitutional standard than under Alaska's Constitution.

This is because the Alaska Constitution's Equal Protection Clause is written differently than the U.S. Constitution's Equal Protection Clause and the Alaska Equal Protection Clause has been interpreted as being more restrictive than the Federal clause.

Ballot Measure No. 1 would help set the balance straight by adding a new section to Article 1 of Alaska's Constitution that reads:

"This Constitution does not prohibit the State from granting preferences, on the basis of Alaska residence, to residents of the State over nonresidents to the extent permitted by the Constitution of the United States."

Amending our Constitution is a serious matter, one that all Alaskans should think long and hard about. However, it doesn't make any sense for Alaska's Constitution to prohibit our state from adopting laws to protect our own residents when those same laws are permitted under the Federal Constitution and in other states.

The Constitutional amendment presented in Ballot Measure No. 1 could make the difference in getting and keeping jobs for Alaskans. It is a fair and workable way to make our State Constitution work better for all Alaskans.

Dave Donley, State Representative  
District 11 — Spenard

## STATEMENT IN OPPOSITION

No statements opposing Ballot Measure No. 1 were received.

# BALLOT MEASURE NO. 2

## Initiative No. 87TOR2 Civil Liability

### BALLOT LANGUAGE

(As it will appear on the November 8, 1988, General Election Ballot)

This initiative changes the way damages can be collected from parties to lawsuits who share fault for injury to persons or property. The law now says that a party more than half responsible could be liable for the total judgement. Parties may collect from each other amounts paid over their share. Parties less than half responsible pay only up to twice their fault.

The initiative would make each party liable only for damages equal to his or her share of fault, and repeal the law concerning reimbursement from other parties.

Shall this initiative become law?

YES

NO

### LEGISLATIVE AFFAIRS AGENCY SUMMARY

This measure will affect lawsuits in which two or more persons are at fault.

The new law would tell the court to enter judgment against each person at fault, but only in an amount that represents that person's share of the fault.

Existing law now tells the court to enter judgment against each person at fault in an amount equal to the total liability of all persons at fault. Those at fault are required to share the total cost of the fault. The measure repeals that law.

The measure applies to suits based on acts occurring after its effective date

### FULL TEXT OF PROPOSED AMENDMENT

*What follows is the actual text of the amendment to Title 9 of the Alaska Statutes proposed by the initiative which would become law if the measure is passed by the voters. Capitalized words appearing in brackets are those in the current law which would be deleted. Words that are underlined would be added to the current law.*

\*Section 1. AS 09.17.080(d) is amended to read:

(d)The court shall enter judgment against each party liable on the basis of [JOINT AND] several liability [, EXCEPT THAT A PARTY WHO IS ALLOCATED LESS THAN 50 PERCENT OF THE TOTAL FAULT ALLOCATED TO ALL THE PARTIES MAY NOT BE JOINTLY LIABLE FOR MORE THAN TWICE THE PERCENTAGE OF FAULT ALLOCATED TO THAT PARTY] in accordance with that party's percentage of fault.

\*Sec. 2. AS 0916 is repealed.

\*Sec. 3. Underlined material in this Act indicates text that is being added to the law, and bracketed material in capital letters in this act indicates deletions from the law.

\*Sec. 4. Sections 1-2 of this Act apply to all causes of action accruing after the effective date of this Act.

\*Sec. 5. If any provision of this Act, or the application thereof to any person or circumstances is held invalid, the remainder of this Act and the application to other persons or circumstances shall not be affected thereby.

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# BALLOT MEASURE NO. 2

## STATEMENT IN SUPPORT

Supporters of this ballot measure believe it isn't fair to hold people responsible for things that aren't their fault. Yet, under current law, defendants found liable in a civil suit can be forced to pay damages equal to twice the amount of their fault. In other words, if you are 50 percent responsible for an injury you could be forced to pay 100 percent of the damages.

The current law - called joint and several liability - is simply unfair. It forces people to pay for damages caused by somebody else, and it contributes to inflated damage awards and encourages lawsuits based on who has money instead of who's at fault.

If Ballot Measure No. 2 is passed and you do something wrong, you pay for it. But you would not be forced to pay for something you didn't do - which could happen under present law.

This initiative will make the civil justice system more fair by assessing damages on the basis of a person's degree of fault, instead of on how much money or insurance he/she has. Thus, if you are found to be 20 percent responsible for someone's injury or property damage, you pay only 20 percent of the award.

Ballot Measure No. 2 will make the civil justice system more fair, while ensuring that people are held accountable for injuries or damage they cause.

Please vote **YES** on Ballot Measure No. 2.

**Citizens' Coalition for Tort Reform**  
P.O. Box 201668  
Anchorage, Alaska 99520

## STATEMENT IN OPPOSITION

In Alaska, when drunk drivers, criminals, careless corporations or polluters harm a person or his property, that person has the right to seek repayment for the wrong done to him. Ballot Measure No. 2 drastically limits this basic right to protect ourselves and our property from such wrongdoers.

Here is how it works. If two drunk drivers hit a car and cripple a little girl, the child can seek payment from both drivers. But if one driver has no money, who should pay the child's lifetime doctor bills - the other drunk driver, who is insured, or the child and her parents.

In 1986, our legislature dealt with this problem. It said the drunk driver with insurance and the young girl who was injured should share the problem created by the drunk driver without insurance.

Ballot Measure No. 2 eliminates that sharing, and places the entire burden on the innocent victim. In the example of the drunk drivers, the crippled child would recover only half her medical bills. The injured child and her parents would have to pay the rest. Under Ballot Measure No. 2, the drunk driver's insurance company will not have to pay all the child's medical bills. The insurance companies win, and we lose. That's unfair.

Even under current law, the innocent victim loses when one of the wrongdoers can't pay. For instance, suppose a corporate polluter is 10% at fault, and a penniless company is 90% at fault. Today, the corporate polluter shares the problem by paying only 20%. The innocent victims of the polluters, such as homeowners and fishermen, share the problem because they cannot recover 80% of their loss. That may be unfair to victims, but Ballot Measure No. 2 is even worse. Ballot Measure No. 2 would eliminate the sharing, and penalize only the victims.

The insurance companies pushing Ballot Measure No. 2 are telling us wrongdoers should only pay their own share of the loss. That sounds good. But the insurance companies are not telling us what happens when one of the wrongdoers cannot pay anything. This is a common problem. Under Ballot Measure No. 2, the insurance company wins, and the victim loses.

Who benefits from Ballot Measure No. 2? The answer is simple: insurance companies. Who loses under Ballot Measure No. 2? The citizens of the State of Alaska. Will we pay less for insurance if the law is changed? No. Not even one insurance company has promised to lower its rates if Ballot Measure No. 2 passes. And you can bet it won't happen. Do not be misled by the insurance companies' propaganda. Vote **NO** on Ballot Measure No. 2.

**Alaskans For Fairness**  
P.O. Box 103363  
Anchorage, Alaska 99510

# BALLOT MEASURE NO. 3

## Initiative No. 87CCCA Creation of an Independent Community College System

### BALLOT LANGUAGE

(As it will appear on the November 8, 1988,  
General Election Ballot)

This measure would form a state community college system, separate from the University of Alaska. The University would transfer to the college system all property needed to operate and maintain it independently. Facilities meant to be used by both the colleges and the University would still be shared.

Shall this proposal become law?

YES

NO

### LEGISLATIVE AFFAIRS AGENCY SUMMARY

This measure would create a state community college system. The system would not be a part of the University of Alaska. The measure would require that all property needed to run the college system would be transferred to it from the University. Property meant for the joint use of the two systems would continue to be shared.

### FULL TEXT OF PROPOSED LAW

*What follows is the actual text of the proposed law which will be added to the Alaska Statutes if the measure is passed by the voters.*

There shall be established a separate independent community college system in the State of Alaska. The University of Alaska shall transfer to the community college system of Alaska such real and personal property as is necessary to the independent operation and maintenance of the community college system. Properties created for the purpose of joint use by the University and community college system shall continue to be jointly used.

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# BALLOT MEASURE NO. 3

## STATEMENT IN SUPPORT

### WHY DID OVER 25,000 PEOPLE PETITION FOR THIS VOTE?

Since 1953, Alaska has had one of the finest community college systems in America. Eleven schools and many extension centers stretching from Ketchikan to Barrow have helped train people to meet the many challenges facing our state: helping to prepare a trained work force and an educated public.

Last year, a few university officials chose to destroy our community colleges. They made this move with the excuse of cutting costs and collecting profits to save the far more expensive university.

For 35 years our community colleges have had open doors and have opened doors of opportunity for all: training welders, travel agents, nurses, working people trying to improve their lives, students preparing for universities, adults choosing to continue their growth, and part-time students who don't fit the timeworn university mold.

### THESE OPEN DOORS ARE IN DANGER OF BEING SHUT FOREVER

Every state but South Dakota has a community college system because compared with the university, community colleges are:

**Student Centered:** able to meet the many needs and basic skills of Alaskans at a more affordable cost, realistic time and convenient location.

**Job Centered:** able to more more rapidly respond to training needs of Alaska's economy with programs that put people to work in the real world.

**Low Cost and Efficient:** able to operate efficiently. In 1986, Alaska's community colleges operated at less than one third the cost of the university, while educating over two-thirds of the students.

### THIS TAKE-OVER DOESN'T SERVE THE REAL NEEDS OF ALASKANS

### PUT THE COMMUNITY BACK IN COLLEGE VOTE YES ON 3

Sponsored by the Community College Coalition of Alaska  
562-1937

## STATEMENT IN OPPOSITION

This initiative seeks to create a new and complex bureaucracy to govern Alaska's community college programs. These programs, currently being provided in twelve communities throughout Alaska, are administered by the University of Alaska with the support and advice of local citizen advisory councils. At best, a separate independent system would deliver exactly the same educational services at a cost of at least six million dollars per year more than it costs to provide those services today. More likely, it would cost much more.

In 1987, in order to continue the same level of educational access with vastly decreased state revenues, the Board of Regents directed an administrative restructuring of the state's public higher education system. **Fifteen separately administered institutions were restructured into three newly organized units at cost savings of nearly \$6 million per year.** The Board of Regents' decision to reduce administration followed nearly a year of public hearings and consideration of alternatives to meet the reduced level of funding. The plan adopted by the Board was the only one that assured maintenance of the same level of instructional services at drastically reduced state expense.

As a result of this administrative restructuring, **no classes were eliminated, no faculty laid off, no educational services curtailed, and no programs reduced.** What the restructuring did accomplish was:

- eliminate nearly six million dollars per year in bureaucratic costs;
- eliminate transfer problems for students moving from community college to baccalaureate programs;
- increase public access by allowing all campus sites the capability of offering upper division and graduate courses;
- maintain all community college programs at all sites;
- assure the continuation of strong community participation and rapid program response for job training needs.

Further, the Board of Regents policy provides a mechanism for the establishment of separate and independent community colleges if a portion of the operating budget is provided through local funding. The City of Valdez has used this option in the establishment of Prince William Sound Community College.

Proposals to establish independent community college systems have been before the legislature year after year. Those proposals have been uniformly rejected because an independent system would substantially increase the cost of community college programs without increasing the educational benefits for Alaskans.

This initiative does not give details informing voters how this newly created "community college system" will be organized, who will govern it, or how it will be funded. It merely asks the voters to send a general message to the legislature that they would like to establish a separate and additional bureaucratic structure to administer the community college programs. At this time the state can barely meet its basic educational and social needs. Adding more academic bureaucracy makes no sense. If you are committed to assuring that new monies allocated to higher education go into instructional programs, not more bureaucracy, you must **Vote NO on Ballot Measure No. 3.**

Friends of Higher Education  
Co-Chairs, Arliss Sturgulewski, Willie Hensley