

## Lieutenant Governor Sean Parnell

June 21, 2007

Mr. Tim McKeever  
Law Offices of Holmes Weddle & Barcott  
701 West Eighth Avenue, Suite 700  
Anchorage, AK 99501-3408

Re: Denial of Initiative Certification – Division of Elections No. 07WATR

Dear Mr. McKeever,

You submitted an initiative application for a bill entitled, "An Act to protect Alaska's clean water," for my review under AS 15.45.070. I forwarded it to the Division of Elections for verification of signatures and to the Department of Law for legal review.

### **Division of Elections Verification**

The Division of Elections reviewed the sponsor signatures and determined that 213 of the 239 signatures were those of qualified voters. The application contains a sufficient number of sponsors to qualify for circulation of a petition. I have enclosed a copy of the Division's Petition Statistics Memorandum dated May 7, 2007.

### **Department of Law Review**

The Department of Law recommends that I deny certification of the 07WATR initiative because the bill seeks to make an appropriation of public resources. Article XI, sec. 7 of the Alaska Constitution and AS 15.45.010 prohibit initiatives from making or repealing an appropriation. An initiative that proposes to make an appropriation violates AS 15.45.040(4) by not being in the required form. As you can appreciate, it is my responsibility to deny certification of an initiative application if the proposed bill is not in the required form according to AS 15.45.080(1).

The Department of Law's opinion is firmly grounded in existing cases from the Alaska Supreme Court and I therefore adopt the Department of Law's opinion by reference. Accordingly, I follow the Department of Law's recommendation and hereby deny certification of this initiative application because the proposed bill is not in the required form under AS 15.45.080(1) and AS 15.45.040(4).

A copy of the Department of Law's legal opinion is attached. Additionally, the legal opinion and this letter will be publicly available on our website.

Please be advised that under AS 15.45.240 you or any person aggrieved by this determination have 30 days from the date of this letter to bring an action in Superior Court to have this determination reviewed.

Sincerely,

A handwritten signature in black ink that reads "Sean R. Parnell". The signature is written in a cursive style with a large, prominent "S" at the beginning.

Sean R. Parnell  
Lieutenant Governor, State of Alaska

cc: Whitney Brewster, Director, Division of Elections  
Talis Colberg, Attorney General, Department of Law

Enclosure: Petition Statistics Summary  
Legal opinion, Department of Law