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RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

February 24, 2020

The Honorable Zack Fields, Co-Chair
The Honorable Jonathan Kreiss-Tomkins, Co-Chair
House State Affairs
Alaska Legislature

Re: Senate Bill 80, An Act related to initiative severability

Dear Co-Chairs Fields and Kreiss-Tomkins, and members of House State Affairs:

The Resource Development Council for Alaska, Inc. (RDC) is writing to thank you for taking up Senate Bill 80, an Act related to initiative severability, in your committee.

RDC is a statewide trade association comprised of individuals and companies from Alaska's fishing, forestry, mining, oil and gas, and tourism industries. RDC's membership includes Alaska Native corporations, local communities, organized labor, and industry support firms. RDC's purpose is to encourage a strong, diversified private sector in Alaska and expand the state's economic base through the responsible development of our natural resources.

RDC supports passage of SB 80 as it would bring clarity to the initiative process and restore the State's proper role in the vetting of initiatives.

The Alaska constitution provides that the legislature can halt an initiative by enacting a similar measure. This is an important power and gives the legislature veto authority over an initiative that is otherwise headed to the voters. With severance, the legislature does not ultimately have the ability to review that specific version of the initiative. Instead, it goes directly from the courts to the voters. This divests the legislature of its constitutional obligation and right to consider initiatives and provide the Alaskan people with a thoroughly vetted version of law with enactment of a similar measure.

SB 80 would ensure that the version of the initiative that is reviewed and approved by the Alaskans signing on as supporters is the actual language that goes before the voters. It should not be allowed that the courts can materially change an initiative after it has been supported by its sponsors and signers.

SB 80 will send a message to proponents that the language of the initiative must be carefully drafted to ensure it is constitutional. In the absence of SB 80, RDC is concerned proponents of flawed initiatives will overreach knowing that the courts will sever unconstitutional language. This sends a message that anything can be on the Alaska ballot, no matter how poorly written or unconstitutional.

We applaud this effort to correct a deficiency that has been overlooked in the ballot initiative process and respectfully urge members of this committee to pass SB 80.

Sincerely,

Marleanna Hall
Executive Director