

**HOUSE JOINT RESOLUTION NO. 40**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES GARA, Crawford**

**Introduced: 2/16/04**

**Referred: State Affairs, Judiciary**

**A RESOLUTION**

1 **Relating to a commitment that any bill replacing an initiative that was certified to be**  
2 **placed on the ballot not be amended for at least two years after enactment; and to a**  
3 **commitment to refrain from passing a bill that would void an initiative to allow direct**  
4 **elections to fill vacancies in the office of United States Senator.**

5 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 **WHEREAS** the public's right to write and pass laws is important, especially at times  
7 when it decides the legislature and governor are unwilling to solve important problems; and

8 **WHEREAS** the right of voters to place policy proposals in the form of initiatives on  
9 the ballot is stated in art. XI, sec. 4, Constitution of the State of Alaska; and the right of  
10 initiative is a form of direct democracy, and should be protected; and

11 **WHEREAS** the public's elected representatives sometimes do not implement policies  
12 desired by the voters, and sometimes implement policies that are inconsistent with voter  
13 initiatives; and

14 **WHEREAS**, in 2001, the legislature changed the law to give the current governor the  
15 right to pick his own replacement for the United States Senate, and the governor did this after

1 his election in 2002; and

2 **WHEREAS**, in 2004, approximately 50,000 Alaskans signed an initiative to demand  
3 the right to vote for their United States Senator the next time there is a United States Senate  
4 vacancy; a bill was subsequently filed in the legislature that, if passed, would prevent  
5 Alaskans from voting on this initiative in November, 2004; and

6 **WHEREAS**, under the Constitution of the State of Alaska, if an initiative passes, the  
7 legislature may not repeal the law for a period of two years after the initiative takes effect; and

8 **WHEREAS** if an initiative is removed from a ballot because the legislature passes a  
9 substantially similar law, some legislators will take the position that the law can then be  
10 repealed or substantially amended immediately; and

11 **WHEREAS**, by passing a bill that has the effect of removing an initiative from a  
12 ballot and then immediately amending that Act, the legislature can undermine the will of  
13 Alaskans who support an initiative; in 2004, members of the house of representatives  
14 introduced an amendment to prevent the legislature from doing this; and

15 **WHEREAS** a majority of legislators voted against this amendment, indicating that  
16 they wish to preserve the power to pass laws contrary to initiatives demanded by the voters;  
17 and

18 **WHEREAS**, in 2000 and 2001, the legislature decided not to adopt a fair minimum  
19 wage law; frustrated by the inaction, voters placed an initiative on the ballot that required an  
20 increase in the minimum wage to \$7.15 an hour, and the initiative provided that the minimum  
21 wage should increase in the future with inflation; and

22 **WHEREAS**, in 2002, the legislature displaced the minimum wage initiative question  
23 from the ballot by passing a minimum wage law; and

24 **WHEREAS**, in 2003, the governor and a majority of legislators deleted the minimum  
25 wage law's inflation adjustment provision, so that the minimum wage will no longer increase  
26 with inflation; and

27 **WHEREAS** the 2003 law undermined the will of the people who signed the initiative  
28 and wanted the minimum wage to rise so that wages increased with family and other  
29 expenses; and

30 **WHEREAS**, in 2003, the governor and a majority of legislators also enacted  
31 legislation voiding a voter initiative to limit campaign contributions and limit the influence of

1 lobbyists; that legislation doubled most campaign contribution limits and made it easier for  
2 lobbyists to raise funds for and donate money directly to legislators; and

3 **WHEREAS** voters fear, based on the legislature's prior courses of conduct, that the  
4 legislature may pass laws contrary to the policy stated in a pending initiative to allow  
5 Alaskans to vote for their United States Senator the next time there is a vacancy in the United  
6 States Senate;

7 **BE IT RESOLVED** that in order to protect the rights of voters to pass laws and to  
8 uphold the will of Alaskans, this legislature commits to honoring future initiatives for a  
9 minimum of two years; and be it

10 **FURTHER RESOLVED** that this legislature commits to refraining from passing any  
11 bill that voids an initiative expanding the public's right to vote for a United States Senator  
12 next time there is a vacancy.