

**HOUSE CONCURRENT RESOLUTION NO. 3**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES MILLETT, Austerman**

**Introduced: 2/6/13**

**Referred: State Affairs, Finance**

**A RESOLUTION**

1 **Establishing the Joint Committee on Federal Overreach.**

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

3 **WHEREAS**, in recognition of the powers reserved to the states and people under the  
4 Tenth Amendment to the Constitution of the United States, the State of Alaska has a right to  
5 review and voice concerns to federal authorities about actions taken by the federal  
6 government that encroach on state affairs to a deeper and greater extent than permitted by  
7 law; and

8 **WHEREAS** the legislature has cause for concern when federal officials and  
9 departments overreach their constitutional and lawful mandate and compromise the capacity  
10 of state government, through measures such as

11 (1) abrogating the "No More Clause" of the Alaska National Interest Lands  
12 Conservation Act;

13 (2) the use by the United States Environmental Protection Agency of  
14 administrative decisions to involve itself in the permitting process of development projects  
15 occurring exclusively on state land;

16 (3) the implementation of the National Ocean Policy with regard to arctic

1 shores and the reach of the mandate traversing coasts into inland waterways of the state; and

2 (4) the use on state lands and waterways by federal officials of the Endangered  
3 Species Act, the Clean Air Act, and the Clean Water Act, adversely affecting the state's right  
4 to determine how to harvest its own resources according to its constitutional mandate; and

5 **WHEREAS** the federal government refuses to recognize its responsibility for  
6 allowing an environmental disaster in the National Petroleum Reserve - Alaska by its own  
7 actions of creating and failing to reclaim the more than 110 remaining "legacy wells," while  
8 denying to the state the ability to actualize state resources under the claim of responsible  
9 stewardship;

10 **BE IT RESOLVED** by the Alaska State Legislature that a Joint Committee on  
11 Federal Overreach is established to

12 (1) review federal statutes, regulations, presidential executive orders, and  
13 secretarial orders that create compulsory federal legislation that directs certain state action or  
14 requires the state to pass legislation to be in compliance;

15 (2) review federal statutes, regulations, presidential executive orders, and  
16 secretarial orders that, in reliance on art. I, sec. 8, Constitution of the United States, or any  
17 other legal authority, overreach and that unfairly burden the lives of Alaskans or adversely  
18 affect the development of the land, economy, infrastructure, and resources of the state;

19 (3) consider matters of federal overreach referred to the committee by a  
20 legislator, a committee, the governor, a department, or a concerned member of the public, to  
21 ensure that matters regarding federal overreach that adversely affect the people of the state or  
22 the State of Alaska's constitutional obligation to maximize its resources for the maximum  
23 benefit of all Alaskans are identified and investigated;

24 (4) meet during legislative sessions and between sessions and hold public  
25 hearings if the committee considers hearings desirable;

26 (5) hire consultants and experts; and be it

27 **FURTHER RESOLVED** that the membership of the Joint Committee on Federal  
28 Overreach shall be composed of the Speaker of the House of Representatives, or the speaker's  
29 designee, and three members of the house appointed by the speaker, one of whom shall be a  
30 member of the minority caucus of the house, and the President of the Senate, or the president's  
31 designee, and three members of the senate appointed by the president, one of whom shall be a

1 member of the minority caucus of the senate; and be it

2 **FURTHER RESOLVED** that the Joint Committee on Federal Overreach shall submit  
3 reports to the legislature and the governor by January 15, 2014, and January 15, 2015,  
4 containing recommendations concerning how to contain federal overreach and identifying  
5 legislation that the committee determines is appropriate to respond to federal overreach; and  
6 be it

7 **FURTHER RESOLVED** that the Joint Committee on Federal Overreach shall  
8 terminate on January 15, 2015, unless extended.