

Empire Editorial: HB 115 a political stunt and nothing more

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It's tough to get a straight answer from a lawyer. In February, the Alaska Legislature managed it.

"The bill is unconstitutional," wrote Alpheus Bullard, legislative counsel for the state.

On Monday, the Alaska House of Representatives passed House Bill 115 anyway.

HB 115, written by House Speaker Mike Chenault, R-Nikiski, would require the federal government to hand over more than 100 million acres of land to the state — basically everything but military bases and national parks.

The bill exists because a handful of state lawmakers throughout the West are unhappy with the way the federal government is managing its land in their states. The idea is that by taking control of more land, states can open it to development and reap the economic benefits. Utah was the first to act, passing a similar bill in 2012 and signing it into law.

Arizona's legislature did the same thing that year, but when the bill reached the desk of Gov. Jan Brewer, she did a funny thing — she vetoed it. Brewer, a conservative on most topics, said the state couldn't afford to fight the federal government on the issue.

Bullard and Brewer both understood something Chenault and 26 other members of the Alaska House do not: This is a dead issue. For Alaska in particular, it's especially dead.

Article XII, section 12 of the Alaska Constitution specifically states: "The State of Alaska and its people forever disclaim all right and title in or to any property belonging to the United States ..."

At statehood, Alaska gave up its claims to federal land beyond what was called for in the Alaska Statehood Act. That hasn't kept the state from trying. In 1982, Alaska voters went to the polls on Ballot Measure 5, which asked if the state should claim "ownership of all federal land in Alaska except Mount McKinley National Park, national monuments established before 1977, Native corporation selections, the Annette Island Reserve, and land controlled by the Department of Defense or the Alaska Power Administration."

By an overwhelming 137,633 to 50,791 vote, Alaskans said yes, the state should make such a claim.

Of course, declaring something and actually doing it are two different things.

The following year, the Alaska Attorney General issued an opinion stating that regardless of the vote, it was still unconstitutional. The administration of Gov. Bill Sheffield declined to press the issue.

Now, Alaskans are being asked the same question, and the answer is still the same. It's unconstitutional.

In October, then-candidate Bill Walker was asked whether the state should consider continuing a legal fight to ban same-sex marriage. He issued a statement that said in part: "with the state's dire financial crisis, pursuing expensive litigation that has little chance of victory is an unwise use of our dwindling resources."

We agree.

HB 115 has now been referred to the Senate Resources Committee, and if the Legislature has any sense, this bill will not receive another hearing before the legislative session concludes April 19.

The Alaska Legislature has yet to finalize rules on marijuana — something voters demanded last fall. It has yet to pass Erin's Law, which the Legislature deemed worthy of passage last year before running out of time.

HB 115 is nothing but a political stunt, and the straight answer is that this stunt has real potential to harm Alaska.

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