

# STATE OF ALASKA SENATE

## 2015

**Source**  
SR 4

**Senate  
Resolve No.**  
4



Establishing the Senate Special Committee on Federal Overreach.

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### **BE IT RESOLVED BY THE SENATE:**

**WHEREAS** the Senate recognizes and salutes the many historic achievements of the federal government, including the federal government's fulfillment of its duty to guarantee popular government in each state; and

**WHEREAS** the Constitution of the United States enumerates the powers of the federal government, limiting its attention to national objects only, and reserves for the states all residuary powers, providing a framework that is prerequisite to the vitality of the states as self-governing bodies within the republic; and

**WHEREAS** the overbearing conduct of the federal government in Alaska's affairs since statehood reflects a continual disregard of and lack of accountability to the Alaska people and the legislature; and

**WHEREAS**, for years, the state government, the state's delegation to the United States Congress, and the people of the state have turned to the only remaining remedies available to them, to specify in detail, plead with and protest to the federal government, and to litigate in federal courts the many unwarrantable exercises of federal power in the state,

pointing out that they are dangerous to the liberty of Alaskans, detrimental to the prosperity of the state, and equally affronts to the Constitution of the United States, only to be met with silence or weak affirmations; and

**WHEREAS** the federal government's most recent encroachments on Alaska sovereignty present a clear attempt to erode the state's duty and responsibility to manage its land and a violation of the provisions of the Alaska National Interest Lands Conservation Act, passed by the United States Congress in 1980, and have shocked Alaskans from all political parties, precipitating a union of Alaska citizens opposed to further acquiescence and determined to restore the proper, constitutionally prescribed balance of power between the federal government and the State of Alaska; and

**WHEREAS** the Senate is sensitive to similar encroachments by the federal government on the rights of other states; and

**WHEREAS** the Senate maintains that Alaskans and the officers, judges, and legislators of the state government are competent to understand the plain language of the Constitution of the United States and the laws of the United States and are sufficiently informed and protective of their natural and constitutional rights under the American system of government; and

**WHEREAS** the government of an American state has, and the State of Alaska specifically has, a duty to rise to the defense and integrity of the Constitution of the United States, to restore the federal government to its proper role as defined in the Constitution, and to vindicate the rights of the people when the federal government has become accustomed, since Alaska's statehood, to disobedience of the Constitution and to arbitrary rule over American citizens and the states; and

**WHEREAS** the Senate, conscious of the gravity of the present circumstances, recognizes the importance of working toward measures to restore the proper and intended balance of powers between the states and the federal government;

**BE IT RESOLVED** by the Senate that the Senate Special Committee on Federal Overreach is established to

- (1) study and consider, for the purpose of restoring state sovereignty, the intervention of state authority against unconstitutional exercises of federal power in Alaska;
- (2) study and consider the implications, risks, and effects of a potential

reduction in federal funds and what that reduction might mean to Alaska and Alaskans;

(3) compile the clearest and most harmful cases of unconstitutional exercises of federal power that warrant and justify the intervention of state authority;

(4) coordinate with civic and professional associations in and outside the state that share a similar mission with the committee for the purpose of exchanging useful research and plans;

(5) address Alaskans on the subject of the committee, encourage public debate, and hold public hearings, when considered opportune and productive;

(6) appeal to and open correspondence with the governments of other states that, now or in the future, may be studying and considering a similar course, and might consider joint action with the State of Alaska;

(7) submit reports to the Senate by January 15, 2016, and by January 15, 2017, containing recommendations concerning how to successfully mobilize state authority in opposition to unconstitutional exercises of federal power, including ordinary legislation, a state convention, venue in state courts, a constitutional amendment convention, and popular referenda, and further recommendations on a plan of concerted action with other states; and be it

**FURTHER RESOLVED** that the membership of the Senate Special Committee on Federal Overreach shall be composed of the President of the Senate, or a legislator selected as the President's designee, serving as the chair of the committee, and four members of the Senate appointed by the President, two of whom shall be members of the minority caucus of the Senate; and be it

**FURTHER RESOLVED** that the Senate Special Committee on Federal Overreach may meet during the interim between legislative sessions, and the chair of the Senate Special Committee on Federal Overreach shall make reasonable efforts to schedule joint meetings, and encourage coordination, with a similar committee of the House of Representatives if one is established; and be it

**FURTHER RESOLVED** that the Senate Special Committee on Federal Overreach may conduct, and is encouraged to conduct, meetings electronically or telephonically; and be it

**FURTHER RESOLVED** that the Senate urges the Governor to form a working

group composed of appropriately selected members to establish a publicly or privately funded authority or organization in the state charged with the mission of restoring the constitutional division of powers between the state and federal governments, to coordinate and confer with the Senate Special Committee on Federal Overreach and a similar committee of the House of Representatives, should a House committee be established, and work to contribute to the development of a national network of similar organizations for coordinating and compiling plans, research, and information, and that will serve as a resource to the State of Alaska; and be it

**FURTHER RESOLVED** that the Senate Special Committee on Federal Overreach terminates on January 15, 2017.