

ALASKA STATE LEGISLATURE

Interim:
600 East Railroad Avenue
Wasilla, Alaska 99654
Phone (907) 373-1842
Fax: (907) 373-4729



Session:
State Capitol Building
Juneau, Alaska 99801-1182
Phone: (907) 465-2186
Fax: (907) 465-3818

REPRESENTATIVE WES KELLER **DISTRICT 14**

House Bill 83 **Sponsor Statement**

"An Act relating to certain federal statutes, regulations, presidential executive orders, and secretarial orders; relating to the duties of the attorney general; and providing for an effective date."

HB 83 clarifies in Alaska Statute that a federal statute, regulation, presidential executive order, or secretarial order that is not properly adopted or is unconstitutional does not preempt state law. The Attorney General will continue to review and report federal statute, regulation, presidential executive order, or secretarial orders that appear to have not been properly adopted. Under HB 83 those reports will be forwarded to the legislature for consideration.

HB 83 presumes Alaska Legislative interest in an important legal process called "nullification". Nullification is when a state 'nullifies' a federal law, proclaiming it to be void and inoperative, or 'non-effective' within the boundaries of that state. In other words it is not a law as far as that state is concerned. In HB 83 a negative review by the Attorney General would generate an alert to our Judiciary Committees so nullification legislation can be considered.

There has been disagreement regarding nullification going back to the late eighteenth century. Not surprisingly, federal courts have often leaned toward favoring federal power over state sovereignty in spite of the fact that our founding fathers clearly intended otherwise. Federalism is our historically unique and profound arrangement where sovereign and separate states got together and carefully designed a central government with limited powers. It is an illogical perversion of one of our most important founding principles to presume states must comply with unconstitutional federal language. HB 83 presumes a proper State responsibility to uphold and protect our constitution.

HB 83 is intended to provide important information to the Alaska State Legislature by tapping the expertise and evaluation of our Attorney General. Certainly the legislature has a responsibility to consider its response whenever there is question of constitutionality of a federal statute, or the process involved in regulation, presidential executive order, or secretarial order.