

ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE

April 17, 2009

3:36 p.m.

MEMBERS PRESENT

Senator Lesil McGuire, Co-Chair
Senator Bill Wielechowski, Co-Chair
Senator Charlie Huggins, Vice Chair
Senator Hollis French
Senator Gary Stevens
Senator Thomas Wagoner

MEMBERS ABSENT

Senator Bert Stedman

COMMITTEE CALENDAR

CS FOR HOUSE JOINT RESOLUTION NO. 7(RES)

Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development, and production.

MOVED SCS CSHJR 7(RES) OUT OF COMMITTEE

CS FOR HOUSE JOINT RESOLUTION NO. 18(RES)

Urging the United States Congress to refrain from passing legislation that designates land in Area 1002 of the Arctic National Wildlife Refuge as wilderness.

MOVED CSHJR 18(RES) OUT OF COMMITTEE

CS FOR HOUSE JOINT RESOLUTION NO. 27(RES)

Relating to sovereign powers of the state.

MOVED SCS CSHJR 27(RES) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HJR 7

SHORT TITLE: ENDORSING ANWR LEASING

SPONSOR(S): REPRESENTATIVE(S) MILLETT

01/22/09	(H)	READ THE FIRST TIME - REFERRALS
01/22/09	(H)	RES
02/23/09	(H)	RES AT 1:00 PM BARNES 124
02/23/09	(H)	Moved CSHJR 7(RES) Out of Committee
02/23/09	(H)	MINUTE(RES)

02/25/09 (H) RES RPT CS(RES) 6DP 3AM
02/25/09 (H) DP: OLSON, EDGMON, TUCK, WILSON,
JOHNSON, NEUMAN
02/25/09 (H) AM: GUTTENBERG, SEATON, KAWASAKI
03/19/09 (H) TRANSMITTED TO (S)
03/19/09 (H) VERSION: CSHJR 7(RES)
03/20/09 (S) READ THE FIRST TIME - REFERRALS
03/20/09 (S) RES
04/03/09 (S) RES AT 3:30 PM BUTROVICH 205
04/03/09 (S) Heard & Held
04/03/09 (S) MINUTE(RES)
04/17/09 (S) RES AT 3:30 PM BUTROVICH 205

BILL: HJR 18

BILL: HJR 18

SHORT TITLE: OPPOSING ANWR WILDERNESS DESIGNATION

SPONSOR(s): REPRESENTATIVE(s) MILLETT

02/11/09 (H) READ THE FIRST TIME - REFERRALS
02/11/09 (H) RES
02/23/09 (H) RES AT 1:00 PM BARNES 124
02/23/09 (H) Moved CSHJR 18(RES) Out of Committee
02/23/09 (H) MINUTE(RES)
02/25/09 (H) RES RPT CS(RES) 5DP 1AM
02/25/09 (H) DP: EDGMON, TUCK, WILSON, JOHNSON,
NEUMAN
02/25/09 (H) AM: GUTTENBERG
03/19/09 (H) TRANSMITTED TO (S)
03/19/09 (H) VERSION: CSHJR 18(RES)
03/20/09 (S) READ THE FIRST TIME - REFERRALS
03/20/09 (S) RES
04/03/09 (S) RES AT 3:30 PM BUTROVICH 205
04/03/09 (S) Heard & Held
04/03/09 (S) MINUTE(RES)
04/17/09 (S) RES AT 3:30 PM BUTROVICH 205

BILL: HJR 27

SHORT TITLE: STATE SOVEREIGNTY

SPONSOR(s): REPRESENTATIVE(s) KELLY

03/19/09 (H) READ THE FIRST TIME - REFERRALS
03/19/09 (H) RES
03/30/09 (H) RES AT 1:00 PM BARNES 124
03/30/09 (H) Moved CSHJR 27(RES) Out of Committee
03/30/09 (H) MINUTE(RES)
04/01/09 (H) RES RPT CS(RES) 5DP AM2

04/01/09 (H) DP: OLSON, SEATON, WILSON, JOHNSON,
NEUMAN
04/01/09 (H) AM: GUTTENBERG, TUCK
04/06/09 (H) TRANSMITTED TO (S)
04/06/09 (H) VERSION: CSHJR 27(RES)
04/07/09 (S) READ THE FIRST TIME - REFERRALS
04/07/09 (S) RES
04/15/09 (S) RES AT 3:30 PM BUTROVICH 205
04/15/09 (S) Heard & Held
04/15/09 (S) MINUTE(RES)
04/17/09 (S) RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

DEREK MILLER
Staff to Representative Kelly
Alaska State Legislature
Juneau, AK
POSITION STATEMENT: Supported HJR 27.

BOB BIRD, teacher
POSITION STATEMENT: Supported HJR 27.

LYNNETTE CLARK, Chair
Alaskan Independence Party
POSITION STATEMENT: Supported HJR 27.

JIM FLOYD, representing himself
Tok, AK
POSITION STATEMENT: Supported HJR 27.

ACTION NARRATIVE

[3:36:01 PM](#)

CO-CHAIR BILL WIELECHOWSKI called the Senate Resources Standing Committee meeting to order at p.m. Present at the call to order were Senators Stevens, Huggins, McGuire, French, Wagoner and Wielechowski.

HJR 7 ENDORSING ANWR LEASING

[3:36:34 PM](#)

CO-CHAIR WIELECHOWSKI announced CSHJR 7(RES) to be up for consideration.

SENATOR WAGONER moved to adopt conceptual Amendment 1 on page 2, line 13, to add "Oooguruk" to Prudhoe Bay, Kuparuk, Endicott, Lisburne and Milne Point, and on line 23 to insert "Lisburne" and "Oooguruk".

At ease at 3:39 p.m.

SENATOR WAGONER continued explaining conceptual Amendment 1 to delete "only" and insert "2,000 or less" on line 31 (on page 2). There was no objection and Amendment 1 was adopted.

CO-CHAIR MCGUIRE moved to report CS for HJR 7(RES), as amended, from committee with individual recommendations and attached fiscal note(s). There being no objection, SCS CSHJR 7(RES) moved from committee.

HJR 18 OPPOSING ANWR WILDERNESS DESIGNATION

[3:41:48 PM](#)

CO-CHAIR WIELECHOWSKI announced CSHJR 18(RES), version E, to be up for consideration.

[3:42:24 PM](#)

CO-CHAIR MCGUIRE moved to report CSHJR 18(RES) from committee with individual recommendations and attached fiscal note(s). There was no objection and it was so ordered.

HJR 27 STATE SOVEREIGNTY

[3:42:47 PM](#)

CO-CHAIR WIELECHOWSKI announced HJR 27 to be up for consideration. [CSHJR 27(RES) was before the committee.]

CO-CHAIR MCGUIRE moved to adopt SCS CSHJR 27(RES), labeled 26-LS0760\E, for discussion. There was no objection and version E was adopted.

DEREK MILLER, staff to Representative Kelly, explained that the committee substitute simply deletes one of the resolved clauses on page 2, lines 17-19, in the previous version [/R].

SENATOR FRENCH asked if it had a hearing.

CO-CHAIR WIELECHOWSKI answered yes.

SENATOR FRENCH asked where the idea on page 1, lines 8-9, came from. It says: "The scope of power defined by the Tenth

Amendment means that the federal government was created by the states specifically to be an agent of the states." He remarked that was a concept of federalism that he had never considered before.

MR. MILLER explained this language came from other resolutions in other legislatures and emphasizes that the federal government is an agent of the states and not vice versa.

SENATOR FRENCH said that is a fairly novel assumption.

SENATOR HUGGINS said if you read "The Federalist Papers" you can come to this conclusion.

[3:46:17 PM](#)

SENATOR FRENCH said he would look into it, and asked him if he could help him find examples of people who had this interpretation.

[3:47:26 PM](#)

BOB BIRD, teacher, said he has taught social studies, history and constitutional law in both the secondary and collegiate levels for 35 years. He said Federalist 45 was written by James Madison and he specifically said that the federal government's powers are few and defined, and they are limited to what is in Article 1, Section 8 of The Federalist Papers.

He explained that the Bill of Rights is really misnamed; they should be called the Bill of Limitations. Its Preamble basically says a number of the states conventions, concerned that the Constitution would be misinterpreted, wanted further restrictive clauses added, which was the entire intent of the Twenty-seventh Amendment.

He said the entire purpose of the first ten amendments, called the Bill of Rights, is to restrict, and declares that the federal government is expected to have a strict interpretation of the Constitution. The impasse that lawyers can't get past is that the Ninth and Tenth Amendments tell people how the Constitution is to be interpreted - loosely and in regards to individual rights and strictly in regards to the federal government's powers. An early 20th Century Supreme Court opinion dismisses the Tenth Amendment as irrelevant to what they will consider.

[3:52:08 PM](#)

LYNETTE CLARK, Chair, Alaskan Independence Party, supported HJR 27. It is the most important document she has seen in years, and releases the state from the burden of federal resources control. She specifically liked lines 6-7 on page 1 that says: "Whereas the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more;".

[3:54:36 PM](#)

JIM FLOYD, Tok, supported HJR 27. A lot of people view the government of Alaska as the last line of defense in the public's perception of moving towards tyranny or a general breakdown in social order. He said Congress threatened martial law during the bail out, and there have been mass gun confiscations during Hurricane Katrina and more recently in Kentucky without any accountability. Attempts have been made to federalize police and compulsory national service has been discussed. With mass unemployment, the general public confidence in the federal government seems to be rather low, he said.

[3:57:29 PM](#)

He thanked Senator Huggins for his service to the state and defense of the Constitutions of American and Alaska.

CO-CHAIR WIELECHOWSKI closed public testimony.

[3:58:10 PM](#)

CO-CHAIR MCGUIRE moved to report SCS for CS for HJR 27 from committee with individual recommendations and attached fiscal note(s). There being no objection, SCS CSHJR 27(RES), 26-LS-0760\E, moved from committee.

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There being no further business to come before the committee, Co-chair Wielechowski adjourned the meeting at 3:58.