

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

February 1, 2013

1:30 p.m.

MEMBERS PRESENT

Senator John Coghill, Chair
Senator Fred Dyson
Senator Donald Olson

MEMBERS ABSENT

Senator Lesil McGuire, Vice Chair
Senator Bill Wielechowski

COMMITTEE CALENDAR

SENATE JOINT RESOLUTION NO. 2

Commending and supporting actions taken by the Office of the Governor, the attorney general, and the commissioner of natural resources to protect the state from federal government incursion into the care and management of state resources and to promote the economic prosperity of the state; and urging the United States Congress and the President of the United States to limit federal government overreach into management of state resources.

- MOVED CSSJR 2(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SJR 2

SHORT TITLE: LIMIT FEDERAL INTERVENTION IN STATE

SPONSOR(S): SENATOR(S) DYSON

01/16/13	(S)	READ THE FIRST TIME - REFERRALS
01/16/13	(S)	JUD
01/28/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
01/28/13	(S)	Heard & Held
01/28/13	(S)	MINUTE(JUD)
02/01/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

CHUCK KOPP, Staff
Senator Fred Dyson
Alaska State Legislature

Juneau, AK

POSITION STATEMENT: Explained the changes in CSSJR 2.

ACTION NARRATIVE

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CHAIR JOHN COGHILL called the Senate Judiciary Standing Committee meeting to order at 1:30 p.m. Present at the call to order were Senators Dyson, Olson, and Chair Coghill.

SJR 2-LIMIT FEDERAL INTERVENTION IN STATE

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CHAIR COGHILL announced the consideration of SJR 2, and moved to adopt the CS for SJR 2, labeled 28-LS0302\N.

SENATOR DYSON objected for discussion purposes.

CHUCK KOPP, Staff to Senator Fred Dyson, sponsor of SJR 2, explained that the CS was drafted in response to previous committee discussion. He reviewed the following changes:

- Page 2, line 7, incorporates references to protecting state's rights and local self-governance.
- Page 2, lines 11-12, amend the language to include reference to the state's right to be the steward of and manage its natural resources.
- Page 2, lines 15-16, amend the language to address the equal footing doctrine derived from the Alaska Statehood Act, whereby new states created from federal territories are admitted to the Union with all the powers of sovereignty and jurisdiction that pertain to the original states.
- Page 2, lines 21-24, add language directing that copies of the resolution will also be sent to the Chair of the Energy and Natural Resources Committee of the U.S. Senate; Chair of the Energy and Commerce Committee of the U.S. House of Representatives; and Chair of the Natural Resources Committee of the U.S. House of Representatives.

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SENATOR DYSON removed his objection, and version N was before the committee.

CHAIR COGHILL commented that the resolution was timely because there would soon be a new energy secretary.

SENATOR DYSON explained that he introduced a similar resolution last year and then Attorney General Sullivan said the resolution would have value in court proceedings. It would help buttress the case that the executive branch was doing what the people want.

CHAIR COGHILL advised the committee that Assistant Attorney General Brad Meyen was available to answer questions.

SENATOR OLSON referenced line 24 and asked if there was also a Natural Resources Committee in the U.S. Senate.

CHAIR COGHILL pointed out that it was on line 21.

SENATOR OLSON asked if other states had taken similar action to stop federal overreach.

SENATOR DYSON said yes, most were western states and Utah was taking a leadership role.

SENATOR OLSON asked what stance the more conservative western states had taken, North Dakota in particular.

SENATOR DYSON replied, "They're with us."

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CHAIR COGHILL enumerated several common western state issues with the federal government including water rights, R.S. 2477 Rights-of-Way, Endangered Species Act, grazing on federal land, homesteading, and Native treaties. He said the federal government has significantly hampered states' ability to produce any resource off federal land, including forestry.

SENATOR OLSON asked what the result had been when other states passed resolutions.

MR. KOPP relayed that the former attorney general said that the value of such a resolution was that it represented the voice of the people.

SENATOR COGHILL suggested, before the resolution moves to the floor, that he count the resolutions in this category that passed last year and were introduced this year.

MR. KOPP agreed to provide the information. He noted that last year a consortium of Native Corporations listed the points in the resolution as their top concerns.

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SENATOR DYSON surmised that it would be difficult to quantify the impact of a resolution before a hearing board or in court.

SENATOR OLSON asked Mr. Kopp what response the Native community had to this resolution. He specifically asked if the Alaska Federation of Natives (AFN) had written a letter.

MR. KOPP answered no, but the common issues and concerns listed in the Native Corporations' presentation last year highlighted most of the points on the resolution. Copies of that presentation are in the packets.

SENATOR OLSON asked what affect this would have on subsistence activities.

MR. KOPP said the resolution does not address subsistence or other controversial issues that the state is working out internally.

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SENATOR OLSON asked if he contacted the North Slope Borough, because Polar Bears were in that region.

MR. KOPP said he did not contact the North Slope Borough about the resolution, but the borough mayor and leadership presented at two energy conferences in Anchorage and expressed frustration about federal government incursion on resource issues.

SENATOR DYSON highlighted that there have been significant areas of cooperation between the state and federal government. What the resolution does is endorse what the administration is doing in trying to assert state's rights.

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SENATOR DYSON moved to report CS for SJR 2 from committee with individual recommendations and attached fiscal note(s).

CHAIR COGHILL announced that without objection, CSSJR 2(JUD) moved from the Senate Judiciary Standing Committee.

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There being no further business to come before the committee, Chair Coghill adjourned the Senate Judiciary Standing Committee meeting at 1:45 p.m.