

HOUSE RESOLUTION NO. 5

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE HUGHES

Introduced: 4/17/15

Referred: Rules

A RESOLUTION

1 **Establishing the House Special Committee on Federal Overreach.**

2 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:**

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

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

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

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

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

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

11 **WHEREAS** the House of Representatives is sensitive to similar encroachments by the
12 federal government on the rights of other states; and

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

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

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

27 **BE IT RESOLVED** by the House of Representatives that the House Special
28 Committee on Federal Overreach is established to

29 (1) study and consider, for the purpose of restoring state sovereignty, the
30 intervention of state authority against unconstitutional exercises of federal power in Alaska;

31 (2) study and consider the implications, risks, and effects of a potential

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

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

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

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

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

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

18 **FURTHER RESOLVED** that the membership of the House Special Committee on
19 Federal Overreach shall be composed of the Speaker of the House of Representatives, or a
20 legislator selected as the Speaker's designee serving as the chair of the committee, and four
21 members of the House of Representatives appointed by the Speaker, two of whom shall be
22 members of the minority caucus of the House; and be it

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

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

31 **FURTHER RESOLVED** that the House of Representatives urges the Governor to

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

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