

HOUSE JOINT RESOLUTION NO. 25

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 5/17/17

Referred: State Affairs, Judiciary, Resources

A RESOLUTION

1 **Requesting the United States Congress to amend the Alaska Statehood Act to recognize**
2 **the State of Alaska's constitutional right to maintain ownership over all land, water,**
3 **assets, resources, and activities within the state's boundaries; proclaiming the State of**
4 **Alaska's constitutional ownership of all land, water, assets, resources, and activities**
5 **within the state's boundaries; recognizing the federal government's jurisdiction over**
6 **land, water, and airspace within the state's boundaries for certain purposes if those**
7 **purposes are determined to be justified by the Alaska State Legislature; declaring that**
8 **the State of Alaska retains all rights reserved to the individual states by the Constitution**
9 **of the United States, including control over all activities and development wholly within**
10 **the state's boundaries; finding that the federal government does not have constitutional**
11 **authority to regulate certain private or business activities conducted wholly within the**
12 **state's boundaries; requesting the federal government to enact policies, regulations, and**
13 **legislation to mitigate the disparity of nationwide federal land jurisdiction and to**

1 recognize certain state rights; and petitioning the legislative bodies of other states to
 2 adopt similar resolutions.

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** the Constitution of the United States established a federalist system of
 5 governance whereby the federal government and each individual state would exist as equal
 6 and cooperative entities; and

7 **WHEREAS** the Tenth Amendment to the Constitution of the United States was
 8 adopted to expand the federalist intent of the constitution by ensuring the shared balance of
 9 powers between the federal government and the individual states; and

10 **WHEREAS** the Tenth Amendment to the Constitution of the United States mandates
 11 that "The powers not delegated to the United States by the Constitution, nor prohibited by it to
 12 the States, are reserved to the States respectively, or to the people"; and

13 **WHEREAS** the federal government should maintain jurisdiction over, and manage,
 14 only enough land necessary to perform its constitutional duties and powers, and to manage
 15 land as granted by each of the individual states; and

16 **WHEREAS** the federal government claims jurisdiction over approximately
 17 640,000,000 acres, or 28 percent, of the 2,270,000,000 acres of land in the United States; and

18 **WHEREAS** approximately 92 percent of all land jurisdiction claimed by the federal
 19 government is concentrated in just 12 western states, including Alaska; and

20 **WHEREAS** the "concentration of federal lands in the west" and the "optimal extent of
 21 federal land ownership" were listed as concerns for the United States Congress in the Federal
 22 Land Ownership: Overview and Data report released by the Congressional Research Service
 23 in December 2014; and

24 **WHEREAS** the individual states, municipalities, and communities of the United
 25 States require land sources for the purpose of overall development; and

26 **WHEREAS** the excessive federal land jurisdiction in the western states has severely
 27 limited the ability of those states to responsibly develop their extensive and abundant natural
 28 resources, develop and sustain strong economies, and increase the quality of life for residents;
 29 and

30 **WHEREAS** the disparity of federal land jurisdiction in the western states negatively

1 affects the United States, hindering the advancement of a diverse nationwide economy and
 2 national energy independence; and

3 **WHEREAS** the restoration of the intended balance of federal and state powers,
 4 including land holdings and jurisdiction, would result in a positive outcome for the federal
 5 government and the individual states while also addressing the constitutional concerns of the
 6 individual states;

7 **BE IT RESOLVED** that the Alaska State Legislature requests that the United States
 8 Congress amend the Alaska Statehood Act to recognize the constitutional right of the State of
 9 Alaska to maintain ownership over all land, water, assets, resources, and activities within the
 10 recognized contiguous boundary of the state, thereby fulfilling the constitutional duty to
 11 ensure equal protection for individual states; and be it

12 **FURTHER RESOLVED** that the Alaska State Legislature, in accordance with the
 13 Constitution of the United States and art. XII, sec. 1, Constitution of the State of Alaska, and
 14 with due consideration given to the previous resolve, proclaims the State of Alaska's
 15 constitutional ownership of all land, water, assets, resources, and activities within the
 16 recognized contiguous boundary of the State of Alaska, which specifically include and shall
 17 be described as

18 (1) all land up to the borders of adjoining countries;

19 (2) all water adjacent to the shore of any land claimed by the state, up to the
 20 limits of the territory claimed by the United States;

21 (3) all surfaces of all land, sea beds, lakebeds, and riverbeds within the state's
 22 borders;

23 (4) all subsurface area of all land, sea beds, lakebeds, and riverbeds, without
 24 regard to depth;

25 (5) all airspace above the surface of any land or water within the contiguous
 26 boundaries of the state; and

27 (6) all known and yet to be known resources within the boundaries of the
 28 state, including mineral deposits, oil reserves, gas reserves, coal reserves, vegetation, fish and
 29 game, hydroelectric energy, geothermal heat, tidal power, water, hunting rights, recreational
 30 opportunities, archaeological sites and findings, and other resources; and be it

31 **FURTHER RESOLVED** that the Alaska State Legislature, in accordance with the

1 Constitution of the United States, recognizes the federal government's jurisdiction over land,
 2 water, and airspace within the recognized contiguous boundary of the state used for
 3 performing the following powers granted to the federal government by the Constitution of the
 4 United States:

- 5 (1) to provide for the common defense of the United States;
- 6 (2) to regulate commerce with foreign nations, among the several states, and
 7 with the Indian tribes;
- 8 (3) to establish post offices and post roads;
- 9 (4) to constitute tribunals inferior to the supreme court;
- 10 (5) to raise and support armies;
- 11 (6) to provide and maintain a navy;
- 12 (7) to provide for calling forth the militia to execute the laws of the union,
 13 suppress insurrections, and repel invasions;
- 14 (8) to provide for organizing, arming, and disciplining the militia; and
- 15 (9) to exercise authority over all places purchased by the consent of the
 16 legislature of the state in which the same shall be, for the erection of forts, magazines,
 17 arsenals, dock yards, and other needful buildings; and be it

18 **FURTHER RESOLVED** that the Alaska State Legislature may recognize the federal
 19 government's jurisdiction over other land, water, or airspace within the recognized contiguous
 20 boundary of the state only if the land, water, or airspace is used for a justifiable purpose under
 21 the provisions of the Constitution of the United States, as determined by the Alaska State
 22 Legislature; and be it

23 **FURTHER RESOLVED** that the Alaska State Legislature declares that the State of
 24 Alaska shall retain all rights reserved to the individual states by the Constitution of the United
 25 States, including jurisdiction over all aspects of all regulations regarding all activities or
 26 developments wholly within the boundaries of the state; and be it

27 **FURTHER RESOLVED** that the Alaska State Legislature finds that the federal
 28 government does not have constitutional authority to regulate private or business activities
 29 that are conducted wholly within the boundaries of the state unless those activities are
 30 evidenced to have caused damage to persons in other states or countries outside the
 31 jurisdiction of the State of Alaska; and be it

1 **FURTHER RESOLVED** that the Alaska State Legislature urges the state
2 government, as it considers necessary, to exercise all other rights granted by the Constitution
3 of the United States to the individual states; and be it

4 **FURTHER RESOLVED** that the Alaska State Legislature requests that the federal
5 government enact policies, regulations, and legislation to mitigate the disparity of nationwide
6 federal land jurisdiction and to recognize the same basic rights as listed in this resolution, and
7 as granted and guaranteed by the Constitution of the United States, to all individual states; and
8 be it

9 **FURTHER RESOLVED** that the Alaska State Legislature petitions the legislative
10 bodies of the other 49 individual states to adopt resolutions in similar form to the provisions
11 listed in this resolution.

12 **COPIES** of this resolution shall be sent to the Honorable Donald J. Trump, President
13 of the United States; the Honorable Michael R. Pence, Vice President of the United States and
14 President of the U.S. Senate; the Honorable Ryan Zinke, United States Secretary of the
15 Interior; the Honorable Paul D. Ryan, Speaker of the U.S. House of Representatives; the
16 Honorable Nancy Pelosi, Minority Leader of the U.S. House of Representatives; the
17 Honorable Mitch McConnell, Majority Leader of the U.S. Senate; the Honorable Charles E.
18 Schumer, Minority Leader of the U.S. Senate; the Honorable Lisa Murkowski, Chair of the
19 U.S. Senate Committee on Energy and Natural Resources; the Honorable Dan Sullivan, U.S.
20 Senator, and the Honorable Don Young, U.S. Representative, members of the Alaska
21 delegation in Congress; all other members of the 115th United States Congress; the governors
22 of each of the other 49 states; and the presiding officers of the legislatures of each of the other
23 49 states.