

SJR

2

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: SJR 2
Publish Date: _____

Revision Date: _____

Agency Affected: _____

Title: Proposing an amendment to the constitution of the State of Alaska

BRU: relating to the rights of states.

Sponsor: Sen. Coghill

Components: _____

Requestor: Senate State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Senate State Affairs Committee

Phone: 465-4522

Division: _____

Date: 1/29/87

Approved by ^{Chairman} Senator [Signature]

Date: 1/29/87

Agency: _____

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

Senator John B. (Jack) Coghill
Alaska State Legislature

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January 28, 1987

TO: All Members of the Senate
State Affairs Committee

FROM: Senator Jack Coghill

RE: SJR 2

This amendment to the Alaska Constitution will help clarify the philosophy and the powers of our state government in the federal union.

SJR 2 is based on 24 months of study by the Alaska Statehood Commission. The commission, of which I was chairman, was enacted by a vote of the people in 1980 to study Alaska's relationship to the United States. The final product was a report which set forth a plan of action to deal with the federal government.

SJR 2 gives the federal government notice that the State of Alaska will not allow usurpation of the powers afforded the states' by the U.S. Constitution.

The resolution is modeled after Article 1, Section 1 of the Texas Constitution. Texas, which came into the Union as a previously sovereign nation, preserved the maximum amount of powers a state can in the federal union.

This issue is still topical today. The federal/state power dilemma confronts us in land selections, management of fish and game, right-of-way access and our fisheries.

Now, more than ever, we should take an active role in our relationship with the federal government.

The Constitution of the State of Alaska

ARTICLE I

DECLARATION OF RIGHTS

Inherent
Rights

SECTION 1. This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

Source of
Government

SECTION 2. All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole.

Civil Rights

SECTION 3. No person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex, or national origin. The legislature shall implement this section.

(The amendment to this section was approved by the voters of the state August 22, 1972 and became effective October 14, 1972. It added the word "sex" to this section.)

Freedom of
Religion

SECTION 4. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.

Freedom of
Speech

SECTION 5. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

Senator John B. (Jack) Coghill
Alaska State Legislature

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TO: SENATE JUDICIARY COMMITTEE

FROM: SENATOR JACK COGHILL

DATE: FEBRUARY 19, 1987

RE: SJR 2

INTRODUCTION

SJR 2 is based on 24 months of study by the Alaska Statehood Commission. The commission, of which I was Chairman, was enacted by a vote of the people in 1980 to study Alaska's relationship to the United States. The final product was a report which set forth a plan of action to deal with the federal government.

BACKGROUND

The United States Constitution is our "supreme law of the land" but not the only law of the land. It is ultimately a statement of constitutional principles in a compound system of 51 constitutions.

Also known as the American federal system, this compound republic of the United States is made up of all 51 national and constituent polities, each served by a representative government.

The American federal system is not a management hierarchy, but a matrix of arenas, each designed to be politically responsive to its citizens. Unfortunately, the trend for the past twenty years has been toward the view that the federal government should mandate state administrative tasks, but in reality it is the U.S. Constitution that is supreme over the states, not the national government.

As a free and equal state of the Union, Alaska's principal task is to govern, to make and implement policies within our sphere of jurisdiction and to share in the governance of the political conduct of the country as a whole. Alaska is more than simply an administrator of programs developed by the federal government.

PURPOSE

The goal and purpose of SJR 2 is to strengthen the capacity of the state to govern in the federal system. It would give the federal government notice that the state of Alaska will not allow usurpation of the powers afforded the states by the U.S. Constitution.

Furthermore, this amendment would serve to link the ideas of citizenship, statehood and local self-government. Finally, this amendment would enforce the idea that states, under the U.S. Constitution, are indeed partners with the national government and not merely "middle managers".

CONCLUSION

SJR 2 is modeled after Article 1, Section 1 of the Texas Constitution. Texas, which came into the Union as a previously sovereign nation, preserved the maximum amount of powers a state can in the federal union.

The federal/state power dilemma confronts Alaska even today in land selections, management of fish and game, right-of-way access, etc.

Now, more than ever, we should maximize Alaska's role vis-a-vis the federal government. Passage of SJR 2 will help do this.