

HOUSE JOINT RESOLUTION NO. 66 am

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Amended: 4/26/96

Introduced: 4/19/96

A RESOLUTION

1 Relating to opposing the American Heritage Areas Program.

2 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 WHEREAS the federal government is proposing to authorize an American Heritage
4 Areas Program that would designate areas of the country and make those areas subject to
5 legislation as part of the National Park System; and

6 WHEREAS federal proposals labeling private property invite, and are intended to
7 invite, the destruction of private property rights, particularly when used by federal agencies
8 in conjunction with other or subsequent legislation; and

9 WHEREAS provisions should be made under the American Heritage Areas Program
10 in federal legislation to allow private property owners to reject or withdraw their property
11 from such labeling without penalty, and to allow private property owners to avoid such
12 labeling entirely; and

13 WHEREAS the National Park Service has devised the label "eligible but not
14 designated" that creates the false impression that private property owners can avoid the
15 consequences of being designated under the program despite the fact that this "eligible" label
16 amounts to a de facto designation under the program because the government may treat
17 eligible property the same as designated property under language such as, "This Act applies

1 to. . . . and properties eligible to be so designated"; and

2 **WHEREAS** the power to plan or zone private land is a power reserved to the states
3 and the people of the states; and

4 **WHEREAS**, despite claims to the contrary, the clear intent and effect of the proposal
5 would be to, de facto, involve the federal government in planning and zoning activities; and

6 **WHEREAS** it would be imprudent to tolerate or favor constitutionally questionable
7 land designations and labels for which the consequences cannot be fully specified in advance
8 but which appear likely to be injurious to private property rights; and

9 **WHEREAS** giving the American Heritage Areas Program a basis in legislation would
10 greatly facilitate and increase the intrusive designation and labeling by government of private
11 land; and

12 **WHEREAS** the enormity of some of the proposed areas (Rocky Mountain Heritage
13 Corridor, Mississippi River Valley Heritage Corridor, and others) demonstrates an inexcusable
14 and unacceptable federal arrogance;

15 **BE IT RESOLVED** that the Alaska State Legislature opposes the authorization of an
16 American Heritage Areas Program and urges the members of Alaska's Congressional
17 delegation to oppose the authorization and work to abolish the American Heritage Areas
18 Program.

19 **COPIES** of this resolution shall be sent to the Honorable Ted Stevens and the
20 Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S.
21 Representative, members of the Alaska delegation in Congress.