

STATE OF ALASKA  
THE LEGISLATURE

1996

Source  
HJR 66 am

Legislative  
Resolve No.

71



Relating to opposing the American Heritage Areas Program.

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

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

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

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

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

to be so designated"; and

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

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

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

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

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

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

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