

**SENATE JOINT RESOLUTION NO. 41**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

**BY THE SENATE RULES COMMITTEE**

**Introduced: 4/19/96**

**Referred: Resources**

**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** the National Park Service has a record of insensitivity to private property  
**10 rights**, as evidenced by 28 years of misconduct under the National Natural Landmark Program  
**11 and by the current proposal**, the American Heritage Areas Program, in which no provision has  
**12 been made** to allow private property owners to reject or withdraw their property from such  
**13 labeling** without penalty or to shield private property owners from the likely and severe  
**14 adverse effects** of such labeling; and

**15 WHEREAS** the National Park Service has devised the label "eligible but not  
**16 designated"** that creates the false impression that private property owners can avoid the  
**17 consequences** of being designated under the program despite the fact that this "eligible" label

1 amounts to a de facto designation under the program because the government may treat  
2 eligible property the same as designated property under language such as, "This Act applies  
3 to. . . . and properties eligible to be so designated"; and

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

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

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

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

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

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

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