

HJR

41

COMMITTEE REPORT

3/24

HOUSE

FURTHER: FINANCE

3/26/81

(7)

Date:

Mar. 22, 82

Mr. Speaker:

The Committee on JUDICIARY has had HJR 41

Proposing an amendment to the Constitution of the State of Alaska defining the term "appropriation."

under consideration and reports it back as follows:

do pass

[ ] do not pass

[ ] do pass with attached amendments(s)

replace with CS for HJR 41 (Judiciary) and recommends do pass

same title  
[ ] new title

[ ] AND attaches a "Letter of Intent" [3] New Fiscal Note

[ ] reports it back without recommendation

[ ] referred to the \_\_\_\_\_ Committee

attached  
2-0 & Bill  
1-undetermined  
compact  
Suppl 30

MEMBERS SIGNING DO PASS

ROD E. PEDD: Do Pass  
Richard Council  
Charles Anderson  
J. Barnes, ch.

MEMBERS HAVING OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

General Barnes  
CHAIRMAN

COMMITTEE REPORT

HOUSE

4/5

FURTHER:

Rules

(11)

3/24/82

Date:

4/5/82

Mr. Speaker:

The Committee on FINANCE has had HJR 41

Proposing an amendment to the Constitution of the State of Alaska defining the term "appropriation."

under consideration and ~~(a-majority-of-the-committee)-(the-committee)-~~ reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HJR 41 (Sud)  same title  
 new title
- and recommends do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Klaugen  
R B Ellsworth  
Furber  
David Puddy  
James L. Smith  
Mellon  
Dan Zula  
Robert P. Deas, Ch.  
Montgomery

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

See Act DONT PASS  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Robert P. Deas, Ch.  
 CHAIRMAN

# ALASKA STATE LEGISLATURE - HOUSE OF REPRESENTATIVES

IN SESSION:



POUCH V  
JUNEAU, ALASKA 99811  
TELEPHONE: (907) 465-3777

P.O. BOX 4-1539  
ANCHORAGE, ALASKA 99509  
TELEPHONE: (907) 277-6219

REP. M. F. "MIKE" BEIRNE

MEMBER OF:  
FIFTH STATE LEGISLATURE  
NINTH STATE LEGISLATURE  
TENTH STATE LEGISLATURE  
ELEVENTH STATE LEGISLATURE  
TWELFTH STATE LEGISLATURE

COMMITTEES:  
HEALTH, EDUCATION  
AND SOCIAL SERVICES, CHAIRMAN  
AND LEGISLATIVE COUNCIL

TO: ALL HOUSE MEMBERS

FROM: REP. MIKE BEIRNE

DATE: Feb. 12, 1982

One of my major priorities this session is HJR 41. It is most important that the people of Alaska be allowed some control over the disposal of state lands, particularly since an incredibly large percentage of our land is in state, rather than private, ownership. This resolution has engendered excellent bi-partisan backing, as reflected by our co-sponsors. If you desire knowledge reflecting popular support, recall the Beirne Homestead Initiative vote. This bill will remedy the constitutional problem which caused the Alaska Supreme Court to overrule the peoples' mandate.

I earnestly seek your support for this measure. Please call my office at 3777 and let me know if you can support this legislation. If you have any questions, please contact Jody Sutherland, my Administrative Assistant.

Thank you.

constitution says land  
is an appropriation  
can only be made by  
the legislature - that's  
why Beirne's Home-  
stead bill was  
struck down -

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HJR 41 (3/26/81) *No 1*  
 Title Relating To The Term "Appropriation"  
 Requested by House Judiciary Committee Date 3/22/82

II. FISCAL DETAIL

Agency Affected General Fund Unrestricted Revenue  
 Program Category Affected \_\_\_\_\_  
 BRU, Program, Or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars) SEE ANALYSIS SECTION

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars) SEE ANALYSIS SECTION

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

This Constitutional amendment would remove the disposition of land or tangible property of the state from being subject to legislative appropriation.

All state land and tangible property has some asset value and income producing value. Therefore, the monetary equivalent of the land, in effect, would be allowed to be distributed without legislative appropriation, including future potential income. Significant fiscal impact to potential state revenues exist but are indeterminate (unquantifiable at this time) due to the nature, type, extent and potential uses to which the land or property could be put.

*A. Staack*

IV. DATE March 22, 1982 PREPARED BY Anselm C. Staack, Treasury Comptroller  
 AGENCY Dept. of Revenue, Treasury Division  
 Original: Legislative Finance PHONE 465-2350  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HJR 41 No 2  
 Title Proposing an amendment to the Constitution of the State of Alaska  
 Requested by Repr. Barnes, House Judiciary Date March 22, 1982  
 defining the term "appropriation."

II. FISCAL DETAIL

Agency Affected Department of Law  
 Program Category Affected General Government  
 BRU, Program, Or Subprogram(s) Affected Legal Services  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

No fiscal impact.

IV. DATE March 22, 1982 PREPARED BY Richard I. Pequeo, Director, Admin. Servi  
 AGENCY Department of Law  
 Original: Legislative Finance PHONE 465-3672  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HJR 41 710 3  
 Title Proposing a constitutional Amendment defining the term "appropriation"  
 Requested by House Judiciary Date 3-22-82

II. FISCAL DETAIL  
 Agency Affected Department of Natural Resources  
 Program Category Affected NRMEC  
 BRU, Program, Or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME		-0-				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

This amendment does not mandate any programs.

IV. DATE 3-22-82 PREPARED BY Mark Wittow  
 AGENCY Dept of Natural Resources  
 Original: Legislative Finance PHONE 465-2400  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)

AMENDED TITLE:

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF ALASKA DEFINING THE TERM "APPROPRIATION"

PRIME SPONSOR: BEIRNE.

CO-SPONSORS: FREEMAN, MALONE, HAYES, CATO, RANDOLPH, MOSS, BARNES, HALFORD, FANNING, MONTGOMERY, O'CONNELL, BETTISWORTH.

CURRENT STATUS: 3/24/82 IN (H) FINANCE

HJR 41 HOUSE ACTION

DATE	SEQ	PAGE	LEGISLATIVE ACTION
03/26/81	01	0705	FIRST READING -- COMMITTEE REPORTS
03/24/82	02	0905	JUD -- CS01
03/24/82	03	0905	FISCAL NOTES EQUAL ZERO
03/24/82	04	0905	IMPACT/ANALYSIS HSE SUPPL #30
			FINANCE
			RULES

\*\*\*\* \*\* \*\* \*\*\* \*\* \*

const. am defining APPROPRIATION HJR 41

Makes land not subject to legislative appropriation / notification ok  
Beirne / Instead - Initiative

finance: 9 do pass, Cotten do not  
Judiciary: 4 do pass  
fiscal notes ok

S

B

5

COMMITTEE REPORT

HOUSE

6/19  
Rules

FURTHER:

Date: June 19, 1981

Mr. Speaker:

The Committee on Rules has had HCS CSSSSB 5(SA)

"An Act relating to the effectiveness of administrative regulations."

under consideration and reports it back as follows:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

John D. Buller

\_\_\_\_\_

\_\_\_\_\_

Robert O. Hancock

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

John D. Buller

CHAIRMAN


STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

June 19, 1981

SUBJECT: Amendment to HCS CSSSSB 5 (Rules)  
TO: Representative John G. Fuller   
FROM: Joseph A. Guthrie  
Legislative Counsel

You have asked for a short analysis of the amendment proposed to line 29, page 1 of version No. 2 of HCS CSSSSB 5 (Rules).

The language in line 29, page 1 of version No. 1 of HCS CSSSSB 5 (Rules) would have the legislature enacting a bill requiring the executive or agency to repeal or amend its regulation. The proposed language for version No. 2 would have the legislature enact a statute stating the policy which the regulation conflicts with, thus invalidating the regulation under the terms of AS 44.62.030. That statute reads as follows:

Sec. 44.62.030. CONSISTENCY BETWEEN REGULATION AND STATUTE. If, by express or implied terms of a statute, a state agency has authority to adopt regulations to implement, interpret, make specific or otherwise carry out the provisions of the statute, no regulation adopted is valid or effective unless consistent with the statute and reasonably necessary to carry out the purpose of the statute.

Under version No. 2 the regulation would be invalidated upon the effective date of the bill; under the language in version No. 1 the regulation would be invalidated upon the effective date of a regulation adopted by the executive department or agency repealing or amending the regulation. A minimum of sixty days is required to amend or repeal a regulation. Moreover version No. 2 would require the legislature to state affirmatively the policy which the regulation is contrary to, thus foreclosing the opportunity

Representative John G. Fuller  
Page 2  
June 19, 1981

provided executive departments and agencies to further  
confound the will of the legislature when repealing or  
amending its regulations.

JAG:ljb

Enclosure