SJR

14

Alaska State Legislature

Senate

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

M E M O R A N D U M

TO: Sen. Bill Ray, Chair
Senate Judiciary Committee

FROM: Sen. Dick Eliason

DATE: Feb. 8, 1983

RE: SJR 14 --- Proposing an amendment to the Constitution of the State of Alaska relating to the rights of states

SJR 15 --- Proposing an amendment to the Constitution of the State of Alaska relating to cooperation with foreign nations

As requested, I reviewed the above-referenced resolutions and I am now reporting my findings to you.

These two resolutions were introduced at the request of the Alaska Statehood Commission. The Statehood Commission feels "Alaskans should consider two amendments to the state constitution which will clarify the philosophy and the powers of our state government in the federal union."

In support of these proposed amendments, the Statehood Commission relies on its final report, More Perfect Union - A Plan for Action. Excerpts from this publication and a cross-referenced publication, "The Role of the States as Polities in the American Federal System" is enclosed as back-up for SJR 14 and SJR 15.

Brian Rogers (phone: 452-4956), a member of the Alaska Statehood Commission, will be available to testify in support of these amendments on February 14, if you so wish.

1958.[26] Land conveyances are years behind schedule. The land freeze of 1966, followed by federal land withdrawals of the Alaska Native Claims Settlement Act (ANCSA) and the Alaska National Interest Lands Conservation Act (ANILCA, commonly known as the D-2 Act), prevented the state from choosing which lands it wanted for the remainder of its entitlement. The state is facing many difficulties gaining access to lands it holds within blocks of land withdrawn under ANCSA and ANILCA.

In an outrageous move to pre-empt all state opposition, Section 10 of ANCSA put a unique one-year statute of limitations on lawsuits by the state. It penalized legal action with a "blackmail clause"[27] promising to stop all state land transfers for the duration of any suit against ANCSA, however valid.

The federal government may renege again on its land conveyance obligations if Alaska fails to muster its full legal, economic, and political powers to compel the federal government to live up to its solemn promises.

We have been monitoring the fulfillment of an out-of-court settlement between Alaska and the federal government on the rate of land conveyances. In this settlement, *Alaska v. Reagan* (1981), the Interior Department promised to convey 13 million acres per year to the state.

The department has so far kept its promise. It conveyed 13,310,856 acres to Alaska in fiscal year 1981. At the agreed pace of 13 million acres per year, Alaska should have all its Statehood Act lands by the end of 1985.

By Oct. 1, 1982, the federal government had transferred 65,644,104 acres to the state, including about 62 percent of the state's general grant of 102,550,000 acres. Native corporations held 23,202,420 acres towards their entitlement of 40 million acres. Private holdings, not including Native lands, are approximately 2 million acres, or less than 1 percent of Alaska's land.

The federal budget will get tighter, however, and with four more years of conveyances to go, the pace of transfers could slow. State officials and Alaska's congressional delegation should make clear that federal funds for carrying out the Statehood pact are not "optional," to be cut back like a federal grant for library improvements or rat control.

It is time to wind up implementation of the Statehood Act. The federal government is already behind schedule, and in 1980 had to extend the compliance deadline to 1994, 10 years beyond the original 25-year deadline of 1984.

Alaskans should stand against any unilateral attempts by Congress to change any provision of the Alaska Statehood Act, for the act is a compact between the United States and the people of Alaska. Similarly, Alaskans should not permit Congress to rewrite the Alaska Constitution.

It is time to wind up implementation of the Statehood Act.

Congress may attempt to change the formulas contained in the Statehood Act for revenue sharing from mineral revenues from onshore federal lands: 90 percent to the state and 10 percent to the federal government. The Interior Department attempted a unilateral change recently. In 1975 and until corrected by the U.S. Supreme Court, Interior altered the sharing formula for oil revenues from the Kenai National Moose Range to give 75 percent to the federal government, 25 percent to the Kenai Peninsula Borough, and nothing to the state. The Supreme Court set the Interior Department straight on this matter, but we are concerned with the Court's language suggesting that these percentages can be changed in the future, at Congress's discretion.

The Legislature in an omnibus bill should authorize and direct the lieutenant governor to place any proposed change to the Statehood Act or Alaska Constitution before Alaska's voters in a ballot proposition, asking them to say yes or no to the change.

The Alaska Statehood Act required the consent of Alaskan voters to become effective.[28] Similarly, Alaskan voters should have the opportunity to pass upon suggested changes to the Statehood Act. If the voters disapprove the change the state will have a mandate to oppose the attempted change in court.

In our two years of study we have devoted more time to monitoring implementation of the Alaska Statehood Act than to any other issue. Other agencies will continue t[illegible] scrutiny as the commission expires, for Alaska has not yet achieved full statehood.

14 Alaskans should consider two amendments to the state constitution which will clarify the philosophy and the powers of our state government in the federal union.

We suggest few additions to the Alaska Constitution. Ratified in 1956, it is recognized nationwide as a model charter, for its brevity, clarity, and innovations. Federal powers have done a lot

[26]For a detailed discussion of the Alaska Statehood Act, see the Statehood Commission publication, *The Concept of Statehood Within the American Federal System*, 1981, pp. 89-120.

[27]Section 10 of ANCSA, 43 U.S.C. Sec. 1609.

[28]Sec. 8(b), Public Law 85-508, July 7, 1958.

More Perfect Union - A Plan for Action

of growing since then, however, and we offer two possible amendments to help define Alaska's role.

The first addition is modelled after Article I, Section 1 of the Texas Constitution. That section of the Texas Constitution reads:

> "Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States."

A similar amendment to the Alaska Constitution can serve to link the ideas of citizenship, statehood, and local self-government.[29]

The state should not hesitate to lay claim to all the authority given states by the history and practice of the U.S. Constitution.

A second amendment would clarify the state's power to cooperate with foreign nations.

Article XII, Section 2 of the Alaska Constitution now reads:

> "The State and its political subdivisions may cooperate with the United States and its territories, and with other states and their political subdivisions on matters of common interest. The respective legislative bodies may make appropriations for this purpose."

We suggest adding a phrase after the words "on matters of common interest":

> "...and to the extent consistent with the Constitution of the United States, with foreign nations."

An early draft of this section of the Alaska Constitution contained a very similar phrase,[30] but the framers deleted it for fear that Congress would not approve a state constitution referring to foreign cooperation.

Research for the Statehood Commission (Schechter and Elazar, pp. 57-68) shows that American courts allow states much leeway to engage in friendly relations with Canada and other nations. A 1978 study located 766 agreements and understandings between American states and Canadian provinces (Swanson, pp. 221-265).

The state should not hesitate to lay claim to all the authority given states by the history and practice of the U.S. Constitution. Our research shows that states *are* sovereign entities, and they *do* have some powers to engage in friendly foreign relations. The above two amendments to the Alaska Constitution would elaborate those powers.

15 State officials should refuse federal grants carrying burdensome requirements.

The federal government exercises control over more subject areas by grant requirements than by direct orders to state and local governments. It is through grant conditions, for example, that the federal government enforces a national 55 mph speed limit upon the states.

The U.S. Supreme Court allows the federal government to impose controls on the states by conditional funding that would be otherwise unconstitutional if imposed by federal statute or regulation. The Court places few limits to what a federal grant can demand, reasoning that a state can always turn the money down.

In reality, most state and local governments cannot afford to turn down federal money even if they wish. In many cities, grants once seen as "extra" now keep the buses running and the lights on in City Hall. This poor state of affairs grows in part from the federal government's hogging of the tax base.

Alaska is prosperous enough--for the time being--to turn down some federal grants when the conditions or the paperwork required are not worth the dollars. State officials should inventory grant programs, comparing the drawbacks and benefits of each, and be prepared to turn down offers of federal money.[31] The state should reject grants demanding reorganization of state government.

[29] A detailed discussion of these and other amendments to the Alaska Constitution may be found in the Alaska Statehood Commission publication, *The Role of the States as Polities in the American Federal System*, by Stephen Schechter and Daniel Elazar, 1982.

[30] See committee proposal No. 12, introduced in the Alaska Constitutional Convention Dec. 16, 1955. That phrase read, "...and to the extent consistent with the laws of the United States, with foreign nations."

[31] This inventory is a good idea anyway, as the federal money available for grants is dropping sharply. The state should know in advance which grants are worth fighting for and which are not.

We recommend the Montana preamble as a model for consideration. As Alaskans approach the twenty-fifth anniversary of statehood, public education and debate will undoubtedly focus at one time or another on what it means to be an Alaskan. Such concerns can be crowned, in terms that are both symbolic and real, with a new preamble that embodies a renewed compact between Alaskans and their land.

--State bills of rights represent expressions of citizenship as a bundle of rights and obligations. It is a well-established fact of constitutional law that individual rights contained in state constitutions can be, and typically are, more expansive than those conferred by the federal constitution. This point was recently confirmed by the U. S. Supreme Court. (Prune Yard Shopping Center v. Robins, 1980.) Moreover, as the Court stated in Prune Yard: "It is, of course, well-established that a State in the exercise of its police power may adopt reasonable restrictions on private property so long as the restrictions do not amount to a taking without just compensation or contravene any other federal constitutional provisions. (Id., at 4652.)

These constitutional traditions provide the states with the continuing opportunity to extend the rights and obligations of citizenship in ways that do not contravene the U. S. Constitution. Since the Civil War, for example, statehood requirements have insured that new states would embody the principles of the Declaration of Independence in their constitutions. One finds expression of this in the Alaska constitution's conferral of "natural rights" and the idea "that all persons have corresponding obligations to

the people and to the State." (Article I, section 1.) Another and more recent example is the adoption by many states of their own Equal Rights Amendments, while the country debated the incorporation of the proposed ERA in the U. S. Constitution.

One state, Texas, has even utilized its bill of rights as a vehicle for asserting its sovereignty and the right of local self-government in the federal system, thereby linking the ideas of statehood and citizenship in a single bill of rights. Article I, section 1, of the Texas constitution provides:

> Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States.

This Texas constitutional provision may serve as a starting point for consideration of state constitutional provisions linking the ideas of citizenship, statehood, and local self-government in Alaska.

--State constitutions provide an overall frame of government and public expressions of the proper roles and purposes of government. In a recent issue of PUBLIUS: The Journal of Federalism, Daniel J. Elazar notes:

> Even when students of American government, as well as well as reformers, have examined state constitutions from the perspectives of history, institutional organization, interest accommodation, and the inclusion or exclusion of specific provisions, they have generally bypassed the important functions of state constitutions as (1) overall frames of government for polities which are, in most cases, larger and better developed than most of the world's nations; (2) practical public expressions of political theory and the purposes of government; and (3) reflections of public conceptions of the proper roles of government and politics. (Daniel J. Elazar, "The Principles and Traditions Underlying State Constitutions," 1982, p. 11.)

Schechter + Elazar, pp 57-68 - as referenced

eign commerce implicates some federal interest. Were that the test under the Compact Clause, virtually all interstate agreements and reciprocal legislation would require congressional approval." (Id., at p. 706 note.)

B. Recommendations.

--Clearly, the Court's decision in the Multistate Tax Commission case represents the kind of development in federalism case law that the states should seek to utilize on its own terms and replicate in other areas of the law. By reaffirming the "two-pronged" requirment of increased state power and encroachment of just federal supremacy, the Court explicitly declared several features of interstate compacts to be irrelevant in considerations of congressional consent: the number of parties involves, the powers delegated to the administrative body, the "formality" of the agreement, the enhancement of state powers in relation to entities other than the federal government, and the involvement in areas of federal "interest."

Mindful of the peculiar geohistoric location of Alaska, the principal uncertainty remaining in the wake of cases like the Great Lakes Basin Compact controversy and the Court's Multistate Tax Commission decision is the extent to which the Court's rulings on the "Compact Clause" cover the kinds of foreign relations into which the state of Alaska might seek to enter. Unfortunately, we can only conclude that the application of Multistate Tax Commission to a meaningful range of relations between Alaska and Canada embraces an unsettled area of affirmative, negative, and debatable answers to the use of state power without congressional consent.

The language of the "Compact Clause" suggests a parallel construction of interstate and foreign relations. What holds for one would seem to hold for the other, so that limits of the "treaty power" would extend no more than the limits of, say, the "commerce power." However, while most "Compact Clause" cases involving interstate agreements have been upheld, many of those involving foreign relations have not.

The lead case in the area of compacts with foreign powers was decided by the U. S. Supreme Court in 1840. (Holmes v. Jennison.) Holmes had been arrested by Vermont Governor Jennison on a warrant apparently reflecting an informal agreement between Jennison and the authorities of Canada, where Holmes had been indicted for murder. In delivering the opinion of the Court, Chief Justice Roger Taney, joined by Joseph Story and two other justices, concluded that the informal agreement was invalid because it collided with the federal power to extradite persons sought for crimes in other countries. In this case, like many others and the Great Lakes Compact controversy, the state agreement with a foreign government entered an area of foreign relations in which there was a preexisting federal power or treaty. As reread by the Court in Multistate Tax Commission case, Justice Taney "concluded that the Compact Clause would permit an arrangement such as the one at issue only if 'made under the supervision of the United States'." (Multistate Tax Commission, at p. 697.) Then, in a footnote, the Multistate Tax Commission opinion states:

> . . . Mr. Chief Justice Taney's opinion in Jennison is not inconsistent with the rule of Virginia v. Tennessee. At some length, Taney emphasizes that

> the State was exercising the power to extradite persons sought for crimes in other countries, which was part of the exclusive foreign relations power expressly reserved to the Federal Government. He concluded, therefore, that the State's agreement would be constitutional only if made under the supervision of the United States. (Id., at p. 697, note 15.)

--Clearly, the American states may enter into agreements with foreign governments, otherwise this form of relationship would have been entirely prohibited as is the case with treaties, alliances, and confederations. A 1978 study counts 766 interactions between American states and Canadian provinces, including agreements, understandings, and arrangements, all, presumably covered by the term "agreements," formal and informal, in the "Compact Clause." (Roger F. Swanson, 1978, pp.221-65 on "Intergovernmental Relations on the State/Provincial Level." This chapter is excerpted from a study, State/Provincial Interaction, prepared by Swanson for the Office of External Researsh, U. S. Department of State, August 1974.) Of those 766 interactions, there are 541 arrangements, 181 understandings, and 44 agreements. Nearly one-half are in the areas of transportation and natural resources, which, together with commercial and human service interaction, comprise approximately two-thirds of state-provincial interactions. Maine has far more interactions than any other state (110), followed by Michigan (56), New York (48), and Minnesota. (Swanson, p. 238.) Alaska is listed as having only 11 interactions, but presumably this low figure is due to the exclusion of Canadian territories from the Swanson study.

--It is also clear that some agreements between American states and foreign governments do not require (or succeed in avoiding) the the consent of Congress. In his study, Swanson relates one inter-

esting account, though omitting the name of the involved state:

> Characteristic of the attention to the legal dimension, and the deference accorded to it, was the attempt of one state in 1961 to enter into a formal 'Memorandum of Understanding' with a Canadian province concerning civil defense. However, the formal signing of the memorandum did not take place because the U. S. federal government advised that it could not permit the document to be executed in that it had not been presented to, or concurred in, by the U. S.-Canadian federal authorities. A year later the state and province concluded a mutual understanding with no formal exchange of notes or any written agreements. (Swanson, p. 262, note 7.)

Additionally, we believe it is possible to identify at least three forms of cooperation that lie beyond the reach of the "Compact Clause":

1. international bodies of public officials, such as the New England Governors-Eastern Canadian Premiers Conference, with functions that are purely consultative in nature;

2. international professional associations, such as the International Association of Fish and Wildlife Agencies, designed to foster the exchange of information and other forms of cooperation among individual members; and

3. regional and national coalitions of state officials, organized to influence the outcome of treaty and other foreign relations in favor of state interests. (As the Court noted in its Multistate Tax Commission opinion: ". . . enhanced capacity to lobby within the federal legislative process falls far short of threatened 'encroachment upon or interference with the just supremacy of the United States." Id., p. 706.) In 1979, the states successfully lobbied to prevent the U. S. signing the Convention on the Conservation of Migratory Species of Wild Animals. (U. S.

Dept. of State, 1979.) Another example is Maine's effort to block the East Coast Fishery Agreement. (Gov. Brennan, Sen. Mitchell, 1980.)

--At the other extreme, there are equally clear instances in which state agreements with foreign governments would require congressional consent and would have a difficult time securing it. Based on the Great Lakes Basin Compact controversy, and subsequent cases of a similar nature, a regulatory compact operating in an area covered by preexisting treaty provisions would undoubtedly require the consent of Congress. Moreover, the likelihood of such a compact including foreign members is remote unless closely supervised by appropriate federal agencies. In a case such as this, the American compact members could, at best, hope to secure a "cooperative" understanding with those agencies, providing for minimal federal supervision and control.

A more ambiguous situation might involve an area yet to be covered by proposed treaty provisions. One such example concerns efforts by the Carter administration to establish an international treaty with Canada for the management of Porcupine River caribou migrating between Alaska's North Slope and the Yukon Territory. Prior to treaty negotiations, Alaska maintained informal "working relations" with Yukon territorial officials to facilitate caribou herd management. In November 1980, Ronald O. Skoog, commissioner of the Alaska Department of Fish and Game, issued a "decision memorandum," detailing the state's objections to the proposed treaty. Since then, the new Reagan administration has held off action on resumption of treaty negotiations. If the Reagan administration were to indicate a lack of federal interest in pursuing this treaty, citing the capacity for state management in this area, it would un-

doubtedly strengthen the case for the state in pursuing a caribou management agreement with the Yukon Territory. However, once the federal government has entered a field such as this, it might be difficult to avoid the congressional consent process, without formal State Department authorization of some kind. Because the Supreme Court has repeatedly found that the form of agreement is not dispostive, it seems unlikely that one could find legal support for avoiding congressional consent by an "informal," rather than "formal," agreement between Alaska and the Yukon Territory. (Paradoxically, Yukon officials, as territorial officials, might have more leeway than Alaska state officials in this matter.)

--Mindful of state priorities, we recommend the creation of appropriate state mechanisms to coordinate and assist efforts to clarify and strengthen Alaska's role in foreign affairs. The function of coordination might be accomplished through the establishment of an inter-agency task force, composed of representatives from the Governor's Office, the Council on Science and Technology, and the departments of Fish and Game, Commerce and Economic Development, Natural Resources, Transportation and Public Facilities, and Law. The Governor also might designate a Special Assistant for Foreign Affairs and Interstate Relations to serve on the task force. Additionally, the foregoing discussion of the "Compact Clause" suggests the need for a full-time legal staff to assist the task force and its represented agencies in clarifying state roles in foreign and interstate relations and, where possible, widening the acceptable boundaries for an expanded state role. This legal staff could be housed within the inter-agency task force, within the Department

of Law as a special section, or drawn from existing departments.

--Moreover, we recommend that the National Governors' Association establish a working group on the role of the states in foreign affairs in ways that include but go beyond matters of foreign trade and promotion. The purposes of this group would include: (1) identifying the full range of foreign policy areas and issues affecting state interests (including shipping, commercial fishing, wildlife management, coastal zone management, management of boundary waters and waterways, environmental conservation and protection, foreign trade, science and technology policy, etc.); (2) providing assistance and coordination for state governors in strengthening state capacities in this field; and (3) initiating negotiations and working relations with the U. S. Department of State for the purposes of developing (a) state roles in the negotiation and implementation of international treaties affecting state interests, and (b) possible models for the utilization of state agreements with foreign governments as an alternative to and administrative mechanism of international treaties.

--We also recommend the creation of a Western Governors-Premiers Conference, modelled after the successful New England Governors-Eastern Canadian Premiers Conference. In February 1973 there was an exchange of correspondence between Maine Governor Meskell and the eastern Canadian premiers suggesting a meeting. In August of that year, the first meeting of the New England Governors and Eastern Canadian premiers took place at Brudenell, Prince Edward Island. The agenda subjects of that meeting were transportation and energy. That meeting was the first of ten

annual meetings, the most recent being the Rockport, Maine, conference in June 1982. At this meeting, Ambassador Kenneth M. Curtis, former Governor of Maine during the Conference's founding years, recalled its beginnings:

> Premier Hatfield deserves much credit for the organization of this conference. It was largely by his initiative that in 1973 this series of meetings was begun as an extension of several interactions between Maine and New Brunswick in an attempt to pool ressources and exchange ideas to solve common problems on a regional basis. . . .
>
> Cooperation between the states and provinces is not uncommon--and occurs most often regionally and on a north-south basis. . . . It is not surprising that by far the greatest amount of activity occurs in this region. Here, we face many similar problems, share common resources and frequently share a common heritage that breeds a genuine kinship between us. . . . Throughout the generations, harsh winters, tough times, and a necessity for hard work has instilled a sense of that which is real and a special kind of pride within us.
>
> This century in which we are living is a rapidly changing one. To reach full employment, increase productivity, and maintain this region's unique quality of life is perhaps the most difficult problem we face. Today, I suggest that this is another example of where the search for answers need not stop at the boundary. . . . Premier Hatfield summed it up in the early years of this conference in testimony before the Canadian Standing Senate Committee on Foreign Affairs with this thought: '. . . The impetus to do more must come from the states and provinces themselves, by identifying areas of common interest and concern, by assisting one another when possible and by cooperating with one another when cooperation will yield mutual benefit. . .' (Kenneth M. Curtis, June 21, 1982.)

Ambassador Curtis' enthusiasm is unique but not atypical. There seems to be general feeling among Conference participants that the Conference provides a low-cost basis for continuing and periodic opportunities to consult and cooperate in areas of shared concern. The Conference includes the governors of the six New England states (Connecticut, Maine, Massachusetts, New Hampshire, Vermont, and

Rhode Island) and the premiers of the five eastern Canadian provinces (New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island, and Quebec).

The Conference is organized as follows: (1) Conference meetings are held annually in May or June. (2) The coordinating body meets on a regular basis to ensure that Conference projects run smoothly and that the governors' and premiers' decisions are implemented. This body is composed of principal advisors to each of the governors and premiers. (3) In addition, there are Conference committees to provide functions of information exchange and project management on a continuing basis. These committees include the Northeast International Committee on Energy and the International Surface Transportation Committee. (A history of the conference is presently being prepared under the direction of Emery Fanjoy, Secretary of the Council of Maritime Provinces, Halifax, Nova Scotia.)

The Conference of Western Governors and Premiers could be modelled after its eastern counterpart. Membership would certainly include the Northwest Pacific region of Alaska, Washington state, the Yukon Territory, and British Columbia. We also recommend that membership include the prairie provinces and plains states on the Canadian border, so as to encompass the entire western tier beyond the Great Lakes Basin states. Certainly, membership should extend eastward to include Montana and Alberta, which share common energy-producing concerns with each other and with Alaska. Patterned after the New England Governors-Eastern Canadian Premiers Conference, the Western Conference might be organized around annual meetings,

with provisions for a permanent coordinating body and standing committees. Conference concerns might include such functional areas as wildlife management, natural r sources policy, and hydroelectric projects.

--Four existing mechanisms can be utilized to extend the necssary bridges between the development of common policy concerns, articulated in such forums as the Western Conference, and the sharing of technical information needed to implement policy in the member state and provinces. These are briefly enumerated below:

1. Science and Technology Councils. Since the late 1970s, most states and provinces have designated some governmental body to coordinate science and technology policies (often including research priorities) within their respective polities. In Alaska, there is the Council on Science and Technology within the Department of Administration. In the winter of 1977/78 there was an informal meeting of provincial science officials coordinated by the Science Council of Canada. Subsequently, at the First Ministers' Conference (which includes the eleven federal and provincial first ministers of Canada), Prime Minister Trudeau instructed the Federal Minister of Science and Technology to develop a channel of communication with his provincial counterparts. (Stephen Schechter, 1979, p. 63.) Through networks such as this in the United States and Canada, much can be done to develop and coordinate science and technology policies for Western Conference members.

2. Utilization of University Resources. Alaska should identify university facilities that can be utilized in the advancement of regional concerns. One example is the annual Science Con-

ference sponsored by the University of Alaska. Another example is the Center for Canadian and Canadian-American Relations at Western Washington University in Bellingham, Washington. Institutions such as these could be encouraged to develop research and educational programs that address priority concerns of the region. They also could be involved in building the necessary public-private sector links for specialized regional centers from hi-tech to caribou.

3. International Professional Associations. Whether one looks to the implementation of a citizenship education policy of a wildlife management policy, professional associations continue to provide the principal vehicle by which professionals responsible for policy implementation can share, obtain, and refine the kind of technical information and skills needed to get the job done. In the field of wildlife management, for example, there is the International Association of Fish and Wildlife Agencies, the Western Association of Fish and Wildlife Agencies, the International Union for the Conservation of Nature, and the Wildlife Society. The Western Association of Fish and Wildlife Agencies includes members from two Canadian provinces. Its membership could be expanded to reflect the scope of the Western Conference of Governors and Premiers.

4. State Departments and Provincial Ministries. The committee structure of the Western Conference could provide the basis for consultation and cooperation among and between representatives of state departments and provincial ministries. It could be within a setting such as this that Alaskan state and Yukon territorial officials continue the dialogue over such issues as caribou herd management. This, in turn, provides the necessary bridges from the

Western Conference of Governors and Premiers to line departments and professional associations.

--Finally, we recommend consideration of a Border States Coalition to function in Washington, D. C., as a research and advisory group on the role of the states in hemispheric policies affecting state interests. Otherwise dissimilar and competing states (such as the energy-producing states of Alaska and Montana, the energy-consuming states of Michigan and Maine, the "Sunbelt" states of Florida, California, and Texas) have all, in their own ways, become vocal critics of American foreign policies that do not reflect the needs and experiences of the states, ranging from international conventions on migratory wildlife to American immigration and refugee policies. While ongoing efforts in the Western states to secure a regional voice in Washington, D. C., must continue, we also recommend consideration of a purposefully cross-sectional coalition designed to bring pressure on the foreign policy establishment to recognize and incorporate the role of the states in the formulation and implementation of American foreign policy, particularly with Canada and Mexico, that affect state interests. This coalition would also lend support to the efforts of National Governors' Association working group, previously recommended.

State Cooperation with Foreign Nations (const. amendment)

SENATE JOINT RESOLUTION NO. 15, by the Rules Committee by request of the Alaska Statehood Commission. Proposes to amend the state Constitution relating to cooperation with foreign nations. Would amend Art. XII, Sec. 2, "Intergovernmental Relations," to read: "The State and its political subdivisions may cooperate with the United States and its territories, and with other states and their political subdivisions on matters of common interest, and to the extent consistent with the Constitution of the United States, with foreign nations. . . ." (Underlined material added.) Provides that proposed amendment be placed before the voters at the next general election. Identical to HJR 23.

Introduced January 26 and referred to Judiciary.

Const. Convention (requesting Congress)

SENATE JOINT RESOLUTION NO. 16, by the Rules Committee by request of the Alaska Statehood Commission. Would make application and request Congress to call a constitutional convention for the sole and exclusive purpose of proposing an amendment to the U.S. Constitution setting rules and procedures for constitutional conventions. If Congress proposes any form of apportionment of delegates to the convention other than an equal number of votes for each state, the application for convention presented by SJR 16 would no longer be of any force or effect. It would also be of no force or effect if the convention were not limited to the exclusive purpose spec[illegible]d.

States that no federal constitutional convention has been called since the original convention in 1787 and there exist no rules for the calling of such a convention, apportionment of delegates among the states, or procedures. Thirty-one other states have so far issued a call for a convention limited to consideration of a constitutional amendment requiring a balanced federal budget (convention must be held if two-thirds of the state legislatures request one). Identical to HJR 20.

Introduced January 26 and referred to State Affairs and Judiciary.

Alaska Time Zones

SENATE JOINT RESOLUTION NO. 17, by Senators Halford, Faiks, Ferguson, V. Fischer, Josephson, Kelly, Sturgulewski and Rodey. Would request the Secretary of the U.S. Department of Transportation to redefine the boundaries of the time zones in which Alaska is located by shifting those portions of the state located in the Pacific Standard Time Zone and the Alaska Standard Time Zone to the Yukon Standard Time Zone and by shifting that portion of the state located in the Bering Standard Time Zone to the Alaska Standard Time Zone. Would decrease the number of zone in Alaska from the current four to two, with Anchorage, Fairbanks and Juneau all in the Yukon Time Zone.

SJR 12 (cont'd)

to encourage the President to designate by proclamation an expiration of the Act's North Slope crude oil controls prior to the September 30, 1983 date.

States that the export ban frustrates the goal of energy self-sufficiency and national security by retarding the further development of Alaska's oil resources, and that low demand coupled with lack of adequate refining capacity on the West Coast, was well as the absence of any pipeline from there to the East Coast, have led to an oil surplus requiring Alaska crude oil to be shipped to the eastern U.S. through the Panama Canal. States that the export ban depresses the wellhead value of North Slope crude by effectively requiring oil shipment on high-priced Jones Act tankers to the wrong markets. Suggests that ending the export ban could increase federal revenues by $1.2 to $1.8 billion per year, could decrease the U.S. trade deficit with Japan, and could increase North Slope wellhead prices by $2 to $3 billion a year and state revenue by $500 to $800 million a year. Identical to HJR 22.

Introduced January 26 and referred to Resources and Judiciary.

Jones Act (urging repeal of)

SENATE JOINT RESOLUTION NO. 13, by the Rules Committee by request of the Alaska Statehood Commission. Urges Congress to repeal the Merchant Marine Act of 1920 (the Jones Act). Until the Act is repealed, urges Congress to allow foreign-built ships into the Jones Act trade if they meet American safety standards, are registered in the United States, and are owned and crewed by United States nationals.

The Jones Act requires that vessels carrying goods between U.S. ports be built and registered in the United States and owned and crewed by United States nationals. Resolution states that the Act gives vessels protection from free market competition by foreign ships that have lower construction and crew costs, resulting in higher freight rates in the U.S. coastwise trade.

States that Alaska trade now supports nearly one-third of the entire Jones Act fleet and the effect of the Act is to reduce Alaska's state oil revenue, to raise the cost of all domestic freight coming to Alaska, and to discourage the development of new oil fields and mineral deposits in Alaska. Pegs the yearly cost to the state at $63 - $176 million and the yearly cost to the federal treasury $135 - $378. Identical to HJR 21.

Introduced January 26 and referred to State Affairs and Judiciary.

Rights of States (constitutional amendment)

SENATE JOINT RESOLUTION NO. 14, by the Rules Committee by request of the Alaska Statehood Commission. Propcses to amend the state Constitution relating to the rights of states. Would add to Art. I, Sec. 2, "Source of Government": "Alaska is a free and independent state, subject only to the Constitution of the United States. The maintenance of the people's free institutions and the perpetuity of the Union depend upon the preservation of the right of self-government, unimpaired to all the states." Provides that the proposed amendment be placed before the voters at the next general election. Identical to HJR 24.

Introduced January 26 and referred to Judiciary.