

SJR

36

SENATE STATE AFFAIRS COMMITTEE

Bill Number SJR 34 Title Residuals on State Date received _____

Fiscal Note	Position Paper	Date requested	From	Amount	Date Rec'd	
					Note	Paper

CONTACTS

CALLED LEX 4115184

Backup list

memo SJR 34

HEARING INFORMATION

NOTES:

Call
Dix.
I have
to have
something.

FINAL ACTION _____

COMMITTEE REPORT
SENATE

FURTHER:

JUDICIARY

2/6/84

Date

2/21/84

Mr. President

The Committee on STATE AFFAIRS considered SJR 36

relating to the proposal by Congress of an amendment to the United States Constitution to permit states to favor certain residents of the state.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Kelly

W. J. ...

Teacher

Chairman

do pass

Chairman recommendation



Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V

Juneau, Alaska 99811

(907) 465-4954

Official Business

MEMORANDUM

TO: Senate State Affairs Committee

FROM: Senate State Affairs Committee Staff *87*

RE: SJR 36

DATE: February 21, 1984

SJR 36 requests the Congress of the United States to call a convention to propose and submit to the states for their ratification an amendment stating that the 14th amendment shall not operate to deprive any state the right to offer a program to residents that is based on the length of residency (page 2, lines 13-29).

Back-up information

--Letter from Senator Josephson's office



Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Senate State Affairs Committee
FROM: Senator Joe Josephson *JJ*
DATE: February 21, 1984
RE: SJR 36

The purpose of the permanent fund dividend program was to provide a mechanism for equitable distribution to the people of Alaska of a portion of the state's energy wealth; to encourage persons to maintain their residence in Alaska; and to encourage increased awareness and involvement by the residents of the state in the management and expenditure of the Alaska Permanent Fund.

Litigation has held that programs such as this tends to run contrary to the commerce clause of the federal Constitution in that: (1) they tend to limit travel or discourage people from traveling; (2) they violate the Privileges and Immunities Clause of the U.S. Constitution because they grant to residents of one state privileges which are not granted to residents of another state and; (3) that this concept of giving more to some residents than to others tends to violate the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.

This constitutional interpretation, as well as similar analysis of the longevity bonus program, suggest that an amendment to the Constitution expressly exempting such programs is in order. By such an amendment, the sovereign states will be free again to fashion creative programs benefiting their residents. With this proposed amendment there will be no need to avoid programs designed to reward state residents or encourage others to come or remain state residents, as long as federal funds are not used and no "means" test is applied.



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LETTER FROM SENATOR JOSEPHSON

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-455-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 30, 1984

SUBJECT: Role of legislative standing committees in regulation oversight.

TO: Senator Vic Fischer
Chairman, Senate State Affairs
Attn: Suzanne Tryck

FROM: Billy G. Berrier *BGB*
Director
Division of Legal Services

You have asked us to summarize the role of standing committees in oversight of administrative regulation.

Under AS 44.62.190(a)(7) each agency is required to furnish to the standing committee of each house which has jurisdiction of the subject matter a copy of notice of proposed action that provides in relevant part:

Sec. 44.62.190.

NOTICE OF PROPOSED ACTION.

(a) At least 30 days before the adoption, amendment, or repeal of a regulation, notice of the proposed action shall be

(7) furnished to the standing committee of each house of the legislature having legislative jurisdiction over the subject matter treated by the regulation under the Uniform Rules of the Alaska State Legislature, together with a copy of the proposed regulation, amendment, or order of repeal for the committee's use in conducting the review authorized by AS 24.37.010;

The committee is authorized under AS 24.37.010 both during the session and the interim to review proposed regulations and make recommendations to the Administrative Regulations

Senator Vic Fischer
Page 2
January 30, 1984

Review Committee which has power to suspend a regulation under AS 24.20.445. AS 24.37.010 reads:

Sec. 24.37.010.

Review of administrative regulations by standing committees of the legislature.

(a) A standing committee of the legislature furnished notice of a proposed action under AS 44.62.190 shall review the proposed regulation, amendment of a regulation, or repeal of a regulation before the date the regulation is scheduled by the department or agency to be adopted, amended, or repealed.

(b) A standing committee conducting a review of a regulation under (a) of this section shall determine whether the regulation properly implements legislative intent.

(c) A standing committee shall conduct preliminary reviews under this section while the legislature is in session and during the interim between legislative sessions.

(d) If a standing committee determines that a regulation, amendment to a regulation, or repeal of a regulation does not properly implement legislative intent, the standing committee's findings shall be transmitted to the Administrative Regulation Review Committee.

The committee has the implied power to comment to the agency issuing the regulation and has the power to introduce legislation to annul a regulation.

BGB:ojb
J3/017



Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V •
Juneau, Alaska 99811
(907) 465-4954

Official Business

SENATE STATE AFFAIRS COMMITTEE

MEETING SCHEDULE

February 21, Tuesday 3:00 pm

Butrovich Room
Capitol Building

- REPORT BACK ON SB 345

ARCHITECTS

② SB 405 Relating to increase in charges for residence
in the Alaska Pioneers' Home (JOSEPHSON)

① SB 415 Public Employees' Retirement System

(RAY)

③ SJK 36 Relating to the proposal by Congress of an amendment
to the US Constitution (JOSEPHSON)

④ DISCUSSION OF REGULATION REVIEW

February 23, Thursday 3:00 pm

Butrovich Room
Capitol Building

SB 447 Training Center for the prevention of sexual
abuse of minors

SB 452 Relating to public utility consumer representation

SCR 37 Sexual Assault and Abuse Awareness Month

BILL BERRIER WILL BE HERE AS A
RESOURCE PERSON FOR THE DISCUSSION
OF REGULATION REVIEW.

2/21/84

TO: Senator Fischer

FROM: Suzanne

RE: SB 345 - Anchorage Meeting, 2/17/84

THE ANCHORAGE MEETING OPENED A CAN OF WORMS.

1. Problem with occupational licensing not having enough money to enforce or investigate possible misuse of stamps.
2. Some confusion as to whether or not the States use of stamps are clear and enforceable.
3. The whole problem with builders and shoddy workmanship surfaced. Many felt that more meaningful sanctions had to be developed for builders.
4. AHFC housing came up. The context was: Why should the State loan money to build houses that people cannot live in.
5. The problem of building departments only being in the urban areas, also came up.
6. What will happen to these poorly build structures in an earth quake was also a brief point of discussion.