

ALASKA LEGISLATURE 1093

HOUSE and SENATE FINANCE COMMITTEE FILES, 1993-1994 167

HJR

11

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/15/93

FURTHER:

DATE TURNED INTO OFFICE: 4-26-93

The Finance Committee considered **HOUSE JOINT RESOLUTION NO. 11**

Proposing an amendment to the Constitution of the State of Alaska relating to repeal of regulations by the legislature.

and recommends:

- replace with _____ CS _____ (FINANCE)
- or , adopt previous _____ CS _____ (_____)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
Div. of Elections	1-15-93		\$2.2

Appropriation No Fiscal Note

DO PASS:

Tom Kelly

George Jacobo

Steve Rieck

[Signature]

Bert Noyes
 1. _____
 Co-Chair: Signature/Recommendation

OTHER RECOMMENDATIONS:

 2. _____
 Co-Chair: Signature/Recommendation

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HJR 11

Revision Date: _____
Title: Amendment to the Constitution RE: repeal of regulations by the legislature
Sponsor: Representatives Phillips and Brice
Requestor: _____

Department Affected: Office of the Governor
BRU: Division of Elections
Component: General and Primary Elections
COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	2.2*	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: 0

ANALYSIS: (Attach a separate page if necessary.) *This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on the measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be 53.4.

Prepared by: Charlot E. Thickstun, Director Phone: 465-4611
Division: Division of Elections Date: 1/15/93

Approved by Commissioner: Lt. Governor John B. Conhill
Agency: Office of the Lt. Governor Date: 1/15/93

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STATEMENT FOR SENATE FINANCE COMMITTEE

HOUSE JOINT RESOLUTION 11

(REPEAL OF REGULATIONS BY THE LEGISLATURE)

SPONSOR: REPRESENTATIVE GAIL PHILLIPS

THIS IS AN OLD FRIEND TO MOST OF YOU, IN FACT THE EXACT LANGUAGE IN THIS RESOLUTION WAS PROPOSED BY THE FORMER CHAIRMAN OF THE SENATE JUDICIARY COMMITTEE AND THE PRESENT COMMITTEE'S VICE CHAIRMAN

ALTHOUGH THIS PROPOSAL FOR A CONSTITUTIONAL AMENDMENT WON'T BE BEFORE THE VOTERS OF THE STATE OF ALASKA UNTIL THE NEXT GENERAL ELECTION BALLOT.....IT IS MY DESIRE TO HAVE IT PASS THIS LEGISLATIVE SESSION IN ORDER THAT PROPONENTS THAT HAVE COME FORTH SUCH AS THE ALASKA STATE CHAMBER OF COMMERCE AND LOCAL CHAMBERS CAN ORGANIZE AN EXTENSIVE EDUCATIONAL CAMPAIGN BETWEEN NOW AND 1994.....

WHILE MANY REGULATIONS DO CONFORM TO AND SUPPORT THE LAWS PASSED BY THE LEGISLATURE.....THERE IS EVER INCREASING EVIDENCE THAT REGULATIONS WHICH ARE IMPOSED ON THE CITIZENS OF THE STATE DO NOT CONFORM WITH THE LAWS PASSED BY THE LEGISLATURE.....MANY TIMES IGNORING THE LEGISLATIVE DIRECTIVE OR GOING FAR, FAR BEYOND THE LIMITS OF WHAT THE LEGISLATURE INTENDED.....

AS YOU ALL KNOW, ONCE REGULATIONS GO INTO EFFECT.....THEY HAVE ALL THE FORCE OF LAW.....EVEN THOUGH NOT A SINGLE PERSON, ELECTED BY THE VOTERS, HAS APPROVED THEM.....

STATEMENT FOR SENATE FINANCE COMMITTEE

PAGE TWO

HOUSE JOINT RESOLUTION 11

(REPEAL OF REGULATIONS BY THE LEGISLATURE)

SPONSOR: REPRESENTATIVE GAIL PHILLIPS

I FIRMLY BELIEVE THAT THE FRAMERS OF OUR STATE CONSTITUTION NEVER INTENDED THAT ANY GOVERNMENTAL BODY.....EXCEPT THE LEGISLATURE..... HAVE THE POWER TO MAKE LAWS.....

TO ANNUL A REGULATION, THE LEGISLATURE WILL STILL HAVE TO PASS A JOINT RESOLUTION, REQUIRING COMMITTEE SCRUTINY AND THE APPROVAL OF A MAJORITY VOTE OF THE MEMBERSHIP OF EACH BODY

THE ALASKA CONSTITUTION PROVIDES A SYSTEM OF CHECKS AND BALANCES AMONG THE THREE BRANCHES OF GOVERNMENT AND FURTHER PROVIDES THE PEOPLE OF ALASKA THEIR OWN CHECKS AND BALANCES THROUGH THE VOTING BOOTH.....THE INITIATIVE PROCESS.....AND FINAL AUTHORITY OVER AMENDMENTS TO THE CONSTITUTION.....

THE ONE AREA THAT IS NOT CURRENTLY ACCESSIBLE TO THE PEOPLE'S CHECKS AND BALANCES IS THE VOLUME OF ADMINISTRATIVE REGULATIONS WHICH ARE PROPOSED BY THE STATE AGENCIES IN THE EXECUTIVE BRANCH OF GOVERNMENT.....AND ARE WRITTEN BY THE DEPARTMENT OF LAW.....REGULATIONS THAT AFFECT EVERY ASPECT OF THESE PEOPLE'S LIVES.....YET THEY ARE POWERLESS TO CHANGE THEM.....

THIS MEASURE WOULD PROVIDE A REASONABLE AVENUE FOR ANNULMENT OF IMPROPER REGULATIONS.....

STATEMENT FOR SENATE FINANCE COMMITTEE

PAGE THREE

HOUSE JOINT RESOLUTION 11

(REPEAL OF REGULATIONS BY THE LEGISLATURE)

SPONSOR: REPRESENTATIVE GAIL PHILLIPS

I HAVE PROVIDED BACKUP MATERIALS FOR THE COMMITTEE.....THEY INCLUDE A CHART INDICATING THE RESULTS OF EACH TIME THIS PROPOSAL HAS BEEN BEFORE THE VOTERS.....AS WELL AS COPIES OF THE BALLOT MEASURES AND STATEMENTS IN FAVOR AND IN OPPOSITION THAT APPEARED IN THE VOTERS PAMPHLET.....

IT IS ALSO MY UNDERSTANDING THAT THE ATTORNEY GENERAL HAS COME OUT IN OPPOSITION TO THIS RESOLUTION.....HOWEVER, IT'S IRONIC THAT THE PRESENT LT. GOVERNOR.....WHO WAS AN ESTEEMED MEMBER OF THE CONSTITUTIONAL CONVENTION.....INTRODUCED THIS MEASURE DURING THE 16TH LEGISLATURE.....AND HAS FORMALLY ENDORSED THIS RESOLUTION A COPY OF HIS ENDORSEMENT SHOULD ALSO BE IN YOUR BILL PACKETS

IT IS MY INTENTION TO WORK EXTREMELY CLOSE WITH THE DIVISION OF ELECTIONS IN PREPARATION OF THE BALLOT MEASURE AND I STRONGLY BELIEVE THAT WITH A BETTER CAMPAIGN PRESENTATION TO THE VOTERS..... WITH THE VOLUNTEER EFFORTS OF PEOPLE LIKE THE CHAMBERS OF COMMERCE, WE CAN SEE THIS CONSTITUTIONAL AMENDMENT BECOME REALITY

**NOTE: HOUSE JOINT RESOLUTION 11 PASSED THE HOUSE MARCH 10 BY A VOTE OF 36 YEAS AND 4 NAYS
THE RESOLUTION DOES CARRY A SMALL FISCAL NOTE OF \$2,200 TO PLACE THE MEASURE ON THE BALLOT**

HOUSE COMMITTEE REPORT

4/1

(7)
Date Referred: January 11, 1993

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 1-30-93

The STATE AFFAIRS Committee considered:

HJR 11

HOUSE JOINT RESOLUTION NO. 11

REPEAL OF REGULATIONS BY LEGISLATURE

Proposing an amendment to the Constitution of the State of Alaska relating to repeal of regulations by the legislature.

- RECOMMENDATIONS: [] the same title
 be replaced with _____ [] a new title
- [] have attached amendments(s)
- do pass
- [] do not pass
- [] no recommendations
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact Gov. / Elections

[] fiscal note(s) _____

[] zero fiscal note _____

[] zero fiscal note(s) _____

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Al Vezey</i> Vezey		<i>Betty Davis</i> - B. Davis		X	
<i>Will Vimer</i> Vimer					
<i>Harley Olberg</i> Olberg	✓				
<i>Jack G. Davis</i> G. Davis	✓				
<i>Pete Kott</i> Kott	✓				

Al Vezey Vezey

CHAIRMAN'S SIGNATURE

(7)
Date Referred: February 1, 1993

FURTHER REFERRALS:

Finance

Date of Committee Action: 2-15-93

The JUDICIARY Committee considered:

HJR 11

HOUSE JOINT RESOLUTION NO. 11

REPEAL OF REGULATIONS BY LEGISLATURE

Proposing an amendment to the Constitution of the State of Alaska relating to repeal of regulations by the legislature.

RECOMMENDATIONS: the same title
be replaced with _____ a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) Governor 2/1/93

zero fiscal note _____

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	<u>OTHER</u> RECOMMENDATIONS	DNP	NR	AM
Brian A. Porter <small>Porter</small>	✓	Tom Nordlund <small>Nordlund</small>		✓	
Phil Phillips <small>Phillips</small>	✓	Al Davidson <small>Davidson</small>			
Green <small>Green</small>	✓				
Kott <small>Kott</small>	✓				

Brian A. Porter
CHAIRMAN'S SIGNATURE

HOUSE COMMITTEE REPORT

2/25

Rules

(11)

Date Referred: February 17, 1993

FURTHER REFERRALS:

Date of Committee Action: 2/24/93

The FINANCE Committee considered:

HJR 11

HOUSE JOINT RESOLUTION NO. 11

REPEAL OF REGULATIONS BY LEGISLATURE

Proposing an amendment to the Constitution of the State of Alaska relating to repeal of regulations by the legislature.

RECOMMENDATIONS: [] the same title
 be replaced with _____ [] a new title

[] have attached amendments(s)

do pass

[] do not pass

[] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: _____

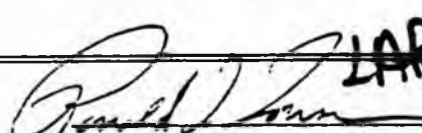
[] fiscal impact _____

fiscal note(s) Office of Lt. Gov. 2/19

[] zero fiscal note _____

[] zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Mary Jean Fileen Mathison</i>					
<i>Ronald J. Larson</i>	X				
<i>Ben Grussendorf</i>	X	<i>Mark Hanley</i>			X
<i>Mike Navarre</i>		<i>Sean Parnell</i>			X
<i>Van Brown</i>		<i>Lynn Hoffman</i>			X
<i>Therriault</i>					
<i>Richard [unclear]</i>					

 **LARSON**
 CHAIRMAN'S SIGNATURE
 CO-Chairs

YEAS: 36 NAYS: 4 EXCUSED: 0 ABSENT: 0

YEAS: BARNES, BRICE, BROWN, BUNDE, CARNEY, B.DAVIS, G.DAVIS, FOSTER, GREEN, GRUSSENDORF, HANLEY, HUDSON, JAMES, KOTT, LARSON, MACKIE, MACLEAN, MARTIN, MENARD, MOSES, MULDER, NAVARRE, NICHOLIA, NORDLUND, OLBERG, PARNELL, PHILLIPS, PORTER, SANDERS, SITTON, THERRIALT, TOOHEY, ULMER, VEZEY, WILLIAMS, WILLIS

SELECTION=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP		EXIT	MENU		PRINT	BWD	FWD		FIRST	LAST	QUIT
BASIS	JOURNAL	TEXT									

03/10/93 HOUSE JOURNAL PAGE 0593

HJR 11
HJR 11 WAS READ THE THIRD TIME.

THE QUESTION BEING: "SHALL HJR 11 PASS THE HOUSE?" THE ROLL WAS TAKEN WITH THE FOLLOWING RESULT:

HJR 11
THIRD READING
FINAL PASSAGE

YEAS: 36 NAYS: 4 EXCUSED: 0 ABSENT: 0

YEAS: BARNES, BRICE, BROWN, BUNDE, CARNEY, B.DAVIS, G.DAVIS, FOSTER, GREEN, GRUSSENDORF, HANLEY, HUDSON, JAMES, KOTT, LARSON, MACKIE, MACLEAN, MARTIN, MENARD, MOSES, MULDER, NAVARRE, NICHOLIA, NORDLUND, OLBERG, PARNELL, PHILLIPS, PORTER, SANDERS, SITTON, THERRIALT, TOOHEY, ULMER, VEZEY, WILLIAMS, WILLIS

SELECTION=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP		EXIT	MENU		PRINT	BWD	FWD		FIRST	LAST	QUIT
BASIS	JOURNAL	TEXT									

03/10/93 HOUSE JOURNAL PAGE 0593

NAYS: DAVIDSON, DAVIES, FINKELSTEIN, HOFFMAN

AND SO, HJR 11 PASSED THE HOUSE.

REPRESENTATIVE HOFFMAN GAVE NOTICE OF RECONSIDERATION OF HIS VOTE ON HJR 11.

SELECTION=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP		EXIT	MENU		PRINT	BWD	FWD		FIRST	LAST	QUIT

B005-LAST PAGE



JOHN B. COGHILL
LIEUTENANT GOVERNOR

STATE OF ALASKA

P. O. Box 110015
JUNEAU, ALASKA 99811-0015
(907) 485-3580

February 23, 1993

The Honorable Representative Gary Davis, Chairman
Administrative Regulation Review Committee
P.O. Box V
Juneau, Alaska 99811

Dear Representative Davis:

I was pleased to hear that the agenda for the Administrative Regulation Review Committee includes a discussion of HJR 11/SJR 11, "Proposing an amendment to the Constitution of the State of Alaska relating to the repeal of regulations by the legislature." I would like to express my most sincere support for these resolutions.

As a member of our state's Constitutional Convention, I have a special place in my heart for all issues that have come before us which might alter the Constitution. In all cases, whether I supported the issue or not, I believe the people of Alaska should be allowed to decide if, when, and how their constitution should be changed.

The issue of regulatory review and the necessary checks and balances has been a personal crusade that is very important to me. As you may know, I sponsored this very same measure in the 16th Legislature. While some of you may not have supported Governor Hickel's Executive Order which granted regulatory review powers to the Lieutenant Governor, we had promised that we would bring the regulations closer to the people by having an elected official involved in the review process. In a letter to Governor Hickel, former Lieutenant Governor Stephen Mc Alpine expressed the following opinion:

"...there should be an independent review within the executive branch of government to analyze the overall consequence of regulation of not only the effective operation of government but also how regulations will impact society as a whole."

Representative Gary Davis
February 23, 1993
Page Two

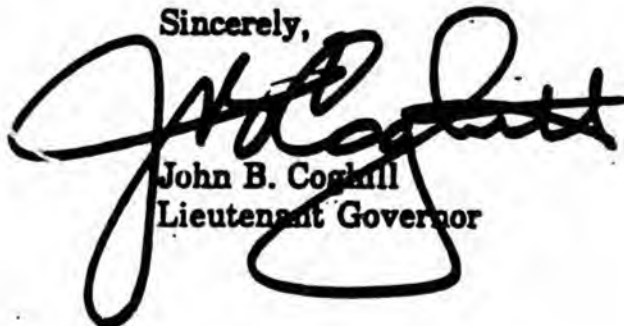
For a short time in Alaskan history the people could look to the Lieutenant Governor, an elected official, for accountability in regulatory review. Since December of 1991, however, no elected official has had the power to review regulations. I have heard from many Alaskans throughout the years who became "victims" of regulations, but they did not elect the authors of these laws. If an elected official in the executive branch does not have the delegated authority to review laws generated in state agencies, I believe the Legislature should have that authority. If the people of Alaska are unhappy with the laws that bind them, they can go to the polls and elect new legislators who better understand their needs.

In the separation of powers, the legislature is the body of government with the power to make law. It is true that regulations undergo a legal review to ensure the regulation is consistent with the enabling statute, and that you, the Legislature could always rewrite statute if you find the regulations go beyond your intent, but I do not believe this is the best process.

Yes, this issue has been before the voters three different times, and failed each time, but never by as much as 20%. Alaskans need to be educated on this subject and I am convinced the sponsors of this resolution are committed to developing a strong educational campaign to help the people of this state understand this proposition was drafted to help them, not hurt them. Now, more than ever before, Alaskans understand how regulations affect their daily lives and will most likely be more receptive to a ballot proposition which will bring the regulations closer to the people.

I encourage your support of this resolution. It is time that all lawmakers become responsible to the public they regulate.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "John B. Coghill".

John B. Coghill
Lieutenant Governor

JBC/lag

cc: ~~The Honorable Representative Gail Phillips~~
The Honorable Senator Drue Pearce

Alaska State Legislature

House of Representatives



Official Business

State Capitol
Juneau, Alaska 99801-1182
(907) 465-3718

House Majority Leader

MEMORANDUM

TO: Senator Drue Pearce, Co-Chairman
Senate Finance Committee

FROM: Representative Gail Phillips

SUBJECT: House Joint Resolution 11
(repeal of regulations by the legislature)

DATE: April 15, 1993

Background

This proposal for an amendment to the Constitution of the State of Alaska to repeal regulations by the Legislature has been placed on the ballot on three previous occasions. The chart below indicates the history of those votes. On all three occasions, the ballot proposition lost by a margin of less than 20 percent; However, my commitment in 1994 is to see that it passes by a substantial margin.

1980	1984	1986	
58,808	91,174	65,176	Yea's
82,010	98,856	94,299	Nay's
140,818	190,030	159,475	Total Proposition Votes
16%	4%	18%	Failure Percentage
162,653	213,173	182,526	Total Votes Cast
258,742	305,262	292,274	Total Registered Voters
63%	70%	62%	Voter Turnout

GP/sgn

BALLOT MEASURE NO. 2

Constitutional Amendment Legislative Annulment of Administrative Regulations (1986 Legislative Resolve No. 60 HCS SJR 40 [Jud] am H)

BALLOT LANGUAGE

(As it will appear on the November 4, 1986, General Election Ballot)

This amendment of the Alaska Constitution would permit the legislature to annul executive branch regulations by passing a resolution that is not subject to veto by the governor or repeal by referendum. The annulment would become effective 30 days after passage by the legislature, unless the resolution sets a different date. The resolution must have three readings in each house on separate days, except that it may be advanced from second to third reading on the same day by a three-fourths vote of the house considering it. The resolution must receive approval of a majority of the membership of each house. The yeas and nays on final passage must be entered in the legislative journals.

A vote "FOR" adopts
the amendment.

FOR

A vote "AGAINST"
rejects the amendment.

AGAINST

VOTES CAST BY MEMBERS OF THE 14TH ALASKA LEGISLATURE ON FINAL PASSAGE

House:	Yeas	31
	Nays	4
	Absent or Not Voting	5
Senate:	Yeas	17
	Nays	0
	Absent or Not Voting	3

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(HCS SJR 40 [Jud] am H)

This proposal for a constitutional amendment would allow the legislature to annul a regulation issued by a state department or agency by its adoption of a concurrent resolution. Under the present provisions of the constitution, the legislature may annul a regulation only by the enactment of a bill that is subject to the veto of the governor; if the governor vetoes the bill, the constitution now requires a two-thirds affirmative vote of the legislature assembled in joint session to override the veto.

If the legislature adopts a concurrent resolution to annul a regulation under the authority proposed in this amendment, the annulment would be effective thirty days after the date the concurrent resolution is approved by both houses unless the resolution specified a different date. The concurrent resolution would not be subject to veto of the governor. Adoption would require three readings in each house on three separate days except that it may be advanced from second to third reading on the same day by the concurrence of three-fourths of the membership of the house considering it. Adoption would require approval by a majority vote of the membership of each house. The vote on final passage must be entered into the journal.

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT

(This amendment would add the following section to article II of the Alaska Constitution.) - -

SECTION 22. ANNULMENT OF REGULATIONS. The legislature by concurrent resolution may annul a regulation adopted by a state department or agency. The annulment of the regulation is effective thirty days after the date the concurrent resolution is approved by both houses unless the concurrent resolution specifies a different date. The concurrent resolution requires three readings in each house on three separate days, except that it may be advanced from second to third reading on the same day by concurrence of three-fourths of the house considering it, and approval by a majority vote of the membership of each house. The yeas and nays on final passage shall be entered into the journal.

BALLOT MEASURE NO. 2

STATEMENT IN SUPPORT OF BALLOT MEASURE NO. 2

The issue is basically simple: should bureaucrats or the Legislature be the ultimate lawmaking authority?

All 60 members of the Legislature (40 House and 20 Senate) are elected by the people. They are all voted in to, and out of, office by individual voters. The Alaska Constitution says, "The legislative (i.e., lawmaking) power of the State is vested in a Legislature consisting of a Senate... and a House of Representatives..." The Legislature proposes, considers, and enacts laws, known collectively as the Alaska Statutes (if general and permanent) or as the Session Laws of Alaska (if specific and temporary).

All bureaucrats who promulgate (i.e., enact and enforce) regulations (theoretically, to put laws into effect) are in the Executive Branch, headed by the Governor. Bureaucrats are not voted into office and thus cannot be removed by the people. Instead, bureaucrats are hired by the Governor or by his/her appointees, and thus can only be removed from office by the Governor or by somebody answerable to him/her. However, the regulations promulgated by the bureaucrats, known collectively as the Alaska Administrative Code, have the force of law and affect all of us, sometimes adversely.

What can be done about a law that's bad? It can be repealed by the Legislature or, in some cases, by the people directly via an initiative petition.

What about a regulation that's bad? It can only be repealed by the bureaucrats who promulgated it, up to and including the Governor. If the Legislature tries to repeal a regulation by passing a bill, the Governor will almost certainly (and always has, in the past) veto the bill so that the bad regulation stays in full force and effect.

Now, if the Legislature had the power to repeal regulations by passing a concurrent resolution (instead of a bill), then the resolution could not be vetoed by the Governor. Thus, the Legislature would be able to get rid of bad regulations, which in effect it cannot do now.

Would this give the Legislature too much power? Not hardly. Since the Legislature already has full power to enact laws, why shouldn't it have full power to repeal all laws, including regulations?

Why do Governors and bureaucrats oppose giving the Legislature such regulatory repeal power? Because Governors and their handpicked bureaucrats, which are answerable only to the Governor (and cannot be removed by the people, which can remove Legislators), don't want to lose the power they now have to promulgate and enforce any regulation they want. It's that simple.

If you feel that the Legislature should have the power to repeal regulations via concurrent resolution (not vetoable by the Governor), vote FOR the ballot measure. If you feel that bureaucrats should be the ultimate lawmaking authority, vote otherwise.

I recommend that you vote FOR. Only in this way will we realistically be able to get rid of bad regulations.

Andre Marrou
State Representative

STATEMENT OPPOSING BALLOT MEASURE NO. 2

For the third time in six years, the legislature insists on confronting the voters with a proposed constitutional amendment giving the legislature a short-cut to law-making—another attempt by the legislature to concentrate governmental power in its own hands. The voters rejected a similar proposal in 1980 and the identical proposal in 1984. It should be rejected again.

Under the current constitution and statute, the legislature has all the power it needs to make laws and to limit or guide the adoption of administrative regulations. Regulations are adopted to implement statutes. They have the force of law. Annulling them changes the law. This proposal would enable legislators to use a law-making procedure that is not subject to veto by the governor or repeal by referendum, and that would be used to ignore the prohibition against special and local legislation.

The constitution now provides for a balance of power between the legislative, executive, and judicial branches of the government. This balance requires a blending or sharing, as well as a dividing, of governmental responsibilities. If this constitutional amendment were to be approved by the voters, it would enable the legislature not only to write the laws, as has traditionally been the legislature's function, but it would also enable the legislature to act in place of the courts in deciding whether the executive has lawfully executed the laws when adopting a regulation, and it would empower the legislature to act in place of the executive by reversing a specific executive-branch decision.

In its intent statement accompanying this proposal, the legislature admitted that the "difficulty in achieving (the two-thirds) majority (to override a veto) in opposition to the governor and the governor's administration has led the legislature to propose this amendment." In other words, the fear that the governor might veto a bill and that not enough legislators would agree to override that veto prompted this short-cut approach to law-making. That fear overlooks the governor's accountability to the voters throughout the state.

The annulment is like a repeal. The legislature would act only in a negative way. It would not be providing the sort of policy guidance and direction that is appropriate to its law-making function. The legislature would be saying to the agency "your decision to adopt that regulation is wrong." But it would not be telling the agency what would be right. This is especially troublesome when dealing with a complex subject. Without any guidance beyond the statute that the executive-branch agency was trying to implement in the first place, the agency is left with only the option to guess again. That is neither an efficient nor appropriate way to run the government.

The Alaska Supreme Court has ruled that the legislature must abide by the constitution's checks and balances on its power, including when it acts to annul regulations. The present proposal is intended to overrule the court's decision. As mentioned when the voters rejected the 1980 and 1984 proposals, this amendment would aid legislators, not the public, and it should be rejected.

Katherine D. Nordale
Delegate to the Alaska
Constitutional Convention, 1955-1956

MEASURE NO. 1

Constitutional Amendment

LEGISLATIVE ANNULMENT OF ADMINISTRATIVE REGULATIONS

(1983 Legislative Resolve No. 15 (SCS HJR 5(Jud)))

SUMMARY

(As it will appear on the November 6, 1984 General Election Ballot)

This amendment of the Alaska Constitution would permit the legislature to annul executive-branch regulations by passing a resolution. The annulment would become effective 30 days after passage by the legislature, unless the resolution sets a different date. The resolution must have three readings in each house on separate days, except that it may be advanced from second to third reading on the same day by a three-fourths vote of the house considering it. The resolution must receive approval of a majority of the membership of each house. The yeas and nays on final passage must be entered in the legislative journals. The resolution is not subject to veto by the governor, and it is not subject to repeal by referendum.

BALLOT FORM:

A vote "FOR" adopts the amendment.

A vote "AGAINST" rejects the amendment.

FOR
AGAINST

VOTES CAST BY MEMBERS OF THE 13TH STATE LEGISLATURE ON FINAL PASSAGE

Senate	(20 members):	Yeas 19	Nays 0	Absent or Not Voting 1
House	(40 members):	Yeas 34	Nays 2	Absent or Not Voting 4

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

This proposal for a constitutional amendment would allow the legislature to annul a regulation adopted by a state department or agency by concurrent resolution. The annulment is effective thirty days after the date the concurrent resolution is approved by both houses unless the resolution specifies a different date. Adoption requires three readings in each house on three separate days except it may be advanced from second to third reading on the same day by concurrence of three-fourths of the membership of the house considering it. Adoption requires approval by a majority vote of the membership of each house. The vote on final passage must be entered into the journal.

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT - -

(This amendment would add the following section to article II of the Alaska Constitution.)

SECTION 22. ANNULMENT OF REGULATIONS. The legislature by concurrent resolution may annul a regulation adopted by a state department or agency. The annulment of the regulation is effective thirty days after the date the concurrent resolution is approved by both houses unless the concurrent resolution specifies a different date. The concurrent resolution requires three readings in each house on three separate days, except that it may be advanced from second to third reading on the same day by concurrence of three-fourths of the house considering it, and approval by a majority vote of the membership of each house. The yeas and nays on final passage shall be entered into the journal.

STATEMENT IN FAVOR OF BALLOT MEASURE NO. 1

Voters who have ever experienced irritation or anger as a result of a problem they have had with state regulations should vote favor of Ballot Measure No. 1. While many regulations do conform to and support state laws, there are occasionally regulations which are imposed that go beyond the intent of the law and cause undue hardship on our citizens. These regulations often make no sense at all, state agency people are often at a loss to explain their meaning or sense of the regulations, and yet the state agencies involved continue to enforce them, and voters are powerless to change them.

The Alaska Constitution, patterned essentially upon the Constitution of the United States and the experience of the other states, provides a system of checks and balances among the three branches of government, and further entitles the people to their own checks and balances through the voting booth, the initiative process, and final authority over amendments to the constitution. The one major area of government that is currently not directly accessible to the people's checks and balances is the very considerable volume of administrative regulations which are written by the state agencies in the executive branch of government.

These regulations deal with every aspect of government and our lives: fish and game, education, health and social services, traffic, land development, utilities, taxes; the list is endless. And once the regulations go into effect, they have all the force of law. The problem is, that unlike the situation that occurs with laws, the agency people who make and enforce regulations are not subject to voter approval at election time; they are either appointed by the governor or by his commissioners.

While the legislature is often made aware of foolish bureaucratic requirements by unhappy constituents, it is almost powerless to do anything about them. Currently, to annul a regulation, the legislature must pass a new bill which is then subject to veto by the governor. This puts the governor in the powerful position of being able to stop a bill that would overturn a regulation made by his own subordinates.

It was never intended by the framers of our State Constitution that any governmental body except the legislature have the power to make laws. Yet, bad regulations have been written, on occasion by state agencies, which go beyond the letter and intent of the law as passed by the legislature and in effect create law on their own.

This measure would provide a reasonable avenue for annulment of bad regulations. It would allow your elected representatives in the legislature, through a majority vote of both houses, to annul regulations in the same way they pass any legislative bill, except it would not be subject to veto by the governor, who clearly has a biased position in the matter.

The House Joint Resolution which created the ballot measure had bi-partisan sponsorship during the last legislative session, and was passed with near-unanimous support by both houses of the legislature.

—Mike Szymanski,
State Representative

STATEMENT OPPOSING BALLOT MEASURE NO. 1

This proposed amendment to the Alaska Constitution is very similar to the one proposed in 1980 and rejected by the voters 82,010 to 58,808. Although the present version includes some improvements over the 1980 version, it is another attempt by the legislature to concentrate governmental power in its own hands.

Under the current constitution and statutes, the legislature has all the power it needs to make laws and to limit or guide the adoption of administrative regulations. The regulations are adopted to implement statutes. This proposal would enable legislators to use a law-making procedure that is not subject to veto by the governor or repeal by referendum, and that could be used to ignore the prohibition against special and local legislation.

The constitution now provides for a balance of power among the legislative, executive, and judicial branches of the government. This balance requires a blending or sharing, as well as a dividing, of governmental responsibilities. If this constitutional amendment were to be approved by the voters, it would enable the legislature not only to write the laws, as has traditionally been the legislature's function, but it would also enable the legislature to act in place of the courts in deciding whether the executive has lawfully executed the laws when adopting a regulation; and it would empower the legislature to act in place of the executive by nullifying a specific executive-branch decision.

The amendment is like a repeal. In using this expedited procedure to annul a regulation, the legislature would act only in a negative way. It would not be providing the sort of policy guidance and direction that is appropriate to its law-making function. And it would not be providing the thoughtful analysis necessary to solve a problem. The legislature would be saying to the agency "your decision to adopt that regulation is wrong". But it would not be telling the agency what would be right. This is especially troublesome when dealing with a complex subject. Without any guidance beyond the statute that the executive branch agency was trying to implement in the first place, the agency is left with only the option to guess again. That is neither an efficient nor an appropriate way to run the government.

The Alaska Supreme Court has ruled that the legislature must abide by the Constitution's checks and balances on its power when it exercises that power, including when it acts to annul regulations. The present proposal is intended to overrule the court's decision. As argued four years ago, when the voters rejected the 1980 proposal, this amendment would aid legislators, not the public, and it should be rejected.

—Katherine D. Nordale,
Delegate to the Alaska Constitutional Convention, 1955-1956

BALLOT PROPOSITION NO. 1

LEGISLATIVE ANNULMENT OF REGULATIONS Constitutional Amendment

(Committee Substitute for House Joint Resolution No. 82 Amended)

SUMMARY

(As it will appear on the November 4, 1980 General Election Ballot)

This proposal would permit the legislature to annul, by adopting a resolution, regulations adopted by agencies. Annulment of regulations by resolution was authorized by the First State Legislature in 1959; however in 1980 the Alaska Supreme Court held that the constitution permits the legislature to annul a regulation by passing a bill, which requires three readings of the bill and a roll call vote which is recorded. The procedures for adopting resolutions are governed by legislative rules and require only the approval of the resolution by a vote of a majority of both houses. A bill passed by the legislature annulling a regulation could be vetoed by the governor or repealed by referendum. A resolution annulling a regulation could not.

BALLOT FORM:

A vote "FOR" adopts the amendment.

A vote "AGAINST" rejects the amendment.

FOR
AGAINST

VOTE CAST BY MEMBERS OF 11TH STATE LEGISLATURE ON FINAL PASSAGE

Senate	(20 members):	Yeas <u>18</u>	Nays <u>0</u>	Absent or Not Voting <u>2</u>
House	(40 members):	Yeas <u>36</u>	Nays <u>0</u>	Absent or Not Voting <u>4</u>

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

This proposal would add a new section, section 22, to Article II of the state constitution. If adopted, the proposal would authorize the legislature to annul or set aside a regulation which has been adopted by a state department or agency. In order to annul a regulation, the legislature could adopt a concurrent resolution by approval of the resolution by majority vote of the membership of each house of the legislature. The resolution specifies the date on which the annulment of a regulation would take effect.

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT

SECTION 22. ANNULMENT OF REGULATIONS. The legislature by a concurrent resolution approved by a majority vote of the membership of each house may annul a regulation adopted by a state department or agency. The annulment of the regulation is effective on the date the concurrent resolution is approved by both houses unless the concurrent resolution specifies a different date.

STATEMENT IN FAVOR OF BALLOT PROPOSITION NO. 1

The legislature, when it writes a law, cannot foresee all of the possible details involved in carrying it out. The appropriate administrative agency is therefore allowed to write regulations which spell out who does what, when, where, and how. If the agency does no more than this no problem is created.

Unfortunately agency regulations are not always consistent with the intent the legislature had in passing the law. Sometimes an agency will get carried away and put out regulations that cause an unnecessary burden for the citizens. The First State Legislature realized this and provided a simple solution. The legislature could, by a concurrent resolution passed by a majority of each house, annul an administrative regulation. Such a resolution is not subject to the governor's veto.

The Alaska Supreme Court recently held, in a 3-2 decision, that the legislature must use a bill rather than a resolution to annul administrative regulations. But a bill is subject to

the governor's veto. The governor can hardly be expected to approve a bill overruling his subordinates, who put out the regulation in the first place. The present governor has already vetoed one such bill.

The court ruling gives agency regulations equal standing with laws, even though no single person elected by the voters has approved them.

Our government is wisely based on dividing power among the three branches: legislative, executive and judicial. The current situation gives entirely too much power to the executive branch. Your approval of this constitutional amendment will restore the better balance under which the state operated from 1961 to 1980.

— Charles H. Parr
Chairman, House Judiciary Committee
Alaska State Legislature

STATEMENT AGAINST BALLOT PROPOSITION NO. 1

This is still another proposal by the legislature to free itself from the checks and balances of our constitution. Under the constitution, the legislature has all the power it needs to make laws and annul administrative regulations. This proposal does not aid the public in any way. What it does is allow the legislature to exercise its power to annul regulations in disregard of the constitutional requirements that each bill have a single subject, that each bill have three readings in each house, and that there be a recorded vote of the ayes and nays on final passage. It would also free the legislature from the executive veto and it would allow it to ignore the prohibition against special and local legislation.

The Alaska Supreme Court has recently ruled that the legislature must abide by the constitution's checks and balances on its power whenever it exercises that power, including when it acts to annul regulations. This amendment is intended to overrule the court's decision and erode the constitution's safeguards. It aids legislators, not the public, and it should be rejected.

— Katherine D. Nordale
Delegate to the Alaska
Constitutional Convention,
1955-1956

NATE COMMITTEE REPORT

DATE: 3/15/93

FURTHER FINANCE

DATE TURNED INTO OFFICE: 4/15/93

JUDICIARY Committee considered HOUSE JOINT RESOLUTION NO. 11

Proposing an amendment to the Constitution of the State of Alaska relating to repeal of regulations by the legislature.)

and a majority of the committee recommends do pass

and recommends:

- replace with _____ CS _____
- or adopt previous _____ CS _____
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

P.H. FN

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
Elections	1/15/93		2.2

House

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

Rich Halford Halford
Robert L. Taylor Taylor
Wanda S. Suley Suley

Elizabeth K. Little No Rec

Rich L. Taylor
 Chair, Signature and Recommendation

HJR

15

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: February 24, 1993

FURTHER REFERRALS:

Date of Committee Action: _____

Died

The FINANCE Committee considered:

SSHJR 15

SPONSOR SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 15

100 DAY SESSION LIMIT

Proposing an amendment to the Constitution of the State of Alaska relating to the duration of a regular session.

RECOMMENDATIONS: _____ | | the same title
 be replaced with _____ | | a new title

- have attached amendments(s)
- do pass
- do not pass
- no recommendations
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM

 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

No. 1
Bill Version: SSHJR 15
(H) Publish Date: 2/11/93

Revision Date: _____
Title: Amendment to the Constitution RE: duration of a regular session
Sponsor: Representative Kott
Requestor: _____

Department Affected: Office of the Governor
BRU: Division of Elections
Component: General and Primary Elections
COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	2.2*	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: 0

ANALYSIS: (Attach a separate page if necessary.) *This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on the measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing and additional ballot card, the fiscal impact would be 53.4.

Prepared by: Charlot E. Thickstun, Director *Charlot E. Thickstun* Phone: 465-4611
Division: Division of Elections Date: 1/15/93

Approved by Commissioner: Lt. Governor John B. Coghill *J. B. Coghill*
Agency: Office of the Lt. Governor Date: 1/15/93

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FISCAL NOTE

Bill Version: SSHJR 15
 (H) Publish Date: 2/11/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: _____
 Title: Proposing an amending to the
Constitution...duration of a regular session.
 Sponsor: Rep. Kott
 Requestor: Rep. Kott

Department Affected: Legislative Affairs Agency
 BRU: Legislative Council

Component: Session Expenses, Legal Svcs.,
Sal & Allow., Public Svcs & Admin Services

COMPONENT SERIAL NO:

726,779,780
 182,781

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS		<1,000.0>	<1,000.0>	<1,000.0>	<1,000.0>	<1,000.0>
TOTAL OPERATING		C <1,000.0>	<1,000.0>	<1,000.0>	<1,000.0>	<1,000.0>

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	<1,000.0>	<1,000.0>	<1,000.0>	<1,000.0>	<1,000.0>
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE	0	0	0	0	0	0
TOTAL	0	<1,000.0>	<1,000.0>	<1,000.0>	<1,000.0>	<1,000.0>

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

HJR 15 reduces the length of the legislative session from a 120 day limit to a 100 day limit. The estimated daily cost of the session is \$50,000 a day. If the session is reduced by 20 days, a savings of \$1,000,000 is calculated.

Prepared By: Pamela A. Stoops, Director
 Division: Administrative Services

Pamela A. Stoops

Phone: 465-3850
 Date: 1/18/93

Approved By: Warren W. Endicott, Executive Director
 Agency: Legislative Affairs Agency

Warren W. Endicott

Date: 1/18/93

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov., & Impacted Agency(ies).

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HJR

27

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/14/93

FURTHER:

DATE TURNED INTO OFFICE: 5-4-93

The Finance Committee considered **HOUSE JOINT RESOLUTION NO. 27**

Relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States.

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS _____ (_____)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
H (Jud)	4-5-93	0	

Appropriation No Fiscal Note

DO PASS:

Bob Sharp
George Stokes
Tim Kelley
J. Katz

OTHER RECOMMENDATIONS:

Steve King - No Rec

1. *Don't do pass*
 Co-Chair: Signature/Recommendation

2. *True Lance - No Rec*
 Co-Chair: Signature/Recommendation

FISCAL NOTE

No. 1
 Bill Version: HJR 27
 (H) Publish Date: 4/7/93

**STATE OF ALASKA
 1993 LEGISLATIVE SESSION**

Revision Date: ---- Dept. Affected: None
 Title: Relating to an amendment to the U.S. Constitution prohibiting desecration of the U.S. Flag BRU: _____
 Sponsor: House Spec. Comm. for Milt. & Vets Component: _____
 Requestor: House Judiciary Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE:	0	0	0	0	0	0

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact anticipated.

Prepared by: Gavle A. Horetski, Committee Aide
 Division: House Judiciary Committee
 Approved by Commissioner: Brian D. Porter
 Agency: Chairman, House Judiciary Committee

Phone: 465-6841
 Date: April 5, 1993
 Date: 4-5-93

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Alaska State Legislature

Please enter into the record my testimony to the Senate Finance
 committee name
 committee on HIR 27 , dated 4/23/93
 bill/subject

Signed: _____
 Testifier
The American Legion
 Representing (Optional)
P.O. Box 13, Sitka, 99835
 Address
747-8629
 Phone No.

SERVICE TO OUR COMMUNITY
SERVICE TO OUR BUDDIES

SITKA POST



NUMBER 13

The American Legion

P.O. Box 13
Sitka, Alaska 99833

4/23/93

SENATOR DRUE PIERCE
CO-CHAIRMAN
SENATE FINANCE COMMITTEE
STATE OF ALASKA

DEAR SENATOR PIERCE:

IN REGARDS TO HJR-27, THE AMERICAN FLAG RESOLUTION BILL, WE OF SITKA AMERICAN LEGION POST #13 URGE YOU AND YOUR FELLOW SENATORS TO ADDRESS THIS MOST IMPORTANT MATTER BE ADJOURNMENT OF THE 1993 LEGISLATIVE SESSION.

WE SEND THIS TO YOU AS CO-CHAIRMAN OF THE SENATE FINANCE COMMITTEE WE NEED YOUR HELP FOR ALASKA'S VETERAN'S.

RESPECTFULLY,

JOHN J. DETEMPLE
ACTING POST ADJUTANT
PAST POST COMMANDER

POST #13
COMMANDER,

Lawrence G. Widmark
LAWRENCE WIDMARK

*Patrick B. May
2nd Vice Commander Sitka District
Harold Patton Service Officer
D.C. Perkins, Finance Officer
Richard D. Stein, Adjt.
Charles Daniels, 1st Vice Comm.
and several others*

Frank deKort, Member

cc: Senator Taylor

CONTENTS

1. **Sponsor Statement**
2. **American Legion Statement**
3. **American Legion Fact Sheets/Chronology**
4. **Veterans Of Foreign Wars Statement**
5. **Alaska Civil Liberties Union Statement**

ALASKA STATE LEGISLATURE

COMMITTEES:

- Community and Regional Affairs
- Military and Veteran's Affairs

BUDGET SUBCOMMITTEES:

- Department of Education
- Department of Military and Veterans Affairs

CO-CHAIRMAN:

Anchorage Caucus



DURING SESSION:
STATE CAPITOL BUILDING
JUNEAU, ALASKA 99801-1182
(907) 465-2199

HOME:
17121 FOOTHILL AVENUE
EAGLE RIVER, ALASKA 99577

REPRESENTATIVE ED WILLIS

DISTRICT 25

Birchwood • Chugiak • Eagle River • Fire Lake • Peters Creek

TO: Senator Pearce, Co-Chair
Senator Frank, Co-Chair
Senate Finance Committee

FROM: Rep. Ed Willis *Ed Willis*

DATE: April 23, 1993

RE: HJR 27 - Prohibiting Flag Desecration

The House Special Committee on Military and Veterans Affairs introduced HJR 27 at the request of veterans organization throughout the state. HJR 27 is identical to SJR 9, which Senator Zharoff has introduced, and as I have been told, has introduced during past sessions as well.

HJR 27 would ask Congress to pass a Constitutional Amendment prohibiting flag desecration. It also invites other states to join Alaska in this request. If the Congress adopted a Constitutional Amendment, which requires a two-thirds vote, the Alaska Legislature would then have an opportunity to ratify it. Three-fourths of the states would have to ratify the Amendment for it to be enacted. As you can see, our action today is only a very small, but important step toward this goal.



THE AMERICAN LEGION

Warren Colver
Dept. Service Officer

Leon Bertram
Service Officer

(907) 276-8211 Service Office
(907) 258-0756 FAX
(907) 257-4802 FTS Line

DEPARTMENT OF ALASKA
SERVICE OFFICE
2925 DEBARR ROAD, SUITE 3100
ANCHORAGE, ALASKA 99508



Bill Frederick
Service Officer
(907) 456-4238 Fairbanks

Bill Hogan
Service Officer
(907) 486-8507 Kodiak

FAX TRANSMITTAL COVER SHEET

DATE 3/19/93

TO: Rep Ed Willis
Fax# 465-3445
FROM: Warren C. Colver, Legislative Rep. American Legion

REGARDING HJR-27

WE HAVE TRANSMITTED _____ PAGES OF DOCUMENTS, IF YOU DID

NOT RECEIVE ALL THE PAGES, PLEASE NOTIFY OUR OFFICE AT THE TELEPHONE OR FAX NUMBER LISTED ABOVE. THANK YOU.

COMMENTS - AMERICAN LEGION, DEPT OF ALASKA, SUPPORTS HJR 27
MEMORIALIZING CONGRESS FOR PASSAGE OF CONSTITUTIONAL AMENDMENT
PROHIBITING BURNING AND DECERATION OF AMERICAN FLAG. PASSAGE
BY CONGRESS WOULD PRESEVE AND PROTECT SYMBOLIC AND PATRIOTIC CHARACTER
OF FLAG BY PROHIBITING DISPUTABLE ACTS WITHOUT ABRIDGEMENT OF
FREE SPEECH IN ANY WAY.

William R. Weber
WILLIAM R. WEBER
DEPT. COMMANDER

PROTECTING THE U.S. FLAG
The Constitutional Amendment Is Necessary

AS of
m, 1990

(Explaining our Position)

The American Legion remains convinced that the only sure way to protect the flag is through ratification of a constitutional amendment.

CURRENT STATUS AS of 11/22/89 337

Although a public law (P.L. 101-131) has been enacted, we remain convinced that it will eventually be ruled unconstitutional. We are continuing to push the U.S. House of Representatives to vote on a proposed constitutional amendment. We must also urge all state legislatures to get involved by adopting resolutions calling on Congress to approve a proposed amendment that can be sent to the states for ratification. In fact, several legislatures have already adopted such resolutions.

KEY POINTS

Supreme Court ruling on June 21, 1989 said public flag burning can be treated as an expression of political protest. It, therefore, is protected by the Constitution's first amendment (freedom of speech). The American Legion believes that the new federal law will be subsequently ruled unconstitutional, based upon the June 21 decision.

Some people say that we shouldn't "tamper" with the Constitution. The American Legion responds by saying that the Constitution has been amended 26 times to include the first 10 which combine to create the Bill of Rights. There are 4-5 proposed amendments now pending in Congress. Our Founding Fathers specifically set up an amendment procedure.

Opponents who use the "tampering" argument also say that Congress should not amend the Constitution. They have confused the issue. Congress only has the authority to approve a proposed amendment. Thirty-eight of the 50 states legislatures must also approve it before it can be officially ratified. The American Legion is simply saying that Congress should, at least, give state lawmakers the opportunity to decide the matter.

Some people have argued that an amendment would restrict every citizen's First Amendment rights. The American Legion points to an August 1989 Gallup Poll showing that 70 percent of all Americans believe that a flag amendment would not restrict their freedom of speech.

Amendment opponents have argued that the ratification process is too lengthy. State legislatures are obligated to carry out that process -- the same bodies that would be required to enact new flagprotecting state laws to replace those that are now unconstitutional. The American Legion, therefore, believes that even if states decided to pattern new laws after the new federal law the process of putting these in place would be no shorter than the ratification process. Moreover, these new laws would be struck down in court.

Protecting the Flag of the United States
A Chronological Recap of Events

- June 21, 1989 Supreme Court of the United States issues ruling protecting the burning of the Flag in protest as "freedom of speech."
The American Legion issued a statement voicing its opposition and disappointment to the Court's decision.
- June 22, 1989 Senate introduces and passes S.Res 151 expressing a sense of Congress that they are disappointed in the Court's ruling. Both Houses of Congress introduce bills to protect the Flag by additional legislation or by Constitutional Amendment.
The American Legion announces plans for a "positive protest" of the Court's ruling and begins a campaign to petition for a Constitutional Amendment.
- July 24, 1989 House introduces HR 2978 - Flag Protection Act of 1989.
- July - August A Gallup Poll, requested by The American Legion, shows overwhelming (73%) dissatisfaction with the Court's ruling and (66%) favoring a Constitutional Amendment.
- August 31, 1989 The American Legion presents Congress with nearly one million signatures on petitions calling for a Constitutional Amendment.
- September 5, 1989 The American Legion passes, without one dissenting vote, a resolution at its National Convention calling for an amendment to protect the Flag from desecration.
- September 12, 1989 House passes HR 2978. Bill goes to Senate.
- October 5, 1989 Senate passes HR 2978 with several amendments.
- October 12, 1989 House accepts Senate amendments without change and passes HR 2978 as amended. Bill goes to President.
- October 19, 1989 Senate considers and votes on S.J.Res 180, which called for a Constitutional Amendment. While the majority prevailed 51 -48, the bill failed by not receiving the required two-thirds vote.
- October 28, 1989 HR 2978 becomes Public Law 101-131, without the President's signature.
- November-January Two new Flag burning cases are presented and argued in two Federal Courts, one in Seattle, WA, the other in Washington, D.C.
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March 19, 1993

Representative Ed Willis
State Capitol
Juneau, AK 99801-1182

Dear Representative Willis,

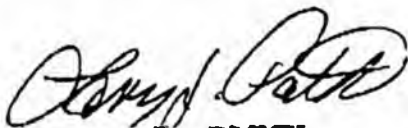
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As Commander of our states 6,500 members of the Veterans of Foreign Wars, I endorse immediate passage and implication of HRS 27, a bill which carries the support of all of our veterans.

It is unfortunate that the flag of our nation requires protection. Many good friends and comrades have come home with our flag as their escort, which was then folded and presented to their survivors from "A grateful nation". The actions of a few radical individuals to desecrate this symbol is a outrageous injustice to those proud Americans who gave their all for our Nations cause.

I solicit your support in passing HRS 27 this session.

Sincerely Yours,



LARRY J. PATCH
Commander

ALASKA

CIVIL LIBERTIES UNION

P. O. Box 201844 Anchorage, AK 99520-1844

Phone: 907-258-0044 Fax: 907-258-0288

Messages Only: 907-276-2258

March 25, 1993

AkCLU
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Mark Tumeo

Juneau

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Shirley Dean
Liz Dodd
Amalia McCarthy

Nome

H. Connor Thomas

Randall P. Burns
Executive Director

The Honorable Brian Porter
Chairman, Judiciary Committee
The House of Representatives
State Capitol, Juneau, AK 99801-1182

Dear Representative Porter:

I am writing to you today to speak against House Joint Resolution 27 (HJR 27), relating to a resolution of the Alaska State Legislature requesting the Congress to prepare an amendment to the U. S. Constitution prohibiting desecration of the flag of the United States.

The Alaska Civil Liberties Union (AkCLU), an affiliate of the American Civil Liberties Union (ACLU), strongly disagrees with any legislation which would limit an individual's right to freedom of expression, and most particularly when it relates to symbolic speech.

The language of HJR 27 repeatedly recognizes that the flag is, indeed, a fine symbol of the many important events and achievements in the history of this country. As a result, some have come to believe that the U. S. flag is somehow more than a mere symbol of our nation; instead, it has become an international symbol for freedom, justice, tolerance, and equality. However, when one considers this fact, one must also remember that one of the most important freedoms that the flag symbolizes for Americans

Page Two - Representative Porter - March 25, 1993

and foreigners alike is our Constitutional (First Amendment) right of free speech.

Surely the freedom that the people of this world's oppressed nations most desire is the freedom to express an opinion or idea without fear of reprisal: to be themselves, wholly. Do we not define the nature of governments first and foremost by the controls which they place on individual liberties, including the freedom of speech?

HJR 27, by attempting to create criminal punishments for desecrating the symbol (our flag) of an idea (freedom), infringes on the very individual liberties our flag represents, while doing great harm to the Constitution itself. The flag is a symbol, a way of communicating an idea to others without the use of words. As such, its destruction is also merely symbolic: a way of communicating feelings and ideas to others.

The First Amendment also guarantees that the sharing of a particular idea, even if that idea may be offensive to a majority of the public, is not to be denied based merely on the *content* of that idea. Although a proposed amendment banning desecration of the flag might not contain explicit content-based limitations on the symbolic uses of the flag, as U. S. Supreme Court Justice Brennan noted in the majority opinion in U.S. v. Eichman (which upheld the constitutionality of flag desecration), such a Constitutional amendment would suffer from the flaw of suppressing expression "out of concern for its *likely* communicative impact" (emphasis added).

The thirteen colonial legislatures, when debating whether to accept the Constitution as the basis for this country's governmental structure, refused to ratify it without written guarantee that certain basic rights would not be infringed. These rights were codified and attached to the Constitution as the first ten amendments, also known as the Bill of Rights. There has been no change to these amendments in the past 200 years. An amendment banning flag desecration would restrict one of these freedoms.

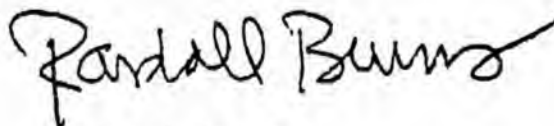
Once a justification for making one change has been made and accepted, it would be just that much harder to resist further changes to the Bill of Rights, should they be proposed. Today, we have an amendment prohibiting flag desecration. What would it be tomorrow? An amendment prohibiting a march by Neo-Nazi sympathizers, or laws banning black armbands worn to protest a governmental action? Potentially, the amendments could reach even more outrageous proportions.

Finally, the idea that an amendment should be made to the Constitution to prohibit one particular form of expression, so long as enough people protest that particular form of expression, is outrageous. The First Amendment was enacted to protect political expression offensive to prevailing opinion and sentiment, to protect that speech which may in fact disturb or anger the majority; to protect individuals from the tyranny of the majority.

Any proposed amendment, although it might appear simple, would conceal a variety of complex issues. Would such an amendment supersede the rest of the Constitution? If so, states could seize evidence of flag desecration in violation of the Fourth Amendment and deny due process in criminal trials. Would the proposed Amendment supersede only the First Amendment? If so, a state could prohibit all flag burning but that in protest, for example, of the Vietnam War. Would that be intended? If not, just how much and what part of the First Amendment would be superseded by the proposed Amendment?

The flag symbolizes different things to different people. As Justice Brennan noted in Texas v. Johnson, mistreatment of the flag should not be an exception to the principle of free speech: "We do not consecrate the flag by punishing its desecration, for in doing so we dilute the very freedom that this cherished emblem represents."

Sincerely,

A handwritten signature in cursive script that reads "Randall Burns". The signature is written in dark ink and is positioned above the typed name.

Randall Burns
Executive Director

CONTENTS

1. **Sponsor Statement**
2. **American Legion Statement**
3. **American Legion Fact Sheets/Chronology**
4. **Veterans Of Foreign Wars Statement**
5. **Alaska Civil Liberties Union Statement**

ALASKA STATE LEGISLATURE

COMMITTEES:

- Community and Regional Affairs
- Military and Veteran's Affairs

BUDGET SUBCOMMITTEES:

- Department of Education
- Department of Military and Veterans Affairs

CO-CHAIRMAN:

Anchorage Caucus



DURING SESSION:
STATE CAPITOL BUILDING
JUNEAU, ALASKA 99801-1182
(907) 465-2199

HOME:
17121 FOOTHILL AVENUE
EAGLE RIVER, ALASKA 99577

REPRESENTATIVE ED WILLIS

DISTRICT 25

Birchwood • Chugiak • Eagle River • Fire Lake • Peters Creek

TO: Senator Pearce, Co-Chair
Senator Frank, Co-Chair
Senate Finance Committee

FROM: Rep. Ed Willis *Ed Willis*

DATE: April 23, 1993

RE: HJR 27 - Prohibiting Flag Desecration

The House Special Committee on Military and Veterans Affairs introduced HJR 27 at the request of veterans organization throughout the state. HJR 27 is identical to SJR 9, which Senator Zharoff has introduced, and as I have been told, has introduced during past sessions as well.

HJR 27 would ask Congress to pass a Constitutional Amendment prohibiting flag desecration. It also invites other states to join Alaska in this request. If the Congress adopted a Constitutional Amendment, which requires a two-thirds vote, the Alaska Legislature would then have an opportunity to ratify it. Three-fourths of the states would have to ratify the Amendment for it to be enacted. As you can see, our action today is only a very small, but important step toward this goal.



THE AMERICAN LEGION

Warren Colver
Dept. Service Officer

Leon Bertram
Service Officer

(907) 276-8211 Service Office
(907) 258-0756 FAX
(907) 257-4802 FTS Line

DEPARTMENT OF ALASKA
SERVICE OFFICE
2925 DEBARR ROAD, SUITE 3100
ANCHORAGE, ALASKA 99508



Bill Frederick
Service Officer
(907) 456-4238 Fairbanks

Bill Hogan
Service Officer
(907) 486-8507 Kodiak

FAX TRANSMITTAL COVER SHEET

DATE 3/19/93

TO: Rep. Ed Willis
Fax# 465-3445
FROM: Warren C. Colver, Legislative Rep. American Legion

REGARDING HJR-27

WE HAVE TRANSMITTED _____ PAGES OF DOCUMENTS, IF YOU DID
NOT RECEIVE ALL THE PAGES, PLEASE NOTIFY OUR OFFICE AT THE
TELEPHONE OR FAX NUMBER LISTED ABOVE. THANK YOU.

COMMENTS - AMERICAN LEGION, DEPT OF ALASKA, SUPPORTS HJR 27
MEMORIALIZING CONGRESS FOR PASSAGE OF CONSTITUTIONAL AMENDMENT
PROHIBITING BURNING AND DECERATION OF AMERICAN FLAG. PASSAGE
BY CONGRESS WOULD PRESEVE AND PROTECT SYMBOLIC AND PATRIOTIC CHARACTER
OF FLAG BY PROHIBITING DISPUTABLE ACTS WITHOUT ABRIDGEMENT OF
FREE SPEECH IN ANY WAY.

for 
WILLIAM R. WEBER
DEPT. COMMANDER

PROTECTING THE U.S. FLAG
The Constitutional Amendment Is Necessary

As of
May, 1990

(Explaining our Position)

The American Legion remains convinced that the only sure way to protect the flag is through ratification of a constitutional amendment.

CURRENT STATUS As of 11/30/89

Although a public law (P.L. 101-131) has been enacted, we remain convinced that it will eventually be ruled unconstitutional. We are continuing to push the U.S. House of Representatives to vote on a proposed constitutional amendment. We must also urge all state legislatures to get involved by adopting resolutions calling on Congress to approve a proposed amendment that can be sent to the states for ratification. In fact, several legislatures have already adopted such resolutions.

KEY POINTS

Supreme Court ruling on June 21, 1989 said public flag burning can be treated as an expression of political protest. It, therefore, is protected by the Constitution's first amendment (freedom of speech). The American Legion believes that the new federal law will be subsequently ruled unconstitutional, based upon the June 21 decision.

Some people say that we shouldn't "tamper" with the Constitution. The American Legion responds by saying that the Constitution has been amended 26 times to include the first 10 which combine to create the Bill of Rights. There are 4-5 proposed amendments now pending in Congress. Our Founding Fathers specifically set up an amendment procedure.

Opponents who use the "tampering" argument also say that Congress should not amend the Constitution. They have confused the issue. Congress only has the authority to approve a proposed amendment. Thirty-eight of the 50 states legislatures must also approve it before it can be officially ratified. The American Legion is simply saying that Congress should, at least, give state lawmakers the opportunity to decide the matter.

Some people have argued that an amendment would restrict every citizen's First Amendment rights. The American Legion points to an August 1989 Gallup Poll showing that 70 percent of all Americans believe that a flag amendment would not restrict their freedom of speech.

Amendment opponents have argued that the ratification process is too lengthy. State legislatures are obligated to carry out that process -- the same bodies that would be required to enact new flagprotecting state laws to replace those that are now unconstitutional. The American Legion, therefore, believes that even if states decided to pattern new laws after the new federal law the process of putting these in place would be no shorter than the ratification process. Moreover, these new laws would be struck down in court.

Protecting the Flag of the United States
A Chronological Recap of Events

- June 21, 1989 Supreme Court of the United States issues ruling protecting the burning of the Flag in protest as "freedom of speech."
The American Legion issued a statement voicing its opposition and disappointment to the Court's decision.
- June 22, 1989 Senate introduces and passes S.Res 151 expressing a sense of Congress that they are disappointed in the Court's ruling. Both Houses of Congress introduce bills to protect the Flag by additional legislation or by Constitutional Amendment.
The American Legion announces plans for a "positive protest" of the Court's ruling and begins a campaign to petition for a Constitutional Amendment.
- July 24, 1989 House introduces HR 2978 - Flag Protection Act of 1989.
- July - August A Gallup Poll, requested by The American Legion, shows overwhelming (73%) dissatisfaction with the Court's ruling and (66%) favoring a Constitutional Amendment.
- August 31, 1989 The American Legion presents Congress with nearly one million signatures on petitions calling for a Constitutional Amendment.
- September 5, 1989 The American Legion passes, without one dissenting vote, a resolution at its National Convention calling for an amendment to protect the Flag from desecration.
- September 12, 1989 House passes HR 2978. Bill goes to Senate.
- October 5, 1989 Senate passes HR 2978 with several amendments.
- October 12, 1989 House accepts Senate amendments without change and passes HR 2978 as amended. Bill goes to President.
- October 19, 1989 Senate considers and votes on S.J.Res 180, which called for a Constitutional Amendment. While the majority prevailed 51 -48, the bill failed by not receiving the required two-thirds vote.
- October 28, 1989 HR 2978 becomes Public Law 101-131, without the President's signature.
- November-January Two new Flag burning cases are presented and argued in two Federal Courts, one in Seattle, WA, the other in Washington, D.C.
- February 21, 1990 Federal District Court Judge Rothstein, Seattle, WA, declares the Flag Protection Act of 1989 as unconstitutional based on the Supreme Court's June 21, 1989, ruling. Case is submitted to the Supreme Court.
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March 19, 1993

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State Capitol
Juneau, AK 99801-1182

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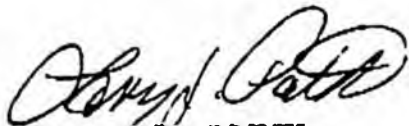
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I solicit your support in passing HRS 27 this session.

Sincerely Yours,



LARRY J. PATCH
Commander

ALASKA CIVIL LIBERTIES UNION

P. O. Box 201844 Anchorage, AK 99520-1844
Phone: 907-258-0044 Fax: 907-258-0288
Messages Only: 907-276-2258

March 25, 1993

AkCLU
Board of Directors:

Officers

Mary C. Geddes,
President

Nancy Groszek,
Vice-President

The Honorable Brian Porter
Chairman, Judiciary Committee
The House of Representatives
State Capitol, Juneau, AK 99801-1182

Don Clocksin,
Secretary

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Gail Gatton,
Treasurer

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Jay Brause
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Mark Tumeo

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Juneau

Jennifer Bell
Shirley Dean
Liz Dodd
Amalia McCarthy

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Nome

H. Connor Thomas

Randall P. Burns
Executive Director

Page Two - Representative Porter - March 25, 1993

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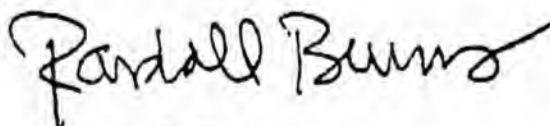
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Sincerely,

A handwritten signature in cursive script that reads "Randall Burns". The signature is written in dark ink and is positioned above the typed name.

Randall Burns
Executive Director

HJR

34

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/30/94

FURTHER:

DATE TURNED INTO OFFICE: 4-26-94

The FINANCE Committee considered HOUSE JOINT RESOLUTION NO. 34

Requesting the Department of Commerce to give a high priority to fisheries development project grants for the Alaska salmon industry.

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS _____
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DF&G	3/30/94	<input checked="" type="checkbox"/>	

Appropriation No Fiscal Note

DO PASS.

Tim Kell
[Signature]
[Signature]

1. [Signature] DO PASS
 Co-Chair: Signature/Recommendation

OTHER RECOMMENDATIONS:

2. [Signature]
 Co-Chair: Signature/Recommendation

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. No. 2
 .il Version: HJR 34
 (S) Publish Date: 3-30-94

Revision Date: 03/30/94
 Title: Fed Fish Research and Development Grants
 Sponsor: Representative Moses
 Requestor: Senate Resources

Dept. Affected: Fish and Game
 BRU: Commercial Fisheries
 Component: Commercial Fisheries
 COMPONENT SERIAL NO. 459

Expenditures/Revenues	(Thousands of Dollars)					
	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
OPERATING EXPENDITURES						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE	(Thousands of Dollars)					
	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 0

POSITIONS	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Geron Bruce GB
 Division: Commissioner's Office
 Approved by Commissioner: Carl J. Lewis
 Agency: Alaska Department of Fish and Game

Phone: 465-6143
 Date: 03/30/94
 Date: 03/30/94

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HJR 34

Revision Date: 03/30/94
 Title: Fed Fish Research and Development Grants
 Sponsor: Representative Moses
 Requestor: Senate Resources

Dept. Affected: Fish and Game
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	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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TRAVEL						
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EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

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POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Geron Bruce GB
 Division: Commissioner's Office
 Approved by Commissioner: Carl S. Lewis
 Agency: Alaska Department of Fish and Game

Phone: 465-6143
 Date: 03/30/94
 Date: 03/30/94

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FISCAL NOTE

No. 1

Rth Version: HJR 34

, Publish Date: 3/12/93

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Fish and Game

Title: Fisheries development project grants

BRU: Commercial Fisheries

for the Alaska salmon industry

Component: Commercial Fisheries

Sponsor: Representative Moses

Requestor: House Fisheries

COMPONENT SERIAL NO. 459

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Geron Bruce Phone: 465-6143

Division: Commissioner's Office Date: 3/9/93

Approved by Commissioner: [Signature]

Agency: Department of Fish and Game Date: 3/9/93

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(Rev. 12/92)

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Page 1 of 1

COMMITTEE COPY

NATE COMMITTEE REPORT

DATE: 3/23/93

FURTHER: FINANCE

DATE TURNED INTO OFFICE: 3-30-94

RESOURCES Committee considered HOUSE JOINT RESOLUTION NO. 34

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& needs sp

and recommends:

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES *updated*

Department	Date	Zero	Fiscal
ADF:G	3-30-94	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

[Signatures]

OTHER RECOMMENDATIONS:

Mike Miller *DO PASS*

Alaska State Legislature

Representative Carl E. Moses

CHAIRMAN
HOUSE RULES COMMITTEE

CHAIRMAN
HOUSE SPECIAL COMMITTEE FISHERIES

MEMBER FINANCE SUBCOMMITTEES ON:
DEPT. OF FISH AND GAME
DEPT. OF PUBLIC SAFETY



SESSION:
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SPONSOR STATEMENT FOR HJR 34

Requesting the Department of Commerce to give a high priority to fisheries development project grants for the Alaska salmon industry

A decade ago, the United States was a dominant force in the worldwide salmon market, with Alaska producing 40% of the world's salmon. That share is now 30%. New salmon producers from all over the world are entering the market, especially with the advent of farmed salmon. The United States' worldwide competitiveness is being seriously threatened. To remain competitive, the U. S. industry must improve its processing technology, investigate new value-added uses for salmon, develop new quality assurance specifications, and open up new opportunities within the domestic market.

Although Alaska's salmon production comprises a major share of the U.S. seafood industry, salmon has not received any government assistance for technology development. The Saltonstall-Kennedy (S-K) Industry Grants Program is intended to assist the seafood industry with such development. In the past, however, the S-K program in Alaska has focused primarily on groundfish development. Salmon was perceived to be fully utilized, and not in need of such assistance. Global conditions have changed so much recently that the salmon industry is now in dire need of additional financial and technical resources in order to regain its position in the world market.

HJR 34 expresses the wishes of the Alaska Legislature to have the federal Department of Commerce give a high priority to S-K grants that will enhance the Alaska salmon industry. Such governmental assistance will benefit the Alaska seafood industry, the state of Alaska, and help reduce our nation's foreign trade deficit.

ADAK • AKUTAN • AMCHITKA • ATKA • ATTU • BELKOFSKI • CHERNOFSKI • CHIGNIK • CHIGNIK LAGOON • CHIGNIK LAKE
COLD BAY • DUTCH HARBOR • EGEGIK • EKWOK • FALSE PASS • IVANOF BAY • KING COVE • KING SALMON • KOLIGANEK • LEVELOCK • NAKNEK
NELSON LAGOON • NEW STUYAHOK • NIKOLSKI • PEDOC BAY • PERRYVILLE • PILOT POINT • PORT HEIDEN • PORT MOLLER • SAND POINT
SHEMYA • SQUAW HARBOR • SOUTH NAKNEK • ST. GEORGE ISLAND • ST. PAUL ISLAND • UGASHIK • UNALASKA • UNGA

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HJR 34

Revision Date: 03/30/94
 Title: Fed Fish Research and Development Grants
 Sponsor: Representative Moses
 Requestor: Senate Resources

Dept. Affected: Fish and Game
 BRU: Commercial Fisheries
 Component: Commercial Fisheries
 COMPONENT SERIAL NO. 459

Expenditures/Revenues	(Thousands of Dollars)					
	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
OPERATING EXPENDITURES						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 0

POSITIONS	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Geron Bruce *GB*
 Division: Commissioner's Office
 Approved by Commissioner: *Carl L. Louie*
 Agency: Alaska Department of Fish and Game

Phone: 465-6143
 Date: 03/30/94
 Date: 03/30/94

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HJR

36

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/4/94

FURTHER:

DATE TURNED INTO OFFICE: 2-23-94

The Finance Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 36(HES)

Urging the federal Department of Health and Human Services to repeal the "100-hour rule" relating to employment of certain persons receiving AFDC and to replace it with a regulation that will serve as an incentive for AFDC recipients to accept employment of more than 100 hours a month.

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS _____
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DH&SS	1-18-94	0	

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

1. _____
 Co-Chair: Signature/Recommendation

2. _____
 Co-Chair: Signature/Recommendation

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: CSHJR 36(HES)
(S) Publish Date: 1-20-94

Revision Date: _____ Dept. Affected: Health and Social Services
Title: A Resolution urging the federal Department of Health and Human Services to repeal the "100-hour rule" BRU: Assistance Payments
Sponsor: Brice, et al Component: AFDC
Requestor: _____ COMPONENT SERIAL NO. 0220

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY94) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

HJR 36 calls for repeal of the federal AFDC "100-hour rule" for AFDC Unemployed Parent families. This resolution has no direct fiscal impact on AFDC program costs. Neither the effective date of any change in federal policy that might result from this resolution nor the impact of an alternate federal definition of unemployment can be predicted.

Prepared by: Jan L. Hansen, Director
Division: Division of Public Assistance
Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S.
Agency: Department of Health & Social Services

Phone: 465-2680
Date: 1/18/94
Date: 1-18-94

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STATE OF ALASKA
1993 LEGISLATIVE SESSION

FISCAL NOTE

N 1
Bill Version: CSHJR 36 (HES)
(H) Publish Date: 4/15/93

Revision Date: _____ Dept. Affected: Health and Social Services
Title: A Resolution urging the federal Department of Health and Human Services to repeal the "100-hour rule" BRU: Assistance Payments
Component: AFDC
Sponsor: Brice
Requestor: _____ COMPONENT SERIAL NO. 0220

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

HJR 36 calls for repeal of the federal AFDC "100-hour rule" for AFDC Unemployed Parent families. This resolution has no direct fiscal impact on AFDC program costs. Neither the effective date of any change in federal policy that might result from this resolution or the impact of an alternate federal definition of unemployment can be predicted.

Prepared by: Jan L. Hansen, Director *107 Randy Moore, acting*
Division: Division of Public Assistance

Phone: 465-2680
Date: 4/12/93

Approved by Commissioner: Theodore A. Mala, MD, MPH
Agency: Department of Health & Social Services

Date: 4/15/93

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POSITION PAPER

HOUSE JOINT RESOLUTION No. 36

A Resolution urging the federal Department of Health and Human Services to repeal the "100-hour rule" relating to employment of certain persons receiving AFDC and to replace it with a regulation that will serve as an incentive for AFDC recipients to accept part-time employment.

Discussion:

HJR 36 calls for repeal of the AFDC "100-hour rule" for AFDC Unemployed Parent families. The Department of Health and Social Services supports this resolution. We have found that the 100-hour rule, rather than promoting self-sufficiency, contributes to AFDC dependency for all of the reasons stated in HJR 36. Both the Department and Governor Hickel have recently issued position papers calling for repeal of the 100-hour rule along with enactment of other federal welfare reform measures.

Federal statute requires the Department of Health and Human Services to establish a regulatory definition of unemployment for purposes of determining eligibility for two-parent AFDC families where the parents do not have enough income to support themselves and their children. The 100-hour rule provides that AFDC eligibility does not exist for such a family if the parent with the most substantial earnings history is working 100 hours or more per month, regardless of the amount of earnings.

This regulation, while designed to draw a clear line of distinction between the unemployed and the underemployed, actually has the result of discouraging AFDC parents from accepting full-time, low-paid jobs that, while they would not produce enough earnings to support the family at the AFDC standard of need, would reduce the amount of their AFDC benefits and could eventually lead to self-sufficiency. Such jobs are often the only jobs available to AFDC parents, and we want to encourage them to accept any employment that is available to them. The 100-hour rule is inimical to the Department's goal of encouraging work and supporting the self-sufficiency of welfare recipients.

PP-95-31

Position Paper - H+SS

Position Paper
HJR 36
Page 2

Proposed Amendments:

Page 2, lines 9 and 10 of the bill request that the regulation be revised to "encourage AFDC recipients to accept part-time employment." That is essentially what the existing rule already does, and the crux of the problem. We propose that this language be changed to "encourage AFDC recipients to accept employment regardless of the number of hours worked, remaining eligible for AFDC benefits so long as the amount of their income does not exceed the state's standard of need."

To be consistent with this change in text, it is also necessary to strike the word "part-time" from the bill title.

Recommendation:

The Department of Health and Social Services supports HJR 36 and recommends that it be adopted with the proposed amendments.

Jan L. Hansen

Jan L. Hansen, Director
Division of Public Assistance
Department of Health and
Social Services

4/3/93

Date

4

Theodore A. Mala, MD, MPH
Commissioner
Department of Health and
Social Services

4/2/93

Date

Bill/Resolution History 06:06 PM 02/20/94 Page 1
BILL: HJR 36 SHORT TITLE: REPEAL 100 HOUR RULE FOR AFDC PROGRAM
BILL VERSION: CSHJR 36(HES)
SPONSOR(S): REPRESENTATIVE(S) BRICE,Navarre,B.Davis,Finkelstein,Brown
Nordlund,James,Menard,Nicholia,Kott; SENATOR(S) Taylor,Salo

CURRENT STATUS: (S) FIN STATUS DATE: 02/04/94

HEARING: (S) FIN FEB 23 09:00 AM SENATE FINANCE 518

TITLE: Urging the federal Department of Health and Human Services to repeal the "100-hour rule" relating to employment of certain persons receiving AFDC and to replace it with a regulation that will serve as an incentive for AFDC recipients to accept employment of more than 100 hours a month.

HJR 36 Bill/Resolution Floor Action Page 2 of 3

		Current Status: (S) FIN		
Jrn-Date	Jrn-Page		Action	
1	03/26/93	793	(H)	READ THE FIRST TIME - REFERRAL(S)
2	03/26/93	793	(H)	HEALTH, EDUCATION AND SOCIAL SERVICES
3	04/07/93	1094	(H)	COSPONSOR(S): MENARD
4	04/15/93	1251	(H)	HES RPT CS(HES) NEW TITLE 6DP 1NR
5	04/15/93	1251	(H)	DP: G.DAVIS, BUNDE, OLBERG, B.DAVIS
6	04/15/93	1251	(H)	DP: BRICE, KOTT
7	04/15/93	1251	(H)	NR: VEZEY
8	04/15/93	1251	(H)	-ZERO FISCAL NOTE (DHSS) 4/15/93
9	04/24/93	1502	(H)	RULES TO CALENDAR 4/24/93
10	04/24/93	1502	(H)	READ THE SECOND TIME
11	04/24/93	1503	(H)	HES CS ADOPTED UNAN CONSENT
12	04/24/93	1503	(H)	ADVANCED TO THIRD READING UNAN CONSENT
13	04/24/93	1503	(H)	READ THE THIRD TIME CSHJR 36(HES)
14	04/24/93	1503	(H)	PASSED Y38 N- A2
15	04/24/93	1510	(H)	COSPONSOR(S): NICHOLIA, KOTT
16	04/24/93	1512	(H)	TRANSMITTED TO (S)
17	04/26/93	1756	(S)	READ THE FIRST TIME - REFERRAL(S)
18	04/26/93	1756	(S)	HES, JUD, FINANCE

HJR 36 Bill/Resolution Floor Action Page 3 of 3

		Current Status: (S) FIN		
Jrn-Date	Jrn-Page		Action	
1	01/20/94	2558	(S)	HES RPT 7DP
2	01/20/94	2558	(S)	ZERO FISCAL NOTE TO HCS PUBLISHED (DHSS)
3	01/24/94	2584	(S)	CROSS SPONSOR(S): TAYLOR, SALO
4	02/04/94	2680	(S)	JUD RPT 4DP
5	02/04/94	2680	(S)	PREVIOUS ZERO FN (DHSS)
6	02/04/94	2680	(S)	REFERRED TO FINANCE

Selection=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP	SUBJ	EXIT	MENU	TEXT	PRINT	BWD	FWD	CMT/JRNL	FIRST	LAST	QUIT

Figure 1 shows the average caseload growth of AFDC in Alaska from 1987 through 1992. Table 3 shows that AFDC-UP makes up about the same percent of AFDC costs for Alaska, Washington, Oregon and California.

Are people coming to Alaska to collect welfare?

Two studies say no.

Two recent surveys have been conducted by the Alaska Department of Health and Social Services/ Division of Public Assistance. The first is an anonymous questionnaire given to new applicants for AFDC to find out if AFDC applicants are coming to Alaska to collect benefits.

This survey shows that being with family, previous residence in Alaska and work are the primary reasons new applicants give for coming to Alaska. Figure 2 gives the results of the field survey.

The second confidential questionnaire was given to over 1,000 clients through the AFDC Self-Sufficiency Project in July, 1992. The primary reasons given for coming to Alaska were that recipients used to live here, that their families live in Alaska, that the quality of life in Alaska is better than in other places, and that work is abundant in the state. Figure 3 shows the results for both rural and urban clients.

Does Alaska pay too much to welfare clients?

That depends on who you ask. Ask a typical client, a mother with two children, who is trying to pay rent and expenses on \$950 a month, and surely the answer will be no. Ask a government employee whose job provides the security of a reasonable wage, excellent medical coverage, and a pension plan. The answer may well be yes.

But the reality which continues to emerge from the Self-Sufficiency Project study is not that welfare pays too much. Rather, it is that low paid jobs simply do not pay enough for a family to live on. And this situation is exacerbated by the lack of medical coverage.

Alaska pays about 79% of the federally determined poverty level to a typical AFDC family of three. Approximately 50% of the funds for grants to recipients and for administration of the AFDC

program is paid by the federal government. About 60% of these recipients also receive food stamp assistance, and about a third of AFDC families receive housing assistance.

Figure 4 compares the federal poverty level for Alaska with AFDC grants in the state in 1993. Figure 5 compares maximum AFDC benefits for a family of three in the ten states which pay the highest AFDC grants. Table 4 gives the American Chamber of Commerce Research Association (AC-CRA) Cost of Living Index.

Does welfare discourage work?

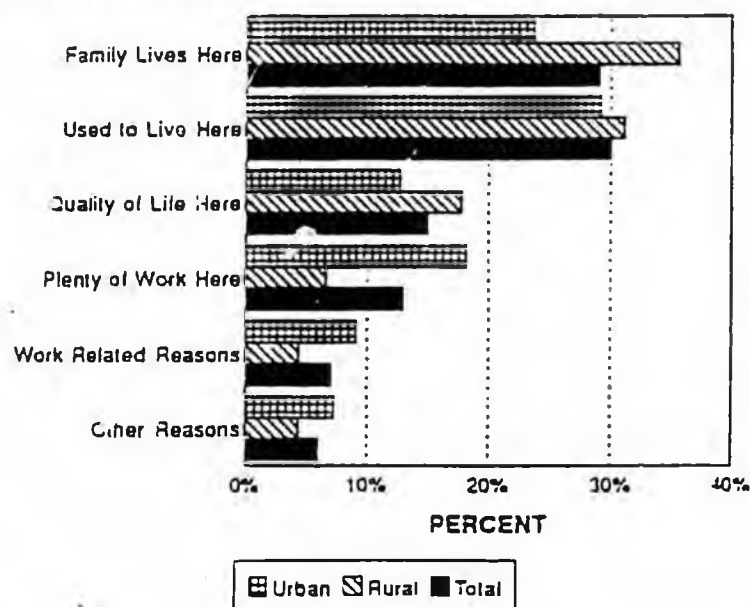
In some ways it does.

Some federal regulations are an albatross around the state's neck because they discourage work. These regulations are:

- ✓ The 100-hour rule. This rule limits an unemployed parent in a two parent (UP) household to 100 hours of work a month in order to remain eligible for AFDC. If the parent starts working full time, he or she becomes ineligible for AFDC and Medicaid even if she or he earns less than the AFDC grant.

Figure 3

Primary Reason for Moving to Alaska Client Survey/Self-Sufficiency Project



Note: Based on 485 client responses in August 1992.

Source: Alaska Department of Health & Social Services, Division of Public Assistance Self-Sufficiency Project.



Representative Tom Brice

ALASKA STATE LEGISLATURE

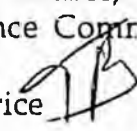
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907-456-7423
While in Juneau
State Capitol
Juneau, AK 99801-1182
907-465-3466

MEMORANDUM

FEB 02 1994

DATE: February 2, 1994

TO: Senator Drue Pearce, Co- Chair
Senate Finance Committee

FROM: Rep. Tom Brice 

SUBJECT: Request to schedule CSHJR 36 (HESS) for hearing

I would appreciate your committee hearing CSHJR 36 (HESS), urging the federal Department of Health and Human Services to repeal the "100 hour rule" relating to employment of certain persons receiving AFDC, and to replace it with a regulation that will serve as an incentive for AFDC recipients to accept employment of more than 100 hours per month, at its' earliest convenience.

Under current federal regulations, recipients of the AFDC unemployed parent program are limited in the number of hours they can work to 100. Employment in excess of 100 hours per month makes that family ineligible for any AFDC benefits even if that parent earns less than the amount of the AFDC grant.

This rule discourages people from accepting full time employment. Many families who are willing and able to work choose not to because those jobs cannot support their families or have no health benefits. This encourages dependency and results in increased costs to the program.

Repealing this rule will allow families to accept employment that will partially support them and reduce the amount of aid they receive. This will encourage those families to be self sufficient and save state dollars as well. I would appreciate your prompt consideration on this resolution.





Representative Tom Brice

ALASKA STATE LEGISLATURE

119 N. Cushman, Ste. 205
Fairbanks, AK 99701
907-456-7423
While in Juneau
State Capitol
Juneau, AK 99801-1182
907-465-3466

REPRESENTATIVE TOM BRICE

Sponsor Statement for HJR 36

The federal Department of Health and Human Services has developed and implemented regulations relating to the Aid to Families with Dependent Children Unemployed Parent Program that set out the number of hours a grant recipient can work and maintain eligibility for the program. That threshold is set at 100 hours per month. If a job that exceeds 100 hours per month is accepted by the unemployed parent, that family becomes ineligible for AFDC and Medicaid even if employment earnings are less than the amount of the AFDC grant.

This rule in effect encourages dependency on the AFDC program and discourages people who want to work from accepting full time employment. Many low income families do not accept jobs because those jobs will not support the family or have no health benefits. Therefore, many families stay on the AFDC program in order to meet basic living needs. In addition to the issue of fostering dependency, it means that the state is incurring increased costs to the program.

Repealing the 100 hour rule will allow those families to accept employment that exceeds 100 hours per month that may partially support them and reduce the amount of aid they receive. This will promote self sufficiency and save state dollars at the same time.

Additionally, President Clinton's federal welfare reform working group has been meeting to formulate recommendations that will be forwarded to the administration for inclusion in a welfare reform package later this year. Preliminary indications suggest that the repeal of the 100 hour rule will be one of those recommendations. It is important that we add our voice of support for this element of welfare reform.

In order to seriously consider responsible welfare reform, we must encourage the development of laws and regulations that help rather than hinder families to become more self sufficient.



SENATE COMMITTEE REPORT

JMB DATE.. 1/20/94

FURTHER: Finance

DATE TURNED INTO OFFICE: 2/3/94

Judiciary Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 36(HES)

Urging the federal Department of Health and Human Services to repeal the "100-hour rule" relating to employment of certain persons receiving AFDC and to replace it with a regulation that will serve as an incentive for AFDC recipients to accept employment of more than 100 hours a month.

and recommends: and a majority of the committee recommends do pass

[] replace with _____ CS _____ ()

or [] adopt previous _____ CS _____ ()

[] attaches amendment(s)

[] same title
[] new title
[] technical title change (HB only)

[] adopts _____ Letter of Intent

[] further referral to the _____

- do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations

CFR

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
HSS	1/18/94	✓	

[] Appropriation No Fiscal Note

DO PASS:

Suzanne Little LITTLE

Gregory Jackson JACKSON

(V. Chan) ONLY Chan

OTHER RECOMMENDATIONS:

Rich Halperin do pass (V. Chan)

SENATE COMMITTEE REPORT

DATE: 4.26/93

FURTHER: JUDICIARY
FINANCE

Paul

DATE TURNED INTO OFFICE: 1/19/94

HES Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 36(HES)

Urging the federal Department of Health and Human Services to repeal the "100-hour rule" relating to employment of certain persons receiving AFDC and to replace it with a regulation that will serve as an incentive for AFDC recipients to accept employment of more than 100 hours a month.

and recommends: ~~and do pass~~

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

- adopts _____ Letter of Intent
- further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

PKM

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
HSS	1/18/94	✓	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

Mike Miller
Jim Duncan
Phil Ellis
Bob Sharp Sharp
Judith E. Balo
Steven A. Lemmon

OTHER RECOMMENDATIONS:

Steve Klein Do Pass
 Chair: Signature and Recommendation