

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2357 SCOMM 99 HOUSE SPEC. WORLD TRADE... RELATIONS, 1995-1996 652

Fisheries Board Confirmation Votes:

Trefon Angasan:

Senator Halford moved and asked unanimous consent that Trefon Angasan, Jr. be confirmed to the Board of Fisheries.

Without objection, Trefon Angasan, Jr. was confirmed.

Dick H. Bower, Sr.:

Senator Taylor moved that **Dick H. Bower, Sr.** be confirmed to the Board of Fisheries. Representative Brice objected.

The question being: "Shall Dick H. Bower, Sr. be confirmed to the Board of Fisheries?" The roll of the House was taken with the following result:

HOUSE

YEAS: 29 NAYS: 11 EXCUSED: 0 ABSENT: 0

Yeas: Barnes, Brown, Bunde, Carney, Davidson, Davies, B.Davis, G.Davis, Finkelstein, Green, Hanley, Hoffman, Kott, Larson, Mackie, Martin, Menard, Moses, Mulder, Navarre, Nicholia, Nordlund, Parnell, Phillips, Porter, Sanders, Toohey, Vezey, Willis

Nays: Brice, Foster, Grussendorf, Hudson, James, MacLean, Olberg, Sitton, Therriault, Ulmer, Williams

The roll of the Senate was called with the following result:

SENATE

YEAS: 16 NAYS: 4 EXCUSED: 0 ABSENT: 0

Yeas: Kelly, Kerttula, Leman, Lincoln, Little, Miller, Pearce, Phillips, Rieger, Salo, Sharp, Donley, Ellis, Frank, Jacko, Halford

Nays: Taylor, Zharoff, Adams, Duncan

TOTAL: 45 NAYS: 15 EXCUSED: 0 ABSENT: 0

and so, Dick H. Bower, Sr. was confirmed.

Larry Edfelt:

Senator Taylor moved and asked unanimous consent that the following appointees be confirmed as members to the Board of Fisheries:

Larry Edfelt
John Hanson

Without objection, they were confirmed.

Larry J. Engel:

Senator Taylor moved that **Larry J. Engel** be confirmed to the Board Fisheries. Representative Brice objected.

The question being: "Shall Larry J. Engel be confirmed to the Board of Fisheries?" The roll of the Senate was called with the following result:

SENATE

YEAS: 12 NAYS: 8 EXCUSED: 0 ABSENT: 0

Yeas: Kerttuia, Miller, Pearce, Phillips, Rieger, Sharp, Donley, Ellis, Frank, Jacko, Kelly, Halford

Nays: Leman, Lincoln, Little, Salo, Taylor, Zharoff, Adams, Duncan

The roll of the House was taken with the following result:

HOUSE

YEAS: 30 NAYS: 9 EXCUSED: 0 ABSENT: 1

Yeas: Barnes, Brown, Bunde, Carney, Davies, B.Davis, G.Davis, Finkelstein, Foster, Green, Hanley, Hoffman, Larson, Mackie, Martin, Menard, Moses, Mulder, Navarre, Nicholia, Nordlund, Parnell, Phillips, Porter, Sanders, Sitton, Toohey, Vezey, Williams, Willis

Nays: Brice, Grussendorf, Hudson, James, Kott, MacLean, Olberg, Therriault, Ulmer

Absent: Davidson

TOTAL: YEAS: 42 NAYS: 17 EXCUSED: 0 ABSENT: 1
and so, Larry J. Engel was confirmed.

Dick Jacobsen:

Senator Taylor moved and asked unanimous consent that Dick Jacobsen be confirmed to the Board of Fisheries.

Senator Donley objected.

The question being: "Shall Dick Jacobsen be confirmed to the Board of Fisheries?" The roll was taken with the following result:

HOUSE

YEAS: 37 NAYS: 3 EXCUSED: 0 ABSENT: 0

Yeas: Barnes, Brice, Brown, Bunde, Davidson, Davies, G.Davis, Finkelstein, Foster, Green, Grussendorf, Hanley, Hoffman, Hudson, James, Kott, Larson, Mackie, MacLean, Martin, Menard, Moses, Mulder, Navarre, Nicholia, Nordlund, Olberg, Parnell, Phillips, Porter, Sanders, Sitton, Therriault, Ulmer, Vezey, Williams, Willis

Nays: Carney, B.Davis, Toohey

SENATE

YEAS: 16 NAYS: 4 EXCUSED: 0 ABSENT: 0

Yeas: Lincoln, Little, Miller, Pearce, Phillips, Rieger, Salo, Sharp, Taylor, Zharoff, Duncan, Frank, Jacko, Kelly, Leman, Halford

Nays: Adams, Donley, Ellis, Kerttula

TOTAL: YEAS: 53 NAYS: 7 EXCUSED: 0 ABSENT: 0

And so, Dick Jacobsen was confirmed.

Alaska State Legislature

During Interim:
3111 C Street, Suite 150
Anchorage, AK 99503-3925
(907) 561-2038
Fax (907) 561-4194



During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-4993
Fax (907) 465-3872

Senator Drue Pearce
District F

Sponsor Statement for SB 49

Senate Bill 49 will change the composition of the Board of Fisheries from the existing seven member part time board to a three member full time board. The bill would prohibit the members from having any vested economic interest in fishery resources: such as an interim use permit, an entry permit, an interest in a commercial fishing vessel or gear, or an interest in any fishery resource processing or marketing business. Each board member would serve a four year term and would be in a fully exempt position that serves at the pleasure of the governor.

Historically, the Legislature and the Governor have struggled over confirmations of board members. Different geographic districts and economic interests have always felt they were slighted and not proportionately represented. This has led to power struggles over appointments and confirmations and even alleged incidents of vote trading by members who represent certain user groups. Full time board members with no economic vested interests in fishery resources will go a long way to decrease this problem. Board members are often far too effectively lobbied by outside big money interests.

Three member boards will work more efficiently and can be cheaper to run. A board structured after Alaska's Public Utilities Commission or the Alaska Oil and Gas Commission allows single board members to independently hold public hearings in the field and to then bring their findings and recommendations back to the full board for a decision. Not requiring the full membership of the board to be present during field hearings will present a considerable cost savings by itself.

A full time board will more effectively serve the interests of all Alaskans once board members are prohibited from any vested economic interest in fishery resources.

SENATE BILL NO. 49

IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATOR PEARCE

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Board of Fisheries; and providing for an effective date."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 16.05.221(a) is amended to read:

4 (a) For purposes of the conservation and development of the fishery resources of
5 the state, there is created the Board of Fisheries composed of ~~three~~ [SEVEN] members
6 appointed by the governor, subject to confirmation by a majority of the members of the
7 legislature in joint session. The governor shall appoint each member on the basis of
8 interest in public affairs, good judgment, knowledge, and ability in the field of action of
9 the board, and with a view to providing diversity of interest and points of view in the
10 membership. The appointed members shall be residents of the state and shall be
11 appointed without regard to political affiliation or geographical location of residence.
12 The governor shall designate one member of the board as chair of the board. The
13 member designated shall serve as chair for a term of two years, and may be
14 designated chair for successive two-year terms. A member of the board may not

1 have a vested economic interest in an interim-use permit, entry permit, commercial
2 fishing vessel or gear, or in any fishery resource processing or marketing business.

3 The commissioner is not a member of the Board of Fisheries, but shall be ex officio
4 secretary.

5 * Sec. 2. AS 16.05.221(c) is amended to read:

6 (c) Members of the Board of Fisheries serve staggered terms of four years
7 and until a successor is appointed. Members of the [BOARD OF FISHERIES OR]
8 Board of Game serve staggered terms of three years and until a successor is appointed.
9 An appointment to fill a vacancy in the membership of the Board of Fisheries or Board
10 of Game shall be made in the same manner as the original appointment and for the
11 balance of the unexpired term.

12 * Sec. 3. AS 16.05.290 is amended to read:

13 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of
14 the Board of Game [A BOARD] is entitled to compensation at a rate equal to Step A,
15 Range 20, of the salary schedule in AS 39.27.011(a) for Juneau, Alaska, for each day
16 going to and from and for each day in actual attendance at board meetings. For other
17 meetings or conferences authorized by the [A] board, a member shall receive
18 compensation at a rate equal to one-half of Step A, Range 20, of the salary schedule in
19 AS 39.27.011(a) for Juneau, Alaska, for each day going to and from and for each day in
20 actual attendance. Each member of the [A] board is also entitled to travel expenses and
21 per diem authorized for boards and commissions under AS 39.20.180.

22 * Sec. 4. AS 16.05.290 is amended by adding a new subsection to read:

23 (b) Members of the Board of Fisheries are in the exempt service and are entitled
24 to a monthly salary equal to Step C, Range 26, of the salary schedule in AS 39.27.011(a)
25 for Juneau, Alaska.

26 * Sec. 5. AS 16.05.320 is amended to read:

27 Sec. 16.05.320. QUORUM. A majority of the members of a board constitutes
28 a quorum for the transaction of business, for the performance of any duty, and for the
29 exercise of any power. However, a majority of the full board membership is required to
30 carry all motions, regulations, and resolutions. A majority of the members of each of the
31 boards of fisheries and game constitute a quorum for the transaction of business in a joint

1 board meeting. A majority of the membership of each of the boards is required to carry
2 all joint motions, regulations, and resolutions of the boards.

3 * Sec. 6. AS 39.25.110(11) is amended to read:

4 (11) the officers and employees of the following boards, commissions,
5 and authorities:

6 (A) [REPEALED

7 (B)] Alaska Permanent Fund Corporation;

8 ~~(B)~~ [(C)] Alaska Industrial Development and Export Authority;

9 ~~(C)~~ [(D)] Alaska Commercial Fisheries Entry Commission;

10 ~~(D)~~ [(E)] Alaska Commission on Postsecondary Education;

11 ~~(E)~~ [(F)] Alaska Aerospace Development Corporation;

12 (F) Board of Fisheries;

13 * Sec. 7. The governor shall appoint, and submit to the legislature for confirmation by the 10th
14 legislative day of the Second Regular Session of the Nineteenth Alaska State Legislature, three
15 persons qualified to serve on the Board of Fisheries as restructured by secs. 1 - 6 of this Act.
16 Notwithstanding AS 16.05.221(c), as amended by sec. 2 of this Act, the governor shall appoint
17 one person to serve on the board for an initial term of two years, one person to serve on the board
18 for an initial term of three years, and one person to serve on the board for a term of four years.

19 * Sec. 8. (a) This section of this Act does not take effect if sec. 9 of this Act is passed by
20 concurrence of two-thirds of the membership of each house of the Alaska State Legislature as
21 provided under art. II, sec. 18, Constitution of the State of Alaska.

22 (b) Notwithstanding secs. 1 - 6 of this Act, the persons serving as members of the Board
23 of Fisheries on the day before the effective date of sec. 1 of this Act, and their successors, shall
24 continue to serve on the board until July 1 following the confirmation by the legislature of at least
25 two of the three persons appointed by the governor to serve on the Board of Fisheries as
26 restructured by secs. 1 - 6 of this Act.

27 (c) Notwithstanding secs. 1 - 6 of this Act, the Board of Fisheries shall operate under the
28 provisions of AS 16.05.221, 16.05.290, 16.05.320, and AS 39.25.110 as those provisions read
29 on the day before the effective date of sec. 1 of this Act until July 1 following the confirmation by
30 the legislature of at least two of the three persons appointed by the governor to serve on the Board
31 of Fisheries as restructured by secs. 1 - 6 of this Act.

1 * **Sec. 9.** Sections 1 - 6 of this Act take effect on July 1 following the confirmation by the
2 legislature of at least two of the three persons appointed by the governor to serve on the Board
3 of Fisheries as restructured by secs. 1 - 6 of this Act.

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 3, 1995

SUBJECT: Sectional Summary of SB 49, An Act relating to the Board of Fisheries.

TO: Senator Drue Pearce

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of SB 49, An Act relating to the Board of Fisheries.

As a preliminary matter, note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends AS 16.05.221(a) by changing the membership of the Board of Fisheries from seven to three members, providing that the governor appoint a chair of the board to serve a term of two years, and prohibiting members of the board from having a vested economic interest in fishing permits or fishing businesses.

Section 2 of the bill amends AS 16.05.221(c) by providing that the members of the Board of Fisheries shall serve four year terms.

Sections 3 and 4 of the bill amend AS 16.05.290 to provide that members of the Board of Fisheries shall receive a salary equal to step C, range 26 for Juneau. The effect of these provisions is to make the Board of Fisheries into a full time board and the members of the board into full time state employees.

Section 5 of the bill amends AS 16.05.320 by making technical amendments to the quorum requirements for the Board of Fisheries and the Board of Game.

Section 6 of the bill amends AS 39.25.110(11) to provide that the officers and employees of the Board of Fisheries are in the exempt state service.

Section 7 of the bill provides that the governor shall appoint, subject to confirmation by the legislature, three persons to serve on the Board of Fisheries and provides for initial terms.

Senator Drue Pearce
February 3, 1995
Page 2

Section 8 of the bill provides for the transition from the current Board of Fisheries to the new Board of Fisheries in the event that the effective date of the bill is not passed by the legislature.

Section 9 of the bill provides that secs. 1 - 6 of the bill take effect on July 1 following confirmation of at least two persons to serve on the new Board of Fisheries.

GEM:klb
95-031.klb

FISCAL NOTE

STATE OF ALASKA **BILL NO. SB49**
1995 LEGISLATIVE SESSION

Revision Date: 1/25/95 Dept. Affected: Fish and Game
 Title: An Act relating to the BRU: Boards F&G
 Board of Fisheries Component: Board Service
 Sponsor: Sen. Pearce
 Requester: Senate Resources COMPONENT SERIAL NO. #482

Expenditures/Revenues		(Thousands of Dollars)				
OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	278.6	278.6	278.6	278.6	278.6	278.6
TRAVEL	65.0	(50.0)	(50.0)	(50.0)	(50.0)	(50.0)
CONTRACTUAL	(15.0)	(10.0)	(10.0)	(10.0)	(10.0)	(10.0)
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						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	198.6	218.6	218.6	218.6	218.6	218.6

CAPITAL EXPENDITURES

CHANGE IN REVENUES ()

FUND SOURCE		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF	198.6	218.6	218.6	218.6	218.6	218.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	198.6	218.6	218.6	218.6	218.6	218.6

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS	
FULL-TIME	3
PART-TIME	
TEMPORARY	

ANALYSIS: (Attach a separate page if necessary)

This analysis assumes that the Board of Fisheries will go to a two year cycle and that hearings will be held throughout the state by one board member. The total number of hearing and regulatory meeting days will be about the same as the board now meets in regulatory session. Space costs will be slightly reduced, however printing, mailing and advertising will be approximately the same. Also, it is assumed that advisory committees will remain as is for the present time.

There are some questions about process that could increase the cost. For example, all regulatory meetings are now taped. Will hearings be taped? Having a complete record is important for legal challenges. Taping will require staff as well as board member at hearings. It may be difficult for the board to confine public testimony to hearings and not allow during regulatory meetings. This could increase time and expense.

See page two for a comparison of costs.

Prepared by: Beverly Reaume *BR* Phone: 465-6095
 Division: Administration/Boards Support Section Date: 2/14/95
 Approved by Commissioner: *[Signature]* Date: 2.14.95
 Agency: Fish and Game

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 50

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to the Board of Game; and BRU: Legal Services
providing for an effective date." Component: Operations
 Sponsor: Senator Pearce
 Requester: Senator Pearce COMPONENT SERIAL NO. 0093

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

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	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 16.05 and AS 39.25 to replace the existing seven-member Board of Game, who are members of the public with a three-member professional board, who would be full-time state employees in the exempt service. This proposed change in the composition of the Game Board represents a major departure in how the Board's activities will be conducted, and is properly a policy decision for the legislature and the administration. Nevertheless, the Department of Law provides extensive legal services assisting the Board of Game in carrying out its responsibilities. This level of service is not expected to change, whatever the composition of the Board.

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 2/6/95
 Date: 2/6/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

Alaska State Legislature

Office of World Trade And State/Federal Relations

Anchorage
P.O. Box 103382
Anchorage, AK 99510
(907) 337-7737
(907) 258-8163

State Capitol
Juneau, AK 99801-1182
(907) 465-3438

Official Business

COMMITTEES:
Natural Resources
Legislative Council

REPRESENTATIVE
RAMONA L. BARNES
District 22

SPONSOR STATEMENT

House Bill 149 would create a full-time three member Board of Fisheries to replace the 7 member part-time board that currently exists. Members would serve staggered four year terms. One member of the board would be designated by the Governor to serve as chair for a two year term. That member may be designated chairman for successive terms. All members of the board would serve at the pleasure of the Governor.

Under the terms of the bill, members would be prohibited from having a vested economic interest in fisheries, such as an interim-use permit, entry permit, commercial fishing vessel or gear, or in the processing or marketing business. Requirements that members be appointed without regard to political affiliation or geographical location of residence would be retained.

A three member board could result in significant cost savings for the State. Single members would be able to hold field hearings and then present the findings to the full board at a later time for action. Changing the size of the board could also result in a smoother appointment and confirmation process. The battle for representation on the board by various geographic districts would lessen.

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 9, 1995

SUBJECT: Sectional Summary of HB 149, An Act relating to the Board of Fisheries.

TO: Representative Ramona Barnes

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of HB 149, An Act relating to the Board of Fisheries.

As a preliminary matter, note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends AS 16.05.221(a) by changing the membership of the Board of Fisheries from seven to three members, providing that the governor appoint a chair of the board to serve a term of two years, and prohibiting members of the board from having a vested economic interest in fishing permits or fishing businesses.

Section 2 of the bill amends AS 16.05.221(c) by providing that the members of the Board of Fisheries shall serve four year terms.

Sections 3 and 4 of the bill amend AS 16.05.290 to provide that members of the Board of Fisheries shall receive a salary equal to step C, range 26 for Juneau. The effect of these provisions is to make the Board of Fisheries into a full time board and the members of the board into full time state employees.

Section 5 of the bill amends AS 16.05.320 by making technical amendments to the quorum requirements for the Board of Fisheries and the Board of Game.

Section 6 of the bill amends AS 39.25.110(11) to provide that the officers and employees of the Board of Fisheries are in the exempt state service.

Section 7 of the bill provides that the governor shall appoint, subject to confirmation by the legislature, three persons to serve on the Board of Fisheries and provides for initial terms.

Representative Ramona Barnes

March 9, 1995

Page 2

Section 8 of the bill provides for the transition from the current Board of Fisheries to the new Board of Fisheries in the event that the effective date of the bill is not passed by the legislature.

Section 9 of the bill provides that secs. 1 - 6 of the bill take effect on July 1 following confirmation of at least two persons to serve on the new Board of Fisheries.

GU:glc

95-207.glc

STATE OF ALASKA
Boards and Commissions

FISHERIES

BOARD: Board of Fisheries

BOARD IDENTIFICATION NUMBER: 037

DEPARTMENT: Department of Fish and Game

AUTHORITY: AS 16.05.221

STATUS: Active

REQUIREMENTS: Legislative Confirmation, Financial Disclosure

TERM: 3 years

DESCRIPTION: 7 members appointed by Governor: residents of the state, appointed without regard to political affiliation or geographical location of residence; Commissioner of the Dept. of Fish and Game is not a member, but serves as ex-officio secretary.

FUNCTION: Conservation and development of fishery resources.

CHAIR: Board selects.

SPECIAL FACTS: Regulatory; Quorum - majority of the members of the board; may be removed only for inefficiency, neglect of duty, or misconduct in office (AS 16.05.280). Statute requires board to hold at least one meeting a year where the board selects time and place, and at least one meeting or hearing a year in 4 general areas (see AS 16.05.300). May hold at least one meeting per year with the Board of Game in joint session. Historically meets four times each year, for a total of approximately 50-65 days. Joint Boards of Fisheries and Game historically meet for approximately 7-15 days each year. May meet at any time upon the call of the commissioner or upon the request of two board members. Compensation is based on salary schedule for Juneau.

COMPENSATION: Standard Travel and Per Diem. Range 20A for board meetings; 1/2 Range 20A for other mtgs.

MEETINGS: Historically meets 4 times/year, total 50-65 days; Joint F&G Boards meet approximately 7-15 days.

FOR FURTHER INFORMATION CONTACT: Mr. Laird Jones, Executive Director, Division of Fisheries, DF&G, P.O. Box 25526, M/S 1100, Juneau, AK, 99802 5526,
Phone: 907 465 4110



**SENATE RESOURCES COMMITTEE
STATE SENATE
FEBRUARY 20, 1995
TESTIMONY BY BEN ELLIS
EXECUTIVE DIRECTOR
KENAI RIVER SPORTFISHING, INC.**

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS BEN ELLIS. I LIVE IN SOLDOTNA AND AM SPEAKING TODAY AS THE EXECUTIVE DIRECTOR OF KENAI RIVER SPORTFISHING, INC. OUR NONPROFIT SPORTFISHING ASSOCIATION REPRESENTS MORE THAN 400 SPORT ANGLERS. I AM SPEAKING TODAY IN TENTATIVE SUPPORT FOR SENATE BILL 49. IF WE ARE TO SUCCESSFULLY MANAGE OUR FISHERIES RESOURCE AND PROVIDE FAIR AND EQUITABLE ACCESS OF THE HARVESTABLE SURPLUS TO ALL USERS, WE MUST HAVE A BOARD THAT IS PROHIBITED FROM ANY VESTED ECONOMIC INTEREST. WE WOULD PREFER THE CURRENT LAY BOARD STRUCTURE BE MAINTAINED, BUT IF GOVERNORS CONTINUE TO APPOINT AND THE LAWMAKERS CONTINUE TO CONFIRM BOARD MEMBERS WHO WOULD HAVE DIRECT CONFLICTS OF FINANCIAL INTEREST, THEN CHANGES MUST OCCUR.

IT IS OUR BELIEF THAT WE ARE SEEING SIGNS FROM THE DEPARTMENT OF LAW THAT SUCH A CHANGE IS INEVITABLE. IT APPEARS, MORE AND MORE BOARD MEMBERS ARE BEING CONFLICTED OUT OVER FINANCIAL AND PERSONAL INTEREST. RECENTLY THE BOARD CHAIRMAN CONFIDED IN ME THAT A SPECIFIC BOARD OF FISHERIES MEETING COULD

BE IN JEOPARDY BECAUSE FOUR OF THE SEVEN BOARD MEMBERS MIGHT BE IN CONFLICT, LEAVING LESS THAN QUORUM TO DO BUSINESS.

AT THE HEART OF THIS CHANGE IS WHETHER A PROFESSIONAL BOARD CAN BRING THE EXPERTISE WHICH IS SAID TO BE NEEDED TO MAKE DECISIONS CONCERNING THE STATE'S COMPLEX FISHERIES. WHILE WE WOULD PREFER TO HAVE BOARD MEMBERS WHO ARE KNOWLEDGEABLE CONCERNING ALASKA'S FISHERIES, IT DOES NOT SEEM IMPERATIVE, ESPECIALLY IN LIGHT OF PAST BOARD DECISIONS.

WITH THE GROWING EMERGENCE OF NON-COMMERCIAL USERS IN THE STATE, CONFLICT OVER THE ALLOCATION OF THE HARVESTABLE SURPLUS OF THIS STATE RESOURCE MUST BE ADDRESSED IN A POSITIVE FORUM, ESPECIALLY AS IT RELATES TO COOK INLET. WE MUST PROVIDE A LEVEL PLAYING FIELD WHERE DECISIONS ARE MADE WHICH ARE IN THE BEST INTEREST OF ALL ALASKANS AND THE STATE. IF THAT CAN NOT BE ACCOMPLISHED BY A LAY BOARD, THEN WE BELIEVE THAT SB 49 MAY BE THE ANSWER.

THE KEY IT SEEMS IN ADDRESSING THIS PROBLEM, WHETHER WE CONTINUE WITH A LAY BOARD, OR MOVE TO A PROFESSIONAL PANEL, IS REMOVING WHAT MANY OF THE PUBLIC PERCEIVE IS A BIAS BY THE BOARD OF FISHERIES TOWARD THE FINANCIAL PROFIT OF A FEW COMMERCIAL USERS AT THE EXPENSE OF THOUSANDS OF NON-COMMERCIAL USERS. WHATEVER THE OUTCOME, WE BELIEVE THIS DISCUSSION IS NOT ONLY APPROPRIATE AT THIS TIME BUT HEALTHY. WE COMMEND THE LEGISLATURE AND ESPECIALLY SENATOR DURE PEARCE, SPONSOR OF THIS BILL, FOR THEIR INTEREST IN THIS IMPORTANT MATTER AND SETTING UP THIS IMPORTANT PUBLIC DISCUSSION. THANK YOU.

AN ALASKAN ADVENTURE

Ken

CHINOOK CHARTERS

TOM RAMISKEY

428 Tower • Ketchikan, Alaska 99901 • 907-225-9225 **FEB 04 1995**

February 2, 1995

Senator Drue Pearce
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Senator Pearce,

I have long been an advocate for a professional Board of Fisheries or at least statutory revision of the Board membership criteria in a manner such that no single user group can have a majority position.

Established in 1975 "for purposes of the conservation and development of the fishery resources", the Board of Fisheries served the purpose of development well. Alaska's fishery resources are for the most part fully developed. The composition of the Board of Fisheries was, until recently, entirely commercial fishermen. And, it was the collective "expertise in the fishery" of the individual commercial fishermen appointed to the Board that was instrumental in the development of Alaska's fishery resources.

As fishery resources have become fully developed, conflicts within the commercial fishery user-group, between regional commercial fishery user-groups, sport and commercial, subsistence and commercial and sport have escalated annually Statewide. Competition among and between various user-groups for the use of a finite resource will most likely continue and become more divisive.

In the midst of the fray is a Board of Fisheries that still has a commercial use bias and which is not representative of the multiplicity of regional commercial uses let alone sport, subsistence, and personal uses. Compounding the problem, is the political appointment of persons who have a direct financial or personal interest in fishery resource use.

The Board of Fisheries served it's purpose but is ill suited to address the issues of allocation in a fair and reasonable manner that is consistent with the Constitutional mandates of common property resource use for the maximum common benefit consistent with the public interest. It is ludicrous to believe that a Board appointee with a direct interest in a fishery resource will vote against his interest.

Page 2

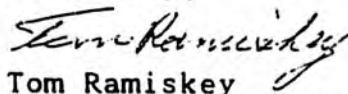
The Board of Fisheries has accomplished it's purpose and should be restructured for the purposes of conservation and allocation of fishery resources. An impartial Board is essential in matters of conservation and allocation to ensure fair and reasonable decisions. I believe that a professional Board would afford the greatest opportunity for impartiality in matters of conservation and allocation. And, I would recommend that you consider increasing the number of members to five or seven in order to reflect the unique "regionalism" that exists In Alaska.

The local advisory committee system that seems to be ignored by the Board system should be revitalized and afforded some position of consequence if a professional Board is established. The local advisory committee forum is democratic, responsive, and functions as a liaison between the public and technical experts. And, it is a forum that can and does benefit from knowledge and expertise in the fishery. Expertise in the fishery can be related to a professional Board in the form of public comment and will not be lost with the establishment of a professional Board.

Obviously, I have a personal and financial interest in fishery resource use. I have owned and operated a charter fishing service for the past nineteen years. I have been involved in the Board process since 1985. It has been frustrating and in my opinion unfair at times. But most of all, it has been the feeling of absolute futility and the realization that a lay Board comprised of a majority of commercial fishermen regulate themselves and can regulate me out of business that irritates me the most.

A professional Board may not be the most democratic according to some opinions. But, I certainly would rather take my chances with a Board that does not have a direct financial interest in fishery resource use rather than continue to get beat up in the present Board system!

Sincerely,



Tom Ramiskey

cc: Senate Resources Committee,
Senator Loren Leman, Chairman
Senator Robin Taylor
Representative Bill Williams

ADN 01 FEB 95

Pearce bills revamp Fish, Game panels

By IAN MADER
The Associated Press

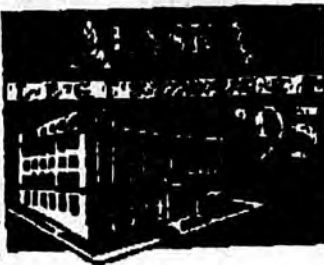
JUNEAU — Legislation by Senate President Drue Pearce would dramatically alter state boards of Fisheries and Game by barring commercial fishermen and hunting guides.

Also, three full-time commissioners would replace the seven part-time public members who currently decide how to allocate fish and game among commercial, sport and subsistence fishermen and hunters.

The proposal would attempt to "depoliticize" each panel and make them better able to handle a growing workload, the Anchorage Republican said.

Fishing and hunting groups generally

Please see Page B-3, FISH



FISH: Boards would be altered

Continued from Page B-1

oppose scrapping the lay boards, which they consider contentious but democratic, and more responsive to the public than a professional board would be.

Currently, governors are supposed to appoint members without regard to political party or regional residence. But in practice governors try to balance regions and user groups in their appointments, which must be endorsed by the legislature.

"Every year, one of the most divisive, bitter fights no matter who's the governor and who's in the legislature, are appointments to the Fisheries and Game boards," said Pearce. "Because every user group feels they are under-represented and are not getting their fair share."

Many lawmakers reserved comment until they could review Senate bills 49 and 50, introduced late last week. Pearce acknowledged it would be difficult to secure support.

"It's a major change we're proposing, and we'll just have to see what happens," she said.

Many people agree the system could be reformed, said Rep. Mark Hanley, R-Anchorage. "But everybody has a different idea about what the problems are," Hanley said Monday.

Most adamantly opposed to professional boards are commercial fishing groups, who say they have important expertise to bring to those panels.

"To bar commercial fishermen from the board, I consider that insulting," said Theo Matthews of United Cook Inlet Driftnetters Association. "I hope that legislation is dead on arrival."

Among perennial disputes for the board are that commercial fishermen in Cook Inlet want to net more salmon. Meanwhile, sport fishermen want more of those salmon to escape and swim into Kenai River, where they can be caught with rod and reel.

SEE Pg 2

ADN 01 FEB 95

CONT'D

Subsistence fishermen on the Yukon River argue that chum salmon caught by commercial fishermen south of the Alaska Peninsula otherwise would enter their river, and the subsistence fishermen push for limits on the commercial fishermen.

But those kinds of disputes are worked out under the current system, so why change it? Democracy can be messy, but at least it's democracy, said Dick Bishop of the sportsman's umbrella group Alaska Outdoor Council.

Bishop said a professional board would become a bureaucracy to compete with the state's Fish and Game Department, which currently does studies and makes recommendations to the boards.

A professional board might develop its own conclusions based on studies by its staff, and would be less swayed by public input, Bishop suggested.

"The purpose of the boards is to bridge the gap between the technical experts and the public, and to decide on allocations. And I think the responsiveness to the public is important," Bishop said.

Many parties agree the Fisheries Board is somewhat unwieldy.

The board meets about six times a year for two-week stretches. Despite the marathon sessions, it is able to review each fishery only once every three years unless there is an emergency.

The Knowles administration's policy team on fish and game — made up of a mix of commercial, sport and subsistence representatives — recommended keeping the lay boards. But it also considered splitting the Fisheries Board into two panels, one for fin fish and one for shellfish.

Larry Edfelt of Juneau, a current member of the Fisheries Board, said serving on the panel has become nearly a full-time job in recent years.

"I think the current system is still working, but eventually the work load will get to be so great that a professional board will be necessary."

**State of Alaska - Boards and Commissions
Membership Roster**

FISHERIES (037)

Member	Appointed	Reappointed	Term. Exp
Trefon Angasan Public Bristol Bay Native Corporation P.O. Box 100220 Anchorage, AK 99510	01/31/92	02/09/95	01/31/98
Dick H. Bower, Sr. Public P.O. Box 3662 Soldotna, AK 99669	02/04/94		01/31/97
Larry Edfelt Public 1212 Pike Court Juneau, AK 99801	07/23/91	01/31/93	01/31/96
Larry J. Engel Public P.O. Box 197 Palmer, AK 99645	02/04/94		01/31/97
Dick Jacobsen Public P.O. Box 54 Sand Point, AK 99661	01/31/93		01/31/96
Frank Rue Commissioner/Fish and Game/ex officio secretary Commissioner Department of Fish & Game P.O. Box 25526 Juneau, AK 99802-5526	02/21/95		
Virgil L. Umphenour Public 2400 Davis Road Fairbanks, AK 99701	07/22/94		01/31/96
John R. White Public P.O. Box 190 Bethel, AK 99559	02/09/95		01/31/98

**State of Alaska - Boards and Commissions
Board Information**

FISHERIES (037)

BOARD: Board of Fisheries

BOARD IDENTIFICATION NUMBER: 037

DEPARTMENT: Department of Fish and Game

AUTHORITY: AS 16.05.221

STATUS: Active

REQUIREMENTS: Legislative Confirmation, Financial Disclosure

TERM: 3 years

DESCRIPTION:

7 members appointed by Governor: residents of the state, appointed without regard to political affiliation or geographical location of residence; Commissioner of the Dept. of Fish and Game is not a member, but serves as ex-officio secretary.

FUNCTION:

Conservation and development of fishery resources.

CHAIR: Board selects.

SPECIAL FACTS:

Regulatory; Quorum - majority of the members of the board; may be removed only for inefficiency, neglect of duty, or misconduct in office (AS 16.05.280). Statute requires board to hold at least one meeting a year where the board selects time and place, and at least one meeting or hearing a year in 4 general areas (see AS 16.05.300). May hold at least one meeting per year with the Board of Game in joint session. Historically meets four times each year, for a total of approximately 50-65 days. Joint Boards of Fisheries and Game historically meet for approximately 7-15 days each year. May meet at any time upon the call of the commissioner or upon the request of two board members. Compensation is based on salary schedule for Juneau.

COMPENSATION: Standard Travel and Per Diem. Range 20A for board meetings; 1/2 Range 20A for other mtgs.

MEETINGS: Historically meets 4 times/year, total 50-65 days; Joint F&G Boards meet approximately 7-15 days.

FOR FURTHER INFORMATION CONTACT:

Mr. Laird Jones, Executive Director, Division of Fisheries, DF&G, P.O. Box 25526, M/S 1100, Juneau, AK, 99802 5526, Phone: 907 465-4110, Fax: 907 465 6094

RESUME
VIRGIL L. UMPHENOUR.
2400 Davis Road
Fairbanks, Alaska 99701
(907) 456-3885
Fax 456-3889

OBJECTIVE

Appointment to the Alaska Board of Fish

QUALIFYING EXPERIENCE

Have been involved in all aspects of the fishing industry:
commercial, sport, subsistence

COMMERCIAL

Have fished commercially on the Tanana River in Fairbanks since 1984. In 1985 became a commercial fish processor, processing both fish and roe from my fish and buying from commercial fishermen in Fairbanks, Nenana, Norton Sound and villages along the Yukon River. Have expanded this business so that now my company operates year round doing smoked fish and value added salmon products. Company does approximately 50,000 lbs of value added salmon products a year. Upwards of 250,000 lbs of salmon and roe can be processed during the summer months pending availability of fish.

SPORT

Have been an avid sport fisherman all my life. I have sport fished from the Kenai Peninsula to the Seward Peninsula and am well aware of the importance of the sport fishing industry to both the Alaskan sport fisherman and the tourism industry. My company processes in excess of 40,000 lbs/yr of sport caught fish.

SUBSISTENCE

Have subsistence fished for two seasons while living in Nome. As a commercial fish processor, have dealt extensively with the commercial/subsistence fishermen of the Yukon River Drainage and Norton Sound. For the most part, fishermen in these areas commercial fish to obtain cash to support their subsistence lifestyle. I have seen first hand the devastating effects of the failed fish runs on these people.

HUMAN RELATIONS

Past and present positions have required a wide range of interpersonal skills, public information management techniques and political awareness. As a commercial fisherman/processor and former military officer, have learned to deal with a wide range of individuals and be cognizant of their special interests and concerns. Am able to work with others to strike a consensus on critical issues. Was co-organizer of the Yukon River Drainage Fishermen's Association (YRDFA). Prior to the formation of this organization, it was a common belief that fishermen on the Yukon would never work together. YRDFA has since become a model of cooperation, by showing that when it comes to protecting the common resource, fishermen will set aside their differences and work together.

COMMUNICATION

Certified military instructor. Am completely at ease when speaking to large groups of people.

EMPLOYMENT HISTORY

CEO, Interior Alaska Fish Processors,, Inc.
Registered Alaskan Hunting guide
Officer, US Army Reserve, Retired

MEMBERSHIP

Delegate, US Canada Yukon River Salmon Treaty
Negotiating Committee since 1988
Co-Chairman, Yukon River Drainage Fishermen's
Association since Dec 1990
Tanana Valley Sportmen's Association, life member

REFERENCES

Lt. Governor Jack Coghill
State Senator Georgianna Lincoln
State Representative Richard Foster
State Representative Irene Nicholia
State Representative Allan Vezey
Charles Meechan, Deputy Commissioner, ADF&G
Roger Huntington, BOG

RESUME FOR DR. JOHN R. WHITE BOARDS & COMMISSIONS

JAN 13 1995

01-02-95

POSITION DESIRED: APPOINTMENT TO ALASKA BOARD OF FISHERIES

I. ADDRESS: P.O. # 190
BETHEL, ALASKA 99559

II. COMMUNICATION:

A. TELEPHONE
1. WORK 907-543-3778
2. HOME 907-543-2926
B. FAX 907-543-4551

III. PRESENT EMPLOYMENT

A. COMMERCIAL SALMON FISHERMAN
KUSKOKWIM AREA
1974 TO PRESENT
B. OWNER, BERING SEA DENTAL CENTER
P.O. # 190
BETHEL, ALASKA 99559

IV. HEALTH/AGE/EDUCATION

A. HEALTHY, 47 MALE WITH NO RESTRICTIONS ON
PHYSICAL ACTIVITY.
B. DATE OF BIRTH: JANUARY 01, 1947
C. HIGH SCHOOL GRADUATE: 1965
CONNERSVILLE SENIOR HIGH SCHOOL
CONNERSVILLE, INDIANA
D. COLLEGE GRADUATE: 1969
B.A. IN BIOLOGY
DENISON UNIVERSITY
GRANVILLE, OHIO
E. PROFESSIONAL DEGREE: 1973
DOCTOR OF DENTAL SURGERY
NORTHWESTERN UNIVERSITY
EVANSTON, ILLINOIS

V. EXPERIENCE FOR POSITION

- A. TWENTY ONE YEAR RESIDENT OF ALASKA AND YUKON-KUSKOKWIM DELTA. ACTIVELY ENGAGED IN COMMERCIAL, SUBSISTENCE, AND SPORT FISH HARVEST ALL THOSE SAME YEARS. BACHELORS DEGREE IN BIOLOGY.
- B. PAST MEMBER: LOWER KUSKOKWIM ADVISORY COMMITTEE
- C. PAST MEMBER AND CHAIR: WESTERN ALASKA SALMON COALITION
- D. PRESENT MEMBER AND CHAIR: KUSKOKWIM RIVER SALMON MANAGEMENT WORKING GROUP
- E. PAST MEMBER: GOVERNOR COWPER'S BOARD OF FISH REVIEW COMMITTEE
- F. PAST MEMBER AND CHAIR: GOVERNOR COWPER'S ADVISORY GROUP ON ENDING HIGH SEAS SALMON INTERCEPTION
- G. PAST BOARD DIRECTOR OF: BERING SEA COMMERCIAL FISHERIES DEVELOPMENT FOUNDATION
- H. PRESENT BOARD DIRECTOR AND PRESIDENT OF: SALMON RESEARCH FOUNDATION

VI. REFERENCES

- A. GOVERNOR KNOWLES
- B. CHIEF OF STAFF JIM AYERS
- C. MYRON NANING, PRESIDENT
ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS
BETHEL, ALASKA
- D. GENE PELTOLA
PRESIDENT, YUKON KUSKOKWIM HEALTH CORPORATION
BETHEL, ALASKA
- E. MS. MARY C. PETE
UNIVERSITY OF ALASKA, KUSKOKWIM CAMPUS
BETHEL, ALASKA

Resumé

DICK JACOBSEN
P.O. BOX 43, SAND POINT, ALASKA 99661

PHONE: 383 - 2042

DICK JACOBSEN: Life long Alaskan resident.

1946 Born in Squaw Harbor, Alaska.

Raised in Sand Point, Alaska.

Married with two daughters.

EDUCATION: Attended grade school in Sand Point.

1963 Graduated Sheldon Jackson High School.

1971 Completed Commercial Pilot training at Galvin
Flying School, at Boeing Field in Seattle, Wa.

WORK EXPERIENCE:

1966 to date Self-employed fisherman and boat owner
Salmon Setnetter 16 years.

1966 - 1982 King Crabbed.
Tanner Crabber as long as the Tanner Season
was active in Area C Western Region.

1971 to date: Salmon Purse seiner

1982: Dungeness Crabbed.
Dragged Shrimp one season.

1976 - 1977 Alaskan Bush Pilot. Flew for Sand Point Air.

BOARD EXPERIENCE:

1967: Helped organize and form the Peninsula
Marketing Association, (PMA). Served as
President of the PMA for first 13 Years.

1975 - 1979 Member of the Sand Point City Council.
1981 - 1987

1974 - 1975 Member Sand Point Advisory School Board.

1976 President Sand Point Advisory School Board.

DICK JACOBSEN
P.O. BOX 43, SAND POINT, ALASKA 99661

- 1977-1992 Member of the Shumagin Native Corporation Board in Sand Point.
- 1980-1992 Served as President of the Shumagin Native Corporation Board of Directors.
- 1978 to 1986: Member of the Sand Point Fisheries Advisory Board.
Served on a Task Force to review and streamline function of the Alaska Board of Fish.
- 1987 to date: Mayor of Aleutians East Borough from the beginning of borough's formation.
- 1989 - 1991 Member of Advisory Board for INPFC.

REFERENCES: Alex Samuelson Sr. past Mayor King Cove,
Phone: 497-2321.

Robert Galovin, Harbor Master Sand Point,
Phone 383-2331.

Arlene Gundersen, New President of the Shumagin Native Corporation,
Phone 383-3525.

Stanly Mack, Mayor Sand Point,
Phone 383-2696.



Dick Jacobsen

Resume

Larry J. Engel
P.O. Box 197
Palmer, Alaska 99645
(907) 745-4132

- EDUCATION:** Graduated Highschool 1956; Served U.S. Navy, July 1956 - Sept. 1959, Honorable Discharge; Graduated University of Washington, March 1964, B.S. in Fisheries
- WORK HISTORY:** Seasonal technician and biologist with the Alaska Department of Fish and Game, 1960 - June, 1964.
- Full-time biologist with Alaska Department of Fish and Game, Division of Sport Fish, 1964 to August 31, 1992.
- REFERENCES:** R. Russell Redick, former ADF&G supervisor, Anchorage; Telephone: (907) 522-2506
- Kevin Delaney, supervisor, currently with ADF&G, Anchorage; Telephone: (907) 344-0541
- Jack Willis, President, Trout Unlimited, Wasilla; Telephone: (907) 746-1666
- Phil Cutler, President, Alaska Sport Fishing Association, Anchorage; Telephone: (907) 243-4667



STATE OF ALASKA
OFFICE OF THE GOVERNOR
Pouch A
Juneau, Alaska 99811

Fisheries
Larry Edfelt
FISH
BOARDS & COMMISSIONS

AUG 8 1991

BOARDS AND COMMISSIONS RESUME

INSTRUCTIONS

A separate application is required for each position for which you apply. Complete and specific answers will aid in rapid and accurate processing of your resume. The initial determination of whether you qualify for the position specified will be based on this application.

Please type or print legibly in ink. Forward to the above address. Be sure your answers are true. A willfully false answer may result in your disqualification or removal from office if you are appointed.

Position for which I am applying: *appointed*

Alaska Board of Fisheries

Please list any other Board or Commission on which you serve:

Name <i>Larry Edfelt</i>		Previous Name applied under
Mailing Address <i>Box 210483</i>		Residence Address
City, State and Zip Code <i>Auke Bay AK 99821</i>		
Home Telephone <i>789-1771</i>		Business or Message Telephone

REPORT ADDRESS AND TELEPHONE CHANGES PROMPTLY

AS 39.05.100 requires that a person appointed to a board or commission be a registered voter before the last general election:

Are you a registered voter? YES NO

Voter Registration Number (Optional)

Social Security Number (Optional)

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years? YES NO

If "YES", explain the circumstances on a separate sheet of paper and attach it to this application. A conviction is not necessarily grounds for disqualification. The number of convictions, nature, recency and relationship to the board position applied for will be evaluated and a determination will be made after a review of all relevant facts.

A policy in the Governor's Office pertaining to boards and commissions is that a member attend at least 75% of the meetings. Are there any circumstances in either your professional or personal life which would prevent you from participating at the required authorized meetings? YES NO

If "YES", explain on a separate sheet of paper and attach to this application.

This position may require that the member travel to either urban or rural (or both) areas. Are there any circumstances which would prevent you from participating? *No*

CONFLICTS OF INTEREST: Certain Boards and Commissions require full disclosure of personal financial data under AS 39.50.010. If required for the Board or Commission for which you are applying, are you willing to do so? YES NO

Could you or any member of your family be affected financially by decisions to be made by the Board or Commission for which you have applied? YES NO If "YES", explain.

The Office of the Governor will not discriminate against an applicant for a Board or Commission based on Sex, Age, National Origin, Marital Status, Pregnancy, Handicap, Religion or Parenthood.

TRAINING & EXPERIENCE: (If résumé attached, it is not necessary to complete items A-D)

A. List any professional licenses, certifications, or registrations and dates obtained that may be used as qualifying criteria:

B. List both formal and informal education and training experiences: (Use additional paper if necessary)

BS Fisheries, Univ Wash, 1965
Biologist ADF+G 1966-1986

C. List any community service positions, municipal government positions, state positions held, and list any awards received. These include both compensated and uncompensated positions (for example, president of a service organization or a mayor). Also include length of time served in the positions.

Board Member, Territorial Sportsman 1987, 1988
Charming Golden North Salmon Derby, 1987, 1991
SE Alaska Representative, International Game Fish Assoc. 1988-present

D. Employment work history: paid, unpaid or voluntary: (Use additional paper if necessary)

Biologist ADF+G 1966-1990
Charter Boat Owner/Operator 1986-1991
Writer - 1986-1991

The Office of the Governor and the State of Alaska have an Affirmative Action Equal Employment Opportunity Program. To assist in the program, you are asked to voluntarily answer the following questions to provide the information necessary for reporting purposes. Under State and Federal law, the information you provide will not be used to illegally discriminate against you.

SEX Male Female
ETHNIC BACKGROUND White Black Hispanic Alaska Native Asian or Pacific Islander American Indian

Date of Birth

10.27.42

Military Service (if applicable, give dates)

CERTIFICATION: I swear that the information I have entered on this form is true to the best of my knowledge. I understand that if I deliberately conceal or enter false information on the form my application may be rejected, I may be removed from the list of eligible candidates or I may be removed from the position. I agree that the Office of the Governor may contact present or former employers or other persons who know me to obtain additional information about my skills and abilities. I understand that the information on this application is public information and may be released through a legal request for such information.

Signature in Ink

Date

8/1/91

Resume file/fish

PROFESSIONAL RESUME

Dick H. Bower
PO Box 3662
Soldotna, AK. 99669
(907) 262-7132

PERSONAL

A native of the Puget Sound region of Washington State and a twenty year resident of Alaska. Presently resides on the banks of the Kenai River near Soldotna, Alaska with wife Patricia, one very large dog, assorted moose, birds, otters, and other river dwellers. Avid Kenai Peninsula sportfisherman since 1974.

PROFESSIONAL

Education:

Ed.D., General School Administration, Stanford University, 1965
M.A., School Administration, University of Puget Sound, 1959
B.A., History, University of Puget Sound, 1951
Undergraduate work under auspices of U.S. Army, ASTRP Program, at the University of Utah and Stanford University.
Additional graduate work at the University of Alaska and University of Hawaii

Certification:

Superintendent, State of Alaska
Superintendent, Elementary and Secondary Principal, Teacher, State of Washington
Elementary Teacher, State of California

Post retirement:

- Member, Steering Committee, Kenai River Sportfishing, Inc., 1993 --present.
- Member, Kenai Peninsula College Council, 1993 - present.
- Member, Board of Directors, Alaska Natural History Association, 1991- present.
- Member, Board of Directors, Chairman, one year, Alaska Botanical Garden, Inc., 1987-1991.
- Member, Technical Advisory Committee, Northwood Park Development Project, Municipality of Anchorage, Parks and Recreation Department, 1988-89.
- Member, Alaska Master Gardener Association, completed Master Gardener certification in 1985.
- Developed and taught Methods of Instruction Course, for instructor certification by State of Alaska of Firefighters seeking instructor status, Homer, AK, 1985.
- Consultant and crew member, Franz Pt., Inc, Port Moeller Area, commercial fishing 1984-1992

Experience:

- Superintendent, Aleutian Region School District. A district established in 1976 to serve eight communities, Akutan, Atka, Cold Bay, False Pass, Nelson Lagoon, Nikolski, Sanak, and Sand Point, scattered along the Aleutian Peninsula and chain of islands in Alaska, 1976 until retirement in 1984.
- Director, Program Services/Research and Development/Planning and Evaluation, during the decentralization and reorganization of Alaska Unorganized Borough School Districts/Alaska State Operated School System, 1973-1976.
- Part-Time Instructor, Public School Administration, University of Alaska, 1973-1976.
- Principal Consultant and Owner, Western Environmental Planners, Planning Consultants, Tacoma, WA., 1969 -1973.
- Consultant, Nature Center Planning Division, National Audubon Society, 1971-1973.
- Consultant, Davis-MacConnell-Ralston, National Educational Consultants, 1964-1965, 1967-1969.

Major Publications or Papers:

- An Investigation of the Instructional Materials Program of First Class School Districts of Washington State, Master's Thesis, 1959
- Conservation of Natural Resources: A Study of Governmental and Educational Activity in Santa Clara County, 1950 -1964, Doctoral Dissertation, 1965
- What About the R That Stands for Resources, 1964
- The Total Environment Concept of Education, 1967
- On Plans and Planning, 1967
- Natural Laboratory Settings for Education, Clallam County, Washington: A Pilot Project, 1967
- "Isn't Anyone Listening: The Plight of Education in Rural Alaska," Method, Alaskan Perspectives, University of Alaska, Juneau, Spring, 1981

Participant, one of 100 invited participants, the Brookings Institution/Pacific Lutheran University, "Pierce County and City of Tacoma Policy Process", 1973

Consultant, American Conservation Planning Associates. A Tropical Rainforest Interpretive Center for the Paper Industries Corporation of the Philippines, Island of Mindanao, Republic of the Philippines, 1974

Consultant, Nature Center Planning Division, National Audubon Society on environmental education or nature interpretation centers at Fort Lawton Park, Seattle, Washington; Madison, Wisconsin; Arkadelphia, Arkansas; Houston, Texas; and visitation/consultation in regard to programs and facilities at Aullwood Audubon Farm and Aullwood Audubon Nature Center, Dayton, Ohio; Cincinnati Nature Center, Milford, Ohio; Bays Mountain Park-Nature Interpretive Center, Kingsport, Tennessee; and the Schlitz Audubon Center near Milwaukee, Wisconsin.

Research Projects:

- Preparation of Recreation Exhibit, Application for Federal Power Commission (FPC) Licensing of proposed hydro-electric facility at Solomon Gulch, Valdez, Alaska, by Copper Valley Electric Corporation, 1975
- Research and preparation of Recreation, Environment and Fish and Wildlife Exhibits for FPC relicensing of Cushman hydro-electric facility in Washington's Olympic Mountains, by Tacoma City Light, 1973

Major Educational Planning Projects:

- Development of Education Specifications for:
 - High schools in Santa Barbara, California; Granite School District, Salt Lake City, Utah; and the Mead School District, Spokane, Washington;
 - Middle schools for the Renton School District, Renton, Washington and the Windward School District, Kaneohe, Hawaii;
 - College of Forestry Building of the University of Idaho, Moscow, Idaho.
- Served on a planning and development team for the prototype "Cultural Educational Cluster" secondary education center for the Chicago School District, Chicago, Illinois.
- Community College educational programming responsibility carried for West Valley Community College, San Jose, California and Fort Steilacoom Community College, Tacoma, Washington.
- Prepared master Educational Planning projects for Gilroy, California; Mercer Island, Washington; Casper-Natrona County, Wyoming; Community College District #11, Pierce County, Washington.
- Prepared programming portion of a master plan for Rainier School, a State Institution of the handicapped at Buckley, Washington.
- Developed planning framework for the educational element of a comprehensive master planning process for the 25,000 square mile Kenai Peninsula Borough in Alaska, 1970.

- Field Activity Coordinator, Northwest Regional Educational Laboratory, 1966-1967. serving the states of Alaska, Idaho, Montana, Oregon, and Washington.
- Supervisor of Social Studies and Conservation, Department of Education, State of Washington, 1965-1966.
- Research Assistant, School Planning Laboratory, Stanford University, 1963-1965.
- Assistant Superintendent, University Place School District, Pierce County, Washington, 1955-1963.
- Teacher, Elementary School, University Place School District, Pierce County, Washington 1951-1955.
- Served with the U.S. Army in WW II. One year was spent on occupation duty with the Eighth Army headquarters in Yokohama, Japan immediately after the war. Remained in the active Army Reserve until 1963 in various command and administrative positions.

Participant or Presenter:

Major presentations were made at the following:

- Rural and County Superintendents National Conference, Seattle, Washington
- Department of Audio-Visual Instruction, NEA National Conference, Seattle, Washington
- Organization for Reading Development, Washington State meetings, 2 years
- NEA National Conference on Instruction, "Spotlighting the Learner", Spokane, Washington, 1966
- National Council for the Social Studies Annual Conference, Miami, Florida, 1965
- Pinchot Institute National Conference on School Site Development, Milford, Pennsylvania, 1968
- Lifetime Sports Educational Project, National Conference on Facility and Site Development, Washington D.C., 1969
- American Association for Health, Physical Education and Recreation, National Conference, State Directors Section, Boston, Massachusetts, 1969
- Lifetime Sports Education Clinic, Banff, Alberta, Canada, 1970
- Lifetime Sports Education Project, Planning Conference, St. Louis, Mo., 1970
- Lifetime Sports Education Clinic, Pacific Lutheran University, Tacoma, Washington, 1972
- School Site Planning Workshop, U.S. Soil Conservation Service, 13 Western States, Salt Lake City, Utah, 1972
- Management Forecasting Seminar, State Board for Community College Education, Seattle Washington, 1972
- Total Environment/School-Community Regional Workshops, Evanston, Ill., Seattle, Washington, Oakland, California, 1972
- Guest Lecture, New York University, Urbanization and Environment, 1972

Professional Responsibilities Held:

Member

- Advisory Council for Vocational and Career Education, State of Alaska 1974 -1984
- Committee for Evaluation of Information Services, State of Alaska
- Council of Educational Facility Planners-International, instrumental in establishing the Alaska Chapter.
- Pacific Sea Grant Advisory Council 1969-73

Chairman

- Pierce County Instructional Material Association, Washington
- Region VII, Washington State School Library Association
- Legislative and Public Relations Committee, Washington State School Library Association
- Advisory Council for Vocational & Career Education, State of Alaska, 1979-1981

President, Council of Educational Facility Planners-International, Alaska Chapter, 1983 - 84.

Professional Organizations:

American Association of School Administrators
 Alaska Association of School Administrators
 Council of Educational Facility Planners, International
 Phi Delta Kappa

- Developed a master site plan for a 23-acre site for an elementary and middle school in the Renton School District near Seattle, Washington. Central focus on the plan is the optimum support of school and community needs in environmental studies, lifetime sports and activities, recreation and physical education. This site development plan was recognized as a national model by the U.S. Soil Conservation Service and the Ford Foundation's Education Facilities Laboratories.
- Developed proposals or project outlines in the areas of experimental schools, environmental education, model laboratory schools, occupational education, Indian education, developmental disability programs for the adult handicapped, and community centered planning projects of school districts, colleges, universities and governmental agencies. Special emphasis upon the interdisciplinary and broad involvement of appropriate individuals and agencies in the process of environmental assessment and development of environmental impact statements.

RESUME

NAME: Trefon Angasan Jr.

DATE OF BIRTH: March 3, 1947

MARITAL STATUS: Divorced

CHILDREN: Three

EDUCATION: Graduated Sheldon Jackson High School
Attended Sheldon Jackson College

REGIONAL CORPORATION: Bristol Bay Native Corporation

VILLAGE CORPORATION: Alaska Peninsula Corporation

SELF-EMPLOYMENT: Owner/operator, Bristol Bay Salmon fishery

EMPLOYER: Bristol Bay Native Corporation
Director Shareholder and Public Relations

DATE OF HIRE: January, 1977

EMPLOYMENT HISTORY: Bristol Bay Area Development Corporation
Regional Director

Alaska Federation Of Natives
JOM Evaluator
Assistant Director, Health Affairs
Representative, American Indian Policy
Review Commission
Grant Writer

Bristol Bay Native Association
Program Planner
Executive Director

Bristol Bay Housing Authority
Executive Director

Bristol Bay Native Corporation
Merger Consultant

POSITIONS HELD: South Naknek Village Council
Secretary

South Naknek Village Council

President

Qinuyang Ltd

Secretary

President

Alaska Peninsula Corporation

(merger of five Village Corporations)

President

Great Pacific Fish Company

Secretary

President

CURRENT POSITIONS: Alaska Federation of Natives Board

Education Committee

Convention Committee

Subsistence Task Force, Alternate

Legislative Committee

Alaska Peninsula Corporation

Secretary

Executive Committee

Bristol Bay Native Association

Board Member

PARTY AFFILIATION: Registered Republican

FISCAL NOTE

STATE OF ALASKA		BILL NO. HB148	
1995 LEGISLATIVE SESSION			
Revision Date: 2/3/95	Dept. Affected: Fish and Game		
Title: An Act relating to the	BRU: Boards F&G		
Board of Game	Component: Board Service		
Sponsor: Rep. Barnes			
Requester: House Resources	COMPONENT SERIAL NO.	#482	

Expenditures/Revenues		(Thousands of Dollars)				
OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	278.6	278.6	278.6	278.6	278.6	278.6
TRAVEL	(59.0)	(50.0)	(50.0)	(50.0)	(50.0)	(50.0)
CONTRACTUAL	(10.0)	(7.5)	(7.5)	(7.5)	(7.5)	(7.5)
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						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	209.6	221.1	221.1	221.1	221.1	221.1

CAPITAL EXPENDITURES

--	--	--	--	--	--	--

CHANGE IN REVENUES ()

--	--	--	--	--	--	--

FUND SOURCE		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF	209.6	221.1	221.1	221.1	221.1	221.1
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	209.6	221.1	221.1	221.1	221.1	221.1

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS						
FULL-TIME	4	4	4	4	4	4
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This analysis assumes that the Board of Game will continue its present cycle and that hearings will be held throughout the state by one board member. The total number of hearing and regulatory meeting days will be about the same as the board now meets in regulatory session. Space costs will be slightly reduced, however printing, mailing and advertising will be approximately the same. Also, it is assumed that advisory committees will remain as is for the present time.

There are some questions about process that could increase the cost. For example, all regulatory meetings are now taped. Will hearings be taped? Having a complete record is important for legal challenges. Taping will require staff as well as board member at hearings. It may be difficult for the board to confine public testimony to hearings and not allow testimony during regulatory meetings. This could increase time and expense.

See page 2 for a cost comparison.

Prepared by: Beverly Reaume <i>BR</i>	Phone: 465-6095
Division: Administration/Boards Support Section	Date: 2/21/95
Approved by Commissioner: <i>Franklin</i>	Date: 2-21-95
Agency: Fish and Game	

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

BOARD OF GAME - HB148			
	CURRENT	CHANGE	PROPOSED
PERSONAL SERVICES	201.1	278.6	479.7
TRAVEL	89.2	(59.0)	30.2
CONTRACTUAL	75.9	(10.0)	65.9
SUPPLIES	4.7	0.0	4.7
EQUIPMENT	0.0	0.0	0.0
TOTAL	370.9	209.6	580.5
NOTES:			
For personal services we have assumed the current executive director position would be eliminated. However, a secretary would be added and the current half-time regulations specialist would go to full time. These changes would result in a net zero. The publication technician and shared administrative assistant would be retained. Three new full-time board members would be added.			
We have assumed that advisory committees would continue to exist and work in a manner similar to the current status. Currently, the Board of Game Executive Director supervises the advisory committee coordinators in Boards and has some liaison responsibilities with advisory committee coordinators in other divisions. This function would have to be picked up by one of the new board members.			
For travel, we have reduced travel to almost half assuming significant reductions due to limited hearings.			
			Page 2 of 2

Analysis: House Bill 148

Background/Legislative Intent:

This legislation proposes replacing the current Board of Game with a professional board. Alaska's citizen boards of fish and game were instituted in response to the lack of attention paid to the concerns of Alaskans by federal managers during the territorial period of fish and wildlife management.

The problems associated with the current board system which the legislation intends to address are: 1) the political in-fighting over appointments to board seats; 2) perceptions of conflict of interest associated with financial interests of Board of Fisheries members; 3) the delay in consideration of public proposals resulting from a part-time board process; and 4) the high cost of the current board process.

Analysis of Bill/Program Effects:

This legislation would replace the current seven member, citizen Board of Game with a three member, professional board. The sponsor cites the Alaska Public Utilities Commission, the Alaska Oil and Gas Commission, and the Commercial Fisheries Entry Commission as potential models for a professional board. No specific professional qualifications are required of board members by this legislation, however, they are prohibited from having a vested interest in the commercial utilization of game resources. Board members would serve staggered four year terms, be members of the exempt service, and be paid at a Step C, Range 26 rate.

The department's primary concern is that this bill may further confuse the public about the separation of functions between the board and the department. It is the department's job to carry out the scientific work required to manage Alaska's game resources according to the sustained yield principle. It is the board's job to distribute the opportunities to use these resources among competing beneficial users. This separation of powers is rather symbolically embodied by a citizen board and a professional department. The creation of a professional board could eliminate this distinction.

Because the board is housed within the department, and because the board uses the biological information provided by the department's scientists and managers, there is already some contention that the department inappropriately influences the board's allocation decisions. The most important counter to this perception is that the board members are private citizens, members of the user groups, and not members of the department. Professional board members may also have a tendency to second guess the department's scientific information and conservation concerns and substitute their own opinions. This would further muddy the separation of function and checks and balances that the current system supplies.

Our second concern is that whatever regulatory system the state uses, it must have the support and confidence of the public. The public must believe that they are getting a fair shake and that the process is open and responsive to their concerns. Despite some criticism, the present system appears to have widespread public support. The latest evidence of this is the unanimous recommendation of the Knowles/Ulmer Fisheries Policy Transition Team that the current citizen, lay board be maintained. A professional Game Board was not considered by the Transition Team, but it is safe to assume that the response would be the same.

Reducing the size of the board and making it a full-time body cannot guarantee an end to political in-fighting over appointments. Recreational hunters, commercial guides, commercial and recreational trappers and subsistence hunters will still have an intense interest in who is appointed to the board because of the essential role the board plays in allocating game resources. They can be expected to lobby heavily for individuals who they believe will share, or at least be sympathetic, to their interests. The smaller size of the board may even intensify lobbying efforts.

The perception of the conflict of interest on the Board of Fisheries appears to be the driving force behind the creation of professional boards. While there has not been the persistent conflict of interest associated with the Board of Game, this bill is a companion to SB49 which would maintain the same structure for both boards. The major conflict on the Board of Game is associated with the legal status of subsistence and the current dual federal/state management.

Additionally, the proposed legislation has the disadvantage of dramatically reducing public participation in the board process. This has been one of the best attributes of Alaska's game regulation process. Relinquishing this opportunity should not be undertaken lightly. The loss of expertise and local knowledge among board members resulting from this would have a substantial impact on the board. Duplicating this knowledge by staff work could be very costly and probably not achieve the same level of information.

The third issue addressed by this legislation is the delay in consideration of proposals caused by the Board of Fisheries' three year cycle. Again, this is not a issue with the Board of Game. The major game animals - moose, caribou and deer - are considered on a two-year cycle. If necessary, the board has the flexibility to deal with issues more frequently than the schedule provides.

The fourth issue is cost. As the attached fiscal note demonstrates, a professional board would be more expensive than the present citizen board system.

FISCAL NOTE

STATE OF ALASKA			BILL NO. HB148	
1995 LEGISLATIVE SESSION				
Revision Date:		Dept. Affected:	Fish and Game	
Title:	An Act relating to the	BRU:	Boards F&G	
Board of Game		Component:	Board Service	
Sponsor:	Rep. Barnes			
Requester:	House Resources	COMPONENT SERIAL NO.	#482	

Expenditures/Revenues		(Thousands of Dollars)				
OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	278.6	278.6	278.6	278.6	278.6	278.6
TRAVEL	(59.0)	(50.0)	(50.0)	(50.0)	(50.0)	(50.0)
CONTRACTUAL	(10.0)	(7.5)	(7.5)	(7.5)	(7.5)	(7.5)
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						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	209.6	221.1	221.1	221.1	221.1	221.1

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF	209.6	221.1	221.1	221.1	221.1	221.1
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	209.6	221.1	221.1	221.1	221.1	221.1

Estimate of any current year (FY95) cost: \$	0.0
---	-----

POSITIONS	
FULL-TIME	4
PART-TIME	
TEMPORARY	

ANALYSIS: (Attach a separate page if necessary)

This analysis assumes that the Board of Game will continue its present cycle and that hearings will be held throughout the state by one board member. The total number of hearing and regulatory meeting days will be about the same as the board now meets in regulatory session. Space costs will be slightly reduced, however printing, mailing and advertising will be approximately the same. Also, it is assumed that advisory committees will remain as is for the present time.

There are some questions about process that could increase the cost. For example, all regulatory meetings are now taped. Will hearings be taped? Having a complete record is important for legal challenges. Taping will require staff as well as board member at hearings. It may be difficult for the board to confine public testimony to hearings and not allow testimony during regulatory meetings. This could increase time and expense.

See page 2 for a cost comparison.

Prepared by:	Beverly Reaume <i>BR</i>	Phone:	465-6095
Division:	Administration/Boards Support Section	Date:	3/9/95
Approved by Commissioner:	<i>[Signature]</i>	Date:	3.9.95
Agency:	Fish and Game		

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 9, 1995

SUBJECT: Sectional Summary of HB 148, An Act relating to the Board of Game.

TO: Representative Ramona Barnes

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of HB 148, An Act relating to the Board of Game.

As a preliminary matter, note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends AS 16.05.221(a) by changing the membership of the Board of Game from seven to three members, providing that the governor appoint a chair of the board to serve a term of two years, and prohibiting members of the board from having a vested economic interest in utilization of game resources.

Section 2 of the bill amends AS 16.05.221(c) by providing that the members of the Board of Game shall serve four year terms.

Sections 3 and 4 of the bill amend AS 16.05.290 to provide that members of the Board of Game shall receive a salary equal to step C, range 26 for Juneau. The effect of these provisions is to make the Board of Game into a full time board and the members of the board into full time state employees.

Section 5 of the bill amends AS 16.05.320 by making technical amendments to the quorum requirements for the Board of Game and the Board of Fisheries.

Section 6 of the bill amends AS 39.25.110(11) to provide that the officers and employees of the Board of Game are in the exempt state service.

Section 7 of the bill provides that the governor shall appoint, subject to confirmation by the legislature, three persons to serve on the Board of Game and provides for initial terms.

Section 8 of the bill provides for the transition from the current Board of Game to the new Board of Game in the event that the effective date of the bill is not passed by the legislature.

Representative Ramona Barnes

March 9, 1995

Page 2

Section 9 of the bill provides that secs. 1 - 6 of the bill take effect on July 1 following confirmation of at least two persons to serve on the new Board of Game.

GEM:klb

95-143.klb

SCOMM

99:12

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB279

Revision Date: _____ Dept. Affected: Fish and Game
 Title: An Act relating to a municipal river habitat BRU: Habitat and Restoration
protection tax credit Component: Habitat
 Sponsor: Rep. G. Davis
 Requester: Resources COMPONENT SERIAL NO. 486

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	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	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HB257 amends AS 29.45.046(b) to eliminate existing requirements that the Alaska Department of Fish and Game prepare habitat tax credit regulation for the Kenai River, and that the department inspect projects to make sure that they meet the criteria. HB 257 adds a new requirement that the department review and approve the Kenai Peninsula Borough's tax credit ordinance within 60 days of receipt.

The department does not believe that review of the borough's tax credit ordinance will entail substantial cost to the department. Therefore a zero fiscal note is recommended.

Prepared by: Ellen Fritts, Acting Director
 Division: Habitat and Restoration
 Approved by Commissioner: *Frank J. ...*
 Agency: Fish and Game

Phone: 465-4105
 Date: 3/31/95
 Date: 4.6.95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

SCOMM

99:13



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

REPRESENTATIVE SCOTT OGAN

House District 27

M E M O R A N D U M

To: World Trade & St./Fed. Relations Committee

From: Rep. Ogan *S.O.*

Date: January 17, 1995

Re: Request for Hearing on HJR 8

Attn: Representative Barnes, Chair

Copy: Speaker Phillips, Vice Chair

Please schedule the above referenced Resolution for a hearing at your earliest convenience.
Thank you for your attention to this matter.

Gordon W. Epperly
c/o P.O. Box 34358
Juneau, Alaska 99803

Telephone/Fax: (907) 789-5659

January 30, 1995

ALASKA STATE LEGISLATURE
Juneau, Alaska 99811

In Reg: HJR 8, HJR 10, HJR 16,
SJR 5, SJR 7

Ladies and Gentlemen of the Alaska Legislature:

I have before me several Joint Resolutions relating to mandates imposed upon the State of Alaska by the Federal Government. I would like to challenge the Resolutions in hopes that I may present to you some of the reasons why Alaska and its sister States no longer have State rights.

I will use HJR 8 as the example as each of the above noted Resolutions are worded much the same. The Resolution starts by quoting the Tenth Amendment to the Bill of Rights of the United States Constitution:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Lately it seems that every law that was passed by Congress is applied to the States in a detrimental way. We pick up the U.S. Constitution and thumb through it trying to find the Congressional authority for those Federal Laws only to be left

scratching our heads in bewilderment. Here is a secret that very few members of our Legislature realize. The Constitution of the United States guarantees the States the right to enter into Contracts with the United States.

Without going into details as to the hows and whys; the United States went into bankruptcy in 1933. On June 5, 1933; the Congress declared that the Nation shall be in a state of National Emergency. When the United States is in a state of National Emergency, the Constitution is suspended and the sovereign rights of the States temporarily cease to exist. It was under the declared National Emergency of 1933 that the United States swayed the States to contract away most of their sovereign powers. The first and most notable action was for each of the States to enact laws to implement the federal Social Security programs. Another action taken by the States was to voluntarily surrendered their States' line of credit to the United States. As time went on, the States voluntarily contracted more and more of their sovereign powers to the United States to the point that we cannot find any aspect of State sovereignty.

Another problem is the 14th and 17th Amendments to the United States Constitution. As each State is a corporate body; each State is looked upon by the Courts as "persons" born in the United States. And the moment that Congress succeeded in inducing each State and their citizens to accept Privileges of the United States; they became "subject to the jurisdiction" of the United States. Here is another secrete that is not known to very many people. The 14th Amendment was written as a "Trust" and the moment that Congress succeeded in getting fifty-one percent of the People to accept Privileges of the United States; the Amendment became a "Constructive Trust." The "person" of the Amendment is the "Res"

of the Trust and under Section 4 of the Amendment; Congress is the "Trustee". The "Beneficiary" of the Trust is the United States.

As everyone has accepted one or more benefits of the United States; they are now regarded as "other property" of the United States and they are subject to the authority of Congress to under the needful rules and regulations Clause of U.S. Const., IV:3:2. As almost everyone was under the Trust of the 14th Amendment by the late 1930's; Congress declared that there was no longer any need for Article III Judicial Courts. The first act to remove those Courts started in 1911 with the abolishment of the Circuit Courts. Today there are no Article III Judicial Courts of the United States as there are no Judges that are empowered with Article III Judicial Powers (Terry Hatter et.al. v. United States, 21 Cl.Ct. 786 [1990], Apl. Ct. 91-5039 - n.2).

The U.S. District Courts are "Tribunals" under U.S. Const., I:8:9 (Cochran v. St. Paul & Tacoma Lumber Co., 73 F.Supp. 288; Balzac v. People of Porto Rico, 258 U.S. 298, 314) and they were created by Congress for the purpose of carry out the Congressional powers such as U.S. Const., IV:3:2. Every time the State of Alaska brings an action before the U.S. District Courts; the Judge makes the presumption that Alaska knows what it is doing. The Judge will always make the presumption that the State of Alaska came into his Court as "other property" of the United States and will rule accordingly. Can you see why Alaska has no sovereign rights? As the Legislature has employed Robert H. Bork to carry on the lawsuit regarding subsistence fishing and hunting on federal lands; please take the time to read his book: "The Tempting Of America" (Freedom Press - ISBN 0-02-903761-1). Judge Robert H. Borks' book details the cases founded upon the 14th Amendment and their effects upon the rights of the States.

All is not lost! The 14th Amendment was never proposed nor ratified in accordance to Article V of the U.S. Constitution. A loose leaf copy of a book entitled "U.S.A. the Republic - How You Lost It! How To Get It Back!" was left with Representative Scott Ogan and with Senator Robin Taylor. The book represents several years of research on the 14th Amendment and its effects upon Individual and State rights. Representative Ogan and Senator Taylor will furnish you a copy upon request.

Another problem is the 17th Amendment to the United States Constitution. It is not a valid Amendment as it takes away the rights of the States to sit in Congress. This is another argument for another day; but let it be known that the present day U.S. Senators have no Powers Of Attorney to represent a freely associated compact state of the united States as a Delegate in Congress. They represent Political Parties.

If the Alaska Legislature was truly serious about regaining its State's rights; the Legislature will have to take extreme measures. The Legislature needs to put Congress on notice that the State of Alaska will no longer recognize the 14th Amendment (nor the 17th Amendment) as being a valid Amendment to the United States Constitution. The 14th Amendment has been argued before the U.S. District Court for the District of Alaska with that Court and its Appellate Courts ruling that the 14th Amendment was a "Political Question" without comment (Epperly v. United States, D.C. [Ak.] J90-010 CI, Ap1. Ct. [9th.Cir.] 91-35862, Sup.Ct. [U.S.] 93-170). The evidence submitted was undisputable and the U.S. Justice Department felt that they were under a great threat to the point that the U.S. Court of Appeals, 9th Circuit sanctioned the

Epperlys \$2,500 for bringing the question to the Court. Later, under the directive of the U.S. Justice Department, the IRS increased the sanction to \$10,000.

The State of Louisiana has already published its denunciation of the 14th Amendment within the Congressional Record ("Louisiana Rejects 14th Amendment" via its House Concurrent Resolution No. 208 [Congressional Record, House - June 13, 1967 pgs. 15641-15646]) and the Supreme Court for the State of Utah has also declared that the 14th Amendment should be held as being null and void (Dyett v. Turner, 439 P2d 266 @ 267, 20 U2d 403 [1968]; State v. Phillips, 540 P2d 936).

I would like to suggest that the validity of the 14th and 17th Amendments be argued before the "U.S. Court of Federal Claims". The U.S. Court of Federal Claims is a Congressional Tribunal that was organized for the purpose of carrying out the "Right to Petition the Government (Congress)" Clause of the 1st Article to the Bill of Rights.

GOOD LUCK!!

Sincerely Yours

Gordon W. Epperly
Gordon W. Epperly

June 18, 1967

15641

groups from other nations. This bipartisan organization is doing something more than just talking about international understanding—it is doing something about it.

If mankind is ever to abolish war from the face of the earth, we first must break down the barriers of mistrust and suspicion among the peoples of the world. There is no better way to accomplish this than through just such programs as this one conducted by the American Council of Young Political Leaders.

These young people will be the leaders of the world in years to come. They will be better leaders, more understanding and tolerant leaders, if they are able to expand their knowledge of other nations, other peoples, and other political systems.

This is why, Mr. Speaker, I am so pleased with the work being done by the American Council of Young Political Leaders. They have my wholehearted support in their program to further world understanding.

THE 14TH AMENDMENT—EQUAL PROTECTION LAW OR TOOL OF USURPATION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana (Mr. RARICK) may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. RARICK. Mr. Speaker, arrogantly ignoring clearcut expressions in the Constitution of the United States, the declared intent of its drafters notwithstanding, our unelected Federal Judges read out prohibitions of the Constitution of the United States by adopting the fuzzy haze of the 14th amendment to legislate their personal ideas, prejudices, theories, guilt complexes, aims, and whims.

Through the cooperation of intellectual educators, we have subjected ourselves to accept destructive use and meaning of words and phrases. We blindly accept new meanings and changed values to alter our traditional thoughts.

We have tolerantly permitted the habitual misuse of words to serve as a vehicle to abandon our foundations and goals. Thus, the present use and expansion of the 14th amendment is a sham—serving as a crutch and hoodwink to precipitate a quasi-legal approach for overthrow of the tender balances and protections of limitation found in the Constitution.

But, interestingly enough, the 14th amendment—whether ratified or not—was but the expression of emotional outpouring of public sentiment following the War Between the States.

Its obvious purpose and intent was but to free human beings from ownership as a chattel by other humans. Its aim was no more than to free the slaves.

As our politically appointed Federal Judiciary proceeds down their chosen

path of chaotic departure from the peoples' government by substituting their personal law rationalized under the 14th amendment, their actions and verbiage brand them and their team as secessionists—rebels with pens instead of guns—seeking to divide our Union.

They must be stopped. Public opinion must be aroused. The Union must and shall be preserved.

Mr. Speaker, I ask to include in the RECORD, following my remarks, House Concurrent Resolution 208 of the Louisiana Legislature urging this Congress to declare the 14th amendment illegal. Also, I include in the RECORD an informative and well-annotated treatise on the illegality of the 14th amendment—the play toy of our secessionist judges—which has been prepared by Judge Leander H. Perez, of Louisiana.

The material referred to follows:

H. CON. RES. 208

A concurrent resolution to expose the unconstitutionality of the 14th amendment to the Constitution of the United States; to interpose the sovereignty of the State of Louisiana against the execution of said amendment in this State; to memorialize the Congress of the United States to repeal its joint resolution of July 28, 1868, declaring that said amendment had been ratified; and to provide for the distribution of certified copies of this resolution

Whereas the purported 14th Amendment to the United States Constitution was never lawfully adopted in accordance with the requirements of the United States Constitution because eleven states of the Union were deprived of their equal suffrage in the Senate in violation of Article V, when eleven southern states, including Louisiana, were excluded from deliberation and decision in the adoption of the Joint Resolution proposing said 14th Amendment; said Resolution was not presented to the President of the United States in order that the same should take effect, as required by Article I, Section 7; the proposed amendment was not ratified by three-fourths of the states, but to the contrary fifteen states of the then thirty-seven states of the Union rejected the proposed 14th Amendment between the dates of its submission to the states by the Secretary of State on June 16, 1866 and March 24, 1868, thereby nullifying said Resolution and making it impossible for ratification by the constitutionally required three-fourths of such states; and southern states which were denied their equal suffrage in the Senate had been recognized by proclamations of the President of the United States to have duly constituted governments with all the powers which belong to free states of the Union, and the Legislatures of seven of said southern states had ratified the 13th Amendment which would have failed of ratification but for the ratification of said seven southern states; and

Whereas the Reconstruction Acts of Congress unlawfully overthrew their existing governments, removed their lawfully constituted legislatures by military force and replaced them with rump legislatures which carried out military orders and pretended to ratify the 14th Amendment; and

Whereas in spite of the fact that the Secretary of State in his first proclamation, on July 20, 1866, expressed doubt as to whether three-fourths of the required states had ratified the 14th Amendment, Congress nevertheless adopted a resolution on July 28, 1868, unlawfully declaring that three-fourths of the states had ratified the 14th Amendment and directed the Secretary of State to so proclaim, said Joint Resolution of Congress and the resulting proclamation of the

Secretary of State included the purported ratifications of the military enforced rump legislatures of ten southern states whose lawful legislatures had previously rejected said 14th Amendment, and also included purported ratifications by the legislatures of the States of Ohio and New Jersey although they had withdrawn their legislative ratifications several months previously, all of which proves absolutely that said 14th Amendment was not adopted in accordance with the mandatory constitutional requirements set forth in Article V of the Constitution and therefore the Constitution itself strikes with nullity the purported 14th Amendment.

Now therefore be it resolved by the Legislature of Louisiana, the House of Representatives and the Senate concurring:

(1) That the Legislature go on record as exposing the unconstitutionality of the 14th Amendment, and interposes the sovereignty of the State of Louisiana against the execution of said 14th Amendment against the State of Louisiana and its people;

(2) That the Legislature of Louisiana opposes the use of the invalid 14th Amendment by the Federal courts to impose further unlawful edicts and hardships on its people;

(3) That the Congress of the United States be memorialized by this Legislature to repeal its unlawful Joint Resolution of July 28, 1868, declaring that three-fourths of the states had ratified the 14th Amendment to the United States Constitution;

(4) That the Legislatures of the other states of the Union be memorialized to give serious study and consideration to take similar action against the validity of the 14th Amendment and to uphold and support the Constitution of the United States which strikes said 14th Amendment with nullity; and

(5) That copies of this Resolution, duly certified, together with a copy of the treatise on "The Unconstitutionality of the 14th Amendment" by Judge L. H. Perez, be forwarded to the Governors and Secretaries of State of each state in the Union, and to the Secretaries of the United States Senate and House of Congress, and to the Louisiana Congressional delegation, a copy hereof to be published in the Congressional Record.

VAIL M. DELONT,

Speaker of the House of Representatives.

C. C. AYCOCK,

Lieutenant Governor and President of the Senate.

THE 14TH AMENDMENT IS UNCONSTITUTIONAL

The purported 14th Amendment to the United States Constitution is and should be held to be ineffective, invalid, null, void and unconstitutional for the following reasons:

1. The Joint Resolution proposing said Amendment was not submitted to or adopted by a Constitutional Congress, Article I, Section 3, and Article V of the U.S. Constitution.

2. The Joint Resolution was not submitted to the President for his approval, Article I, Section 7.

3. The proposed 14th Amendment was rejected by more than one-fourth of all the States then in the Union, and it was never ratified by three-fourths of all the States in the Union, Article V.

I. THE UNCONSTITUTIONAL CONGRESS

The U.S. Constitution provides:

Article I, Section 3. "The Senate of the United States shall be composed of two Senators from each State * * *"

Article V provides: "No State, without its consent, shall be deprived of its equal suffrage in the Senate."

The fact that 23 Senators had been unlawfully excluded from the U.S. Senate, in order to secure a two-thirds vote for adoption of the Joint Resolution proposing the 14th Amendment is shown by Resolutions of pro-

test adopted by the following State Legislatures:

The New Jersey Legislature by Resolution of March 27, 1866, protested as follows:

"The said proposed amendment not having yet received the assent of the three-fourths of the states, which is necessary to make it valid, the natural and constitutional right of this state to withdraw its assent is undeniable . . ."

"That it being necessary by the constitution that every amendment to the same should be proposed by two-thirds of both houses of congress, the authors of said proposition, for the purpose of securing the assent of the requisite majority, determined to, and did, exclude from the said two houses eighty representatives from eleven states of the union, upon the pretence that there were no such states in the Union; but, finding that two-thirds of the remainder of the said houses could not be brought to assent to the said proposition, they deliberately formed and carried out the design of mutilating the integrity of the United States senate, and without any pretext or justification, other than the possession of the power, without the right, and in palpable violation of the constitution, ejected a member of their own body, representing this state, and thus practically denied to New Jersey its equal suffrage in the senate, and thereby nominally secured the vote of two-thirds of the said houses."¹

The Alabama Legislature protested against being deprived of representation in the Senate of the U.S. Congress.²

The Texas Legislature by Resolution on October 15, 1866, protested as follows:

"The amendment to the Constitution proposed by this joint resolution as Article XIV is presented to the Legislature of Texas for its action thereon, under Article V of that Constitution. This Article V, providing the mode of making amendments to that instrument, contemplates the participation by all the States through their representatives in Congress, in proposing amendments. As representatives from nearly one-third of the States were excluded from the Congress proposing the amendments, the constitutional requirement was not complied with; it was violated in letter and in spirit; and the proposing of these amendments to States which were excluded from all participation in their initiation in Congress, is a nullity."³

The Arkansas Legislature, by Resolution on December 17, 1866, protested as follows:

"The Constitution authorized two-thirds of both houses of Congress to propose amendments; and, as eleven States were excluded from deliberation and decision upon the one now submitted, the conclusion is inevitable that it is not proposed by legal authority, but in palpable violation of the Constitution."⁴

The Georgia Legislature, by Resolution on November 9, 1866, protested as follows:

"Since the reorganization of the State government, Georgia has elected Senators and Representatives. So has every other State. They have been arbitrarily refused admission to their seats, not on the ground that the qualifications of the members elected did not conform to the fourth paragraph, second section, first article of the Constitution, but because their right of representation was denied by a portion of the States having equal but not greater rights than themselves. They have in fact been forcibly excluded; and, inasmuch as all legislative power granted by the States to the Congress is defined, and this power of exclusion is not among the powers expressly or by implication, the assemblage, at the capitol, of representatives from a portion of the States, to the exclusion of the representatives of another portion,

cannot be a constitutional Congress, when the representation of each State forms an integral part of the whole.

"This amendment is tendered to Georgia for ratification, under that power in the Constitution which authorizes two-thirds of the Congress to propose amendments. We have endeavored to establish that Georgia had a right, in the first place, as a part of the Congress, to act upon the question, 'Shall these amendments be proposed?' Every other excluded State had the same right.

"The first constitutional privilege has been arbitrarily denied. Had these amendments been submitted to a constitutional Congress, they never would have been proposed to the States. Two-thirds of the whole Congress never would have proposed to eleven States voluntarily to reduce their political power in the Union, and at the same time, disfranchise the larger portion of the intellect, integrity and patriotism of eleven co-equal States."⁵

The Florida Legislature, by Resolution of December 5, 1866, protested as follows:

"Let this alteration be made in the organic system and some new and more startling demands may or may not be required by the predominant party previous to allowing the ten States now unlawfully and unconstitutionally deprived of their right of representation to enter the Halls of the National Legislature. Their right of representation is guaranteed by the Constitution of this country and there is no act, not even that of rebellion, can deprive them of its exercise."⁶

The South Carolina Legislature by Resolution of November 27, 1866, protested as follows:

"Eleven of the Southern States, including South Carolina, are deprived of their representation in Congress. Although their Senators and Representatives have been duly elected and have presented themselves for the purpose of taking their seats, their credentials have, in most instances, been laid upon the table without being read, or have been referred to a committee, who have failed to make any report on the subject. In short, Congress has refused to exercise its Constitutional functions, and decide either upon the election, the return, or the qualification of these selected by the States and people to represent us. Some of the Senators and Representatives from the Southern States were prepared to take the test oath, but even these have been persistently ignored, and kept out of the seats to which they were entitled under the Constitution and laws.

"Hence this amendment has not been proposed by 'two-thirds of both Houses' of a legally constituted Congress, and is not, Constitutionally or legitimately, before a single Legislature for ratification."⁷

The North Carolina Legislature protested by Resolution of December 8, 1866 as follows:

"The Federal Constitution declares, in substance, that Congress shall consist of a House of Representatives, composed of members apportioned among the respective States in the ratio of their population, and of a Senate, composed of two members from each State. And in the Article which concerns Amendments, it is expressly provided that 'no State, without its consent, shall be deprived of its equal suffrage in the Senate.' The contemplated Amendment was not proposed to the States by a Congress thus constituted. At the time of its adoption, the eleven seceding States were deprived of representation both in the Senate and House, although they all, except the State of Texas, had Senators and Representatives duly elected and claiming their privileges under

the Constitution. In consequence of this, these States had no voice on the important question of proposing the Amendment. Had they been allowed to give their votes, the proposition would doubtless have failed to command the required two-thirds majority. . . ."

If the votes of these States are necessary to a valid ratification of the Amendment, they were equally necessary on the question of proposing it to the States; for it would be difficult, in the opinion of the Committee, to show by what process in logic, men of intelligence could arrive at a different conclusion."⁸

II. JOINT RESOLUTION INEFFECTIVE

Article I, Section 7 provides that not only every bill which shall have been passed by the House of Representatives and the Senate of the United States Congress, but that:

"Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."

The Joint Resolution proposing the 14th Amendment⁹ was never presented to the President of the United States for his approval, as President Andrew Johnson stated in his message on June 23, 1866.¹⁰ Therefore, the Joint Resolution did not take effect.

III. PROPOSED AMENDMENT NEVER RATIFIED BY THREE-FOURTHS OF THE STATES

1. Pretermittting the ineffectiveness of said resolution, as above, fifteen (15) States out of the then-thirty-seven (37) States of the Union rejected the proposed 14th Amendment between the date of its submission to the States by the Secretary of State on June 16, 1866 and March 24, 1868, thereby further nullifying said resolution and making it impossible for its ratification by the constitutionally required three-fourths of such States, as shown by the rejections thereof by the Legislatures of the following states:

Texas rejected the 14th Amendment on October 27, 1866.¹¹

Georgia rejected the 14th Amendment on November 9, 1866.¹²

Florida rejected the 14th Amendment on December 6, 1866.¹³

Alabama rejected the 14th Amendment on December 7, 1866.¹⁴

North Carolina rejected the 14th Amendment on December 14, 1866.¹⁵

Arkansas rejected the 14th Amendment on December 17, 1866.¹⁶

South Carolina rejected the 14th Amendment on December 20, 1866.¹⁷

Kentucky rejected the 14th Amendment on January 8, 1867.¹⁸

¹ North Carolina Senate Journal, 1866-67, pp. 92 and 93.

² 14 Stat. 359 etc.

³ Senate Journal, 39th Congress, 1st sess., p. 583, and House Journal p. 889.

⁴ House Journal 1866, pp. 579-584—Senate Journal 1866, p. 471.

⁵ House Journal 1866, p. 68—Senate Journal 1866, p. 72.

⁶ House Journal 1866, p. 70—Senate Journal 1866, p. 8.

⁷ House Journal 1866, pp. 210-213—Senate Journal 1866, p. 183.

⁸ House Journal 1866-1867, p. 183—Senate Journal 1866-1867, p. 138.

⁹ House Journal 1866, pp. 288-291—Senate Journal 1866, p. 262.

¹⁰ House Journal 1866, p. 284—Senate Journal 1866, p. 230.

¹¹ House Journal 1867, p. 60—Senate Journal 1867, p. 62.

¹ New Jersey Acts, March 27, 1866.

² Alabama House Journal 1866, pp. 210-213.

³ Texas House Journal, 1866, p. 577.

⁴ Arkansas House Journal, 1866, p. 287.

⁵ Georgia House Journal, November 9, 1866, pp. 66-67.

⁶ Florida House Journal, 1866, p. 76.

⁷ South Carolina House Journal, 1866, pp. 33 and 34.

Virginia rejected the 14th Amendment on January 9, 1867.¹⁸

Louisiana rejected the 14th Amendment on February 6, 1867.¹⁹

Delaware rejected the 14th Amendment on February 7, 1867.²⁰

Maryland rejected the 14th Amendment on March 23, 1867.²¹

Mississippi rejected the 14th Amendment on January 31, 1867.²²

Ohio rejected the 14th Amendment on January 15, 1868.²³

New Jersey rejected the 14th Amendment on March 24, 1868.²⁴

There was no question that all of the Southern states which rejected the 14th Amendment had legally constituted governments, were fully recognized by the federal government, and were functioning as member states of the Union at the time of their rejection.

President Andrew Johnson, in his Veto message of March 2, 1867,²⁵ pointed out that:

"It is not denied that the States in question have each of them an actual government with all the powers, executive, judicial and legislative, which properly belong to a free State. They are organized like the other States of the Union, and, like them, they make, administer, and execute the laws which concern their domestic affairs."

If further proof were needed that these States were operating under legally constituted governments as member States in the Union, the ratification of the 13th Amendment by December 8, 1865 undoubtedly supplies this official proof. If the Southern States were not member States of the Union, the 13th Amendment would not have been submitted to their Legislatures for ratification.

2. The 13th Amendment to the United States Constitution was proposed by Joint Resolution of Congress²⁶ and was approved February 1, 1865 by President Abraham Lincoln, as required by Article I, Section 7 of the United States Constitution. The President's signature is affixed to the Resolution.

The 13th Amendment was ratified by 27 states of the then 36 states of the Union, including the Southern States of Virginia, Louisiana, Arkansas, South Carolina, Alabama, North Carolina and Georgia. This is shown by the Proclamation of the Secretary of State December 18, 1865.²⁷ Without the votes of these 7 Southern State Legislatures the 13th Amendment would have failed. There can be no doubt but that the ratification by these 7 Southern States of the 13th Amendment again established the fact that their Legislatures and State governments were duly and lawfully constituted and functioning as such under their State Constitutions.

3. Furthermore, on April 2, 1868, President Andrew Johnson issued a proclamation that, "the insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi and Florida is at an end, and is henceforth to be so regarded."²⁸

¹⁸ House Journal 1866-1867, p. 108—Senate Journal 1866-1867, p. 101.

¹⁹ McPherson, Reconstruction, p. 194; Annual Encyclopedia, p. 452.

²⁰ House Journal 1867, p. 223—Senate Journal 1867, p. 176.

²¹ House Journal 1867, p. 1141—Senate Journal 1867, p. 808.

²² McPherson, Reconstruction, p. 194.

²³ House Journal 1868, pp. 44-50—Senate Journal 1868, pp. 33-38.

²⁴ Minutes of the Assembly 1868, p. 743—Senate Journal 1868, p. 356.

²⁵ House Journal, 39th Congress, 2nd Session, p. 563 etc.

²⁶ 13 Stat. p. 567.

²⁷ 13 Stat. p. 774.

²⁸ Presidential Proclamation No. 153, Gen-

eral Records of the United States, G.S.A. National Archives and Records Service.

On August 20, 1866, President Andrew Johnson issued another proclamation²⁹ pointing out the fact that the House of Representatives and Senate had adopted identical Resolutions on July 22nd³⁰ and July 25th, 1861,³¹ that the Civil War forced by disunionists of the Southern States, was not waged for the purpose of conquest or to overthrow the rights and established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all equality and rights of the several states unimpaired, and that as soon as these objects are accomplished, the war ought to cease. The President's proclamation on June 13, 1865, declared the insurrection in the State of Tennessee had been suppressed.³² The President's proclamation on April 2, 1866,³³ declared the insurrection in the other Southern States, except Texas, no longer existed. On August 20, 1866,³⁴ the President proclaimed that the insurrection in the State of Texas had been completely ended; and his proclamation continued: "the insurrection which heretofore existed in the State of Texas is at an end, and is to be henceforth so regarded in that State, as in the other States before named in which the said insurrection was proclaimed to be at an end by the aforesaid proclamation of the second day of April, one thousand, eight hundred and sixty-six.

"And I do further proclaim that the said insurrection is at an end, and that peace, order, tranquillity, and civil authority now exist, in and throughout the whole of the United States of America."

4. When the State of Louisiana rejected the 14th Amendment on February 6, 1867, making the 10th state to have rejected the same, or more than one-fourth of the total number of 36 states of the Union as of that date, thus leaving less than three-fourths of the states possibly to ratify the same, the Amendment failed of ratification in fact and in law, and it could not have been revived except by a new Joint Resolution of the Senate and House of Representatives in accordance with Constitutional requirement.

5. Faced with the positive failure of ratification of the 14th Amendment, both Houses of Congress passed over the veto of the President three Acts known as Reconstruction Acts, between the dates of March 2 and July 19, 1867, especially the third of said Acts, 15 Stat. p. 14 etc., designed illegally to remove with "Military force" the lawfully constituted State Legislatures of the 10 Southern States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana and Texas. In President Andrew Johnson's Veto message on the Reconstruction Act of March 2, 1867,³⁵ he pointed out these unconstitutionality:

"If ever the American citizen should be left to the free exercise of his own judgment, it is when he is engaged in the work of forming the fundamental law under which he is to live. That work is his work, and it cannot properly be taken out of his hands. All this legislation proceeds upon the contrary Assumption that the people of each of these States shall have no constitution, except such as may be arbitrarily dictated by Congress, and formed under the restraint of military rule. A plain statement of facts makes this evident.

eral Records of the United States, G.S.A. National Archives and Records Service.

²⁹ 14 Stat. p. 814.

³⁰ House Journal, 37th Congress, 1st Sessn. p. 123 etc.

³¹ Senate Journal, 37th Congress, 1st Sessn. p. 91 etc.

³² 13 Stat. 763.

³³ 14 Stat. p. 811.

³⁴ 14 Stat. 814.

³⁵ House Journal, 39th Congress, 2nd Sessn. p. 563 etc.

"In all these States there are existing constitutions, framed in the accustomed way by the people. Congress, however, declares that these constitutions are not 'loyal and republican,' and requires the people to form them anew. What, then, in the opinion of Congress, is necessary to make the constitution of a State 'loyal and republican?' The original act answers the question: 'It is universal negro suffrage, a question which the federal Constitution leaves exclusively to the States themselves. All this legislative machinery of martial law, military coercion, and political disfranchisement is avowedly for that purpose and none other. The existing constitutions of the ten States conform to the acknowledged standards of loyalty and republicanism. Indeed, if there are degrees in republican forms of government, their constitutions are more republican now, than when these States—four of which were members of the original thirteen—first became members of the Union."

In President Andrew Johnson's Veto message on the Reconstruction Act on July 10, 1867,³⁶ he pointed out various unconstitutionality as follows:

"The veto of the original bill of the 2d of March was based on two distinct grounds, the interference of Congress in matters strictly appertaining to the reserved powers of the States, and the establishment of military tribunals for the trial of citizens in time of peace.

"A singular contradiction is apparent here. Congress declares these local State governments to be illegal governments, and then provides that these illegal governments shall be carried on by federal officers, who are to perform the very duties on its own officers by this illegal State authority. It certainly would be a novel spectacle if Congress should attempt to carry on a legal State government by the agency of its own officers. It is yet more strange that Congress attempts to sustain and carry on an illegal State government by the same federal agency.

"It is now too late to say that these ten political communities are not States of this Union. Declarations to the contrary made in these three acts are contradicted again and again by repeated acts of legislation enacted by Congress from the year 1861 to the year 1867.

"During that period, while these States were in actual rebellion, and after that rebellion was brought to a close, they have been again and again recognized as States of the Union. Representation has been apportioned to them as States. They have been divided into judicial districts for the holding of district and circuit courts of the United States, as States of the Union only can be districted. The last act on this subject was passed July 23, 1866, by which every one of these ten States was arranged into districts and circuits.

"They have been called upon by Congress to act through their legislatures upon at least two amendments to the Constitution of the United States. As States they have ratified one amendment, which required the vote of twenty-seven States of the thirty-six then composing the Union. When the requisite twenty-seven votes were given in favor of that amendment—seven of which votes were given by seven of these ten States—it was proclaimed to be a part of the Constitution of the United States, and slavery was declared no longer to exist within the United States or any place subject to their jurisdiction. If these seven States were not legal States of the Union, it follows as an inevitable consequence that in some of the States slavery yet exists. It does not exist

³⁶ 40th Congress, 1st Sessn. House Journal p. 232 etc.

in these seven States, for they have abolished it also in their State constitutions; but Kentucky not having done so, it would still remain in that State. But, in truth, if this assumption that these States have no legal State governments be true, then the abolition of slavery by these illegal governments binds no one, for Congress now denies to these States the power to abolish slavery by denying to them the power to elect a legal State legislature, or to frame a constitution for any purpose, even for such a purpose as the abolition of slavery.

"As to the other constitutional amendment having reference to suffrage, it happens that these States have not accepted it. The consequence is, that it has never been proclaimed or understood, even by Congress, to be a part of the Constitution of the United States. The Senate of the United States has repeatedly given its sanction to the appointment of judges, district attorneys, and marshals for every one of these States; yet, if they are not legal States, not one of these judges is authorized to hold a court. So, too, both houses of Congress have passed appropriation bills to pay all these judges, attorneys, and officers of the United States for exercising their functions in these States. Again, in the machinery of the internal revenue laws, all these States are districted, not as 'Territories,' but as 'States.'

"So much for continuous legislative recognition. The instances cited, however, fall far short of all that might be enumerated. Executive recognition, as is well known, has been frequent and unwavering. The same may be said as to judicial recognition through the Supreme Court of the United States.

"To me these considerations are conclusive of the unconstitutionality of this part of the bill now before me, and I earnestly commend their consideration to the deliberate judgment of Congress. [And now to the Court.]

"Within a period less than a year the legislation of Congress has attempted to strip the executive department of the government of some of its essential powers. The Constitution, and the oath provided in it, devolve upon the President the power and duty to see that the laws are faithfully executed. The Constitution, in order to carry out this power, gives him the choice of the agents, and makes them subject to his control and supervision. But in the execution of these laws the constitutional obligation upon the President remains, but the powers to exercise that constitutional duty is effectually taken away. The military commander is, as to the power of appointment, made to take the place of its President, and the General of the Army the place of the Senate; and any attempt on the part of the President to assert his own constitutional power may, under pretence of law, be met by official insubordination. It is to be feared that these military officers, looking to the authority given by these laws rather than to the letter of the Constitution, will recognize no authority but the commander of the district and the General of the army.

"If there were no other objection than this to this proposed legislation, it would be sufficient."

No one can contend that the Reconstruction Acts were ever upheld as being valid and constitutional.

They were brought into question, but the Courts either avoided decision or were prevented by Congress from finally adjudicating upon their constitutionality.

In *Mississippi v. President Andrew Johnson*, (4 Wall. 475-502), where the suit sought to enjoin the President of the United States from enforcing provisions of the Reconstruction Acts, the U.S. Supreme Court held that the President cannot be enjoined because for the Judicial Department of the government to attempt to enforce the performance of

the duties by the President might be justly characterized, in the language of Chief Justice Marshall, as "an absurd and excessive extravagance." The Court further said that if the Court granted the injunction against enforcement of the Reconstruction Acts, and if the President refused obedience, it is needless to observe that the Court is without power to enforce its process.

In a joint action, the states of Georgia and Mississippi brought suit against the President and the Secretary of War, (8 Wall. 50-78, 154 U.S. 554).

The Court said that:

"The bill then sets forth that the intent and design of the Acts of Congress, as apparent on their face and by their terms, are to overthrow and annul this existing state government, and to erect another and different government in its place, unauthorized by the Constitution and in defiance of its guaranties; and that, in furtherance of this intent and design, the defendants, the Secretary of War, the General of the Army, and Major-General Pope, acting under orders of the President, are about setting in motion a portion of the army to take military possession of the state, and threaten to subvert her government and subject her people to military rule; that the state is holding inadequate means to resist the power and force of the Executive Department of the United States; and she therefore insists that such protection can, and ought to be afforded by a decree or order of his court in the premises."

The applications for injunction by these two states to prohibit the Executive Department from carrying out the provisions of the Reconstruction Acts directed to the overthrow of their government, including this dissolution of their state legislatures, were denied on the grounds that the organization of the government into three great departments, the executive, legislative and judicial, carried limitations of the powers of each by the Constitution. This case when the same way as the previous case of *Mississippi against President Johnson* and was dismissed without adjudicating upon the constitutionality of the Reconstruction Acts.

In another case, *ex parte William H. McCordle* (7 Wall. 508-515), a petition for the writ of habeas corpus for unlawful restraint by military force of a citizen not in the military service of the United States was before the United States Supreme Court. After the case was argued and taken under advisement, and before conference in regard to the decision to be made, Congress passed an emergency Act, (Act March 27, 1868, 15 Stat. at L. 44), vetoed by the President and repassed over his veto, repealing the jurisdiction of the U.S. Supreme Court in such case. Accordingly, the Supreme Court dismissed the appeal without passing upon the constitutionality of the Reconstruction Acts, under which the non-military citizen was held by the military without benefit of writ of habeas corpus, in violation of Section 9, Article I of the U.S. Constitution which prohibits the suspension of the writ of habeas corpus.

That Act of Congress placed the Reconstruction Acts beyond judicial recourse and avoided tests of constitutionality.

It is recorded that one of the Supreme Court Justices, Grier, protested against the action of the Court as follows:

"This case was fully argued in the beginning of this month. It is a case which involves the liberty and rights, not only of the appellant but of millions of our fellow citizens. The country and the parties had a right to expect that it would receive the immediate and solemn attention of the court. By the postponement of this case we shall subject ourselves, whether justly or unjustly, to the imputation that we have evaded the performance of a duty imposed

on us by the Constitution, and waited for Legislative interposition to supersede our action, and relieve us from responsibility. I am not willing to be a partaker of the eulogy or opprobrium that may follow. I can only say . . . I am ashamed that such opprobrium should be cast upon the court and that it cannot be refuted."

The ten States were organized into Military Districts under the unconstitutional "Reconstruction Acts," their lawfully constituted Legislature illegally were removed by "military force," and they were replaced by rump, so-called Legislatures, seven of which carried out military orders and pretended to ratify the 14th Amendment, as follows:

Arkansas on April 6, 1868;²⁰

North Carolina on July 2, 1868;²¹

Florida on June 9, 1868;²²

Louisiana on July 9, 1868;²³

South Carolina on July 9, 1868;²⁴

Alabama on July 13, 1868;²⁵ and Georgia on July 21, 1868.²⁶

6. Of the above 7 States whose Legislatures were removed and replaced by rump, so-called Legislatures, six (6) Legislatures of the States of Louisiana, Arkansas, South Carolina, Alabama, North Carolina and Georgia had ratified the 13th Amendment, as shown by the Secretary of State's Proclamation of December 18, 1865, without which 6 States' ratifications, the 13th Amendment could not and would not have been ratified because said 6 States made a total of 27 out of 36 States or exactly three-fourths of the number required by Article V of the Constitution for ratification.

Furthermore, governments of the States of Louisiana and Arkansas had been re-established under a Proclamation issued by President Abraham Lincoln December 8, 1863.²⁷

The government of North Carolina had been re-established under a Proclamation issued by President Andrew Johnson dated May 29, 1865.²⁸

The government of Georgia had been re-established under a proclamation issued by President Andrew Johnson dated June 17, 1865.²⁹

The government of Alabama had been re-established under a Proclamation issued by President Andrew Johnson dated June 21, 1865.³⁰

The government of South Carolina had been re-established under a Proclamation issued by President Andrew Johnson dated June 30, 1865.³¹

These three "Reconstruction Acts"³² under which the above State Legislatures were illegally removed and unlawful rump or puppet so-called Legislatures were substituted in a mock effort to ratify the 14th Amendment, were unconstitutional, null and void, ab initio, and all acts done thereunder were also null and void, including the purported ratification of the 14th Amendment by said 6 Southern puppet State Legislatures of

²⁰ McPherson, *Reconstruction*, p. 53.

²¹ House Journal 1868, p. 15, Senate Journal 1868, p. 15.

²² House Journal 1868, p. 9, Senate Journal 1868, p. 8.

²³ Senate Journal 1868, p. 21.

²⁴ House Journal 1868, p. 50, Senate Journal 1868, p. 12.

²⁵ Senate Journal, 40th Congress, 2nd Sess., p. 725.

²⁶ House Journal, 1868, p. 50.

²⁷ Vol. I, pp. 288-300; Vol. II, pp. 1429-1448—"The Federal and State Constitutions," etc., compiled under Act of Congress on June 30, 1900, Francis Newton Thorpe, Washington Government Printing Office (1900).

²⁸ Same, Thorpe, Vol. V, pp. 2700-2800.

²⁹ Same, Thorpe, Vol. II, pp. 800-822.

³⁰ Same, Thorpe, Vol. I, pp. 118-132.

³¹ Same, Thorpe, Vol. VI, pp. 3269-3281.

³² 14 Stat. p. 428, etc. 15 Stat. p. 14, etc.

Arkansas, North Carolina, Louisiana, South Carolina, Alabama and Georgia.

Those Reconstruction Acts of Congress and all acts and things unlawfully done thereunder were in violation of Article IV, Section 4 of the United States Constitution, which required the United States to guarantee every State in the Union a republican form of government. They violated Article I, Section 3, and Article V of the Constitution, which entitled every State in the Union to two Senators, because under provisions of these unlawful Acts of Congress, 10 States were deprived of having two Senators, or equal suffrage in the Senate.

7. The Secretary of State expressed doubt as to whether three-fourths of the required states had ratified the 14th Amendment, as shown by his Proclamation of July 20, 1868.⁴¹ Promptly on July 21, 1868, a Joint Resolution⁴² was adopted by the Senate and House of Representatives declaring that three-fourths of the several States of the Union had ratified the 14th Amendment. That resolution, however, included purported ratifications by the unlawful puppet Legislatures of 5 States, Arkansas, North Carolina, Louisiana, South Carolina and Alabama, which had previously rejected the 14th Amendment by action of their lawfully constituted Legislatures, as above shown. This Joint Resolution assumed to perform the function of the Secretary of State in whom Congress, by Act of April 20, 1818, had vested the function of issuing such proclamation declaring the ratification of Constitutional Amendments.

The Secretary of State bowed to the action of Congress and issued his Proclamation of July 28, 1868,⁴³ in which he stated that he was acting under authority of the Act of April 20, 1818, but pursuant to said Resolution of July 21, 1868. He listed three-fourths or so of the then 37 states as having ratified the 14th Amendment, including the purported ratification of the unlawful puppet Legislatures of the States of Arkansas, North Carolina, Louisiana, South Carolina and Alabama. Without said 5 unlawful purported ratifications there would have been only 25 states left to ratify out of 37 when a minimum of 28 states was required for ratification by three-fourths of the States of the Union.

The Joint Resolution of Congress and the resulting Proclamation of the Secretary of State also included purported ratifications by the States of Ohio and New Jersey, although the Proclamation recognized the fact that the Legislatures of said states, several months previously, had withdrawn their ratifications and effectively rejected the 14th Amendment in January, 1868, and April, 1868.

Therefore, deducting these two states from the purported ratifications of the 14th Amendment, only 23 State ratifications at most could be claimed; whereas the ratification of 28 States, or three-fourths of 37 States in the Union, were required to ratify the 14th Amendment.

From all of the above documented historic facts, it is inescapable that the 14th Amendment never was validly adopted as an article of the Constitution, that it has no legal effect, and it should be declared by the Courts to be unconstitutional, and therefore null, void and of no effect.

THE CONSTITUTION STRIKES THE 14TH AMENDMENT WITH NULLITY

The defenders of the 14th Amendment contend that the U.S. Supreme Court has finally decided upon its validity. Such is not the case.

In what is considered the leading case, *Coleman v. Miller*, 307 U.S. 448, 59 S. Ct. 972, the U.S. Supreme Court did not uphold the validity of the 14th Amendment.

In that case, the Court brushed aside constitutional questions as though they did not exist. For instance, the Court made the statement that:

"The legislatures of Georgia, North Carolina and South Carolina had rejected the amendment in November and December, 1866. New governments were erected in those States (and in others) under the direction of Congress. The new legislatures ratified the amendment, that of North Carolina on July 4, 1868, that of South Carolina on July 9, 1868, and that of Georgia on July 21, 1868."

And the Court gave no consideration to the fact that Georgia, North Carolina and South Carolina were three of the original states of the Union with valid and existing constitutions on an equal footing with the other original states and those later admitted into the Union.

What constitutional right did Congress have to remove those state governments and their legislatures under unlawful military power set up by the unconstitutional "Reconstruction Acts," which had for their purpose, the destruction and removal of these legal state governments and the nullification of their Constitutions?

The fact that these three states and seven other Southern States had existing Constitutions, were recognized as states of the Union, again and again; had been divided into judicial districts for holding their district and circuit courts of the United States; had been called upon by Congress to act through their legislatures upon two Amendments, the 13th and 14th, and by their ratifications had actually made possible the adoption of the 13th Amendment; as well as their state governments having been re-established under Presidential Proclamations, as shown by President Andrew Johnson's Veto message and proclamations, were all brushed aside by the Court in *Coleman* by the statement that: "New governments were erected in those States (and in others) under the direction of Congress," and that these new legislatures ratified the Amendment.

The U.S. Supreme Court overlooked that it previously had held that at no time were these Southern States out of the Union. *White v. Hart*, 1871, 13 Wall. 648, 654.

In *Coleman*, the Court did not adjudicate upon the invalidity of the Acts of Congress which set aside those state Constitutions and abolished their state legislatures,—the Court simply referred to the fact that their legally constituted legislatures had rejected the 14th Amendment and that the "new legislatures" had ratified the Amendment.

The Court overlooked the fact, too, that the State of Virginia was also one of the original states with its Constitution and Legislature in full operation under its civil government at the time.

The Court also ignored the fact that the other six Southern States, which were given the same treatment by Congress under the unconstitutional "Reconstruction Acts", all had legal constitutions and a republican form of government in each state, as was recognized by Congress by its admission of those states into the Union. The Court certainly must take judicial cognizance of the fact that before a new state is admitted by Congress into the Union, Congress enacts an Enabling Act to enable the inhabitants of the territory to adopt a Constitution to set up a republican form of government as a condition precedent to the admission of the state into the Union, and upon approval of such Constitution, Congress then passes the Act of Admission of such state.

All this was ignored and brushed aside by the Court in the *Coleman* case. However, in *Coleman* the Court inadvertently said this:

"Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United

States has been adopted, according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States."

In *Hawke v. Smith*, 1920, 253 U.S. 221, 40 S. Ct. 227, the U.S. Supreme Court unmistakably held:

"The fifth article is a grant of authority by the people to Congress. The determination of the method of ratification is the exercise of a national power specifically granted by the Constitution; that power is conferred upon Congress, and is limited to two methods, by action of the Legislatures of three-fourths of the states, or conventions in a like number of states. *Dodge v. Woolsey*, 18 How. 331, 346, 15 L. Ed. 401. The framers of the Constitution might have adopted a different method. Ratification might have been left to a vote of the people, or to some authority of government other than that selected. The language of the article is plain, and admits of no doubt in its interpretation. It is not the function of courts or legislative bodies, national or state, to alter the method which the Constitution has fixed."

We submit that in none of the cases, in which the Court avoided the constitutional issues involved in the composition of the Congress which adopted the Joint Resolution for the 14th Amendment, did the Court pass upon the constitutionality of the Congress which purported to adopt the Joint Resolution for the 14th Amendment, with 80 Representatives and 23 Senators, in effect, forcibly ejected or denied their seats and their votes on the Joint Resolution proposing the Amendment, in order to pass the same by a two-thirds vote, as pointed out in the New Jersey Legislature Resolution on March 27, 1868.

The constitutional requirements set forth in Article V of the Constitution permit the Congress to propose amendments only whenever two-thirds of both houses shall deem it necessary,—that is, two-thirds of both houses as then constituted without forcible ejections.

Such a fragmentary Congress also violated the constitutional requirements of Article V that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

There is no such thing as giving life to an amendment illegally proposed or never legally ratified by three-fourths of the states. There is no such thing as amendment by laches; no such thing as amendment by waiver; no such thing as amendment by acquiescence; and no such thing as amendment by any other means whatsoever except the means specified in Article V of the Constitution itself.

It does not suffice to say that there have been hundreds of cases decided under the 14th Amendment to supply the constitutional deficiencies in its proposal or ratification as required by Article V. If hundreds of litigants did not question the validity of the 14th Amendment, or questioned the same perfunctorily without submitting documentary proof of the facts of record which made its purported adoption unconstitutional, their failure cannot change the Constitution for the millions in America. The same thing is true of laches; the same thing is true of acquiescence; the same thing is true of ill considered court decisions.

To ascribe constitutional life to an alleged amendment which never came into being according to specific methods laid down in Article V cannot be done without doing violence to Article V itself. This is true, because the only question open to the courts is whether the alleged 14th Amendment became a part of the Constitution through a

⁴¹ 15 Stat. p. 706.

⁴² House Journal, 40th Congress, 2nd Sessn. p. 1126 etc.

⁴³ 15 Stat. p. 708.

method required by Article V. Anything beyond that which a court is called upon to hold in order to validate an amendment, would be equivalent to writing into Article V another mode of the amendment which has never been authorized by the people of the United States.

On this point, therefore, the question is, was the 14th Amendment proposed and ratified in accordance with Article V?

In answering this question, it is of no real moment that decisions have been rendered in which the parties did not contest or submit proper evidence, or the Court assumed that there was a 14th Amendment. If a statute never in fact passed by Congress, through some error of administration and printing got into the published reports of the statutes, and if under such supposed statute courts had levied punishment upon a number of persons charged under it, and if the error in the published volume was discovered and the fact became known that no such statute had ever passed in Congress, it is unthinkable that the Courts would continue to administer punishment in similar cases, on a non-existent statute because prior decisions had done so. If that be true as to a statute we need only realize the greater truth when the principle is applied to the solemn question of the contents of the Constitution.

While the defects in the method of proposing and the subsequent method of computing "ratification" is briefed elsewhere, it should be noted that the failure to comply with Article V began with the first action by Congress. The very Congress which proposed the alleged 14th Amendment under the first part of Article V was itself, at that very time, violating the last part as well as the first part of Article V of the Constitution. We shall see how this was done.

There is one, and only one, provision of the Constitution of the United States which is forever immutable—which can never be changed or expunged. The Courts cannot alter it; the executives cannot change it; the Congress cannot change it; the States themselves—even all the States in perfect concert—cannot amend it in any manner whatsoever, whether they act through conventions called for the purpose or through their legislatures. Not even the unanimous vote of every voter in the United States could amend this provision. It is a perpetual fixture in the Constitution, so perpetual and so fixed that if the people of the United States desired to change or exclude it, they would be compelled to abolish the Constitution and start afresh.

The unalterable provision is this: "that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

A state, by its own consent, may waive this right of equal suffrage, but that is the only legal method by which a failure to accord this immutable right of equal suffrage in the Senate can be justified. Certainly not by forcible ejection and denial by a majority in Congress, as was done for the adoption of the Joint Resolution for the 14th Amendment.

Statements by the Court in the Coleman case that Congress was left in complete control of the mandatory process, and therefore it was a political affair for Congress to decide if an amendment had been ratified, does not square with Article V of the Constitution which shows no intention to leave Congress in charge of deciding whether there has been a ratification. Even a constitutionally recognized Congress is given but one volition in Article V, that is, to vote whether to propose an Amendment on its own initiative. The remaining steps by Congress are mandatory. If two-thirds of both houses shall deem it necessary, Congress shall propose amendments; if the Legislatures of two-thirds of the States make application, Congress shall call a convention. For the Court to give Congress any power beyond that to be

found in Article V is to write the new material into Article V.

It would be inconceivable that the Congress of the United States could propose, compel submission to, and then give life to an invalid amendment by resolving that its effort had succeeded—regardless of compliance with the positive provisions of Article V.

It should need no further citations to sustain the proposition that neither the Joint Resolution proposing the 14th Amendment nor its ratification by the required three-fourths of the States in the Union were in compliance with the requirements of Article V of the Constitution.

When the mandatory provisions of the Constitution are violated, the Constitution itself strikes with nullity the Act that did violence to its provisions. Thus, the Constitution strikes with nullity the purported 14th Amendment.

The Courts, bound by oath to support the Constitution, should review all of the evidence herein submitted and measure the facts proving violations of the mandatory provisions of the Constitution with Article V, and finally render judgment declaring said purported Amendment never to have been adopted as required by the Constitution.

The Constitution makes it the sworn duty of the judges to uphold the Constitution which strikes with nullity the 14th Amendment.

And, as Chief Justice Marshall pointed out for a unanimous Court in *Marbury v. Madison* (1 Cranch 136 @ 179):

"The framers of the constitution contemplated the instrument as a rule for the government of courts, as well as of the legislature."

"Why does a judge swear to discharge his duties agreeably to the constitution of the United States, if that constitution forms no rule for his government?"

"If such be the real state of things, that is worse than solemn mockery. To prescribe, or to take this oath, becomes equally a crime."

"Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions . . . courts, as well as other departments, are bound by that instrument."

The federal courts actually refuse to hear argument on the invalidity of the 14th Amendment, even when the issue is presented squarely by the pleadings and the evidence as above.

Only an aroused public sentiment in favor of preserving the Constitution and our institutions and freedoms under constitutional government, and the future security of our country, will break the political barrier which now prevents judicial consideration of the unconstitutionality of the 14th amendment.

THE MIDEAST CRISIS—NOT BACKWARD TO BELLIGERENCY BUT FORWARD TO PEACE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. TENZER] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. TENZER. Mr. Speaker, the distinguished Foreign Minister of the State

of Israel, Abba Eban, in his address to the United Nations Security Council on June 6, 1967, set the theme for a lasting peace in the Middle East so much desired by all the peace-loving nations of the world. His address was entitled, "Not Backward to Belligerency but Forward to Peace."

On June 7, 1967, following the first United Nations resolution calling for a cease-fire in the Middle East, I stated to a distinguished group of Americans who visited me in Washington as follows:

I deem it most imperative that the terms of the agreement to follow the cease fire provide effective guarantees, to the end that permanent peace may be established in the Middle East.

The interests of world peace would best be served if the terms provide:

1. For recognition of the validity of the sovereignty of the State of Israel by the U.A.R. and other Arab states.
2. A reaffirmation that the Gulf of Aqaba is an international waterway and will remain open for free passage to shipping of all nations through the Straits of Tiran.
3. An opening of the Suez Canal to shipping of all nations.
4. An ending of terrorism and border raids so that Israel may carry out its desire to live in peace with its neighbors.
5. For direct negotiations between Israel and her Arab neighbors for the resolution of other pending issues.

Indeed, it is within the province of the sovereign State of Israel to speak its mind on the terms of the agreement to follow the cease-fire—the terms which in its view will best insure permanent peace in the Middle East. We on the other hand take the opportunity to make suggestions which in our opinion will best secure the peace of the world—thereby also serving the best interests of the United States.

An elaboration of the five points suggested on June 7, 1966, is accordingly in order.

I. THE STATE OF ISRAEL A SOVEREIGN NATION

The State of Israel is a member of the United Nations—a full-fledged member of the family of nations. Though the integrity of her borders were guaranteed by the major powers—three times in 20 years—the State of Israel was obliged to go to war to put a stop to the violation of her boundary lines.

It is therefore basic to any plan for permanent peace in the Middle East that the sovereignty of the State of Israel be recognized by her neighbors. This fact cannot be questioned—this truth is and should not be negotiable because its import was underlined by the events of the past 10 days.

The foundation for a permanent peace in the Middle East must be the absolute and unqualified recognition by the Arab States of the right of the State of Israel to exist as a sovereign state among other sovereign states. When this foundation is laid, then Israel and her Arab neighbors can, through direct negotiations, begin to build the structure leading to permanent peace.

II. STRAIT OF TIRAN AN INTERNATIONAL WATERWAY

Since 1950, Egypt has repeatedly given assurances that the Strait of Tiran would remain open for "innocent passage



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT

To: House Committees of Referral for HJR 8

From: Representative Scott Ogan *SO*

Re: HJR 8, "A Resolution relating to mandates and other conditions imposed on the states by the federal government."

Date: January 19, 1995

I have introduced HJR 8 as a means of articulating the resolve of the citizens of this state to stand against further attempts by the federal government to encroach upon our autonomy and rights as a state under the Tenth Amendment to the United States Constitution. The Resolution reflects the widely held opinion that the federal government has grossly exceeded its authority to make and enforce policy in certain areas. The United States Constitution creates a federal government of limited jurisdiction, and permits government at that level to exercise only those powers specifically granted in the document. The Tenth Amendment specifically articulates the principle reflected throughout the Constitution that all governmental authority not explicitly granted to the federal government is reserved to the several states.

It is clear that Congress has lost any understanding of its limited role and continues to enact legislation dealing with issues that are completely outside of its jurisdiction, as that jurisdiction is defined in Article I, Section 8 of the Constitution. Such legislation typically authorizes the various executive agencies to promulgate regulations which are oppressive, unconstitutional, and which demonstrate little understanding of or concern for the unique conditions and problems faced by the citizens of the State of Alaska. A prime example of this abuse, the federal management of fish and wildlife resources within the state, is specifically addressed in HJR 8. Nowhere in the United States Constitution is either Congress or the Executive Branch given authority to regulate or manage fish and game, except to the extent these resources enter the flow of interstate commerce.

As if the abrogation of state governmental authority were not enough, many of these constitutionally dubious federal mandates require state or local governments to pay for their implementation. These "unfunded mandates" have imposed enormous burdens on smaller governments already stretched thin by the effort required to meet their own responsibilities.

This Resolution is a timely statement to the federal government demanding that it cease and desist from interfering with Alaska's right to determine policy in those areas reserved to the states, and from attempting to manage Alaska's fish and wildlife resources.



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

To: House Committees of Referral for HJR 8

From: Allen Kingman, Aide to Rep. Scott Ogan *AK*

Re: Sectional Analysis of HJR 8

Date: January 20, 1995

The following is a sectional analysis of HJR 8, "A Resolution relating to mandates and other conditions imposed on the states by the federal government." Please be advised that this analysis is not an authoritative interpretation of this resolution, and is not intended to provide legal advice concerning the potential ramifications of the resolution.

Section 1. (This is a single section resolution)

This resolution makes two clear and simple demands upon the federal government: First, that the federal government cease and desist from exercising any governmental authority in areas outside of its explicitly granted jurisdiction, and second, that the federal authorities relinquish their unlawful control over the fish and wildlife resources of this state. Compliance with these demands would restore to the state sole authority to make and enforce policy in those areas not delegated to the federal level by the Constitution, such as health and safety, environmental issues, education, welfare, fish and wildlife, and discretionary decisions concerning financial support for science and the arts. The citizens of each state would determine through their elected officials whether, and to what extent, these functions would be regulated and funded by state government.

DIVISION OF LEGAL SERVICE
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 31, 1995

SUBJECT: Sectional Summary of resolution relating to federal mandates.
(HJR 8)

TO: Representative Ramona Barnes, Chair
House Special Committee on World Trade and State/Federal Relations

FROM: Tamara Brandt Cook *TBC*
Director of Legal Services

You have requested a summary of the above-described resolution.

The "Whereas" clauses question whether the federal government in imposing mandates on the states has exceeded the scope of its power under the Tenth Amendment to the federal constitution, assert that Congress should concentrate on carrying out the duties itemized in art. I, sec. 8 of the federal constitution, and note that resolutions by various states have not brought results.

Under the "Be it Resolved" clause the legislature claims sovereignty under the Tenth Amendment.

Under the "Further Resolved" clause it is stated that the resolution serves as notice and demand to the federal government to cease imposing mandates that are beyond the scope of its authority and making efforts to manage the utilization of fish and wildlife resources in the state.

Copies are to be sent to listed elected federal officers and to the governors of the other states.

TBC:glc
95-104.glc

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

HJR 8

Relating to mandates and other conditions imposed on the states by the federal government
Consolidated Fiscal Note for Executive Branch

Operating Expenditures (Thousands of Dollars)

Department	FY 96	FY 97	FY 98	FY 99	FY 2000	FY 2001
Governor	0.0	0.0	0.0	0.0	0.0	0.0
Administration	0.0	0.0	0.0	0.0	0.0	0.0
DCED	0.0	0.0	0.0	0.0	0.0	0.0
DCRA	0.0	0.0	0.0	0.0	0.0	0.0
Corrections	0.0	0.0	0.0	0.0	0.0	0.0
Education	0.0	0.0	0.0	0.0	0.0	0.0
DEC	0.0	0.0	0.0	0.0	0.0	0.0
ADF&G	0.0	0.0	0.0	0.0	0.0	0.0
DH&SS	0.0	0.0	0.0	0.0	0.0	0.0
Labor	0.0	0.0	0.0	0.0	0.0	0.0
Law	0.0	0.0	0.0	0.0	0.0	0.0
DMVA	0.0	0.0	0.0	0.0	0.0	0.0
DNR	0.0	0.0	0.0	0.0	0.0	0.0
Public Safety	0.0	0.0	0.0	0.0	0.0	0.0
DOR	0.0	0.0	0.0	0.0	0.0	0.0
DOTPF	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

OMB/JK
1/26/95

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HIR 8

Revision Date: _____
 Title: "An Act relating to mandates and other conditions imposed on states...."
 Sponsor: Ogan
 Requestor: (H) Special Com. on World Trade

Department Affected: Administration
 BRU: Various
 Component: Various
 COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

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	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ none

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: Sharon Barton, Director
 Division: Administrative Services

Phone: 465-2277
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 1/25/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 8

Revision Date: _____ Dept. Affected: EDUCATION
 Title: Relating to mandates and other conditions BRU: Executive Administration
imposed on the states by the federal government. Component: _____

 Sponsor: Representative Ogan
 Requestor: Representative Ogan COMPONENT SERIAL NO. 171

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
-----------------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

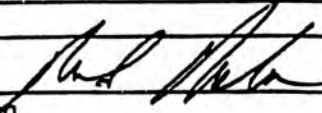
1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Karen J. Rehfeld, Director
 Division: Administrative Services
 Approved by Commissioner: 
 Agency: Department of Education

Phone: 465-8650
 Date: 23-Jan-95
 Date: 1/24/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 8

Revision Date: _____ Dept. Affected: Alaska Commission on Postsecondary Education
 Title: Relating to mandates and other BRU: ACPE
conditions imposed on the states by the federal govt Component: Program Administration
 Sponsor: Representative Ogan
 Requester: Representative Ogan COMPONENT SERIAL NO. 0212

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

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	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ -0-

POSITIONS

FULL-TIME						
PART TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Zero (0) fiscal impact.

Prepared by: Dr. Joe L. McCormick, Executive Director
 Division: Alaska Commission on Postsecondary Education
 Approved by Commissioner: _____
 Agency: _____

Phone: (907)465-6740
 Date: 1-20-95
 Date: _____

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR8

Revision Date: _____
 Title: Relating to mandates & other conditions imposed on the states by the federal government
 Sponsor: Ogan, Porter
 Requestor: Governor

Department Affected: Environmental Conservation
 BRU: Administration
 Component: Commissioner's Office

COMPONENT SERIAL NO. 633

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE

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 Receipt	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

Estimate of any current year (FY95) cost: \$ 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

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Dan Kanouse
 Division: Information and Administrative Services

Phone: 465-5010
 Date: 1/23/95

Approved by Commissioner: _____
 Agency: Department of Environmental Conservation

Date: 1/27/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 8

Revision Date: 1/26/95 Dept. Affected: Fish and Game
 Title: Mandates and other conditions imposed on the BRU: Commercial Fisheries (Limited) Entry Commission
 states by the federal government Component: Limited Entry Program Administration
 Sponsor: Rep. Ogan
 Requester: Rep. Ogan COMPONENT SERIAL NO. 0471

Expenditures/Revenues		(Thousands of Dollars)				
OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
 The CFEC is currently defending the state's interest in limited entry permits against action by the Internal Revenue Service (IRS) in USA v. George Gatter and the State of Alaska, Commercial Fisheries Entry Commission. The IRS is demanding a transfer of a limited entry permit before state transfer requirements have been approved.

Prepared By: Roger Kolden Phone: 789-6160
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 1/26/95
 Approved by Commissioner: Frank Horan
 Agency: Commercial Fisheries (Limited) Entry Commission Date: 1/26/95
PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 8

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Relating to mandates and other conditions BRU: Administrative Services
imposed on the states by the federal gov't Component: Commissioner's Office
 Sponsor: Ogan, Porter COMPONENT SERIAL NO. 317
 Requestor: H Sct See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGES IN REVENUES	(0.0	0.0	0.0	0.0	0.0	0.0
----------------------------	---	-----	-----	-----	-----	-----	-----

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The resolution requires no action by the department.

Prepared by: Richard Renninger
 Division: Administrative Services

Phone: 465-3331
 Date: 01/24/95

Approved by Commissioner: Karen Perdue
 Agency: Department of Health & Social Services

Date: 1-24-95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 8

Revision Date: _____
 Title: "Relating to mandates ... imposed
 on the states by the federal government."
 Sponsor: Representative Ogan
 Requestor: House Special Comm. on World Trade

Department Affected: Labor
 BRU: Commissioner's Office
 Component: Commissioner's Office

COMPONENT SERIAL NO. 340

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
----------------	--	--	--	--	--	--

CHANGE IN REVENUE FUND SOURCE #						
--	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Arbe Williams, Director Phone: 465-5981
 Division: Administrative Services Date: 1/24/95

Approved by Commissioner: *Tom Cashen*
Tom Cashen, Commissioner
 Agency: Department of Labor Date: 1/24/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

FISCAL NOTE

**STATE OF ALASKA
1995 LEGISLATIVE SESSION**

BILL NO. HJR 8

Revision Date: _____ Dept. Affected: Department of Law
 Title: "Relating to mandates and other conditions
imposed on the state by the federal government. . ." BRU: Legal Services
 Component: Operations
 Sponsor: Representative Ogan
 Requester: Representative Ogan COMPONENT SERIAL NO. 0093

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

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	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HJR 8 resolves that the Alaska State Legislature claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by that constitution. The joint resolution also resolves that HJR 8 serves as notice and demand to the federal government to immediately cease and desist imposing mandates on the states that are beyond the scope of its authority under the Tenth Amendment of the Constitution of the United States, and to cease and desist making any efforts to regulate, manage, or control the utilization of fish and wildlife resources found within the State of Alaska. The joint resolution, which sends a clear message to the federal government, will not have a fiscal impact on the Department of Law.

Prepared by: Richard I. Pegues, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 1/24/95
 Date: 1/24/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR8

Revision Date: 1/23/95 Dept. Affected: Revenue
 Title: Opposing Federal Mandates on States BRU: CSED, AHFC Operations
 Component: CSED, AHFC Operations
 Sponsor: Ogan, Porter, Barnes, James, Toohey
 Requester: _____ COMPONENT SERIAL NO. 111,110

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

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	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Bob Baratko, Mary Sutton Phone: 465-2312
 Division: Administrative Services Division Date: 1/23/95
 Approved by: _____
 Commissioner: Deborah Vogt Date: 1/23/95
 Agency: Revenue

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

BILL NO. HJR 8

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Military and Veterans Affairs
Title: Relating to mandates imposed on states by the federal BRU: Alaska National Guard
government Component: Commissioner's Office
Sponsor: Rep Ogan
Requestor: House Com on World Trade & State/Fed Relations COMPONENT SERIAL NO. 414

Expenditures/Revenues		(Thousands of Dollars)				
OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ _____

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared by: Jeff Morrison, Director
Division: Administrative Support Services Division
Approved by Commissioner: Jeff Morrison for MG Jake Lestenkof
Agency: Military and Veterans Affairs

Phone: 465-4730
Date: 1/30/95
Date: 1/30/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 8

Revision Date: January 26, 1995 Department: Commerce and Economic Development
 Title: Relating to mandates and other considerations BRU: Administrative Services
 imposed on the states by the federal government. Component: Administrative Services
 Sponsor: OGAN, Porter
 Requestor: _____ COMPONENT SERIAL NO. 1028

Expenditures/Revenues	(Thousands of Dollars)					
	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
OPERATING EXPENDITURES						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0

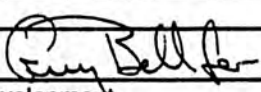
FUND SOURCE	(Thousands of Dollars)					
	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ 0.0

POSITIONS

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary)
 There will be no fiscal impact to this agency.

Prepared by: Guy Bell, Director Phone: 465-2505
 Division: Administrative Services Date: January 26, 1995
 Approved by Commissioner: William L. Hensley  Date: 1/26/95
 Agency: Commerce and Economic Development

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 8

Revision Date: _____
Title: "A Resolution Relating to mandates and other conditions imposed on the states by the Federal government."
Sponsor: Representatives Ogan, Porter
Requestor: _____

Department Affected: Office of the Governor
BRU: All BRUs
Component: All Components
COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITA.. EXPENDITURES						
-----------------------	--	--	--	--	--	--

CHANGE IN						
-----------	--	--	--	--	--	--

FUND SOURCE

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 any current year (FY95) cost: _____

ANALYSIS: (Attach a separate page if necessary.)
No fiscal impact

Prepared by: Michael A. Nizich, Director
Division: Division of Administrative Services

Phone: 465-3876
Date: 1/31/95

Approved by Commissioner: Jim Ayers, Chief of Staff
Agency: Office of the Governor

Date: _____

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

SCOMM

99:14

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 15, 1995

SUBJECT: Sectional Summary of HJR 12.

TO: Representative Ramona Barnes, Chair
Special Committee on World Trade and State/Federal Relations

FROM: Tamara Brandt Cook *TBC*
Director of Legal Services

You have requested a sectional summary of the above-described resolution.

Whereas clauses state facts in support of a line item veto for the president including, that governors of many states have the power, that it has been valuable in controlling the budget in Alaska, that it would be valuable in controlling the federal budget.

Resolved clause expresses legislative support of efforts to amend the U.S. Constitution to grant the president the line item veto power.

Copies are to be sent to listed federal officials.

TBC:glc
95-148.glc

MIKE NAVARRE

REPRESENTATIVE

DISTRICT 9

DURING SESSION
STATE CAPITOL
JUNEAU, AK 99801-1182
(907) 465-3779

HOME ADDRESS
Box 169 — KENAI, AK 99611
(907) 262-7842

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

SPONSOR STATEMENT

January 24, 1995

TO: Representative Ramona Barnes, Chair, House Special Committee on World Trade and State/Federal Relations

FROM: Representative Mike Navarre *Mike*

SUBJECT: HJR 12, "Supporting line item veto power for the President of the United States."

.....

House Joint Resolution 12 was introduced to encourage and support the line item veto power for the President of the United States.

As the national deficit continues its upward spiral, the President of the United States is lacking one of the tools to help slow the budget spiral--the line-item veto.

Presidents Bush and Clinton have encouraged and supported the line-item veto as a means to control the ever-increasing federal budget. President Bush in his 1992 State of the Union Address said, "I call upon the Congress to adopt a measure that will help put an end to the annual ritual of filling the budget with pork-barrel appropriations. Give me the same thing 43 governors have, the line-item veto, and let me help you control spending."

During his presidential campaign, President Clinton was quoted as saying, "I strongly support the line-item veto, because I think it's one of the most powerful weapons we could use in our fight against out-of-control deficit spending."

The line-item veto for the President has been debated for more than one hundred years. The line-item veto first appeared in the Constitution of the Confederate States in 1861. On many occasions line-item veto legislation has been introduced in Congress, but none have passed.

Alaska is one of the states where the Governor's line-item veto has a successful and proven track record. The line-item veto has assisted the budget process in Alaska and should prove useful on the national level.

The line-item veto does not completely insure that budget deficits will disappear, it is one part of the package that could make a difference. The veto authority would be a statement to the public that Congress is serious about addressing the Federal deficit.

Thank you for your consideration.






Official Business

Alaska State Legislature

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

TO: Representative Mike Navarre

FROM: Representative Ramona Barnes, Chair 
House Special Committee on
World Trade and State/Federal Relations

DATE: January 18, 1995

RE: HJR 12

Please ask your staff to forward to my office a sponsor statement and backup material on HJR 12, "Supporting line item veto power for the President of the United States."