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THIS [] BILL [] RESOLUTION [] CITATION

has been prepared by the staff of the Legislative Affairs Agency in response to the request and at the direction of the sponsoring member or committee. The staff has attempted to place the document in proper legal and clerical form, subject to any special limitations or instructions of the requestor.

If we may be of further assistance in this matter, please contact the Director of Legal Services or the Director of Research Services, as appropriate.

Delivered to requestor 5-15-80

LA-L 40

Judiciary Com.
C.S.

taken to L.A.
Thurs. a.m. May 15.
SSS

Introduced: 5/1/80
Referred: Judiciary

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO. 70

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 Directing the Alaska Legislative
6 Council to revise AS 29 (Municipal
7 Government)

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 WHEREAS Alaska has a system of local government that differs uniquely in
10 constitutional concept and in law from traditional local government; and

11 WHEREAS the law governing municipalities in Alaska were last reviewed
12 completely in 1972 at which time significant elements of the local government
13 structures were still in a formative stage; and

14 WHEREAS numerous amendments to the municipal code have been made since
15 its adoption which have not been fully integrated into the code; and

16 WHEREAS much experience in the Alaska system of local government has
17 been gained since adoption of the municipal code; and

18 WHEREAS there is a need for a comprehensive revision of the municipal
19 code which will consider the 1972 code, amendments to it, and the experience
20 gained since its adoption;

21 BE IT RESOLVED by the Alaska State Legislature that under the provisions
22 of AS 24.20.090 and Uniform Rule 48(c) the Alaska Legislative Council is
23 directed to prepare a revision of Title 29 of the Alaska Statute (Municipal
24 Government) by directing the legal services division of the Legislative
25 Affairs Agency to prepare the revision with the assistance of a policy advi-
26 sory group of legislators and municipal officials and a working group of
27 persons experienced in the application of AS 29, and be it
and by soliciting support & advice of the Alaska Code Revision Commission

28 FURTHER RESOLVED that the policy advisory group consist of two members
29 of each house of the legislature appointed by the presiding officer and other

Judiciary Com.
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Introduced: 5/1/80
Referred: Judiciary

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AFFAIRS COMMITTEE

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HOUSE CONCURRENT RESOLUTION NO. 70

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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ELEVENTH LEGISLATURE - SECOND SESSION

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Directing the Alaska Legislative

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Council to revise AS 29 (Municipal

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*and by directing
supposed + advice
the Code
Revision Commission*

1 members selected by the legislative members from persons recommended by the
2 Department of Community and Regional Affairs, the Alaska Municipal League,
3 the Rural Alaska Community Action Program, Inc., and other interested parties,
4 and the working group consist of municipal attorneys, municipal managers,
5 municipal clerks or other municipal staff, appointed by the director of legal
6 services of the Legislative Affairs Agency, representatives of the Depart-
7 ments of Community and Regional Affairs and Law and a member of the staff of
8 the legal services division; and be it

9 FURTHER RESOLVED that a proposed revision of AS 29 be presented to the
10 legislature during the first 30 days of the First Session of the Twelfth
11 Legislature.

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Introduced: 5/1/80
Referred: Judiciary

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BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

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HOUSE CONCURRENT RESOLUTION NO. 70

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Imprisonment
for Debt

SECTION 17. There shall be no imprisonment for debt. This section does not prohibit civil arrest of absconding debtors.

Eminent
Domain

SECTION 18. Private property shall not be taken or damaged for public use without just compensation.

Right to
Bear Arms

SECTION 19. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Quartering
Soldiers

SECTION 20. No member of the armed forces shall in time of peace be quartered in any house without the consent of the owner or occupant, or in time of war except as prescribed by law. The military shall be in strict subordination to the civil power.

Construction

SECTION 21. The enumeration of rights in this constitution shall not impair or deny others retained by the people.

Right of
Privacy

SECTION 22. The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section.

(The addition of this section, as an amendment to Article I, was approved by the voters of the state August 22, 1972 and became effective October 14, 1972.)

ARTICLE II

THE LEGISLATURE

Legislative
Power;
Membership

SECTION 1. The legislative power of the State is vested in a legislature consisting of a senate with a membership of twenty and a house of representatives with a membership of forty.

Members;
Qualifications

SECTION 2. A member of the legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of the district

Election
and Terms

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be at least twenty-five
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SECTION 3. Legislative
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Vacancies

SECTION 4. A vaca
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no provision is made,
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Disqualifications

SECTION 5. No le
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(The Sixth Legislature's
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sixteen sections of the Alask
August 25, 1970, inadverten
section.)

Immunities

SECTION 6. Legis
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made in the exercise o
the legislature is in se

from which elected for at least one year, immediately preceding his filing for office. A senator shall be at least twenty-five years of age and a representative at least twenty-one years of age.

**Election
and Terms**

SECTION 3. Legislators shall be elected at general elections. Their terms begin on the fourth Monday of the January following election unless otherwise provided by law. The term of representatives shall be two years, and the term of senators, four years. One-half of the senators shall be elected every two years.

(Exercising its authority under this section, the legislature has provided that terms begin on the second Monday in January, except in years immediately following a gubernatorial election when they begin on the third Monday in January; see AS 24.05.(80).)

Vacancies

SECTION 4. A vacancy in the legislature shall be filled for the unexpired term as provided by law. If no provision is made, the governor shall fill the vacancy by appointment.

Disqualifications

SECTION 5. No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected, or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, secretary of state, or member of Congress. This section shall not apply to employment by or election to a constitutional convention.

(The Sixth Legislature's Senate Joint Resolution No. 2 "changing the name of the secretary of state to lieutenant governor" in sixteen sections of the Alaska Constitution, approved by the voters August 25, 1970, inadvertently omitted express amendment of this section.)

Immunities

SECTION 6. Legislators may not be held to answer before any other tribunal for any statement made in the exercise of their legislative duties while the legislature is in session. Members attending, go-

ing to, or returning from legislative sessions are not subject to civil process and are privileged from arrest except for felony or breach of the peace.

Salary and Expenses

SECTION 7. Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.

Regular Sessions

SECTION 8. The legislature shall convene each year on the fourth Monday in January, but the month and day may be changed by law.

(Exercising its authority under this section, the legislature has provided that it shall convene on the second Monday in January, except in years immediately following a gubernatorial election when it shall convene on the third Monday in January; see AS 24.05.090.)

Special Sessions

SECTION 9. Special sessions may be called by the governor or by vote of two-thirds of the legislators. The vote may be conducted by the legislative council or as prescribed by law. At special sessions called by the governor, legislation shall be limited to subjects designated in his proclamation calling the session, to subjects presented by him, and the reconsideration of bills vetoed by him after adjournment of the last regular session. Special sessions are limited to thirty days.

(The amendment of this section was approved by the voters of the state November 2, 1976 and became effective December 23, 1976. This amendment deleted "or" preceding "to subjects" in the third sentence and added "and the reconsideration of bills vetoed by him after adjournment of the last regular session.")

Adjournment

SECTION 10. Neither house may adjourn or recess for longer than three days unless the other concurs. If the two houses cannot agree on the time of adjournment and either house certifies the disagreement to the governor, he may adjourn the legislature.

Interim Committees

SECTION 11. There shall be a legislative council, and the legislature may establish other interim committees. The council and other interim committees may meet between legislative sessions.

They may perform duties provided by the legislature and receive an allowance for their duties.

Rules

SECTION 12. The legislature shall adopt uniform rules. It may choose its officers, a judge of the election, and may expel members and may expel by a vote of two-thirds of a journal of its proceedings, membership of each house to do business, but a session from day to day and absent members. The legislature may lobby.

Form of Bills

SECTION 13. Every bill shall be subject unless it is an appropriations bill, amending, revising, or repealing for appropriations sessions. The subject of the title. The enactment of the Legislature.

Passage of Bills

SECTION 14. The procedure for enactment of a bill may become law unless in each house on the same day any bill may be adopted on the same day. The fourths of the house may become law without the assent of the membership on final passage.

Veto

SECTION 15. The legislature may reduce items in appropriations.

They may perform duties and employ personnel as provided by the legislature. Their members may receive an allowance for expenses while performing their duties.

Rules

SECTION 12. The houses of each legislature shall adopt uniform rules of procedure. Each house may choose its officers and employees. Each is the judge of the election and qualifications of its members and may expel a member with the concurrence of two-thirds of its members. Each shall keep a journal of its proceedings. A majority of the membership of each house constitutes a quorum to do business, but a smaller number may adjourn from day to day and may compel attendance of absent members. The legislature shall regulate lobbying.

Form of Bills

SECTION 13. Every bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising, or rearranging existing laws. Bills for appropriations shall be confined to appropriations. The subject of each bill shall be expressed in the title. The enacting clause shall be: "Be it enacted by the Legislature of the State of Alaska."

Passage of Bills

SECTION 14. The legislature shall establish the procedure for enactment of bills into law. No bill may become law unless it has passed three readings in each house on three separate days, except that any bill may be advanced from second to third reading on the same day by concurrence of three-fourths of the house considering it. No bill may become law without an affirmative vote of a majority of the membership of each house. The yeas and nays on final passage shall be entered in the journal.

Veto

SECTION 15. The governor may veto bills passed by the legislature. He may, by veto, strike or reduce items in appropriation bills. He shall return

any vetoed bill, with a statement of his objections, to the house of origin.

Action Upon
Veto

SECTION 16. Upon receipt of a veto message during a regular session of the legislature, the legislature shall meet immediately in joint session and reconsider passage of the vetoed bill or item. Bills to raise revenue and appropriation bills or items, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature. Other vetoed bills become law by affirmative vote of two-thirds of the membership of the legislature. Bills vetoed after adjournment of the first regular session of the legislature shall be reconsidered by the legislature sitting as one body no later than the fifth day of the next regular or special session of that legislature. Bills vetoed after adjournment of the second regular session shall be reconsidered by the legislature sitting as one body no later than the fifth day of a special session of that legislature, if one is called. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses.

(The amendment of this section was approved by the voters of the state November 2, 1976 and became effective December 23, 1976. This amendment inserted "during a regular session of the legislature" in the first sentence and added the present fourth and fifth sentences.)

Bills Not
Signed

SECTION 17. A bill becomes law if, while the legislature is in session, the governor neither signs nor vetoes it within fifteen days, Sundays excepted, after its delivery to him. If the legislature is not in session and the governor neither signs nor vetoes a bill within twenty days, Sundays excepted, after its delivery to him, the bill becomes law.

Effective
Date

SECTION 18. Laws passed by the legislature become effective ninety days after enactment. The legislature may, by concurrence of two-thirds of the membership of each house, provide for another effective date.

Local or
Special Acts

SECTION 19. The or special act if a general act. Whether a general act shall be subject to judicial review. Acts necessitating appropriation may not be subject to judicial review by a majority of the qualified electors in the subdivision affected.

Impeachment

SECTION 20. All officers subject to impeachment shall originate in the legislature. The motion for impeachment shall be conducted by the legislature. A supreme court justice shall preside at the trial of the members of the legislature. The impeachment shall extend beyond removal and shall prevent proceedings in the future on related charges.

Suits Against
the State

SECTION 21. The procedures for suits against the state.

ARTICLE II

THE EXECUTIVE

Executive
Power

SECTION 1. The executive power is vested in the governor.

Governor:
Qualifications

SECTION 2. The governor shall be at least 30 years of age and a qualified elector of the state. He shall have been a resident of the state for at least seven years immediately preceding his election and he shall have been a resident of the state for at least seven years before he becomes governor.

**Local or
Special Acts**

SECTION 19. The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination. Local acts necessitating appropriations by a political subdivision may not become effective unless approved by a majority of the qualified voters voting thereon in the subdivision affected.

Impeachment

SECTION 20. All civil officers of the State are subject to impeachment by the legislature. Impeachment shall originate in the senate and must be approved by a two-thirds vote of its members. The motion for impeachment shall list fully the basis for the proceeding. Trial on impeachment shall be conducted by the house of representatives. A supreme court justice designated by the court shall preside at the trial. Concurrence of two-thirds of the members of the house is required for a judgment of impeachment. The judgment may not extend beyond removal from office, but shall not prevent proceedings in the courts on the same or related charges.

**Suits Against
the State**

SECTION 21. The legislature shall establish procedures for suits against the State.

ARTICLE III

THE EXECUTIVE

**Executive
Power**

SECTION 1. The executive power of the State is vested in the governor.

**Governor:
Qualifications**

SECTION 2. The governor shall be at least thirty years of age and a qualified voter of the State. He shall have been a resident of Alaska at least seven years immediately preceding his filing for office, and he shall have been a citizen of the United States for at least seven years.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HJR 1
 Title Amending the Constitution & providing for a unicameral legislature
 Requested by House Judiciary Date 4/22/80

II. FISCAL DETAIL

Agency Affected Legislative Finance, Leg. Audit, Budget & Audit Committee
 Program Category Affected General Government
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0				

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		0				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME						
PART TIME						
TEMPORARY						

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

- NO FISCAL IMPACT -

IV. DATE 4/22/80 PREPARED BY Milt Barker **MB**
 AGENCY Legislative Finance
 PHONE 465-3795
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

HJR

8

Introduced: 1/24/79
Referred: Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE JOINT RESOLUTION NO. 8

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Constitution
6 of the State of Alaska relating to the
7 term of office of the governor.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. Article III, sec. 4 of the Constitution of the State of
10 Alaska is amended to read:

11 SECTION 4. TERM OF OFFICE. The term of office of the governor
12 is six [FOUR] years, beginning at noon on the first Monday in December
13 following his election and ending at noon on the first Monday in
14 December six [FOUR] years later.

15 * Sec. 2. Article III, sec. 5 of the Constitution of the State of
16 Alaska is amended to read:

17 SECTION 5. LIMIT ON TENURE. No person who has been elected
18 governor [FOR TWO FULL SUCCESSIVE TERMS] shall be again eligible to
19 hold that office until one full term has intervened. If a lieutenant
20 governor succeeds to the office of governor under Section 11 of this
21 article and four or more years of the term of office of the governor
22 whom he succeeded remain, the lieutenant governor may not succeed
23 himself as governor until one full term has elapsed.

24 * Sec. 3. If the amendments proposed by this resolution are ratified by
25 a majority of the qualified voters voting on the question, the candidate
26 elected governor at the 1982 general election is elected to a six-year
27 term, but a governor who has served two four-year terms immediately before
28 1982 is ineligible to run again until 1988.

29 * Sec. 4. The amendments proposed by this resolution shall be placed

1 before the voters of the state at the next general election in conformity
2 with art. XIII, sec. 1 of the Constitution of the State of Alaska and the
3 state election laws.
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169R5

January 15, 1979

Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska constitution, I am transmitting a resolution proposing an amendment to the constitution to change the term of office for the governor from two four-year terms to a single six-year term. I have supported this sort of measure in the past in the belief that a governor who does not have to worry about re-election will more likely place principle above political considerations in making tough decisions which might affront special interests. During these crucial, complex times it is imperative that the public be provided as objective a view as possible of administrative actions. Unfortunately, such objectivity is lost in the heat of campaign rhetoric.

If this resolution is approved by the voters at the 1980 general election, it would be applicable to the gubernatorial term beginning in 1982. I urge your thoughtful consideration and passage of this resolution.

Sincerely,

JSH

Jay S. Hammond
Governor

ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

HOUSE JOINT RES. ... NO. 8

By THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Proposing an amendment to the Constitution of the State of Alaska relating to the term of office of the governor.

Term of office of the governor

Introduced in the House 1-24, 1979

HISTORY IN THE HOUSE

19 79

Jan. 24

Read first time and referred to Committee on

Judiciary

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

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Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Concurred in Senate amendment thus adopting:
VOTE

Failed to concur in Senate amendment; asked Senate to recede
VOTE

Senate receded from amendment
VOTE

Senate failed to recede from amendment
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House
VOTE

CC adopted by Senate
VOTE

To enrolling
Reported correctly enrolled
Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

HJR

17

1-29-79
RECENT ICE FOG RESEARCH IN ALASKA: JANUARY 1978

Rich Seifert, Research Associate
Institute of Water Resources

and

Lee Leonard, Research Associate
Geophysical Institute

The Institute of Water Resources and the Geophysical Institute, along with the University's Mechanical Engineering Department are currently carrying out a research project to attempt to decrease the ice fog generated by coal-fired power plants in interior Alaska. A test case of the technology has been set up at the University's power plant. The principle used is called the wet countercurrent scrubber system in which cold water is sprayed down the stack counter to the flow of the exhaust gases. This process is intended to condense water vapor in the hot flue gas and remove it from the stream, where it would normally enter the atmosphere and freeze out as ice fog. Through this dehumidification process we seek to remove as much of the ice fog potential of the stack gas as possible before it leaves the stack.

This is a simple process in concept, but the technical details are challenging. Important variables are scrubber water temperature, flue gas volume, scrubber water flow rate, and the relative humidity of the ambient air. The project is funded by the U. S. Environmental Protection Agency and the project monitor is Mr. H. J. Coutts who is stationed at the EPA Lab building on campus. The project term is 8-76 through 6-78, and funding was \$65,000.

Previous work on ice fog was done by H. J. "Jack" Coutts and his associates. This work concerned practical methods of reducing automotive ice fog. It is reviewed in an article by Coutts and Turner in the Northern Engineer 3(2), summer 1976, pp 29-39. This report concludes that ice fog could be significantly reduced, but control measures would be 5100-500 per vehicle.

A review of ice fog suppression techniques is given by Dr. Terry McFadden in another Northern Engineer article, Vol. 7, No. 4, winter 75-76, pp. 26-31. This article deals with many of the possibilities for technical solutions to ice fog, some of which have not been tried. Another article in the same issue, pp. 32-40, is entitled "The Effect of Ice Fog on Thermal Stability," by Dr. Sue Ann Bowling. This article documents the physical effects of the ice fog problem, including the fact that the problem may be self-reinforcing. Another article by Leonard, entitled "Ice Fog, Big Problem, One Solution," is found again in the Northern Engineer, Vol. 4, No. 2, and describes a system used by the BLM facility near the Fairbanks Airport. The system is an air cooled heat exchanger system which cools the exhaust and condenses out the water vapor from the stack gases to sufficiently reduce ice fog from the facility. Hopefully, this information will help evaluate the ice fog research in interior Alaska.

A report of the results of our present ice fog research will be available in the summer of 1978. If you have any further questions please call the Institute of Water Resources, University of Alaska, Fairbanks, at 479-7775, or the Geophysical Institute, at 479-7798.

HJR

18

ing to, or returning from legislative sessions are not subject to civil process and are privileged from arrest except for felony or breach of the peace.

Salary and Expenses

SECTION 7. Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.

Rules

Regular Sessions

SECTION 8. The legislature shall convene each year on the fourth Monday in January, but the month and day may be changed by law.

(Exercising its authority under this section, the legislature has provided that it shall convene on the second Monday in January, except in years immediately following a gubernatorial election when it shall convene on the third Monday in January; see AS 24.05.090.)

Special Sessions

SECTION 9. Special sessions may be called by the governor or by vote of two-thirds of the legislators. The vote may be conducted by the legislative council or as prescribed by law. At special sessions called by the governor, legislation shall be limited to subjects designated in his proclamation calling the session, to subjects presented by him, and the reconsideration of bills vetoed by him after adjournment of the last regular session. Special sessions are limited to thirty days.

Form of Bills

(The amendment of this section was approved by the voters of the state November 2, 1976 and became effective December 23, 1976. This amendment deleted "or" preceding "to subjects" in the third sentence and added "and the reconsideration of bills vetoed by him after adjournment of the last regular session.")

Passage of Bills

Adjournment

SECTION 10. Neither house may adjourn or recess for longer than three days unless the other concurs. If the two houses cannot agree on the time of adjournment and either house certifies the disagreement to the governor, he may adjourn the legislature.

Interim Committees

SECTION 11. There shall be a legislative council, and the legislature may establish other interim committees. The council and other interim committees may meet between legislative sessions.

Veto

Alaska, and that I
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ne legislature may
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e shall establish a
inciple will govern
ne State.

n employee retire-
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actual relationship.
stems shall not be

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ot be construed as

of this constitution
executing whenever

ubtitles shall not be
nstitution. Personal
ution shall be con-

his constitution, the
egislature", or varia-
sed interchangeably
owers. Unless clearly
powers assigned to
eised by the people
to the limitations of

Alaska and its people
d title in or to any
ited States or subject
anted or confirmed to
ivisions, by or under
the Union. The State
im all right or title in

or to any property, including fishing rights, the
right or title to which may be held by for any
Indian, Eskimo, or Aleut, or community thereof,
as that right or title is defined in the act of admis-
sion. The State and its people agree that, unless
otherwise provided by Congress, the property, as
described in this section, shall remain subject to
the absolute disposition of the United States. They
further agree that no taxes will be imposed upon
any such property, until otherwise provided by the
Congress. This tax exemption shall not apply to
property held by individuals in fee without restric-
tions on alienation.

Consent to
Act of
Admission

SECTION 13. All provisions of the act admitting
Alaska to the Union which reserve rights or powers
to the United States, as well as those prescribing
the terms or conditions of the grants of lands or
other property, are consented to fully by the State
and its people.

ARTICLE XIII

AMENDMENT AND REVISION

Amendments

SECTION 1. Amendments to this constitution
may be proposed by a two-thirds vote of each
house of the legislature. The lieutenant governor
shall prepare a ballot title and proposition summar-
izing each proposed amendment, and shall place
them on the ballot for the next general election. If
a majority of the votes cast on the proposition
favor the amendment, it shall be adopted. Unless
otherwise provided in the amendment, it becomes
effective thirty days after the certification of the
election returns by the lieutenant governor.

(The amendment to this section was approved by the voters of
the State August 25, 1970 and became effective October 10, 1970.
The words "secretary of state" were changed to "lieutenant gover-
nor". The second amendment to this section, approved by the
voters August 27, 1974 and effective October 12, 1974, changed
"statewide" to read "general" in the second sentence.)

Alaska State Legislature

LEGISLATIVE ADDRESS
POUCH V
JUNEAU, ALASKA 99811
TELEPHONE (907) 465-3734
465-3779

HOME ADDRESS
4603 SAN ROBERTO
ANCHORAGE, ALASKA 99504
TELEPHONE (907) 337-7942

REPRESENTATIVE BILL MILES

MEMORANDUM

TO: Charles Parr, Chairman
House Judiciary Committee

FROM: Bill Miles *BW*

RE: House Joint Resolution 18

DATE: March 27, 1980

Last year, House Joint Resolution 18 was introduced and referred to the House Judiciary Committee as a result of Proposition 1, the advisory vote on the length of the legislative session. The advisory vote was placed on the 1978 ballot because the legislature passed Committee Substitute for House Bill 983, a bill introduced at my request calling for the advisory vote.

The question of a limited legislative session has been debated for many years in Alaska. Presently, there is no limitation. However, should House Joint Resolution 18 be approved, the length of the legislative session shall be limited to 120 days; additionally, the session may be extended in increments of up to 10 days by a vote of two-thirds of the membership of each House.

I must admit to being a convert to a session limitation law. At first, when I began my service in the legislature, I thought it to be a bad idea. However, I soon became educated in favor of limiting the session. Simply put, attention wasn't given the State's business in expedited manner.

But there are many other reasons which argue for a limited session. Some of those are as follows:

- 1) Few things in life are realized without a person first having a goal set. It makes no difference if it be a business question, a diploma for a student, or a four minute mile for runner, most people operate more efficiently with a goal. A group of political persons forced to assemble away from home should have a reasonable time limitation allowed for their work. This limitation would demand that the work be planned and executed and concluded within a reasonable time frame;

2) Time affects all of us. We rise at a certain time each day, we work at a certain, we relax in the evenings. There is no reason that an orderly process with the beginning, a middle and an end should not be part of the legislative process. During most sessions, half the bills reaching the Governor's desk get passed on the closing days of the session. This makes neither for good legislation nor for well planned business session. And, it's a tremendously confusing process during which a few persons make most of the decisions;

3) If a limitation was imposed, the majority of the major issues would be presented to the legislature early in the session so that an adequate time for study would be allowed. During recent sessions, a number of major issues presented late in the session come to mind: the ALPETCO Contract, a contract worth billions of dollars, was not submitted to the legislature until the 57th day; the Northwest Gasline Financing Proposal was not introduced until the 102nd day. If those proposing such plans knew that the legislature would be concluded in 120 days, there is no question that they would have been submitted substantially earlier;

4) The current system of ending a meandering session allows the wheeler dealers to lay back and the power brokers to withhold the chits from public view. As floor sessions begin to run late into the night, these people surface with various "deals," with no specific time to adjourn, these "deals" get made in an endless ongoing fashion. No one wants his or her particular bill to be left on the table; concessions are readily made;

5) The voters have said they wanted the session limitation. When the question was put to them in 1978 through ballot Proposition 1, approximately 75% of those voting supported the session limitation. In fact, in all but one election district, voters supported the session limitation question by a 2 to 1 margin.

STATEMENT IN FAVOR OF BALLOT PROPOSITION NO. 1

Background

By necessity, legislative sessions nationally are more frequent and longer. In the forties, only four states held a session each year; in 1963, twenty states held annual sessions. Currently, thirty-six states hold annual sessions varying from twenty calendar days to an unlimited number. Twenty-one states have no session limitation whatsoever. Alaska is one.

The Argument Against a Limitation

The loudest cry in opposition to a limit heralds doom and gloom forecasts of "special interest" groups and "powerful lobbyists" manipulating any legislative body strapped with a time limit. However, if lobbyists or interest groups want to bombard the legislature with high-pressure tactics, it matters little whether that pressure is exerted on the twentieth day or the one-hundred-twentieth day. In fact, capitol hallways are jammed with lobbyists only during those final, meandering and uncertain days. Until then, most make only occasional visits to Juneau.

The Argument For a Limitation

1. Costly Trade-offs

In the helter-skelter approach to adjournment of our current system, the wheeler-dealers lay back until the ship of state is meandering, apparently rudderless, in the fog. That is the hour of the "I'll scratch your back if you scratch mine". No one wants his or her pet bill to be left on the table; concessions are readily made.

2. Timeliness in the Beginning

With a limitation, major issues will be presented to the legisla-

ture early in the session with adequate time for study, a practice not in current use. For example, during the last session, the Alpetco Royalty Oil Sale — a contract worth billions of dollars! — was not submitted until the 57th legislative day; the Northwest Gas Line financing proposal was not introduced until the 102nd day! Knowing this, it's not surprising the legislature went 162 days.

3. Order at the End

Time, often unfortunately, affects all of us. We rise at a certain time each day; we work and eat at a certain time; we relax in the evenings; we close the day. There is no reason that an orderly process, with a beginning and an end, should not be a part of the legislative process. During the last session, over half of the bills to reach the governor's desk were passed in the last ten days of the session, a confusing process at best.

4. A Goal to Reach

Be it a corporate vice-presidency for a businessman, a four-minute mile for an athlete or a diploma for a student, most people operate more efficiently with a goal. A session limitation is no different. It demands the work be planned and concluded within a reasonable time frame.

Conclusion

For many years, a limited session has been discussed in Alaska. For the first time, voters have a chance to speak directly to the issue. Support the limited session proposition.

— BILL MILES, Representative
Alaska State Legislature

STATEMENT AGAINST BALLOT PROPOSITION NO. 1

Although limiting the length of a legislative session sounds attractive on the surface, such limitation is actually not in the best interest of Alaska. In fact, limitations of this kind have been found, in many states of the union, to be harmful to the best interests of the people for one very basic reason: more often than not, the primary goal of powerful "special interest" groups is to block legislation, not pass it. By having an artificial limit on the length of a session, it's possible for such groups to prevail, not by the soundness of the cause of their arguments on the floor of the House and Senate, but rather by simply dragging out and delaying passage of legislation until the mandatory adjournment period comes and goes. In particular, a 90-day or 120-day or other artificial limit would play into the hands of the multinational corporate giants whose wealth and virtually unlimited resources put opposing viewpoints at a considerable disadvantage already.

The argument for a mandatory limit assumes that, by prioritizing a legislature has 90 days or 120 days (or some similar period) in which to "get its act together" and accomplish the people's business. In the real world of the legislative process, however, this

is not true. It is frequently the case that for very valid and unalterable reasons, major legislation simply cannot even be placed before the legislature until the legislature is well into its session. (The Alpetco Royalty Oil legislation of the last session is a good case in point. For reasons beyond his control, the governor could not even introduce this legislation until March 6, 1978 — the 57th day of the session.)

This is not to say that in the absence of mandatory limits the legislature should be expected to continuously lengthen its annual sessions. To the contrary, by better use of interim committees, by better use of staff (which has only recently been upgraded in the area of research and clerical support) and, most important, by a heightened resolve on the part of all members to expedite legislation as fast as possible and prudently, the session time of future legislation can — and I believe will — range in the 100 or 125-day time period in most instances.

— MIKE MILLER, Representative
Alaska State Legislature

PROPOSITION #1 - Advisory Vote on Session Limitation
November 7, 1980

	District	For	Against	Unanimous Support
Ketchikan	1	3193	1182	X
Petersburg	2	1704	684	X
Sitka	3	1886	636	X
Juneau	4	6758	2926	X
Seward	5	2708	929	X
Palmer	6	4562	1334	X
Downtown	7	4973	1402	X
Chugiak	8	7068	1984	X
Spennard	9	2914	874	X
Muldoon	10	7583	1920	X
Hillside?	11	8793	2375	X
Turnagain	12	7237	1865	X
Kenai	13	5632	1775	X
Kodiak	14	1276	574	X
Aleutians	15	719	316	X
Dillingham	16	1042	610	X
Bethel	17	1383	681	X
Sleetmute	18	1221	561	X
Delta Jct.	19	2174	971	X
Fairbanks	20	12,102	4632	X
Kotzebue	21	981	344	X
Nome	22	1201	518	X

TOTALS: 29 states have limited sessions

21 states have unlimited sessions

LEGISLATIVE SESSIONS: LIMITATION ON LENGTH

<u>State</u>	<u>Limitation</u>	<u>No Limit</u>
Alabama	30 legislative days in 105 calendar days	
Alaska		X
Arizona		X
Arkansas	60 calendar days (can be extended by vote of both houses)	
California		X
Colorado		X
Connecticut	odd years - early June: even years - early May	
Delaware	June 30	
Florida	60 calendar days (can be extended by vote of both houses)	
Georgia	40 legislative days	
Hawaii	60 legislative days (can be extended...)	
Idaho		X
Illinois		X
Indiana	Odd: 61 leg. days or April 30; Even: 30 leg. days or March 15	
Iowa		X
Kansas	Even: 90 calendar days	X (odd years)
Kentucky	60 legislative days	
Louisiana	60 leg. days in 85 calendar days	
Maine		X
Maryland	90 calendar days (can be extended)	
Massachusetts		X
Michigan		X
Minnesota	120 leg. days	
Mississippi	1st session of new legislature and every other even year at the beginning of the gubernatorial term limited to 125 calendar days; other years 90 calendar days.	
Missouri	Odd: June 30 Even: May 15	
Montana	90 legislative days	
Nebraska	Odd: 90 leg. days Even: 60 leg. days (can be extended..)	
Nevada	60 calendar days	
New Hampshire		X (no more pay after 90 leg. days or July 1)
New Jersey		X
New Mexico	Odd: 60 calendar days Even: 30 calendar days	
New York		X
North Carolina		X
North Dakota	80 natural days	
Ohio		X
Oklahoma	90 leg. days	
Oregon		X

LEGISLATIVE SESSIONS: LIMITATION ON LENGTH

<u>State</u>	<u>Limitation</u>	<u>No Limit</u>
Pennsylvania		X
Rhode Island	60 leg. days (can be extended)	
South Carolina		X
South Dakota	Odd: 45 leg. days Even: 30 leg. days	
Tennessee	90 leg. days	
Texas	140 calendar days	
Utah	Odd: 60 calendar days Even: 20 calendar days	
Vermont		X
Virginia	Odd: 30 calendar days Even: 60 calendar days (can be extended..)	
Washington	60 calendar days	
West Virginia	60 calendar days (can be extended..)	
Wisconsin		X
Wyoming	Odd: 40 leg. days Even: 20 leg. days	

HJR

20



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

February 29, 1980

MEMORANDUM

TO: Billy G. Berrier, Director, Division of Legal Services

FROM: Charles H. Parr, Chairman, House Judiciary Committee *CHP*

SUBJECT: Committee Substitute for HJR 20

Please draft a Committee Substitute for HJR 20. The Substitute should have wording approximately as follows:

"Unless otherwise provided by law, the governor shall appoint all members of boards and commissions. The legislature shall provide by law for determination as to which board and commission members are subject to confirmation. Confirmation shall be by a majority of the members of the legislature in joint session."

CHP:vc

HJR

22

COMMITTEE REPORT

HOUSE

FURTHER:

February 20, 1979

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had HJR 22

Requesting the federal grand jury to hear charges and complaints against the Secretary of the Interior and other Interior Department officials.

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

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

**MEMBERS SIGNING
DO PASS**

Larry Martin

Robert A. ...

...

...

...

...

...

...

...

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

...

CHAIRMAN

A M E N D M E N T

OFFERED IN THE HOUSE:

By: House Judiciary Committee

To: HJR 22 HOUSE BILL No. _____

SENATE BILL No. _____

PAGE: 2

LINE: 2

Page 2, line 5.

after "they" insert "present or"

It is settled that, as a matter of due process, a criminal statute that "fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute" *United States v. Harris* 347 U.S. 612, 617 (1954) or is so indefinite that "it encourages arbitrary and erratic arrests and convictions," *Papachristou v. City of Jacksonville*, 405 U.S. 156, 162 (1972) is void for vagueness. *Drayton v. City of Rockford*, 408 U.S. 104, 108-109 (1972). This appears to be especially true where the uncertainty induced by the statute threatens to inhibit the exercise of constitutionally protected rights. See, e.g., *Smith v. Goguen*, 415 U.S. 566, 573 (1974); *Keyishian v. Board of Regents*, 385 U.S. 589, 603-604 (1967).

*B.S. says the grand jury usually does criminal stuff
not this — done on initiative of U.S. Atty.*

Introduced: 2/20/79
Referred: Judiciary

1 IN THE HOUSE

BY ANDERSON BY REQUEST

2 HOUSE JOINT RESOLUTION NO. 22

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 Requesting the federal grand jury to
6 hear charges and complaints against
7 the Secretary of the Interior and
8 other Interior Department officials.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 WHEREAS the grand jury constitutes an ancient system for citizens to
11 seek redress of their grievances against government and the abuses of govern-
12 mental officers; and

13 WHEREAS a federal grand jury is expected to be in session in Alaska in
14 the near future, either in Anchorage or Fairbanks; and

15 WHEREAS it is within the prerogatives of the grand jury to hear charges
16 and complaints of affected Alaskans against the recent imposition of the
17 Antiquities Act; and

18 WHEREAS the Secretary of the Interior and his agents have threatened to
19 place in jail honest miners, hunters, trappers and others who live in the
20 areas of the recently established monuments for continuing to pursue their
21 livelihoods; and

22 WHEREAS residents of the state are being cut off and denied access to
23 their property by the unreasonable regulations of the Secretary of the
24 Interior; and

25 WHEREAS the regulations adopted by the Secretary of the Interior con-
26 stitute a de facto confiscation of the property of residents of this state;

27 BE IT RESOLVED by the Alaska State Legislature that the foreman of the
28 federal grand jury is respectfully requested to initiate an investigation
29 into the charges and complaints of residents of this state and, if the

WHEREAS the Sec. Interior ^{has attempted} to withhold info 1976 reports

1 charges and complaints are determined to be well founded, to bring appro-
2 priate charges against the Secretary of the Interior or his agents who may be
3 shown to have violated the constitutional and other rights of residents of
4 this state.

5 A COPY of this resolution shall be sent to the foreman of the ^{present or} next
6 federal grand jury sitting in Anchorage or Fairbanks.

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ALASKA STATE LEGISLATURE

Legislative Affairs Agency

Pouch Y - State Capitol
Juneau, Alaska 99811

REGIONAL INFORMATION OFFICE

1024 West 6th Avenue
Anchorage, Alaska
99501
(907) 278-3668

Enclosed for your information and files are materials relating to the
teleconference on HJR 22
held March 5, 1979, including a copy of the witness and
observer list.

Judy Hopkins
Anchorage Moderator

TELECONFERENCE HEARINGS



SUBJECT: HJR 22 - Grand jury - Andrus

COMMITTEE: House Judiciary (PARR, Anderson, Brown, Buchholdt, Malone,
Barnes, Martin, O'Connell, Phillips)

DATE: Monday, March 5, 1979

TIME: 1:30 - 2:15 A.S.T. Anchorage
2:15 - 3:00 A.S.T. Fairbanks

SITES PARTICIPATING: Anchorage, Fairbanks

CONFERENCE MODE: Audio

LOCATION: LIO

MODERATOR: *Sophia*

UAA ADVISED, CONFIRMED	<u>na</u>
Extra bills ordered	<u> </u>
Register prepared	<u>3/1</u>

NOTES:

PUBLICITY:

INVITATIONAL

INVITATIONAL: Select direct contacts at direction of chairman. No publicity requested.

Leo Mark Anthony 279-4702 *Contacted*
Peg Tileston 274-3621 *Contacted*

Date Quantity

PSAs	<u> </u>	<u> </u>
Audio PSAs	<u> </u>	<u> </u>
Video PSAs	<u> </u>	<u> </u>

News releases

Direct mail	<u> </u>	<u> </u>
Phone contacts	<u> </u>	<u> </u>

Other:

Posted at LIO

Bob Pittman
822-3315
Glenn Allen

Copies to LTN Juneau	<u> </u>
Copies to committee	<u> </u>
Copies to sponsor	<u> </u>

NUMBER IN ATTENDANCE	<u>15</u>
NUMBER TESTIFYING	<u>13</u>

Name

Ray Monk

Here to TESTIFY YES T

Representing

The Citizens Legislative Comm

Mailing Address

SRB 516 Palmer Zip 99645

Here to OBSERVE _____

Phone

245 4128

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Ray Monk
(signature)

Have you participated in other legislative teleconferences? 74 (How many?) _____

Would you have participated in this hearing if the network were not available? _____

PLEASE PRINT

Name

David Harding

Here to TESTIFY ✓ T

Representing

Kantishna Miners

Mailing Address

2605 Est 50th Anch. Zip 99507

Here to OBSERVE _____

Phone

349-7219

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

David Harding
(signature)

PLEASE PRINT

Name

Debbie Dale

Here to TESTIFY ✓ T

Representing

Kantishna Miners

Mailing Address

2605 E 50th Anch. Zip 99507

Here to OBSERVE _____

Phone

349-4219

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Debbie Dale
(signature)

Have you participated in other legislative teleconferences? NO How many? _____

Would you have participated in this hearing if the network were not available? yes

Name

Paul R. Wheeler ^{Wheeler}

Here to TESTIFY

Representing

Gold King Mines INC

Mailing Address

Box 15743 STRA ANCHORAGE zip 99502

Here to OBSERVE

Phone

344-7415

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Paul R. Wheeler

(signature)

Have you participated in other legislative teleconferences? No. How many?

Would you have participated in this hearing if the network were not available? yes

How did you learn about this hearing?

If yes, did you use the network:

PLEASE PRINT

Name

Sam Kopperberg

Here to TESTIFY

Representing

Self

Mailing Address

St. Rt. Box 145 Palmer zip 99645

Here to OBSERVE

Phone

445-3068

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Sam Kopperberg

(signature)

PLEASE PRINT

Name

Gordon Kukowski

Here to TESTIFY

Representing

40 MILE MINING DIST.

Mailing Address

828 E St. zip 99501

Here to OBSERVE

Phone

272-3228

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Gordon L. Kukowski

(signature)

Have you participated in other legislative teleconferences? Yes. How many? 1

Would you have participated in this hearing if the network were not available? No.

Name

Bonita B. Midgott

Here to TESTIFY

(T)
X

Representing

CMU

Mailing Address

1011 W 12th #1 Zip 99501

Here to OBSERVE

Phone

272-3717

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Bonita B. Midgott
(signature)

Have you participated in other legislative teleconferences? X How many? 1

Would you have participated in this hearing if the network were not available? No

PLEASE PRINT

Name

Gerald Courtney

Here to TESTIFY

(T)
X

Representing

Kantishna Mines Ltd

Mailing Address

Box 648 Eagle River Zip 99577

Here to OBSERVE

Phone

688-2204

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Gerald Courtney
(signature)

Have you participated in other legislative teleconferences? No How many? _____

Would you have participated in this hearing if the network were not available? _____

PLEASE PRINT

Name

Eric E. Wheeler
Wheeler

Here to TESTIFY

(T)
✓

Representing

Gold King Mines Inc

Mailing Address

Box 1574B Star RTA Zip 99502

Here to OBSERVE

Phone

344-7415

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

(signature)

Have you participated in other legislative teleconferences? _____ How many? _____

Would you have participated in this hearing if the network were not available? _____

PLEASE PRINT

(T)

Name A. L. Renshaw, Jr.
Representing Al. Miners Assoc.
Mailing Address _____ Zip _____
Phone _____

Here to TESTIFY
Here to OBSERVE _____

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

(signature)

Have you participated in other legislative teleconferences? _____ How many? _____ Would you have participated in this hearing if the network were not available? _____

PLEASE PRINT

(T)

Name LARRY McMASTER
Representing ME
Mailing Address 6237 E 21ST AVE ANCH Zip 99504
Phone 337 4463

Here to TESTIFY
Here to OBSERVE _____

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Larry McMaster
(signature)

Have you participated in other legislative _____ Would you have participated in this hearing _____

Name Robert W. Johnson
Representing Hamsters Local 959
Mailing Address Box 2092, Anchorage Zip 99510
Phone 276-4334

(T)
Here to TESTIFY _____
Here to OBSERVE _____

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Robert W. Johnson
(signature)

Have you participated in other legislative _____ Would you have participated in this hearing _____

Name Vicki L. Arnold Here to TESTIFY _____
 Representing Alaska Miners Assn / The Sundt Co. / Alaska United
 Mailing Address 8506 Corbin Zip 99507 Here to OBSERVE
 Phone 344-3257

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Vicki L. Arnold
 (signature)

Have you participated in other legislative teleconferences? no How many? _____ Would you have participated in this hearing if the network were not available? _____
 PLEASE PRINT

Name Bob Strange Here to TESTIFY _____
 Representing Libertarian Party
 Mailing Address 5838 Rowan Zip 99507 Here to OBSERVE
 Phone 344-3224

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Robert T. Strange
 (signature)

Have you participated in other legislative teleconferences? no How many? _____ Would you have participated in this hearing if the network were not available? _____
 How did you learn about this hearing? _____ If yes, did you use the network instead of travel? _____
 PLEASE PRINT

Name Gary Donaldson Here to TESTIFY
 Representing ALASKANS UNITED
 Mailing Address 5705 DEBARR Rd. Zip 99504 Here to OBSERVE
 Phone 337-9631

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Gary Donaldson
 (signature)

Have you participated in other legislative teleconferences? _____ How many? _____ Would you have participated in this hearing if the network were not available? _____

MR. CHAIRMAN AND MEMBERS OF THE HOUSE JUDICIARY COMMITTEE

MY NAME IS HOWARD McWILLIAMS - A SMALL PLACER MINE OPERATOR IN
THE TALKEETNA DISTRICT

THE NUMBER OF MINING OPERATIONS BY SIZE, INDUSTRY AND TYPE AS OF
FEBRUARY 16, 1977, STATISTICS OF THE DEPARTMENT OF THE INTERIOR,
SHOW THAT 75% OF OPERATORS MINING LOCATABLE MINERALS IN THE
UNITED STATES, FALL INTO THE SMALL MINER CATEGORY.

IN 1970 TO 1975 OVER 2700 MINE PROPERTIES WERE SUBMITTED TO 41
MAJOR MINING COMPANIES. OF THESE 85% WERE SUBMITTED BY SMALL MINERS.

THE DEFINITION OF A SMALL MINE OPERATOR IS GENERALLY RECOGNIZED AS
AN INDIVIDUAL, PARTNERSHIP OR CORPORATION WHICH IS NOT LISTED ON A
MAJOR STOCK EXCHANGE: OR WHICH HAS A CAPITALIZATION OF LESS THAN
ONE MILLION DOLLARS: OR EMPLOYEES LESS THAN 50 PERSONS, OR WHICH
PRODUCES LESS THAN TWO HUNDRED THOUSAND TONS OF MINERAL ORES.

A SUCCESSFUL MINING OPERATION IS DEPENDENT UPON FAIRLY STABLE ECONOMIC
CONDITIONS, PRUDENT BUSINESS MANAGEMENT, CARRIED ON OVER A LONG PERIOD
OF YEARS, AND REQUIRES A SUBSTANTIAL INVESTMENT OF TIME AND MONEY,
AND STABLE MINING LAWS.

THE FEDERAL MINING LAW OF 1872 IS A STABLE LAW UNDER WHICH MINING
CAN BE CARRIED OUT IN A SATISFACTORY MANNER, WITHOUT INTERRUPTIONS,
OVER A LONG PERIOD OF YEARS.

THIS LAW HAS NOT BEEN REPEALED AND IS THE LAW UNDER WHICH I ENTERED
A COMPACT WITH THE FEDERAL GOVERNMENT, INCLUDING THE PATENTING
PROCESS, WHEN I LOCATED MY MINING CLAIMS UPON FEDERAL LAND IN THE
SPAN OF YEARS FROM 1948 TO 1968.

SINCE 1968, AND IN PARTICULAR SINCE 1976 WHEN THE VARIOUS LAND WITHDRAWALS AND LAND MANAGEMENT POLICIES WERE PROMULGATED, THE MINERS OF THIS STATE HAVE BEEN OPERATING UNDER AN EVER INCREASING MASS OF RESTRICTIVE AND CONFLICTING MINING REGULATIONS, SOME ARE LISTED HERE.

1. RESTRICTING ACCESS ACROSS FEDERAL LAND.
2. REQUIRING EXCESSIVE BONDING.
3. REQUIRING APPROVAL OF DETAILED MINING METHODS BY FEDERAL PERSONNEL.
4. RESTRICTING TOTAL MINING OPERATIONS TO ONE YEAR OR LESS. IF ANY OF THE DETAILS OF THESE REGULATIONS CANNOT BE MET, MAKES THE MINER SUBJECT TO FINES OR IMPRISONMENT, OR BOTH.

IT IS MY CONTENTION THAT THE FEDERAL LAND REGULATIONS AND THEIR IMPLEMENTATION BY THE DEPARTMENT OF THE INTERIOR THROUGH THE BUREAU OF LAND MANAGEMENT AND THE DEPARTMENT OF AGRICULTURE PLACE IN JEOPARDY THE VESTED RIGHTS OF MY MINING CLAIMS, BECAUSE OF THE UNFETTERED DISCRETION VESTED IN THE SECRETARY OF THE INTERIOR TO SUBDELEGATE TO THE LAW LEVEL "AUTHORIZED OFFICERS" OR OTHERS IN THE FIELD, THE RIGHT TO MAKE LAW ON THE SPOT AND TO ENFORCE IT WITH THE DEPARTMENT'S OWN MILITARY FORCE.

FURTHER, I AM APPREHENSIVE THAT THE DEPARTMENT OF THE INTERIOR WILL CAUSE THE DESTRUCTION OF MINE PROPERTY AND MACHINERY IN ALASKA, AS HAS BEEN REPORTED IN SEVERAL INSTANCES IN THE WESTERN UNITED STATES, BY THE DETERMINED APPLICATION OF THESE RULES AND REGULATIONS, CAUSING PERSONAL INJURY AND UNCOMPENSATED FINANCIAL LOSS TO MINE OPERATORS

AND THEIR EMPLOYEES.

THE IMPLEMENTATION OF THESE STRINGENT RULES AND REGULATIONS TO THE MINING INDUSTRY OF THE STATE HAS ALREADY CAUSED A GREAT LOSS OF REVENUE TO THE MINERS, SUPPLYING BUSINESSES, AND TO THE STATE.

THEREFORE, I STRONGLY SUPPORT HOUSE JOINT RESOLUTION NO. 22.

THANK YOU.

P.O. Box 1317
Anchorage, Alaska.
March 5, 1979

Senator Ted Stevens
United States Senate
Washington, D. C.

Dear Ted:

I am submitting the following statement, in brief form, that can be fully documented in detail, that may be of some use to you in your dealings with the Department of Interior in regard to their total inability to administer their assigned duty.

This is only one small example of a few of their bungling ways of handling an application for patent of a group of placer mining claims, causing a great waste of time and money to the Government and to citizens trying to work with them.

Statement:

1948 to 1968 - By hard work and expenditure of my own money I prospected for, explored and developed a 55 claim Placer Mining Operation located upon Federal Land under the conditions of the Mining Law of 1872, with proven ore reserves of ten million cubic yards of minable ground with values above three dollars a cu. yd. (mining costs, 1978 - \$1.27 cu. yd.)

1970 - Due to the Copper River Withdrawals and unrest in the Native claims a decision was made to delay investment in large scale mining equipment and start patent procedures on the claims to secure my interest in the land.

1971 - The patent process was started and resulted in four mineral surveys being made. Only the first survey is considered here.

Survey completed September 18, 1971. Approved by B.L.M., November 16, 1973. At this time I was told by B.L.M. to have ground prepared for Mineral Examination for their 1974 field season. This consisted of making crosscuts and test holes from surface to bed-rock on the 15 claims of the survey. This preparatory work was accomplished at considerable time and expense.

1974 - Near end of field season B.L.M. cancelled Mineral Examination, rescheduled it for 1975.

1975 - After setting up Examination dates three times, finally cancelled out for year leaving me another year of expense of opening up the ground.

1976 - Near end of season B.L.M. sent out a mineral examiner who examined all 15 claims, returned to Anchorage and wrote out his report.

FACT SHEET

In November, 1978 the Secretary of Interior announced to President Carter and publicly that bulldozers in Alaska were poised ready to begin the destruction of National Antiquities and that existing laws and regulations did not afford them adequate protection.

On December 1, 1978 on the recommendation of the Secretary of Interior, the President invoked public order #209 - The American Antiquities Preservation Act. This act created 56 million acres of new National Parks and Monuments in Alaska.

On December 8, 1978 the Secretary of Interior approved 4310-70-M Title 36 Part 9 of the federal regulations - The Mineral Management Comprehensive Regulations for Parks, Forests and Public Property. These regulations were placed in effect without review or public hearings and without the knowledge of any Alaska Miner.

Caught up in the vortex of all this are the small family miners of Alaska some of whom have been digging gold nuggets and dust out of Alaska's frozen earth for three generations.

The National Park Service Director for Alaska told the miners that valid existing rights to their claims would be honored and all the miners had to do was comply with the new Park Service regulations. However, the armchair bureaucrats who wrote the regulations effecting the livelihood of all these people created rules which are impossible for the miners to comply with.

The miners are required to submit an 18 Item plan of operations which must be approved by the Park Service before they are allowed access to their property on valid existing roads which they constructed and have been using for years. The operating plan requires so many additional costs for registered surveys, social, economic and environmental studies that the operations cannot absorb the costs. Even if a few miners could qualify, the regulations require a \$200,000.00 blanket performance bond. It is impossible for any of the miners to obtain this kind of bonding in Alaska. Even if the bonding was available, the premium alone would exceed the earning power of most of the family operations where often the teen age boys grow up operating the equipment every day during the 3 month mining season.

The miners are now in a real quandary. They cannot plan for next seasons mining which begins in June without breaking the laws. If they can't mine, they can't pay their bills and lose their livelihood! If they mine, they face severe penalties and possibly could go to JAIL.

OUTLINE OF EVENTS

U.S. Senate held hearings last February 1978 in Anchorage.

Sierra Club and Department of Interior contended Kantishna Mining District needed to be withdrawn to protect caribou.

Testimony by Will Troyer, USF&WS, State Fish and Game showed that Kantishna Mining area is not presently important to the Mt. McKinley caribou herd.

November 1978 - Secretary of Interior issued draft environmental statement for alternate land decision.

The total statement of 20 volumes was not made available. Deadline for public comment was too short and there were no public hearings in Alaska. We requested both. Interior furnished draft environmental supplement. We asked that environmental impact statement address the issues.

Valid existing rights:

livelyhood	living standards
investments	property rights
traditional life-	access
styles	cost/benefit to the government & taxpayers

Suitable period for study and to list our civil, economic and environmental rights which might be denied.

Registered letter was never answered.

December 1, 1978 - President, upon the recommendation of the Secretary of Interior, invoked Antiquities Preservation Act.

December 8, 1978 - Secretary of Interior placed into full effect 4310-70-M-Title 36. Minerals Management Comprehensive Regulations.

Taken together these actions deny access to every miner and claim holder. Regulations require an 18 item plan of operation and must

be approved by the Park Service before mining or access is allowed. Operating plan requires so many additional costs for registered surveys, social, economic and environmental studies, miners cannot afford the cost or comply. Even if a miner could comply, bonding requirements are too expensive, \$200,000 blank bond.

Park Service is now coming out with interim mining regulations but they beg the issues. Is it legal for the Secretary of Interior and his agents to deny any of our valid existing rights without due process and without proper indemnification?

WHEN YOU TOOK ME YOUNG AND TRUSTING,
 FROM THE GROWLING RUSSIAN BEAR,
 LOUD YOU SWORE BEFORE THE NATIONS,
 I SHOULD HAVE THE EAGLE'S CARE.
 NEVER YET HAS WING OF EAGLE
 CAST A SHADOW ON MY PEAKS,
 BUT I'VE WATCHED THE FLIGHT OF BUZZARDS
 AND I'VE FELT THEIR BUSY BEAKS. Sam Dunham 1899

The wing of the federal eagle is surely casting a shadow on Alaska's peaks now and we are not only feeling its beak but those of the environmentalists. The state is being smothered by a flood of federal laws, statues, regulations and restrictions all designed to eliminate all forms of mining and prospecting. With the blessing of President Carter, Sec of Interior Carl Andrus pours it on. Urged by at least a hundred dedicated environmentalists in the White House, Dept of Interior and Bureau of Land Management, Andrus preaches sweet reasonableness to Rep Morris Udall, Chairman of the House Interior Committee and its members.

Again he urges passage of HR 39 which would set aside 118 million acres to the exclusion of miners and mining. At least 200 small and subsistence miners *ARE IN JEOPARDY* at Kantishna, Woodchopper, Forty Mile, Ophir and Bonanza Hill. For the most part they can't comply with the phalanx of regulations and are denied their property rights. They are being harassed by regulations, required to jump through procedural hoops, post bonds, prepare infinitely complicated plans of operations, and endure endless obstructionism and bureaucratic delay.

President Carter's promise of a populist, egalitarian, informal and operable government has turned into a government of intolerant zealots and bigots, clothed in self-righteousness. They have taken over and are fouling the processes of government. With virtually unlimited financing (OPEC ?) they include the Wilderness Society, the Sierra Club, the so-called Alaska Coalition (with a \$69,000,000 budget) with single minded lockup views to maintain hundreds of millions of acres in Alaska and the other western states in their pristine original state. These are then dedicated to the few people with the time, wealth and resources to view them.

The prosperity, and indeed the very security and survival of the nation is threatened. With a deficiency in the international balance of payments approaching \$100 billion in 1985, the probable loss of Iran's oil, and fiscal disaster due to inflation, Carter and Andrus are determined to prevent Alaska's oil and mineral development. The American Mining Congress estimates 70% of land rated highly favorable for minerals by the US Bureau of Mines would be closed under HR 39. Three major mining discoveries in SE Alaska included in national monuments designations made by the President in Dec '78 are closed off by HR 39: Greens Creek gold, silver, zinc and lead deposit on Admiralty Island; Yakobi deposit of Inspiration Copper, underlaid with copper, nickel and cobalt and Quartz Hill molybdenum deposit of U.S. Borax. U. S. Borax estimates molybdenum reserves in excess of 700 million tons, the second largest ore body of its kind in the world. The deposit estimated to be worth \$7 billion could be developed by the mid-80s. There isn't a single major mine operating or with a chance of operating in Alaska under the present administration. The following is a direct quote by Sec Andrus from a highly responsible source: "I am putting Alaska into wilderness to stop mining there."

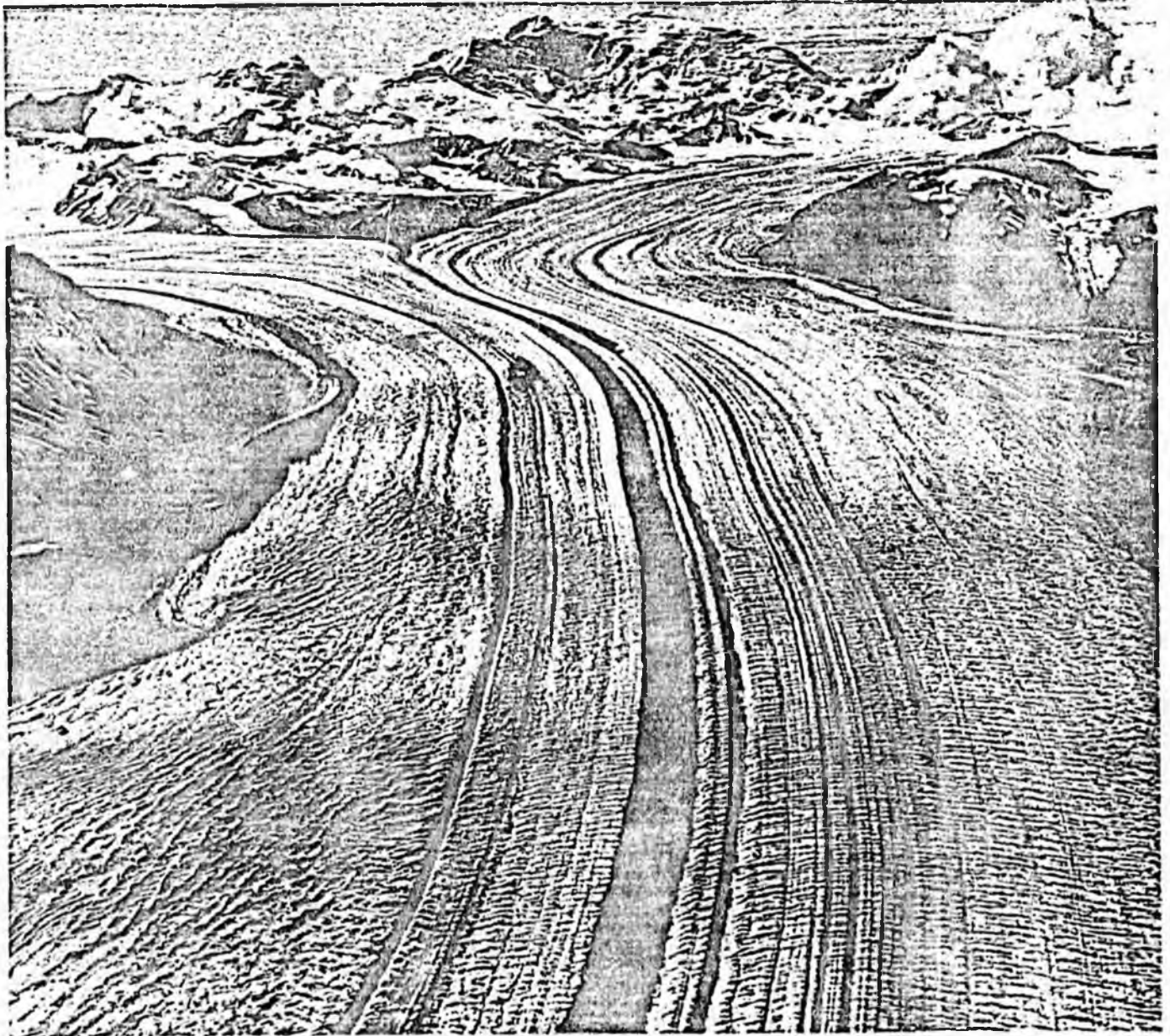
ALASKA

THE GREAT LAND WAR

by Susan Schiefelbein

Just below the Arctic Ocean, an awesome expanse of earth sweeps across five time zones: Alakshak, the great country, the land we call Alaska. Its northern lights shimmer over endless stretches of ice—one of the glaciers here is larger than all Holland—and yet its boundaries also embrace sand dunes and desert and a dense rain forest. Its three million lakes and ten thousand streams brim with rainbow trout, Arctic grayling, and five kinds of salmon. Bald

eagles and falcons ride the winds; below them wander the last great herds of caribou in the Americas. Valleys store oil, gold, and a dozen other precious minerals. McKinley, the highest mountain on the continent, presides over this domain, its craggy face a testimony to its native name—Denali, the Great One. No wonder Alaskan natives need only one word—gar-rundi—to express both "life" and "land." For here the two are entwined.



The Nabesna Glacier in the Wrangell Range—"Lobbyists are snatching for such wilderness acres as though they were stashed in a bin at a rummage sale."

TODAY, ALASKA FACES an uncertain future. The time has come to decide how much of its wilderness should be commercially exploited and how much should be preserved—and the dilemma has touched off a national debate. The issue first made headlines last year when the House passed legislation that would prohibit development on an Alaskan landmass the size of California. Although the bill never reached a Senate vote, the fact that congressmen have vowed to reintroduce it this session has fueled opponents' and proponents' fervor. Lobbyists are snatching for Alaska's acres as though they were stashed in a bin at a rummage sale—environmentalists want as much land as possible preserved and developers want it left open for extracting its resources. Senators have accused colleagues in Congress of sabotaging bills, spreading propaganda, and stooping to Watergate tactics; some have even threatened to oust the Secretary of the Interior for supporting a conservationist bill. In Alaska, a newspaper has suggested that environmentalists are in collusion with Arabs in a plot to lock up North Slope oil, and a state legislator has proposed that fires be set in the national parks.

For the moment, Alaska rests safely, the lands in question declared as monuments by President Carter in an effort to keep all hands off them until congressmen address the issue this year. Influential senators and the President himself say the congressional deliberations to come will be the most significant environmental debate of the century; for what legislators decide will in large part determine whether Alaska is wisely developed and its beauties preserved, or whether Lilliputian special-interest groups will carve this ancient giant into a crosshatch of land claims, squandering its wealth and disfiguring its face for all ages hence.

On one side of the coming debate stand those who cherish Alaska for its vast store of wealth—an estimated 12-49 billion barrels of oil (the U.S. consumes about 6 billion a year); 29-132 trillion cubic feet of gas; 130 billion tons of coal; and profitable amounts of 16 of the 18 minerals the Department of Defense calls "critical" to national security. The people who oppose such preservation efforts as last year's bill (H.R. 39) want to develop such riches to the fullest. Their numbers include the entire Alaskan congressional delegation (Senators Ted Stevens and Mike Gravel, and Representative Don Young); the oil, mining, and timber industries; and a great many of the Alaskans themselves.

On the other side are those who believe that the unspoiled wilderness is itself a precious resource that should be preserved. Leading spokesmen for this group include Representative Morris Udall (D-Arizona), who introduced last year's House bill; Representative John Seiberling (D-Ohio), who shepherded the bill through the subcommittee; Secretary of the Interior Cecil Andrus, who orchestrated the administration's monuments declaration; and most conservation groups—especially the Alaska Coalition, which is made up of more than two dozen environmental organizations that have banded together for the Alaskan wilderness battle. They contend first, that industry has plenty of resources to exploit in areas outside the parks they have proposed, on state acreage and non-restricted federal land. They also feel that oil and minerals—which, due to the nature of Alaskan ore deposits, would almost all require open-pit or strip mining—are not always the land's most valuable assets. "There are those who think that the only worth to the land is an extractable resource," says Andrus. "But some people are willing to consider living resources. To those who say 'oil is where you find it,' I say, caribou are where you find them, too. And unlike the oil, we know exactly where the caribou are."

Unfortunately, the issue is more complicated than even these two seemingly deadlocked positions suggest. The bill

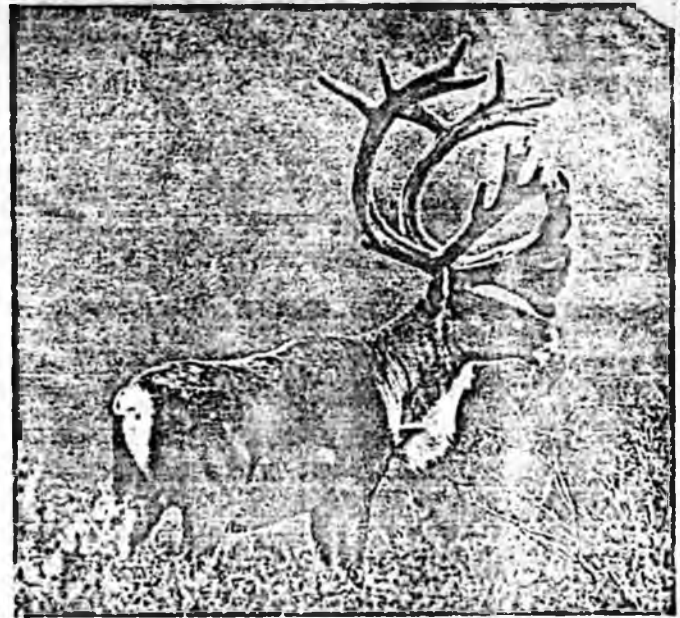


PHOTO RESEARCHERS INC.

Caribou—"Magnificent beasts requiring millions of acres for feeding."

introduced last year was crammed with all the details that must be considered when a state has not been fully settled—or, in Alaska's case, not even fully civilized. Future railway lines, provisions for sewer facilities, the rights of those who hunt for most of their food, the right of bush planes to penetrate the otherwise impenetrable wilderness—all are causes for contention between the developers and the preservationists. The complexities, however, must not obscure the fundamental issue: How much of America's last and largest wilderness will we sacrifice for present profit, and how much can we afford to protect in its natural state?

THE LEGISLATIVE HISTORY of the Alaskan lands battle started more than a century ago, when the words *energy shortage* and *environmentalism* were not even in the common vocabulary. In 1867, when Seward purchased his "folly" from the czar, the Russian treaty specified how the United States was to treat the "uncivilized"—that is, the natives who had lived in Alaska since their ancestors crossed the Asian land bridge—but it never actually discussed the land rights of these people. The United States followed this lead, assuming ownership of a territory despite the fact that its native people, unlike the American Indians, had never been conquered, bought out, or even conned out of their lands. Native land rights were once again ignored when Congress granted Alaska statehood in 1958.

When the federal government grants statehood, it gives some land to the new state government and keeps some for itself, with its largest shares being in Nevada (where the United States owns 87 percent of the land), Utah (66 percent), and Idaho (63 percent). Although Alaska stands fourth in this line—with 60 percent of its land federally owned—its size is so awesome that the "leftovers" given to the state translate into a whopping 104 million acres, nearly five times the acreage granted to any other state. The state was also granted all navigable waters and its coastline, rich with oil and longer than the entire coastline of the lower 48 states.

These lands, though, were not divvied up all at once. The federal government proceeded to pick its acres at leisure, setting aside parks and national forests as the need arose. The state was given 25 years in which to choose any lands not previously claimed by the nation. Hoping to acquire land best suited for settlement and mineral exploitation, the state also made its choices slowly. In the first decade of statehood,



The last frontiersmen—Secretary of the Interior Cecil Andrus, Representatives Morris Udall and John Seiberling

Alaska selected only 26 million acres of the 104 million acres it had been granted.

Then, in 1968, came the impetus that forced all sides to cease their sluggishness on the lands problem. Atlantic Richfield struck black gold on the North Slope, some ten billion barrels of it. In short order, the natives, who had been claiming an aboriginal right to the entire state, filed suit, and a half dozen oil companies realized that the pipeline they had planned would trespass across native land if the natives won a sizable land settlement. Congress responded by passing the Native Claims Settlement Act, in 1971, which granted 44 million acres and \$1 billion to Alaskan natives and, not coincidentally, cleared the way for the pipeline.

AT THIS POINT, one more group joined the now burgeoning cast of characters in the play for Alaskan land. Environmentalists eyed the huge statehood grant, the huge native grant, and the huge corporate oil and mineral claims, and they began to fear that Alaska's wilderness would be exploited without forethought, that scenic values would be destroyed in the rush to make the last frontier our next Detroit.

To allay environmentalist fears, Congress included a special section—"17D(2)"—in the Native Claims Act that was intended to give some order to the confusion of land grabs. The section required that Congress examine up to 80 million acres of Alaska's lands for inclusion in the nation's park system. Section D2 had one hitch: Its temporary freeze preventing the state from claiming the rest of its land would end on December 18, 1978; if Congress was going to preserve any of the lands permanently, it would have to act before then.

D2 created an uproar. The fury in the state was only partially caused by the number of acres set aside; with or without D2, after all, the federal government would eventually own 60 percent of the state. Alaskans fumed instead over what the government was planning to do with those lands.

Unowned land in Alaska has always been overseen by the federal government; but it has been overseen with very little restriction by the Bureau of Land Management, an agency so pro-industry that Andrus has labeled it the "Bureau of Livestock and Mining." BLM land is open to the public for logging, road-building, hunting, mining, fishing, cattle grazing, and hydroelectric development. One of the four federal ownership classifications, national forest, is so open to "multi use"—an official euphemism, some say for multi-abuse. At the time of D2, the BLM and the Forest Service managed 90 percent of Alaska.

The reason why state and development interests found D2

'Alaskans feel that they can dance around a bonfire refusing conservation and the issue will go away,' says Udall. It won't; he is reintroducing a bill this year.

troublesome was that the 80 million acres set aside were to be considered for inclusion in the three other, more restrictive classifications—wild and scenic river; wildlife habitat; and national park—in which almost no development can take place. Any of these classifications can be made still more restrictive by giving them a "wilderness overlay," which prohibits even the building of roads and permanent structures.

Thus the pro-development interests were especially outraged when, early in 1977, Congressman Udall introduced H.R. 39, which was even stricter than the authors of D2 had envisioned. The bill put aside 121 million acres in the strict classifications, about half of which were also given a wilderness overlay. The legislation passed the House.

But when the bill reached the Senate, it hit a snag. Although the House had reviewed the bill thoroughly and conducted thousands of hearings, industry sympathizers felt they had not had their day in court.

While Udall claimed that 70 percent of Alaska's mineral wealth lay outside his proposed parks, as well as 95.5 percent of the favorable oil and gas deposits and all of the coal, developers saw the statistics differently. They contended that while most of the deposits were outside boundaries, they felt the best ones were inside. Worse, they said, Udall's estimates were based only on known deposits—and Alaska has not yet been fully explored.

Udall, of course, had an answer for these objections: "If you want a final resource analysis," he said, "drill up the whole state. We didn't know everything there was to know about the Grand Canyon, either, but we knew enough to be justified in setting it aside." Seiberling, for his part, felt that the problem had little to do with whether most resources were outside proposed parks. "The problem," he said, "is that developers don't want 95 percent of the resources; they want them all. The selfishness of the industries involved in this issue would blow your mind."

Andrus also argued against the industry lobby. To those developers who claimed that preservation would devastate Alaska's economy, he pointed out that southeast Alaska's biggest employer, the fishing industry, would stand only to benefit if streams and spawning beds were protected; and he



Boomtown triumvirate—Alaska's Representative Don Young, Senators Mike Gravel and Ted Stevens

Stevens has pledged that if an environmental bill passes, he will in the future use his Senate vote for revenge. 'I don't get mad any more,' he says; 'I get even.'

emphasized that Alaska's tourism—which is expected to burgeon if a bill passes—brought in \$150 million just last year. And as for the industry claim that an area the size of California was being "locked up" in parks, Andrus pointed out that the land left open to exploitation would be *twice* the size of California. Finally, Andrus stressed, preserves could be opened for exploitation in the future if the need arises.

But the bill's opponents found postponed extraction almost as objectionable as no extraction. Said Alaskan Congressman Don Young: "What will happen if there's a war or a world shortage of resources? They'll go in and tear up the wilderness for copper and bauxite. There will be no controls and they will destroy the fish and pollute the air. A bill like H.R. 39 could be the worst environmental bill in history."

Environmentalists, however, were not worried by Young's dire predictions; nor, for that matter, was the administration—which, represented by Interior Secretary Andrus, had submitted a lands proposal that was very much in the conservationist spirit of H.R. 39. Nevertheless, in the end, the string of haphazard events that surrounded the bill's Senate stay led to a far different conclusion than Udall, Seiberling, or Andrus had hoped for. First, Alaskan Senator Mike Gravel threatened to filibuster any Alaskan lands bill that was brought to the Senate floor. He even arrived at the Senate one day prepared to read the entire two-volume biography of Gerald Ford, boasting to the press that he could "bring the Senate to its knees on the subject." He did not attend any of the subcommittee meetings at which the Senate bill was drafted. Despite the antipathy of some Senators and heckling in the press (which has been a thorn in his side ever since he nominated himself for Vice President in 1972 and, on another occasion, proposed that a domed metropolis be built at the base of Mt. McKinley), he stood firm on his filibuster plan. "Where the survival of the state of Alaska is at stake, I feel morally justified." His popularity in Alaska soared.

Alaska's Republican Senator, Ted Stevens—the minority whip, who was recently critically injured in a plane crash—did push the bill along, despite the fact that he considered H.R. 39 "an abortion" and Congressman John Seiberling a "dilettante." He readily admitted that his eagerness to pass a

bill stemmed only from the fact that Andrus had publicly warned that the administration would declare the land as monuments if Congress failed to meet its December deadline. Stevens thus attended virtually every meeting of the Senate Interior Committee, although some observers say that his bickering did more to delay the bill than to push it forward. Editorialists went so far as to say that the great conservation record of Senator Henry Jackson, who chaired the committee, was in danger of being shattered, so amenable was he to Stevens's suggestions. The bill that finally was reported was considered, by some, to be a chaotic mess of land divisions. Seiberling described the Senate plan as "unacceptable." Andrus called it "less than desirable." No compromise was made, and the bill was never brought to a vote.

The lands proposal did not evaporate in total ignominy, however. The President, as Andrus had urged him, declared some 56 million acres as national monuments—which gives them virtually the same protection as parks. And Andrus has used his own power to set an additional 50 million acres aside for three years, making them ineligible for state, native, and mining claims. Both actions are revocable by Congress—which is exactly what Andrus had intended: "I am not superimposing my personal beliefs over Congress. But on December 18, the land would have been unprotected, and I wasn't going to let the rape, ruin, and run boys exploit it before Congress could act again."

However temporary these designations may be, they do not suit the state. Alaskan Congressman Young insisted—in a flood of angry comments about "bearded backpackers" and environmental "zee-lotts"—that the state was being subjected to colonial rule from Washington. "We'll do something," he said. "We'll get rid of the Secretary of the Interior in two years." Gravel called the executive declaration an "abuse of power" by which he is "horrified." And while Stevens at least prefers the President's action to a bill as strong as H.R. 39—he says he can undo what the President does, but not what Congress legislates—he promised that if an environmental bill ever does pass, he would use his Senate vote as a mechanism for revenge. "I don't get mad anymore," he said; "I get even. The rest of the country would never get over it."

NEITHER UDALL nor Seiberling is worried about the Alaska delegation's accusations or their tactical plans for the coming years. Both hope to reintroduce a proposal this session. "There is a feeling in Alaska," Udall reflected recently, "that they can dance around a bonfire refusing to accept any land conservation proposal and the whole thing will go away. But every major land bill of this

kind has taken more than one Congress. I worked my tail off for eight years on the strip-mining bill; so be it with this one.

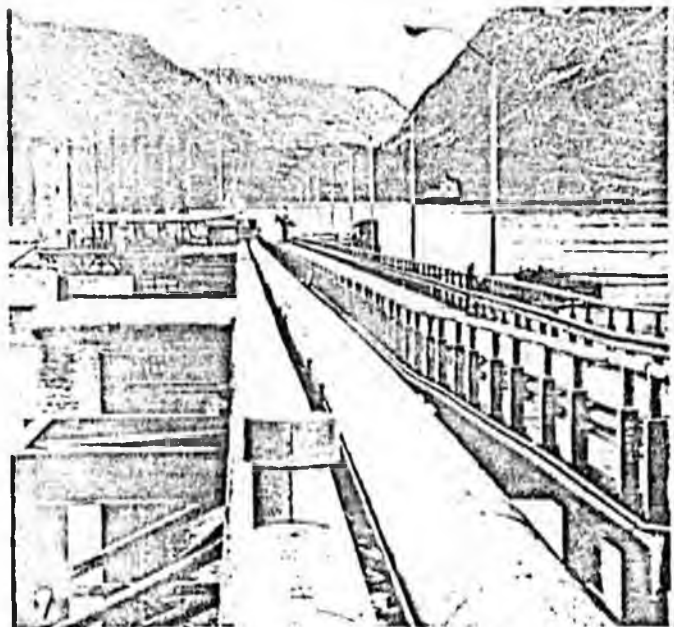
"And I want tickets to next year's filibuster," he concluded serenely. "Because it's going to have to last 20 months. We'll see if Senator Gravel can succeed in tying up the Senate that long for his selfish reason."

HOWEVER HEATED the debates, the issue looks a bit cut-and-dried in the colorless corridors of Washington. Maps, statistical graphs, and postcard-pretty photos lie piled on desk tops, and it seems that one need only look at the figures objectively to make a cold but rational decision. While bureaucrats draw their boundaries across government maps, the concept of sacrificing profits to preserve birds, glaciers, and caribou seems like silly sentimentality.

But it isn't that way at all when viewed from the heights of a mountain in Alaska, where the wilderness stretches out before you to eternity. The most frustrating experience in a visit to Alaska, in fact, is the difficulty one has absorbing its magnificence. The land is more than primitive; it is primordial, one of the last corners of earth that remains the way it was in the days before man was even created. Every time the eye moves it comes upon another spectacle. The pageantry of the landscape, brilliantly colorful in the clear air—the awesomeness of the distances and heights—are so overwhelming that one has the desperate impulse to wear blinders so that the beauties can be appreciated one by one.

Which of these panoramas have created the deadlocks in land decisions? One of the areas most bitterly disputed is the Arctic National Wildlife range. About 60 miles east of Prudhoe Bay, the area overlies the eastward extension of the geologic structure now producing the prodigious amounts of North Slope oil. Energy czar James Schlesinger's staff claims that the area is one of the largest potential onshore petroleum fields in America.

But this range is also the winter home of the great, galloping Porcupine caribou herd. Each year 120,000 of these magnificent beasts migrate between the Arctic Wildlife range and its extension in Canada—a distance equivalent to a round trip between Washington, D.C. and Chicago—requiring millions of acres for feeding on the tundra's sparse vegetation. The Canadians, hopeful that Americans would share in the responsibility of guarding the herd, have already prohibited a gas pipeline across their share of the grounds, knowing that



The Alaska pipeline—With construction came theft, larceny, prostitution.

some 250,000 animals in the only other arctic herd have died in the past seven years, a loss that some zoologists say was caused in part by the construction of the Alaskan pipeline.

The Tongass rain forest in southeast Alaska is another legislative battleground. The region erupts with dark mountains that loom from fjords whose silver waters serve as reflecting pools for the rugged terrain at their edges. One of the first areas settled by Caucasians, the land is dotted with historic remains of the early Indian cultures, the Russian period, and the Klondike gold rush. Environmentalists say these lands should not serve as an open pit for copper-miners who wish to extract a mineral that is already a drag on the market.

The Noatak River has posed another conflict. The river drains the largest undeveloped and unpolluted watershed in the nation; the United Nations has declared it an International Biome Reserve—a river qualified to give scientists the opportunity to study a water system that is entirely untouched by man. If one stream feeding into it becomes polluted, the reserve's worth to scientists disappears.

The remaining conflicts are too extensive to catalog here, but descriptions of the areas in question read like letters from Shangri-la. They include the Yukon Delta, which is the breeding ground for most of the swans, ducks, geese, and other waterfowl that eventually migrate throughout North America; the Wrangells, the most expansive stretch of glaciers in the nation; and the Gates of the Arctic, awesome, needlelike granite peaks that stand at the doorway to the Yukon.

But in the end, oil and minerals, caribou and eagles, mountains and glaciers and tundra are really not the most important considerations in the Alaska issue. More important is the effect the decision will have on the people involved—in Alaska and the nation, now and in the future.

How do Americans feel? Of the 2,000 individuals who testified on H.R. 39—a greater number of people than has testified on any legislation since the civil-rights bill of 1964—the overwhelming majority supported conservation of Alaska, with an intensity that, as John Seiberling described it, was stunningly philosophic, sometimes almost biblical.

But despite the fact that testifiers came from all age-groups and hundreds of occupations, many Alaskans dismiss the outcome of the hearings, due mostly to their conviction that anyone who would support conservation in Alaska must be a bearded berry-picker—that old hippies never died, they just faded into environmentalists.

One might think that Alaskans—the people who have actually seen the wilderness—would be the first to protect it from developers. Not so. While they appreciate the scenic beauties of the bush, many residents came to Alaska to share in the singular experience of building a state. Despite the low ratio of people to land—the population of the city of Buffalo, living in a state twice the size of Texas—most Alaskans live in towns. And the atmosphere in those towns is fiercely independent; they want to do things on their own—construct more roads, more rail, more buildings—conquer the wilderness. Anchorage is a displaced boomtown from the Old West, complete with saloons that still erupt with brawls.

Contributing to this frontier spirit is the fact that Alaskan towns must be self-sufficient; they are cut off not only from the rest of the nation but from each other as well. Only 3,062 miles of road have been paved in the entire state—17 percent of the paved mileage of Connecticut. Three-quarters of the post offices can be reached only by air. Teenagers don't ask to use the family car—they want the family bush-plane.

As a result of this isolation, a camaraderie has grown up among Alaskans, a "them against us" spirit reflected even in the everyday speech. The rest of the country is referred to as "the lower 48" or "the United States." A non-Alaskan—whether from Chicago or Tokyo—is an "outsider." When the

telephone company finally managed, in the not-so-distant past, to bypass operator assistance in calls from Alaska to the rest of the nation, newspaper ads read, "Now you can dial America direct." Alaskan humor, too, is touched by the same sort of independent spirit. A favorite Klondike prank entails covering hard moose droppings with gold paint, then sending the package off to outsiders as a gift of "gold nuggets."

As the prank suggests, Alaskans tend to think of outsiders as ignorant when it comes to the Alaskan lifestyle—and they resent what they consider to be an "uneducated" intrusion into their state. "We voted for statehood because we thought we'd get some rights and not be run out of Washington like we were a territory," says John Miscovich, a gold-miner at Flat who is planning a 25-square-mile open-pit mine with four major corporations. Miscovich adds that environmentalists he has spoken to are "sly foxes who can't be trusted"; and as for their precautions—well, if his claims were on federal ground, he'd have to be replanting his exploration sites "so some moose wouldn't trip over them." Walter Magnusen, another rough-hewn miner, who once found a single nugget worth \$400,000, claims, "There are already lands set aside for

Fairbanks now has the singular distinction of being the most polluted city in the United States.

birds. It's okay to draw those section lines as long as they show the birds where the boundaries are."

There are Alaskans, of course, who think differently. One poll, for example, revealed that 61 percent of the people questioned supported a "wilderness concept." Says gold-miner John Fullerton, "I don't think preservation of some lands would be so bad, but I hesitate to say anything. I'm always looking over my shoulder to see who is coming into the room." His comment underlined a remark Udall once made—"You're not part of Anchorage society if you support a preservationist bill."

That society is led, as well as recorded, by the *Anchorage Times*, the most widely read paper in the state. The *Times* is flamboyantly antipreservationist, and its editorial philosophy frequently slips off the opinion pages and into the headlines, a habit that may at least partially explain why many Alaskans are so misinformed about last year's legislation. John Seiberling, for example, describes a press conference arranged for him when he went to Anchorage to conduct hearings last year. The *Anchorage Times* reporter wasn't there, but afterward, he approached Seiberling, apologized for being late, and proceeded to ask the congressman if it were true that he wasn't interested in the opinion of Alaskans. Seiberling says he answered, "If all we were doing was taking a poll of Americans, 400,000 Alaskans wouldn't count for much next to the population of the rest of the nation. But it's obvious that we're interested in Alaskans by the very fact that I'm here in Anchorage to conduct hearings." The next day the *Times* headline read: *400,000 Alaskans Don't Count*.

If one wonders how Alaskans could be influenced by such distortions of fact, it is all the more puzzling to discover that the truth about the biggest development project yet to hit the state—the construction of the Alaskan pipeline—has been all but forgotten. That story may hold the key to the issues surrounding the great Alaskan lands lockup.

On September 10, 1969, Alaska opened bidding to North Slope oil land; by the end of the day the state had taken in nearly \$1 billion in cash. Construction of a pipeline started a few years later. Personal income in Alaska rose quickly by 20 percent; unemployment went down by 3 percent. The field is capable of

producing some 10,000 barrels of oil a day, compared to the average 11 barrels pumped by a well in the lower 48, and the oil is now gushing to West Coast buyers. It would appear that everyone has what he wanted.

But what happened to the state in the years of pipeline construction? In 1974, the year that pipeline work began—three years before any oil was piped—construction workers were responsible for 177 spills. Creeks were filled with mudslides. In one "incident," on a day when government environmental supervisors were off duty, pipeline workers rechanneled 2,300 feet of the Dietrich River to make room for a road. When the federal overseers returned, they were shocked to find a river that suddenly had an "appalling resemblance" to a ditch. "The new channel," their report read, "is straight and fishless; destruction is total and permanent." One supervisor added, "These guys are in a hurry. They have a lot more money than they do time."

INDUSTRY, HOWEVER, claims that it spent most of that money—millions of dollars—protecting, not destroying, the Alaskan environment. But no sum they could spend could change the pipeline's effects on the Alaskan people.

Shortly after construction was begun, 16,000 workers descended on a state that at the time was prepared to support only its 200,000 residents. Alaska was hit by the worst inflation in the nation. Auto theft, larceny, juvenile arrests, and prostitution soared. In Fairbanks, which served as headquarters for pipeline employees, 8,000 more vehicles were registered in 1974 than the year before; and concurrently, inhabitants' blood levels of toxic exhaust substances rose to nearly twice the amount the federal government says is safe. Today, ice fog—the frozen version of smog—is getting dangerously severe as pollution intensifies. Fairbanks, which now produces 10 times more pollution per capita than Los Angeles, has gained the singular distinction of being the most polluted city in the nation. All to exploit an oilfield that will be dry in 25 years.

The experience is a sobering one; and it is difficult to understand why so many Alaskans have already forgotten it. "Every Alaskan should be taken on a tour of Appalachia," says John Seiberling. "It still stands as the great symbol for what happens when an industry comes into an area, uses it, abuses it, then leaves it. Appalachia is the symbol of poverty. We don't want to repeat that error in Alaska."

Some Alaskans have accused preservationist congressmen of trying to pay for past environmental sins with Alaskan penance. It may not be a bad idea. "Suppose that a century ago," says Udall, "Abe Lincoln sent you West, that he said, 'Go, bring me 100 million acres to preserve.' What would you have picked? Jackson Hole? The Grand Tetons? All of Arizona? Before they burned the land, before they chopped the timber? What would you pick if you could turn the clock back, see the tall grasses blowing on the prairies in Kansas; see the Rockies looming; see the land the way God made it? If we save parts of Alaska, people can have that experience."

As Udall's vision and the pipeline debacle suggest, there are deeper questions at the heart of the Alaskan problem than how much land to develop and how much to preserve. First, what is progress? If it is a studied march toward a mechanized, profitable, but undesirable and uninhabitable world, some of us may wish to fall out of the parade. And even more important, to whom does Alaska belong? Is it the property of the people who live there? Is it the property of industries that pay taxes on the resources they withdraw? Is it the property of the state, of the nation? Or is it a property that belongs to the past and should be willed to the future? Perhaps the *Anchorage Times* headline wasn't all wrong. Perhaps 400,000 Alaskans don't count—not any more than the rest of us, not any more than the generations who will follow us. ©

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Now, I want to submit two thoughts in this regard. No. one, the—there is a need, this is a policy question, but it relates directly to the resource issue, there is a need to delineate the proper use or nonuse, noncommodity use, of the fish and wildlife resource from the use or nonuse of the mineral commodities. There is no present classification in the Congress that does that. What the administration and the Alaska Coalition have proposed is that the national preserve concept be used for essentially creating national parks with hunting, in other words, that a National Park Service area would be preserved in its natural state, with no commodity extracted uses other than existing rights, open to recreational as well as subsistence hunting.

Mr. HARVEY. That concept does exist and there are preserves now.

Mr. GORDON. But they're open to oil extraction. But the preserve concept, as it now is applied and as the House subcommittee wants to continue to apply it, it would say that in the preserve, you can mine and you can hunt. In the park, you can't mine and you can't hunt. What I'm suggesting, and this is the best illustration of it in the State of Alaska, you need to do a helluva lot more refined planning, and let me give the example. The Kantishna Hills area is a mineralized zone. One can debate on how important it is. If the tradeoff is to be made, I don't support this, that continued mineral entry is to be allowed in that area, OK. Let's set up that preserve, that particular segment of national preserve, to be open to continued mineral entry, but closed to all hunting, because the—practically the sole purpose for the northern extension is as one of the five major sanctuaries, major no hunting zones in the State. If you have the Kantishna Hills open to hunting, you defeat the whole purpose of adding it to the park.

The second concept, and here I am speaking for myself, not the Alaska Coalition, in the westernmost portion of this area, you have probably the best wildlife productive habitat, the best fur bearer population. It is near an area which is locally used for trapping and wildlife subsistence, but not legally subsistence hunting. I would argue—the Coalition disagrees, that in that immediate area, this is along the northwestern fringe, the area should stay in the park complex, it should be preserved. I don't think there's any disagreement about preserving that habitat. But in consideration of the local needs, I would suggest that that area, that fringe, I'm not talking about very many townships, be preserved, open to hunting, but closed to mineral entry. So I'm suggesting to you that the House has done an insane job of planning. If you're going to make the tradeoff, make the tradeoff to fit the need. Thank you.

Mr. HARVEY. Thank you. All right. We're going to adjourn until 2 o'clock.

[The committee reconvened at 2 p.m.]

Mr. HARVEY. The workshop will come to order. We were in the course of discussion of the wildlife values of the McKinley area. There's been considerable discussion. Does anyone have anything to add? Yes, sir?

Mr. TROYER. I'm Will Troyer, National Park Service. I am a wildlife biologist, and I mentioned that I had some maps of the movement of the McKinley caribou herd, which I have up there

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now, and I'd like to make a presentation of them, if I may. I think I'd probably better come forward to do that. OK. The information I'm presenting here today is based on the last 2 years of research study that we have done on the McKinley caribou herd. The McKinley caribou herd, of course, is one of the major herds in Alaska, and like a lot of the other herds in this area, has had a drastic decline. In the forties, we had 20,000 to 30,000 animals, depending on who you were speaking to, and we probably don't have over about 1,200 left today. But I'd like to, in general, kind of point out the general movement pattern of these animals as we know it today, where their major calving areas are and so forth. This particular map here is the major calving areas that were used in the last 2 years and usually the calving areas and the post calving aggregation areas are pretty traditional, and these have probably been in use for a good many years. The most important area is the so-called stampede area, which basically lies between the Toklat River and the Sushana River, and from the foothills out just past the Stampede Road.

The south side, what we call the Cantwell area, includes some of the mountains and lays out and includes the Dunkel Hills area over to the Cantwell Creek. Last year, we didn't detect any calving east of the west fork of the Chulitna River, but this year we did. That's why this little black area is added. Basically, what happens here, in about the first week in May, caribou move over these passes here, the ones that are going to calve in this area, and a portion of the herd calves here, the rest of them—some of them are already wintering in this area and calve in here and once they're through calving, by early June, then they also come through these passes and move—there's two major passes going from the Tetlanika over, some of these are almost 6,000 feet high, but they all—the cows and calves, after calving, concentrate in this area for a period of time. The ones that get over there and calve in the beginning there, from the first of May, and the rest get over there in early June and then they stay in this area until about July the 15th and move back out over the mountains then move out along the road and that's when you hear about the migrations that the tourists all look for.

And then what I have here is the July, August, September, and October uses of the area, and as you can see, the last 2 years, the basic—this year's pattern was basically the same as last year. They stay within the park boundaries here, and then both last year—and I should say that this—these movements are based on visual observation as well as radioed caribou. We had 16 radioed caribou, which allowed us to follow the herds on this, so I felt we got a pretty good information on the total herd, because our radios were distributed well within the total population. In November of both the last 2 years, they split right here at Wonder Lake. The herd concentrated here in October, early November. About two-thirds of the herd went over into this area in the north, along the north boundary, and last year they wintered primarily south of the Stampede Road in the Sushana Hills and so forth. This winter, this group is wintering primarily north of the Stampede Road, and I'm not sure what you call these hills in here, but in that hilly region in there. The ones to the west were again about a third of the

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population, both last year and this year are wintering in this area here. There's a small group that's wintering around Bearpaw Creek here in the Kantishna Hills.

Now, there has been some movement through these hills here, but it's primarily going from this area to that, although during the calving season, there were some in here. This is actually a small calving area. It's not near as important as these two. But I'd like to emphasize here that as far as the caribou population goes, these two areas are the critical areas. the calving areas and the postagregate calving concentration areas. I would be the first to point out that as far as their wintering ranges are, they won't necessarily continue to follow this. Historical information and past observation indicates sometimes—and like Clark Engle indicated this morning, they move out to the westward here and it's also been known that they've been going up as far as Minchumina Lake. We haven't detected that in the last year, none of our radioed caribou have been up there, but probably small groups have moved. I'm talking about the herd that's followed this pattern in the last few years. And also in talking about caribou populations, usually when a herd is large, then they expand their boundary uses and I would guess that then they would probably tend to more likely go out toward Minchumina Lake and so forth. When they're small, of course, their movements usually aren't quite as far. This area here, I suspect that when the herding is large, that's a very confined area, that possibly they may expand that and go further south. I don't know. We don't really have any records that indicate for sure that that's the case, because the Nelchina caribou herd is just across the way and there may be some intermixing in there, and there's no doubt about probably some intermixing out this way, too, amongst some other populations in the wintertime. But I wanted to emphasize these two areas on this.

Mr. BEVINERRO. What caused the decline of the caribou herds?

Mr. GORDON. I don't think anybody knows what caused the decline and I'd like to point out here, because I'm sure some of the hunter people are going to jump on me about that. I don't feel it was the hunting that caused this decline. I think it's a combination of natural factors. There's very little hunting pressure been on this herd, as near as we can tell. There is, as somebody pointed out, a little bit of hunting out here in the Kantishna Hills, but it's been minor, considering the total population of the herd and possibly up around Minchumina and out to the westward, but as near as we can tell, hunting wasn't a big factor in this decline. Caribou populations, as a whole, do fluctuate somewhat over a long period of time and some biologists try to—and people say, well, it's wolves, it's range, it's migration from one herd to the other and it's—you know, various factors I believe it's a combination of factors and we don't understand the entire reasons behind these declines at the present time. So I'm not blaming it on the hunting. That's about the only thing I have to say on the caribou, unless somebody else has some questions on it.

Mr. HARVEY. Thank you very much. Does anyone else have any comments on the wildlife? Yes, sir?

Mr. BISHOP. I'd like to use the board, if I may, also.

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be considered also. I think that although this may seem periferal to wildlife management, there should be a general curtailment of mining within the north extension. Otherwise, I think this will tend to have a great effect on wildlife habitat and on what could happen to the integrity of the wildlife habitat, as well as the scenic habitat that we've already discussed. And that's really all I have to say right now. Thank you.

Mr. HARVEY. Thank you. Any other comments? All right.

Mr. ANTHONY. Someone from State Fish and Game?

Mr. BISHOP. Yes.

Mr. ANTHONY. How many caribou were killed in the Kantishna area this past year?

Mr. BISHOP. This past season, I don't have the figures for. Last year, I believe it was about five or so.

Mr. ANTHONY. The year before?

Mr. BISHOP. Oh, I don't recall, but—

Mr. ANTHONY. Last year it was low?

Mr. BISHOP. I'm speaking of—let's see, last year was '76.

Mr. ANTHONY. So it was the year before?

Mr. BISHOP. It was five the year before that.

Mr. ANTHONY. 1975?

Mr. BISHOP. That is the last year it was open, yes. I don't have anything to show when it was closed.

Mr. BISHOP. Mr name is Dick Bishop. I'm with the Department of Fish and Game in Fairbanks. The north extension of McKinley Park falls in Region Three of our administrative regions for the Department of Fish and Game and my position is Regional Supervisor for that region. Some comments I'll make will be based on the information that the Department has, my own experience living a couple of years at Lake Minchumina, and the results of a subsistence use study sponsored by the Parks Service and done by the University of Alaska, on which I worked in this area last year.

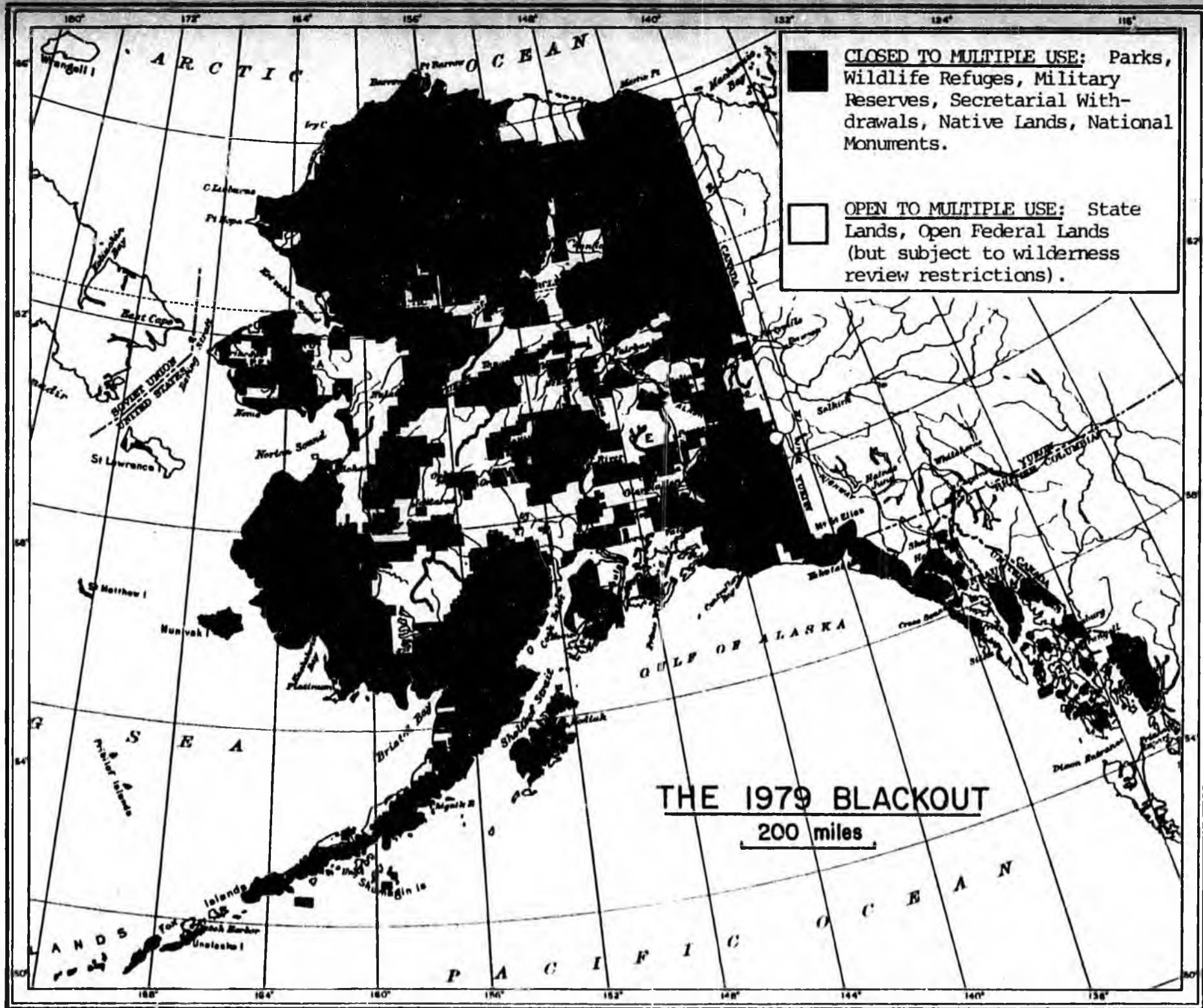
I'd like to add a little historical perspective, because I think it's important in the consideration of the wildlife and its habitat here, and that is that there's archeological and anthropological evidence that people existed in this area for thousands of years prior to the advent of white use. There have been people in this area for roughly 70 years, that is, white people, and there have been residents in the Minchumina area and various other localities here, principally in relation to gold seeking, since the early 1900's. At Minchumina, the first permanent settler was about 1914, and there have been people there permanently and in varying numbers since that time. By and large, the Native population has shifted from there, due to various reasons which I don't fully understand, but they include migration and disease. So it's principally, at this time, a white settlement.

To the west lies Telida, 14 miles off this map, and as you can see from these lines here, they do use this area and have in the past. Most of these lines represent trapline trails and they have existed for various lengths of time. Many of them since around 1914. The bulk of them were developed in the 1920's when trapping, as an accessory to, in some such cases in place of prospecting, was very active. Many of these same lines have been used until the present time, but by a succession of people.

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ARCTIC OCEAN

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180° 164° 148° 132° 116°

Kantishna Miners Association

President: JIMMIE DALE
Secretary Treasurer: JOHN McCLAIN
2605 East 50th, No. 1 • Anchorage, Alaska 99507
907-349-4219

We Kantishna Miners come to you with heavy hearts, for we have pondered long before coming to you and requesting that you help us to obtain a grand jury investigation of the deeds and actions of the U.S. Secretary of Interior and his agents. This is not a proud day in our lives, but it is a solemn and profound duty born from an injustice which threatens to make law breakers out of honest citizens.

All our lives we have tried to comply with the maximum intent of the law but when laws have been distorted by people in high office until the intent is clearly to deny us the rights of citizenship it is time to ask who should be charged the victims or the victimizers.

Most of you are aware that the U.S. Secretary of Interior publicly stated late last fall that in mid-winter the bulldozers in Alaska would be destroying national treasures. You all know it wasn't true. The Secretary of Interior proceeded to issue "Alternative Administrative actions for Alaska National Interest Lands." We requested a copy of the draft environmental impact statement and were informed that the entire statement consisted of 20 odd volumes which could not be furnished. Instead we were given a copy of the draft environmental supplement, a totally inadequate document. It did not address the issues of environmental impact upon the people and lands involved.

In a letter to the Sec. we begged the Sec. to address the issue of our livelihoods and investments. The effects upon our traditional lifestyles, our families, our moral values and living standards. Our registered letter was never answered.

On Dec. 1st 1978 upon the recommendation of Sec. Andrus President Carter invoked Public Order No.209, The Alaska Antiquities Preservation Act. This act as you know created 56 Million acres of 10 new national parks and monuments, including Denali National Monument which enveloped the Kantishna Mining District. Seven days later the Sec. of Interior issued 4310-70-M Title 36 The Minerals Management Comprehensive on Dec. 8, 1978. Copies of these regulations were not available in Alaska to miners until after they were promulgated. These regulations place so many obstacles in the way of mining and access that no Kantishna miner with valid existing rights can comply. With total disregard for valid existing rights the Sec. proceeded to deny miners access to these claims by requiring an approved plan of operations as a pre-request for access. This was done with total disregard for valid existing property rights and valid existing access. It even includes fee simple land inside or outside the monument.

The approved plan of operation requires thousands of dollars in additional expense for surveys studies of social economic and environmental impacts and other items.

Even if we could afford the cost they then require an expensive bond for us to mine on our own property. The blank bond is 200,000. I'm just a small miner I have four kids and I owe on more than 100 thousand dollars worth of equipment. I need to prepare for the mining season right now and I need to start mining as early in May as I can.

If the Park Service doesn't allow me to earn my livelihood I'm going to try to go to my ground and they could either fine me or arrest me. I want you to send House Joint Resolution No. 22 to the Grand Jury as soon as possible and let them decide if I should be arrested or Cecil Andrus indicted.

Kantishna Miners Association

President: JIMMIE DALE
Secretary Treasurer: JOHN McCLAIN
2605 East 50th, No. 1 • Anchorage, Alaska 99507
907-349-4219

November 11, 1978

The Honorable Cecil Andrus
U.S. Secretary of Interior
Washington D.C. 20510

Dear Mr. Secretary:

We wish to enter the following statements and objections to the record of your draft environmental impact statements concerning alternative administrative actions proposed for your so-called "Alaska National Interest Lands".

1. In 1971 the congress suggested that other congress' decide the fate of Alaska lands withdrawn under section 17 D-2 of the Alaska Native Lands Claims Settlement Act. Congress in it's wisdom has not acted before expiration of the withdrawal deadline and has not acted to extend it.
2. The U.S. Department of the Interior, acting in collusion with various environmental groups, has falsely created the impression that most of the wilderness lands in 17 D-2 classification will suddenly lose their wilderness values if the Secretary of Interior does not place most of these lands in national monuments.
3. In truth, the 17 D-2 lands will automatically revert to a withdrawn 17 D-1 status and they will not be open under the few remaining land location laws of the U.S. (The government and the U.S. Department of Interior in particular has systematically socialized and collectivized the land location laws and suspended the rights of U.S. citizens to acquire land in Alaska.)
4. I appeared in person at your Anchorage office and requested a complete copy of your draft environmental impact statement. I was informed that the total statement consists of 28 volumes and they could not be furnished. I was given a copy of the draft environmental supplement instead. This is inadequate for a full and proper study and response by the Kantishna Miners Association.
5. The deadline for public comment concerning the draft environmental impact statement is November 20, 1978. This does not allow sufficient time for proper consideration and comment. The period should not only be extended but the Dept. of Interior should make an honest effort to hold public meetings, for citizens comments, in all the principal and affected Alaskan communities since the impact of your proposed actions would be statewide and serious.
6. The mineral assessment listed in the draft environmental supplement under "Cumulative Impacts of Alternative Actions-111-28 is totally inadequate and does not address the issue of environmental impact upon the people and lands involved.
7. The Kantishna Miners Association and individual miners have not been approached by the Dept. of Interior or it's agents concerning the economic impact of these drastic actions upon us. For example, a monument status will force the immediate closure of all our mines and suspension of our mining efforts. We will lose our livelihoods and our investments. We must insist upon intelligent and detailed study of these matters.

Kantishna Miners Association

President: JIMMIE DALE

Secretary Treasurer: JOHN McCLAIN

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907-349-4219

8. The effect of some of these proposals upon our traditional life styles, our families, our moral values and our living standards has not been addressed.

9. Figure 17, Appendix A of the draft environmental supplement, which outlines the Denali study area, claims to show areas geologically favorable for occurrence of mineral deposits. It is very small scale, lacks detail, does not address or classify properties and is of little or no value from evaluation.

10. The environmental statement fails to address the cost benefit ratio of the various alternate government proposals pertaining to the Kantishna or any other of the areas. Just how much are these schemes going to cost the taxpayers and just how much and what types of mineral production will be denied to the U.S. economy as a result of the various actions. (I suspect that within a matter of a few years this action could cost the U.S. taxpayer hundreds of millions of dollars in unnecessary expenditures while at the same time denying billions of dollars worth of needed raw materials to the U.S. economy.

11. We request, under the freedom of information act, a complete copy of the environmental impact statement and all data concerning the Kantishna mining district. We also request a suitable period of time to list other civil, economic and environmental rights which we might be denied from these proposed courses of action by you.

May I hear from you soon?

Sincerely,

Jimmie Dale, President

c.c. Senators Stevens & Gravel
Alaska Miners Association
Anchorage Times

HJR

54

THIS [] BILL [] RESOLUTION [] CITATION

has been prepared by the staff of the Legislative Affairs Agency in response to the request and at the direction of the sponsoring member or committee. The staff has attempted to place the document in proper legal and clerical form, subject to any special limitations or instructions of the requestor.

If we may be of further assistance in this matter, please contact the Director of Legal Services or the Director of Research Services, as appropriate.

Delivered to requestor 1-28-80

LA-L 40

Arch Times Feb 5 -
AF Oct 1 - 2500
AF Oct 1, 1981 - 3500
Navy Now - 1300 (below commended)
3 yrs ago 62% retention
2 " " 31%
projected this year 28%
AF capt 6 yrs svc ca 22 000

(Charlie's copy)

*Look over for
LA 1pm 2/2/80*

Introduced: 1/17/80
Referred: Judiciary

1 IN THE HOUSE

BY PARR AND METCALFE

2 HOUSE JOINT RESOLUTION NO. 54

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 Relating to the ratification of the
6 Strategic Arms Limitation Treaty.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS the United States desires peace among nations and a reduction in
9 the arms burden; and

10 WHEREAS, as a concrete step toward the goal of peace, the United States
11 has negotiated a Strategic Arms Limitation Treaty with the Soviet Union; and

12 WHEREAS this treaty is presently before the United States Senate for
13 ratification; and

14 WHEREAS, since negotiation of the treaty, the Soviet Union has invaded
15 and effectively taken control of Afghanistan; and

16 WHEREAS this invasion shows that there can be no reliance on the good
17 faith of the Soviet Union and little faith that it would live up to the Stra-
18 tegic Arms Limitation Treaty;

19 BE IT RESOLVED by the Alaska State Legislature that the United States
20 Senate is urged not to ~~ratify the treaty~~ *consider ratification of the treaty at this time;* and be it

21 FURTHER RESOLVED that Congress is urged to take all necessary steps to
22 increase the military, economic, and political strength of the United States.

23 COPIES of this resolution shall be sent to the Honorable Jimmy Carter,
24 President of the United States and to each member of the United States
25 Congress.

HJR

56



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

February 29, 1980

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch Y, State Capitol
Juneau, Alaska 99811

Dear Mr. Speaker:

It is the intent of the House Judiciary Committee in recommending passage of HJR 56 that at least once every four years the Legislature will have the opportunity to confirm or deny confirmation to each head of a principal department.

If the Governor does not finish a four-year term, his appointees who are retained when the Lieutenant Governor succeeds would be subject to confirmation at the end of the four-year period. New commissioners appointed by the Lieutenant Governor who succeeds him would be subject to confirmation upon appointment, and if reappointed at the end of that same four-year term, would be again subject to confirmation.

In brief, each head of a principal department would be subject to confirmation upon his initial appointment and upon completion of the four-year term if the incumbent Governor wishes to reappoint him.

Sincerely,

Charles H. Parr
Chairman

CHP:vc

1 IN THE HOUSE

BY MALONE AND MOSS

2 HOUSE JOINT RESOLUTION NO. 56
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 ELEVENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Consti-
6 tution of the State of Alaska relat-
7 ing to confirmation of heads of
8 principal departments.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. Article III, sec. 25, Constitution of the State of Alaska is
11 amended to read:

12 SECTION 25. The head of each principal department shall be a
13 single executive unless otherwise provided by law. He shall be ap-
14 pointed by the governor, subject to confirmation by a majority of the
15 members of the legislature in joint session, and shall serve at the
16 pleasure of the governor, except as otherwise provided in this article
17 with respect to the lieutenant governor. Each head of a principal de-
18 partment is removed from office at the expiration of the term of the
19 governor in office at the time of his appointment. He may be reap-
20 pointed, but a reappointment is subject to confirmation by a majority
21 of the members of the legislature in joint session. The heads of all
22 principal departments shall be citizens of the United States.

23 * Sec. 2. The amendment proposed by this resolution shall be placed
24 before the voters of the state at the next general election in conformity
25 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election
26 laws of the state.

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1 limited duration, or otherwise, and includes the duty to pay arrearages
2 of support past due and unpaid;
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in joint session, these orders become effective at a date thereafter to be designated by the governor.

Supervision

SECTION 24. Each principal department shall be under the supervision of the governor.

Department
Heads

SECTION 25. The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the lieutenant governor. The heads of all principal departments shall be citizens of the United States.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Boards and
Commissions

SECTION 26. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

Recess
Appointments

SECTION 27. The governor may make appointments to fill vacancies occurring during a recess of the legislature, in offices requiring confirmation by the legislature. The duration of such appointments shall be prescribed by law.

ARTICLE IV

THE JUDICIARY

Judicial
Power and
Jurisdiction

SECTION 1. The judicial power of the State is vested in a supreme court, a superior court and the courts established by the legislature. The jurisdic-

tion of courts shall be prescribed by law. The courts shall constitute a unified judicial system for operation and administration. Judicial districts shall be established by law.

Supreme
Court

SECTION 2. (a) The supreme court shall be the highest court of the State, with final appellate jurisdiction. It shall consist of three justices, one of whom is chief justice. The number of justices may be increased by law upon the request of the supreme court.

(b) The chief justice shall be selected from among the justices of the supreme court by a majority vote of the justices. His term of office as chief justice is three years. A justice may serve more than one term as chief justice but he may not serve consecutive terms in that office.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. Subsection (b) was added.)

Superior
Court

SECTION 3. The superior court shall be the trial court of general jurisdiction and shall consist of five judges. The number of judges may be changed by law.

Qualifications
of Justices
and Judges

SECTION 4. Supreme court justices and superior court judges shall be citizens of the United States and of the State, licensed to practice law in the State, and possessing any additional qualifications prescribed by law. Judges of other courts shall be selected in a manner, for terms, and with qualifications prescribed by law.

Nomination
and
Appointment

SECTION 5. The governor shall fill any vacancy in an office of supreme court justice or superior court judge by appointing one of two or more persons nominated by the judicial council.

Approval or
Rejection

SECTION 6. Each supreme court justice and superior court judge shall, in the manner provided by law, be subject to approval or rejection on a nonpartisan ballot at the first general election held