

ALASKA LEGISLATURE COMMITTEES 1983-1984

3073 • SSA SJR 31 - H B 1 (FILE 1) 8672

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

Notice of Issuance of Permit

On March 17, 1983, Notice was published in the FEDERAL REGISTER (48 FR 11310) that an application had been filed with the National Marine Fisheries Service by Sea World, Inc., 1720 South Shores Road, San Diego, California 92109 for a Public Display/Scientific Research permit under the Marine Mammal Protection Act of 1972 to take killer whales. Sea World requested to take a total of up to 100 killer whales over a 5-year period in order to study the biology, reproduction, and population dynamics of this species. Up to 10 animals were requested to be permanently maintained for public display and captive breeding, and up to 90 were requested to be captured, some maintained up to three weeks, studied, sampled, marked and/or tagged and released. Up to 10 of these animals were requested to be radio tagged and tracked. Also, Sea World requested to recapture and reexamine some animals. These activities were requested to be conducted in the waters off Alaska and California.

The public comment period originally closed April 16, 1983, and was subsequently extended until August 26, 1983 (48 FR 16934, 22976, and 32376.) A public hearing was held on August 16 and 17 in Seattle, Washington, and the hearing record remained open until August 26, 1983. All comments and documents postmarked by that date were evaluated and considered in the final decision.

Permit authorizing capture

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

Permit to Take Marine Mammals Permit No. 439

Sea World, Inc., 1720 South Shores Road, Mission Bay, San Diego, California 92109, is hereby authorized to take the marine mammals specified below for the purposes of public display and scientific research as described in the Permit Holder's application and subject to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) and the conditions hereinafter set out.

A. Number and Kind of Marine Mammals

1. Up to ten (10) killer whales (Orcinus orca), not less than 11.5 feet in length, of either sex may be taken and maintained in captivity. None of these animals shall be pregnant, nursing or unweaned. No more than two percent of the minimum population estimate for an area may be taken from that area over a two-year period. Furthermore, no more than two (2) animals may be removed from any distinct pod and no more than 1/2 of any sex/age class (immature, mature) may be removed from any distinct pod during a five-year period.
2. Up to ninety (90) killer whales (Orcinus orca) may be taken by capture and release. Animals encircled by net in the course of any authorized activity shall be considered as captured. Except for pregnant, nursing, or unweaned individuals, the following activities may be conducted on animals encircled, subject to the applicable conditions in Section B.
 - a. Up to 90 animals may be restrained, measured, photographed, and have blood samples, blowhole swabs and vaginal swabs taken.
 - b. Up to 90 that are not readily identifiable with natural markings, may be cryogenically marked.
 - c. Up to 20 may be spaghetti or streamer tagged.
 - d. Up to 10 may be radio tagged and tracked.
 - e. Up to 20 may have expired air samples taken.
 - f. Up to 20 may receive hearing tests.

- g. Up to 20 may be stomach lavaged.
- h. Up to 20 may have one tooth extracted.
- i. Up to 20 may have one liver biopsy taken.
- j. Up to 40 may be transported and temporarily held up to 3 weeks prior to release. All others shall be released as soon as possible at the capture site.

3. Animals previously captured under Section A-2 may be recaptured up to 2 times but not more than once in any calendar year. Previously studied animals may be restrained, measured, photographed, blood sampled, remarked if necessary, and have the radio pack removed or changed if necessary. All recaptured animals shall be released as soon as possible at the capture site.

B. Special Conditions

1. The animals shall be taken by the means, in the areas, and for the purposes set forth in the application unless otherwise specified in this Permit.
2. Not more than 30 animals under A-2 and A-3 may be taken per year in the Alaska areas. However, authorization from the Assistant Administrator for Fisheries is required prior to conducting any capture activities in any area. The Permit Holder shall conduct an initial survey of local abundance and shall submit a report which includes the number of animals, number of groups or pods, size of groups or pods and distribution of animals observed.
3. Not more than 4 animals under A-2 and A-3 may be taken per year in the California area. However, no animals shall be taken in California until authorized by the Assistant Administrator for Fisheries. Any request for authorization to conduct capture activities in California shall include a detailed report of at least one year's activities in Alaska, a detailed list of activities and numbers of animals proposed for California, and additional information on the population.
4. None of the animals authorized to be taken under Section A-2 shall be temporarily held beyond the time required for on-board research or beyond the time associated animals remain in the area, or transported to temporary holding facilities until authorized by the Assistant Administrator for Fisheries.
 - a. Provided the Permit Holder submits a satisfactory study design to determine whether the animals will rejoin a killer whale group or pod upon release, an initial authorization will be given by the Assistant Administrator for Fisheries, in consultation with the Marine Mammal Commission, to temporarily hold animals.

- b. Authorization to allow further temporary holdings will be based on the results of the present study, and the holding time will be limited to the maximum time experimental animals were held and known to rejoin a killer whale group or pod.
5. No liver biopsies, stomach lavage, tooth extractions, hearing tests or respiratory studies shall be conducted under Section A-2 until authorized by the Assistant Administrator for Fisheries, in consultation with the Marine Mammal Commission.
 6. In the event of the mortality of any animal in the field, all further capture activities shall be suspended, and a detailed report shall be submitted which includes the events surrounding the incident, necropsy results, and steps that will be taken to avoid similar problems in the future. Any animal that dies shall be considered taken under A-1 of this Permit. Authorization from the Assistant Administrator for Fisheries is required prior to resuming capture activities.
 7. Within 60 days of any capture activities, a detailed report shall be submitted which includes the dates and location of taking, numbers of animals and pods observed, composition of pods, numbers of animals encircled, numbers captured, disposition of animals captured (immediate release, held temporarily, permanently held for captivity), activities conducted on each animal, effects of the activities on the animals and any problems which may have arisen in connection with the activities.
 8. By December 31 of each year the permit is valid, an annual report shall be submitted which includes a summary of activities conducted, the results of survey and monitoring efforts designed to provide information on the population and the effects of the activities on the animals taken, and a general plan of activities to be conducted in the following year. Authorization from the Assistant Administrator for Fisheries, in consultation with the Marine Mammal Commission, is required each subsequent year to continue activities.
 9. Within 90 days of completion of the research, a final report shall be submitted which includes a summary of the results of the research.
 10. The Permit Holder shall notify the Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 98802 (telephone 907-586-7221) or the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731 (telephone 213-548-2575), as appropriate, prior to conducting any field activities in order to determine the specific dates and locations of activities and if a NMFS observer is required. The Permit Holder shall consult with the Regional Director sufficiently in advance to allow for such a determination.
 11. Upon the request of the Assistant Administrator for Fisheries, the Permit Holder shall make available for study a copy of all film taken in conjunction with the authorized activities.

12. The Department of Agriculture's regulations and standards, "Marine Mammals; Humane Handling, Care, Treatment, and Transportation," shall apply and are made a part of this Permit.
 13. This Permit is valid with respect to the taking authorized herein until December 31, 1983.
- D. All General Conditions attached as Section C shall apply and are made a part hereof, except that Section C-2g, h and i are specifically waived.



William G. Gordon
Assistant Administrator for Fisheries
National Marine Fisheries Service

NOV 01 1983

Date

Notice is hereby given that on NOV 01 1983, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit to Sea World, Inc., subject to certain conditions set forth therein. The Permit establishes restrictions on the number and locations of animals which may be removed from the wild each year, and requires a preliminary survey of each area prior to the collection of animals. The Permit does not authorize any extended temporary removal, capture activities in California waters, or liver biopsy, stomach lavage, tooth extractions, hearing tests or respiratory studies at this time, but these activities may be authorized in the future based on additional information which may be submitted by Sea World. The Permit requires suspension of activities in the event of any mortality, and provides for annual review and required reauthorizations in order for the Permit Holder to continue activities each subsequent year.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731;

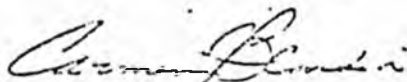
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802;

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450
Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northwest Region, 7600
Sand Point Way, N.E., BIN C15700, Seattle, Washington 98115.

The complete record, including the application, all supplemental information
and the hearing record, is available for review in the Office of Protected
Species and Habitat Conservation. For further information, contact the Office
of Protected Species and Habitat Conservation, National Marine Fisheries
Service, U.S. Department of Commerce, Washington, D.C. 20235 (telephone 202-
634-7529).



Carmen J. Blondin, Deputy Assistant Administrator
for Fisheries Resource Management
National Marine Fisheries Service

NOV 01 1983

Date.

January 16, 1984

Mr. Robert B. Brumsted, Chief
Permits and Documentation Division
U.S. Department of Commerce
NOAA/NMFS
Washington, DC 20235

Dear Mr. Brumsted:

In our departmental letter to you, dated July 6, 1983, regarding application P2M by Sea World, Inc., we stated our concurrence with the issuance of that permit by your agency. However, we requested that as a condition of the permit, "approval of the State of Alaska must be obtained prior to any effort by Sea World, Inc. to take killer whales in state waters, under the broader authority of a Federal permit."

We have reviewed Mr. William G. Gordon's November 1, 1983, letter and your agency's permit (#439) to Sea World, Inc., which authorizes the taking of killer whales in Alaska waters. We did not find a permit condition which requires the permittee to obtain approval from the State of Alaska prior to conducting activities in state waters. Therefore, I request the following actions be initiated by your agency:

- (1) provide the permittee (Sea World, Inc.) with a written supplemental permit condition which requires State of Alaska approval prior to any efforts being undertaken to capture killer whales in state waters;
- (2) require that an observer from the National Marine Fisheries Service and/or the State be present during all capture operations in state waters; and
- (3) establish a procedure whereby the State of Alaska will receive copies of all reports and pertinent

January 16, 1984 letter to Mr. Brumsted

Mr. Robert B. Brumsted

2

January 16, 1984

information compiled by Sea World, Inc., to include mortality reports, capture reports, summaries of research results, and annual reports.

At your earliest convenience, please advise as to your intentions to fulfill the above requests. Should you consider these conditions unnecessary, the State may decide to oppose the Sea World, Inc. program in state waters.

Sincerely,



Don W. Collinsworth
Commissioner

cc: William G. Gordon

bcc: Game Headquarters
John Burns
Rep. Mike Szymanski

DWC:WLP:M²:h

COMMITTEE REPORT

SENATE

FURTHER:

3/13/84

Date 3/22/84

Mr. President:

The Committee on STATE AFFAIRS considered SJR 31
capture of orcas in Alaska waters.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SJR 31 (SA)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

do pass
Chairman recommendation



Official Business

Alaska State Legislature

Senate Committee on State Affairs

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

MEMORANDUM

Date: March 20, 1984
To: Senate State Affairs Committee
From: Senator Vic Fischer
Re: Brief history of SJR31

In November 1983, the National Marine Fisheries Service issued a permit to Sea World, Inc. to capture up to 100 killer whales in Alaska waters for public display and research purposes. Subsequently, major concerns have been raised by Alaskans. Among them are:

- Issuing the permit presented a federal action that could result in a significant environmental impact on Alaska and its people.
- There had been no public hearings held in Alaska. The single hearing on the federal permit was held in Seattle, Washington.
- No one representing the state of Alaska was present during the Seattle hearing and since our citizens are, by and large, ignorant of the federal permitting process, they were unable to respond within the public comment period.
- The Alaska Department of Fish and Game had supported the permit under the condition that they be granted authority to monitor compliance with the permit and establish times and places for the captures. That request was ignored and by NMFS.
- The Alaska Native Brotherhood passed a resolution asking for a ban on the capture of killer whales for any purpose. The cultural and religious significance of killer whales to some Southeast Alaskan natives was not considered during the federal permitting process.
- The opportunity to view killer whales in the wild is a major tourist attraction in Alaska and tour boat operators, primarily in Prince William Sound, have testified that they fear the captures will reduce the overall population and drive the orcas away from areas where they have been viewed in the past.

SJR 31 was introduced by Senator Vic Fischer, along with eight co-sponsors, in order to address Alaska's interest in killer whales within state waters, the effects of the proposed captures on that population, and Alaska's marine ecology as a whole.

The proposed State Affairs Committee substitute before you asks that the state's request to monitor the captures be granted or, failing that, that NMFS withdraw the permit until public hearings are held in Alaska and an environmental impact statement is completed.

While Alaska's role in the permitted capture of marine mammals under federal control may be extremely limited, other states faced with a similar situation have been successful in banning captures within their three mile limit. Further, federal legislation is currently pending that would amend the marine mammal act to prohibit capturing for public display purposes in the future.

The wishes of the Alaska legislature as presented through this resolution, therefore, has significance on both a state and national level. Testimony received during two teleconferences on the House resolution (HJR58) and two hearings on SJR 31 was near unanimous in its opposition to any captures for any purpose. Every person or agency who offered testimony agreed that the state should have a lead role in monitoring compliance with the permit conditions, should the captures actually take place.

BACK-UP INFORMATION:

- * 1/18/84 letter from Ralph Monro, Secretary of the state of Washington, and a copy of Washington state resolution banning captures.
- * ANB resolution
- * HR4457 (federal legislation banning future captures)
- * Testimony from Greenpeace International
- * 1/9/84 letter from Sea World, Inc. to ADF&G outlining scope of proposed captures and research project.
- * NMFS permit authorizing captures in Alaska

/gb

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL

JUNEAU, ALASKA 99811

907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 21, 1984

SUBJECT: Use of joint resolution
(S.R. 31)

TO: Senator Vic Fischer

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

You have asked whether, in a fact situation in which a joint resolution was introduced addressing both state and federal agencies and it was later determined that the resolution be addressed to only state agencies may a committee substitute or sponsor substitute so amended continue to be a joint resolution.

In my opinion this would be permitted.

Resolutions are covered in Rule 49(a) of the Uniform Rules of the Alaska State Legislature. Under paragraph (3) it is stated that a concurrent resolution is used to request action of executive agencies and under (5) it is stated that a joint resolution is used to express the wish or view of the legislature. No specific provision is made for addressing both state and federal agencies.

The joint resolution is the more formal since it is treated in all respects as a bill except for the veto while a concurrent resolution does not require the full enactment procedure. In a mixed resolution it is necessary that a joint resolution be used since part of the material requires the more formal procedure.

If the resolution were amended so that it only is addressed to state agencies in my opinion the amendment would be proper and would not require that the resolution be converted to a concurrent resolution.

Senator Vic Fischer

Page 2

February 21, 1984

There are specific matters in which the use of a joint resolution or a concurrent resolution is mandated. In my opinion in the fact situation involved here use of a concurrent resolution is not mandated since compliance with the more formal procedure necessarily includes compliance with the less formal and the language of the rule which applies is quite general.

BGB:ojb

J3/116

SJR

36

SENATE STATE AFFAIRS COMMITTEE

Bill Number SJR 34 Title Residuals on State Date received _____

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

CONTACTS

CALLED LEX 4115184

Backup list

memo SJR 34

HEARING INFORMATION

NOTES:

Call
Dix.
I have
to have
something.

FINAL ACTION _____

COMMITTEE REPORT
SENATE

FURTHER:

JUDICIARY

2/6/84

Date

2/21/84

Mr. President

The Committee on STATE AFFAIRS considered SJR 36

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

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Kelly

W. J. ...

Teacher

Chairman

do pass

Chairman recommendation



Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V

Juneau, Alaska 99811

(907) 465-4954

Official Business

MEMORANDUM

TO: Senate State Affairs Committee

FROM: Senate State Affairs Committee Staff *87*

RE: SJR 36

DATE: February 21, 1984

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

Back-up information

--Letter from Senator Josephson's office



Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

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

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

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

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



Alaska State Legislature

Senate Committee on State Affairs

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

Official Business

MEMORANDUM

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LETTER FROM SENATOR JOSEPHSON

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 30, 1984

SUBJECT: Role of legislative standing committees in regulation oversight.

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

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

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

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

Sec. 44.62.190.

NOTICE OF PROPOSED ACTION.

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

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

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

Senator Vic Fischer
Page 2
January 30, 1984

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

Sec. 24.37.010.

Review of administrative regulations by standing committees of the legislature.

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

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

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

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

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

BGB:ojb
J3/017



Alaska State Legislature

Senate Committee on State Affairs

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

Official Business

SENATE STATE AFFAIRS COMMITTEE

MEETING SCHEDULE

February 21, Tuesday 3:00 pm

Butrovich Room
Capitol Building

- REPORT BACK ON SB 345

ARCHITECTS

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

① SB 415 Public Employees' Retirement System

(RAY)

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

④ DISCUSSION OF REGULATION REVIEW

February 23, Thursday 3:00 pm

Butrovich Room
Capitol Building

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

SB 452 Relating to public utility consumer representation

SCR 37 Sexual Assault and Abuse Awareness Month

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

2/21/84

TO: Senator Fischer

FROM: Suzanne

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

THE ANCHORAGE MEETING OPENED A CAN OF WORMS.

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

SJR

38

SENATE STATE AFFAIRS COMMITTEE

Date received _____

Bill Number _____ Title _____

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

CONTACTS

Backup list

Steve Kadish (Get Backup
from Vic.)
ICC, Free groups.

HEARING INFORMATION

NOTES:

FINAL ACTION _____ DATE _____

343 W 12th Ave
Anchorage, Alaska 99501
March 22, 1983

VF1
~~SK~~
~~GLB~~
ST

Senator Vic Fischer
Alaska State Senate
Juneau, Alaska 99804

for file

Dear Senator Fischer:

This letter is to support Senate
Joint Resolution No 38 - Relating
to a Nuclear Free Arctic.

I was unable to attend the
hearing in Anchorage; therefore
want to be on record by letter.

Altho a nuclear free Arctic
does not eliminate nuclear
weapons which are dispersed -
it is a back door method
to achieve this. If every
community - state - nation
used this method it
might eventually banish
nuclear weapons.

I am appalled that the government is not listening to the scientists. On December 8, 1984 there was held the Kennedy - Hatfield Joint American - Soviet Scientific Forum on Nuclear War in the Russell Senate Office Building. There was shown on Channel 7, Public Television in Anchorage, the Nuclear Winter was described. How many saw this program? The newspapers talk of Nuclear Winter but it doesn't mean anything until the details are known. The explosion of 5000 megatons of nuclear material would destroy the planet. Is no one listening?

The point is that if Russia detonated 5000 megaton weapons on the United States it would destroy Russia as well plus what innocent

Countries, in fact the planet.
Where is the moral leadership
to say "The U.S. will destroy
all its nuclear weapons"?

Perhaps you feel is a beginning,
and I appreciate it and
support it.

Incidentally Hayers April 1984
issue has fascinating articles on
the subject. Also the New Yorker
ran a series on how to deal
with the problem by Freeman
Dyson Feb 6, 13, 20, 27. Have you
had a chance to read them?

Perhaps the National Enquirer should
be encouraged to write an
article on the nuclear winter (or
one of the other well-read junky
newspapers). Maybe the public
would be aroused then.

Your bill is "one small step"
for humanity and it helps.

Sincerely yours
Orin Arne B. Buetz



Ukpeagvik Inupiat Corporation

March 26, 1984

Senator Vic Fischer
Alaska State Senate
Pouch V (MS 3100)
Juneau, Ak 99811

Dear Senator Fischer:

On behalf of the Board of Directors and the Shareholders of the Ukpeagvik Inupiat Corporation (UIC), we would like to commend you on taking the initiative of introducing the Senate Joint Resolution No. 38 in the Thirteenth Legislature of the State of Alaska. UIC represents approximately 54% of the North Slope Inupiat.

We believe that Senate Joint Resolution No. 38 is an extremely important piece of legislation which demands an objective positive review by the State Affairs and Resources Committees. The Ukpeagvik Inupiat Corporation Resolution 84-7, which is enclosed, affirms that position.

We would like to bring to your attention two recommended amendments to the Senate Resolution. They state:

That the Ukpeagvik Inupiat Corporation strongly recommends that Senate Joint Resolution No. 38 be amended to include language which would direct the Alaska State Legislature, the Governor and the Alaskan Congressional Delegation to promote and initiate substantive research on radionuclides and carcinogens in the Arctic environment, and

That the Ukpeagvik Inupiat Corporation strongly recommends that Senate Joint Resolution No. 38 be amended to include language which would direct the Alaska State Legislature, the Governor and the Alaskan Congressional Delegation to seek immediate federal funding for a cancer diagnostic and treatment center to be located on the Alaskan Arctic.

If you have any questions or would like to discuss this matter further, please do not hesitate to contact me at your convenience. This matter is of critical concern to the Ukpeagvik Inupiat Corporation, its Shareholders and all residents of the Arctic.

Thank you in advance for your time, consideration and assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "R.C. Marcharek".

R.C. MARCHAREK, PH.D
Director of Technical Assistance

Enclosure;

cc: Files

RCH/el



Ukpeagvik Inupiat Corporation

RESOLUTION 84-7

WHEREAS, Ukpeagvik Inupiat Corporation is the village corporation of Barrow, Alaska organized pursuant to § 8 of the Alaska Native Claims Settlement Act; and

WHEREAS, the shareholders of Ukpeagvik Inupiat Corporation (UIC) represent 54% of the North Slope Inupiat; and

WHEREAS, Article III of the Articles of Incorporation of UIC states the purposes for which this corporation is organized; and

WHEREAS, enumerated item number three (3) of Article III states as an organizational purpose: "To engage in all activities, whether economic, cultural, social, or charitable to protect and preserve the well-being of the Native residents of the Native Village of Barrow, and to engage in and conduct any and all lawful activity necessary or convenient in furtherance thereof"; and

WHEREAS, enumerated item number five (5) of Article III states as an organizational purpose: "To do all and everything necessary, suitable or proper for the accomplishment or attainment of any benefit or object herein set forth, including every act or thing necessary, incidental or pertinent to or growing out of or connected with the affairs of the Corporation"; and

WHEREAS, Alaska State Senators V. Fischer, Ferguson, Moss, Korttula and Josephson introduced Senate Joint Resolution No. 38 in the Thirteenth Legislature of the State of Alaska relating to a nuclear free arctic; and

WHEREAS, THE Ukpeagvik Inupiat Corporation Board of Directors at their regular monthly meeting discussed and analyzed at length the intent and content of Senate Joint Resolution No. 38; and

WHEREAS, an apparently inordinate proportion of Inupiat residents of the Arctic of all ages are being stricken with various forms of cancer; and

WHEREAS, there appears to be a correlation between the incidents of cancer and radioactive contamination of arctic and subarctic regions from previous use and testing of nuclear weapons; and

WHEREAS, the Utqiagvik Foundation, the non-profit adjunct of the Ukeagvik Inupiat Corporation has been independently pursuing preliminary investigations relating incidents of cancer among the Inupiat and any correlation to nuclear weapons testing,

BE IT RESOLVED, that the Ukeagvik Inupiat Corporation be on record as endorsing Senate Joint Resolution No. 38.

BE IT FURTHER RESOLVED, that the Ukeagvik Inupiat Corporation underscores and emphasizes the sixth preamble to the Senate Joint Resolution which states "WHEREAS the radioactive contamination of the arctic and subarctic regions from the previous use and testing of nuclear weapons has caused the permanent inhabitants of the arctic and subarctic to carry body-burdens of long-lived, biologically dangerous radionuclides in amounts in excess of all the world's people except for the victims in Hiroshima and Nagasaki during August 1945".

FURTHER RESOLVED, that the Ukeagvik Inupiat Corporation strongly recommends that Senate Joint Resolution No. 38 be amended to include language which would direct the Alaska State Legislature, the Governor and the Alaskan Congressional Delegation to promote and initiate substantive research on radionuclides and carcinogens in the Arctic environment.

FURTHER RESOLVED, that the Ukeagvik Inupiat Corporation strongly recommends that Senate Joint Resolution No. 38 be amended to include language which would direct the Alaska State Legislature, the Governor and the Alaskan Congressional Delegation to seek immediate federal funding for a cancer diagnostic and treatment center to be located on the Alaskan Arctic.

FURTHER RESOLVED, that the Ukeagvik Inupiat Corporation commends Senators Vic Fischer, Frank Ferguson, H. Pappy Moss, Jay Kerttula and Joe Josephson for taking the initiative of bringing this important matter before the Alaska Legislature.

FURTHER RESOLVED, that the Ukeagvik Inupiat Corporation requests the State Affairs and Resources Committees to take action in support of this legislation.

DATED this 14th day of March, 1984.

George W. Ahmaofuk, Sr.

President

ATTEST:

Wanda A. Johnson

Corporate Secretary



COMMITTEE REPORT
SENATE

FURTHER: RESOURCES

2/10/84

Date 3/22/84

Mr. President

The Committee on STATE AFFAIRS considered SJR 38
relating to a nuclear free arctic.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SJR 38 - INTL
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]

[Signature]

[Signature]
Chairman

[Signature]
Chairman recommendation

League of Women Voters of Alaska

SJR 38: NUCLEAR FREE ARCTIC

The League of Women Voters of Alaska supports enactment of SJR 38, which would request our Governor and our Congressional delegation to work (at the federal government level) to encourage international treaties establishing the arctic and subarctic as a nuclear free zone. SJR 38 also would discourage the disposal (including military disposal) of radioactive and nuclear wastes and materials in the arctic and subarctic.

We base our support for SJR 38 upon a new position adopted nationwide by the League of Women Voters of the United States as a result of the first phase of our national security study. That first phase concerned arms control, and resulted in the position statement which we have attached for your reference.

In supporting SJR 38, we specifically rely upon the following two points of the LWVUS position: (1) the League advocates limits on the spread or proliferation of weapons to inhibit transfers of nuclear technologies or weapons from one nation to another, or to a geographic region such as the sea bed or outer space; and (2) the League supports use of bilateral (as opposed to unilateral) means of achieving the objectives in our arms control statement of position.

Elizabeth Cuadra
Natural Resources Portfolio
9151 Skywood Lane
Juneau, Alaska 99801

3/14/84

Position Paper - League of Women Voters of Alaska

ARMS CONTROL STATEMENT OF POSITION

The League of Women Voters believes that arms control measures are essential to reduce the risk of war and increase global stability. Toward that end, the U.S. government should give the highest level of importance to arms control efforts that:

- limit or reduce the quantity of weapons;
- limit proliferation and prohibit first use of nuclear weapons;
- prohibit first use and possession of chemical, biological and radiological weapons; and
- reduce tensions in order to prevent situations in which weapons might be used.

While these objectives should receive the highest level of attention, the U.S. government also should negotiate measures that inhibit the development and improvement of weapons, particularly nuclear weapons that increase incentives to attack first in a period of crisis.

As a long-term goal, the League supports the worldwide elimination of nuclear weapons.

The League of Women Voters recognizes that peace in an interdependent world is a product of cooperation among nations and therefore strongly favors multilateral negotiations. Given the potential for worldwide proliferation of nuclear technology, efforts involving all countries are essential to limit the spread of nuclear weapons and to protect commonly held nuclear-weapons-free regions such as the seabed and outer space. Multilateral efforts are appropriate as well to achieve bans on the possession of chemical, biological and radiological weapons.

The League of Women Voters believes, however, that for arms control to be effective, bilateral efforts also are necessary. Bilateral efforts may be especially appropriate in negotiations to limit and reduce quantities of weapons. The League believes that unilateral initiatives are not the most appropriate means to achieve arms control.

The League does not support tying progress in arms control to other issues. The League believes that arms control is too important in and of itself and too crucial to all nations to be linked to other foreign and military policy goals.

Arms Control Criteria

The League of Women Voters believes that arms control measures should be evaluated in terms of the following factors:

Equity: The terms should be mutually beneficial and each nation's security and interests should be adequately protected. Equity does not necessarily require equality in numbers of weapons but may be achieved through a relative balance in total capabilities.

Verifiability: Each party should be able to insure that other parties comply with the terms of the agreement, whether using national technical means (satellites, seismic sensors and electronic monitors) or on-site inspection. The League believes it is extremely important to ensure compliance, recognizing that absolute certainty is unattainable.

Equity and verifiability are critical in efforts to limit and reduce quantities of weapons and to prohibit the possession and spread of nuclear weapons.

Confidence-building: Each party should be assured of the political or military intentions of other parties. Fostering confidence is vital in efforts to prohibit the first use of weapons and to reduce tensions.

Widespread Agreement: All appropriate parties should participate in and approve the results of the negotiating process. However, the League recognizes that, in specific cases, progress can be achieved even though some key parties do not participate.

Environmental Protection: The quality of the earth's environment should be protected from the effects of weapons testing or use. Environmental protection has special significance in negotiations to prohibit the possession of chemical, biological and radiological weapons and to limit the proliferation of nuclear weapons.

Continuity: Negotiations should build on past agreements and should be directed toward future negotiations whenever feasible. Innovative thinking and new approaches should, however, be encouraged when appropriate.

Application

Arms Control Objectives

League support of arms control measures includes action on proposals, negotiations and agreements.

The League supports efforts to achieve quantitative limits or reductions that focus on nuclear warheads, missiles and other delivery systems, anti-ballistic missiles, conventional weapons or troop levels.

The League advocates limits on the spread or proliferation of weapons to inhibit transfers of nuclear technology or weapons from one nation to another or to a geographic region such as the seabed or outer space.

The League's pursuit of bans on the possession or use of weapons may apply to existing weapons or to those not yet developed.

The League seeks to reduce tensions through better means of communication, exchange of information or prior notification of military tests and maneuvers in order to avoid the risks of miscalculation or accident. Other League-supported measures to reduce tensions and create a climate of trust among nations include scientific and cultural exchanges, conflict resolution training and strengthening the United Nations....

The League supports efforts to inhibit the development and improvement of weapons through qualitative limits, including limits on the testing of weapons. These constraints may be selective or comprehensive in their application.

Maintenance

Check the chairs

in the Buttrick

room.

3/22/84

SJR 38

Line 11, ^{ADD} obtain agreement and treaties
to ~~~~~.

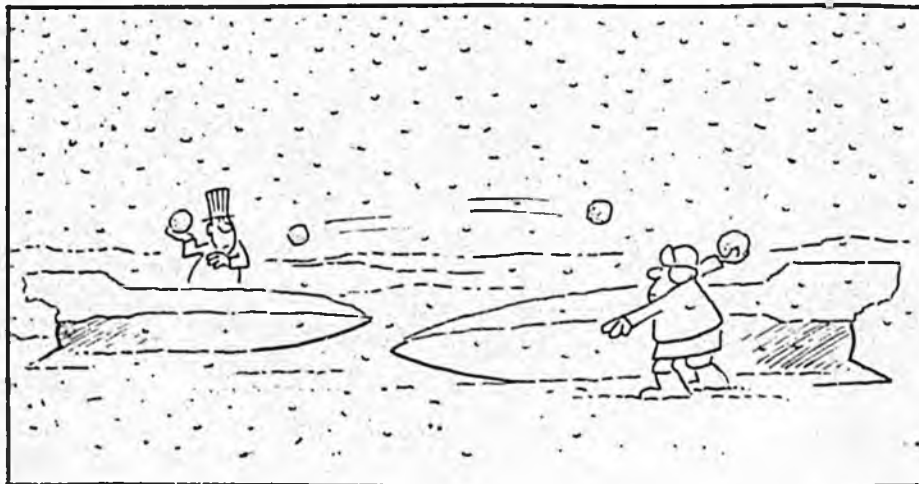
~~find out what~~

delete "subarctic"

New CS.

- definition of Arctic & Subarctic.
 - supply to rules committee.

Arsenals move north



Bas, Greece

by William M. Arkin

THE GOAL of military superiority is central to the Reagan Administration's maritime strategy. The key to this strategy is shifting warfare to the far north—into the Norwegian Sea, the Arctic, and the northern Pacific. In the words of Secretary of Defense Caspar Weinberger's 1984 Defense Guidance, "Emphasis will be given to offensive moves against Warsaw Pact flanks to force diversion of Pact resources from the Central Front." The new strategy has a number of interacting goals: interception of Soviet forces with offensive operations as close to homeland bases as possible; exploitation of Soviet vulnerabilities and weaknesses; and diversion of disruptive threats to the "sea lines of communications." "We must be able to prevent the Soviets from achieving the initiative," says Secretary of the Navy John Lehman, "thus enabling their subma-

rines to prey on shipping in the Atlantic and Pacific."

The most important shift is in the north Atlantic, where the new forward strategy seeks to threaten the principal domain of the Soviet Union's naval power, and its primary strategic submarine operating area. The 1984 Defense Guidance stated that, "Naval forces, with the assistance of Air Forces, will give first priority to establishing control of LOCs [lines of communications] in the North Atlantic by attacking and destroying naval and air forces and defending . . . key island bases." The objective of U.S. Atlantic strategy, as presented to Congress in 1983, is, "Military superiority, primarily naval and air; over, on, and under the sea in areas such as the Norwegian Sea, the Greenland-Iceland-Norway gap, the North and Atlantic sea lines of communications and in the mid-Atlantic." This calls for better inter-service and allied cooperation, includ-

ing the "integration of maritime air operations" to place "more emphasis and provide more visibility to NATO offensive exercises in the northern and southern regions."

The old strategy was to control the "choke points" which Soviet ships and submarines have to go through to threaten U.S. targets or disrupt reinforcement of Europe. Improvements in Soviet submarine forces and land-based aviation are the primary justification for the strategy shift. Within the last ten years, the Soviet Union has augmented its short-range submarine-launched ballistic missiles (SLBMs), which had to operate in forward positions to strike U.S. targets, with long-range SLBMs that can hit them from home waters. Soviet Naval Aviation now has the long-range Backfire bomber armed with the 200-mile range AS-4 anti-ship missiles. Bear bombers assigned to the strategic bomber force have also adopted the AS-4 missiles to augment their secondary mission of supporting the Soviet Navy. Admiral Lee Baggett, Director of Naval Warfare, testified before the House Armed Services Committee last April that "Our answer to . . . [the Soviet] threat cannot be simply to throw a passive barrier across the Greenland-Iceland-U.K. gap. . . . Our preferred approach is to destroy enemy bombers before they can reach missile launch range by intercepting them in the outer defense zone."

IMPROVEMENT of forces and facilities in Iceland and Norway is the central goal of the new strategy. The Joint Chiefs of Staff conducted a major review of the U.S. force posture in Iceland in 1981 which led to a new program called the "North Atlantic Defense System." This Air Force-Navy program includes "improvements to command, control and communications and surveillance equipment." One of the plans revealed for the late



William M. Arkin is director of the arms race and nuclear weapons research project at the Institute for Policy Studies in Washington, D.C. (20009). He is co-author of the encyclopedic Nuclear Weapons Data-book (1984).

1980s is the deployment of "relocatable over-the-horizon radars" with detection ranges of 1,800 miles in Iceland or Scotland for early warning of Backfire flights taking off from Soviet bases. "We would perceive," says Admiral Wesley L. McDonald, Commander of the Atlantic Command, "that Norwegian air defense, U.S. Air Force squadrons based in Norway, would be the first line of intercept."

Airborne Warning and Control System (AWACs) aircraft operating out of Iceland and the United Kingdom would then direct interceptors (including the F-15, planned for deployment in Iceland by 1986) against these bombers. The Navy has proposed to upgrade the U.S. base at Keflavik, Iceland, with a "semi-hardened" operations center, for seven days of self-contained "full wartime operations under applicable war plans," and build a hardened aircraft shelter complex 2.5 miles from the present ramp. The new plan will provide 45 days of fuel storage in Iceland "for aircraft not assigned to NATO, such as strategic bombers," as well as NATO aircraft.

Naval forces for the new plans would include up to four aircraft carrier battle groups and nuclear-armed anti-submarine patrol aircraft and attack submarines. Navy Secretary Lehman, in an answer to Congressional questions in the 1984 budget hearings, wrote that "some SSNs [attack submarines] will carry the battle to the enemy's home waters and adjacent sea areas as necessary to engage the Soviet submarine fleet before it can disperse and threaten our battle groups and sea lanes." Assignment of a naval "surface action group" to New York, will, according to the Navy, "enhance our responsiveness in the Northern Atlantic area." The Air Force's role in the new plan would include the use of strategic B-52 bombers to support anti-ship missions. The 1984 Defense Guidance states that "planning for this role should include both nuclear and conventional weapons."

Submarine warfare on both sides has focused more and more on the

Arctic in recent years. "Much of the high Arctic," Admiral John L. Butts, Director of Naval Intelligence, told the Senate last April, "is relatively, I say relatively smooth, with no more than about two meters of ice over much of it, even in the dead of winter, and so surfacing through the ice is a practical thing to consider. We have done it and the Soviets have done it." He further stated that, "One of the things that also attracted our attention this past year is the Soviet activity in and around the Arctic."

Increased submarine operations have become possible through advances in submarine design and communications. The Typhoon submarines of the Soviet Navy have distinctive features which, many speculate, give it the ability to operate under the ice cap and to "punch through" the ice to fire missiles. Soviet Delta and Typhoon submarine deployments have evidently already begun. The fiscal year 1984 Navy budget refers to "urgent requirements in Arctic ASW [anti-submarine warfare]" as a result of these operations. The United States is developing an Arctic ASW capability called "Ice Pick," which will allow air-dropped sonobuoys to drill through the ice and then activate in the water to detect submarines. Los Angeles class attack submarines are also being upgraded for Arctic missions. U.S. missile-firing submarines will also be able to patrol under the ice in 1985 when the extremely low frequency (ELF) system begins full operation. One of the least known purposes of the ELF system is communication with submarines on covert missions in the Arctic and under the ice cap.

"There is a striking symmetry," Admiral Baggett states, "between the Atlantic and Pacific in terms of elements of strategy. Fundamental importance is placed on a forward strategy . . . [to] keep the Soviet threat away from CONUS [the continental United States] and SLOCs [sea lines of communication] by early forward defense and attrition." In the northern Pacific, military planners are concocting a new

offensive threat to Alaska, while creating plans to "conduct offensive operations to exploit Soviet vulnerabilities" in the region.

Navy briefings show Alaska's vulnerability by pointing to the 570-mile distance from Mys Schmidta, an Arctic air base where Soviet Backfires conduct forward operations, to oil facilities at Prudhoe Bay, or the 860-mile distance from Petropavlovsk to the Naval base at Adak. To deal with this, General John Vessey, the Chairman of the Joint Chiefs of Staff told Congress last February that "The Chiefs are in the process right now of examining the alternatives for improving the defense of the Western Aleutians and Alaska."

The new defense, according to the Navy, is called the "Full Forward Pressure Maritime Strategy."

As the Soviet Pacific fleet has grown in the past ten years, states Admiral Baggett, "the lower 48 United States have become dependent for one third of their oil needs on the Alaskan sea lanes. In fact, we are considerably more dependent on Alaskan oil than Middle East oil." Adak Island in the Aleutians is the key to naval and anti-submarine operations in the region. The Navy plans to station a carrier battle group in the Puget Sound area, closer to the action. The United States has also conducted a number of provocative naval exercises in the western Aleutians since 1981. "These kind of operations," Admiral James D. Watkins, Chief of Naval Operations, told the Senate Armed Services Committee last March, "under the rigidity of prior strategy would have been disallowed."

The Reagan Administration's strategy is subtler than just promoting the Soviet military as a global threat. In the North, as in other areas, the underlying belief is that the United States can best prepare for global warfare, which the Administration thinks is inevitable, by positioning its forces to strike at Soviet vulnerabilities. The North is another new theater of warfare, where the United States can practice containment in peacetime and win confrontations in wartime. □

file

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SK

MSG 84-00025470 PRTY : 03/16/84 14:49:45 ORIG: LA02 IN= 0016 OUT= 0093
FROM: MARDIE, AND INFO TO: PGM, BUREAU INFO
TARGET: LUHK SUBJ: P O M *7*

TO: SENATORS V. FISCHER, RAY, KELLY, RODEY, STURGULEWSKI
REPRESENTATIVE UEHLING
FROM: ROBERT BOWEN
1225 R STREET
ANCHORAGE 99501
H 274-1163
RE: SR 38 NUCLEAR FREE ARCTIC

PLEASE VIGOROUSLY OPPOSE NUCLEAR FREE ARCTIC RESOLUTION. ALL OTHER
ARCTIC NATIONS USE NUCLEAR HEAT. ONE LOW PRESURE SWEDISH "SLOW POKE"
REACTOR WOULD HEAT ANY ALASKA VILLAGE AT TRULY NOMINAL COST, WITH
ABSOLUTELY NO DANGER. "SLOW POKE" WOULD MAKE THE BUSH COMFORTABLE AND
MAKE U.S. LESS DEPENDENT ON FOREIGN OIL.

EOM

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SUA...C

Anch Daily News

P. 0-4

3/15/84

YOUR OPINION IS NEEDED ON

- A NUCLEAR FREE ARCTIC (Senate Joint Resolution 38)
- ETHICS AND STANDARDS OF CONDUCT FOR PERSONS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT (Senate Bill 501)
- POLITICAL CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (Senate Bill 425)

**At A Public Hearing Conducted By
The Senate Committee on State Affairs
State Senator Vic Fischer, Chairman**

- WHERE?** In Anchorage at the Legislative Information Offices' 2nd Floor Conference Room, located at 1024 West 6th Avenue.
- WHEN?** Friday, March 16th, beginning at 1 p.m.
- HOW?** Just show up; the hearing is open to the public.

For more information, please call the Senate State Affairs Committee:

In Anchorage 278-3654 or 278-3668
In Juneau - 465-4954

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March 14, 1983

Senate Committee on State Affairs
1024 West 6th Avenue
Suite 204 C
Anchorage, Alaska 99501

Dear Mr. Chairman,

If passed Senate Joint Resolution No. 38 would be another positive step towards stopping our headlong rush over the nuclear precipice. I support this resolution as it would increase worldwide security and help put a stop to the proliferation of nuclear arms.

Thank you,

Brett Fried

Brett Fried

*1327 G St.
Anch 99501*



Alaska State Legislature

Senate Committee on State Affairs

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

Official Business

REVISED
SENATE STATE AFFAIRS COMMITTEE
MEETING SCHEDULE

March 13, Tuesday 3:00 pm

Butrovich Room
Capitol Building

SB 419 Historical preservation of Governor's mansion

~~SB 495 Confidentiality of voter information~~

SB 506 Older Alaskans Commission

March 15, Thursday

Butrovich Room
Capitol Building

NO MEETING

March 16, Friday, 1:00 pm ****ANCHORAGE**** Legislative Information Office
1024 W 6th Avenue

SB 425 Election campaign contribution

SJR 38 Nuclear free arctic

SB 501 Standards of conduct for public employees
in the executive branch

3/13/84

CITIZENS AGAINST NUCLEAR WAR

3605 Arctic Blvd. #1717
Anchorage, Alaska 99503

Denise Woods
Director, 338-5811



March, 1984

UP FRONT AND URGENT

On 2/10/84 a crucial bill was introduced into the state legislature calling for a Nuclear Free Arctic. Its message was hard-hitting and especially meaningful to all of us who have been waging our own battle for a nuclear free world. This bill provides us with the chance to bring the issue home and join with the indigenous people who have already passed powerful resolutions calling for a nuclear free arctic. This bill will not only keep nuclear missile systems out but will halt further deposition of nuclear materials and prevent nuclear testing in the region. (Continued on page 8)

There are two urgent things each and every one of us needs to to support this bills passage:

1. The State Affairs Committee will be holding a public(that means you) hearing on the Nuclear Free Arctic Bill March 16th at the Legislative Tele-conference Office, 1024 W. 6th.st.(Call Vic Fischer's office for the time and a copy of the bill if desired 278-3654) Please attend and speak out in support of SJR-38. We need to pack the room and bring the rafters down with our calls for an end to this nuclear madness, literally in our backyard.

2. Send a Public Opinion Message to your legislator urging passage of SJR-38. It's free just call 278-3668. A letter, of course, would be even more effective. Do it NOW!

BAKE SALE FOR THE MILITARY

"IT WILL BE A GREAT DAY WHEN SCHOOLS GET ALL THE MONEY THEY NEED AND THE AIR FORCE HAS TO HOLD A BAKE SALE TO BUY A BOMBER"

In the tradition of the above saying CANW will be holding a bake sale for the military! Prices for the baked goods, of course, will be concurrent with the military's and we will be selling 1 cupcake for \$6,500, 2 cookies for \$13,000 and a brownie for \$9,800. Accordingly, at the end of the day there will be a "day-old" jump in prices by at least 70%. Of course there will be a peace table where the prices will extremely reasonable to the tax-paying public. All proceeds will go to educating the public on the threat of nuclear war.

Date: March 14th Time: 11:30 - ? Place: The Federal Building
If you can bake something please call Denise. We need your help.

WATCH OUT CARL SAGAN!

Our March 20th Public Education Meeting plans to be very exciting. We will have a distinguished panel including Carl Sagan, Paul Erlich, Dr Vladimir Alexandrov, Dr Seruei Kapitza and Senator Edward Kennedy discussing the World Wide Consequences of Nuclear War. Never mind that the panelists look extremely similar to CANW members! All joking aside, we will be doing a re-enactment of the Kennedy-Hatfield Joint American-Soviet Scientific Forum on Nuclear War. The actual forum took place Dec. 8th, 1983 and focusses on

Suzanne

Anchorage Daily News

Winner, 1976 Pulitzer Prize Gold Medal for Public Service

Gerald E. Grilly
Publisher



Howard Weaver
Managing Editor

Steve Lindbeck, Editorial Page Editor

Katherine Fanning, Editor and Publisher 1971 to 1983
Lawrence Fanning, Editor and Publisher 1967 to 1971

Alaska's Only Morning Newspaper • Founded in 1946 by Norman C. Brown

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STR38

3/15/84

To keep the north free of nuclear arms

Keeping the arctic from becoming either tool or target in the world's nuclear arms race is the object of a proposed arctic nuclear free zone under consideration in the Alaska Legislature. The idea deserves your attention and comment.

A resolution calling for a nuclear free zone was introduced this year in the state Senate with some heavyweight sponsors: Senate President Jalmar Kerttula, Sen. Vic Fischer, Sen. Frank Ferguson, Sen. Joe Josephson and Sen. Pappy Moss. Sen. Fischer will convene his State Affairs Committee in Anchorage on Friday to take public testimony on the issue.

The resolution calls upon the governor and Alaska's delegation in Congress to seek a ban on nuclear weapons, radioactive waste disposal and nuclear testing in arctic and subarctic regions. The resolution calls for bilateral and multi-lateral treaties among arctic nations to establish the nuclear free zone, and specifically asks a ban on "all items capable of nuclear weapons delivery."

That is a sweeping non-nuclear agenda, with considerable political hurdles to clear along the way. Gaining international agreement on such a zone is surely some distance over the horizon.

But progress comes in small, gradual steps. The Alaska resolution would be a useful step toward arctic consensus on the issue. And the arctic still enjoys one considerable advantage: it is substantially free of nuclear deployment. If governments can be motivated to make affirmative decisions against pushing nuclear weapons into the arctic, the status quo can be preserved.

It is not at all a far-fetched idea. A nuclear free zone already exists in Antarctica by international treaty. The Inuit Circumpolar Conference — an organization of arctic Native peoples from Alaska, Canada and Greenland — has sought an arctic nuclear ban since at least 1977. The Scandinavian nations all have made serious efforts in international forums to achieve a Nordic nuclear free zone.

Residents of the arctic already know the biological risks of nuclear arms activities. Radiation from atmospheric nuclear testing in the 1950s and early 1960s has been absorbed into arctic ecosystems in extraordinary concentrations; evidence of arctic contamination provided part of the impetus behind the first international bans on atmospheric testing.

Now Alaska can join further efforts to exclude the nuclear arms race from the arctic as much as possible. The Senate State Affairs Committee will accept comments on the proposed resolution at a public hearing Friday at 1 p.m. in the Anchorage Legislative Information Office, 1024 West Sixth Avenue. Alaskans would do well to show up and be heard.

Part g provides the authority to the Alaska Public Offices Commission to adjust the campaign expenditure limitations as established in section f. This section becomes moot, as section is no longer relevant.

Section 6. In order to avoid possible confusion for this year's election reporting procedures, the act takes effect January 1, 1985.

Fiscal information

zero fiscal note

Back-up information

fiscal note from Dept. of Admin.

transmittal letter from governor

Common Cause Summary of Contribution Limits for State Elections



Official Business

Alaska State Legislature

Senate Committee on State Affairs

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

MEMORANDUM

TO: Senate State Affairs Committee
FROM: Senate State Affairs Committee Staff
RE: SJR 38
DATE: March 15, 1984

This resolution would call upon the Governor and the Alaska Congressional delegation to promote efforts to establish a nuclear free zone encompassing the arctic and subarctic through:

1. international agreements guaranteeing this region as nuclear free;
2. banning all systems capable of nuclear weapons delivery;
3. preventing the disposal of radioactive nuclear wastes in this region; and
4. preventing nuclear testing and nuclear devices in the arctic and subarctic.

Four other major international nuclear free zone treaties have already been adopted. These are:

*Antarctica Treaty (1959) signed by 21 nations including the USA and USSR prohibits the deployment or testing of nuclear weapons and disposal of nuclear waste;

*Outer Space Treaty (1967) signed by over 100 nations including the USA and USSR prohibits the deployment of weapons of mass destruction in space;

*Treaty for the Prohibition of Nuclear Weapons in Latin America (1967) was signed by all Central and South American nations except Cuba and Guyana and guaranteed by all five nuclear powers; and

*International Seabed Treaty (1971) with over 100 signatories including the USA and USSR, prohibits the deployment of nuclear weapons on or under the seabed beyond 12 miles offshore.

It is important to note that since 1959, several nations in the arctic region including USSR, Norway, and Sweden have proposed a Nordic Nuclear Free Zone.

Back information

Anchorage Daily News Editorial, 3/15/84

history of nuclear free zones

nuclear free zones in America

Inuit Circumpolar Conference Resolution 83-01

position paper - League of Women Voters of Alaska

NUCLEAR FREE ZONES

history of...

Nuclear Free Zone Treaties

Nuclear Free Zone Proposals

Grass-Roots Nuclear Free Zone Declarations

NUCLEAR FREE ZONE TREATIES

- 1959 Antarctica Treaty (21 signatories, including USA and USSR) Declares that Antarctica shall be used for peaceful purposes only. Prohibits the deployment or testing of nuclear weapons and the disposal of nuclear waste. Expires in 1992.
- 1967 Outer Space Treaty (over 100 signatories, including the USA and the USSR) Prohibits the deployment of weapons of mass destruction in space. It was originally adopted as a U.N. resolution in 1963.
- 1967 Treaty for Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco, signed by all Central and South American nations* except Cuba and Guyana and guaranteed by all five nuclear powers) The treaty was proposed in 1963 in response to the Cuban missile crisis and it was negotiated through the United Nations. Garcia Robles, its architect and chief negotiator, received the Noble Peace Prize in 1982 for his work.
- 1971 International Seabed Treaty (over 100 signatories, including USA and USSR) The treaty prohibits the deployment of nuclear weapons or other weapons of mass destruction on or under the seabed beyond 12 miles offshore.

NUCLEAR FREE ZONE PROPOSALS

- 1956 Rapacki Plan for a Nuclear Free Zone encompassing Poland, Czechoslovakia, East Germany, and West Germany. Proposed by Adam Rapacki, Polish Foreign Secretary. The Zone was to be ratified independently via unilateral declarations of the countries involved. It was to be reinforced by a commission of non-aligned, NATO, and Warsaw Pact states aided by a system of investigation posts. The proposal was rejected by NATO because it did not address the broader issues of conventional force reduction as well. Versions of the Treaty were resubmitted in 1958 and 1962 but rejected for the same reason. The plan has been on hold indefinitely since France's development of an independent nuclear capability. (See article in section on International perspectives.)
- 1957 Romania proposes a Balkans Nuclear Weapons Free Zone, modelled after the Rapacki plan. Proposal is rejected by NATO.
- 1959 Ireland proposes a gradual plan for region by region creation of a global Nuclear Free Zone.

* Argentina, Brazil, and Chile refuse to waive the Treaty's "entry into force" clause which means they will not be bound by the Treaty until all countries affected have signed (i.e. Cuba and Guyana).

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- 1959 USSR proposes a Nordic NFZ and a Balkans/Adriatic NFZ (the latter to include Albania, Bulgaria, Italy, Romania, Yugoslavia, Turkey, and Greece)
- 1960 Fourteen African states propose a Nuclear Weapons Free Zone for all Africa in response to French nuclear testing in the Sahara. The zone has been consistently endorsed by the Organization of African Unity and opposed by the United States, Britain, and South Africa.
- 1961 Uden Plan (proposed by Swedish Foreign Minister Uden) calls for a Nordic NFZ to include Norway, Sweden, Denmark, and Finland. Norway and Denmark have unilaterally refused to deploy nuclear weapons in peacetime and Sweden renounced any deployment in 1969 (see below).
- 1963 Finland repeats call for a Nordic NFZ.
- 1968 Sweden unilaterally renounces any deployment or use of nuclear weapons and declares itself a Nuclear Free Zone. Renews call for a Nordic NFZ.
- 1974 Shah of Iran proposes a Middle-Eastern NFZ. Proposal is supported by most Arab states but blocked by Israel, which insists on bilateral negotiations with each state rather than a blanket treaty.
- 1975 United Nations adopts a formal definition of NFZs which all nations agree to recognize. To be sanctioned by the U.N., an NFZ must be codified by a statute declaring the total absence of nuclear weapons within the zone and supported by an international system of verification and control. States of the region must solemnly declare that they will refrain on a reciprocal basis from producing, acquiring or in any other way possessing nuclear explosive devices, and from permitting the stationing of nuclear weapons on their territory by any third party. They also agree to place all of their nuclear activities under International Atomic Energy Agency safeguards. In addition, a set of protocols is required between the nations of the zone and the existing nuclear-weapons powers. The nuclear-weapons states must agree to respect the zone's nuclear-weapons free status by neither introducing nor transporting nuclear weapons within the zone, they must "refrain from contributing to tensions in the zone which might encourage the violation of the treaty, and lastly, they must refrain from using or threatening to use nuclear weapons against any state in the region."
- In summary, an NFZ treaty should include guarantees that the zone is both free of nuclear weapons and immune from the threat of having nuclear weapons used against it.
- 1978 United Nations definition is expanded to include all sea and air-space within a zone. Installations capable of supporting or basing nuclear weapons are banned from the NFZs.
- 1979 U.N. Micronesian Trust Territory of Belau (administered by the United States) adopts the world's first Nuclear Free constitution, banning all nuclear materials. (See article in section on international perspectives.)
- 1980 The European Nuclear Disarmament campaign is founded and immediately proposes a Nuclear Free Europe, stretching from Poland to Portugal.

- 1981 Norway resubmits a Nordic NFZ proposal. It is endorsed by the Norwegian Labor Party, Norwegian Trades Union Congress, and the Social Democratic parties of all the countries involved.
- 1981 Israel proposes a framework for negotiating a Mid-East NFZ in response to nuclear weapons development programs underway in Libya and Iraq. All Arab states have refused to negotiate since Israel's bombing of the Iraqi reactor.
- 1982 The Independent Commission on Disarmament (Palme Commission), represented by 17 countries, recommends a Battlefield Nuclear Weapons Free Zone extending 150 km on both sides of the Iron Curtain (see article in section on international perspectives).
- 1982 Bulgaria, Greece, and Romania all propose plans for a Nuclear Free Balkans. Romania's is contingent upon cancellation of U.S. Pershing and Cruise missile deployments. Together with Yugoslavia, all the countries agreed to hold a summit meeting on NFZs in 1983. (See enclosed article in section on international perspectives.)
- 1983 Belauans reaffirm their Nuclear Free constitution by rejecting a "compact of free association" with the United States. Although the compact itself was actually approved by 62%, it contained a clause permitting U.S. stationing of nuclear weapons in Belau. According to the Belauan constitution, any such agreement must be specifically approved by at least 75% of the voters. Only 33% did so in a separate question. The compact is, therefore, voided and must be either renegotiated or withdrawn. Whether the United States, which wants to establish a Trident submarine base and guerrilla warfare training center in Belau, will respect the constitution is unclear, however.

GRASS-ROOTS NUCLEAR FREE ZONE DECLARATIONS

The following history is by no means complete. We have no doubt overlooked many NFZ declarations. Please inform us of any corrections and/or additions. A full list is available from Nuclear Free America.

Australia

The NFZ movement originated in Australia in 1975, sparked by the Movement Against Uranium Mining. In support of a ban on all uranium mining, the movement asked sympathetic city councils to endorse NFZ resolutions that banned all non-medical nuclear materials. The first town to declare itself Nuclear Free was Fitzroy. Fitzroy was also the first to put up signs saying "You are now entering a Nuclear Free Zone." There are at least 50 other Nuclear Free cities and counties in Australia.

England

The City Council of Manchester adopted an NFZ resolution in November 1980 and, within two years, was followed by over 150 British towns, cities, and counties, including all of Wales. Thirty-two of fifty-one million Britons are represented by Nuclear Free Local Authorities. Acting together, the Nuclear Free Local Authorities have refused to participate in civil defense planning for nuclear war and, through their civil disobedience, forced the federal government to cancel its annual national civil defense exercise two years in a row (1982 and 1983). Many Nuclear Free Local Authorities are now boycotting TARMAC, the largest construction firm in Britain, to protest its work in preparing the Cruise missile base at Greenham Common. TARMAC must choose between one contract at Greenham Common and hundreds with the Nuclear Free Local Authorities, including all the largest cities in England.

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5

United States

The first NFZ campaign in the United States* took place in Santa Cruz County, CA, in June 1980. The proposed ordinance was defeated by a 63-37% margin. The Lockheed Missile and Space Company which would have been forced by the measure to terminate work on the Trident missile system, spent over \$150,000 on voter opinion research and direct mail to defeat it.

Garrett Park, MD became America's first NFZ in May, 1982. Inspired by the declarations of English communities, its citizens overwhelmingly approved an NFZ ordinance, the world's first. (The vote was 245 to 46.)

The City Council of Sykesville, MD passed an NFZ resolution in June, 1982, by a vote of 5 to 1. At the same meeting, they unanimously approved the Freeze resolution and rejected crisis relocation planning for nuclear war.

Ashland, OR adopted an NFZ ordinance by referendum in the November, 1982, elections; 55% in favor. The ordinance was the first to detail penalties for violations - up to \$500 fine and/or six months in jail.

Roosevelt Park, NJ, passed an NFZ resolution in the November elections. In favor. In January, 1983, the town council and mayor unanimously adopted the NFZ as an ordinance, with the same penalties as in Ashland (above).

For a complete and up-to-date list of Nuclear Free Zones in the United States and major campaigns underway, see the enclosed map of Nuclear Free America.

Other Nuclear Free Zone Movements

Nuclear Free Zone campaigns are underway in all of the following countries. The number of locally-declared Nuclear Free Zones (as of May, 1983) is given in parenthesis.

Australia	(51)
Belgium	(over 40)**
Canada	(4)***
Denmark	(2)
Great Britain	(154)
Ireland	(24)
Italy	(26)
Japan	(24)
Netherlands	(55)
New Zealand	(15)
Norway	(81)
W. Germany	(40)



* Nuclear Free declarations directed specifically at the prohibition of nuclear power and nuclear waste disposal proliferated in the 1970s but none, to our knowledge, addressed the issue of nuclear weapons. The Hawaii County Council (Big Island) passed a Nuclear Free ordinance in 1981 which prohibited "nuclear materials" but, again, nuclear weapons were not specified.

** Includes Evere, command headquarters of NATO.

*** Includes Cold Lake, Alberta, site of the proposed flight-testing of the Cruise missile.

b

Nuclear Free Zones in America

596,325 Americans in 36 Nuclear Free Zones
January, 1984

<u>Location</u>	<u>Population</u>	<u>Date</u>	<u>Type</u>
1. Hawaii County, Hawaii (Big Island)	92,053	2/4/81	county council ordinance
2. Carrott Park, Maryland	1,200	5/3/82	referendum ordinance
3. Sykesville, Maryland	1,800	6/14/82	city council resolution
4. Ashland, Oregon	15,000	11/2/82	referendum ordinance
5. Roosevelt, New Jersey	850	11/2/82 1/12/83	referendum resolution town council ordinance
6. Waldron, Washington	100	11/13/82	town meeting resolution
7. Isle Vista, California	16,700	2/77/83	community council resolution
8. Leschi, Washington	5,300	3/23/83	community council resolution
9. - 20. Barksdale, Bayview, combined Bayfield, Bell, Delta, pop. over Keystone, Lincoln, Mason, 5,000 Marongo, Morse, Russell, and Washburn, Wisconsin		4/4/83 so 4/20/83	town meeting resolutions (Keystone resolution adopted by Town Board)
21. Tisbury, Massachusetts*	3,110	4/5/83	town meeting by-law
22. Laverett, Massachusetts	1,500	4/30/83	town meeting resolution
23. New Salem, Massachusetts	359	5/77/83	town meeting resolution
24. Heath, Massachusetts	500	5/2/83	town meeting ordinance
25. Gay Head, Massachusetts	220	5/11/83	town meeting by-law
26. West Tisbury, Massachusetts*	250	5/17/83	town meeting by-law
27. Brookline, Massachusetts	55,062	5/31/83	town meeting resolution
28. Wilde Lake, Maryland	10,000	8/15/83	village board resolution
29. Wallingford, Washington	50,000	10/19/83	community council resolution
30. Claremont, California	30,950	10/25/83	city council ordinance
31. Somerville, Massachusetts	77,372	11/8/83	referendum resolution
32. Madison, Wisconsin	171,590	11/15/83	city council ordinance

continued over ...

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NUCLEAR FREE ZONES IN AMERICA, January, 1984, continued ...

<u>Location</u>	<u>Population</u>	<u>Date</u>	<u>Type</u>
33. San Juan County, Washington	7,838	11/29/83	county commission resolution
34. Placerville, California	6,739	12/5/83	city council resolution
35. Chico, California	20,601	12/6/83	city council resolution
36. Takoma Park, Maryland	16,231	12/12/83	city council ordinance

* Ordinance rejected as unconstitutional by State Attorney General.

Nuclear Free Zones To Be Voted On In ...

Albany, California (ordinance, by referendum, April, 1984)
Chico, California (ordinance, pending)
Nevada County, California (ordinance, by referendum, June, 1984)
Novato, California (ordinance, by referendum, April 1984)
Santa Barbara, California (ordinance, by referendum, June, 1984)
Santa Monica, California (charter amendment, by referendum, November, 1984)
Willits, California (ordinance, by referendum, November, 1984)
Maui County, Hawaii (ordinances (2), by county council, pending)
Ada County, Idaho (resolution, by county council, pending)
Falmouth, Massachusetts (by-law, town meeting, April, 1984)
Hanspee, Massachusetts (by-law, town meeting, spring 1984)
Newton, Massachusetts (ordinance, Board of Aldermen, pending)
Orleans, Massachusetts (by-law, town meeting, spring 1984)
Sandwich, Massachusetts (by-law, town meeting, spring 1984)
Yarmouth, Massachusetts (resolution, town meeting, spring 1984)
Ann Arbor, Michigan (charter amendment, by referendum, April, 1984)
New York City, New York (resolution, by city council, pending)
San Juan County, Washington (ordinance, by referendum, February, 1984)

Nuclear Free Zone Campaigns Initiated In ...

Arizona: Tempe; California: statewide, Camp Meeker, East Bay, Fresno, Laguna Beach, Martinez, Ojai, Pasadena, Petaluma, Redondo Beach, San Diego, San Luis Obispo, and Tulare; Florida: Key West; Illinois: First Congressional District; Maryland: Columbia; Massachusetts: Amherst, Belchertown, Barnstable, Bourne, Dennis, Long Meadow, Nantucket Island, Northampton, Scituate, Worthington; Michigan: Saginaw; Missouri: Purdy; Montana: Lewis and Clark County; New Jersey: Englewood, Essex County, Hoboken; New York: Bay Ridge (Brooklyn), Great Neck, Staten Island, Syracuse County; Ohio: Springfield; Oregon: statewide, Bandon, Klamath Falls, Portland, Williams; Pennsylvania: Dunmore, Reading; Vermont: Burlington; Virginia: James County, Leesburg, Williamsburg; Washington, D.C.: Wisconsin: Eau-Claire

Local Contacts Available from Nuclear Free America

PLEASE KEEP US INFORMED OF NUCLEAR FREE ZONE CAMPAIGNS IN YOUR AREA

INUIT CIRCUMPOLAR CONFERENCE

RESOLUTION 83-01

RESOLUTION STATING THE INUIT CIRCUMPOLAR CONFERENCE POSITION ON NUCLEAR ACTIVITY IN THE ARCTIC AND SUB-ARCTIC AREAS.

WHEREAS, the Inuit Circumpolar Conference developed a fundamental policy restricting the arctic and sub-arctic to those uses which are peaceful and environmentally safe;

WHEREAS, this policy is reflected in the several resolutions adopted by the General Assembly and the Executive Council since the formation of the Inuit Circumpolar Conference in 1977;

WHEREAS, the governments of the United States and Canada intend to cooperate with each other to test the cruise missile in our northern Canadian homeland;

WHEREAS, the government of the United States has entertained the idea of basing the massive MX missile system in our Alaskan homeland;

WHEREAS, the Atomic Energy Canada, Limited, plans to test the environmental and economic feasibility of the mini-CANDU and the SLOWPOKE 3 (small nuclear reactors for generating electricity) in the Canadian north since they are prohibited from testing them in the Canadian south due to environmental restrictions; and

WHEREAS, the arctic and sub-arctic shall not be used for any nuclear testing or as a nuclear dump-site;

NOW THEREFORE BE IT RESOLVED THAT the Inuit Circumpolar Conference emphatically restates its nuclear position:

1. that the arctic and sub-arctic be used for purposes that are peaceful and environmentally safe;
2. that there shall be no nuclear testing or nuclear devices in the arctic or sub-arctic;
3. that there shall be no nuclear dump-sites in the arctic or sub-arctic;
4. that exploration and exploitation of uranium, thorium, lithium or other materials related to the nuclear industry in our homeland be prohibited;

FURTHERMORE BE IT RESOLVED THAT the Canadian government be notified of our opposition to the testing of the cruise missile in our Canadian homeland and that they be requested to refrain from such tests:

FURTHERMORE BE IT RESOLVED THAT the Atomic Energy Canada, Limited, be notified of our opposition to the testing of nuclear reactors in the Canadian arctic or sub-arctic and that they be notified to refrain from such tests;

FURTHERMORE BE IT RESOLVED THAT the United States government be notified of our opposition to the placement of the MX missile in our Alaskan homeland and that they be requested to cease with any such plan;

FURTHERMORE BE IT RESOLVED THAT the Inuit Circumpolar Conference study and research current international treaties to determine whether or not they comply with the Inuit Circumpolar Conference Arctic Policy; and

FURTHERMORE BE IT RESOLVED THAT the Executive Council of the Inuit Circumpolar Conference lobby the United Nations and various international organizations to encourage members of the United Nations to adopt a policy for a nuclear free zone in the arctic.

INTRODUCED THIS 29th DAY OF JULY, 1983.

ADOPTED THIS 29th DAY OF JULY, 1983.

League of Women Voters of Alaska

SJR 38: NUCLEAR FREE ARCTIC

The League of Women Voters of Alaska supports enactment of SJR 38, which would request our Governor and our Congressional Delegation to work (at the federal government level) to encourage international treaties establishing the arctic and subarctic as a nuclear free zone. SJR 38 also would discourage the disposal (including military disposal) of radioactive and nuclear wastes and materials in the arctic and subarctic.

We base our support for SJR 38 upon a new position adopted nationwide by the League of Women Voters of the United States as a result of the first phase of our national security study. That first phase concerned arms control, and resulted in the position statement which we have attached for your reference.

In supporting SJR 38, we specifically rely upon the following two points of the LWVUS position: (1) the League advocates limits on the spread or proliferation of weapons to inhibit transfers of nuclear technologies or weapons from one nation to another, or to a geographic region such as the sea bed or outer space; and (2) the League supports use of bilateral (as opposed to unilateral) means of achieving the objectives in our arms control statement of position.

Elizabeth Cuadra
Natural Resources Portfolio
9151 Skywood Lane
Juneau, Alaska 99801

3/14/84

ARMS CONTROL STATEMENT OF POSITION

The League of Women Voters believes that arms control measures are essential to reduce the risk of war and increase global stability. Toward that end, the U.S. government should give the highest level of importance to arms control efforts that:

- limit or reduce the quantity of weapons;
- limit proliferation and prohibit first use of nuclear weapons;
- prohibit first use and possession of chemical, biological and radiological weapons; and
- reduce tensions in order to prevent situations in which weapons might be used.

While these objectives should receive the highest level of attention, the U.S. government also should negotiate measures that inhibit the development and improvement of weapons, particularly nuclear weapons that increase incentives to attack first in a period of crisis.

As a long-term goal, the League supports the worldwide elimination of nuclear weapons.

The League of Women Voters recognizes that peace in an interdependent world is a product of cooperation among nations and therefore strongly favors multilateral negotiations. Given the potential for worldwide proliferation of nuclear technology, efforts involving all countries are essential to limit the spread of nuclear weapons and to protect commonly held nuclear-weapons-free regions such as the seabed and outer space. Multilateral efforts are appropriate as well to achieve bans on the possession of chemical, biological and radiological weapons.

The League of Women Voters believes, however, that for arms control to be effective, bilateral efforts also are necessary. Bilateral efforts may be especially appropriate in negotiations to limit and reduce quantities of weapons. The League believes that unilateral initiatives are not the most appropriate means to achieve arms control.

The League does not support tying progress in arms control to other issues. The League believes that arms control is too important in and of itself and too crucial to all nations to be linked to other foreign and military policy goals.

Arms Control Criteria

The League of Women Voters believes that arms control measures should be evaluated in terms of the following factors:

Equity: The terms should be mutually beneficial and each nation's security and interests should be adequately protected. Equity does not necessarily require equality in numbers of weapons but may be achieved through a relative balance in total capabilities.

Verifiability: Each party should be able to insure that other parties comply with the terms of the agreement, whether using national technical means (satellites, seismic sensors and electronic monitors) or on-site inspection. The League believes it is extremely important to ensure compliance, recognizing that absolute certainty is unattainable.

Equity and verifiability are critical in efforts to limit and reduce quantities of weapons and to prohibit the possession and spread of nuclear weapons.

Confidence-building: Each party should be assured of the political or military intentions of other parties. Fostering confidence is vital in efforts to prohibit the first use of weapons and to reduce tensions.

Widespread Agreement: All appropriate parties should participate in and approve the results of the negotiating process. However, the League recognizes that, in specific cases, progress can be achieved even though some key parties do not participate.

Environmental Protection: The quality of the earth's environment should be protected from the effects of weapons testing or use. Environmental protection has special significance in negotiations to prohibit the possession of chemical, biological and radiological weapons and to limit the proliferation of nuclear weapons.

Continuity: Negotiations should build on past agreements and should be directed toward future negotiations whenever feasible. Innovative thinking and new approaches should, however, be encouraged when appropriate.

Application

Arms Control Objectives

League support of arms control measures includes action on proposals, negotiations and agreements.

The League supports efforts to achieve quantitative limits or reductions that focus on nuclear warheads, missiles and other delivery systems, anti-ballistic missiles, conventional weapons or troop levels.

The League advocates limits on the spread or proliferation of weapons to inhibit transfers of nuclear technology or weapons from one nation to another or to a geographic region such as the seabed or outer space.

The League's pursuit of bans on the possession or use of weapons may apply to existing weapons or to those not yet developed.

The League seeks to reduce tensions through better means of communication, exchange of information or prior notification of military tests and maneuvers in order to avoid the risks of miscalculation or accident. Other League-supported measures to reduce tensions and create a climate of trust among nations include scientific and cultural exchanges, conflict resolution training and strengthening the United Nations.

The League supports efforts to inhibit the development and improvement of weapons through qualitative limits, including limits on the testing of weapons. These constraints may be selective or comprehensive in their application.

Introduced: 2/10/84

Referred: State Affairs & Resources

Fischer, Ferguson, Moss,
Kertulla, Josephson

IN THE SENATE

SENATE JOINT RESOLUTION NO. 38

Relating to a nuclear free arctic.

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

WHEREAS the main purpose of establishing nuclear free zones, as of all good security policies, is to prevent nuclear war; and

WHEREAS other states, cities, and nations have pursued resolutions establishing nuclear free zones; and

WHEREAS these zones would add to the likelihood of peace in the world, and

WHEREAS the Soviet Union has deployed nuclear missiles capable of hitting Alaska and Western Canada, and the resultant escalation may further endanger the lives of the state's population; and

WHEREAS nuclear weapons are themselves nuclear targets, and to remove the targets will reduce the risk of destruction to the territory in which they are located in case of nuclear war; and

WHEREAS the radioactive contamination of the arctic and subarctic regions from the previous use and testing of nuclear weapons has caused the permanent inhabitants of the arctic and subarctic to carry body-burdens of long-lived, biologically dangerous radionuclides in amounts in excess of all the world's people except for the victims in Hiroshima and Nagasaki during August, 1945; and

WHEREAS any further deposition of nuclear materials in the arctic and subarctic food-chain will result in biologically unacceptable radiation standards for arctic and subarctic people and ecosystems; and

WHEREAS the Inuit Circumpolar Conference passed a resolution restricting the arctic and subarctic to uses that are peaceful and environmentally safe, and prohibiting the use of, testing of, storage of, and exploration for materials related to nuclear devices; and

WHEREAS the people of Alaska desire to continue to live in freedom in a world that is at peace and safe from nuclear pollution;

BE IT RESOLVED by the Alaska State Legislature that the Governor and Alaska congressional delegation are requested to promote and initiate efforts to

(1) encourage bilateral and multi-lateral agreements and treaties between nations establishing the arctic and subarctic as a nuclear free zone;

(2) ban from the arctic and subarctic all items capable of nuclear weapons delivery;

(3) prevent all parties, including the military, from disposing of radioactive and nuclear wastes and materials in the arctic and subarctic; and

(4) prevent nuclear testing or nuclear devices in the arctic and subarctic, or elsewhere in the atmosphere, because these activities result in increased levels of radiation in the arctic and subarctic.

COPIES of this resolution shall be sent to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

GREAT NEWS - - RESOLUTIONS LIKE SJR 38 ARE INTRODUCED IN BOTH HOUSES!

If the Nuclear Free Arctic Resolution passes, it will mean that a majority of Alaska's legislators believe peace must start NOW... and that it must start HERE.

ALASKANS FOR NUCLEAR ARMS CONTROL-POLITICAL ACTION COMMITTEE (ANAC-PAC) is one of the groups working to further nuclear disarmament. It is our particular goal to make sure that what we believe is the common belief of the people of Alaska - that the government must begin to use every means possible to reduce the threat of nuclear war - is clearly expressed by voters in the November elections.

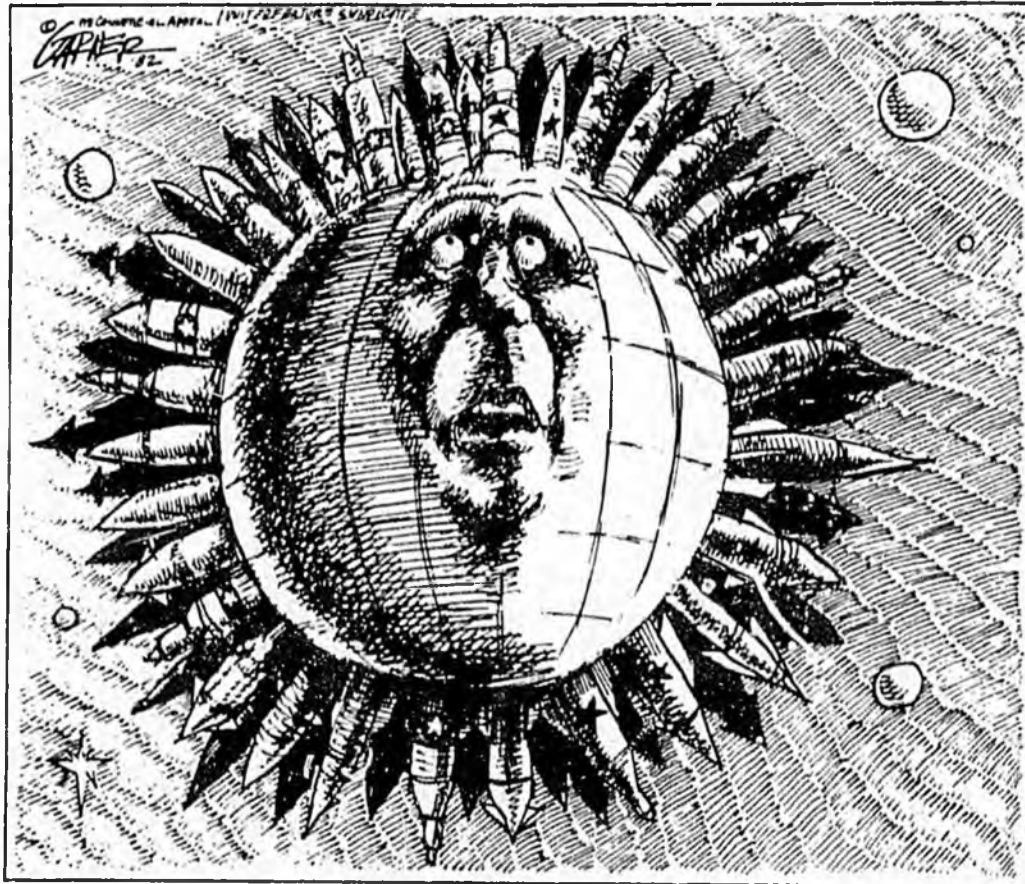
ANAC-PAC is raising money to:

1 - Make nuclear disarmament a major topic of debate in the 1984 Alaska Congressional campaigns - NO MATTER WHO RUNS.

2.- Publicize, through news media, paid ads, and special events the positions of candidates for Congress on spending for nuclear war and on strategies for disarmament.

If you support this effort - PLEASE send a donation (refundable up to \$100 from the State's political campaign program)

SEND TO: ANAC-PAC - 725 Fifth St. - Juneau, AK 99801





Alaska State Legislature

Senate Committee on State Affairs

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

Official Business

MEMORANDUM

TO: Senate State Affairs Committee
FROM: Senate State Affairs Committee Staff
RE: SJR 38
DATE: March 15, 1984

This resolution would call upon the Governor and the Alaska Congressional delegation to promote efforts to establish a nuclear free zone encompassing the arctic and subarctic through:

1. international agreements guaranteeing this region as nuclear free;
2. banning all systems capable of nuclear weapons delivery;
3. preventing the disposal of radioactive nuclear wastes in this region; and
4. preventing nuclear testing and nuclear devices in the arctic and subarctic.

Four other major international nuclear free zone treaties have already been adopted. These are:

*Antarctica Treaty (1959) signed by 21 nations including the USA and USSR prohibits the deployment or testing of nuclear weapons and disposal of nuclear waste;

*Outer Space Treaty (1967) signed by over 100 nations including the USA and USSR prohibits the deployment of weapons of mass destruction in space;

*Treaty for the Prohibition of Nuclear Weapons in Latin America (1967) was signed by all Central and South American nations except Cuba and Guyana and guaranteed by all five nuclear powers; and

*International Seabed Treaty (1971) with over 100 signatories including the USA and USSR, prohibits the deployment of nuclear weapons on or under the seabed beyond 12 miles offshore.

It is important to note that since 1959, several nations in the arctic region including USSR, Norway, and Sweden have proposed a Nordic Nuclear Free Zone.

Back information

Anchorage Daily News Editor. 1, 3/15/84
history of nuclear free zones
nuclear free zones in America
Inuit Circumpolar Conference Resolution 83-01
position paper - League of Women Voters of Alaska

SJR

45

SENATE STATE AFFAIRS COMMITTEE

Date received 4/12/84

Bill Number SJR 45 Title Assignment to Alaska of the rapid deployment
of light infantry div.

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

<u>0</u>	<u>0</u>					

CONTACTS Backup list

HEARING INFORMATION

NOTES

FINAL ACTION _____ DATE _____

COMMITTEE REPORT
SENATE

FURTHER:

4/12/84

Date 4/17/84

Mr. President

The Committee on STATE AFFAIRS considered SJR 45

assignment to Alaska of the rapid deployment light infantry division.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SJR 45 (SA)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Kell

MEMBERS HAVING
OTHER RECOMMENDATIONS

Bill Ray NO REC

Chairman

do pass
Chairman recommendation

Alaska State Legislature

OFFICIAL BUSINESS

CHAIRMAN
RULES COMMITTEE



JAN FAIKS
POUCH V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

Senate

MEMORANDUM

TO: All Members of the Legislature

FROM: Senator Jan Faiks
Chair-Senate Rules Committee

DATE: April 11, 1984

SUBJECT: 10,000 man light infantry unit

On April 6th, the U.S. Army Corps of Engineers published in the Federal Register the eight sites they are considering for the new 10,000 man light infantry unit. Three of the eight sites are in Alaska. The Corps is accepting public comment until April 25th, at which time they will prepare a draft Environmental Impact Statement. After that time, the Corps will be holding public hearings on the EIS, two of which will be in Anchorage on May 18th and 19th.

Our Congressional delegation is asking for a big showing of support from the Legislature. In response to this request, the Senate Rules Committee is introducing a resolution supporting the location of this new infantry division in Alaska. A copy is attached.

The Congressional delegation has also asked that the individual legislators send telegrams of support to the various people involved. The addresses are below. Since the preliminary EIS will be prepared at the end of this month, time is of the essence. I would appreciate your prompt consideration of this matter.

Thank you.

U.S. Army Corps of Engineers
Mobile District
ATTN: SAMPD-EE
P.O. Box 2288
Mobile, Alabama 36628

Senator John Tower
Senate Armed Services Comm.
U. S. Senate
Washington, D.C. 20510

Department of Defense
Casper Weinberger
Secretary of Defense
The Pentagon
Washington, D.C. 20301

Department of the Army
John O. Marsh Jr.
Secretary of the Army
The Pentagon
Washington, D.C. 20310

Memo / Senator Faiks 4/11/84

Ted Stevens

United States Senator For Alaska



FOR IMMEDIATE RELEASE
April 13, 1984

Contact: Press Office
(202) 224-6209

MEETING HELD ON LIGHT INFANTRY LOCATION

Following a meeting with Secretary of the Army John Marsh and other top Army officials, Senator Ted Stevens announced that Fort Wainwright in Fairbanks appears to be the base with the greatest potential among the Alaska locations under consideration by the Army as a site for the 17th Light Division. Senator Stevens also said that competition is fierce between the eight sites the Army is considering around the country as bases for the 10,000-man division.

The 17th Light Division is designed as a quick response unit, which can be deployed rapidly to crisis points around the world. Three Alaska Army installations- Fort Richardson, Fort Greely and Fort Wainwright- are among the sites under consideration for the Division.

"In terms of proximity," Senator Stevens said, "there's no question that Alaska has the advantage. It's closer to Europe, the Far East and Siberia than any other site under scrutiny. And in terms of sites within Alaska Fort Wainwright is the base that gives Alaska the most appeal."

The U.S. Army Corps of Engineers will hold hearings in Fairbanks and Anchorage next week to gather information on the impact of basing a portion of the 17th Light Infantry Division in Alaska. The information will be included in a draft Environmental Impact Statement, scheduled for completion May 15.

The Fairbanks hearing will be at 7 p.m. on April 18 at the Fairbanks North Star Borough library. It will be run by Colonel Saling of the Alaska District, U.S. Army Corps of Engineers.

(more)

Alaska Offices: Anchorage: 271-6916 Fairbanks: 453-0261 Juneau: 583-7400 Kodiak: 486-5407
Kenai: 283-5808 Nome: 443-2842 Ketchikan: 225-6330

News Release / Sen. Ted Stevens 4/13/84

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The hearing in Anchorage is scheduled for April 19 at 7 p.m. in the Cove Room of West High School. Major Crosby, also of the Alaska District, U.S. Army Corps of Engineers, will run the Anchorage hearing.

-30-

Gandy Dall. Activity phone 586-7409

Ted Stevens

United States Senator For Alaska



FOR IMMEDIATE RELEASE
April 5, 1984

Contact: Press Office
(202) 224-5209

SUPPORT SOUGHT FOR LIGHT DIVISION

In an effort to enlist statewide support for the location of a Light Infantry Division in Alaska, Senator Ted Stevens today contacted officials throughout the state, including Governor Bill Sheffield, members of the Alaska legislature, several mayors and Chambers of Commerce.

Of the eight sites the Army is considering around the country for the 10,000-man division, three are in Alaska. They are: Fort Wainwright, Fort Greely and Fort Richardson.

The proposed division, which will be created in fiscal year 1985, will be significantly smaller than most Army divisions, which range in size from 14,000 to 18,000 soldiers. The Light Division would be capable of rapid deployment to critical sites around the world.

"Estimates are that this new, trimmed-down division could be moved in one-half to one-third the time now required to move troops," Senator Stevens said today. "Alaska is a perfect location for a portion of this division because it is closer than any other site to Siberia, the Far East and the European Continent."

On Wednesday, the Army narrowed its field of possible locations for basing the division to eight. In addition to the three Alaskan sites, the Army is considering Fort Benning, Georgia; Fort Lewis, Washington; Fort Campbell, Kentucky; Fort Ord, California and Fort Drum, New York. The Army also says the light outfit may be divided between two or more locations.

(more)

NEWS Release / Sen. Ted Stevens 4/5/84

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"There is going to be some fierce competition from each of these bases to become the new home of this Light Division," Stevens said. "The Governor of New York has already issued a 100-page analysis arguing for location of the Division in Fort Drum, N.Y.

"If Alaska is to benefit from the economic shot-in-the-arm that this Division will bring, we've got to work hard for it. That's why I'm urging Alaska officials to contact members of the Senate Armed Services Committee, the Department of Defense and the Army. We should impress upon them that Alaska is the best basing site both for its strategic location and because the division would be so welcome there."

-30-

Alaska State Legislature

OFFICIAL BUSINESS

CHAIRMAN
RULES COMMITTEE



Senate

JAN FAIKS
POUCH V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

MEMORANDUM

TO: All Members of the Legislature

FROM: Senator Jan Faiks
Chair-Senate Rules Committee

DATE: April 11, 1984

SUBJECT: 10,000 man light infantry unit

On April 6th, the U.S. Army Corps of Engineers published in the Federal Register the eight sites they are considering for the new 10,000 man light infantry unit. Three of the eight sites are in Alaska. The Corps is accepting public comment until April 25th, at which time they will prepare a draft Environmental Impact Statement. After that time, the Corps will be holding public hearings on the EIS, two of which will be in Anchorage on May 18th and 19th.

Our Congressional delegation is asking for a big showing of support from the Legislature. In response to this request, the Senate Rules Committee is introducing a resolution supporting the location of this new infantry division in Alaska. A copy is attached.

The Congressional delegation has also asked that the individual legislators send telegrams of support to the various people involved. The addresses are below. Since the preliminary EIS will be prepared at the end of this month, time is of the essence. I would appreciate your prompt consideration of this matter.

Thank you.

U.S. Army Corps of Engineers
Mobile District
ATTN: SAMPD-EE
P.O. Box 2288
Mobile, Alabama 36628

Senator John Tower
Senate Armed Services Comm.
U. S. Senate
Washington, D.C. 20510

Department of Defense
Casper Weinberger
Secretary of Defense
The Pentagon
Washington, D.C. 20301

Department of the Army
John O. Marsh Jr.
Secretary of the Army
The Pentagon
Washington, D.C. 20310

Memo (Senator Faiks) 4/11/84

HB

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search

landlord and Tenant and
Housing.
TITLE 9

Landlord
Tenant

Barbara Thorne

Joe O'Connell

Don Clocksin

Janine Reep U.S. time

— Barbara G. Eichner

AW

34.03.180 — Did you give written
notice.

landlord retaliatory action
34.03.310

? reasonable

VF - bills

State affairs

LIST OF STATES WITH RETALIATORY EVICTION PROTECTIONS

- Alaska: Alaska Stat., §34.03.310 (Cum. Supp. 1974)
- Arizona: Ariz. Rev. Stat. Ann., §33-1381 (1974)
- California: Cal. Civ. Code, §1942.5 (West Supp. 1975), as amended as of Jan. 1, 1980; and Schweiger v. Superior Court, 3 Cal.3d 507, 476 P.2d 97, 90 Cal. Rptr. 729 (1970)
- Connecticut: Conn. Gen. Stat. Ann., §19-375a (Supp. Pamphlet 1975)
- Delaware: Del. Code Ann., tit. 25, §5516 (1974)
- District of Columbia: D.C. Code Encycl. Ann., §45-1624 (Supp. 1975-76); and Edwards v. Habib, 397 F.2d 687 (D.C. Cir. 1968), cert. denied, 393 U.S. 1016 (1969)
- Florida: Rules of the Dept. of Legal Affairs, Rental Housing & Mobile Home Parks, ch. 2-11.07
- Hawaii: Hawaii Rev. Stat., §521-74 (Supp. 1974); and Windward Partners v. Santos, ___ Hawaii ___, 577 P.2d 326 (1978)
- Illinois: Ill. Ann. Stat., ch. 80, §71 (Smith-Hurd 1966); and Clore v. Fredman, 59 Ill.2d 20, 319 N.E.2d 18 (1974)
- Iowa: Iowa House File 2244, §36 (67th Gen. Ass., 1978)
- Kentucky: Ky. Rev. Stat. Ann., §383.705 (Supp. 1974)
- Maine: Me. Rev. Stat. Ann., tit. 14, §6001 (1974)
- Maryland: Md. Real Prop. Code Ann., §8-208.1 (Supp. 1974)
- Massachusetts: Mass. Gen. Laws Ann., ch. 186, §18 (Supp. 1975)
- Michigan: Mich. Comp. Laws Ann., §600.5720 (Supp. 1975-76)
- Minnesota: Minn. Stat. Ann. §§566.03, 566.08 (Supp. 1975-76)
- Montana: Mont. Rev. Codes Ann., §42-442 (1977)
- Nebraska: Neb. Rev. Stat., §76-1439 (Cum. Supp. 1974)

Nevada: Nev. Rev. Stat., tit. 10, §118A.510 (1977),
but law only applies to landlords who own
seven or more units

New Hampshire: N.H. Rev. Stat. Ann., §540.13 (Supp. 1973)

New Jersey: N.J. Stat. Ann., §2A:41-10.10 (Supp. 1975-76);
and E. & E. Newman, Inc. v. Hallock, 116 N.J.
Super. 220, 281 A.2d 544 (1971)

New York: N.Y. Unconsol. Laws, §§8590, 8609 (McKinney
1974)

North Carolina: 1979 N.C. Sess. Laws, ch. 807

Ohio: Ohio Rev. Code Ann., §5321.02 (Page Supp. 1974)

Oregon: Or. Rev. Stat., §91-865 (1974); and Or. Laws,
ch. 559, §32

Pennsylvania: Pa. Stat. Ann., tit. 35, §1700-1 (Supp.
1975-76)

Rhode Island: R.I. Gen. Laws Ann., §34-20-10 (1970)

Tennessee: Tenn. Code Ann., §53-5505 (Supp. 1974)

Texas: Sims v. Century Kiest Apartments, 567 S.W.2d
526 (1978)

Virginia: Va. Code Ann., §55-248.39 (Supp. 1975)

Washington: Wash. Rev. Code, §§59.18.240, 59.18.250 (Supp.
1973)

Wisconsin: Dickhut v. Norton, 45 Wis.2d 389, 173 N.W.2d
297 (1970)

1/2/81

**UNIFORM RESIDENTIAL
LANDLORD AND TENANT ACT**

Drafted by the

**NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS**

and by it

**APPROVED AND RECOMMENDED FOR ENACTMENT
IN ALL THE STATES**

at its

**ANNUAL CONFERENCE
MEETING IN ITS EIGHTY-FIRST YEAR
AT SAN FRANCISCO, CALIFORNIA
AUGUST 4-11, 1972**

**WITH AMENDMENTS APPROVED, AUGUST, 1974
WITH COMMENTS**

**APPROVED BY THE AMERICAN BAR ASSOCIATION AT ITS
MIDYEAR MEETING IN HOUSTON, TEXAS, FEBRUARY, 1974**

UNIFORM LANDLORD AND TENANT ACT

The Committee, which acted for the National Conference of Commissioners on Uniform State Laws in preparing the Uniform Residential Landlord and Tenant Act was as follows:

EDWARD L. SCHWARTZ, 85 Devonshire St., Boston, Mass. 02109, *Chairman*

ELWYN EVANS, 502 Market Tower Bldg., Wilmington, Del. 19801

JAMES H. CLARKE, 800 Pacific Bldg., Portland, Ore. 97204

WILLIAM C. GARDNER, 615 F St., NW, Washington, D.C. 20004

WILLIAM C. HILLMAN, 403 S. Main St., Providence, R.I. 02903

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Reporter-Draftsman

JULIAN LEVI, South East Chicago Commission, 1400 East 53rd St., Chicago, Ill. 60615

Copies of all Uniform and Model Acts and other printed matter issued by the Conference may be obtained from

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

Suite 510

645 North Michigan Avenue

Chicago, Illinois 60611

Nevada: Nev. Rev. Stat., tit. 10, §118A.510 (1977),
but law only applies to landlords who own
seven or more units

New Hampshire: N.H. Rev. Stat. Ann., §540.13 (Supp. 1973)

New Jersey: N.J. Stat. Ann., §2A:41-10.10 (Supp. 1975-76);
and E. & E. Newman, Inc. v. Hallock, 116 N.J.
Super. 220, 281 A.2d 544 (1971)

New York: N.Y. Unconsol. Laws, §§8590, 8609 (McKinney
1974)

North Carolina: 1979 N.C. Sess. Laws, ch. 807

Ohio: Ohio Rev. Code Ann., §5321.72 (Page Supp. 1974)

Oregon: Or. Rev. Stat., §91-865 (1974); and Or. Laws,
ch. 559, §32

Pennsylvania: Pa. Stat. Ann., tit. 35, §1700-1 (Supp.
1975-76)

Rhode Island: R.I. Gen. Laws Ann., §34-20-10 (1970)

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1973)

Wisconsin: Dickhut v. Norton, 45 Wis.2d 389, 173 N.W.2d
297 (1970)

1/2/81

UNIFORM RESIDENTIAL LANDLORD AND TENANT ACT

ARTICLE I

GENERAL PROVISIONS AND DEFINITIONS

PART I

SHORT TITLE, CONSTRUCTION, APPLICATION AND SUBJECT MATTER OF THE ACT

SECTION 1.101. [*Short Title.*] This Act shall be known and may be cited as the "Uniform Residential Landlord and Tenant Act."

COMMENT

This Act concerns landlord-tenant relationships under rental agreements for residential purposes (Section 1.201). The Act does not apply to rental agreements made for commercial, industrial, agricultural or any purpose other than residential.

SECTION 1.102. [*Purposes; Rules of Construction.*]

(a) This Act shall be liberally construed and applied to promote its underlying purposes and policies.

(b) Underlying purposes and policies of this Act are

(1) to simplify, clarify, modernize, and revise the law governing the rental of dwelling units and the rights and obligations of landlords and tenants;

(2) to encourage landlords and tenants to maintain and improve the quality of housing; and

(3) to make uniform the law with respect to the subject of this Act among those states which enact it.

COMMENT

Existing landlord-tenant law in the United States, save as modified by statute or judicial interpretation, is a product of English common law developed within an agricultural society at a time when doctrines of promissory contract were unrecognized. Thus, the landlord-tenant relationship was viewed as conveyance of a leasehold estate and the covenants of the parties generally independent. These doctrines are inappropriate to modern urban conditions and inexpressive of the vital interests of the parties and the public which the law must protect.

This Act recognizes the modern tendency to treat performance of certain obligations of the parties as interdependent.

Liberal construction of this Act and its application for promotion of its underlying purposes and policies will permit development by the courts in light of unforeseen and new circumstances and practices. However, proper construction of the Act requires that its interpretation and application be limited to its reason.

UNIFORM LANDLORD AND TENANT ACT

SECTION 1.103. [*Supplementary Principles of Law Applicable.*] Unless displaced by the provisions of this Act, the principles of law and equity, including the law relating to capacity to contract, mutuality of obligations, principal and agent, real property, public health, safety and fire prevention, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause supplement its provisions.

COMMENT

This section, adapted from Section 1-103 of the Uniform Commercial Code, indicates the continued applicability to landlord-tenant relations of all supplemental bodies of law except in so far as they are explicitly displaced by this Act. The listing given in this section is merely illustrative; no listing could be exhaustive.

SECTION 1.104. [*Construction Against Implicit Repeal.*] This Act being a general act intended as a unified coverage of its subject matter, no part of it is to be construed as impliedly repealed by subsequent legislation if that construction can reasonably be avoided.

COMMENT

This section indicates the policy that no Act which bears evidence of carefully considered permanent regulative intention should lightly be regarded as impliedly repealed by subsequent legislation. This Act, carefully integrated and intended as a uniform codification of permanent character covering an entire "field" of law, is to be regarded as particularly resistant to implied repeal.

SECTION 1.105. [*Administration of Remedies; Enforcement.*]

(a) The remedies provided by this Act shall be so administered that an aggrieved party may recover appropriate damages. The aggrieved party has a duty to mitigate damages.

(b) Any right or obligation declared by this Act is enforceable by action unless the provision declaring it specifies a different and limited effect.

COMMENT

Subsection (a) is intended to negate unduly narrow or technical interpretation of remedial provisions and to make clear that damages must be minimized. The use of the words "aggrieved party" is intended to indicate that in appropriate circumstances rights and remedies may extend to third persons under this Act or supplementary principles of law (compare Article IV, Parts I and II).

Under subsection (b) any right or obligation described in this Act is enforceable by court action, even though no remedy may be expressly provided, unless a particular provision specifies a different and limited effect. Whether tort action, specific performance or equitable relief is available is determined not by this section but by specific provisions and supplementary principles (see Section 1.103).

SECTION 1.106. [*Settlement of Disputed Claim or Right.*] A claim or right arising under this Act or on a rental agreement, if disputed in good faith, may be settled by agreement.

UNIFORM LANDLORD AND TENANT ACT

COMMENT

This section applies to settlements of claims asserted by either landlord or tenant.

Subsequent sections of this Act (a) forbid the tenant from prior waiver of rights (Section 1.403), and (b) subject the bargain of the parties to the test of conscionability (Section 1.303).

PART II SCOPE AND JURISDICTION

SECTION 1.201. [*Territorial Application.*] This Act applies to, regulates, and determines rights, obligations, and remedies under a rental agreement, wherever made, for a dwelling unit located within this state.

SECTION 1.202. [*Exclusions from Application of Act.*] Unless created to avoid the application of this Act, the following arrangements are not governed by this Act:

(1) residence at an institution, public or private, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar service;

(2) occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to his interest;

(3) occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

COMMENT

A fraternal or social organization is deemed to also cover the "athletic club."

(4) transient occupancy in a hotel, or motel [or lodgings [subject to cite state transient lodgings or room occupancy excise tax act]];

(5) occupancy by an employee of a landlord whose right to occupancy is conditional upon employment in and about the premises;

(6) occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative;

(7) occupancy under a rental agreement covering premises used by the occupant primarily for agricultural purposes.

COMMENT

This Act regulates landlord-tenant relations in residential properties. It is not intended to apply where residence is incidental to another primary purpose such as residence in a prison, a hospital or nursing home, a dormitory owned and operated by a college or school, or residence by a landlord's employee such as a custodian, janitor, guard or caretaker rendering service in or about the demised premises. This Act is intended to apply to government or public agencies acting as landlords (Section 1.301(8)).