

ALASKA LEGISLATURE COMMITTEES 1983-1984

3109 SSA HJR 7 -HJR 28 8672

CSSSHJR No. 7 (Judiciary)  
Analysis

This resolution provides for a ballot proposition that would, if approved by the voters, amend the state's constitution by changing the position of attorney general from an appointed office to an elected office. The proposed amendments would also remove the governor's organizational and supervisory controls over any function or unit of government headed by the attorney general.

These controls are normally maintained through executive branch procedural requirements imposed on other executive branch agencies by the Department of Administration and the Office of Management and Budget. The controls are exercised by requiring that other departments obtain OMB's and Administration's approval for: purchasing, leasing and supply; professional services contracting; duplicating services; personnel administration and labor relations; equal employment opportunity programs; data processing, information management and telecommunications services; records management; preaudit accounting services; and budget preparation and budget management.

It will be very expensive for an elected attorney general to provide all or most of these services in-house. Although an attorney general may decide to use some of the centrally provided services, key areas such as: personnel; professional services contracting; purchasing, supply and leasing; data processing; and budget preparation and management, would have to be provided in-house if the attorney general's functions are to be at least reasonably free of the governor's supervision. In addition, it is more than likely that attorney timekeeping would be required throughout the Civil Division because most client agencies would not share the same priorities and program goals of an elected attorney general and they would undoubtedly insist that all interagency-funded legal services provided on their behalf be accurately documented and fully substantiated.

Additional costs, expressed in FY 83 dollars, that will provide for complete independence from the organizational and supervisory control of the governor are shown below. Even if the attorney general were to forego a part of this independence, the savings would only amount to 20 or 30% of the total cost because of the necessity to retain in-house control over the essential support services that determine a department's freedom of action.

<u>Function</u>	<u>Positions</u>	<u>Salary/ Benefits</u>	<u>Other Position Costs</u>	<u>Total</u>
Director's Office	(1) Budget Analyst R19		Travel 2,500	
	(1) Admin. Officer R17		Contractual 24,100	
	(1) Clk. Typist R8		Commod.-ongoing 500	
			Commod.-one-time 00	
			Equip.-one-time 18,100	
	(3)	113,805	54,600	168,405
Personnel	(1) Personnel Mgr. R21		Travel 2,500	
	Personnel Analysts R16		Contractual 54,200	
	(1) Training Officer R18		Commod.-ongoing 14,400	
	(2) Personnel Tech.'s R12		Commod.-one-time 12,000	
	(1) Payroll Clerk R10		Equip.-one-time 24,100	
	(1) Clk. Typist R8			
	(8)	255,307	107,200	362,507
Property/Supply	(1) Materials Mgr. R21		Travel 2,500	
	(1) Purchasing Agent R18		Contractual 19,600	
	(1) Supply Officer R16		Commod.-ongoing 7,200	
	(1) Clk. Typist R8		Commod.-one-time 6,000	
			Equip.-one-time 19,300	
	(4)	161,843	54,600	216,443
Finance/Accounting	(1) Finance Officer R21		Travel 2,500	
	(1) Acct. Supervisor R16		Contractual 19,900	
	(1) Acct. Clerk R10		Commod.-ongoing 5,400	
			Commod.-one-time 4,500	
			Equip.-one-time 3,600	
	(3)	120,427	35,900	156,327

Attorney Timekeeping

(1) Accountant R18		Travel	1,800	
(3) DP Clerks R11/R9		Contractual	33,000	
		Commod.-ongoing	7,200	
		Commod.-one-time	3,000	
		Equip.-one-time	16,000	
(4)	111,023		64,000	175,023

Records Management

(1) Records Analyst R18		Travel	1,800	
(1) Records Supervisor R15		Contractual	81,200	
(1) Records Handler R12		Commod.-ongoing	9,000	
(2) Microfilm Operators R10/R14		Commod.-one-time	7,500	
		Equip.-one-time	81,000	
(5)	180,432		180,500	360,932

Data Processing/Communications

(1) DP Mgr. R21		Travel	2,500	
(1) Programmer Analyst R18		Contractual	319,900	
(1) DP/Comm. Sys. Supvr. R18		Commod.-ongoing	5,400	
		Commod.-one-time	4,500	
		Equip.-one-time	41,600	
(3)	142,116		373,900	516,016

Duplication Svcs.

(1) Duplication Mgr. R19		Travel	1,000	
(1) Printing Tech. R17		Contractual	74,500	
(2) Machine Operators R12		Commod.-ongoing	57,200	
		Commod.-one-time	6,000	
		Equip.-one-time	154,800	
(4)	163,768		293,500	457,268

TOTAL

(34)	1,248,721		1,164,200	2,412,921
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Non-salary costs include anticipated space rental of 6,000 sq. ft. for the additional staff of 34, at \$2.00 per sq. ft., per month, plus 2,000 sq. ft. each, for records management and duplication services. Also costed in is \$200 per month per employee for contractual services to cover telephone, copying and postage. Ongoing commodities are estimated at \$150 per month, per employee. New position costs include \$1,500 per employee for one-time commodities (furniture and equipment costing less than \$500 per item), and \$1,200 per employee for new position equipment costing more than \$500 per item. Special items include \$15,000 for employee recruitment advertising for non-attorney job applicants, \$5,000 for personnel system printing, and \$20,000 for a data processing program to maintain EEO statistics. Word processors will cost \$14,500 each for a total cost of \$48,000. Records management equipment include storage devices and microfilm/graphics equipment totalling \$75,000. Duplication equipment will cost approximately \$150,000. DP terminals for both the DP section and the timekeeping section will cost \$50,000. Data processing computer-time should be at \$150,000 per year and an additional \$150,000 is included to maintain and enhance the department's work management, timekeeping, opinion indexing, Westlaw and PROMIS systems.

The total additional cost of \$2,412,921 is an enormous increase over the department's current administrative overhead of \$449,800 projected for FY 84. It is, however, part of the price that must be paid if the proposal to have an elected attorney general is adopted by the electorate during the 1984 general election.

Another major cost area that will eventually occur as a result of changing from an appointed to an elected attorney general, will be a proliferation of special counsel on the staff of major departments. Historically, such counsel have been employed by executive branch agencies to give department heads a "second" opinion in controversial matters in states having an elected attorney general. Such counsel usually do not have the authority to litigate, but they do provide legal advice to department heads and submit amicus briefs in litigation affecting their department's programs. It is not unusual in these states to see four or five separate briefs filed in a single matter, in addition to the attorney general's brief, representing the varying viewpoints of different agencies. Costs for just a single special counsel, including secretarial assistance, total about \$150,000 per year in 1983 dollars. Although it is impossible, at this time, to accurately say how extensive the use of in-house counsel will be if there is an elected attorney general, the additional cost for such counsel could easily exceed \$1.0 million annually, within just a few years.

COMMITTEE REPORT  
SENATE

FURTHER: FINANCE

5/27/83

Date: 6/1/83

Mr. President:

The Committee on JUDICIARY has had CS SSHJR 7 (Jud)  
Proposing amendments to the Constitution of Alaska relating to the  
election of the attorney general.

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

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

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

✓ [Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
3 [Signature] no rec  
\_\_\_\_\_

1 3 in line - Do Not Pass  
1 [Signature] Do NOT PASS  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
CHAIRMAN  
1 Do NOT PASS

COMMITTEE REPORT

SENATE

3/24/83

FURTHER:

JUDICIARY

Finance

Date:

5/26/83

Mr. President:

The Committee on STATE AFFAIRS has had CS SSHJR 7 (Jud)

Proposing amendments to the Constitution of Alaska relating to the election of the attorney general

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

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  <sup>Zero</sup> New Fiscal Note  
*Analysis*
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*Tom Kelly - No Rec*  
*Curtis Humphreys No Rec*  
*Bice Ray No Rec*

*V. Fischer DO NOT PASS*

CHAIRMAN

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SS HJR 7 Date on Bill: 2/11/83  
 Title: "proposing amendments to the Constitution..relating to the election of the  
 Sponsor: Uehling, Ward et al attorney general"  
 Requestor: House Judiciary Committee

1. Estimated fiscal impacts on: Office of the Governor, Division of Elections

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital								
Operating				-0-	-0-			
Total								

b. Revenues:

Revenue								

2. Source of funds to offset fiscal impact of bill:

3. Assumptions: Implementation of this resolution would result in a Constitutional amendment question to be asked in the 1984 general election. As a single question on the ballot it would not incur a fiscal impact.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: TPTThoma, Information Officer Phone: 4611  
 Division: Elections Date: 2/23/83

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Department: \_\_\_\_\_

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: CSSSHJR No. 7(Judiciary)  
 Title: "...election of the Attorney General."  
 Sponsor: House Judiciary (Orig.-Uehling)  
 Requestor: Senate State Affairs

II. FISCAL DETAIL

Agency Affected: Department of Law  
 Program Category: Affected: General Govt.  
 BRU, Program of Subprogram(s) Affected: Legal Services, Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>			*	*	*	*
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND			*	*	*	*
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME			*	*	*	*
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

\* Because expenditures would not begin until the latter part of FY 85, actual costs cannot be determined at this time. Please see Analysis.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues, Director  
 Division: Administrative Services Division

Phone: 465-3672  
 Date: May 26, 1983

Approved by Commissioner: Richard I. Pegues / for  
Norman C. Gorsuch, Attorney General  
 Department: Department of Law

Date: May 26, 1983

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

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HJR

25

May 16, 1983

The Honorable Elizabeth Hanford Dole  
Office of the Secretary  
Department of Transportation  
490 Seventh Street, S.W.  
Washington, D.C. 20590

Dear Madam Secretary:

I wish to bring to your attention and officially request your action to assist in resolving the complex issue of time zones in Alaska.

As you are aware, Alaska is presently in the unique situation of having four time zones. Consequently, Alaska, with its population of approximately 454,000 people, is divided into as many time zones as is the continental United States, itself, which has a total population of over 230 million. This complex arrangement of Alaska's time zones has created barriers to commerce and communications between the private sector and State government in Alaska. By reducing the number of time zones, we can remove these artificial barriers to doing business in Alaska and can unify the people of our state.

During the past two months, the State of Alaska has undertaken an analysis on the merits of consolidating the existing time zones in Alaska from four to two. The analysis involved a statewide public meeting program and an evaluation of the impacts on commerce and transportation.

The results of our analysis indicate that the benefits of consolidating the state's four time zones into two far outweigh the possible inconveniences. Therefore, as Governor of Alaska, I hereby petition you to change the time zones in Alaska as follows: Yukon Standard Time (with the associated Yukon Daylight Time) for all areas of the state east of Longitude 162 degrees, and Alaska Standard Time (with the associated Alaska Daylight Time) for all areas of the state west of Longitude 162 degrees. The same proposed consolidation has been adopted by the State Legislature as Legislative Resolve No. 10, which has previously been submitted to you.

May 16, 1983

Our analysis has convinced me that the movement of the present Bering and Alaska zones one hour closer to the population centers in the lower 48 states will have a positive effect. The majority of Alaska's population will enjoy improved communications with those areas that supply them with virtually all of their goods. I have also concluded that communications within State government, as well as communications between the public and State government, will be enhanced since more than 90 percent of the state's population, most of whom live along the rail belt, will be on the same time.

Because Alaska is so remote from the contiguous United States, interstate transportation will be minimally affected. Juneau is 900 air miles from Seattle, and Anchorage is 1,450 air miles from Seattle. Currently, interstate air carriers must contend with as many as four time zones. The time zone consolidation will simplify scheduling for interstate carriers.

There may be some negative impacts with the movement of Southeast Alaska from Pacific to Yukon time. This movement will put the southeast region of the state one hour away from its major suppliers. Juneau, however, as the state capital, would benefit because it would be in the same time zone as nine out of every ten Alaskan residents.

The State of Alaska sponsored public meetings in 16 communities throughout the state, and also held three teleconferences with a total of ten communities at which public comment was taken on this issue. Seventy-nine people attended these meetings. Of these attendees, 19 expressed support for the proposal, while 49 expressed opposition to the proposal. In addition, the State received written comments. During the hearing process, in all, we received 109 letters. Twenty-four letters supported the proposal and 85 were opposed. The light attendance at the meetings and the relatively small number of written comments indicate that most residents in Alaska do not perceive the proposed time zone change as a negative or divisive issue. Statewide editorial and press coverage of this proposal has been extensive and, for the most part, favorable.

For your information and review, I am enclosing the transcripts from our public meetings for this proposal as well as copies of all written correspondence received as a result of this proposal.

May 16, 1983

Also attached is an eight-point analysis of the impacts of the time zone consolidation based on your publication, Procedures for Moving an Area From One Time Zone to Another. I would request that this change be initiated in October 1983. This will, I feel, minimize the impact on the major portion of the population of the state. The change, if instituted in October, would work the following way:

- Those areas on Bering Daylight Time and Alaska Daylight Time would not move their clocks backward. This would put them in their new respective time zones, Alaska and Yukon.
- Yakutat (the only community in Alaska currently on Yukon Time) would move their clocks backward the usual one hour.
- The remaining portion of the state on Pacific Daylight Time would move their clocks backward two hours which would then put them on Yukon Standard Time.

I would request that these proposed changes take place on Sunday, October 25, 1983, as this is the day that Daylight Savings Time reverts to Standard Time in the remainder of the United States.

I would ask for your early consideration of this request as the October date is less than six months away. Should you require any further clarification or information on this subject, please do not hesitate to contact me or Daniel A. Casey, Commissioner, Department of Transportation and Public Facilities.

Sincerely,

Bill Sheffield  
Governor

Enclosures

cc: The Honorable Ted Stevens  
United States Senate

The Honorable Frank R. Murkowski  
United States Senate

The Honorable Donald E. Young  
House of Representatives

The Honorable Elizabeth  
Hanford Dole

-4-

May 16, 1963

ES/BFH/js/3

Loc: Commissioner Dan Casey  
Department of Transportation  
and Public Facilities

Commissioner Richard Lyon  
Department of Commerce  
and Economic Development

John Katz, Special Counsel  
Office of the Governor

rms

orcey to enforce law

es attorney, to whom satis-  
s 237 to 242 of this title is  
s to be commenced and pros-  
jurisdiction of such offense.  
me 25, 1948, c. 646, § 1, 62

ion 511 et seq. of Title 28, Judicel-  
Judicial Procedure.

rms

1069 to 1072.  
pertaining to, see § 1000 et seq.

ETS AND CONTAINERS

L. 90-628, § 1(a), Oct. 22,  
1320

ulations covering allowable toler-  
ed variations.

n 255, Acts Aug. 31, 1916, c. 420, §  
at. 674; June 25, 1918, c. 610, § 1,  
1909, made the United States re-  
sponsible for commencing ac-  
enforce penalties.

n 256, Act Aug. 31, 1916, c. 420, §  
at. 674, covered the guaranty giv-  
manufacturers or sellers of bas-  
to the correctness of such con-

ive Date of Repeal. Section 3 of  
90-628 provided that: "This Act  
ng this subchapter and amending  
1159(b)(3) of this title) shall be-  
ffective 60 days after enactment  
1968)." "

SUSCHAPTER VIII—STANDARD HAMPERS, ROUND STAVE  
BASKETS, AND SPI INT BASKETS FOR  
FRUITS AND VEGETABLES

§§ 257 to 257i. Repealed. Pub.L. 90-628, § 1(b), Oct. 22,  
1968, 82 Stat. 1320

Historical Note

Section 257, Acts May 21, 1928, c. 604, §  
1, 45 Stat. 683; June 28, 1934, c. 406, § 1,  
63 Stat. 301; Aug. 30, 1904, Pub.L. 88-510,  
§ 1, 78 Stat. 697, set the dimensions for  
standard hampers and round stave bas-  
kets.

Section 257a, Acts May 21, 1928, c. 604,  
§ 2, 45 Stat. 683; Aug. 30, 1904, Pub.L.  
88-510, § 2, 78 Stat. 697, set the dimen-  
sions for standard splint baskets.

Section 257b, Act May 21, 1928, c. 604, §  
3, 45 Stat. 680, provided for the promul-  
gation of regulations allowing reasonable  
variations in hampers and baskets.

Section 257c, Act May 21, 1928, c. 604, §  
4, 45 Stat. 680, required approval by the  
Secretary of Agriculture of the manufac-  
turer's dimension specifications for ham-  
pers and baskets.

Section 257d, Acts May 21, 1928, c. 604,  
§ 5, 45 Stat. 680; Aug. 30, 1904, Pub.L.  
88-510, § 3, 78 Stat. 697, set out penalties  
for violations and covered the guaranty  
given by manufacturers and sellers of  
hampers and baskets as to their correct-  
ness.

Section 257e, Act May 21, 1928, c. 604, §  
6, 45 Stat. 680, provided for the seizure of

illegal hampers and baskets, and the  
procedure covering their condemnation.

Section 257f, Act May 21, 1928, c. 604, §  
7, 45 Stat. 687, allowed manufacture of  
hampers and baskets for foreign sale in  
conformity with foreign specifications.

Section 257g, Acts May 21, 1928, c. 604,  
§ 8, 45 Stat. 687; June 25, 1948, c. 610, §  
1, 62 Stat. 699, placed upon the United  
States Attorney the duty to prosecute for  
violations of this subchapter.

Section 257h, Act May 21, 1928, c. 604, §  
9, 45 Stat. 687, provided for the promul-  
gation of regulations covering examina-  
tions and tests by the Secretary of Agri-  
culture.

Section 257i, Act May 21, 1928, c. 604, §  
10, 45 Stat. 687, authorized the Secretary  
of Agriculture to cooperate with other  
agencies in carrying out the provisions of  
this subchapter.

Effective Date of Repeal. Repeal of  
sections effective 60 days after Oct. 22,  
1968, see section 3 of Pub.L. 90-628, set  
out as a note under former sections 251  
to 256 of this title.

SUBCHAPTER IX—STANDARD TIME

§ 260. Congressional declaration of policy; adoption and  
observance of uniform standard of time; authority  
of Secretary of Transportation

It is the policy of the United States to promote the adoption and ob-  
servance of uniform time within the standard time zones prescribed  
by sections 261 to 264 of this title, as modified by section 265 of this  
title. To this end the Secretary of Transportation is authorized and  
directed to foster and promote widespread and uniform adoption and  
observance of the same standard of time within and throughout each  
such standard time zone.

Pub.L. 89-387, § 2, Apr. 13, 1966, 80 Stat. 107; Pub.L. 89-670, §  
6(e)(5), Oct. 15, 1966, 80 Stat. 939.

Historical Note

Effective Date. Section 6 of Pub.L. 89-387 provided that "This Act [which enacted sections 260, 260a, 266, and 267 of this title and amended sections 261 to 263 of this title] shall take effect on April 1, 1967; except that if any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or any political subdivision thereof, observes daylight saving time in the year 1966, such time shall advance the standard time otherwise applicable in such place by one hour and shall commence at 2 o'clock antemeridian on the last Sunday in April of the year 1966 and shall end at 2 o'clock antemeridian on the last Sunday in October of the year 1966."

Short Title. Section 1 of Pub. L. 89-387 provided "That this Act [which enacted sections 260, 260a, 266, and 267, and amended sections 261 to 263 of this title, and enacted provisions set out as notes

under this section] may be cited as the 'Uniform Time Act of 1966'."

Transfer of Functions. Reference to the Interstate Commerce Commission was changed to the Secretary of Transportation pursuant to Pub.L. 89-670, which created the Department of Transportation and vested all powers, duties and functions of the Interstate Commerce Commission and of the Chairman, members, offices, and officers thereof relating generally to standard time zones and daylight savings time under this section in the Secretary of Transportation. See section 1653(e)(5) of Title 49, Transportation.

Legislative History. For legislative history and purpose of Pub.L. 89-387, see 1966 U.S. Code Cong. and Adm. News, p. 2111. See, also, Pub.L. 89-670, 1966 U.S. Code Cong. and Adm. News, p. 3362.

Library References

Time ⇨14.

U.S.S. Time §§ 7, 17.

Code of Federal Regulations

Geographic limits of standard time zones, see 15 CFR 71.1 et seq.

Notes of Decisions

Purpose 1  
Retrospective effect 2

2. Retrospective effect

1. Purpose

Intention of Congress, in enacting the Uniform Time Act of 1966, which enacted this section and sections 260a, 266, and 267 of this title and amended sections 261 to 263 of this title, was to fix a uniform time for an advance to daylight savings time and a withdrawal therefrom, except in those states which exempted themselves by proper legislative amendment. *Whitmer v. House*, 1967, 426 P.2d 100, 108 Kan. 620.

The Uniform Time Act of 1966, which enacted this section and sections 260a, 266, and 267 of this title and amended sections 261 to 263 of this title, could not be given retrospective effect to nullify resolutions of board of county commissioners and governing board of second-class city located in the county which had been adopted several months before passage of the Act, and more than a year prior to its effective date, even if such resolutions were to be considered in violation of the Act. *Whitmer v. House*, 1967, 426 P.2d 100, 108 Kan. 620.

§ 260a. Advancement of time or changeover dates

Duration of period: State exemption

(a) During the period commencing at 2 o'clock antemeridian on the last Sunday of April of each year and ending at 2 o'clock antemeridian on the last Sunday of October of each year, the standard time of each zone established by sections 261 to 264 of this title, as modified by

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tion] may be cited as the "Act of 1966."

**Functions.** Reference to Commerce Commission was changed to Secretary of Transportation pursuant to Pub.L. 89-670, which created the Department of Transportation and vested all powers, duties and functions of the Interstate Commerce Commission and of the Chairman, members, officers thereof relating generally to standard time zones and daylight saving time under this section in the Secretary of Transportation. See section 10554(e)(1) of Title 49, Transportation.

**History.** For legislative history of Pub.L. 89-387, see H. Rept. 1000, 86 Cong., 2d Sess., H. Adm. News, p. 1, Pub.L. 89-670, 1966 U.S. Code Cong. and Adm. News, p. 3302.

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effect

The Act of 1966, which amended sections 260a, 261, and 264 of this title and amended section 263 of this title, could not have any retroactive effect to nullify resolutions of county commissioners' boards of second-class city or county which had been adopted more than a year prior to the date of passage of the Act, even if such resolutions were entered in violation of the Act. *See* H. Rept. 1007, 86 Cong., 2d Sess., p. 2.

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Antemeridian on the 2 o'clock antemeridian standard time of each zone, as modified by

section 265 of this title, shall be advanced one hour and such time as so advanced shall for the purposes of such sections 261 to 264, as so modified, be the standard time of such zone during such period; however, (1) any State that lies entirely within one time zone may by law exempt itself from the provisions of this subsection providing for the advancement of time, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable during that period, and (2) any State with parts thereof in more than one time zone may by law exempt either the entire State as provided in (1) or may exempt the entire area of the State lying within any time zone.

#### State laws superseded

(b) It is hereby declared that it is the express intent of Congress by this section to supersede any and all laws of the States or political subdivisions thereof insofar as they may now or hereafter provide for advances in time or changeover dates different from those specified in this section.

#### Violations; enforcement

(c) For any violation of the provisions of this section the Secretary of Transportation or his duly authorized agent may apply to the district court of the United States for the district in which such violation occurs for the enforcement of this section; and such court shall have jurisdiction to enforce obedience thereto by writ of injunction or by other process, mandatory or otherwise, restraining against further violations of this section and enjoined obedience thereto.

Pub.L. 89-387, § 3, Apr. 13, 1966, 80 Stat. 107; Pub.L. 89-670, § 5(c)(5), Oct. 15, 1966, 80 Stat. 939; Pub.L. 92-267, Mar. 30, 1972, 86 Stat. 116.

#### Historical Note

1912 Amendment. Subsec. (a). Pub.L. 62-267 authorized any State with parts thereof lying in more than one time zone to exempt by law that part of such State lying within any time zone from the provisions of this subsection providing for the advancement of time.

**Transfer of Functions.** Reference to the Interstate Commerce Commission was changed to the Secretary of Transportation pursuant to Pub.L. 89-670, which created the Department of Transportation and vested all powers, duties and functions of the Interstate Commerce Commission and of the Chairman, members, officers, and officers thereof relating generally to standard time zones and daylight savings time under this section in the Secretary of Transportation. See section 10554(e)(1) of Title 49, Transportation.

**Emergency Daylight Saving Time Energy Conservation.** Pub.L. 93-482, Dec. 15, 1973, 87 Stat. 707, as amended by Pub.L. 93-431, Oct. 5, 1974, 88 Stat. 1209, provided:

"[sec. 1. Short Title] That this Act [enacting this note] may be cited as the 'Emergency Daylight Saving Time Energy Conservation Act of 1973'.

"Sec. 2. [Congressional findings and declaration of policy] The Congress hereby finds and declares—

"(1) that the United States faces severe energy shortages, especially in the winter of 1973-1974 and in the next several winters thereafter;

"(2) that various studies of governmental and nongovernmental agencies indicate that year-round daylight saving time would produce an energy saving in electrical power consumption;

## References

C.J.S. States ¶ 1. 7.  
C.J.S. Time ¶ 7. 17.

## Legal Forms

See §§ 1030 to 1072.  
Matters pertaining to, see § 1000 et seq.  
Enjoining orders, matters pertaining to, see

## Decisions

Time to central standard time hours for employees of the county and city respectively was within scope of lawful authority of those bodies and not in conflict with any state or federal law. *Whitmer v. House*, 1967, 120 P.2d 100, 108 Kan. 629.

## 1. State exemptions

That mountain standard time was in prevailing use in particular county would not preempt enforcement, throughout state, of statewide policy favoring central standard time, in absence of statutory provision applicable to individual county. *State ex rel. Schrader v. Frye*, N.D.1908, 157 N.W.2d 830, 31 A.L.R.3d 1143.

Under provision of Michigan Constitution that power of referendum must be invoked within 90 days following final adjournment of legislative session at which law was enacted, such reserved power could properly be invoked, concerning exemption from this section prior to end of legislative session at which exemption was given immediate effect. *Michigan Farm Bureau v. Hare*, 1967, 151 N.W.2d 797, 370 Mich. 387.

Under this section extended power of exemption need not be exercised prior to the Sunday in April which precedes the intended period of exemption, and this section does not forestall exemptive action covering all or any portion of the Sunday to Sunday period ahead should the legislative assembly of the state fail, for any reason, to act prior to the first of the two Sundays. *Id.*

Under this section awarding exemptive right to "any state", acceptance or rejection of the exemption may be accomplished by law effected by people of state as well as by Legislature of that state. *Id.*

## 2. Enforcement

Pendency of administrative proceeding to determine whether official boundary line between eastern and central standard time zones of State of Indiana should be

adjusted did not justify adoption by Secretary and General Council of United States Department of Transportation of a general policy of not enforcing provisions of the Uniform Time Act of 1966, which enacted this section and sections 260, 266, and 267 of this title and amended sections 261 to 263 of this title, particularly in respect of daylight savings time for period from August 28, 1968 to October 31, 1968, and did not justify their communicating policy of nonenforcement to citizens of Indiana, thus encouraging them to disobey the law. *Time Life Broadcast Co. v. Boyd*, D.C.Ind.1968, 280 F.Supp. 210.

In view of specific designation of federal district courts as the proper forum for enforcement of the Uniform Time Act

of 1966, which enacted this section and amended sections 260, 266, and 267 of this title, and the express declaration of governing procedure in such proceedings, state courts are excluded from any jurisdiction in connection therewith. *Whitmer v. House*, 1967, 426 P.2d 100, 198 Kan. 629.

## 5. Review

Where there was as yet no authoritative federal precedent concerning question of interpretation and application of this section it became original duty of state Supreme Court to interpret and apply such section. *Michigan Farm Bureau v. Hare*, 1967, 151 N.W.2d 797, 370 Mich. 387.

## § 261. Zones for standard time; interstate or foreign commerce

For the purpose of establishing the standard time of the United States, the territory of the United States shall be divided into eight zones in the manner provided in this section. Except as provided in section 260a(a) of this title, the standard time of the first zone shall be based on the mean solar time of the sixtieth degree of longitude west from Greenwich; that of the second zone on the seventy-fifth degree; that of the third zone on the ninetieth degree; that of the fourth zone on the one hundred and fifth degree; that of the fifth zone on the one hundred and twentieth degree; that of the sixth zone on the one hundred and thirty-fifth degree; that of the seventh zone on the one hundred and fiftieth degree; and that of the eighth zone on the one hundred and sixty-fifth degree. The limits of each zone shall be defined by an order of the Secretary of Transportation, having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce, and any such order may be modified from time to time. As used in sections 261 to 264 of this title, the term "interstate or foreign commerce" means commerce between a State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States and any place outside thereof.

Mar. 19, 1918, c. 24, § 1, 40 Stat. 450; Apr. 13, 1966, Pub.L. 89-387, § 4(a), 80 Stat. 108; Oct. 15, 1966, Pub.L. 89-670, § 6(e)(5), 80 Stat. 939.

## Historical Note

1906 Amendment. Pub.L. 89-387 increased the number of time zones from five for the territory of continental United States to eight for the territory of the United States, inserted the "exception phrase", substituted "solar" for "astro-

nomical" time, established the first zone on basis of the 60th degree of longitude west from Greenwich, redesignated as the second through the fifth zones based on the 75th, 90th, 105th, and 120th degrees former zones one through four based on

suspension of Authority of Suspension Secretary of Transportation to Modify of Time Zones. Suspension of authority of the Secretary of Transportation under this section to modify the of time zones, see section 5 of L. 93-182, set out as a note under on 260a of this title.

strict of Columbia. Act Mar. 31, c. 43, 63 Stat. 29, authorized the d of Commissioners [now the Dis- of Columbia Council] to establish ight-saving time in the District of mbina.

turn to Standard Time. Act Sept. 1915, c. 388, 59 Stat. 537, provided notwithstanding the provisions of Jan. 20, 1912, c. 7, 56 Stat. 9, which ed for war time, the standard time ach zone as provided for in sections o 261 of this title should again be effective as of Sept. 30, 1915, at 2:00

islative History. For legislative ry and purpose of Pub.L. 89-387, see U.S.Code Cong. and Adm.News, p. See, also, Pub.L. 89-670, 1966 U.S. Cong. and Adm.News, p. 3392.

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ople of various areas in their daily ition, except where state Legislature een fit to make specific exception to by statute, is common knowledge.

andard time, as known and used, was hich was established as the stan- time for the United States by sec- 261 to 264 of this title. McFarlane hitney, 1910, 131 S.W.2d 1047, 134 391.

#### tate laws

absence of specific legislation by Legislature to the contrary, stand- time as fixed by federal government ed as the time to be officially used rforming acts required under Elec- Code, Burns' Ann.St. §§ 29-2801 et 29-3094, 29-5030. State Election Bd. Clure, 1963, 189 N.E.2d 711, 243 Ind.

der this section establishing stan- time, Wisconsin has geared its time entral standard time as established ongress, and as Congress changes at standard time, the state statutory ard of time, under St.1941, § 175, also changes so that state has a d standard time that is one hour e than it was prior to Act Jan. 12, c. 7, 56 Stat. 9 establishing war

time, State v. Padolari, 1942, 6 N.W.2d 220, 251 Wis. 406, 143 A.L.R. 1234.

Supreme Court would take judicial notice that standard time adopted as measure of time by United States under this section, was recognized standard of time in Oregon for many years past. Webb v. Clatsop County School Dist. No. 3, 1950, 215 P.2d 308, 188 Or. 324.

#### 1. Adjustment of boundary lines

Federal court did not possess jurisdiction to interfere with administrative proceeding commenced by Secretary and General Council of the United States Department of Transportation to determine whether official boundary line between eastern and central standard time zones of State of Indiana should be adjusted. Time Life Broadcast Co. v. Boyd, D.C. Ind.1908, 280 F.Supp. 219.

Even though administrative proceeding commenced by Secretary and General Council of United States Department of Education on August 3, 1967 to determine whether official boundary line between eastern and central standard time zones

of State of Indiana should be adjusted was not expected to be concluded until after October 31, 1968, such lapse of time was not unreasonable where Secretary and General Council had under consideration proceedings involving other states which prevented their giving exclusive attention to Indiana proceeding. Id.

Where plaintiffs failed to prove essential elements of their claim to require the United States Department of Transportation to complete rule-making process and specifically to adopt, reject or modify proposed rule extending division line between eastern and central standard time zones essentially to western boundary of state but, pending administrative proceedings, the Department had adopted a policy of not enforcing the Uniform Time Act of 1966, which enacted sections 260, 260a, 260 and 267 of this title and amended this section and sections 262 and 263 of this title, thus encouraging citizens of State to disobey the law, an injunction would issue requiring the Department to discontinue its policy and to publish fact of same to citizens of state. Id.

## § 262. Duty to observe standard time of zones

Within the respective zones created under the authority of sections 261 to 264 of this title the standard time of the zone shall insofar as practicable (as determined by the Secretary of Transportation) govern the movement of all common carriers engaged in interstate or foreign commerce. In all statutes, orders, rules, and regulations relating to the time of performance of any act by any officer or department of the United States, whether in the legislative, executive, or judicial branches of the Government, or relating to the time within which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the United States, it shall be understood and intended that the time shall insofar as practicable (as determined by the Secretary of Transportation) be the United States standard time of the zone within which the act is to be performed.

Mar. 12, 1918, c. 24, § 2, 40 Stat. 451; Apr. 13, 1966, Pub.L. 89-387, § 4(b), 80 Stat. 108; Oct. 15, 1966, Pub.L. 89-670, § 6(e)(5), 80 Stat. 939.

#### Historical Note

1966 Amendment. Pub. L. 89-387 inserted "insofar as practicable (as determined by the Interstate Commerce Commission)" in two instances and substituted "engaged in interstate or foreign commerce" for "engaged in commerce between the several States or between a State and any one of

the Territories of the United States, or between a State or the Territory of Alaska and any one of the insular possessions of the United States or any foreign country".

Transfer of Functions. Reference to the Interstate Commerce Commission was

changed to the Secretary of Transportation pursuant to Pub.L. 89-670, which created the Department of Transportation and vested all powers, duties and functions of the Interstate Commerce Commission and of the Chairman, members, offices, and officers thereof relating generally to standard time zones and daylight savings time under this section in

the Secretary of Transportation. See section 1055(e)(5) of Title 49, Transportation.

**Legislative History.** For legislative history and purpose of Pub.L. 89-387, see 1966 U.S.Code Cong. and Adm.News, p. 2111. See, also, Pub.L. 89-670, 1966 U.S. Code Cong. and Adm.News, p. 3302.

### Notes of Decisions

#### Foreign standard time 3

##### Purpose 1

##### State laws 2

#### 1. Purpose

This section manifests general congressional intent that zone variations in time be observed in determining time when statutory rights or liabilities accrue. *Sunday v. Madigan*, C.A.Cal.1902, 301 F.2d 871.

#### 2. State laws

Under R.S.1914, c. 1, § 4, authorizing Maine Liquor Commission to prohibit sale of liquor on certain days and at certain hours, provision that the Commission may set hours which will give effect to daylight saving time during such periods when such time is in effect did not authorize Commission to promulgate rule adopting daylight saving time in those municipalities in which business establishments therein were conducted in accordance with such time, particularly in absence of vote thereon by such municipalities. *MacDonald v. Sheriff*, 1953, 91 A.2d 555, 118 Me. 305.

Code Ala.1907, § 3019 gave an appellant 90 days of 24 hours each in which to present to the presiding judge the bill of exceptions, and Act Mar. 19, 1918, c. 24, § 3, 40 Stat. 451, repealed by Act Aug. 20, 1919, c. 51, 41 Stat. 280, which advanced the clock one hour a day during the summer months, did not shorten the 90-day period, and, where bill of exceptions was presented within the full 90 days of 24 hours each, it would not be stricken because it was presented a few minutes after expiration of that time according to the national time. *Ellard v. Goodall*, 1919, 83 So. 508, 203 Ala. 470.

#### 3. Foreign standard time

The Uniform Code of Military Justice, former section 551 et seq. of the Appendix to Title 50 [now section 801 et seq. of Title 10], having effective date of May 31, 1951, became effective in Korea at midnight on the night of May 30-31, 1951, Korean Standard Time, though not effective in the United States until 14 hours later. *Sunday v. Madigan*, C.A. Cal.1902, 301 F.2d 871.

## § 263. Designation of zone standard times

The standard time of the first zone shall be known and designated as Atlantic standard time; that of the second zone shall be known and designated as eastern standard time; that of the third zone shall be known and designated as central standard time; that of the fourth zone shall be known and designated as mountain standard time; that of the fifth zone shall be known and designated as Pacific standard time; that of the sixth zone shall be known and designated as Yukon standard time; that of the seventh zone shall be known and designated as Alaska-Hawaii standard time; and that of the eighth zone shall be known and designated as Bering standard time.

Mar. 19, 1918, c. 24, § 4, 40 Stat. 451; Apr. 13, 1966, Pub.L. 89-387, § 4(c), 80 Stat. 108.

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## § 264.

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Codification Mar. 19, 1918 the dates for one hour, w 1919, c. 51, 41

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## § 265.

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the Secretary of Transportation. See section 1655(e)(5) of Title 49, Transportation.

**Legislative History.** For legislative history and purpose of Pub.L. 89-387, see 1966 U.S.Code Cong. and Adm.News, p. 2111. See, also, Pub.L. 89-870, 1966 U.S. Code Cong. and Adm.News, p. 3302.

## Decisions

Code Ala.1907, § 3019 gave an appellant 90 days of 24 hours each in which to present to the presiding judge the bill of exceptions, and Act Mar. 19, 1918, c. 24, § 3, 40 Stat. 451, repealed by Act Aug. 20, 1919, c. 51, 41 Stat. 280, which advanced the clock one hour a day during the summer months, did not shorten the 90-day period, and, where bill of exceptions was presented within the full 90 days of 24 hours each, it would not be stricken because it was presented a few minutes after expiration of that time according to the national time. *Ward v. Goodall*, 1919, 83 So. 568, 203 Ala. 476.

### 3. Foreign standard time

The Uniform Code of Military Justice, former section 531 et seq. of the Appendix to Title 50 (now section 861 et seq. of Title 10), having effective date of May 31, 1951, became effective in Korea at midnight on the night of May 30-31, 1951, Korean Standard Time, though not effective in the United States until 14 hours later. *Sunday v. Mudigan*, C.A. Cal.1962, 301 F.2d 871.

## standard times

zone shall be known and designated; the second zone shall be known and designated as mountain standard time; that of the third zone shall be known and designated as Pacific standard time; that of the fourth zone shall be known and designated as Yukon standard time; that of the fifth zone shall be known and designated as Alaska-Hawaii standard time; and that of the eighth zone shall be known and designated as Alaska-Hawaii standard time.

§ 261; Apr. 13, 1966, Pub.L. 89-387, §

## Historical Note

**1966 Amendment.** Pub.L. 89-387 added Atlantic standard time as first zone designation; redesignated as eastern standard time, central standard time, mountain standard time and Pacific standard time for second through fifth zones former designation of United States standard eastern time, United States standard central time, United States standard mountain time and United States standard Pacific time for former zones one through four; added Yukon standard time as sixth zone des-

ignation; redesignated as Alaska-Hawaii standard time for seventh zone former designation of United States standard Alaska time for fifth zone; and added Bering standard time as eighth zone designation.

**Legislative History.** For legislative history and purpose of Pub.L. 89-387, see 1966 U.S.Code Cong. and Adm.News, p. 2111.

## § 264. Part of Idaho in third zone

In the division of territory, and in the definition of the limits of each zone, as provided in sections 261 to 264 of this title, so much of the State of Idaho as lies south of the Salmon River, traversing the State from east to west near forty-five degrees thirty minutes latitude, shall be embraced in the third zone: *Provided*, That common carriers within such portion of the State of Idaho may conduct their operations on Pacific time.

Mar. 19, 1918, c. 24, § 3, as added Mar. 3, 1923, c. 216, 42 Stat. 1434, and amended June 24, 1948, c. 631, § 1, 62 Stat. 646.

## Historical Note

**Codification.** A prior section 3 of Act Mar. 19, 1918, c. 24, 40 Stat. 451, covering the dates for annual advancement of time one hour, was repealed by Act Aug. 20, 1919, c. 51, 41 Stat. 280.

**1948 Amendment.** Act June 24, 1948 added proviso relating to common carriers.

**Effective Date of 1918 Amendment.** Section 2 of Act June 14, 1918 provided that: "This Act [amending this section] shall take effect at 2 o'clock antemeridian of the second Monday following the date of its enactment [June 24, 1918]."

**Legislative History.** For legislative history and purpose of Act June 24, 1948, see 1948 U.S.Code Cong.Service, p. 2024.

## § 265. Transfer of certain territory to standard central-time zone

The Panhandle and Plains sections of Texas and Oklahoma are transferred to and placed within the United States standard central-time zone.

The Secretary of Transportation is authorized and directed to issue an order placing the western boundary line of the United States standard central-time zone insofar as the same affect Texas and Oklahoma as follows:

Beginning at a point where such western boundary time zone line crosses the State boundary line between Kansas and Oklahoma; thence westerly along said State boundary line to the northwest corner of the State of Oklahoma; thence in a southerly direction along the

west State boundary line of Oklahoma and the west State boundary line of Texas to the southeastern corner of the State of New Mexico; thence in a westerly direction along the State boundary line between the States of Texas and New Mexico to the Rio Grande River; thence down the Rio Grande River as the boundary line between the United States and Mexico: *Provided*, That the Chicago, Rock Island and Gulf Railway Company and the Chicago, Rock Island and Pacific Railway Company may use Tucumcari, New Mexico, as the point at which they change from central to mountain time and vice versa; the Colorado Southern and Fort Worth and Denver City Railway Companies may use Sixela, New Mexico, as such changing point; the Atchison, Topeka and Santa Fe Railway Company and other branches of the Santa Fe system may use Clovis, New Mexico, as such changing point, and those railways running into or through El Paso may use El Paso as such point: *Provided further*, That this section shall not, except as herein provided, interfere with the adjustment of time zones as established by the Secretary of Transportation.

Mar. 4, 1921, c. 173, § 1, 41 Stat. 1446; Oct. 15, 1966, Pub.L. 89-670, § 6(e)(5), 80 Stat. 939.

#### Historical Note

**Codification.** Section consists of section 1 of Act Mar. 4, 1921. Section 2 of Act Mar. 4, 1921, repealed all conflicting laws and parts of laws.

**Transfer of Functions.** Secretary of Transportation was substituted for Interstate Commerce Commission pursuant to Pub.L. 89-670, under which all functions, powers, and duties of the Interstate Commerce Commission and the Chairman, members, officers, and officers thereof relating generally to standard time zones and daylight savings time under this section were transferred to and vested in the Secretary of Transportation. See section 1055(e)(5) of Title 49, Transportation.

**Transfer of El Paso and Hudspeth Counties, Texas, to Mountain Standard Time Zone.** Pub.L. 91-228, Apr. 10, 1970, 84 Stat. 119, provided: "That, notwithstanding the

first section of the Act of March 4, 1921 (15 U.S.C. 265) [this section], the Secretary of Transportation may, upon the written request of the County Commissioners Court of El Paso County, Texas, change the boundary line between the central standard time zone and the mountain standard time zone, so as to place El Paso County in the mountain standard time zone, in the manner prescribed in section 1 of the Act of March 19, 1918, as amended (15 U.S.C. 261) [section 261 of this title], and section 5 of the Act of April 13, 1906 (15 U.S.C. 296) [section 296 of this title]. In the same manner, the Secretary of Transportation may also place Hudspeth County, Texas, in the mountain standard time zone, if the Hudspeth County Commissioners Court so requests in writing and if El Paso County is to be placed in that time zone."

## § 266. Applicability of Administrative Procedure Act

The Administrative Procedure Act shall apply to all proceedings under sections 260 to 267 of this title.

Pub.L. 89-387, § 5, Apr. 13, 1966, 80 Stat. 108.

#### Historical Note

**References in Text.** The Administrative Procedure Act, referred to in text, is classified to sections 551 et seq. and 761

et seq. of Title 5, Government Organization and Employees.

Codified title, renumbered March 1966, the Act of which is

## § 267

As used in "State" to Rico, Pub.L. 1

Legislation history n

in and the west State boundary  
 er of the State of New Mexico;  
 he State boundary line between  
 to the Rio Grande River; thence  
 undary line between the United  
 e Chicago, Rock Island and Gulf  
 lock Island and Pacific Railwa-  
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 e and vice versa; the Colorado  
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6; Oct. 15, 1966, Pub.L. 89-670,

#### Note

st section of the Act of March 4, 1921  
 5 U.S.C. 265) (this section), the Secre-  
 of Transportation may, upon the  
 tten request of the County Commis-  
 sioners Court of El Paso County, Texas,  
 nge the boundary line between the cen-  
 d standard time zone and the mountain  
 ndard time zone, so as to place El Paso  
 ounty in the mountain standard time  
 ne, in the manner prescribed in section  
 of the Act of March 19, 1918, as amended  
 5 U.S.C. 264) (section 261 of this title),  
 of section 5 of the Act of April 13, 1906  
 5 U.S.C. 260) (section 260 of this title),  
 the same manner, the Secretary of  
 ansportation may also place Hudspeth  
 ounty, Texas, in the mountain standard  
 ne zone, if the Hudspeth County Com-  
 missioners Court so requests in writing  
 d if El Paso County is to be placed in  
 at time zone."

#### Administrative Procedure Act

shall apply to all proceedings un-

at. 108.

#### Note

ep. of Title 5, Government Organiza-  
 ion and Employees.

Codification. Sections 260 to 267 of this 263, 266, 267; 261 to 264; and 265 of this  
 title, read in the original "this Act title, respectively.  
 (meaning Pub.L. 89-387), the Act of Legislative History. For legislative  
 March 19, 1918 (15 U.S.C. 261-264), and history and purpose of Pub.L. 89-387, see  
 the Act of March 4, 1921 (15 U.S.C. 265)", 1966 U.S.Code Cong. and Adm.News, p.  
 which are classified to sections 260 to 2111.

### § 267. State defined

As used in sections 260 to 264, 266 and 267 of this title, the term  
 "State" includes the District of Columbia, the Commonwealth of Puer-  
 to Rico, or any possession of the United States.

Pub.L. 89-387, § 7, Apr. 13, 1966 80 Stat. 109.

#### Historical Note

Legislative History. For legislative 1966 U.S.Code Cong. and Adm.News, p.  
 history and purpose of Pub.L. 89-387, see 2111.

Supplement received May 11, 1983 by  
reg. library)

**Transfer of Functions.** The functions of officers of the Department of Commerce and the functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Secretary of Commerce, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 5

of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1203, set out in the Appendix to Title 5, Government Organization and Employees. Through internal reorganization the functions of the former Bureau of Foreign and Domestic Commerce, referred to in text, have been reassigned to other offices of the Department of Commerce.

Greenwich; 11 of the third z the one hundred and t and thirty-fifth fiftieth degree sixty-fifth deg of the Secreta commerce and carriers engag may be modifi this title, the between a Sta Rico, or any p As amended J

Legislative H history and pur 1982 U.S.Code t

**CHAPTER 6—WEIGHTS AND MEASURES AND STANDARD TIME**

**§ 205c. Functions and powers of Board**

**Change of Name.** The Department of Health, Education, and Welfare was redesignated the Department of Health and Human Services, and the Secretary of Health, Education, and Welfare or any other official of the Department of Health, Education, and Welfare was redesignated the Secretary or official, as appropriate, of Health and Human Services, with any reference to the Department of Health, Education, and Welfare, the Secretary of Health, Education, and Welfare, or any official of the Department of Health, Education, and Welfare, in any law, rule, regulation, certificate, directive, instruction, or other official pa-

per in force on the effective date of Pub. L. 96-88, as prescribed by section 601 of Pub.L. 96-88, Title VI, Oct. 17, 1979, 93 Stat. 696, set out as a note under section 3101 of Title 20, Education, deemed to refer and apply to the Department of Health and Human Services or the Secretary of Health and Human Services, respectively, except to the extent such reference is to a function or office transferred to the Secretary of Education or the Department of Education under Pub. L. 96-88, Title III, §§ 501-507, Oct. 17, 1979, 93 Stat. 677-681. See section 3441 to 3447 and 3508 of Title 20.

**§ 202. Du**

Within the 261 to 264 o practicable (t the movemen commerce, I time of perfe United States of the Govern accrue or det formed by u It shall be u ticable (as de States standa As amended J

Legislative I history and pur 1982 U.S.Code

**§ 260. Congressional declaration of policy; adoption and observance of uniform standard of time; authority of Secretary of Transportation**

It is the policy of the United States to promote the adoption and observance of uniform time within the standard time zones prescribed by sections 261 to 264 of this title, as modified by section 265 of this title. To this end the Secretary of Transportation is authorized and directed to foster and promote widespread and uniform adoption and observance of the same standard of time within and throughout each such standard time zone.

As amended Pub.L. 97-449, § 2(c), Jan. 12, 1983, 96 Stat. 2439.

**Legislative History.** For legislative history and purpose of Pub.L. 97-449, see 1982 U.S.Code Cong. and Adm. News, p.

**Federal Practice and Procedure.** Advancement on court calendar of action brought under this subchapter to prevent mootness of issues presented, see Wright & Miller: Civil § 2351.

**§ 205. Ti**

The Panha ferred to and The Secret order placin central-time follows:

Beginning the State bot along and S Oklaho ; I line of Oklah eastern corn along the Ste to the Rio boundary lin Chicago, Ro Island and as the point vice versa; Railway Cor the Atchiso of the Sant.

**§ 260a. Advancement of time or changeover dates**

[See main volume for text of (a) and (b)]

**Violations; enforcement**

(c) For any violation of the provisions of this section the Secretary of Transportation or his duly authorized agent may apply to the district court of the United States for the district in which such violation occurs for the enforcement of this section; and such court shall have jurisdiction to enforce obedience thereto by writ of injunction or by other process, mandatory or otherwise, restraining against further violations of this section and enforcing obedience thereto.

As amended Pub.L. 97-449, § 2(c), Jan. 12, 1983, 96 Stat. 2439.

**Legislative History.** For legislative history and purpose of Pub.L. 97-449, see 1982 U.S.Code Cong. and Adm. News, p.

**§ 261. Zones for standard time; Interstate or foreign commerce**

For the purpose of establishing the standard time of the United States, the territory of the United States shall be divided into eight zones in the manner provided in this section. Except as provided in section 260a(a) of this title, the standard time of the first zone shall be based on the mean solar time of the sixtieth degree of longitude west from

The functions of all agencies of the Department were transferred to the Department of Commerce, referred to in text, have been reassigned to other offices of the Department of Commerce.

**WEIGHTS AND MEASURES AND STANDARD TIME**

**and powers of Board**

Department of Health and Welfare or any department of Health and Welfare was or official, as a Human Services or the Department of Education, and of the Department of Welfare, ion, certificate, her official po-

per in force on the effective date of Pub. L. 96-88, as prescribed by section 601 of Pub.L. 96-88, Title VI, Oct. 17, 1979, 93 Stat. 604, set out as a note under section 3401 of Title 20, Education, deemed to refer and apply to the Department of Health and Human Services or the Secretary of Health and Human Services, respectively, except to the extent such reference is to a function or office transferred to the Secretary of Education or the Department of Education under Pub. L. 96-88, Title III, §§ 301-307, Oct. 17, 1979, 93 Stat. 677-681. See section 3441 to 3447 and 3508 of Title 20.

and declaration of policy; adoption and observance of time; authority of Secretary of Transportation of the United States to promote the adoption and observance within the standard time zones prescribed by this title, as modified by section 265 of this title, Secretary of Transportation is authorized and directed to disseminate and uniform adoption and observance of time within and throughout each such standard time

-449, § 2(c), Jan. 12, 1983, 96 Stat. 2439.

For legislative history and purpose of Pub.L. 97-440, see 1982 U.S.Code Cong. and Adm.News, p. 1982 U.S.Code Cong. and Adm.News, p.

of time or changeover dates

main volume for text of (a) and (b)

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-449, § 2(c), Jan. 12, 1983, 96 Stat. 2439.

For legislative history and purpose of Pub.L. 97-440, see 1982 U.S.Code Cong. and Adm.News, p.

standard time; interstate or foreign commerce of the United States shall be divided into eight zones in this section. Except as provided in section the standard time of the first zone shall be based on the sixtieth degree of longitude west from

Greenwich; that of the second zone on the seventy-fifth degree; that of the third zone on the ninetieth degree; that of the fourth zone on the one hundred and fifth degree; that of the fifth zone on the one hundred and twentieth degree, that of the sixth zone on the one hundred and thirty-fifth degree; that of the seventh zone on the one hundred and fiftieth degree; and that of the eighth zone on the one hundred and sixty-fifth degree. The limits of each zone shall be defined by an order of the Secretary of Transportation, having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce, and any such order may be modified from time to time. As used in sections 261 to 264 of this title, the term "interstate or foreign commerce" means commerce between a State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States and any place outside thereof. As amended Jan. 12, 1983, Pub.L. 97-449, § 2(c), 96 Stat. 2439.

Legislative History. For legislative history and purpose of Pub.L. 97-440, see 1982 U.S.Code Cong. and Adm.News, p.

**§ 262. Duty to observe standard time of zones**

Within the respective zones created under the authority of sections 261 to 264 of this title the standard time of the zone shall insofar as practicable (as determined by the Secretary of Transportation) govern the movement of all common carriers engaged in interstate or foreign commerce. In all statutes, orders, rules, and regulations relating to the time of performance of any act by any officer or department of the United States, whether in the legislative, executive, or judicial branches of the Government, or relating to the time within which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the United States, it shall be understood and intended that the time shall insofar as practicable (as determined by the Secretary of Transportation) be the United States standard time of the zone within which the act is to be performed. As amended Jan. 12, 1983, Pub.L. 97-449, § 2(c), 96 Stat. 2439.

Legislative History. For legislative history and purpose of Pub.L. 97-440, see 1982 U.S.Code Cong. and Adm.News, p.

**§ 265. Transfer of certain territory to standard central-time zone**

The Panhandle and Plains sections of Texas and Oklahoma are transferred to and placed within the United States standard central-time zone.

The Secretary of Transportation is authorized and directed to issue an order placing the western boundary line of the United States standard central-time zone insofar as the same affect Texas and Oklahoma as follows:

Beginning at a point where such western boundary time zone line crosses the State boundary line between Kansas and Oklahoma; thence westerly along said State boundary line to the northwest corner of the State of Oklahoma; thence in a southerly direction along the west State boundary line of Oklahoma and the west State boundary line of Texas to the southeastern corner of the State of New Mexico; thence in a westerly direction along the State boundary line between the States of Texas and New Mexico to the Rio Grande River; thence down the Rio Grande River as the boundary line between the United States and Mexico; *Provided*, That the Chicago, Rock Island and Gulf Railway Company and the Chicago, Rock Island and Pacific Railway Company may use Tucumcari, New Mexico, as the point at which they change from central to mountain time and vice versa; the Colorado Southern and Fort Worth and Denver City Railway Companies may use Silesia, New Mexico, as such changing point; the Atchison, Topeka and Santa Fe Railway Company and other branches of the Santa Fe system may use Clovis, New Mexico, as such changing

point, and those railways running into or through El Paso may use El Paso as such point: *Provided further*, That this section shall not, except as herein provided, interfere with the adjustment of time zones as established by the Secretary of Transportation.

As amended Jan. 12, 1983, Pub.L. 97-449, § 2(c), 96 Stat. 2439.

**Legislative History.** For legislative history and purpose of Pub.L. 97-449, see 1982 U.S.Code Cong. and Adm.News, p.

CHAPTER 7—THE BUREAU OF STANDARDS

- Sec. 275b. Activities performed for other agencies [New].
- 278g. International activities.
  - (a) Financial assistance to foreign nationals.

- Sec. (b) Foreign assistance and compensation to National Bureau of Standards employees.
- (c) Prohibition on use of appropriations inapplicable.

§ 275b. Activities performed for other agencies

The Secretary of Commerce shall charge for any service performed by the Bureau, at the request of another Government agency, in compliance with any statute, enacted before, on, or after October 6, 1982, which names the Secretary or the Bureau as a consultant to another Government agency, or calls upon the Secretary or the Bureau to support or perform any activity for or on behalf of another Government agency, or to cooperate with any Government agency in the performance by that agency of any activity, regardless of whether the statute specifically requires reimbursement to the Secretary or the Bureau by such other Government agency for such service, unless funds are specifically appropriated to the Secretary or the Bureau to perform such service. The Secretary may, however, waive any charge where the service rendered by the Bureau is such that the Bureau will incur only nominal costs in performing it. Costs shall be determined in accordance with section 278b(e) of this title. Pub.L. 97-286, § 8, Oct. 6, 1982, 96 Stat. 1223.

**Codification.** Section was not enacted as part of Act Mar. 3, 1901, c. 872, which comprises this chapter.

§ 278b. Working Capital Fund

Utilization

(a) The National Bureau of Standards is authorized to utilize in the performance of its functions the Working Capital Fund established by the Act of June 29, 1950 (64 Stat. 275).

[See main volume for text of (b) to (f)]

As amended July 21, 1978, Pub.L. 95-322, § 2(a), 92 Stat. 395.

1978 Amendment. Subsec. (a). Pub.L. 95-322 struck out "and additional amounts as from time to time may be re-

§ 278d. Construction and improvement of buildings and facilities

Within the limits of funds which are appropriated for the National Bureau of Standards, the Secretary of Commerce is authorized to undertake such construction of buildings and other facilities and to make such improvements to existing buildings, grounds, and other facilities occupied or used by the National Bureau of Standards as are necessary for the proper and efficient conduct of the activities authorized herein: *Provided*, That no improvement shall be made nor shall any building be constructed under this authority at a cost in excess of \$250,000 unless specific provision is made therefor in the appropriation concerned.

As amended Oct. 15, 1980, Pub.L. 96-461, § 8, 94 Stat. 2051.

1980 Amendment. Pub.L. 96-461 substituted "\$250,000" for "\$75,000". Effective Date of 1980 Amendment. Amendment by Pub.L. 96-461 effective Oct. 1, 1980, see section 11 of Pub.L. 96-461, set out as a note under section 278g of this title.

Effective Date of 1980 Amendment. Amendment by Pub.L. 96-461 effective

(a) The Fire Research and technical consulting. In directly c ing—

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The Se the work courage t results an test meth Secretary adoption fire losses

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1979 Amer 96-121 subse to be app exceed \$3,000 ing Sept. 30 ing appro 275,000 for ter of Jul 1976, not to cal year of exceed \$0,000 ing Sept. 30 000,000 for 1979, and a

P.O. Box 5

Juneau, Alaska 99802

April 18, 1983

The Hon. William Sheffield

Governor of Alaska

Capitol of Alaska

Juneau, Alaska

Re: Time Zone for Juneau, Alaska

Dear Governor Sheffield:

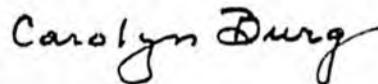
This is to apprise you of the fact that three years ago Juneau had a vote on the above subject and voted 2-1 to be on "Pacific Time."

This was an initiated vote by the people of this Home Rule City; (made Home Rule by Congress).

In other words, Juneau pre-empted the national time law and the only way this law may now be changed is to obtain signatures on another initiative petition in Juneau for another vote by the people here.

This is a local law and issue.

Respectfully submitted,



(Mrs. Amos)

Carolyn Burg

cc: Congressional Delegation, Washington, D. C.  
Mrs. Robert Dole, Secretary of Transportation, Washington, D. C.  
Mr. James Watt, Secretary of the Interior, Washington, D. C.  
Mr. D. Carnes, DOT Commissioner, Juneau, Alaska  
Legislative Members, State of Alaska  
Mr. George Schultz, Secretary of State, Washington, D. C.

# Outdoors

Pacific time in SE dates to war

## Time zones clock earth's rotation

By CARL BENSON  
Geophysical Institute  
University of Alaska

The subject of time zones has once again attracted attention from the Alaska Legislature. Therefore, information on time zones is timely. The drawing summarizes the eight time zones spanned by the United States.

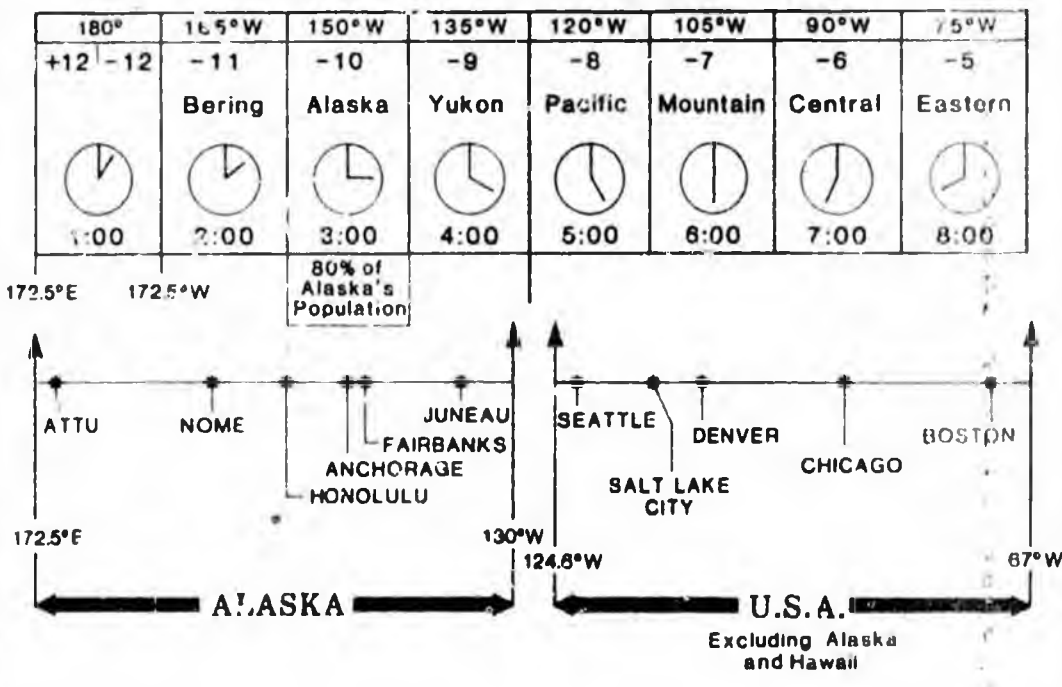
The earth rotates on its axis a full 360 degrees in 24 hours. Therefore, the sun appears to move at a rate of 15 degrees per hour and local time varies from place to place as one moves east or west. An international system of 24 time zones was established in 1884 to avoid the inconvenience of numerous differences in local times. Standard time is defined to be the same everywhere within a zone — a sharp difference of one hour exists when one moves to the next zone but minutes and seconds remain the same.

Each time zone spans 15 degrees of longitude. The "zero" zone is centered on the Prime Meridian which passes through Greenwich, England; it extends east to 7.5 degrees E and west to 7.5 degrees W. The zones are numbered negatively to the west and positively to the east of Greenwich.

Some time zones are named as well as numbered. The easternmost time zone in the U.S. is centered on the meridian 75 degrees W, extends from 67.5 degrees W to 82.5 degrees W, is numbered "-5" and is better known by its name "Eastern Standard Time." The center meridian of each zone is shown on the diagram together with its number and name; the clocks show relative time in the eight U.S. time zones.

The boundary between the Pacific and Yukon time zones is at 127.5 degrees W. It is accentuated in the diagram because it lies directly in the middle of the U.S. time zones. Alaska's eastern extreme, at 130 degrees W, lies west of this boundary. Alaska Standard

TIME ZONES OF THE UNITED STATES



When Alaska and Hawaii became states the east-west midpoint of the country shifted to the western boundary of the Pacific time zone. There are four time zones in Alaska, the same number as in the continental United States.

time, centered on the 150 degree W meridian, is also known as Hawaii Standard Time -- it is numbered "-10."

Alaska spans 57.5 degrees of longitude (four time zones), which is almost exactly the same as the 57.6 degrees between Maine and Washington, thus the "South 48" also spans four time zones.

Alaska includes the International Date line, but by custom this boundary is bent to the outer edge of the Aleutian Islands. The westernmost time zone, centered on 180 degrees, and extending from 172.5 degrees W to 172.5 degrees E, is numbered positive 12 and negative 12 because it is the twelfth zone east and west of Greenwich. Bering Standard Time is extended one zone west by custom, so it is 12th zone is unnamed and not used in

Alaska, which is the only state lying partly in the Eastern hemisphere.

The problem with time zones that bothers people in Alaska arises because a fifth time zone (Pacific) is being used in the state. Pacific Standard Time is used in part of the Yukon zone; yet no part of Alaska lies in the Pacific Standard Time zone. A consequence is the artificial introduction of an extra hour time difference between part of Southeast Alaska and the bulk of Alaska's population which lies west of it. In particular, this is responsible for the two-hour time difference where there should be only one between Juneau and Anchorage and Fairbanks; this annoys people and has precipitated concern by the Legislature.

The introduction of Pacific

time in Alaska was related to defense concerns during World War II and the military desire to have Juneau on the same time as Seattle and San Francisco. Now that Southeast Alaska wants to emphasize its strong ties with the rest of Alaska rather than the "Remote 48" (especially after the last vote on moving the capital), the subject of going back to its proper time zone is again an issue. One of the proposals being considered would put all of Alaska on its easternmost time zone (Eastern Time). As can be seen in the diagram, this would be equivalent to putting all of the conterminous U.S.A. into its easternmost time zone (Eastern Time). Thus from Boston to Seattle, i.e., coast to coast, there would be only Eastern Standard Time.

ANNUAL WAREHOUSE SALE

# Outdoors

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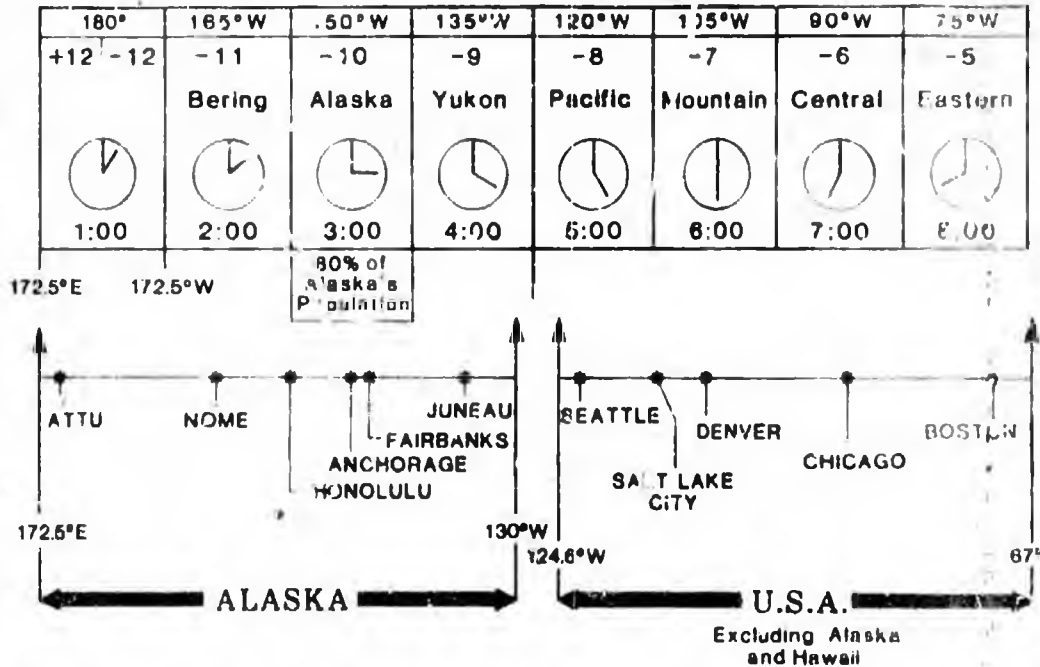
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ANNUAL WAREHOUSE SALE

# Legislators take time to study the clock

By DAVID RAMSEUR  
News-Miner Bureau

JUNEAU—One of the frustrations that put the capital move question on last fall's ballot was the difficulty in reaching state agencies here because of the two-hour time difference from Anchorage and Fairbanks.

After the capital move effort was defeated, some legislators introduced measures to "unify" the state by placing most of it under the same time zone.

As with most bills related to the capital move, however, this has stirred controversy. Some Railbelt legislators say their constituents shouldn't be forced to change their lifestyles for a comparatively few Southeast residents.

Juneau state employees say they've already sacrificed by altering their work hours on the order of Gov. Bill Sheffield.

The House earlier this month approved a resolution (HJR25) calling on the federal government to place Alaska under two time zones: Yukon time for all of the state except the far west, which would be under Alaska standard time.

The Senate altered the measure to put the entire state under a single time zone.

All six Interior House members voted for the two-zone version while the three senators split on the issue.

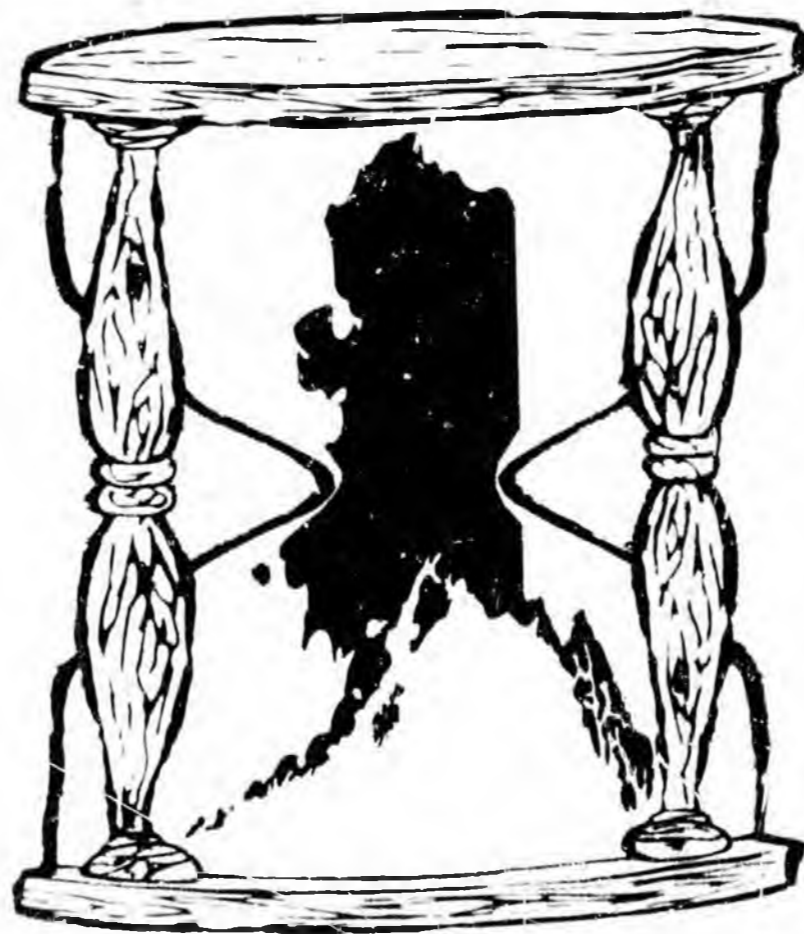
Here's what Interior lawmakers say about the issue, and other ways to make Alaska's capital more accessible.

- Democratic Sen. Pappy Moss of Delta Junction, who voted against a single time zone, said that's "like putting the whole Lower 48 in one time zone and that's about the craziest thing you've ever run into."

Moss said a better solution is to move the Railbelt to Yukon time and leave Southeast under its current zone but require state employees in Juneau to start their work day an hour later. The result would be state workers all on the job at the same time throughout all of the state but the west coast.

- Democratic Sen. Bettye Fahrenkamp, who voted against the single zone, said she's troubled with the potential expense of a time zone change, which ranges from

(See LEGISLATORS, page 3)



**TIMELY SUBJECT**— The Legislature is considering a plan to get rid of Alaska's four time zones and to put most of the state in one zone. Supporters say it would bring Alaskans closer together. Critics say it would be like putting the entire Lower 48 in one zone.

(Staff illustration by Eric Muenling)

# Time zone proposal gets praise, criticism

*Come what come may,  
Time and the hour runs  
Through the roughest day.*

—William Shakespeare

By SCOTT YATES  
Staff Writer

Although the idea of fiddling with Alaska's time zones has its share of proponents in Fairbanks, there are others who feel it's not right to fool with Mother Nature. Still, most people seem ambivalent about putting the state all on one time zone.

As City Manager Wally Droz said, "You and I know that during the summertime, we have so much light anyway that one hour isn't going to make any difference and the opposite is true in the winter. We'll get adjusted to it, but as far as city government is concerned, it won't make much difference one way or another."

Stockbrokers and bankers, on the other hand, view the proposed time change as a boon to their businesses.

Dane Madsen, a broker with Foster and Marshall, said moving Fairbanks time ahead one hour and Juneau time back by the same

amount would have positive effects.

"We are hoping it happens. It would give us an extra hour of the day," Madsen said, explaining that when brokers talk to New York, they are now five hours behind.

"We're always operating on a 'next days' mode. A one-hour drop would be a great advantage to us."

As it is, he said, someone must open the office at 5 o'clock every morning.

First National Bank President Marc Langland also said it would be a positive step in terms of his business with East Coast financial institutions.

"That extra hour is very important to anyone doing business in Alaska," he said.

"With two hours, you start calling and even in Seattle, you catch them at their lunch hour."

But there are others who don't want to switch. They include mothers who are concerned about their school-age children standing in the dark and a University of Alaska professor who explains that the whole reason for time zones is

(See TIME, page 3)

Fairbanks Daily Miner 419

# TIME . . .

(Continued from page 1)

to keep sun time and clock time the same.

Carl Benson, professor of geophysics, said most people don't know enough about time zones to realize what the proposed changes will do. He said that forcing the western side of the state to abide by the same time as those in the eastern portion would be like forcing Denver residents to live on Eastern Standard time.

"To some extent the question is just how far off from the sun do you want your clocks to be," he said.

For instance, he said, in the dead of winter in Nome, the sun would rise at 12:30 p.m. instead of 10:30 a.m. with the time zone change.

Benson said the real problem with time in the state results from Southeast Alaska being in the wrong time zone. Juneau and other southeast communities are on Pacific time but Benson said they should be on Yukon time.

KTVF manager Hank Hove said his television station wouldn't be affected much by any change.

CBS Evening News" is recorded at 3 p.m. and an hour later wouldn't make any difference. Football games would start at noon rather than 11 p.m. which Hove suggested

may be more convenient for those who go to church.

Although Hove is all for the time change, he thinks that one of the biggest advantages may have nothing to do with the clock.

"It may turn out to be a unifying factor in what has been a divisive state," he said.

Borough Mayor Bill Allen has the same opinion. "The time doesn't make much difference to us other than the fact that we're all in the same state and we should be flying in formation or dancing to the same music."

A public hearing on the proposed time change was held Wednesday in Fairbanks. It didn't net much response, but the seven people who did comment were all against changing the present zones.

It's from hearings such as these that Gov. Bill Sheffield will make a decision whether or not to petition the U.S. Department of Transportation to alter Alaska's way of telling time.

Those who desire to comment on the proposed time zone change can send written comments to: Glen Glenzer, Department of Transportation, Deputy Commissioner, 2301 Peger Road, Fairbanks 99701.

D2 →

# Public shows little interest in state time zone proposal

by Cary Virtue  
Times Writer

Gov. Bill Sheffield's proposal to bring all of Alaska under two time zones has attracted little attention at a series of public hearings around the state.

Only six people attended the final hearing in Anchorage Tuesday night.

Jack Cannard, area transportation planner, acknowledged that the turnout has been "pretty light" at hearings held in Skagway, Fairbanks, Palmer, Soldotna, Bethel, Kotzebue, Petersburg, Nome, Sitka, Juneau and Ketchikan.

The proposed plan would consolidate Alaska's four time zones into two time zones, Yukon and Alaska Standard. A similar measure is being reviewed in the legislature.

Under the governor's proposal, western Alaska would move one hour ahead from Berlin Standard time to Yukon time. Southcentral Alaska would move forward an hour to Yukon standard time, and Southeast Alaska would move back an hour to Yukon time.

Tuesday, one person favored change and three opposed it at a public hearing held by the state Department of Transportation at the Anchorage school administration building, 4600 DeBarr Road.

Bertram B. Beneville, resident vice-president of Merrill, Lynch, Pierce, Fenner and Smith Inc., said he favored the change because it would enable his clients to conduct business in a timeframe that more closely matches the East Coast.

"At the present time, we compete with Seattle to service the Southeastern market, including

the state government in Juneau," Beneville said. "Even an hour's improvement would help keep Alaskans and Alaska doing business in Alaska."

"As a private citizen I feel very strongly in participatory government," Beneville said. "It takes a great deal of time to travel to Juneau. A change in the time zone would enable more Alaskans to participate in government."

Opponents generally felt the change would create unnecessary changes and would not necessarily improve access to government.

"I think the time should remain as it is — the way it is," said Louis Delbecq of Anchorage. "The way it is now, every-

body is used to it."

"Juneau is geographically in the wrong time zone," said Karyn Fogal, of Anchorage. "It should already be in Yukon standard time."

Eagle River resident Allen Kunes agreed. "I'm definitely opposed. Changing the time zone does not create access to Juneau. You get access through improving communication with teleconferences and toll free phone lines to both the senate and legislature so that we'd have that contact."

Transportation officials are expected to give Sheffield their findings so that he can make a recommendation to the U.S. Department of Transportation.



Alaska State Legislature  
House

JUNEAU, ALASKA.

MESSAGE TO THE SENATE

Date April 14, 1983

MR. PRESIDENT:

The House has failed to concur with the Senate amendment to:

HOUSE JOINT RESOLUTION NO. 25 (Requesting the Secretary of the United States Department of Transportation to revise the standard time zones in which Alaska is located),

namely: SENATE CS HJR 25(SA) amS (same title):

and respectfully requests the Senate to recede from its amendment.

(14-25)

*Receid?*

*John Carke (K.C.)*  
\_\_\_\_\_  
Chief Clerk of the House

MSG 83-00006358 PRTY 1 04/07/83 13:37:33 ORIG: LK00 IN= 0003 OUT= 0085  
FROM: JUNE R./KETCHIKAN TO: JUNE7 J INFORMATION  
TARGET: LJHL SUBJ: POM

---

TO: ALL SENATORS AND ALL REPRESENTATIVES

FROM: PAT SIMPSON, 410 WASHINGTON ST., KETCHIKAN, AK. 99901,  
225-3676 (HOME) 225-5011 (WORK)

RE: TIME ZONE CHANGE

FOR BUSINESS AND PERSONAL REASONS I AM VERY OPPOSED TO A CHANGE OF OUR  
TIME ZONE. WHAT UNITES US AS ALASKANS IS APPRECIATION OF OUR UNIQUENESS  
AND RESPECT FOR OUR DIFFERENCES. LEAVE OUR TIME ZONE THE WAY IT IS.

THANK YOU. EGM/JR

I. REQUEST

Bill/Resolution No.: HJR 25  
 Title: Revise Time Zones  
 Sponsor: Adams  
 Requestor: \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected: Administration  
 Program Category Affected: Gen. Gov't.  
 BRU, Program of Subprogram(s) Affected: Data Processing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Mike Wheeler *Mike Wheeler*  
 Division: Data Processing  
 Approved by Commissioner: Lisa Rudd *Lisa Rudd*  
 Department: Administration

Phone: 465-2220  
 Date: 3/16/83  
 Date: \_\_\_\_\_

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

ANALYSIS - TIME ZONE REVISION

The recent change in the working hours of Juneau State employees had the effect of shifting the workload on the Juneau Data Center by one hour.

No effect of the convergence of the Juneau and Anchorage peak loads was detectible in either capacity management statistics or in response times of online transactions.

This Resolution will shift the workload one additional hour, assuming that work hours are uniform within Yukon time.

The fiscal impact upon the Data Centers is expected to be negligible.

MW/je  
5/0316-18-4/BDGSF1

# ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



February 16, 1983

TO: Pete Jeans, Senior Advisor  
Senate Advisory Council

FROM: Senator Vic Fischer, Chair  
Senate State Affairs Committee

I have a small research request for you. I would like to know how many people live in each of Alaska's four time zones, and also the date on which Southeast Alaska went from Yukon to Pacific time.

I would like to have this information by Monday, February 22, 1983 if at all possible.

Thank you.

Population as of July 1, 1982, from the Department of Labor:

368,100	AST
33,500	BST
58,600	PST
600	YST

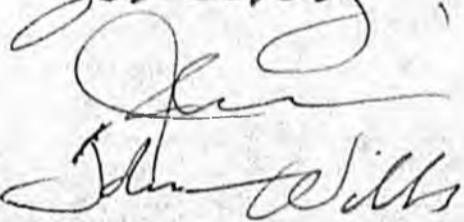
Southeast Alaska went from Pacific to Yukon Time on April 27, 1980.  
The switch back to Pacific time occurred in October, 1980.

Many years ago.  
SE was on  
Yukon time -  
WHEN CHG'D?

Senator Fisher,

I notice that you are proposing a single time zone for Alaska. As a political measure it may make sense but by the physical laws are you so sure it makes sense. I can see two time zones but one time zone seems real disruptive to the logical pattern of people's psychological environment with the sun. As the news article states, we would be doing the equivalent of making the East & West Coast of the U.S. one time zone - hardly something the lower 48 would approve. The concept of "one state - one time" is political and to me would be disruptive.

I hope you will research the ramifications fully.

Sincerely,  
  
John Wilts

2502 E. 16<sup>th</sup>  
Anchorage, AK.  
99504

MSG 93-00001605 PRTY 1 03/18/83 10:46:21 ORIG: LF20 IN= 0001 OUT= 0007  
FROM: LYNDA/FBX TO: JNU INFO  
TARGET: LJ04 SUBJ: POM PAGE 0001

TO: REPS BETTISWORTH, DAVIS, KOPONEN, M.W. MILLER, RINGSTAD  
SEN ST AFFAIRS CMTE: SENS [REDACTED] RAY, STURGULEWSKI, RODEY, KELLY  
AND SENS FAHRENKAMP, BENNETT, MOSS  
FROM: CARL BENSON, S.R. 30123, FBX. 99701 #479-6912  
RE: HJR 25

D2

MSG: IT IS A GOOD IDEA TO PUT SOUTHEAST ALASKA ON YUKON TIME BECAUSE THAT  
IS ITS PROPER TIME ZONE BUT THERE IS NO REASON TO TAMPER WITH OTHER TIME ZONES  
IN ALASKA BECAUSE THEY ARE PROPERLY DEFINED NOW AND EIGHTY PERCENT OF ALASKA'S  
POPULATION IS IN THE CENTRALLY LOCATED ALASKA STANDARD TIME ZONE.

EGM

NXT MSG U/R/S \_ PREV MSG U/R/S \_ RESEND \_ CANCEL \_

MSG 83-00001603 PRTY 1 03/18/83 10:39:43 ORIG: LF01 IN= 0001 OUT= 0006  
FROM: ANNIE IN FAIRBANKS TO: JUNEAU INFO. PAGE 0001  
TARGET: LJ04 SUBJ: FOM

TO: SENATE STATE AFFAIRS: SENATORS ~~V. FISCHER~~, RAY, STURGULEWSKI, RIDEY,  
AND KELLY D2

SENATORS MOSS, FAHRENKAMP, AND BENNETT  
FROM: ROD MARCH, S.R. 10348-B, FAIRBANKS 99701 HOME 479-3808  
WORK 456-0295

RE: HJR25 (TIME ZONE CHANGE)  
I AM VERY STRONGLY OPPOSED TO ANY CHANGE IN THE CURRENT TIME ZONES. I AM  
VERY MUCH AGAINST THE LEGISLATURE SPENDING THE TIME ON THIS UNIMPORTANT  
ISSUE.

EDM\*\*\*\*\*

NXT MSG U/R/S \_ PREV MSG U/R/S \_ RESEND \_ CANCEL \_

MSG 83-00001722 PRY 1 03/18/83 13:17:42 ORIG: LA02 IN= 0004 OUT= 0059  
FROM: JUNE, ANC LIO TO: POM, JNU INFO  
TARGET: LJHL SUBJ: POM

3/18/83, JUNE, ANC LIO, MSG 1722

D2

TO: SENATORS V. [REDACTED], KELLY, RAY, RODEY, AND STURGULEWSKI

FROM: BARBARA HOLMES  
1706 TALKEETNA  
ANCHORAGE, AK 99508 (H) 279-4247

I AM OPPOSE TO CHANGING CENTRAL ALASKA TIME ZONE. CENTRAL ALASKA TIME ZONE IS CORRECT FOR ITS LONGITUDE. IF ANYTHING SOUTHEASTERN SHOULD MOVE TO ALASKA TIME ZONE IT WILL BE ONE HOUR OFF FROM THEIR CORRECT TIME ZONE ACCORDING TO THEIR LONGITUDE.

\*\*\*\*\*



CITY OF ANDERSON

P.O. Box 40011 • Clear, Alaska 99704 • Phone (907) 832-5566

In Reply  
Refer To:  
April 1, 1983  
LEG 100

Honorable Vic Fischer  
THE STATE CAPITOL  
Pouch "V" (MS 3100)  
Juneau, Alaska 99811

Dear Senator Fischer:

Changing something so physically Alaskan as her time zones is like swapping Mt. McKinley for Mt. Rainier--just unthinkable!

Many things distinguish The Great Land from the lesser-48, and her time zones are one of the most significant features of them all.

Sure, the four zones present some difficulties. Sure, the zones require some planning and special arrangements. That's what Alaska is all about, and by the Ghost of Seward! that's how we want it to stay!

Very truly yours,

THE MAYOR AND COUNCIL  
THE CITY OF ANDERSON

by direction: Vern C. Mc Corkle  
City Administrator

VCM/ww

SENATE AMENDMENT #

BY VIC FISCHER

To: \_\_\_\_\_ SENATE BILL No. \_\_\_\_\_

To: SCSHJR25(SA) HOUSE BILL No. \_\_\_\_\_

PAGE: 2 LINES 6-7

delete: "Secretary of the United States  
Department of Transportation"  
insert: "United States Government"

Time Zone Survey

Entire State on Yukon Standard Time: 10

Sackett'

Bennett'

Ray

Faiks

Sturgulewski

Halford

Gilman

Kerttula

Ziegler

V. Fischer

Entire State on Alaska Time: 1

one with no signature

Results of Time Zone  
Poll

Entire State on Yukon Time 10  
~~8~~

Entire State on Alaska Time 1

other approach 0

# ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



FEB 16 1983

February 16, 1983

TO: Fellow Senators  
FROM: Senator Vic Fischer, Chair  
Senate State Affairs Committee  
RE: Standard Time Zone

A large handwritten checkmark is drawn over the "FROM" and "RE" lines of the memo.

The Senate State Affairs committee is considering a resolution to bring Alaska together by adjusting the various separate time zones.

There appears to be consensus that all of Alaska should ideally be on a single time zone. The committee asked that all senators be polled on the question of which time zone should be used for the state -- Yukon Standard Time or Alaska Standard Time.

Which would you prefer: (PLEASE CHECK ONE OR INDICATE PREFERENCES)

1. Entire state on Yukon Standard Time ?  \_\_\_\_\_
2. Entire state on Alaska Standard Time ? \_\_\_\_\_
3. Other approach \_\_\_\_\_

(I would assume that if we chose Yukon time, we'd try and get it renamed "Alaska Standard Time")

I would appreciate having your response as soon as possible.

A large, stylized handwritten signature is written at the bottom of the page.

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

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(907) 465-4954



D2

February 16, 1983

TO: Fellow Senators  
FROM: Senator Vic Fischer, Chair  
Senate State Affairs Committee  
RE: Standard Time Zone

V.

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- 1. Entire state on Yukon Standard Time ?  \_\_\_\_\_
- 2. Entire state on Alaska Standard Time ? \_\_\_\_\_
- 3. Other approach \_\_\_\_\_

(I would assume that if we chose Yukon time, we'd try and get it renamed "Alaska Standard Time")

I would appreciate having your response as soon as possible.

Rick H.

Ferguson.

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Which would you prefer: (PLEASE CHECK ONE OR INDICATE PREFERENCES)

- 1. Entire state on Yukon Standard Time : \_\_\_\_\_
- 2. Entire state on Alaska Standard Time ? \_\_\_\_\_ ✓
- 3. Other approach No other approach needed

(I would assume that if we chose Yukon time, we'd try and get it renamed "Alaska Standard Time") ✓

I would appreciate having your response as soon as possible.

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2. Entire state on Alaska Standard Time ? \_\_\_\_\_
3. Other approach \_\_\_\_\_

(I would assume that if we chose Yukon time, we'd try and get it renamed "Alaska Standard Time")

I would appreciate having your response as soon as possible.

*Don Bennell*

# ALASKA STATE LEGISLATURE

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SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



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Which would you prefer: (PLEASE CHECK ONE OR INDICATE PREFERENCES)

1. Entire state on Yukon Standard Time ? Worth a try \*
2. Entire state on Alaska Standard Time ? \_\_\_\_\_
3. Other approach \_\_\_\_\_

(I would assume that if we chose Yukon time, we'd try and get it renamed "Alaska Standard Time")

I would appreciate having your response as soon as possible.

\* Suggest splitting difference between ANCH / FBRS and S.E. Seems like a fair compromise. People to West and should determine their time destiny rather than having us make that determination for them.

3 -

# ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99311

(907) 465-4954



February 16, 1983

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3. Other approach \_\_\_\_\_

(I would assume that if we chose Yukon time, we'd try and get it renamed "Alaska Standard Time")

I would appreciate having your response as soon as possible.

BVF

*Send Book to J. Fischer*  
**ALASKA STATE LEGISLATURE**

SENATE STATE AFFAIRS COMMITTEE  
SENATOR VIC FISCHER, CHAIRMAN

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3. Other approach \_\_\_\_\_

(I would assume that if we chose Yukon time, we'd try and get it renamed "Alaska Standard Time")

I would appreciate having your response as soon as possible.

*Vic*  
I am Not sure about  
one time zone - it might  
raise hell in what is now Bering  
Standard - I have asked all Narsarpen  
in my District (Laidy - Sward - Hornes -  
will not have results until next  
week - (2-22) - will let you  
know as soon as possible  
Don G.

# ALASKA STATE LEGISLATURE

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POUCH V, JUNEAU 99811

(907) 465-4954



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2. Entire state on Alaska Standard Time ? \_\_\_\_\_
3. Other approach \_\_\_\_\_

(I would assume that if we chose Yukon time, we'd try and get it renamed "Alaska Standard Time")

I would appreciate having your response as soon as possible.

*Fish*  
*Thanks for the opportunity*

# ALASKA STATE LEGISLATURE

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SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



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2. Entire state on Alaska Standard Time ?
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I would appreciate having your response as soon as possible.

*Senator Arlin Sturgulovich*

# Q. Should time zones be consolidated?

**A.** Why not try 2 time zones

Concerning the idea of two time zones for Alaska, China has a time zone 800 miles wide, stretching from the Yellow Sea in the east to the Pakistan border in the west. China, with six times the area of Alaska, has but two time zones. Gov. Sheffield's proposal would create a time zone of 1,085 miles in width, measuring from Port Moller to Metlakatla.

The USSR is in marked contrast — 12 time zones. Granted, it's much longer than it is wide; still it must be hard to call Moscow when you're 12 time zones apart.

In a land of the Midnight Sun and the winter darkness, it seems to me the sun "moves" more in a north-south manner than an east-west mode. It seems we can try two time zones and if we don't like it, go back to our present four. This is not an irrevocable decision.

— Bob Sharp Jr.

**A.** If it's such a good idea, let Juneau change

The attempt to "bring the state closer together" through the implementation of a solitary time zone is ridiculous, to say the least. On January 14, I sent a letter to Gov. Sheffield explaining in great detail the (timely) Greenwich method of establishing world time zones.

This letter explained the circular measurement used in relationship to the globe being divided into 24 equal parts. Every 15 degrees of longitude represents a time change of one hour. Thereby, New York and Denver, being separated by a total of 30 degrees longitude, were also separated by a two-hour difference in time.

The basic point is that Juneau is located almost precisely 15 degrees west of 120° W longitude, or Pacific Time. My constituents in Anchorage are located almost precisely at 150° W longitude. In relationship to the global benchmark of Greenwich, England, the cities of Anchorage, Nome and all Southcentral Alaska are in the exact time zones to be consistent with the

International Time system.

The basic and obvious fact is that Juneau is "out of step" and should be on what is known as Yukon Time.

Having the entire state on the same time zone is not going to bring state government "closer" to the people. Only an open exchange between our government and its citizens will have that effect; having your breakfast in the middle of the night, or "high noon" at bedtime will not accomplish better communication with the statewide political functions.

If the Sheffield administration is so adamant about changing one or all of the Alaska time zones, let them change Juneau and put the capital city back in line with the rest of the world.

— Joe Flood  
Representative District 9

**A.** Keep things the way they are

Do not consolidate. For many of the same reasons time zones have been formed across the face of this world. To compress nature's action for such a small-minded notion is truly unnatural.

— Rick Marvin

**A.** Should majority accommodate Juneau?

Time zones were set up so that the daylight hours would be divided equally between AM and PM throughout the world. However, for one reason or another, some areas choose to be in a different time zone than the one determined by their longitudes.

Southeast Alaska is such an area since they are on Pacific Time rather than Yukon Time as they should be. Since they have been in an incorrect time zone for years, it wouldn't seem to be much of a hardship for them to change to a different incorrect time zone. Most of the time difference problems are caused by the extra hours they have deliberately put between themselves and central Alaska. Eighty percent of the people in the state should not be forced to change time zones to alleviate

the problems caused by the 10 percent who are too stubborn to conform.

— B.A. Holmes

**A.** Let's switch to Twilight Zone

The suggestion that Anchorage change to using the Yukon time zone is on balance without merit. It will not solve any problems, and will result in disadvantage to many people.

Some legislators feel that a time zone change will bring us closer to Juneau, but come on now folks. What will actually result is that we will all be getting out of bed when it is dark for a longer part of the year. I don't think that adults who go to work and children who go to school in the early hours of the day should be prejudiced by such a time zone change. Perhaps some legislators don't care because they don't get out of bed until noon anyway.

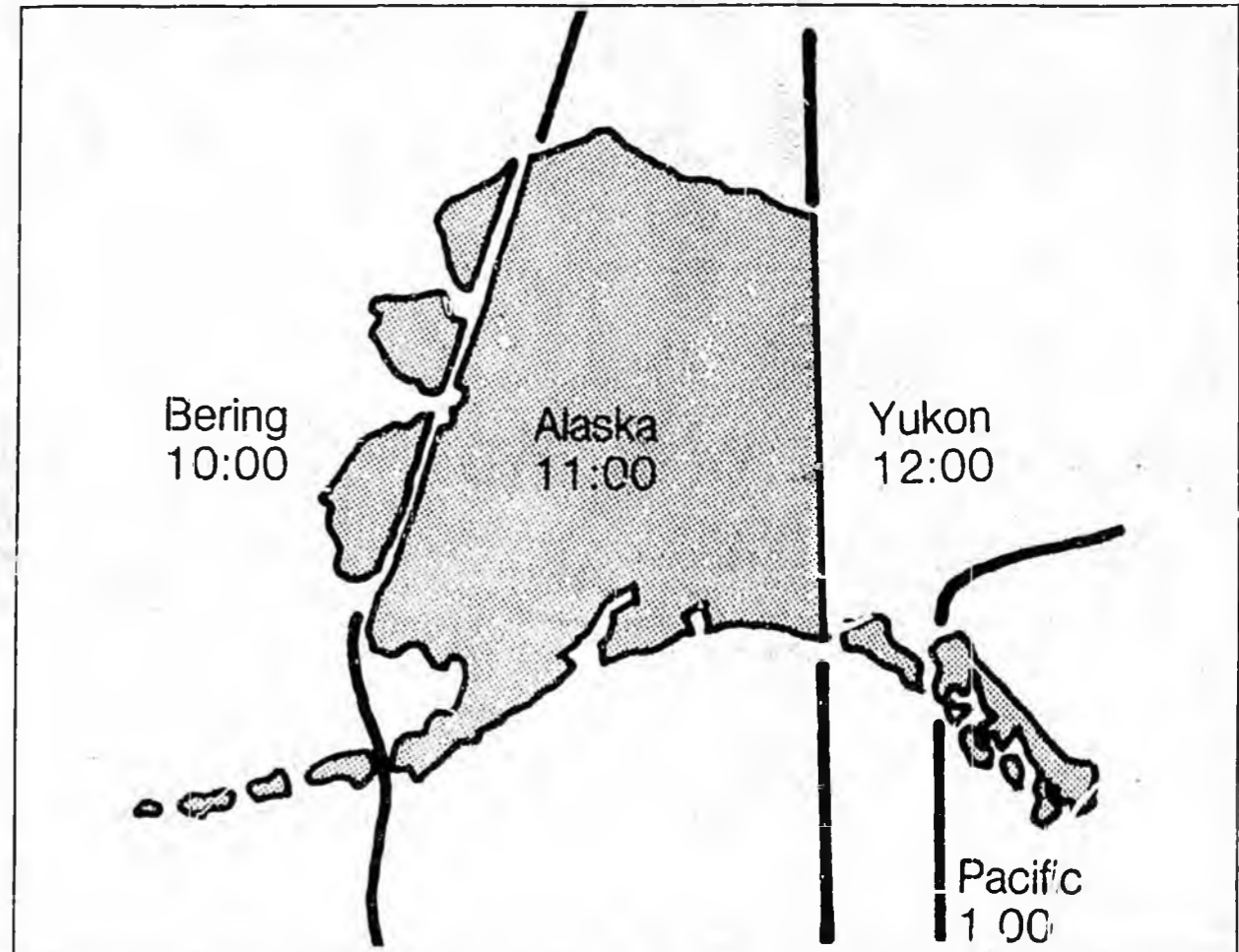
Other proponents of the time zone change seem to suggest that it will somehow unite the State of Alaska, but these folks don't look at the sky. The consequences really will be that "high noon" will occur at different times during the day depending on where you are in the state. The legislature should learn that it can tax the oil companies but it cannot change the astronomy of the skies.

Rather than changing the whole state to the Yukon time zone, I have an alternative proposal. It would be a lot easier to convert Alaska to the Twilight Zone. After all, as evidenced by our state legislator's conduct, they are already in another dimension of time and space.

— J.S. McMillan

**A.** Let's eliminate Daylight-Savings time

Having a single time zone for a state is a nice idea, but Alaska is more than a state — it's a sub-continent. Geographically speaking, Alaska should have four time zones centering approximately on Juneau, Anchorage, Nome and the Aleutians. Note that Juneau belongs in the Yukon Time Zone, not Pacific (Seattle) time. Having Alaska all in



one time zone makes about as much sense as a single time zone for the Lower 48; we're talking about the same width.

I would make a suggestion; one that would minimize disruption, yet improve access. Put Southeast in the Yukon Time Zone where it's supposed to be, and get rid of Daylight-Savings Time throughout the state. Then Southeast would be happy, matching Seattle's time in the summer and only an hour off in the winter; the rest of the state would be an hour closer to Juneau (for most of the population one hour off). Daylight Savings time isn't needed in Alaska; by the time it's warm and dry enough to do things outdoors in the evening, we have all the daylight we need.

— Bill Buchan

**A.** Zone change would bring us closer together

Consolidating Alaska's time zones would be beneficial in several ways. It would allow people from all over the state to have the same basic workday by allowing business and government agencies statewide a solid eight hours with which to conduct their affairs with other businesses

and agencies across the state. To most of us that means that the government offices in Juneau will have eight accessible hours of business for the majority of the population that lives in the Railbelt, as opposed to 6-7 hours now.

Another benefit is that the majority of Alaskans will be brought closer together in their own unique time zone, distinct from the West Coast and Hawaii. Being closer to the Lower 48 will have benefits for those who must conduct regular business with outside businesses and federal government agencies. The five-hour difference between the East Coast and Anchorage-Fairbanks is particularly difficult to deal with, not only for business but for families who are separated. A great deal of business is carried on between Anchorage and the financial centers in New York and the federal government in Washington, D.C. There is also a very large amount of business conducted between Anchorage, the North Slope, and the corporate oil centers in Denver and Houston.

Further, on national election days the voters in central and western Alaska might have a chance to get to the polls before the works of the East Coast have

announced the results.

There are, of course, disadvantages associated with consolidating time zones. The primary disadvantage is the increased amount of morning darkness in central and western Alaska and afternoon darkness in Southeast. If Alaska were located at the latitude of, say, Los Angeles, this plan would probably be unworkable due to the disruptions it would induce in people's natural body rhythms (e.g. "Rise with the sun, dinner at dark," etc.)

However, Alaskans are subjected to constantly changing amounts of light and darkness because of the state's high latitude. Therefore, we already know how to cope with late morning darkness and early afternoon darkness. It would, perhaps, be interesting and useful, though, to conduct a socio/psychological study of the effects of such a time zone change either before or after effecting it.

In conclusion, one time zone for all Alaska would have advantages far outweighing the disadvantages. Decreasing the communications distance the Railbelt and Juneau and between Alaska and the Lower 48 is a must.

— Jeffrey F. Gilman

# ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



March 17, 1983  
3:00pm

Butrovich Room  
Capitol Bldg.

## Members Present

Senator Vic Fischer, Chair  
Senator Bill Ray, Vice-Chair  
Senator Pat Rodey  
Senator Tim Kelly  
Senator Arliss Sturgulewski

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HJR 25--Time Zone Change

---

Senator Fischer stated that this bill was similar to SJR 17, which the committee had previously considered. It would move the Alaska and Pacific time zones to the Yukon time zone and move the Bering time zone to the Alaska time zone. Senator Fischer also stated that he had sent a questionnaire to all senators asking them their preference for time zone consolidation. Out of nine responses, eight senators favored putting the entire state on Yukon time and one favored putting the entire state on Alaska time.

Senator Fischer proposed a committee substitute which asks the Secretary of the U.S. Department of Transportation to put the entire state on Yukon Standard time and to rename that time zone "Alaska Standard Time."

Senator Sturgulewski asked how the people of western Alaska would view such a change. Senator Fischer responded that some would like it and some would not; however he had spoken with both senators from that region and that they had concurred with the committee substitute.

The committee discussed the effects of a time change on school children, farmers and sportsmen.

Senator Rodey moved and asked unanimous consent to adopt the committee substitute and to move the bill from committee with a do pass recommendation. There was no objection.

---

SB 155--Truth in campaign advertising

---

Senator Rodey, prime sponsor, spoke in favor of the bill. He stated that upon reflection he had reservations about making the Alaska Public Offices Commission (APOC) into a quasi-judicial body.

Brooke Miles, APOC staff, stated that the commission had not formulated a position on the bill. She conveyed several concerns expressed to her by Theda Pittman, executive director, of the APOC. These included a reservation about creating a quasi-judicial responsibility for the commission and a concern that the commission would be flooded with complaints during the last days of an election.

Senator Fischer appointed Senator Rodey as a subcommittee of one to meet with the commission and to develop improvements to the bill.

-----  
HB 198--Relating to membership of the Legislative Budget & Audit Committee, the Alaska Legislative Council and to records of the legislative audit division

-----  
The committee briefly discussed the substance of the bill. All were familiar with its substance and spoke in favor of it.

Senator Kelly moved and asked unanimous consent that the bill move from committee with a do pass recommendation. There was no objection.

Senator Fischer adjourned the meeting at 3:35pm.

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

Bill Sheffield, Governor

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

March 25, 1983

Honorable Jan Faiks  
Senator  
Chairman, Rules Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Re: SCSHJR25

Dear Senator Faiks:

We have found a technical problem with the Senate State Affairs Committee Substitute for House Joint Resolution No. 25. We call it to your attention as you may wish to prepare another committee substitute before passing the resolution out of the Rules Committee.

The Resolution now requests the Secretary of the U.S. Department of Transportation to designate the proposed single time zone as the Alaska Standard Time Zone. The Secretary is not authorized to make this change.

The eight time zones, including the four time zones in Alaska, are established by law (15 U.S.C. § 263). The Secretary is empowered to define the limits of each zone. She does not, however, have the authority to designate new zones as requested by the resolution. Such a change would require congressional action.

There would be an additional problem with HJR 25 if the single zone proposed was one of the zones other than the Yukon Standard Time Zone. The reason is that each of the other zones (Pacific, Alaska-Hawaii, and Bering) exists elsewhere in the United States. The Yukon Time Zone exists in the United States only in Alaska. As pointed out above, the Secretary can only define the limits of a zone established by Congress. She can eliminate a zone. So if the single time zone proposed was, for example, the Alaska-Hawaii zone, this would have the effect of eliminating the Yukon Time Zone in the United States and could not be accomplished by the Secretary but would take an Act of Congress.


Honorable Jan Faiks  
Senator  
Alaska State Legislature

March 25, 1983  
Page 2

We hope this information is useful to you. If you have questions, please contact us.

Sincerely yours, .

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By:   
Diane T. Colvin  
Assistant Attorney General

DTC:eja

cc: Larry Crawford  
John Bates

*Jim Clark  
Alaska  
Common Time*

Introduced: 1/28/83  
Referred: State Affairs and  
Transportation

*Bob Deerylight*

BY HALFORD, FAIKS, FERGUSON,  
V. FISCHER, JOSEPHSON, KELLY,  
STURGULEWSKI AND RODEY

1 IN THE SENATE

2

SENATE JOINT RESOLUTION NO. 17

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

Requesting the Secretary of the United  
States Department of Transportation to  
revise the standard time zones in which  
Alaska is located.

6

7

8

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

10 WHEREAS Alaska is the only state that spans four time zones; and

11 WHEREAS the time differences between the communities in Alaska create  
12 an artificial barrier that impairs efforts to improve communications among  
13 the widely scattered population centers of this vast state; and

14 WHEREAS the elimination of the time differential between the state  
15 capital and the other centers of finance, trade, and commerce in Alaska  
16 would bring state government closer to all the people of the state; and

17 WHEREAS the transfer of most of Alaska to the <sup>Alaska</sup> Yukon Standard Time Zone  
18 would place most Alaskans on an identical time schedule that would avoid  
19 inconvenience to the traveler, the transportation industry, and other  
20 commercial enterprises; and

21 WHEREAS federal law (15 U.S.C. secs. 260 - 267; 49 U.S.C. sec.  
22 1655(e)(5)) regulates the time on which all federal offices and common  
23 carriers engaged in interstate and foreign commerce operate and grants to  
24 the United States Secretary of Transportation the authority to redefine the  
25 boundaries of time zones that serve the United States;

26 BE IT RESOLVED that the Alaska State Legislature requests the Secre-  
27 tary of the United States Department of Transportation to redefine the  
28 boundaries of the time zones in which Alaska is located by shifting those  
29 portions of the state located in the Pacific Standard Time Zone and the

*Hawaii*

1 Alaska Standard Time Zone to the Yukon Standard Time Zone and by shifting  
2 that portion of the state located in the Bering Standard Time Zone to the  
3 Alaska Standard Time Zone.

4 COPIES of this resolution shall be sent to the Honorable Andrew L.  
5 Lewis, Jr., Secretary of the U.S. Department of Transportation; and to the  
6 Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and  
7 the Honorable Don Young, U.S. Representative, members of the Alaska delega-  
8 tion in Congress.

SAVE FOR  
MY FILE

2/11/83, SHIRLEE AND LIO, 8009

TO: SENATOR V. FISCHER, CHAIRMAN, STATE AFFAIRS  
SENATORS RAY, STURGULEWSKI, RODEY AND KELLY

FROM: FRED APPEBY  
C/O MOOSEHEAD CONSTRUCTION, INC.  
SRA BOX 3501-B  
ANCHORAGE, AK 99502 (H) 345-5443 (W) 345-5443

I WOULD LIKE TO REGISTER STRONG OPPOSITION TO TIME ZONE  
CHANGE RESOLUTION, DUE TO THE FACT THAT DURING THE WINTER  
CONSTRUCTION SEASON, THE FRAMING BUSINESS, ESPECIALLY EXTERIOR  
WORK, REQUIRES LIGHTING. AS IT IS, OUR DAYLIGHT IS BALANCED  
BETWEEN MORNING AND AFTERNOON; WITH THE CHANGE, PUTTING US  
ON YUKON TIME, WE END UP WITH 3 HRS. OF DARKNESS DURING EARLY  
MORNING HOURS, GREATLY INCREASING OUR COSTS.

∴ STAYING ON AK TIME  
AFFECTS FEWER PEOPLE

DAVE

PLS GET SEN. ADV. COUNCIL

A LETTER FROM ME

ASKING FOR # OF PEOPLE IN  
EACH OF AK'S TIME ZONES.

ALSO- WHEN DID SE GO OFF YUKON TO  
PACIFIC TIME?

Carl S. Benson  
SR Box 30218  
Fairbanks, Alaska 99701

D2

The Honorable Vic Fischer  
Alaska State Senate

23 March 1983

my file

Dear Vic,

Enclosed are some thoughts on the Time Zone legislation. It seems unnecessary to redefine all of Alaska's Time Zones to treat a problem caused by misuse of the International zone.

The problem that bothers people in Alaska is the artificial introduction of a two-hour time difference where there should be only one. As you know, this results from using a fiftieth time zone (Pacific) in part of S.E. Alaska. It was an issue in the recent capital move arguments because some people thought S.E. had more affinity to Seattle than to the rest of Alaska.

It is proper to address this issue directly and option one of the enclosed statement would do so. The legislation in question is more complex than necessary. I urge you to reconsider your amendment also. If we must tamper with all time zones please consider option two -- it would accomplish consolidation with minimum effort.

Sincerely - Carl

## Comments on Alaska Time Zone Legislation

by  
Carl S. Benson

19 March 1983

The time zone legislation (House joint resolutions 25 and 26 and Senate joint resolution no. 17) can be revised to accomplish the stated goals in a far simpler fashion. Alaska spans 57.5 degrees of longitude (four time zones). The south 48 states span almost exactly the same range of longitude (57.6 degrees) so they also embrace four time zones. The time zones of North America are summarized on the attached sketch for reference. Time zones span 15 degrees of longitude, the longitude at the center of each time zone is indicated above its name in the drawing.

The problem with time zones that bothers people in Alaska arises because a fifth time zone is being used. Pacific standard time is used in part of the Yukon standard time zone; yet no part of Alaska lies in the Pacific time zone. A consequence is the artificial introduction of an extra hour time difference between part of southeast Alaska and the bulk of Alaska's population which lies west of it. In particular, this is responsible for the two-hour time change between Juneau and Anchorage/Fairbanks which annoys people and has precipitated the legislation in question.

There are two simple options for action, either of which would eliminate the problem.

### Option 1.

Place those parts of southeast Alaska which are using Pacific time, by choice, onto their proper time zone which is Yukon standard time. The correction can be implemented easily; when Alaska changes to Daylight saving time in the spring, those places which are using Pacific time would not change their clocks. No other time zone changes are needed anywhere else in Alaska. This change is a simple once-only correction of the current misuse of time zones and it would affect less than 20% of Alaska's population.

## Option 2.

If southeast Alaska, has a strong desire to be on the same time zone as Anchorage and Fairbanks this could be accomplished by eliminating use of the Yukon standard time zone in Alaska. Thus Alaska would use only its two center time zones, which contain most of the population. The outside zone at the western end of Alaska's Aleutian Islands is not now in use and this option would put the outside zone on the eastern end (Yukon standard time) into a similar disuse. As with option one, this option could also be put into action when Alaska changes to Daylight saving time; those places which are using Pacific time, would change their clocks one-hour in the opposite direction to the change made by the rest of Alaska. Again, it is a simple once-only adjustment; no other changes are needed, and the bulk of Alaska's population would be unaffected by the change.

The first option is the simplest. Some argue that it leaves a one hour difference between Yukon standard and Alaska standard time zones. But, Alaska is not the only state with a time zone boundary inside of it. Indeed twelve (12) of the 48 conterminous states have two time zones within them (consult the map in any telephone directory). It would be surprising if Alaska, which spans four time zones, did not have time zone boundaries within it.

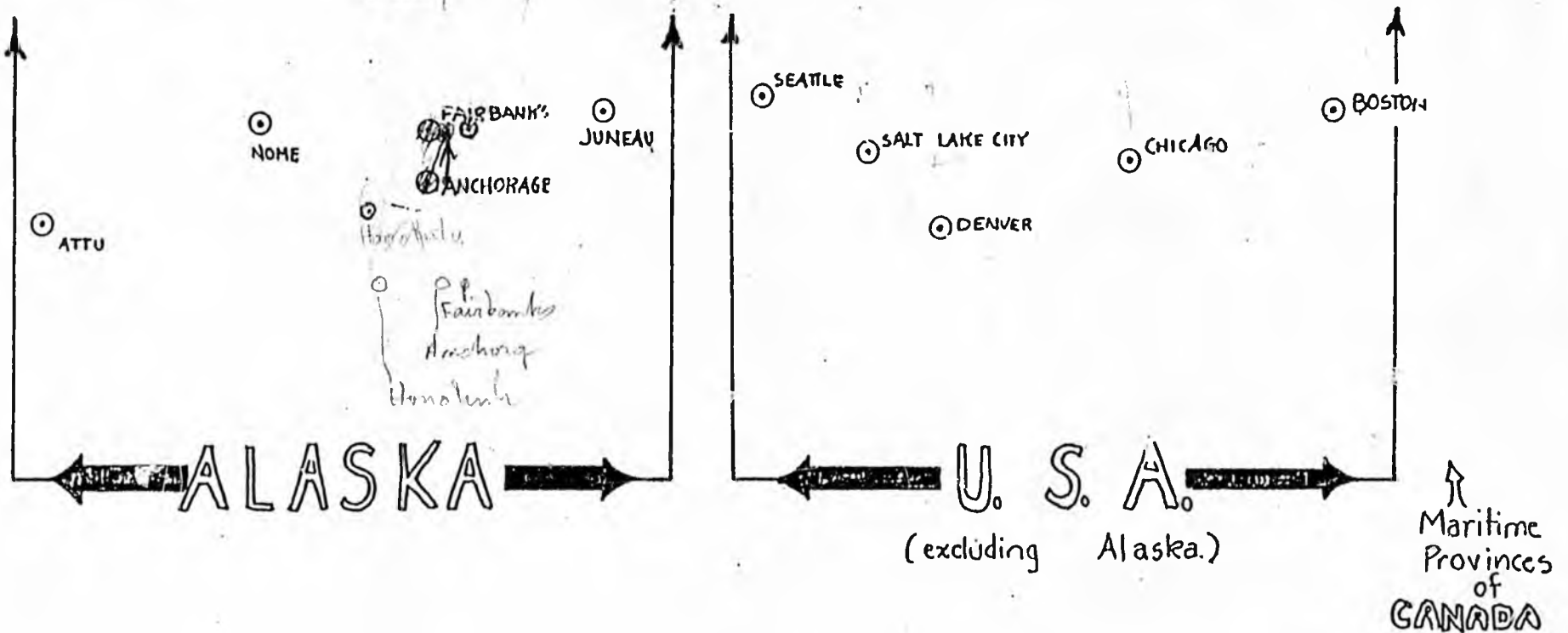
It is especially important to recognize clearly that the problem associated with time zones in Alaska is due to the artificial introduction of a two-hour time difference where there should be only one. It seems reasonable to simply correct this misuse of time zones instead of turning to a major redefinition of time zones which affects the entire population.

The absurdity of the questioned legislation is seen when we consider that, as it stands, it would be equivalent to placing the conterminous United States from Maine to eastern Oregon on Eastern standard time. The amendment proposed by Senator Fischer on 18 March would be equivalent to putting the entire U.S. from Maine to Washington on Eastern standard time!

Summary: To simplify the problem introduced by the use of a fifth time zone in Alaska (i.e., Pacific standard time), let us simply eliminate the use of that fifth zone which doesn't belong here in the first place.

# TIME ZONES OF NORTH AMERICA

180°W	165°W	150°W	135°W	120°W	105°W	90°W	75°W	60°W
This time zone not in use ←	Bering std. Time (extend by custom)	Alaska std. Time	Yukon std. Time	Pacific Std. Time	Mountain std. Time	Central std. Time	Eastern std. Time	Atlantic std. TIME
		80% of Alaska's population						



D2

Box 177, Highland Dr.  
Eagle River, Ak. 99577  
March 22, 1983

Dear Senator Fischer,

I have previously written to you expressing my opposition to the time zone change bill. Since Juneau should have remained on Yukon Standard Time in the first place it would be more appropriate to put the entire state on Alaska Standard Time, thereby causing the least disruption to the bulk of the state population which is centered in the Railbelt region to begin with.

In addition this plan would certainly be more fair to those people living in far western Alaska. Once again because the Capitol is in Juneau the Southeast takes precedence over the needs of the rest of the state. The Southeast's recent refusal to return to Yukon Standard Time only reinforces their preference to remain more closely tied to Seattle than with the rest of the state.

Changing the time zones will not make the seat of government more accessible, only moving the Capitol out of Juneau will do that. As a former resident of Wisconsin I am dismayed at not being able to have easier access in a physical sense. Even residents of extreme upstate Wisconsin were able to get in their cars and drive to Madison if they chose.

The social and physical needs of this state are too great to be spending valuable time on an issue like changing time zones. Your consideration will certainly be appreciated.

Sincerely yours,

*Allen R. Kunes*

Allen R. Kunes

HJR

28



State of Alaska, or a political subdivision of the State of Alaska, to resources located thereon, or to a public body of water regularly employed for transportation purposes, and the protest states with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternatives for access exist; or

(C) A person or entity files a protest with the Secretary stating that the applicant is not entitled to the land described in the allotment application and that said land is the site of improvements claimed by the person or entity.

(6) Paragraph (1) of this subsection and subsection (c) shall not apply to any application pending before the Department of the Interior on or before December 18, 1971, which was knowingly and voluntarily relinquished by the applicant thereafter.

Conflicting allotment applications.

(b) Where a conflict between two or more allotment applications exists due to overlapping land descriptions, the Secretary shall adjust the descriptions to eliminate conflicts, and in so doing, consistent with other existing rights, if any, may expand or alter the applied-for allotment boundaries or increase or decrease acreage in one or more of the allotment applications to achieve an adjustment which, to the extent practicable, is consistent with prior use of the allotted land and is beneficial to the affected parties: *Provided*, That the Secretary shall, to the extent feasible, implement an adjustment proposed by the affected parties: *Provided further*, That the Secretary's decision concerning adjustment of conflicting land descriptions shall be final and unreviewable in all cases in which the reduction, if any, of the affected allottee's claim is less than 30 percent of the acreage contained in the parcel originally described and the adjustment does not exclude from the allotment improvements claimed by the allottee: *Provided further*, That where an allotment application describes more than one hundred and sixty acres, the Secretary shall at any time prior to or during survey reduce the acreage to one hundred and sixty acres and shall attempt to accomplish said reduction in the manner least detrimental to the applicant.

Amended land descriptions.

(c) An allotment applicant may amend the land description contained in his or her application if said description designates land other than that which the applicant intended to claim at the time of application and if the description as amended describes the land originally intended to be claimed. If the allotment application is amended, this section shall operate to approve the application or to require its adjudication, as the case may be, with reference to the amended land description only: *Provided*, That the Secretary shall notify the State of Alaska and all interested parties, as shown by the records of the Department of the Interior, of the intended correction of the allotment's location, and any such party shall have until the one hundred and eightieth day following the effective date of this Act or sixty days following mailing of the notice, whichever is later, to file with the Department of the Interior a protest as provided in subsection (a)(5) of this section, which protest, if timely, shall be deemed filed within one hundred and eighty days of the effective date of this Act notwithstanding the actual date of filing: *Provided further*, That the Secretary may require that all allotment applications designating land in a specified area be amended, if at all, prior to a date certain, which date shall be calculated to allow for orderly adoption of a plan of survey for the specified area, and the Secretary shall mail notification of the final date for amendment to each affected allotment applicant, and shall provide such other notice as the Secretary deems appropriate, at least sixty days prior to said date: *Provided further*,

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85 STAT. 703

finds is qualified for land benefits under this Act, the Secretary shall issue to the Village Corporation a patent to the surface estate in the number of acres shown in the following table:

If the village had on the 1970 census enumeration date a Native population between—	It shall be entitled to a patent to an area of public lands equal to—
25 and 99.....	69,120 acres.
100 and 199.....	82,160 acres.
200 and 399.....	115,200 acres.
400 and 599.....	138,240 acres.
600 or more.....	161,280 acres.

The lands patented shall be those selected by the Village Corporation pursuant to subsection 12(a). In addition, the Secretary shall issue to the Village Corporation a patent to the surface estate in the lands selected pursuant to subsection 12(b).

(b) Immediately after selection by any Village Corporation for a Native village listed in section 16 which the Secretary finds is qualified for land benefits under this Act, the Secretary shall issue to the Village Corporation a patent to the surface estate to 23,040 acres. The lands patented shall be the lands within the township or townships that enclose the Native village, and any additional lands selected by the Village Corporation from the surrounding townships withdrawn for the Native village by subsection 16(a).

(c) Each patent issued pursuant to subsections (a) and (b) shall be subject to the requirements of this subsection. Upon receipt of a patent or patents:

(1) the Village Corporation shall first convey to any Native or non-Native occupant, without consideration, title to the surface estate in the tract occupied as a primary place of residence, or as a primary place of business, or as a subsistence campsite, or as headquarters for reindeer husbandry;

(2) the Village Corporation shall then convey to the occupant, either without consideration or upon payment of an amount not in excess of fair market value, determined as of the date of initial occupancy and without regard to any improvements thereon, title to the surface estate in any tract occupied by a nonprofit organization;

(3) the Village Corporation shall then convey to any Municipal Corporation in the Native village or to the State in trust for any Municipal Corporation established in the Native village in the future, title to the remaining surface estate of the improved land on which the Native village is located and as much additional land as is necessary for community expansion, and appropriate rights-of-way for public use, and other foreseeable community needs: *Provided*, That the amount of lands to be transferred to the Municipal Corporation or in trust shall be no less than 1,280 acres;

(4) the Village Corporation shall convey to the Federal Government, State or to the appropriate Municipal Corporation, title to the surface estate for existing airport sites, airway beacons, and other navigation aids, together with such additional acreage and/or easements as are necessary to provide related services and to insure safe approaches to airport runways; and

(5) for a period of ten years after the date of enactment of this Act, the Regional Corporation shall be afforded the opportunity to review and render advice to the Village Corporations on all land sales, leases or other transactions prior to any final commitment.

(d) the Secretary may to the acreage limitations;

(e) Immediately after the Secretary shall convey to the surface estate and/or the subsurface estate;

(f) When the Secretary the surface estate in lands shall issue to the Regional Corporation lands are located a patent to lands located in the National Petroleum Reserve No. 1 for in subsection 12(a) develop, or remove mine within the boundaries of consent of the Village Corporation;

(g) All conveyances not valid existing rights. Where under this Act, a lease or agreement (including a lease in fee simple) has been issued pursuant to such patent, the patent shall not affect the lease, contract, permit, or other right, interest, or claim of the lessee, contractor, permittee, or other party. Upon issuance of the patent, the patent shall be subject to all rights, interests, or claims of the patentee, lessor, contractor, permittee, or other party. The administrative action of the State, the Federal Government, or any other State, unless the agency has the authority to do so, shall not affect the patent. In the event of a lease, contract, permit, or other right, interest, or claim, the patentee shall be entitled to the amount of the revenues from the right-of-way, or easement, or other right, interest, or claim, which the numerator is the amount of the revenues from the right-of-way, or easement, or other right, interest, or claim, and the denominator is the total amount of the revenues from the right-of-way, or easement, or other right, interest, or claim.

(h) The Secretary is authorized to convey to the areas withdrawn by section 16(a).

(1) The Secretary shall convey to the appropriate Regional Corporation and historical places;

(2) The Secretary shall convey to the appropriate Regional Corporation that does not qualify under the laws of Alaska, to the 23,040 acres surrounding the surface estate in such Regional Corporation;

(3) The Secretary residing in Sitka, Alaska, under the laws of Alaska.

Patent requirements.

1. Native Allotments

2. nonprofit organizations

3. Municipal Selections

SCS CSSHJR 28 (SA)

The Senate State Affairs Committee substitute makes only minor changes for clarity and accuracy in the resolution passed by the House. These changes have been approved by the prime sponsor.

The "whereas" clause beginning on page 1, line 18 was rewritten with no substantive changes.

The number on page 2, line 8 was changed from 10 years to 77 years to reflect the fact that federal responsibility for granting allotments began with the Native Allotment Act of 1906 rather than the Alaska Native Claims Act of 1971.

Folta for  
Bradley  
5/13/83

Original sponsors: Herrmann, Adams,  
Fuller, et al

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 SENATE CS FOR CS FOR SS FOR HOUSE JOINT RESOLUTION NO. 28 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 Relating to the processing of Native  
6 allotments.

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

8 WHEREAS the Bureau of Land Management of the United States Department  
9 of the Interior has been given the responsibility for processing appli-  
10 cations for allotments granted under the Native Allotment Act of 1906 and  
11 the Alaska Native Claims Settlement Act of 1971; and

12 WHEREAS the present procedures of the Bureau of Land Management are  
13 moving so slowly that it has been publicly stated in Alaska that it will  
14 take no less than 20 years before the allotment applications now on file  
15 can be processed; and

16 WHEREAS the applications for the allotments have already been on file  
17 for 10 years or more; and

18 WHEREAS some applicants have died while their applications remain  
19 unprocessed resulting in unnecessary probate difficulties for the appli-  
20 cants heirs; and

21 WHEREAS the land contained within the allotment applications repre-  
22 sents the single most valuable asset for most of the individuals who have  
23 applied for the allotments; and

24 WHEREAS village corporations established under the settlement act may  
25 <sup>not</sup> receive ~~[only interim conveyance of]~~ title to their land until the privately  
26 owned land is transferred; and

27 WHEREAS the questions unresolved in these allotment applications cast  
28 a cloud on the title to the village corporation lands; and

29 WHEREAS the prospect of substantial delay in obtaining title to the

1 village land represents a substantial financial loss to the village corpo-  
2 rations because it <sup>delays the possibility of the village</sup> limits the use and disposition of any interest in <sup>corperations using</sup> their  
3 lands;

4 BE IT RESOLVED that the Alaska State Legislature encourages the Con-  
5 gress to provide adequate funding to the Bureau of Land Management, United  
6 States Department of the Interior, so that the bureau may carry out the  
7 responsibility to process applications for allotments given by Congress to  
8 the bureau over 77 years ago.

9 COPIES of this resolution shall be sent to the Honorable George Bush,  
10 Vice-President of the United States and President of the U.S. Senate; the  
11 Honorable Thomas P. O'Neill, Jr., Speaker of the U.S. House of Representa-  
12 tives; to the Honorable James Watt, Secretary of the Interior; to Robert F.  
13 Burford, Director of the Bureau of Land Management; and to the Honorable  
14 Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the  
15 Honorable Don Young, U.S. Representative, members of the Alaska delegation  
16 in Congress.

Offered: 3/28/83  
Referred: Rules

Original sponsors: Herrmann, Adams,  
Fuller, et al

1 IN THE HOUSE BY THE RESOURCES COMMITTEE  
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 28 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 Relating to the processing of Native  
6 allotments.

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

8 WHEREAS the Bureau of Land Management of the United States Department  
9 of the Interior has been given the responsibility for processing ~~the~~ appli-  
10 cations for <sup>the</sup> allotments granted under the Native Allotment Act of 1906 and  
11 the Alaska Native Claims Settlement Act of 1971; and

12 WHEREAS the present procedures of the Bureau of Land Management are  
13 moving so slowly that it has been publicly stated in Alaska that it will  
14 take no less than 20 years before the allotment applications now on file  
15 can be processed; and

16 WHEREAS the applications for the allotments have already been on file  
17 for 10 years or more; and

18 WHEREAS individual <sup>heirs to</sup> applicants are being born into and <sup>applicants</sup> dying out from  
19 the existing applications, resulting, at the least, in unnecessary probate  
20 difficulties for the <sup>heirs of</sup> applicants; and

21 WHEREAS the land contained within the allotment applications repre-  
22 sents the single most valuable asset for most of the individuals who have  
23 applied for the allotments; and

24 WHEREAS village corporations established under the settlement act may  
25 <sup>only interim conveyance of</sup> not receive title to their land until the privately owned land is trans-  
26 ferred; and

27 WHEREAS the questions unresolved in these allotment applications cast  
28 a cloud on the title to the village corporation lands; and

29 WHEREAS the prospect of substantial delay in obtaining title to the

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with BLM

1 village land represents a substantial financial loss to the village corpo-  
2 rations because it <sup>limits the use and disposal of</sup> delays the possibility of the ~~village corporations~~ using  
3 their land;

4 BE IT RESOLVED that the Alaska State Legislature encourages the Con-  
5 gress to provide adequate funding to the Bureau of Land Management, United  
6 States Department of the Interior, so that the bureau may carry out the  
7 responsibility to process applications for allotments <sup>given by</sup> that Congress ~~gave~~  
8 the ~~bureau over 10~~ <sup>197</sup> years ago.

9 COPIES of this resolution shall be sent to the Honorable George Bush,  
10 Vice-President of the United States and President of the U.S. Senate; the  
11 Honorable Thomas P. O'Neill, Jr., Speaker of the U.S. House of Representa-  
12 tives; to the Honorable James Watt, Secretary of the Interior; to Robert F.  
13 Burford, Director of the Bureau of Land Management; and to the Honorable  
14 Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the  
15 Honorable Don Young, U.S. Representative, members of the Alaska delegation  
16 in Congress.

Find out what  
the level of funding  
in FY 84 budget  
Office of Cadastral  
Surveys, BLM → may want to add  
a whereas <sup>original</sup> funding or asking  
increased <sup>ever</sup> more

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M  
JUNEAU, ALASKA 99811  
PHONE:

April 7, 1983

The Honorable Bill Ray  
State Senator  
Alaska State Legislature  
Pouch "V"  
Juneau, Alaska 99811

Dear Senator Ray:

I am responding to your March 15, 1983 correspondence about Native allotment issues in Haines.

Mr. Jacquot is [REDACTED] representative process [REDACTED] however, as you are probably aware, the same situation exists in many areas of the state.

During the creation of the Chilkat Bald Eagle Preserve and Haines State Forest Resource Management Area the Department of Natural Resources committed itself to establishing a process whereby the state might quit-claim its interests in land back to the federal government on selected allotment claims, for subsequent reconveyance to the allottee. Until just recently, however, this process was not legally possible. The recent U.S. District Court approval of specific procedures now allows the federal government to receive such state land reconveyances.

Recently members of my staff have been working with individual allotment applicants in Haines, including Mr. Jacquot, in an attempt to identify more precisely which allotments fall into this reconveyance category (see the attached article from the Lynn Canal News). I have also attached my recent letter to Mayor Halliwill on the subject.

At the present time the most significant remaining obstacle is BLM's lack of funding to support surveys. The allotments must be surveyed before the state can reconvey its land to the federal government. The Governor's representative in Washington, John W. Katz, is pressing the federal government to provide necessary survey funds for BLM. It is estimated

The Honorable Bill Ray  
April 7, 1983  
Page 2

that survey costs for the Haines area will amount to about \$250,000 (see attached letter).


Please note that the State never made a commitment to fund surveys of individual Native allotments in the Haines area. This responsibility remains with BLM, although the State might choose to assist in this effort.

The Department strongly supports state efforts, such as Herrmann's proposed joint resolution, to expedite the allotment survey and adjudication process.

The Department is doing everything it can to facilitate adjudication of the Haines area allotments. My staff has been in touch with Mr. Jacquot on a regular basis. I believe he is now satisfied with the State's efforts on behalf of himself and other allottees.

Thank you for providing the opportunity to comment.

Sincerely,

  
Esther C. Wunnicke  
Commissioner

Attachment

cc: Representative Herrmann  
Curt McVee, State Director, BLM

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION  
615 "H" STREET, SUITE 100  
ANCHORAGE, ALASKA 99501  
TELEPHONE (907) 272-9431

March 14, 1983

Ms. Beth Robinson  
c/o Representative Adelheid Herrmann  
Pouch V  
Juneau, AK 99811

Dear Ms. Robinson:

In response to your request for information regarding the need for the federal government to allocate additional funds for processing Native Allotments, I am enclosing several newspaper articles. I believe that the figure 30 years is probably the best current estimate. The 70 years which you mentioned was an estimate made by a BIA employee in a letter to an applicant. I have spoken with that individual and have been informed that he now believes the true figure to be closer to 30 years.

You should be aware that this time period is derived from an estimate of the time required to survey the allotments. It assumes that the applicants' entitlement to the allotments will be adjudicated at a faster rate. While this is true with respect to the "easy" cases -- such as those subject to automatic approval under section 905 of ANILCA -- those allotments which the BLM intends to deny must go through a "Pence" hearing. The Office of Hearings and Appeals of the Department of the Interior has only been able to complete about six hearings per year. If there were a thousand of these, you can see that it would take a considerably longer period of time to finish processing the applications. Similarly, there are between 50 and 100 Aguilar applicants who will have to go through a lengthy procedure.

I have also enclosed for your information an article regarding the potential impact of allotments on such major state projects as the Fairbanks-Anchorage intertie. On a lesser scale, I have included an article dealing with an allotment in the small boat harbor in Bethel. While all allotments are not so strategically placed, these demonstrate the potential problems which may result from a failure to process the allotments in a timely manner.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,  
ALASKA LEGAL SERVICES CORPORATION

*Craig J. Tillery*

Craig J. Tillery

CJT/bh  
Enclosures

CLARKS POINT VILLAGE COUNCIL  
GENERAL DELIVERY  
CLARKS POINT, ALASKA 99569  
November 28, 1982

Senator, Ted Stevens  
United States Senate  
Washington, D.C. 20510

Dear Senator Stevens:

An item of particular concern to the shareholders of Saguyak, Incorporated, the Village Corporation for Clarks Point, Alaska, as well as the members of the traditional Village Council is the recent article in the Tundra Times, concerning the status of Native Allotments in Alaska.

According to the October 20th, 1982, issue of the Tundra Times it may be twenty years before Native Allotments receive their lands. Further, I have spoken with the Realty Officer at the Bureau of Indian Affairs and he stated that under present staffing and funding it will be more like seventy years before BLM can survey all the allotments presently pending before BLM.

Speaking as President of Clarks Point Village Council, I wish to make it known that I feel this is to long a period to wait. Many natives have already waited fifteen or twenty years to get their lands and the thought of waiting another twenty years is too much to ask.

Although, I am not an expert on A.N.C.S.A. it is my understanding that my Village Corporation cannot get full title to their lands until the allotments are excluded from their selection. If this is true it would seem that seventy or even twenty years is not a rapid settlement as promised by Section 2 (b) of A.N.S.C.A.

The value portrayed by the allotment is the most that many of us can expect to pass on to our children. Additionally, the value of corporate lands is diminished by the cloud placed on the title by the presence of an unknown amount of allotment land.

As the land represents our culture and our heritage we are in effect a people without a country until the land problem is settled. Further, we are prevented from entering into financial transactions with lending institutions to better our way of life until such time as we gain title to our lands. This is true of both corporate and allotted lands.

Your assistance in resolving these matters are great concern to us in Clarks Point.

Sincerely,

*Joseph L. Clark*  
JOSEPH L. CLARK  
TRADITIONAL VILLAGE COUNCIL

*Jimmy J. Wassily*  
JIMMY J. WASSILY

*Irene M. Clark*  
IRENE M. CLARK

*Aurora A. George*  
AURORA A. GEORGE

*Annie Ramondos*  
ANNIE RAMONDOS

cc: To All Concerned

*Adelheid Herman, Rep.*

# Calista Corporation

516 Denali Street, Anchorage, Alaska 99501 (907) 279-5516

March 22, 1983

The Honorable Adelheid Herrmann  
House of Representatives  
Pouch V  
Juneau, Alaska 99811

Re: House Joint Resolution No. 28

Dear Representative Herrmann:

This letter is to inform you that Calista Corporation is in full support of the intended results of the House Joint Resolution No. 28, relating to the processing of Native Allotments.

While we are supportive of this resolution, we feel that the first "WHEREAS" should be amended as follows: beginning with line 10, the words "Alaska Native Claims Settlement Act of 1971" should be deleted and in-lieu of add "Native Allotment Act of 1906". Rationale:

The Native allotments were applied for pursuant to the authorities granted by the terms of the Native Allotment Act of 1906.

The new language would read as follows:

Whereas, the Bureau of Land Management of the United States Department of the Interior has been given the responsibility for processing the applications for allotments granted under the Native Allotment Act of 1906.

In our humble opinion, we feel this language would not only strengthen the intent of House Joint Resolution No. 28 but further clarify its intent.