

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6165 HOUSE STATE AFFAIRS

569

BALLOT PROPOSITION NO. 1

LEGISLATIVE ANNULMENT OF REGULATIONS Constitutional Amendment

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

SUMMARY

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

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 A bill passed by the legislature annulling a regulation could be vetoed by the governor or repealed by referendum.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

BALLOT FORM:

A vote "FOR" adopts the amendment.

A vote "AGAINST" rejects the amendment.

FOR
AGAINST

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

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

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

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

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT

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

STATEMENT IN FAVOR OF BALLOT PROPOSITION NO. 1

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

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

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

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

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

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

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

STATEMENT AGAINST BALLOT PROPOSITION NO. 1

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

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

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

BALLOT MEASURE NO. 1

Constitutional Amendment

LEGISLATIVE ANNULMENT OF ADMINISTRATIVE REGULATIONS

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

SUMMARY

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

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

BALLOT FORM:

A vote "FOR" adopts the amendment.
A vote "AGAINST" rejects the amendment.

FOR
AGAINST

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

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

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

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

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT

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

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

STATEMENT IN FAVOR OF BALLOT MEASURE NO. 1

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

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

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

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

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

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

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

—Mike Szymanski,
State Representative

STATEMENT OPPOSING BALLOT MEASURE NO. 1

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

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

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

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

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

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

BALLOT MEASURE NO. 2

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

BALLOT LANGUAGE

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

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

A vote "FOR" adopts
the amendment.

FOR

A vote "AGAINST"
rejects the amendment.

AGAINST

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

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

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(HCS SJR 40 [Jud] am H)

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

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

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT

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

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

BALLOT MEASURE NO. 2

STATEMENT IN SUPPORT OF BALLOT MEASURE NO. 2

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

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

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

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

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

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

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

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

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

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

Andre Marrou
State Representative

STATEMENT OPPOSING BALLOT MEASURE NO. 2

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

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

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

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

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

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

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

DEPARTMENT OF LAW

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

OFFICE OF THE ATTORNEY GENERAL

May 8, 1986

Honorable M. Mike Miller
Chairman
House Judiciary Committee
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Re: SJR 40 (constitutional
amendment on annulment of
regulations)
Our file: 66-3-86-0493

Dear Representative Miller:

I understand that Senate Joint Resolution No. 40, proposing an amendment to the Alaska Constitution, is on your committee's agenda for tomorrow. This letter is to express the Department of Law's opposition to that resolution. If the resolution is passed, that proposed amendment would hit the voters for the third time in six years.

BRIEF STATEMENT

Essentially, the Department of Law's position is that:

1. In 1980, the voters rejected a virtually identical constitutional amendment by a substantial margin -- 82,010 to 58,808. In 1984, they even rejected an improved version (improved in terms of accountability to the public). We should assume that the voters knew what they were doing.
2. The legislature does not need this shortcut method to perform its proper oversight function.
 - (A) The Alaska Administrative Procedure Act includes provisions giving multiple notice to the legislature and enabling legislators to participate in the regulations-adoption process.
 - (B) If an executive-branch agency, in adopting a regulation, goes in a direction that is not supported by the current legislature, the legislature may legislate further -- enact guidelines,

limitations, prohibitions.

3. A concurrent resolution, the vehicle proposed by this resolution to annul administrative regulations, is not covered by the constitutional and other provisions applicable to bills, which provisions tend to assure protection of and accountability to the public.

4. An annulment resolution's bare negative statement does not afford the executive-branch agency responsible for executing the law any guidance in performing its constitutionally mandated duties.

DISCUSSION

The amendment proposed by SJR 40 is virtually identical to the Eleventh Legislature's CSHJR 82 am (1980 Legislative Resolve No. 5). That amendment was rejected by the voters on November 4, 1980 by a vote of 82,010 to 58,808. That is a substantial margin, and we should assume that the voters knew what they were doing. They again rejected the amendment in 1984 -- in the form of the Thirteenth Legislature's SCS HJR 5(Jud) (1983 Legislative Resolve No. 15) -- even though it contained provisions for a deferred effective date, three readings on separate days, and recording in the journal the yeas and nays on final passage. The voters should not be repeatedly subjected to the same ballot issue.

As you know, these proposals for constitutional amendments are intended to reverse the effect of the Alaska Supreme Court's decision in State of Alaska v. A.L.I.V.F. Voluntary, 606 P.2d 769 (1980). The essence of that court decision, which held invalid the statute (AS 44.62.320(a)) that provided for legislative annulment of administrative regulations by concurrent resolution, is that (1) procedurally and substantively valid regulations have the force of law, (2) an "annulment" of a regulation has the effect of changing the law, and (3) when the legislature changes the law, it must do so by following the constitutional procedures for law-making. Since AS 44.62.320(a)'s concurrent resolutions did not follow the procedures for law-making, the court held that that statute was invalid.

As the court pointed out in Plumley v. Hale, 594 P.2d 497, 500 (Alaska 1979), the various constitutional provisions specifying the mechanics of legislating are "designed to engender a responsible legislative process worthy of the public trust." Those provisions are "to ensure deliberation prior to passage, to ensure that the requisite majority of each house affirmatively

votes to enact a bill into law, and to provide a public record of the vote cast by each legislator." Id. Those procedures include, for example

- the single subject rule of art. II, sec. 13;
- the descriptive title rule of art. II, sec. 13;
- the requirement of separate readings on separate days, under art. II, sec. 14;
- the requirement that the ayes and nays on final passage be recorded in the legislative journal, under art. II, sec. 14;
- the provisions on gubernatorial veto, under art. II, secs. 15 and 16; and
- the deferred effective date, under art. II, sec. 18.

Those provisions provide for public accountability, public notice, and an opportunity for the public to prepare for the application of new law. Regulations adopted under the Alaska Administrative Procedure Act take effect only after the required public notice, opportunity for public comment, legal review by the Department of Law, and a deferred effective date. Curiously, the current version of this proposed constitutional amendment omits the improvements contained in 1983 LR 15. Neither the constitutional protections nor the corresponding Administrative Procedure Act protections would be applicable to a concurrent resolution's annulment of an administrative regulation.

The proposed constitutional amendment before you is not a "mere adjustment" or technical correction of the constitution. It proposes a substantial realignment of the constitutionally specified powers. Although the adoption of administrative regulations by an administrative agency is considered a "quasi-legislative function," it is an essential part of the executive branch's execution or implementation of a statute. The proposed amendment, by providing for legislative annulment by means of a concurrent resolution, provides for the legislature to make what can be considered executive-branch decisions -- executing a program created by statute. This concentration of power in the legislative branch -- both enacting the program statute and then participating in executing it -- does not reflect a sound policy in the face of the separation-of-powers doctrine as expressed in the Federalist Papers and other writings. That doctrine, of

course, involves a blending or sharing of powers. The purpose is to avoid an inappropriate concentration of power.

In addition, when the legislature makes a simple negative statement by merely annulling a regulation, it interferes with the executive-branch's execution of the statute and offers nothing in its place. For example, the regulation involved in the A.L.I.V.E. Voluntary case was a Department of Revenue regulation dealing with permits for such things as lotteries. It contained several elements: a dollar limitation, a time limitation, and a provision for the cumulative effect of the value of individual prizes in reaching the dollar limitation. When the legislature annuls a provision such as that, is the agency to interpret the annulment as meaning that the dollar limitation is not appropriate, or that the time period is not appropriate, or that the cumulative effect is not appropriate? If the agency concluded that the legislature must have been primarily concerned about the dollar limitation, and adopted a new regulation specifying a different dollar amount, would it be guessing right?

I do not believe that anyone questions the legislature's right to review the executive-branch's execution of the statutes. Nor does anyone question the legislature's right to enact statutes setting guidelines and imposing limitations or prohibitions. We may disagree as to the merit of a particular guideline or prohibition, but not as to the right of the legislature to enact it (subject, in some circumstances, to the applicability of other constitutional provisions).

The Alaska Administrative Procedure Act (AS 44.62) provides a carefully structured system with many opportunities for legislator involvement in the adoption of administrative regulations. If one of those opportunities was missed, or proved otherwise unavailing in some circumstance, further legislation might be appropriate. Such legislation would, of course, supersede the offending regulation.

In Immigration and Naturalization Service v. Chadha, 462 U.S. 919, 77 L.Ed.2d 317, 103 S.Ct. 2764 (1983), affirming Chadha v. Immigration and Naturalization Service, 634 F.2d 408 (9th Cir. 1980), the United States Supreme Court held invalid what has become known as the "legislative veto." The U.S. Supreme Court's decision is consistent with our state supreme court's decision in A.L.I.V.E. Voluntary. Your committee might also find helpful the discussion in the official commentary to the 1981 Revised Model State Administrative Procedure Act, promulgated by the National Conference of Commissioners on Uniform State laws; see, especially, the art. III introductory comments

Hon. M. Mike Miller
House Judiciary Committee

May 8, 1986
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which discuss the legislative/executive/public interrelationship regarding administrative regulations.

In a nutshell, the problem is that once the legislature passes a statute creating a program or function it is then up to the executive to execute that statute and up to the court system to determine whether the executive has exceeded its authority or otherwise violated the law. This proposed amendment would alter that balance by injecting the legislature into the execution stage of the system.

As the voters have done twice before, your committee should reject this proposed constitutional amendment.

Thank you for this opportunity to comment. I would be happy to discuss the matter further with you at your convenience.

Yours truly,

HAROLD M. BROWN
ATTORNEY GENERAL

By: 
Arthur H. Peterson
Assistant Attorney General

AHP:md

cc: Hon. Paul Fischer
Alaska State Senate

Jim Ayers, Director
Legislative Relations
Governor's Office

STATE OF ALASKA

THE LEGISLATURE

1981

Source

SCS HJR 1 (Jud)

Legislative
Resolve No.

15



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

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

* Section 1. Article II, Constitution of the State of Alaska, is amended by adding a new section to read:

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

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

*Rejected by voters
98,856 to 91,174.*

FISCAL NOTE

REQUEST:

Revision Date: 4/5/89
Title: Relating to repeal of regulations
by the legislature
Sponsor: Judiciary Committee
Requestor: Judiciary Committee

Agency Affected: Office of the Governor
BRU: Division of Elections
Components: II-Elections
Primary & General Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	-0-	-0-	2.2*	-0-	-0-	-0-
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	2.2*	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	2.2*	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	2.2*	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

* Costs included cover 2 to 3 pages in each Official Election Pamphlet for printing and typesetting, and costs estimated to cover computer programming requirements for vote (Continued)

Prepared by: Linda Edgeworth Phone: 465-4611
Division: Elections Date: _____

Approved by Commissioner: [Signature] for SAE Date: 4.6.89
Agency: Division of Elections

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSJR-3 (Judiciary)

counting purposes. However, these costs are based on the assumption that all candidates and issues will fit on three ballot cards, which is the norm. It should be noted, however that should the inclusion of this issue require a 4th ballot to be printed, the cost increase would have to be calculated at 16 cents per ballot x approximately 320,000 voters. The total cost of printing the additional ballot card would be \$51.2.

Under these circumstances the fiscal note would be:

53.4

S J R

66

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
SJR 66

Commemorative Stamp/Bering Voyage's 250th

Received February 26, 1990
by Sen. Kertula, Kelly

Heard March 13, 1990
Heard March 14, 1990

Passed Out of Committee March 14, 1990
3 Do Pass
1 No Recommendation

TABLE OF CONTENTS

SJR 66: Commemorative Stamp/ Bering Voyage's 250th

- Item 1:** SJR 66 by Sen. Kerttula, Kelly
- Item 2:** Fiscal Note by Senate State Affairs

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 26, 1990

FURTHER REFERRALS:

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

SJR 66

SENATE JOINT RES. NO. 66 COMMEMORATIVE STAMP/BERING VOYAGE'S 250TH

Requesting the issuance of a United States commemorative postage stamp to mark the 250th anniversary of Vitus Bering's voyage of discovery and the opening of Alaska to European contact.

RECOMMENDATIONS:

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

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [] fiscal impact _____
[] zero fiscal note _____
[] zero with analysis _____

- [] fiscal note(s) _____
[X] zero fiscal note(s) 2/13/90 - SSA
[] zero fn/analysis _____

SIGNING DO PASS:

Richard B. Muehler
W. A. Bruch

SIGNING:

(Check approp. column)

	Do Not Pass	No Rec	Amend
<i>Steve Hawley</i>		✓	

W. A. Bruch

Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: US postage stamp marking
anniversary of Vitus Bering voyage
Sponsor: Kerttula
Requestor: _____

Agency Affected: _____
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Senate State Affairs
Division: _____
Approved by Commissioner: Senator Pat Pourchot
Agency: _____

Phone: 465-4522
Date: 2/12/90
Date: 2/12/90

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

S J R

71

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SJR 71: Savoonga AK: Sister City for Sereniki USSR

- Item 1: SJR 71 by Sen. Kerttula
- Item 2: Fiscal Note by Senate CRA
- Item 3: Resolutions from Savoonga

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
SJR 71

Savoonga AK: Sister City for Sereniki USSR

Received April 5, 1990
by Sen. Kerttula

Heard April 18, 1990

Passed Out of Committee April 18, 1990
3 Do Pass
2 No Recommendation

Item 3



Alaska State Legislature

SENATE

Official Business

M E M O R A N D U M

P.O. Box V
State Capitol
Juneau, Alaska 99811

TO: Representative Red Boucher, Chairman
House State Affairs Committee

FROM: Senator Jay Kerttula

SUBJ: SJR 71 --
Sister Cities Resolution

DATE: April 11, 1990

I would appreciate your scheduling SJR 71 at your earliest convenience. SJR 71 would encourage Savoonga, Alaska and Sireniki U.S.S.R. to become sister cities.

The residents of Savoonga on St. Lawrence Island have very close cultural, ethnic, and social ties to the Yupik residents of Sireniki. The residents of Savoonga are totally in support of seeking sister city status with Sireniki, and I believe that they deserve legislative support for their efforts.

I have attached two resolutions from Savoonga supporting this resolution. I appreciate your attention to my request.

JK:kh

A JOINT SAVOONGA RESOLUTION
IN SUPPORT OF SENATE JOINT RESOLUTION NO. 71

WHEREAS; the City of Sirenki, USSR has requested that the cities of Savoonga, Alaska, USA and the City of Sirenki, USSR become officially Sister Cities; and

WHEREAS; this request is to the benefit of promoting good relations between the Soviet Union and the United States; and

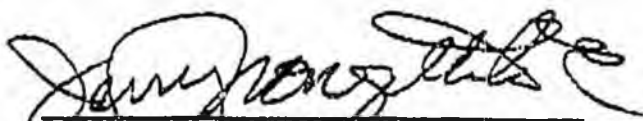
WHEREAS; the residents of both cities speak the same language, which is Siberian Yupik, and live a subsistence way of life; and


WHEREAS; both cities place great emphasis on traditional Native values, including honoring and learning from their elders, and passing them on to the younger generations; and

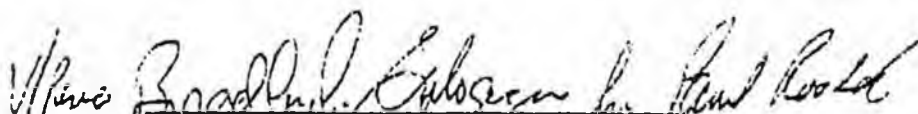
WHEREAS; Senator Kertulla has introduced a resolution to the Alaska State Legislature to encourage the two cities to become official sister cities in order to help them reestablish their communication and trade;

NOW THEREFORE BE IT RESOLVED by the City of Savoonga, the Savoonga Native Corporation, and the Native Village of Savoonga that support is hereby given to Senate Joint Resolution No. 71.

IN WITNESS THERETO:


Jerry Wongittlin, Sr.
Mayor of Savoonga


Truman Kava, President
Native Village of Savoonga


Paul Rookak, Sr. President
Savoonga Native Corporation

Resolution passed this 7th day of March, 1990.

SAVOONGA NATIVE CORPORATION
P.O. BOX 150
SAVOONGA, ALASKA 99769

RESOLUTION 90-08

A CORPORATE RESOLUTION IN SUPPORT OF SENATE JOINT RESOLUTION NO. 71 SPONSORED BY SENATOR KERTTULA.

WHEREAS, the Savoonga Native Corporation is charged with economic, physical & social well-being of its shareholders; and

WHEREAS, Senate Joint Resolution # 71 encourages Savoonga, Alaska and Sereniki, U.S.S.R to be sister cities; and

WHEREAS, becoming sister cities would help the two cities reestablish communication and trade;

NOW THEREFORE BE IT RESOLVED by the shareholders at their 1990 Annual Meeting fully supports the passage of Senate Joint Resolution No. 71 by the State Legislature.

PASSED AND APPROVED by the Board of Directors & the shareholders of the Savoonga Native Corporation on 10th day of MARCH, 1990.

Paul Soock

Paul Soock
President

ATTEST:

for Samuel Mokiuk

Samuel Mokiuk
Secretary

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 5, 1990

FURTHER REFERRALS:

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

SJR 71

SENATE JOINT RES. NO. 71

SAVOONGA AK: SISTER CITY FOR SERENIKI USSR

Encouraging Savoonga, Alaska, and Sereniki, U.S.S.R., to be sister cities.

RECOMMENDATIONS:

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

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- [] fiscal impact _____ [] fiscal note(s) _____
- [] zero fiscal note _____ [X] zero fiscal note(s) 3/30/90. Sen CRA
- [] zero with analysis _____ [] zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Do Not
Pass No Rec Amend

<i>Donley</i> Donley	<i>Donley</i> Donley		✓	
<i>Finkelstein</i> Finkelstein	<i>McLean</i> McLean		✓	
<i>Boucher</i> Boucher				

[Signature]
Chairman's Signature

Item 2

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: SJR 71
PUBLISH DATE: 3/30/90

FISCAL NOTE

REQUEST:

Revision Date: 3/27/90
Title: Encouraging Savoonga
& Sereniki to be sister cities
Sponsor: Sen. Kerttula
Requestor: Senate CRA

Agency Affected: C&RA
BRI: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Kathy Hathaway
Division: Aide to Senator Kerttula

Phone: 465-3771
Date: 3/27/90

Approved by Commissioner: Senator Jay Kerttula
Agency: _____

Date: 465-3771

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

SJR

77

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
SJR 77

Alaska Archaeology Week

Received March 2, 1990

by Sen. Pearce, Sturgulewski, Uehling, Fahrenkamp

Heard March 13, 1990

Passed Out of Committee March 13, 1990

4 Do Pass

TABLE OF CONTENTS

SJR 77: Alaska Archaeology Week

- Item 1: SJR 77 by Sen. Pearce, Sturgulewski, Uehling,
Fahrenkamp
- Item 2: Fiscal Note by Senate Rules
- Item 3: Memorandum from Sen. Pearce, March 13, 1990
- Item 4: Letters from U. S. Department of Interior

Item 2

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: SJR 77
PUBLISH DATE: 2/28/90

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Alaska Archaeology Week
Sponsor: Sen. Pearce
Requestor: _____

Agency Affected: Gov.s Office
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
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						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: McKie Campbell Phone: 465-3818
Division: Sen. Rules Committee Date: 2/14/90
Approved by Commissioner: Sen. Arliss Sturgulewski, Chairman Date: 2/14/90
Agency: _____

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

Item 3

Alaska State Legislature

3111 C Street, Suite 150
Anchorage, Alaska 99503
(907) 561-2038



During Session:
P.O. Box V
Juneau, Alaska 99811
(907) 465-4993

Senator Drue Pearce
District G

MEMORANDUM

TO: Representative Red Boucher, Chair
House State Affairs Committee

FROM: Senator Drue Pearce *DP*

DATE: March 13, 1990

RE: SJR 77, Archaeology Week, April 2 - 8

Thank you for quickly scheduling SJR 77 which establishes April 2 - 8 as Alaska Archaeology Week.

The National Park Service in conjunction with the Anchorage Museum of History and Art are sponsoring the first Alaska Archaeology Week. The purpose is to educate and inform the public about Alaska's rich archaeological resources and to encourage their protection.

Other organizations participating include the State of Alaska Office of History and Archaeology, the Minerals Management Service, the University of Alaska, the Kodiak Area Native Association, the U.S. Forest Service, and EXXON Company, USA.

Activities during Archaeology week are being planned in Kodiak, Fairbanks and Anchorage. Community coordinators involved are Anchorage, Ketchikan, Kodiak, Kotzebue, Petersburg, and Skagway.

Our support of this resolution will help ensure the success of this year's initiating program.

Thank you.

DP:tej

81400
Item 4



United States Department of the Interior



NATIONAL PARK SERVICE

ALASKA REGIONAL OFFICE
2515 Gambell Street, Room 107
Anchorage, Alaska 99503-1802

A3615 (ARO-SA)

06 MAR 1980

Representative H. A. "Red" Boucher
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99801

Dear Red:

Please schedule SJR No. 77 for hearing before your committee as soon as possible.

This resolution, establishing Alaska Archaeology Week, will help in the promotion of public education and education about the state's archaeological resources. Events are being planned by the National Park Service in coordination with the Anchorage Museum of History and Art, the Kodiak Area Native Association, DNR's Office of History and Archaeology, and the University of Alaska.

Since Alaska Archaeology Week is scheduled for April 2-8, 1990, early passage of SJR No. 77 is important to the many groups working on events to commemorate the week.

Thank you for your assistance.

Sincerely,

Janet McCabe
Special Assistant



United States Department of the Interior
NATIONAL PARK SERVICE



IN REPLY REFER TO:

ALASKA REGIONAL OFFICE
2525 Gambell Street, Room 107
Anchorage, Alaska 99503-2892

H30 (ARO-RCR)

25 JAN 1990

Arliss Sturgulewski
Alaska State Senate
P.O. Box V
Juneau, Alaska 99811

Dear Senator Sturgulewski:

The National Park Service, the Anchorage Museum of History and Art, and a number of other governmental and private organizations are sponsoring the first Alaska Archaeology Week April 2 through 8, 1990.

The purpose of Alaska Archaeology Week is to educate and inform the public about Alaska's rich archaeological resources and to encourage their protection. A state legislative resolution in support of Alaska Archaeology Week would help ensure the success of this program. We have enclosed some suggested wording for your consideration. If you have any questions, please contact Susan Morton, Archaeologist, at 257-2559. Thank you.

Sincerely,

Paul F. Haertel

Acting Regional Director

Enclosures (faxed to attention Frank Homan 1/25/90)

S J R

79

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CSSJR 79 (Res): Bering Land Bridge International Park

- Item 1: CSSJR 79 (Res) by Senate Resources Committee
- Item 2: Fiscal Note by Senate Resources Committee
- Item 3: Memorandum from Sen. Sturgulewski,
April 6, 1990
- Item 4: News Article
- Item 5: Backup Information
- Item 6: Letter from the National Park Service
- Item 7: Reconnaissance Study: Beringian Heritage

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
CSSJR 79 (Res)

Bering Land Bridge International Park

Received April 5, 1990
by Senate Resources Committee

Heard April 17, 1990

Passed Out of Committee April 17, 1990
2 Do Pass
2 No Recommendation

HOUSE COMMITTEE REPORT

4/18

(7)

Date Referred: April 5, 1990

FURTHER REFERRALS:

RESOURCES

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

CSSJR 79(RES)

CS SJR NO. 79 (Res)

BERING LAND BRIDGE INTERNATIONAL PARK

Supporting the designation of the existing Bering Land Bridge National Preserve as part of a Joint Alaska-Siberia International Park.

RECOMMENDATIONS:

- be replaced with _____ the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

- fiscal note(s) *Senate* _____
- zero fiscal note(s) *3/27/90. Sen Res.* _____
- zero fn/analysis _____

SIGNING DO PASS:

[Signature] Finkelstein

[Signature] Boucher

SIGNING: (Check approp. column)

	Do Not Pass	No Rec	Amend
<i>[Signature]</i> Zawacki		<input checked="" type="checkbox"/>	
<i>[Signature]</i> Hanley		<input checked="" type="checkbox"/>	

[Signature]

Chairman's Signature

Item 2

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Bering Land Bridge Preserve

Agency Affected: _____
BRU: _____

Sponsor: Sen. Sturgulewski
Requestor: Senate Resources Committee

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

There is no state fiscal impact.

Prepared by: Nancy Petersen, Staff
Division: Senate Resources Committee

Phone: 465-3834
Date: 3/26/90

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

would continue through 1990.

Changes in CS SJR 79 (Res)
have no fiscal impact.
This fiscal note is
appropriate.

Item 3

Alaska State Legislature



Senate

2957 SHIELDON JACKSON STREET
ANCHORAGE, ALASKA 99508

While in Juneau
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

SENATOR
ARLISS STURGULEWSKI
Senate President Pro Tempore
Chairman, Senate Rules Committee

MEMORANDUM

April 6, 1990

TO: Representative Red Boucher, Chairman
House State Affairs Committee

FROM: Senator Arliss Sturgulewski *AS*
Senate District F

RE: Hearing request for SJR 79 Supporting the designation of the existing Bering Land Bridge National Preserve as a part of a Joint Alaska-Siberia International Park.

This resolution supports the findings of a joint United States and Soviet Union feasibility study proposing an international park (a symbolic designation) along the Bering Straits.

The United States would designate the existing Bering Land Bridge National Preserve as its portion. This designation would not change any of the existing laws or regulations governing the Preserve as the attached letter from the National Park Service specifies.

Also attached are letters of support from the Bering Straits Native Corporation and the Nome Chamber of Commerce as well as the Joint U.S./Soviet Reconnaissance Study.

I would appreciate your consideration for an early hearing on this resolution. Thank you.

Attachments

Park would join Alaska, Siberia

By CHRIS JENSEN

DALLAS MORNING NEWS

WASHINGTON — Alaska and Siberia have been separated by the sea for thousands of years.

But near the icy Bering Strait, where the international date line divides the United States and the Soviet Union, a symbolic joining of the superpowers is under way.

U.S. and Soviet officials have proposed an international park in the Bering region that would protect millions of acres in both countries and allow unprecedented scientific exchange. It also would help restore the flow of Native culture and ideas stemmed by the tide of 20th-century politics.

"The climate is right, and the will to do it is there," said Denis Galvin, associate director for planning and development with the National Park Service in Washington. "It's a matter of when, not if."

After two decades of informal discussions, Galvin led a 17-member American delegation that joined a Soviet team to survey potential park sites last September.

The Beringian Heritage International Park, as it would be called, could open by 1995, Galvin said. It would feature joint research centers, cultural archives and programs that encourage Native groups, tour operators and universities to move freely across borders.

The Beringian park would be a first between the superpowers, although the United States shares five international parks with Canada and the Soviet Union has a joint park with Finland.

'The climate is right, and the will to do it is there. It's a matter of when, not if.'

— Denis Galvin,
Of the National Park Service

For the U.S. portion, Galvin's team recommended an existing land preserve, the 2.8 million-acre Bering Land Bridge National Preserve located on the northern flank of the Seward Peninsula.

The Soviets, however, will face the more daunting task of carving out a brand new Siberian park from the Chukotskiy Peninsula.

"They're starting a little behind us," Galvin said.

But the Soviet Union already has a handful of parks, including some scientific preserves that are closed to the public, and has expressed strong interest in the project.

"Across the Soviet Union, environmental consciousness is really exploding right now," said Eric Green, a Soviet analyst with the American Committee on U.S.-Soviet Relations. "The park is symbolic of our changing relations, especially on

environmental issues."

Each side would manage its half of the park separately, although the superintendents would regularly meet and conduct joint cultural and scientific exchange programs.

Beringian Natives, who share common Yupik and Inupiat languages, are interested in discussing everything from reindeer herding to ivory carving with their neighbors across the strait, Galvin said.

"There's a real strong Native desire to get together," Galvin said.

What remains to be seen is whether the international park would increase visits to the remote tundra.

"I don't expect to see a flood of people coming up. It's just very difficult to get here," said Ernie Suazo, superintendent of the Bering preserve, located about 100 miles north of Nome.

There are no roads to the preserve, nor any accommodations. Visitors arrive by dog sled, chartered plane or occasionally by boat. The area abounds with grizzly bear, wolf and moose.

Last year about 2,000 people came to the Bering preserve. By comparison, during the same period more than 500,000 people visited the Lyndon B. Johnson National Historic Park at Stonewall, Texas.

But Galvin thinks the recent proposal is bound to pique American interest in the area.

"I think you could accommodate tourists," said Galvin, who praised the Siberian coastline for its spectacular fjords. "But it wouldn't be a Princess Cruise."

Item 4



United States Department of the Interior

NATIONAL PARK SERVICE

ALASKA REGIONAL OFFICE
2525 Gambell Street, Room 107
Anchorage, Alaska 99503-2892

IN REPLY REFER TO

A3615(ARO-SA)
xL62

8 0 MAR 1990

Honorable Arliss Sturgulewski
Alaska State Senate
P.O. Box V
Juneau, Alaska 99811

Ref: SJR 79

Dear Senator Sturgulewski:

We understand you have been asked whether international park designation will affect the existing management of Bering Land Bridge National Preserve. In answer, we would appreciate your communicating the following information to the legislature:

International park designation is a form of recognition, not a change in management authority for the existing preserve. The term international park was used in a descriptive sense because "park" is a word that is recognized internationally to indicate an area with special natural and cultural resources. International park designation would not change the existing laws and regulations or modify existing permissions applying to Bering Land Bridge National Preserve in any way.

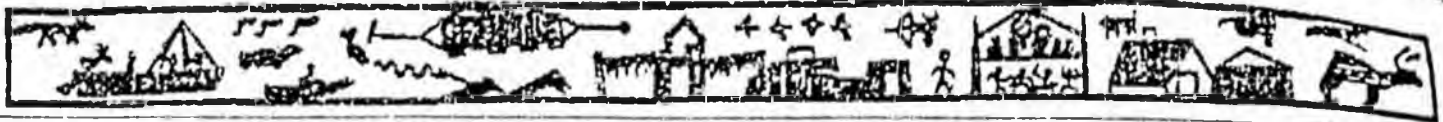
As noted in the study report distributed earlier this session, international park designation "would create a dramatic symbol of cooperation between two world superpowers." By encouraging and facilitating additional international scientific and cultural research and enhancing the growing communication and travel between Alaska and the Soviet Union, the international park should have significant values for Alaska. Adoption of SJR 79 by the state legislature would provide a positive message from Alaska at the forthcoming international meetings and summit this spring and summer and would emphasize the state's continuing interest in friendly exchange.

Sincerely,

Boyd Evison
Regional Director

cc:
Denis Galvin, WASO

Items
TAKE
PRIDE IN
AMERICA



BERING STRAITS NATIVE CORPORATION


March 30, 1990

Honorable Albert Adams
Senator District L
P.O. BOX 7
Juneau, Ak 99811

Dear Senator Adams:

Bering Straits Native Corporation writes in support of SJR #79. Provided that the people of the Bering Straits Region are afforded the existing privileges in regard to hunting, fishing and access.

Sincerely,


Henry Ivanoff
Chairman

MEMBER OF THE UNITED STATES CHAMBER OF COMMERCE



Nome Chamber of Commerce

Post Office Box 251, Nome, Alaska 99782

March 30, 1990

Honorable Albert P. Adams
Rm. 423, Capitol
P.O. Box V
Juneau 99811

Dear Senator Adams:

The Nome Chamber of Commerce supports SJR #79. We feel that this proposal will foster good will between Alaska and Siberia. We support this bill with only one stipulation; which is that all present privileges continue.

Sincerely,

A handwritten signature in cursive script that reads "Lonnie O' Connor".

Lonnie O' Connor
President



DEPARTMENT of the INTERIOR

news release

For Release after 4 p.m.
Tuesday, January 9, 1990

Steve Goldstein 202/343-6416 (O)
202/887-5248 (H)

INTERNATIONAL PARK IN BERING STRAIT PROPOSED BY U.S.A. AND U.S.S.R.

Secretary of the Interior Manuel Lujan and V. G. Sokolovsky, 1st Deputy Chairman, U.S.S.R. State Committee for Protection of the Environment, today were presented with a joint American-Soviet report proposing an international park in the Bering Strait, between Alaska and Siberia.

The proposal arises from a study undertaken by representatives of the two nations in August and September. Although it does not propose boundaries for the protected areas, the study suggests that both nations identify and designate appropriate sites as components of the global park. Each nation would then manage its elements of the park in accordance with its own laws and regulations.

The U.S. team, staffed by the National Park Service (NPS), has identified the 2.8-million acre Bering Land Bridge National Preserve as a unit of the international site. The Soviets have several areas under consideration in the Chukotskiy Peninsula.

The study recognizes the geographic proximity of the two nations and the common heritage they share with native cultures and their natural and human history.

"This proposal offers a unique opportunity to share the rich resources of two nations in a protected environment," Secretary Lujan said. "It is a shared chance to preserve Eskimo and other native lifestyles as well as evidence of the rare geological, archeological, and biological heritage of this region."

The report also recommends the following steps:

- o the granting of enhanced authority for conclusion of cooperative agreements between the two parks and between each park and separate Alaskan and Siberian interests for increased coverage of shared heritage themes in cross border contacts promoted between the parks;
- o regular consultations and cooperation between Soviet and U.S. park administrations;

-more-

- o establishment of a joint park research and public information facility or facilities.

The Bering sites are of immense scientific interest because of the migration of people and wildlife between Asia and North America that has occurred over the long span of time.

Officials also noted that this was a special opportunity to develop close working relationships between their respective countries in devising a system to protect their shared heritage and exchange scientific information.

The proposed international park will require further study from both the United States and the Union of Soviet Socialist Republics as well as authorization from both governments. "It also offers great potential as a model for international cooperation," Secretary Lujan said. "This is especially true," he added, "because the proposal calls for a joint center for research and public information, staffed by both countries. It will support the work of both countries and enhance present and future public visits to those exciting landscapes."

The joint study, which was endorsed under terms of a 1972 U.S.A.-U.S.S.R. Environmental Agreement, also furthers NPS policy of active cooperation with border nations to improve the management and conservation of shared resources.

In the preservation of the world heritage -- as well as endangered wildlife, migratory species, and wetlands -- the NPS and other bureaus of the Department of the Interior are working cooperatively with other nations in almost every region of the world.

"I believe," said Secretary Lujan, "that such examples of positive outreach between and among nations are making valuable contributions to global conservation needs and to the survival of the global environment."

Officials are hopeful that a Beringian Heritage International Park can be approved by both governments in the next two years, perhaps as early as August 1991, the 75th anniversary of the NPS.

STATEMENT

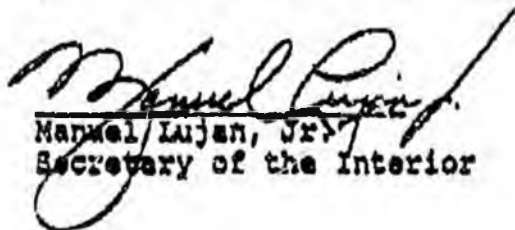
Under the terms of the US-USSR Environmental Agreement, the Working Group on Heritage Conservation and Management has completed a joint technical study of the feasibility of establishing a US-Soviet international park at the Bering Strait.

Prior to the presentation of the study to the Joint Committee, copies have been formally exchanged between the Soviet and American sides in ceremonies at the Department of the Interior, Washington, D.C. on the Ninth day of January, 1990.

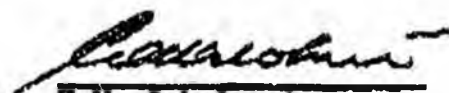
The study furnishes a substantial basis for confidence that this is a worthy project that should proceed.

We are pleased to endorse the study in that spirit.

For the American Side


Manuel Lujan, Jr.
Secretary of the Interior

For the Soviet Side


V.V. Sokolovskiy
Deputy Chairman
State Committee on
Environment Protection



IN REPLY REFER TO:

United States Department of the Interior
NATIONAL PARK SERVICE

ALASKA REGIONAL OFFICE
2525 Gambell Street, Room 107
Anchorage, Alaska 99503-2892

Item 6



A38 (ARO-PA)

19 JAN 1990

Arliss Sturgulewski
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Dear Park Supporter:

Last fall in Alaska and the Soviet Union, an unprecedented survey of possible international protected sites along the remnants of the Bering Land Bridge took place.

The participants -- park planners and scientists from both nations -- recommended that existing national park units in northwest Alaska, and a yet-to-be created conservation unit on the Chukotsky Peninsula of the Soviet Union be designated as an international park.

An international designation would recognize the close cultural and natural resource ties the people and the land have retained in the centuries since the Bering Land Bridge was engulfed by a rising sea. It would also make possible closer cooperation among researchers, park managers and residents living on both sides of the border. Each nation, however, would retain its right and authority to manage its park units as it wished.

The enclosed booklet describes the reconnaissance trip, the recommendations and the protocols signed by each nation. I welcome your review of the proposal, and ask your support when plans are finalized and brought to the Congress for action.

Sincerely,

Boyd Evison
Regional Director

Enclosure

The Goals of the International Park

principal goals of parks united across international borders would be to promote cooperation among nations, to preserve natural and cultural sites, and to provide opportunities for the coordinated administration of resources.

An international park spanning the Bering Strait would recognize this region's common heritage, it would constitute a joint effort to preserve the important natural elements of the land bridge and the cultural traditions that continue today, and it would create a dramatic symbol of cooperation between two world superpowers.

Page 5

The Recommendations in the Report

CREATION AND MANAGEMENT OF THE INTERNATIONAL PARK

The United States and the Soviet Union would each recommend areas to promote the protection, understanding, and enjoyment of the common heritage of Beringia. The international designation would be accomplished when both sides have established a protected unit in Beringia.

Because of its international significance, after joint designation the United States and the Soviet Union should explore the establishment of a biosphere reserve or a world heritage site.

Park Management

Once the international park units were designated, regular meetings should be scheduled between the individual directors or superintendents to establish joint programs and to direct common activities that would be mutually beneficial. Such meetings should occur at least annually. The meetings could design scientific and cultural programs to be undertaken by other organizations for the benefit of the international park and the preservation of Beringian heritage.

Page 41

Cooperative Agreements

The managers of U.S. and U.S.S.R. park units that would be designated as part of the international park should be granted broad authority to pursue cooperative agreements. Such

cooperative agreements could include provisions for mutual work in planning, design, and architecture, as well as research in linguistics, ethnography, archeology, native arts, history, and prehistory. Many opportunities for mutual work also are envisioned in natural resource research and management. The products of these agreements would increase the opportunities for education in Beringia and beyond.

These cooperative agreements could include other governmental agencies or ministries, Alaska native corporations, state farms, ivory carvers, universities, and academies to carry out and support the terms of the agreements. The cooperative agreements would be one means to extend the preservation and understanding of the common heritage beyond the boundaries of the designated parks.

Upon successful negotiation of a cooperative agreement between the parties, barriers to transportation and communication should be reduced. Eased restrictions could include the right to movement between Chukotka and the Seward Peninsula without a visa. Scientists, natives, and others involved in the protection and promotion of the Beringian heritage would be included, if covered by the terms of a cooperative agreement.

Pages 41, 42

Establishment of a Joint Center for Research and Public Information

To promote scientific and cultural research and to provide public information about Beringia, a joint center, or centers, should be established. The center would work on projects relevant to resources of the common heritage and would provide scientific support for the international park. Information gained in doing the scientific work would be archived at the center and made available to the international scientific community. Cultural activities would also be studied and promoted, and information relating to these activities would be stored at the center. Such activities could include cultural festivals, exhibits, demonstrations of carving, seminars, and classes on issues affecting common resources.

The center could be established in cooperation with existing institutions already active in the research and public information fields. The program of the center would be determined by regular meetings of the director and superintendents of the international park.

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The U.S. Designation would be an existing Unit

The team has recommended to its respective governments that an international park – embodying an existing national park in the United States and a newly created preservation unit in the Soviet Union – be designated by the national legislatures. The

Page 4

Bering Land Bridge National Preserve was one of the areas established by the Alaska National Interest Lands Conservation Act. Its primary purpose is to protect and preserve for research and education a portion of the prehistoric land link with Asia. Its other management purposes include the following:

- Protect and interpret arctic plant communities, volcanic lava flows and ash explosions, habitat for and populations of migratory birds, and fish and wildlife.
- Provide for archeological and paleontological study of plant, man, and animal migrations across the land bridge.
- Protect subsistence resources.

Bering Land Bridge is the principal area of the U.S. national park system that is related to the history of the Bering land bridge. Other areas managed by the National Park Service within the Beringian region are Cape Krusenstern National Monument, Noatak National Preserve, and Kobuk Valley National Park. These areas have similar mandates for their preservation, protection, and understanding of natural and cultural resources.

Pages 33, 34

For the Soviet Union, this alternative would require the creation of a national park described above, and for the United States, designation by the government of an existing park unit.

Page 36

Where are we now and what happens next? (From the Protocol of October 4, 1989)

3. The American side agreed to publish 1,000 copies of the report, half of which would be sent to the Soviet side. In order that the report would be available and understood by a broad public, the text would be enhanced by the use of graphics. The American side also agreed to hand out the working group's (02.04-20) published report during the XIIth Session of the Joint Soviet-American Commission Collaborating on Environmental Protection, which will occur in January 1990 in Washington, D.C.

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4. Both sides agree that after approval of the idea to create an international park in the Bering region at the XIIth Session of the Joint Soviet-American Commission, they will conduct a joint program. Within 6 months time, this program will describe the respective steps each government will take to establish an international park. To this end, during the period of preparation, 2-3 specialists on each side would exchange visits for a period of 5-7 days.

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THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE



Программа международного парка
**НАСЛЕДИЕ РАЙОНА
БЕРИНГОВА ПРОЛИВА:**
ПРЕДВАРИТЕЛЬНОЕ ИЗУЧЕНИЕ

International Park Program
**BERINGIAN HERITAGE
RECONNAISSANCE STUDY**