

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672
7316 HOUSE STATE AFFAIRS

SCR

30

(7)

Date Referred: February 21, 1992

FURTHER REFERRALS:

Date of Committee Action: 3/9/92

The STATE AFFAIRS Committee considered:

SCR 30

SENATE CONCURRENT RESOLUTION NO. 30

SUPPORT OPEN PRIMARY ELECTIONS

Supporting open primary elections.

RECOMMENDATIONS: the same title
be replaced with _____ a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) Senate State Affairs

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Eugene A. Rubenstein</i>	X				
<i>Tom Meyer</i>	X				
<i>John ...</i>	-				
<i>James ...</i>	-				
<i>Mike Miller</i>	-				
<i>Max ...</i>	-				
<i>David ...</i>	-				

Eugene A. Rubenstein
CHAIRMAN'S SIGNATURE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill Version: SCR-30

(S) Publish Date: 2-18-92

Revision Date: _____ Department Affected: NONE
 Title: Open Primary Elections BRU: _____
 Component: _____
 Sponsor: Cotten, Rodey, Eliason et al
 Requestor: Senate State Affairs COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	<u>0</u>					

CAPITAL	<u>0</u>					
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REVENUE FUND SOURCE:	<u>0</u>					
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	<u>0</u>					

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: none

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: M. Gifford, Committee Aide Phone: x4522
 Division: Senate State Affairs Committee Date: 2/14/92
 Approved by Senator PAT RODEY *Pat Rodey*
 Agency: Chair, State Affairs Committee Date: 2/14/92

FISCAL Note

NEWS RELEASE

A

STATE OF ALASKA

OFFICE OF THE GOVERNOR
P.O. BOX A
JUNEAU, ALASKA 99811

WALTER J. HICKEL
GOVERNOR



FOR INFORMATION CONTACT

JOHN MANLY
PRESS SECRETARY

(907) 465-3500
FAX (907) 586-8369

FOR RELEASE: February 19, 1992
No. 92-027

STATEMENT BY GOVERNOR WALTER J. HICKEL REGARDING THE OPEN PRIMARY

"Alaska's open primary is a system that has served us well for 25 years. My position on it is crystal clear.

"We had closed primaries in 1966, and I campaigned to open them up to all Alaskan voters.

"When I was Governor 25 years ago, the first bill I signed into law was the open primary. I believe it is still the most fair way to treat those 58 percent of the voters who choose not to affiliate with a political party.

"I want Alaska to continue to have an open primary, and I will work to have one that is consistent with the state and federal constitutions.

"A recent U.S. Supreme Court ruling has prompted the present controversy by saying that political parties can change the rules. How this will impact Alaska's open primary and what changes will be required of our election laws are questions that must be answered.

"The people of Alaska deserve an answer, and as soon as possible in this election year. Therefore, I am directing my Attorney General, Charlie Cole, to immediately research the legal issues to try and protect our open primary system.

"The open primary was a battle hard won 25 years ago. We are going to do everything we can to keep it as open as possible."

####

JUNEAU EMPIRE

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RED HOWARD
 Circulation Manager

TUESDAY,
 FEBRUARY 18, 1992

Alaska's primary works just fine

Editor's Note: This is the first of two editorials about potential changes in Alaska's election process.

Pretend you're getting ready to vote in August's statewide primary election. Pretend the people at your polling place ask which political party you're registered with, if any. Now pretend they give you a ballot printed with the names of just some of the candidates. Or better yet, only one. You can vote for candidates from one party, blue, red, or yellow. Now quit pretending, because there's a very real possibility that's what will happen next time you go to the polls in Alaska. It isn't a new concept. Forty-seven other states hold primary elections using a process identical or similar to what's described above.

Only Louisiana, Washington and Alaska use versions of the so-called "blanket primary" system that lists all candidates on the same ballot and allows voters to choose whomever they want, mixing and matching regardless of party affiliation.

That freedom has been a hallmark of Alaska's election process. But now, armed with a 1986 U.S. Supreme Court ruling in a Connecticut election dispute, the Republican Party of Alaska has decided it wants to run a "closed primary." Under the plan, recently affirmed by state GOP leaders, only registered Republicans or those with no party affiliation will be allowed to vote in the primary for Republican candidates.

The GOP central committee is trying to strengthen party allegiance — in a state where party labels never have meant much. Of the 285,219 people who were registered to vote in the last statewide election, 161,743 had chosen no party affiliation. The Democrat and Republican parties each claimed between 55,000 and 60,000 registered voters.

The Democrats and the other parties have responded to the GOP in a variety of ways, but the most frightening and confusing would be four separate primary ballots — one for Republicans, one for Democrats, one for the Independence Party and one for the Alaska Party. Voters would have to choose between a ballot that is two

ISSUE: State GOP wants closed primary election

separate primary ballots — one for the GOP and one for everybody else. All of which would seem laughable, if it weren't so close to becoming reality.

Sure, there's a chance state GOP leaders will change their minds at the upcoming statewide convention. And the Legislature is expected this week to step up the pace on bills upholding a wide-open primary system. But state attorneys have interpreted the decision to mean political parties have the right to decide how their primary elections are run. Unless they relent, Alaska voters apparently will say goodbye to the wide-open primaries of the past.

That would be a shame, because trying to make political parties stronger in Alaska doesn't mean Alaska will be stronger politically.

It's already hard enough to get people to the polls. To confuse and confound the process is to guarantee more apathy. And that doesn't serve anyone well.

There's also something very appealing — and very Alaskan — about a simple election process that lets voters pick and choose. Why, for instance, shouldn't we be allowed to vote in the primary for a Republican for governor, a Democrat for state Senate and a third-party candidate for the House? To limit voters' choices in any way removes some of the voting-booth freedoms we currently enjoy.



SCR

37

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 24, 1992

FURTHER REFERRALS:

Date of Committee Action: 5/7/92

The STATE AFFAIRS Committee considered:

SCR 37

SENATE CONCURRENT RESOLUTION NO. 37

NAME ARKANSAS BEACH ON HOG ISLAND

Requesting the State Geographic Board to consider naming the beach at Hog Island in the Aleutians as Arkansas Beach.

RECOMMENDATIONS:

be replaced with HOUSE CS SCR 37 (STA)

the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

^{Senate} zero fiscal note(s) Senate State Affairs 4/17/92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Eugene A. Kubera</i>					
<i>Tom Moyer</i> <small>Moyer</small>	X				
<i>Jerry Baker</i> <small>Baker</small>	✓	<i>E. J. Beckman</i> <small>Beckman</small>			

Eugene A. Kubera
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

No. 1
Bill Version: SCR 37
(S) Publish Date: 4-17-92

Revision Date: _____ Department Affected: _____
Title: Arkansas Beach / Hog Island BRU: _____
Sponsor: Senate Rules Committee Component: State Geographic Board
Requestor: Rodey, State Affairs COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0					

CAPITAL	0					
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REVENUE FUND SOURCE:	0					
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0					

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: M. Gifford, St. Affairs Staff Phone: 465-4522
Division: Senate State Affairs Committee Date: 4/14/92
Approved by Senator Pat Rodey, Chair
Agency: Alaska State Legislature Date: 4/14/92

FISCAL NOTE

No. 1
 Bill Version: HCR 56
 (H) Publish Date: 4/10/92

STATE OF ALASKA
 1992 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Military & Veterans Affairs
 Title: Resolution: Arkansas Beach on Hog Island BRU: N/A
 Sponsor: Governor Component: N/A
 Requestor: Governor COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Zero fiscal impact

Prepared By: Jeff Morrison Phone: 465-4600
 Division: Administrative Support and Services Date: April 3, 1992
 Approved by Commissioner: *J Morrison for* Hugh L. Cox III
 Agency: Military & Veterans Affairs Date: April 3, 1992

HCR 56

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 10, 1992

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a resolution that would request the State Geographic Board to name as "Arkansas Beach" the beach on Hog Island in Dutch Harbor.

The young men of the 206 Coast Artillery of the Arkansas National Guard formed a part of the defense of the Aleutian Islands during World War II. Battery B of the 206 Coast Artillery occupied Hog Island, in Dutch Harbor. The men of the 206 Coast Artillery were at Dutch Harbor when the Japanese launched their raid in 1942. While on Hog Island, three of the Guardsmen lost their lives during an unusually fierce wind storm, while trying to protect supplies on a temporary dock serving the island.

This resolution acknowledges the contribution made by the men of the 206 Coast Artillery in the defense of this country. I urge your prompt and favorable consideration of the resolution.

Sincerely,

Walter J. Hickel
Governor

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR ZHAROFF

TO: SCR 37

Page 2, line 10:

Delete "53'53"N,"

Insert "53'51"N,"

Page 2, line 11:

Delete "34'16"W to 53 degrees 53'12"N,"

Insert "34'15"W to 53 degrees 53'48"N,"

HOUSE CONCURRENT RESOLUTION NO. 56
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 4/10/92

Referred: House Special Committee on Military and Veterans' Affairs, State Affairs

A RESOLUTION

1 Requesting the State Geographic Board to consider naming the beach on Hog Island in
2 the Aleutians as Arkansas Beach.

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

4 WHEREAS the Aleutian Islands were the site of a largely forgotten campaign in World War II
5 and were considered of great strategic value to both the United States and Japanese forces, as occupation
6 by either one would threaten the mother country of the other; and

7 WHEREAS the 206th Coast Artillery of the Arkansas National Guard was deployed to the
8 Aleutian Islands in 1941 where they carried equipment up rough terrain, strung communications wire,
9 built outposts, bunkers, and dugouts and where, as one soldier so aptly put it, they "dug and dug and
10 dug," often fighting the williwaw winds, the cold, the fog, and the chill; and

11 WHEREAS it was the young men of the 206th, some of whom had never before been away from
12 their homes in Arkansas, who were at Dutch Harbor when the Japanese launched their raid in 1942; and

13 WHEREAS the attack on Dutch Harbor has been recorded in history as just an "incident" and
14 yet it powerfully influenced the course of the war by diverting Japanese forces from a planned
15 rendezvous at Midway Island, a diversion that lost for the Japanese not only the battle at Midway but
16 also the balance of power and perhaps even the war; and

1 **WHEREAS** within days of the raid on Dutch Harbor, the Japanese occupied Attu and Kiska
2 Islands at the western end of the Aleutian chain where they remained until driven out in 1943; and

3 **WHEREAS** Hog Island in Dutch Harbor was occupied by Battery B of the 206th Coast Artillery
4 in mid-summer 1942 to improve the firing ring of the entire anti-aircraft defenses, and the occupation
5 continued through the period of hostilities in the Aleutians and into mid-1944; and

6 **WHEREAS** three young men from Arkansas lost their lives at Hog Island; and

7 **WHEREAS** the Arkansas State Legislature adopted SCR 6 in 1989 asking the State of Alaska
8 to recognize the accomplishments of those who left Arkansas as boys and returned as men with the
9 206th; and

10 **WHEREAS** the naming of the beach on Hog Island located from 53 degrees 53' 53" North, 166
11 degrees 34' 16" West to 53 degrees 53' 12" North, 166 degrees 34' 21" West as "Arkansas Beach" has
12 received the support of the Unalaska City Council, through the passage of the City of Unalaska
13 Resolution 92-28;

14 **BE IT RESOLVED** by the Alaska State Legislature that the Alaska State Geographic Board
15 explore the naming of the beach on Hog Island as "Arkansas Beach" and proceed with the naming.

16 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, Governor of Arkansas;
17 to the President of the Arkansas Senate and the Speaker of the Arkansas House of Representatives; and
18 to the Alaska State Geographic Board.

..
G **COMMITTEE COPY**

Alaska State Legislature



Legislative Research Agency

P.O. Box Y
Juneau, AK 99811-3100
Phone: (907) 163-3991
Fax: (907) 163-3331

January 24, 1990

MEMORANDUM

TO:

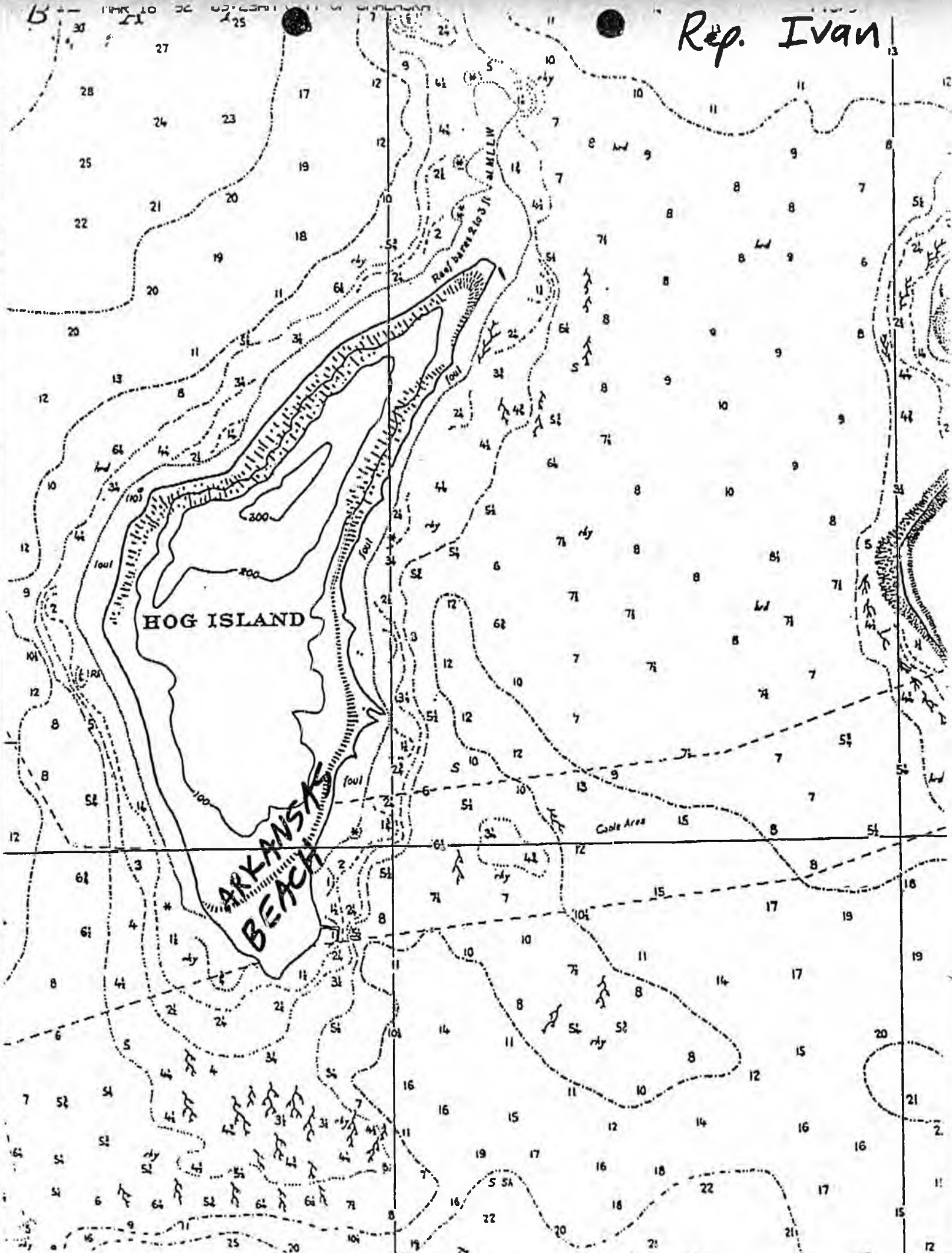
FROM: Dale Brandt
Legislative Analyst

RE: Verification of Arkansas Resolution Regarding Hog Island
Research Request 90.170

You requested information regarding the Arkansas Senate Concurrent Resolution proposing the renaming of Hog Island in Dutch Harbor, Alaska. Our research indicates that the facts set forth in the resolution are accurate. There are published sources as well as individuals who can verify the presence and the supportive activity of the Arkansas National Guardsmen in defense of Dutch Harbor during the summer of 1942. The published sources include *Military Postmark*, and *The U.S. Army in Alaska*, by the 172d Infantry Brigade (Alaska) p. 96. Individuals who can verify the information are Jo Antonson of the State of Alaska History and Archeology Office in Anchorage (telephone 762-2727), Captain Talmage Deeter of the Arkansas National Guard (telephone 501-771-5101), and Lyman Woodman, an Anchorage resident who is currently writing a book on the military in Alaska from 1867 to present. You are welcome to call Jo Antonson regarding the history pertinent to the resolution.

You also asked for information regarding previous suggested or actual name changes of Hog Island. According to Jo Antonson, the *Dictionary of Alaska Place Names* is the only known source of the written history of that island, and that the information in the dictionary is considered complete and accurate. No name changes have been proposed since the Russians placed hogs on the island in the early 1800s, an event from which its present name derives.

Rep. Ivan



27 December 1991



Headquarters, Arkansas National Guard

Dear General Cox:

In 1989 there was considerable support for and effort expended by Arkansans and Alaskans to rename Hog Island in the Aleutians to Arkansas Island. I wish to bring this matter to your attention and most respectfully request your assistance in our efforts to remember those Arkansans who lost their lives there.

The 206th Coast Artillery and the 153d Infantry Regiment, Arkansas National Guard, formed a part of the defense of the Aleutians and, in particular, Dutch Harbor from 1942 into mid-1944. During this period, three Arkansas Guardsmen lost their lives trying to protect supplies on a temporary dock serving Hog Island during an unusually fierce wind storm. In addition, other lives were lost in the 3 June 1942 bombing by the Japanese. That period of time, as it turns out, covers the only battle campaign of World War II on the North American Continent. Because of the participation of these Arkansas National Guard units, it is proposed that Hog Island be renamed Arkansas Island.

I have enclosed a copy of the Arkansas Senate Concurrent Resolution passed by the 77th General Assembly when they met in Extraordinary Session in 1989 endorsing the renaming of Hog Island. I understand that except for a small number of Alleute Indians, there is considerable Alaskan legislative support for the name change.

If at all possible, we would appreciate your help in the Alaskan legislature, and if you have occasion to travel that area, in explaining our reasons for desiring to rename the Island.

Sincerely,

A handwritten signature in cursive script that reads "James A. Ryan".

James A. Ryan
Major General
The Adjutant General

Enclosure

Major General Hugh L. Cox, III
The Adjutant General of Alaska
Dept of Military & Veteran Affairs
Post Office Box 5800
Ft Richardson, Ak 99505-5800

*Per Conversation with
AG
JH 9/22*

1 State of Arkansas
2 77th General Assembly
3 Third Extraordinary Session, 1989
4 By: Senator Benham

S.C.R. 6

5
6
7 **SENATE CONCURRENT RESOLUTION**
8 **ENDORISING THE RENAMING OF HOG ISLAND.**
9

10
11 WHEREAS, for the first time since the War of 1812, when the British burned
12 the U.S. Capitol, Japanese Naval Forces on June 3-6, 1942, assaulted the North
13 American continent by attacking Dutch Harbor, the Aleutian Islands, Territory
14 of Alaska; and

15 WHEREAS, the anti-aircraft defense at Dutch Harbor at that time was in
16 part supplied by the 206 Coast Artillery, an Arkansas National Guard unit
17 mustered into service in early 1941, and entrenched at Dutch Harbor since
18 early 1942; and

19 WHEREAS, the Japanese Naval Forces contemporaneously landed occupying
20 forces on the islands of Attu and Kiska at the western end of the Aleutian
21 chain where they remained until driven out in late May, 1943; and

22 WHEREAS, Hog Island in Dutch Harbor was occupied by Battery B of the 206
23 Coast Artillery in mid-summer 1942 to improve the firing ring of the entire
24 anti-aircraft defenses, which occupation continued through the period of all
25 hostilities in the Aleutians and into mid-1944; and

26 WHEREAS, the 153rd Infantry, another Arkansas National Guard unit,
27 comprised part of the Alaskan defense forces in this same period of time; and

28 WHEREAS, three Arkansas Guardsmen were lost in the Aleutian campaign
29 above described, including Sgt. James Arthur Allen of Helena, Corporal John
30 Falls Bowen of Altheimer, and Sgt. Cecil Kenneth Dix of Little Rock,

31
32 NOW THEREFORE,

33 BE IT RESOLVED BY THE SENATE OF THE THIRD EXTRAORDINARY SESSION OF THE
34 SEVENTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, THE HOUSE OF
35 REPRESENTATIVES CONCURRING THEREIN:

36

1
2 That the Senate hereby endorses the renaming of Hog Island located in
3 Dutch Harbor, Unalaska, Aleutian Islands, State of Alaska, as "Arkansas Island"
4 in memory and honor of the extended service in the Territory of Alaska in
5 World War II, of these two valiant Arkansas National Guard units and in honor
6 of the lives lost on or near Hog Island, as above recited, and respectfully
7 requests the great State of Alaska to join hands, as appropriate, with
8 representatives of the Arkansas National Guard and the 206 Coast Artillery
9 Association (a non-profit organization) in pursuit to conclusion of the
10 procedures required for renaming the island, Arkansas Island.

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CITY OF UNALASKA

P.O. BOX 89
UNALASKA, ALASKA 99685
(907) 581-1251



March 17, 1992

MG James A. Ryan
The Adjutant General
Military Department of Arkansas
North Little Rock, Arkansas 72118

Dear General Ryan:

Enclosed are the City of Unalaska City Council and Planning Commission Resolutions supporting the designation of a beach on Hog Island, Unalaska, Alaska as Arkansas Beach. I expect the Council to pass Resolution 92-28 on March 31, 1992.

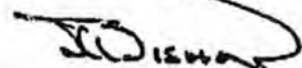
As a member of the Unalaska World War II 50th Commemorative Commission, as well as my normal job as Director of Planning for the City, I would recommend that any memorial to the three Arkansas Guardsmen be placed in the City Memorial Park near the cemetery where similar memorials to Coast Guardsmen and a World War II Memorial is planned rather than on Hog Island.

My reasoning is that, at this time Hog Island is uninhabited and the memorial would not be attended or looked at by the general public or those returning veterans for the 3-4 June activities. If you concur, please have someone coordinate with Judy Mayhew, Director of Parks, Culture and Recreation and Councilwoman Marti Murray, who is also a member of the local Historical Commission. Their address would be:

City of Unalaska
P.O. Box 89
Unalaska, Alaska 99685

I have also asked Kathleen (Mike) Dalton, the World War II Commemorative Commission Staff Support to mail to you all the available information on our commemorative events being planned for 3-4 June 1992, and an invitation to our activities is enclosed.

Sincerely,



John C. Bishop
Director of Planning

enc: AS

cc: MG Cox, TAG AKNG
Judy Mayhew, Director of PCR
Mike Dalton

rh:JCB

CITY OF UNALASKA
UNALASKA, ALASKA
RESOLUTION 92-28

A RESOLUTION IN SUPPORT OF DESIGNATING A BEACH AT HOG ISLAND,
UNALASKA, ALASKA "ARKANSAS BEACH".

WHEREAS, During World War II the 206th Coast Artillery, an Arkansas
National Guard Unit served with great credit and distinction on Hog
Island, Unalaska, Alaska; and

WHEREAS, During this time three young soldiers of the 206th Coast
Artillery Unit were killed; and

WHEREAS, The Adjutant General of the State of Arkansas has
requested that a beach on Hog Island be designated Arkansas Beach,
in memory of those gallant young Arkansas Guardsmen; and

WHEREAS, The designation has the approval of the current owner of
Hog Island, Mr. J.W. Graham, and the long term lessee, Mr. Hal
Dreyer, as long as this designation does not result in any further
city, state, or federal government delays or policies that would
affect or slow down future development plans

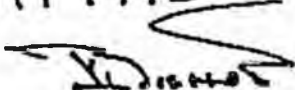
NOW THEREFORE IT BE RESOLVED THAT: The City Council of the City of
Unalaska has no objections to and fully supports the designation of
a beach on Hog Island, Unalaska, Alaska as Arkansas Beach.

PASSED AND APPROVED THIS _____ DAY OF _____, 1992 BY
THE CITY COUNCIL OF THE CITY OF UNALASKA, ALASKA.

Frank Kelty
Mayor

ATTEST:

City Clerk

CITY Council scheduled
MARCH 31, 1992


MEMO

TO: Mayor Kelty and City Council Members
THRU: Mark Earnest, City Manager
FROM: John C. Bishop, Director of Planning
DATE: March 13, 1992
SUBJECT: Arkansas Beach - Hog Island

Current Status:

Attached for your information is the following:

- Planning Commission Resolution 92-10 which supports naming a beach on Hog Island Arkansas Beach in honor of soldiers killed during WWII from an Arkansas National Guard unit who were stationed at Hog Island (206 Coast Artillery). This was generated based on a call from Paul Fuhs, last week.
- A letter dated 28 February 1992 from MG Ryan, TAG Arkansas to MG Cox, TAG Alaska providing additional details on the request.
- I have tried to call the owner of Hog Island, Joe Graham and let him know what is going on and the interest to designate the beach "Arkansas Beach"; there was no answer.

I also tried to discuss the naming of Arkansas Beach with Hal Dryer, Martech, who I believe has a long term lease on Hog Island with an option to purchase. He will return on Monday March 16, 1992, and I will continue to try to call him.

Recommendations:

Recommend the Council consider and pass the attached Resolution.

enc.: AS

cc: Jeff Morrison, Legislative Affairs
Pam Dundee, Senator Zharoff's Office
Larry Landry, Director of Veteran Affairs
Lt. Col. P. Dolzal, TAG, Alaska

City of Unalaska
Unalaska, Alaska
Planning Commission Resolution 92-10

A RESOLUTION IN SUPPORT OF AN INFORMAL REQUEST TO NAME A BEACH AT HOG ISLAND, ARKANSAS BEACH.

WHEREAS, During World War II the Arkansas National Guard served in the Aleutian Theater of Operations on Hog Island Unalaska, Alaska with great credit; and

WHEREAS, During World War II a member of this unit was killed due to a boating accident landing on a beach on Hog Island; and


WHEREAS, The family of the soldier who was killed has requested that a beach be designated "Arkansas Beach" in memory of the soldier who was killed; and

WHEREAS, The permission of the current owner of Hog Island is also needed to designate this beach as "Arkansas Beach".

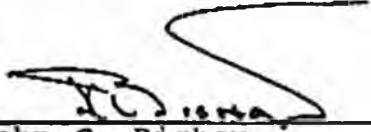
NOW THEREFORE IT BE RESOLVED, That the Planning Commission of the City of Unalaska, Alaska has no objection to and fully supports the designation of the beach as "Arkansas Beach" on Hog Island as requested, subject to the approval of the property owner.

BE IT FURTHER RESOLVED, That at the appropriate time when Hog Island/GSA Parcel 6 is platted this designation should be shown on the plat.

PASSED AND APPROVED THIS 27th DAY OF FEB 1992, BY THE PLANNING COMMISSION OF THE CITY OF UNALASKA, ALASKA.



Thomas L. Crandall
Chairman



John C. Bishop
Secretary



MILITARY DEPARTMENT OF ARKANSAS
OFFICE OF THE ADJUTANT GENERAL
NORTH LITTLE ROCK, ARKANSAS 72118-2200

BILL CLINTON
GOVERNOR

28 February 1992

JAMES A. RYAN
MAJOR GENERAL
THE ADJUTANT GENERAL

Major General Hugh L. Cox, III
The Adjutant General of Alaska
Post Office Box 5800
Fort Richardson, AK 99505-5800

Dear General ^{Hugh} Cox:

Thank you for your letter of 11 February 1992 concerning legislation to rename a beach on Hog Island, in honor of the Arkansans who occupied firing positions there in 1942, to "Arkansas Beach".

I have been in contact with the 206th Coast Artillery Association and the Governor's Office and both wish that the legislation introduced by Senator Kelly Binkley (SSSCR 51) be reintroduced and, hopefully, passed to allow the renaming of the particular beach on Hog Island where the three young Arkansans, SGT James Arthur Allen, Corporal John Falls Bowen and SGT Cecil Kenneth Dix lost their lives to "Arkansas Beach". Further, if possible, it is wished that the legislation also include a provision that the 206th Coast Artillery Association be permitted to erect a monument befitting the event and suitable to the site in memory of those gallant young Arkansas Guardsmen, and that the "Arkansas Beach" and its monument be included as part of the Alaska Park system.

Your kindness and assistance is greatly appreciated by Governor Bill Clinton, the families of these three fallen Guardsmen, the 206th Coast Artillery Association and myself. Please express our thanks in advance to Governor Mickel, Senator Zharoff and Representative Jacko.

Sincerely,

James A. Ryan
Major General
The Adjutant General

Enclosure
SSSCR 51 (Alaska)

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

P.O. BOX 5800
FORT RICHARDSON, AK 99505-5800
PHONE: (907) 428-6000

OFFICE OF THE COMMISSIONER

February 11, 1992

Major General James A. Ryan
The Adjutant General, Arkansas National Guard
Camp Robinson
North Little Rock, Arkansas 72118-2200

Dear General Ryan,

Thank you for your letter of December 27, relating to the renaming of Hog Island in the Aleutians. My staff has researched this issue with various legislators and staff, and I am pleased to bring you up to date on its status.

A resolution was introduced on February 12, 1990 in the Alaska Legislature requesting that the Alaska State Geographic Board rename Hog Island to Arkansas Island (copy of SCR 51 enclosed). The information contained in the resolution was confirmed independently through the Legislative Research Agency (copy of their January 24, 1990 memo enclosed). Through either hearings or informal contacts with the residents of Dutch Harbor, where Hog Island is located, it was determined that there was widespread local opposition to renaming the island. The mayor of Dutch Harbor at that time, Paul Fuhs, is now Governor Hickel's legislation liaison and remembers writing a letter to this effect at that time. I expect to receive a copy of this letter soon, and will forward a copy of it to you.

Mr. Fuhs recalls that it was suggested as a compromise to rename the beach on Hog Island to Arkansas Beach. This suggestion was apparently favorably received by the sponsor of the original resolution, Senator Binkley, and he introduced a sponsor substitute for his resolution on March 22, 1990 (copy of SSSCR 51 enclosed). At this point in the legislative history, nothing more seems to have happened. The revised resolution did not leave its first committee of referral, and died with the end of the 16th Legislature.

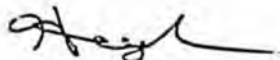
With the convening of the 17th Alaska Legislature in 1991, all action on this and other legislative business began anew. The sponsors of SCR 51, Senators Binkley and Kelly, did not return to the legislature. Through my staff's legislative contacts, we have not identified any members of the 17th Legislature who have expressed any opposition to renaming the beach on Hog Island to Arkansas beach. It is possible that such a resolution could again be introduced, although at this time we cannot estimate its likelihood of passage, even without opposition.

Forwarded to Ryan 2/13/92 501-771-5203
Ryan phone # 501-771-5200

I realize that renaming the beach is not the same as renaming the island, but it seems unlikely that the Senator and Representative for this area would be willing to support a name change that was opposed by their constituents. If you would like our department to pursue the introduction of a resolution similar to SSSCR 51, renaming the beach on Hog Island to Arkansas Beach, please let me know. While awaiting your response as to whether this change would be acceptable to you, we will work with Senator Fred Zharoff and Representative George Jacko to determine their interest in pursuing the possibility of a resolution in this session of the legislature.

We will be happy to work with you and with our Legislature to make an appropriate recognition of the accomplishments and sacrifices of members of the Arkansas National Guard in the Aleutian campaign of World War II.

Sincerely,



Hugh L. Cox III, Maj Gen AKNG
The Adjutant General

enclosures

cc: Paul Fuhs, Legislative Liaison, Office of the Governor
Senator Fred Zharoff, Alaska State Legislature
Representative George Jacko, Alaska State Legislature

file: hogisle



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: May 7, 1992

PLACE: Capitol Room 102

SUBJECT OF MEETING:

- SB 192 - Relating to Forfeitures in Alcohol or Drug Cases
- SB 338 - Relating to PERS Credited Service for Temp. Service
- SB 470 - Relating to Designating July 9 as AK Flag Day
- SCR 37 - Relating to Name Arkansas Beach on Hog Island

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Jeff Morrison	DMNA	PO Box 110900 Juneau AK 99811		784-7246	465-4600	<input checked="" type="radio"/> Y <input type="radio"/> N	SCR 37
DEAN GUANELI	LAW				3428	<input checked="" type="radio"/> Y <input type="radio"/> N	SB 192
F. Dundy	Sen Zharoff	State Senate State Capitol Juneau	99801	981	3423	<input checked="" type="radio"/> Y <input type="radio"/> N	SCR 37
BILL Church	Retirement				4460	<input checked="" type="radio"/> Y <input type="radio"/> N	C.S.B. 338
G. HORETSKI	DPS	P.O. BOX N, JUN			4322	<input type="radio"/> Y <input type="radio"/> N	SB 192
Pat Jim Zharoff	per 37					<input type="radio"/> Y <input type="radio"/> N	
Jim McComas	Attorney - Anchorage					<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	

SJR

|

USE COMMITTEE REPORT

5/18/91

(7)
Date Referred: April 26, 1991

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 5-17-91

The STATE AFFAIRS Committee considered:

SJR 1

SENATE JOINT RESOLUTION NO. 1

RIGHT TO KEEP AND BEAR ARMS

Proposing an amendment to the Constitution of the State of Alaska relating to the individual right to keep and bear arms.

RECOMMENDATIONS:

be replaced with H.C.S. SJR 1 (HSTA)

the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

^{Senate} fiscal note(s) Division of Elections 3-6-91

zero fiscal note _____

^{Senate} zero fiscal note(s) Law 3-6-91

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>E. Bruckman</i> Bruckman	-				
<i>X P. Grunberg</i> Grunberg	-				
<i>T. Moyer</i> Moyer	✓				
<i>V. Choquette</i> Choquette	✓				
<i>Gene Kubera</i> Kubera	✓				

Gene Kubera
CHAIRMAN'S SIGNATURE

FISCAL NOTE

No. 1

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Version: SJR1

(S) Publish Date: 3/6/91

Revision Date: 01/29/91 Department Affected: OFFICE OF THE GOVERNOR - ELECTIONS

Title: Amendment to Constitution BRU: Elections

Right to keep and Bear Arms Component: II - Primary and General Elections

Sponsor: Senator Rodev

Requestor: Judiciary COMPONENT SERIAL NO.

0	0	2	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		2.2*				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		2.2*				

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

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		2.2*				
FEDERAL FUNDS						
OTHER						
TOTAL		2.2*				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: -0-

ANALYSIS: (Attach a separate page if necessary.) * This figure covers cost of inclusion of information about this issue in the Official Election Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be: 53.4.

Prepared By: Linda Edgeworth, Information Officer Phone: 465-4611

Division: Division of Elections Date: 01/29/91

Approved by Commissioner: Charles E. Hickson

Agency: Division of Elections Date: 1-29-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 2

'II Version: STR1

(S) Publish Date: 3/6/91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Department of Law
 Title: "...amendment to the Constitution..." BRU: Prosecution
 relating to the...right to keep & bear arms." Component: Criminal Justice Litigation
 Sponsor: Senator Rodey
 Requestor: Senate Judiciary COMPONENT SERIAL NO.

		8	9
--	--	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: February 4, 1991
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law Date: February 4, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SJR 1

Senate Joint Resolution No. 1 would place a ballot proposition before the voters at the next general election to amend Article 1, Section 19, of the state's constitution, regarding the right to bear arms. Because the purpose of the resolution is to place a constitutional amendment proposal before the voters, adoption of the resolution by itself will not have a fiscal impact on the Department of Law.

Eventual voter adoption of the amendment might lead to a fiscal impact at some future date; however, determination of such a possible impact, at this time, is speculative at best. No one can predict the full legal effect of the proposed constitutional amendment with any degree of certainty, but there is a possibility that adoption of the proposed amendment would invalidate existing state laws regulating firearms. These include laws relating to concealed weapons and the possession of guns by felons. They also include laws that prohibit possession of certain weapons such as switchblades, fully automatic weapons or sawed-off shotguns, possessing firearms while intoxicated, and removing a firearm's serial number.

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

April 24, 1991

SUBJECT: Amendment to SJR 1

TO: Senator Sam Cotten

FROM: Jack Chenoweth
Legislative Counsel

When it comes before the Senate on reconsideration, you intend to offer an amendment to Senate Joint Resolution 1. SJR 1 would revise article I, section 19, Alaska Constitution, to declare that "the right to keep and bear arms may not be denied or infringed." The amendment you contemplate would place "unreasonably" before "denied," thereby modifying the concluding provisions of that section.

You have asked me to review the Alaska Supreme Court's interpretation of the term "unreasonably" (or its analog "reasonably") and to relate what conclusions those decisions might have with respect to the amendment you may propose.

In my judgment, while an analysis of the court's interpretation of the term "unreasonably" in earlier cases provides only limited guidance, it does indicate a sense of the court's thinking. The court's decisions conclude as follows:

(1) "unreasonableness" is not amenable to a single definition, and whether conduct by government officials was or was not reasonable will depend on the facts and circumstances giving rise to the question litigated;

(2) at least in the context of application of constitutional provision providing protection in the case of search and seizure, government conduct is "unreasonable" if it is conduct that constitutes an unwarranted intrusion or an arbitrary intrusion or invasion of personal privacy.

"Unreasonable" is used in article I, section 14 of the Alaska Constitution, in the following context:

SEARCHES AND SEIZURES. The right of the people to be secure in their persons, houses and other property, papers, and effects, against unreasonable searches and seizures, shall not be violated. . . .

Senator Sam Cotten
April 24, 1991
Page 2

Under the state constitution's search and seizure provision, the court has spelled out what it understands to constitute "[un]reasonableness." It has concluded and consistently stated that the test of whether governmental conduct was allegedly "unreasonable" must be determined on a case basis, taking into consideration the specific facts and circumstances of the case. Ellison v. State, 383 P.2d 716, 719 (Alaska 1963). See Merrill v. State, 423 P.2d 686, 699 (Alaska 1967), cert. den. 316 U.S. 1040, 87 S.Ct. 1497, 18 L.Ed.2d 607 (1967); Weltz v. State, 438 P.2d 502, 505 - 507 (Alaska 1967); Sleziak v. State, 454 P.2d 252, 260, cert. den. 396 U.S. 921, 90 S.Ct. 252, 24 L.Ed.2d 202 (1969); Ferguson v. State, 488 P.2d 1032, 1037 (Alaska 1971). In other words, there is no single interpretation of the word "unreasonable" that would be dispositive in all situations.

In the Weltz decision, cited above, the court, called upon to ascertain whether a note used as evidence has been obtained by an illegal search and seizure in violation of the Fourth Amendment of the United States Constitution and article I, section 14 of the Alaska constitution, determined that it was not. As the basis for its conclusion, the court explained that

The primary purpose of these constitutional provisions [i.e. the federal and Alaska constitutional provisions relating to unreasonable search and seizure] is the protection of "personal privacy against unwarranted intrusion by the State." Although not determinative of the issue, we note that under either [one of two competing] version[s], no arbitrary intrusion or invasion of . . . privacy . . . occurred.

431 P.2d at 506, 507 (emphasis added). Thus, implicit in a working definition of conduct that is "unreasonable" is this element: at least in the context of evaluating assertions that searches and seizures are unconstitutional, government conduct is unreasonable if that conduct constitutes either an "unwarranted intrusion" or an "arbitrary intrusion or invasion" of personal privacy.

If article I, section 19 is amended by insertion of a reference to "unreasonably" and the court is later called upon to interpret and apply that section, I think it is likely that the court would base its analysis on the discussions set out and conclusions reached in these earlier decisions.

JBC:pl
91-299.plm

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

April 12, 1991

SUBJECT: SJR 1, right to keep and bear arms

TO: Senator Sam Cotten

FROM: Jack Chenoweth
Legislative Counsel

Insertion of "unreasonably" as a modifier before "denied or infringed" in this joint resolution would place into article I, section 2 an explicit justification for the legislature to regulate by law some situations that involve the possession and handling of arms. If, as I noted in my earlier memo, there is authority elsewhere in the state constitution to regulate arms under the state's general police power, the justification provided by the insertion of "unreasonably" would complement that authority. If there is not, this justification would then be the sole source of the legislature's ability to concern itself with such circumstances as concealed weapons, definition of crimes or sentences for offenses involving use of weapons, and the like.

The test of reasonableness is already operative as to several rights enumerated in article I. "Reasonableness" is explicit in the context of the right provided under article I, section 14 to be secure against unreasonable searches and seizures and is implicit in the court's decisions taken under article I, section 22 that construe and apply the right of privacy.

Based on the use of the term in article I, section 14, presumably the court's test of reasonableness would consider whether the government purpose in regulating possession and bearing of arms would be justifiable.

JBC:lmb
91-111.lmb

7-LS0212G
Chenoweth
5/17/91

HOUSE CS FOR SENATE JOINT RESOLUTION NO. 1 (STATE AFFAIRS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS RODEY, Fischer, Halford, Sturgulewski, Shultz, Frank, Menard, Jones

REPRESENTATIVE Zawacki

A RESOLUTION

**1 Proposing an amendment to the Constitution of the State of Alaska relating to the
2 individual right to keep and bear arms.**

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

4 * Section 1. Article I, sec. 19, Constitution of the State of Alaska, is amended to read:

**5 SECTION 19. RIGHT TO KEEP AND BEAR ARMS. A well-regulated militia being
6 necessary to the security of a free state, the right of the people to keep and bear arms shall not
7 be denied. The individual right to keep and bear arms shall not be unreasonably infringed
8 by the State or a political subdivision of the State.**

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

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

GOLDBELT PLACE
801 WEST 10TH STREET
P.O. BOX F
JUNEAU, ALASKA 99811-0500

POSITION PAPER

SJR 1

Proposing an Amendment to the Constitution...
Relating to the Individual Right to Keep and Bear Arms

The Department of Education opposes SJR 1 as it is presently written because it would prevent the state and its political subdivisions from exercising control governing the right of students and others to possess firearms on school grounds. This action has been taken in at least one community in Alaska. The Anchorage Municipal Assembly banned guns from schools because of two incidents where students brought loaded hand guns onto school grounds. We believe it is absolutely essential that the state and communities continue to have the authority to prohibit firearms on school grounds to assure the safety of teachers and students.

Therefore, the Board and Department of Education oppose the present language of SJR 1, and recommends that passage be opposed unless the state and municipalities be assured the right to regulate, at the least, the possession of firearms on school grounds.

4-23-91

Date

Steve Hole

Steve Hole, Acting Commissioner



Alaska State Legislature

MAR 16 1992

Please enter into the record my testimony to the House State Affairs
committee name

committee on SJR 7, dated 3-16-92
bill/subject

I AM A national gun rights activist. My activities have been subject to news services from Anch. Daily News through Time, CNN, UPI, API, and international short wave.

DO NOT TAMPER THE ORIGINAL RODEY Bill.
Your language in this bill is OUTRAGEOUS

I OFFER US public law 101-647 and the gun free school zone as of 11-29-90. Now being enforced.

I also offer that the federal gov't is taking our rights slowly but surely ~~and~~ you by passing the "unreasonable" wording justified Fed. Un-constitutional infringements

Signed: Mark Ghyson
Testifier CANDIDATE FOR NRA BOARD OF DIRECTOR

GUN OWNERS OF AMERICA, No Compromise Majority

Representing (Optional)
2140 Wolverine Cir Wasilla, AK 99654

Address
376-8285

Phone No.



KENAI POLICE DEPT.

107 SOUTH WILLOW ST., KENAI, ALASKA 99611

TELEPHONE 283-7879

April 19, 1991

The Honorable Mike Navarre
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

 FAX TRANSMITTAL MEMO
 TO: Mike Navarre - Linda
 DEPT: _____ FAX #: 465-4937
 FROM: Chief Ross PHONE: 283-7879
 CO: Kenai PD FAX #: 283-3014
 Post-It brand fax transmittal memo 7671

NO. OF PAGES
2

Dear Representative Navarre:

I am requesting your support in amending HJR 1 or SJR 1 should they come to the House floor for a vote. While I do not believe the Constitution needs to be changed, I can understand why proponents of HJR 1 want to clarify the right of the individual versus the collective right in the constitution. The amended HJR 1 would read as follows:

"The individual right to keep and bear arms shall not be unreasonably denied or infringed by the State or a political subdivision of the state."

The proposed amendment would hopefully protect our present firearms regulatory statutes from successful challenge if the Constitution were to be changed. I have heard no complaint, even from the strongest proponent of HJR 1/SJR 1, that our present State Statutes are onerous or unduly interfere with the rights of the individual.

If the resolutions are passed without amendment, it is questionable whether present statutes (possession while intoxicated, possession on a licensed premises, carrying concealed weapon, etc.) will be found constitutional. In any case it would cause considerable expense and unnecessary litigation on each statute.

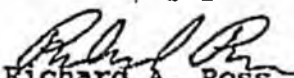
Insertion of the word unreasonably puts this Constitutional protection on the same level as that of the right to be secure from unreasonable services and seizures. The burden will still be on the government to show that firearms regulations are not unreasonable. However, it would not result in an insurmountable burden that cannot be overcome in the interest of public safety.

HJR 1
April 19, 1991
Page 2

I would request that you resist the local pre-emption argument of some advocates. If adopted this could become a two-edged sword. If the State were to pre-empt all local firearms regulations, the ultimate loser could be small communities and rural areas. As the needs of Anchorage, Fairbanks, and Juneau are dictated in the future, so would State Statute because of their political power. These attempts to resolve their local problems would become State law and broadly apply to areas without the problems they are trying to address.

Your consideration of these thoughts and support for an amended HJR 1 and SJR 1 is appreciated.

Very truly yours,


Richard A. ROSS
Chief

RAR/elr



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: May 17, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:
 HJR 1 - Relating to Right to Keep and Bear Arms
 SJR 1 - Relating to Right to Keep and Bear Arms

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
RICHARD L. BURTON	Public Safety	P.O. Box N JUNEAU	99811		415-4322	<input checked="" type="radio"/> Y <input type="radio"/> N	HJR-1 SJR-1
DICK BISHOP	AK Outdoor Council	POB 34077 JUNEAU	99803		463-3830	<input checked="" type="radio"/> Y <input type="radio"/> N	SJR 1
DEAN GUARIZI	Dept. of LAW	P.O. Box KC JUNEAU	99811		465-3428	<input checked="" type="radio"/> Y <input type="radio"/> N	SJR-1
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: May 17, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:

HB 251 - Relating to Debt Retirement Fund

HB 252 - Relating to Approp: Debt Retirement Fund

SB 44 - Relating to Construction and Operation

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Jeff Morrison	DMVA	P.O. Box L Juneau 99811			465-4600	Y (N)	SB 44
Paula Scavers	Leg Research	P.O. Box V			465-3991	Y (N)	SB 44
Harlow Knudson	Hospital	House 314			5-1790	(Y) N	SB 44
SHELBY STASTNY	OMB	Box AM			5-3568	(Y) N	HB 251/252
JACK KREINHEIDER	OMB	" "			"	(Y) N	HB 251/252
MILVA KOLLE	D.O. Ad.	Box C				(Y) N	HB 251
T.C. CARROLL	DMVA	P.O. Box L Juneau 99811			465-4600	(Y) N	SB 44 / STR 1
JEFF BUSH	Dept of Law	P.O. Box K, Juneau	99811		465-3600	(Y) N	HB 308
						Y N	
						Y N	
						Y N	

SJR

2

(7)

Date Referred: March 20, 1992

HOUSE COMMITTEE REPORT
FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 4/15/92

The STATE AFFAIRS Committee considered:

CSSJR 2(JUD)

CS FOR SENATE JOINT RESOLUTION NO. 2(JUD) REPEAL OF REGULATIONS BY LEGISLATURE

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

RECOMMENDATIONS: the same title
be replaced with _____ a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) Div of Elections 2-21-92

zero fiscal note _____

zero fiscal note(s) Dept. of Law 2-21-92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Ernest H. Rubenstein</i>	<input checked="" type="checkbox"/>				
<i>Tommy</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>Jan W. Baker</i>	<input checked="" type="checkbox"/>				

Ernest H. Rubenstein
CHAIRMAN'S SIGNATURE

FISCAL NOTE

No. 4

Version: SJR 2

STATE OF ALASKA
1992 LEGISLATIVE SESSION

(S) Publish Date: 2-21-92

Revision Date: 01/13/92
Title: Amendment to the Constitution RE: Repeal of Regulations by BRU: Division of Elections
Legislature
Sponsor: Senator Fischer
Requestor: Senate Finance Committee

Department Affected: Office of the Governor-Elections
Component: II-Primary and General Elections

COMPONENT SERIAL NO.

0	0	2	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	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	2.2*	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2*	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	2.2*	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

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.) * This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be: 53.4.

Changes in CS SJR 2 (Jud.)
reflect NO FISCAL CHANGE from the original
fiscal note. This fiscal note is appropriate.

2-20-92 John
date Comte Aide (initial)

Prepared by: Elizabeth Ziegler, Deputy Director
Division: Elections

Phone: 465-4611
Date: 01/13/92

Approved by Commissioner: Charles E. Heister
Agency: Office of the Governor

Date: 01-12-92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

Rev 10/07/91
SJR2.FN2

Page 1 of 1

FISCAL NOTE

No. 3

Bill Version: CSS JR 2 (JUD)

(S) Publish Date: 2-21-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: December 19, 1991 Department Affected: Department of Law

Title: "...relating to repeal of BRU: Legal Services

regulations by the legislature." Component: Operations

Sponsor: Senator Fischer

Requestor: Governor's Office

COMPONENT SERIAL NO.

		9	3
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Richard I. Pegues

Prepared By: Richard I. Pegues, Director Phone: 465-3672

Division: Administrative Services / FUR Date: December 19, 1991

Richard I. Pegues

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law Date: December 19, 1991

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSJR 2 (Jud.)

The Judiciary Committee substitute for Senate Joint Resolution No. 2 proposes an amendment to the Constitution of the State of Alaska that would give the legislature the power to repeal a regulation adopted by a state department or agency by joint resolution of the legislature, if the legislature finds that a regulation is inconsistent with the authorizing statute. If the amendment is adopted in the 1992 general election, it will probably not have a direct immediate fiscal impact on the department's operations. The department is statutorily responsible for reviewing all regulations for legality and form to insure consistency with the appropriate enabling legislation. The department also drafts regulations on behalf of some departments and assists other departments in drafting regulations that deal with highly complex matters requiring the attention of an attorney. Obviously, some of the time spent in these efforts will have been lost whenever a regulation has been annulled. Larger departments, which have the responsibility for carrying out major state programs, and who routinely draft numerous program operating regulations inhouse, will probably experience an even greater loss of staff time. More importantly the absence of statutorily mandated regulations, which would occur after annulment, could result in litigation from an adversely impacted industry, public interest group, or a member of the public claiming damages due to the absence of required regulations. The impact of such litigation cannot, in this case, be estimated in advance and therefore no cost impact can be shown.

Alaska State Legislature

Senator Paul Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269



State Senate

White in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3791

MEMORANDUM

TO: Representative Gene Kubina, Chairman
House State Affairs Committee
House State Affairs Committee Members

FROM: Senator Paul Fischer *PF*

SUBJECT: CS Senate Joint Resolution 2 (Judiciary)
(repeal of regulations by the legislature)

DATE: March 23, 1992

Background

This proposal for an amendment to the Constitution of the State of Alaska to repeal regulations by the Legislature has been placed on the ballot on three previous occasions. Each time it failed to be approved by the voters. The following chart and past proposition materials are attached for your files.

<u>1980</u>	<u>1984</u>	<u>1986</u>	
58,808	91,174	65,176	Yea's
82,010	98,856	94,299	Nay's
140,818	190,030	159,475	Total Proposition Votes
16%	4%	18%	Failure Percentage
162,653	213,173	182,526	Total Votes Cast
258,742	305,262	292,274	Total Registered Voters
63%	70%	62%	Voter Turnout

PAF/sgn
Attachments

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 in to, 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 Laws 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 statutes. 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

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 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

ALASKA STATE LEGISLATURE

Sen. Shirley Craft, Chair
Sen. Virginia Collins
Sen. Arliss Sturgulewski



Rep. Dave Donley, Vice-Chair
Rep. Kay Brown
Rep. Mark Hanley

Administrative Regulation Review Committee

March 16, 1992

Senator Paul Fischer
Room 423, State Capitol
Juneau, AK 99801

Dear Senator Fischer:

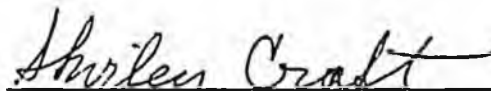
The Administrative Regulation Review Committee supports SJR 2, "Proposing an amendment to the Constitution of the State of Alaska relating to the repeal of regulations by the legislature".

Often agencies go far beyond the intent of the law passed by the legislature, by either expanding or omitting regulations relating to sections of the statute that they feel are inappropriate.

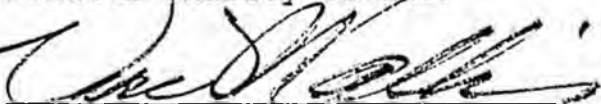
This resolution proposes an amendment to the state constitution that would give the legislature the authority to repeal a regulation adopted by a state agency.

Providing the legislature with the ability to annul regulations that do not meet statutory intent, may encourage state agencies to adhere to the authority given them.

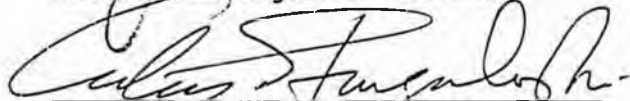
Sincerely,



Senator Shirley Craft



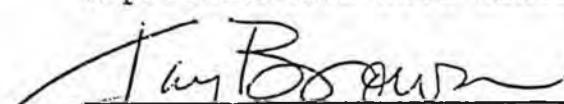
Senator Virginia Collins



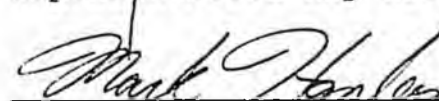
Senator Arliss Sturgulewski



Representative Dave Donley



Representative Kay Brown



Representative Mark Hanley



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 15, 1992

PLACE: Capitol Room 102

SUBJECT OF MEETING:

- SB 185 - Relating to Legislative Ethics
- SB 375 - Relating to Troopers Cannot be Game Guides
- HB 562 - Relating to Establish Community College System
- SJR 2 - Relating to Repeal of Regulations by Legislature

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
GAYLE HORETSKI	DP.S	P.O. BOX 4, JUN.	99811		4322	Y <input checked="" type="radio"/> N	IF Q'S - SB 375
<i>Armenia Faller</i>	<i>Ombudsman</i>	<i>Box 113000 June</i>	<i>99811</i>		<i>4970</i>	<input checked="" type="radio"/> Y N	
SANDY NUSBAUM	SEN FISCHER				3791	<input checked="" type="radio"/> Y N	SJR 2
SEN HOFFMAN					4530	<input checked="" type="radio"/> Y N	SB 375
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

SJR

C

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SJR 6

Revision Date: _____ Department Affected: Department of Law
 Title: "...Constitution of the United States prohibiting desecration of the flag..." BRU: Prosecution
 Component: Criminal Justice Litigation
 Sponsor: Senator Zharoff
 Requestor: Senate Judiciary COMPONENT SERIAL NO.

		8	9
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: February 4, 1991
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law Date: February 4, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SJR 6

Senate Joint Resolution No. 6 calls upon the Congress of the United States to propose an amendment to the United States Constitution that would empower the Congress and the legislatures of the several states to prohibit the physical desecration of the Flag of the United States. SJR 6, which is a communication from the Alaska State Legislature to the Congress of the United States, will not have a fiscal impact on the Department of Law.

THE FLAG AMENDMENT

Mr. DOLE. Mr. President, earlier this week, the Supreme Court heard oral argument on the constitutionality of the so-called Flag Protection Act of 1989.

Within 6 weeks or so, the Supreme Court will settle—once and for all—the question of whether the flag statute passes, or flunks, the constitutionality test.

I've predicted that the Supreme Court will affirm the two lower court opinions striking down the statute. Obviously, I am not a mindreader, and I could be dead wrong on this one.

But what the critics can't dispute is the simple fact that the American people still—to this day—stand foursquare behind a constitutional amendment to protect Old Glory from desecration.

Last Friday, the American Legion officially released the results of a Gallup poll testing the opinions of Americans on the flag-burning issue. And the results show that Old Glory—as well as the constitutional amendment—have won with landslide numbers.

According to the poll, an overwhelming 72 percent of the American people "disagree that burning the flag should be protected under the free speech guarantee of the first amendment;" 71 percent favor "a narrow constitutional amendment that would allow Federal and State governments to make flag-burning illegal," just like the amendment that the Senate considered last year.

And 73 percent of the American people do not "believe that a constitutional amendment would place our freedom of speech in jeopardy," while only 25 percent think it would.

So despite what you may hear or read in the media, the commitment of the American people to a constitutional amendment remains as strong as ever—almost a full year after the Texas versus Johnson decision. And this commitment will grow even stronger if, and when, the Supreme Court finally strikes down the so-called Flag Protection Act.

I commend the American Legion for its unrelenting work on behalf of the constitutional amendment. And I commend the legion for bringing the poll results to the attention of their elected representatives in Congress.

Mr. President, I ask unanimous consent that the text of the American Legion poll results be printed in the Record at this point.

There being no objection, the results were ordered to be printed in the Record, as follows:

THE AMERICAN LEGION,

Washington, DC, May 11, 1990

DEAR SENATOR: Although it has been almost a year since the Supreme Court's controversial decision, 72 percent of the American public still believes that burning the American flag should not be a protected form of free speech as guaranteed by the Constitution's First Amendment. As a reinforcement of that belief, 71 percent of Americans favor a narrowly-drawn constitutional amendment to make flag burning illegal, and 73 percent are convinced that such an amendment would not jeopardize their freedom of speech.

These are only three findings of a recent Gallup poll clearly showing that most Americans are still enraged over the whole matter of flag burning. In fact, 57 percent of them stated their intention to vote for or against elected officials because of where they stand on the issue. These are not "soft" opinions or attitudes because it was also found that only 15 percent of the poll participants expressed any uncertainty in stating their positions.

The American Legion is convinced that this poll, conducted April 11 through May 2, is a clear indicator of public opinion. We see it as proof that Americans have considered carefully all sides of the issue, they have made up their minds, and they are demanding that flag burners be dealt with as lawbreakers.

A more detailed presentation of the Gallup poll results is enclosed for your review.

Sincerely,

MILES S. EPLING,
National Commander.

GALLUP POLL RESULTS ON AMERICANS' OPINIONS ON THE FLAG-BURNING ISSUE

Statistics just released to The American Legion by The Gallup Organization, Inc. show that a significant majority of Americans support a constitutional amendment to protect the United States Flag. The poll, which was conducted from April 11 through May 2, and has a "maximum standard-error rate of 2.7 percent at the 95 percent level of confidence," reported that 71 percent favor a narrowly drawn constitutional amendment; 73 percent do not believe such an amendment would jeopardize their freedom of speech; and 57 percent would vote for or against an elected official because of his position on this issue.

The questions asked and the responses, by percentage, follow.

1. Do you agree that burning the American flag should be protected under the free speech guarantee of the First Amendment or do you disagree that burning the flag should be protected under the free speech guarantee of the First Amendment?

Agree, 25 percent; disagree, 72 percent; no opinion, 2 percent.

2. On May 14th the Supreme Court is going to hear final arguments on the Flag Protection Act of 1989, the law which was written to make flag burning a crime. If the Supreme Court finds the Act to be unconstitutional would you favor or oppose a narrow constitutional amendment that would allow federal and state governments to make flag burning illegal?

Favor, 71 percent; oppose, 25 percent; no opinion, 3 percent.

3. Do you believe that a constitutional amendment outlawing flag burning would place your freedom of speech in jeopardy?

Yes, 25 percent; No, 73 percent; do not know, 2 percent.

4. How strong is your opinion on the burning issue? On a 1 to 5 scale where 1 means you completely made up your mind on your position on the issue and 5 means you're unsure of your position on the issue where would you rate yourself regarding the flag burning issue?

(1) Unsure of position, 3 percent; (2) 10 percent; (3) 9 percent; (4) 18 percent; completely made up mind, 68 percent.

5. Please tell me yes or no if you would likely to participate in the following activities as a result of your position on the burning issue. Would you be likely to:

A. Donate to a group that supported your position?

Yes, 53 percent; No, 44 percent; do not know, 3 percent.

B. Sign a petition that supported your position?

Yes, 86 percent; No, 13 percent.

C. Vote for or against an elected official because of his position on the issue?

Yes, 57 percent; No, 40 percent; do not know, 3 percent.

D. Do volunteer work for a group that supported your position?

Yes, 44 percent; No, 54 percent; do not know, 2 percent.

E. Write a letter to an elected official stating your position on the issue?

Yes, 65 percent; No, 34 percent.

FOR RELEASE MONDAY, MAY 14, 1990

GALLUP POLL RESULTS ON
AMERICANS' OPINIONS ON THE
FLAG-BURNING ISSUE

Statistics just released to The American Legion by The Gallup Organization, Inc. show that a significant majority of Americans support a constitutional amendment to protect the United States Flag. The poll, which was conducted from April 11 through May 2, and has a "maximum standard-error rate of 2.7% at the 95% level of confidence," reported that 71% favor a narrowly drawn constitutional amendment; 73% do not believe such an amendment would jeopardize their freedom of speech; and 57% would vote for or against an elected official because of his position on this issue.

The questions asked and the responses, by percentage, follow.

1. Do you agree that burning the American flag should be protected under the free speech guarantee of the First Amendment, or do you disagree that burning the flag should be protected under the free speech guarantee of the First Amendment?

Agree	25%
Disagree	72%
No Opinion	2%

2. On May 14th the Supreme Court is going to hear final arguments on the Flag Protection Act of 1989, the law which was written to make flag burning a crime. If the Supreme Court finds the Act to be unconstitutional would you favor or oppose a narrow constitutional amendment that would allow federal and state governments to make flag burning illegal?

Favor	71%
Oppose	26%
No Opinion	3%

3. Do you believe that a constitutional amendment outlawing flag burning would place your freedom of speech in jeopardy?

Yes	25%
No	73%
Don't Know	2%

4. How strong is your opinion on the flag burning issue? On a 1 to 5 scale where 5 means you completely made up your mind on your position on the issue and 1 means you're unsure of your position on the issue, where would you rate yourself regarding the flag burning issue?

1	Unsure of position	3%
2		3%
3		9%
4		16%
5	Completely made up mind	68%

5. Please tell me yes or no if you would be likely to participate in the following activities as a result of your position on the flag burning issue. Would you be likely to:

A. Donate to a group that supported your position?

Yes	53%
No	44%
Don't Know	3%

B. Sign a petition that supported your position?

Yes	86%
No	13%

C. Vote for or against an elected official because of his position on the issue?

Yes	57%
No	40%
Don't Know	3%

D. Do volunteer work for a group that supported your position?

Yes	44%
No	54%
Don't Know	2%

E. Write a letter to an elected official stating your position on the issue?

Yes	65%
No	34%

For more information, please contact The American Legion, Public Relations Division. Lew Wood - 317-635-8411 or John Hanson - 202-861-2700.

**AMERICAN
LEGION** RECEIVED MAR 5 1991
**SOUTHEASTERN
DISTRICT
36TH CONVENTION
RESOLUTIONS**



**HELD IN SITKA, ALASKA
FEBRUARY 7, 8 & 9, 1991**

Resolution No. 91-03

In support of SJR 6

WHEREAS, the flag of the United States has been desecrated many times; and,

WHEREAS, there is no constitutional protection for said flag;

NOW THEREFORE BE IT RESOLVED, that the American Legion strongly urges swift passage of SJR 6, which will provide for an amendment to the U.S. Constitution to prohibit the desecration of the U.S. flag.

AND BE IT FURTHER RESOLVED, that each post make its position known to the State Legislature, immediately.



Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Committee
committee name

committee on SJR 6 , dated 28 March 1991
bill/subject

The American Legion Auxiliary is the worlds largest patriotic-service organization, one million members strong. By now, you must all be aware of the stand that the American Legion, American Legion Auxiliary and Sons of the American Legion have made in regard to the desecration of our Flag.

There are certainly enough other ways for one to display "freedom of expression" without desecrating Old Glory and the country it stands for. The hippies, yuppies, (or whatever they now call themselves) have the freedom (in this country) to "love it or leave it"!

This flag desecration issue has been bounced around long enough, and since it gained nationwide attention, we have been involved in yet another war.

I testify support of SJR 6 on behalf of the 2,958 members of the American Legion Auxiliary, Department of Alaska.

Millie McManus, National Western Division Americanism Chairman
National Executive Committeeman-Dept. of Alaska

Signed: Millie McManus

Testifier

American Legion Auxiliary

Representing (Optional)

HC 34 Box 2662, Wasilla, AK 99687

Address

(Bus) 376-2611 (Hm) 892-6319

Phone No.

To pledge allegiance

Our national flag — Old Glory, the Stars and Stripes, the Red, White and Blue — is emblematic of the respect and pride we have for our nation and a rallying point in times of conflict. Today it is flying in unprecedented numbers from coast to coast.

When war began in the Persian Gulf, sales of flags boomed as Americans looked for tangible ways to show their support for the troops overseas. Merchants from the East Coast to California found it impossible to keep the "grand old flag" in stock. Selling especially well: 3-by-5-foot banners, most popular with homeowners, and small antenna flags for cars.

"The flag is our connection with our people over there," says Sally Crawford of Dixie Flag Company in San Antonio. "Our sales have increased 100 to 150 percent — maybe even more — since the war began. We used to sell three or four home flag kits a day, and now it's more like 40 or 50."

As the person in charge of customer service for Dixie Flag, Crawford is well versed in flag etiquette and has observed its subtle changes over the years. (Her company uses the flag code of the United States as its authority.) "There used to be a rule that the flag should not be displayed in inclement weather," she recalls. "That was when flags were made from perishable fabrics, and exposure to the elements soon would have destroyed them. Today it is permissible to leave an all-weather flag out in the rain."

Another old custom, that flags should be displayed out of doors only from sunrise to sunset, has

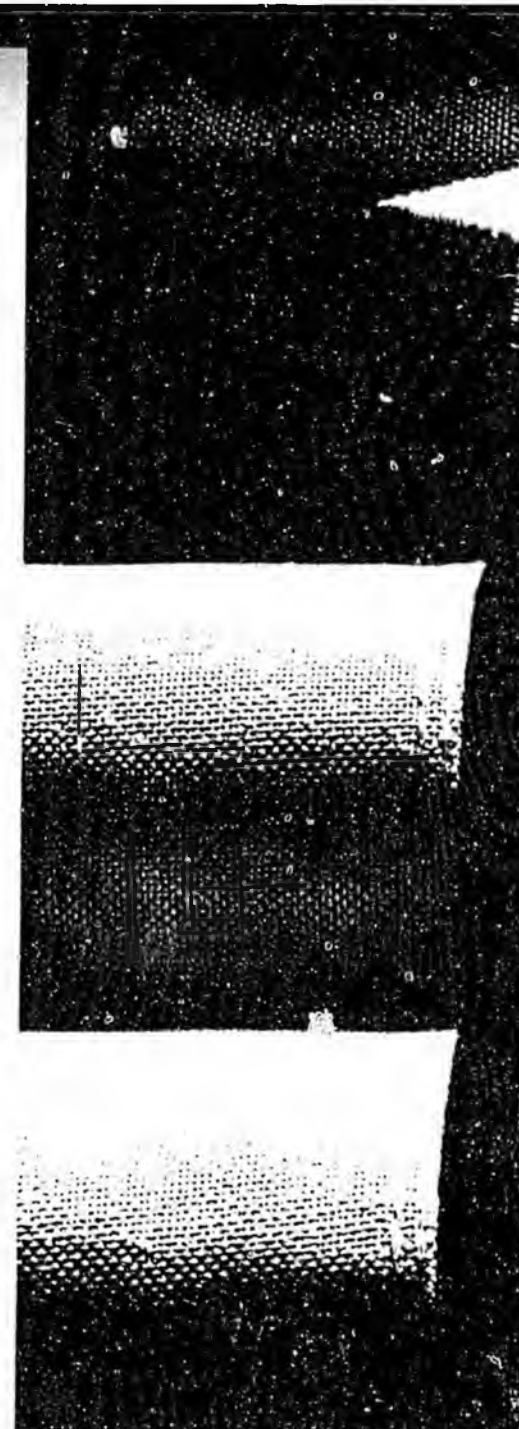
gradually been relaxed. It is now acceptable, when a patriotic effect is desired, to display a flag 24 hours a day if the flag is properly illuminated during the hours of darkness.

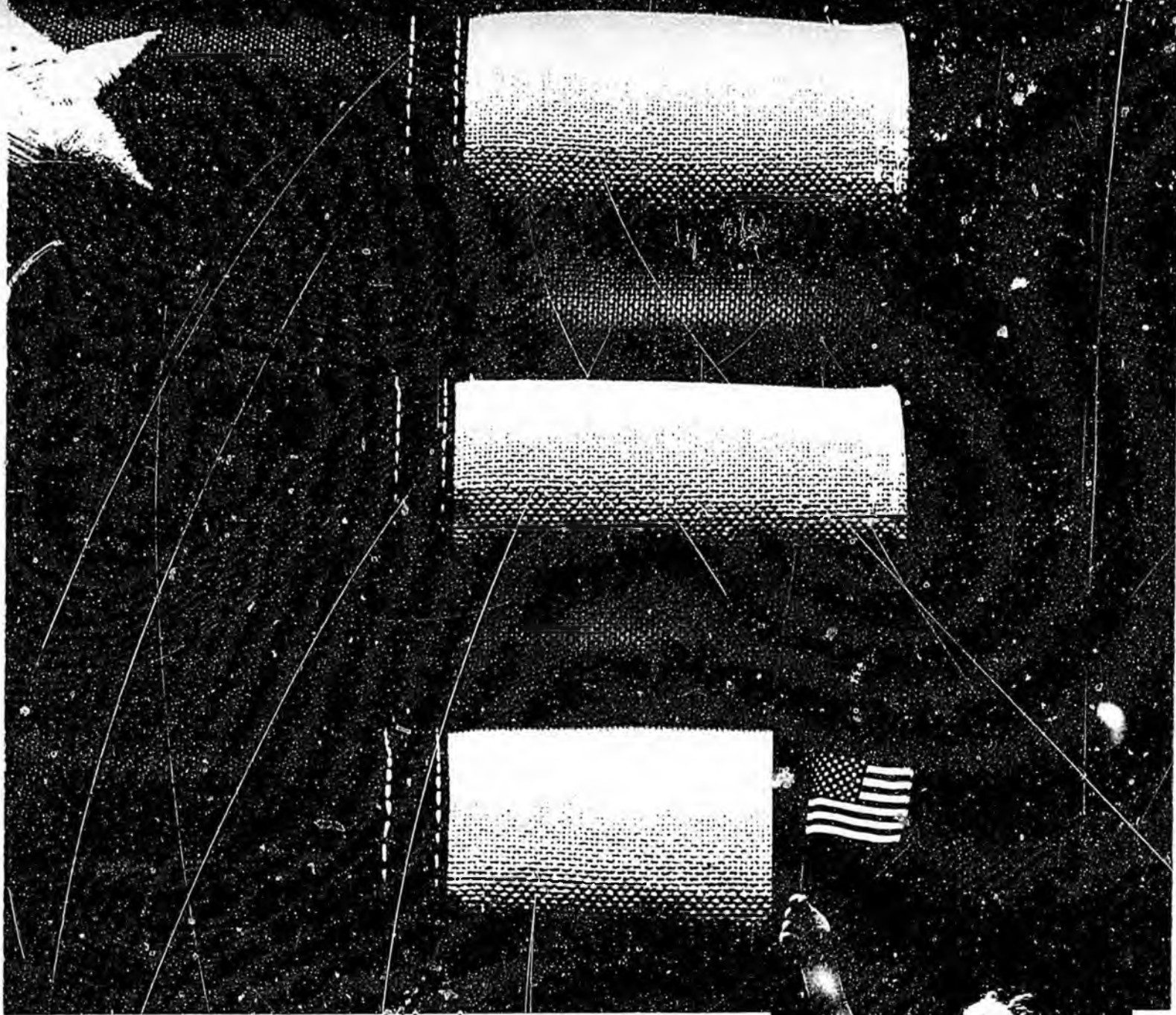
Rules for displaying the Stars and Stripes protect it from desecration and ensure that it is treated with respect. With rare exceptions, the following regulations govern its display:

- The flag should never touch the ground or trail in the water.
- The flag should be hoisted briskly and lowered slowly.
- The flag is never flown upside down except as a distress signal.
- No other flag is ever flown above it.
- A flag flown from a staff fastened to a window sill or balcony or fixed to the front of a building must be flown with the blue field (union) at the peak of the staff unless the flag is at half-mast.
- Flags are flown at half-mast only by official state, federal or city order, never in a manner to indicate personal loss to a family, business or other organization.
- When a flag is displayed without a staff, whether indoors or out, it should lie flat against an upright support. It is never draped or festooned. (Bunting may be used for this purpose.) When the flag is displayed horizontally or vertically against a wall, the blue field is uppermost, to the left of the observer.
- When the flag is displayed from a window, it is shown with the blue field to the left of the observer in the street.
- The flag must never be used

to cover a table or desk or be draped over a platform. It should not be used to unveil even a patriotic statue or monument.

• The only exception in the draping of the flag occurs when it is used to cover a casket. The blue field is over the deceased's left shoulder. The flag must not touch the ground or be lowered into the grave. The flag is used for this honor only for members of the armed services, cabinet officers of the federal and state governments and others of national importance





for whom the President decrees official mourning.

- The flag may not be draped on any vehicle. If it is to be displayed on a train, boat or car, it must be firmly fixed to a staff attached to the chassis or clamped to the right fender.

- The flag should never be used as wearing apparel, bedding or drapery.

- A lapel flag pin, being a replica of the living flag, should be worn on the left lapel near the heart.

- The flag should never be used for advertising purposes in any manner.

- The flag should never be used, fastened, displayed or stored in such a manner that it could be easily torn, soiled or damaged.

Additional rules govern how the flag is displayed with the flags of other nations, states or organizations.

If you have questions about the flag's commercial exploitation and lack of proper handling, contact the National Flag Foundation, Flag



Plaza, Pittsburgh, PA 15219 (telephone 412-261-1776). ■

SJR

9

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill Version: SJR-9

(S) Publish Date: 2/22/91

Revision Date: _____ Department Affected: Administration
 Title: State Veterans Home BRU: Division of Pioneer Benefits
 Component: _____
 Sponsor: Sen. Kerttula
 Requestor: Sen. Rodey (State Affairs) COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0					
TRAVEL	0					
CONTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS, CLAIMS	0					
MISCELLANEOUS	0					
TOTAL OPERATING	0					

CAPITAL	0					
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REVENUE	0					
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0					

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: none

ANALYSIS: (Attach a separate page if necessary.) SJR-9 is one of three measures designed to qualify and establish a State Veteran's Home in Alaska which would include federal funding. SB-44, enabling legislation and SB-45, an appropriation measure complete the three-bill package.

Prepared By: Senate State Affairs Committee Phone: 465-4522
 Division: Alaska Legislature Date: 2-21-91

Approved by Senator Rodey *Robert Rodey* Chair, State Affairs Committee
 Agency: _____ Date: _____

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Revision Date: March 19, 1991
 Title: State Veterans Home
 Sponsor: Senator Kerttula
 Requestor: Senator Rodev

Department Affected: Administration
 BRU: Division of Pioneers' Benefits
 Component: Pioneers' Homes

COMPONENT SERIAL NO.

4	5		
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	45.0	545.0	1,828.5	1,828.5	1,828.5	1,828.5
TRAVEL	3.0	5.0	15.0	3.0	3.0	3.0
CONTRACTUAL	0	245.0	857.0	857.0	857.0	900.0
SUPPLIES	0	25.0	129.0	129.0	129.0	140.0
EQUIPMENT	0	0	0	10.0	10.0	15.0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	2.0	10.0	10.0	10.0	10.0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	48.0	822.0	2,839.5	2,837.5	2,837.5	2,896.5

CAPITAL	10,720.0	100.0	0	0	0	0
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REVENUE from Feds and Vets	6,968.0	100.0	690.3	690.3	690.3	690.3
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FUNDING: (Thousands of Dollars)

GENERAL FUND	3,800.0	822.0	2,149.2	2,147.2	2,147.2	2,206.2
FEDERAL FUNDS	6,968.0	45.0	322.7	322.7	322.7	322.7
OTHER per diem from Vets	0	55.0	367.7	367.7	367.7	367.7
TOTAL	10,768.0	1,022.0	2,839.5	2,837.5	2,837.5	2,896.5

POSITIONS:

FULL-TIME	1	1	32	32	32	32
PART-TIME	0	25	9	9	9	9
TEMPORARY	0	0	5	5	5	5

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

See attached

Prepared by: Barbara Bathony *Barbara Bathony*
 Division: Pioneers' Benefits

Phone: 465-4400
 Date: March 19, 1991

Approved by Commissioner: Millett Keller *Millett Keller*
 Agency: Administration

Date: 3/20/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Fiscal Note SJR9 February 21, 1991

This fiscal note is calculated on the basis of duplicating the Juneau Pioneers' Home on Palmer property donated to the New Veterans Home as in-kind. Planned are 32 nursing beds, 20 domiciliary and 2 infirmary beds. Coordination of planning and implementation of services to be provided by the Division of Pioneers' Benefits.

FY92

OPERATING

Personal Services	\$ 45,000	Administrative Assistant I position located in central office
Travel	3,000	
Total State Operating	\$ 48,000	

CAPITAL

Capital: Land acquisition	0	
Construction, equipment and furniture:		
Juneau PH 1986/87	\$8,543,000	Vet. Home 1992/93
	<u>437,000</u>	3% annual increase
	\$8,980,000	<u> </u>
		\$10,720,000

State share of Construction at 35% = \$3,752,000

The above estimates includes site preparation, consulting fees, demolition of existing structure on property, legal assistance for titles, 1% for art, DOT/PF construction administration fees. No changes in Health Care codes are included. The increase in construction cost of about 3% per year is based on information received from a Juneau Architect.

No CON (Certificate of Need) is anticipated.

FY93

OPERATING

Cost estimates are based on preparation of home for occupancy on April 1, 1993. Personal services costs are based on staggered hiring from January 1, 1993 and staggered admissions as of April 1, 1993.

Personal Services	\$ 45,000	Administrative Assistant I located in Central Office
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Start up costs for opening date of Vet Home between April 1 and July 1, 1993.

Personal Services	\$500,000	25 ppt from 3-6 months, staggered.
Travel	5,000	
Contractual	245,000	
Supplies	25,000	
Grants	<u>2,000</u>	

Total State Operating	\$822,000	
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REVENUES	100,000	Based on staggered admission during a three month period
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CAPITAL	100,000	Covers specialized orthopedic, handicapped mobility, medical equipment, specialized beds etc, which are dependent upon the Physical and medical needs of the residents. Includes set up of preventive maintenance program for medical and other equipment. Includes computerized medical records system, not included in the Juneau PH costs.
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Total Net State Funding	\$822,000	
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FY94

OPERATING

Personal Services	\$ 48,500	Located in Central Office
Personal Services	1,780,000	State Vet Home based on Juneau Pioneers; Home FY 92 budget, a copy of the staffing is attached: 31 FT, 9 PT, 5 non-perm/temporary.
Travel	15,000	Includes travel by CO staff to the Vet Home and staff moving costs
Contractual	857,000	Includes management and labor of food service under contract, not as State labor as in Palmer Pioneers' Home
Supplies	129,000	
Equipment	0	
Land and Structure	0	
Grants, Claims	<u>10,000</u>	
Total State Operating	\$2,839,500	
Total Net State Operating	\$2,149,160	

For Comparison -

Juneau Pioneers' Home:	<u>FY 90</u> <u>Authorized</u>	<u>FY 92</u> <u>Proposed</u>
Personal Services	\$1,534,810	\$1,779,900
Travel	4,000	1,800
Contractual	815,800	857,400
Supplies	129,900	102,100
Equipment	12,000	0
Land & Structure	0	0
Grants, Claims	6,000	6,000
Miscellaneous	<u>0</u>	<u>0</u>
Total	\$2,502,510	\$2,747,200

The above is based on the authorized budget from 1990 and proposed budget for 1992, for the Juneau Pioneers' Home.

REVENUES

Federal Revenue	\$256,960	32 nursing residents at \$22/day
	65,700	20 domiciliary residents at \$9/day
Total Federal Revenue	\$322,660	Based on 52 beds occupied by veterans qualified for federal reimbursement
State Revenue	\$245,760	32 nursing beds at \$640 month
	121,920	20 domiciliary beds at \$508/month
Total State Revenue	\$367,680	
Total Revenue	\$690,340	Based on the assumption that approximately 80% of the possible revenue can be collected from the veterans due to inability to pay and for room vacancies due to discharges.

CAPITAL 0

Positions from FY94 to FY97 32 FT, 9 PT, 5 non perms (temp)

d\wp\misc\sjr9rev



Official Business

Alaska State Legislature

Senate

Committee on Finance

APR 10 1991

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Rep. Gene Kubina
House State Affairs

SUBJ: SJR 9 --
Veterans Homes

FROM: Senator Kerttula

DATE: April 9, 1991

I appreciate your consideration of Senate Joint Resolution 9, relating to state veterans' homes. SJR 9 would urge the federal government to give a high priority to Alaska's application for funds to establish and maintain a state veterans' home.

Alaska has the highest per capita number of veterans in the nation, with between 65,000 and 75,000 resident veterans out of a population of 551,000. In addition, many of the military stationed in Anchorage, Fairbanks and the Aleutians will retire in Alaska, adding to our number of resident veterans. Yet, although their need is great, elderly and disabled veterans have no place to go in Alaska when they need nursing care or assistance in living.

Currently, the VA will typically pay no more than 90 days of care for veterans in private nursing homes in Alaska, and an average of 12 Alaskan veterans who need nursing care are sent to outside veterans' homes each year. There are also large numbers of veterans who seek beds every night in homeless shelters in Anchorage.

State veterans' homes are medium to large facilities which have domiciliary, infirmary, and nursing care beds. At this time, there are 63 homes in 38 states, with two more homes under construction. Admission requirements vary from state to state

we did the Volney 70

with up to 25 percent of the occupants allowed to be nonveterans. Residency requirements also vary from state to state.

The federal government pays up to 65 percent of construction costs of veterans' homes. They also assist with operational costs by paying a per diem rate which varies according to the type of care provided. The current per diem rate is approximately \$22.00 per day for nursing care and \$9.00 per day for domiciliary care.

SJR

15

Alaska State Legislature



SENATOR JIM DUNCAN

P. O. BOX V JUNEAU, ALASKA 99811-3100

(907) 465-4766

COMMITTEES:
FINANCE
VICE CHAIR —
HEALTH EDUCATION
& SOCIAL SERVICES
BUDGET & AUDIT
BANKING &
ECONOMIC
DEVELOPMENT

To: Representative Gene Kubina
Chair
House State Affairs Committee

From: Senator Jim Duncan

Subject: Hearing for SJR 15

Date: February 25, 1991

I request the earliest possible hearing for SJR 15 by the House State Affairs Committee.

I sponsored this resolution in response to the recent Federal Office of Personnel Management Study indicating the cost of living allowance paid federal employees in Alaska may be reduced or severely cut. If terms of this initial study were implemented, cost of living allowances for federal workers in Anchorage and Fairbanks would be eliminated and reduced greatly in Juneau.

I am very concerned about this study and these concerns are outlined in the resolution. They include:

-There are indications the study did not consider the high cost of fuel and transportation and other conditions unique to Alaska.

-An unjustified cut in the COLA rate will discourage current federal workers to remain in the state and hamper the ability of the federal government to attract new workers to Alaska.

-This will have a negative impact on our economy since about 9,000 federal employees in Alaska receive a cost of living allowance.

The Office of Personnel Management will conduct another study. The resolution requests that the initial study be reviewed carefully and that the next study take all factors into account to accurately reflect the difference in the cost of living in Alaska. With the true facts in hand, the resolution further requests that the present cost of living allowance be retained.

SJR 15 was approved as proposed by the Senate State Affairs Committee and the full Senate.

Thank you for your consideration of my request.

FEB 25 1991

7-LS0710ND
Cramer
2/27/91

HOUSE CS FOR SENATE JOINT RESOLUTION NO. 15 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): SENATORS DUNCAN, Pearce, Sturgulewski, Zharoff

A RESOLUTION

**1 Opposing the proposed reduction in the cost-of-living allowance for federal employees in
2 Alaska.**

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

**4 WHEREAS the federal Office of Personnel Management commissioned a study that found that
5 the cost of living in some parts of Alaska is now equal to the cost of living in Washington, D.C., which
6 is the base for deciding eligibility for cost-of-living allowances in the federal government; and**

**7 WHEREAS approximately 13,000 federal employees are employed in Alaska, approximately
8 9,000 of whom receive a cost-of-living allowance; and**

**9 WHEREAS the Office of Personnel Management is considering, based on the study, eliminating
10 the cost-of-living allowance for federal workers in Anchorage and Fairbanks and reducing the allowance
11 severely for federal workers living in Juneau; and**

**12 WHEREAS the reduction or elimination of the cost-of-living allowance will result in a
13 considerable economic hardship on federal employees in Alaska; and**

**14 WHEREAS medical and dental facilities and services are more readily available and more easily
15 accessible to residents of Washington, D.C., typically at a lower cost than comparable services are
16 available in Alaska, and many residents of Alaska must leave their towns and villages, and in many**

1 cases, even the state, to obtain medical care; and

2 **WHEREAS** the elimination or reduction of the cost-of-living allowance may have a significant
3 effect on the ability and willingness of current federal workers in the state to remain in federal service
4 in the state; and

5 **WHEREAS** the elimination or reduction will affect the ability of the federal government to
6 attract new federal employees to positions in the state; and

7 **WHEREAS** many federal employees in Alaska have relied on the cost-of-living allowance in
8 making financial commitments, including purchasing their homes, and a reduction in the allowance
9 would have a devastating effect on their ability to continue to make housing payments; and

10 **WHEREAS** prior cost-of-living surveys have always utilized personal interviews of federal
11 employees as a means of gathering data, but this study did not include direct employee interviews; and

12 **WHEREAS** the cost of living in Alaska is higher than the average cost of living in the nation,
13 Alaska's climate is much colder for longer periods than the climate in Washington, D.C., resulting in
14 Alaskans having to pay higher home heating costs, Alaskans pay a higher cost for gasoline and other
15 motor fuels than do residents of Washington, D.C., and Alaskans pay a higher cost for airline travel
16 within the state and from the state to other world destinations; and

17 **WHEREAS** these costs are not adequately addressed in the cost-of-living study prepared for the
18 Office of Personnel Management;

19 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the Office of
20 Personnel Management to conduct another cost-of-living study for federal employees in the state, which

21 (1) factors in the higher costs for energy, medical care and services, and transportation;
22 and

23 (2) uses direct personal interviews of federal workers in the state as part of its
24 methodology; and be it

25 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests the Congress
26 of the United States to adequately provide for the cost-of-living allowance for Alaska's federal
27 employees in the federal budget and to consider enacting legislation to establish entitlement to cost-of-
28 living allowances by comparison with the average cost of living in the nation rather than in Washington,
29 D.C.

30 **COPIES** of this resolution shall be sent to the Honorable Constance B. Newman, Director, Office
31 of Personnel Management; the Honorable Dan Quayle, Vice-President of the United States and President
32 of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; and

1 to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable
2 Don Young, U.S. Representative, members of the Alaska delegation in Congress.