

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8909 SENATE JUDICIARY

1 more than 30 days before the individual is hired; and

2 (3) submits to the facility two full sets of the individual's fingerprints.

3 (b) Within 30 days after employing an individual in a paid position, nursing
4 facility shall submit to the Department of Public Safety the fingerprints obtained under
5 (a)(3) of this section. The Department of Public Safety shall submit the fingerprints to
6 the Federal Bureau of Investigation for a national criminal history record check. When
7 the results are received, the department shall advise the facility of

8 (1) the date on which the fingerprint background check was completed;

9 and

10 (2) whether the check shows that the individual has committed an offense
11 described in (c) of this section.

12 (c) A nursing facility may not hire or retain an employee who has been
13 convicted of an offense listed in the department's regulations as being an offense covered
14 by this section.

15 * Sec. 2. AS 47.33 is amended by adding a new section to article 1 to read:

16 Sec. 47.33.100. CRIMINAL BACKGROUND CHECK FOR EMPLOYEES. (a)

17 An assisted living home may not employ an individual in a paid position that the
18 applicable licensing agency has determined is covered by this section, according to its
19 regulations, unless the individual, before beginning employment,

20 (1) provides to the home a sworn statement as to whether the individual
21 has been convicted of an offense described in (c) of this section; and

22 (2) provides to the home the results of a name-check criminal background
23 investigation that was completed by the Department of Public Safety no more than 30
24 days before the individual is hired; and

25 (3) submits to the home two full sets of the individual's fingerprints.

26 (b) Within 30 days after employing an individual in a paid position, an assisted
27 living home shall submit to the Department of Public Safety the fingerprints obtained
28 under (a)(3) of this section. The Department of Public Safety shall submit the
29 fingerprints to the Federal Bureau of Investigation for a national criminal history record
30 check. When the results are received, the department shall advise the home of

31 (1) the date on which the fingerprint background check was completed;

32 and

1 (2) whether the check shows that the individual has committed an offense
2 described in (c) of this section.

3 (c) An assisted living home may not hire or retain an employee who has been
4 convicted of an offense listed in the regulations of the applicable licensing agency as
5 being an offense covered by this section.

6 * Sec. 3. AS 47.33.920 is amended to read:

7 Sec. 47.33.920. REGULATIONS. The commissioner of health and social
8 services and the commissioner of administration each may adopt regulations to carry out
9 the provisions of this chapter, including regulations regarding licensure and renewal
10 requirements, license application and renewal procedures; application and license fees;
11 types, duration, renewal, and transferability of licenses; staffing and home operation
12 standards; and variances to licensure and operating standards. Regulations adopted under
13 this chapter may provide for the waiver or modification of the requirements of this
14 chapter for homes with fewer than six residents except that the regulations may not
15 provide for waiver or modification of the requirements of AS 47.33.100.

16 * Sec. 4. APPLICABILITY. AS 18.20.302(a) and (b), added by sec. 1 of this Act, and
17 AS 47.33.100(a) and (b), added by sec. 2 of this Act, may not be construed to modify a
18 collective bargaining agreement that is in effect on the effective date of this Act. A collective
19 bargaining agreement entered into or renewed on or after the effective date of this Act may
20 not contain a provision that is inconsistent with secs. 1 - 3 of this Act.

ALASKA STATE LEGISLATURE

Senate Health, Education and
Social Services Committee

Senate Judiciary Committee

Department of Health and Social
Services Budget Subcommittee

Department of Law
Budget Subcommittee



While in Session
State Capitol, Room 9
Juneau, Alaska 99801
(907) 465-3704
fax (907) 465-2520

While in Anchorage
716 West 4th Ave., Ste. 140
Anchorage, Alaska 99501
(907) 258-8182
fax (907) 258-5571

SENATOR JOHNNY ELLIS

SPONSOR STATEMENT SENATE BILL 296

Senate Bill 296 would require a criminal background investigation that would include a fingerprint check of the records of the Federal Bureau of Investigation as a condition of employment in a nursing home or assisted living facility.

The National Child Protection Act of 1993, as amended by the Violent Crime Control and Law Enforcement Act of 1994, strongly encourages states to effect these background check procedures to enable employers to learn beforehand an individual applicant's fitness to care for the safety and well being of children, the elderly or individuals with disabilities. We worked closely with the FBI to assure compliance with the NCPA, Public Law 92-544 Criteria, and strict federal right to privacy restrictions. Our bill has received strong support and approval from the Access Integrity Unit of the FBI.

Abuse, neglect and exploitation of vulnerable adults in nursing homes and assisted living facilities is receiving increasing attention on the national level. A "20/20" program that featured hidden camera footage of nursing home attendants hitting and otherwise abusing and stealing from residents prompted this legislation. Criminals preying on vulnerable adults in nursing homes and assisted living facilities outrages everyone.

Alaska has one of the fastest growing senior populations in the country. Assisted Living Facilities are a relatively new industry that is expanding rapidly to meet the needs of this population. We must take steps to ensure the safety of those unable to protect themselves. Senate Bill 296 is a crime prevention bill. Those most likely to perpetuate such abuse will not be permitted to work in these facilities.

I strongly urge your support of this legislation to stop those who would prey on the most helpless members of our society.

SPONSOR STATEMENT



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535

February 28, 1996

Honorable Johnny Ellis
Alaska State Legislature
State Capitol, Room 9
Juneau, Alaska 99801

Attention: Ms. Lynn Kenney
Legislative Aide

Dear Senator Ellis:

Reference is made to your facsimiles dated January 23, and February 9, 1996, with enclosures, requesting a review of proposed legislation, which, if approved under Public Law (Pub. L.) 92-544, would authorize national criminal history background checks of nursing home and assisted living facility employees. Reference is also made to telephone conversations between Ms. Lynn Kenney of your staff and Ms. Connie Ahrens of my staff of January 26, and February 9, 1996.

The Access Integrity Unit legal staff has completed its review of the proposed legislation, Senate Bill 296, which pertains to background checks of prospective employees of nursing homes and assisted living facilities. The language, if enacted as currently drafted, would qualify under Pub. L. 92-544 for access to FBI criminal history record information (CHRI). When enacted into law, a complete copy of this legislation should be resubmitted for our final review.

If you have any questions concerning this matter, please do not hesitate to call Ms. Ahrens at (304) 625-2864.

Sincerely yours,

Bennie F. Brewer
Chief
Programs Support Section
Criminal Justice Information
Services Division

PUBLIC COMMENT



U.S. Department of Justice
Federal Bureau of Investigation
Criminal Justice Information Services (CJIS) Division
Identification Services

Letter to All Fingerprint Contributors

July 17, 1995

RE: National Child Protection Act of 1993

Attached to this letter are guidelines for implementing the National Child Protection Act (NCPA) as amended by the Violent Crime Control and Law Enforcement Act of 1994 (Crime Control Act). The guidelines address the child abuse crime reporting requirements of the NCPA. The NCPA also encourages states to effect national background check procedures that will enable employers to learn beforehand an individual applicant's fitness to care for the safety and well-being of children, the elderly, or individuals with disabilities. Information is set forth in the guidelines relating to the implementation of such background checks of care providers.

The Crime Control Act requires the Attorney General to disseminate guidelines for protecting children, the elderly, or individuals with disabilities from abuse to state and local officials and to public and private care providers. The FBI strongly recommends that recipients make copies of the guidelines widely available to any "authorized agency," "qualified entity," or "provider" as those terms are defined near the end of the guidelines. Section III of the guidelines is set apart from other sections so it can be easily reproduced and disseminated to private entities interested in conducting care provider background checks.

C. David Evans
Acting Assistant Director
Criminal Justice Information
Services Division



OLDER PERSONS ACTION GROUP, Inc.

325 E. 3rd. Ave., #300
Anchorage, AK 99501-2606
(907) 276-1059 (Toll free 800-478-1059)
FAX (907) 278-6724

March 26, 1996

RECEIVED

MAR 28 1996

Ans'd.....

Senator Robin Taylor
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Senator Taylor:

The Older Persons Action Group, Inc. urges you to support SB 211. This bill makes it a crime for an individual to abuse or otherwise endanger vulnerable adults entrusted to their care. When law enforcement and judicial officials refuse to prosecute perpetrators of abuse because there is no specific law against these acts, we must take action to preclude repetition of these crimes. SB 211 fulfills this need and we strongly urge you to support this legislation

OPAG also endorses SB 296 which requires a fingerprint background check before certain persons may be employed in a nursing home or assisted living facility. Elderly living in these facilities are particularly vulnerable to criminals who find ready employment in these facilities. The requirement for a fingerprint background check is a prudent management practice to prohibit persons with violent or criminal backgrounds from caring for the elderly. I urge you to support SB 296.

Sincerely,

Sara L. McCullough
President
Board of Directors

SB

306

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 306 STA

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act providing for the issuance of ...bonds BRU: ALL
...correctional facilities Component: _____
 Sponsor: Senate Rules
 Requester: Senate Judiciary COMPONENT SERIAL NO. #0694

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	85.9	180.9	190.5	200.6	211.2	219.1
TRAVEL	5.0	15.0	15.0	20.0	10.0	10.0
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	10.0	20.0	20.0	20.0	20.0	20.0
TOTAL OPERATING	100.9	215.9	225.5	240.6	241.2	249.1

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	100.9	215.9	225.5	240.6	241.2	249.1
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	100.9	215.9	225.5	240.6	241.2	249.1

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	3					
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The operational costs to the Department of Corrections are revenue neutral. Advanced planning costs to the Department of Corrections and Transportation will be borne by an appropriation in the front forms of the operating budget to the "Public Facilities Planning Fund" (PFPF) which will allow the two departments to conduct cooperative advance planning for each set of projects. As bonds are issued the PFPF is reimbursed until all advanced planning costs are offset by bond proceeds over the life of the projects. Corrections staffing is necessary to ensure that advance architectural and engineering work complies with operational and security needs and so that the need for change orders during construction is minimized.

Corrections costs are

3 PFT's are needed for the life of the construction phases to the beginning of the first full year of operations for all institutions: 1 Facilities Manager (1567.4), 1 PFT Criminal Justice Planner (1571.9), and 1 PFT Administrative Clerk (1532.5). A minimal amount of annual travel funds to enable staff to cover on-site inspections and design and construction meetings, and some miscellaneous operating costs to cover communication and supply materials.

(Continued on Page 2)

Prepared by: Jerry Shiner Phone: 465-4652
 Division: Office of the Commissioner Date: 3/10/96
 Approved by Commissioner: Margaret M. Pugh Date: 3/10/96
 Agency: Department of Corrections

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further dist: **FISCAL NOTE**

FISCAL NOTE

CSSB 306

"An Act Providing for the Issuance ofbonds.....Correctional Facilities."

Page 2

Department of Corrections functions required to support design and construction of the proposed construction projects include:

- Verify staffing and operational requirements for each facility;
- Coordinate RSA services and documentation;
- Coordinate design and construction phase meetings at each location;
- Attend on-site design phase and construction phase meetings at each location;
- Ensure that security-related issues are resolved in each construction plan;
- Develop and implement a transition plan inclusive of staff training; and
- Confirm operating budget increments for each facility.

9-GS2062AF
Cook
4/30/96

CS FOR SENATE BILL NO. 306(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the financing of adult and juvenile correctional facilities;
2 providing for the issuance of general obligation bonds in the amount of
3 \$120,450,000 for the purpose of paying the cost of design, construction, and
4 other capital improvement of state correctional facilities; giving notice and
5 approval for a lease of a replacement jail facility in Anchorage; and providing
6 for an effective date."

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

8 • Section 1. For the purpose of paying the cost of design, construction, and other capital
9 improvement of correctional facilities of the state, general obligation bonds of the state in the
10 principal amount of not more than \$120,450,000 shall be issued and sold. The full faith,
11 credit, and resources of the state are pledged to the payment of the principal of and interest
12 and redemption premium, if any, on the bonds. The bonds shall be issued under the
13 provisions of AS 37.15 as those provisions read at the time of issuance.

1 * Sec. 2. If the issuance of the bonds is authorized by the qualified voters of the state, a
 2 special fund of the state to be known as the "State Correctional Facility Construction Fund"
 3 shall be established, to which shall be credited the proceeds of the sale of the bonds described
 4 in sec.1 of this Act except for the accrued interest and premiums.

5 * Sec. 3. The amount of \$120,450,000 is appropriated from the "State Correctional Facility
 6 Construction Fund" to the Department of Transportation and Public Facilities to be allocated
 7 among the following projects in the amounts listed, which include the cost of issuance of the
 8 bonds, subject to reallocation between projects in accordance with AS 37.07.080(e):

9	(1) Palmer Correctional Center	\$13,050,000
10	(2) Hiland Mountain (Eagle River) Correctional Center	1,000,000
11	(3) Yukon-Kuskokwim (Bethel) Correctional Center	5,000,000
12	(4) Mat-Su Pretrial (Palmer) Correctional Center	6,000,000
13	(5) Fairbanks Correctional Facility	10,250,000
14	(6) North Slope Borough (Barrow) Correctional Facility	15,000,000
15	(7) Lemon Creek (Juneau) Correctional Center	9,000,000
16	(8) Wildwood (Kenai) Correctional Center	29,200,000
17	(9) McLaughlin Youth Center (Anchorage)	15,350,000
18	(10) Mat-Su Youth Facility	7,600,000
19	(11) Fairbanks Youth Facility	5,000,000
20	(12) Ketchikan Youth Facility	4,000,000

21 * Sec. 4. The amount withdrawn from the public facility planning fund for the purpose of
 22 advance planning for the improvements financed under this Act shall be reimbursed to the
 23 fund from the proceeds of the sale of bonds authorized by this Act.

24 * Sec. 5. The unexpended and unobligated balance of the appropriation made in sec. 3 of
 25 this Act lapses under AS 37.25.020 and is appropriated to the state bond committee to redeem
 26 bonds sold under the Act or to pay rebatable arbitrage if necessary. The amounts expended
 27 from the general fund to pay the principal, interest, and redemption premium on bonds issued
 28 under this Act shall be reimbursed to the general fund from the appropriation made under this
 29 section to the extent that the money is not needed to redeem the bonds.

30 * Sec. 6. The question whether the bonds authorized in this Act are to be issued shall be
 31 submitted to the qualified voters of the state at the next general election and shall read

1 substantially as follows:

2 PROPOSITION

3 State General Obligation Correctional Facility

4 Construction Bonds \$120,450,000

5 Shall the State of Alaska issue its general obligation bonds in the
6 principal amount of not more than \$120,450,000 for the purpose of
7 paying the cost of design, construction, and other capital improvement
8 of adult and juvenile correctional facilities? The annual operating cost
9 of the facilities is estimated at \$31,231,600. Between 1997 and 2013
10 the average annual debt service for bonds is estimated at \$10,936,340.

11 Bonds Yes

12 Bonds No

13 * Sec. 7. NOTICE AND APPROVAL OF LEASE AGREEMENT. To provide for a
14 replacement jail facility in the Municipality of Anchorage in order to relieve overcrowding of
15 existing correctional facilities, the Department of Administration, on behalf of the Department
16 of Corrections, may enter into a lease agreement under AS 33.30.031 for a replacement jail
17 facility with the Municipality of Anchorage that will house persons who are committed to the
18 custody of the commissioner of corrections. The approval given by this subsection is subject
19 to the following limitations:

20 (1) the anticipated annual lease obligation for the initial term of the lease may
21 not exceed \$6,010,000; and

22 (2) the total lease payments for the full term of the agreement may not exceed
23 \$100,000,000.

24 * Sec. 8. Sections 1 - 6 of this Act take effect on the date that the municipal clerk of the
25 Municipality of Anchorage certifies to the revisor of statutes that an ordinance authorizing the
26 issuance of municipal revenue bonds to finance the design and construction of a replacement
27 jail facility has become law.

28 * Sec. 9. Section 7 of this Act takes effect on the date that the lieutenant governor certifies
29 to the revisor of statutes that a majority of the votes cast on a proposition appearing on the
30 1996 general election ballot favor the issuance of general obligation bonds for the design,
31 construction, and other capital improvement of state correctional facilities.

CSSB 306(JUD)

AMMENDMENT

Page 1, Line 3:

Delete: [\$120,450,000]

Add: \$121,650,000

Page 1, Line 10:

Delete: [\$120,450,000]

Add: \$121,650,000

Page 2, Line 5:

Delete: [\$120,450,000]

Add: \$121,650,000

Page 2, After line 20:

Add new line 21: (13) Kotzebue Jail 1,2000,000

Renumber subsequent lines accordingly

Page 3, Line 4:

Delete: [\$120,450,000]

Add: \$121,650,000

Page 3, Line 6:

Delete: [\$120,450,000]

Add: \$121,650,000

Page 3, Line 9:

Delete: [\$31,231,600]

Add: \$31,516,353

Page 3, Line 10:

Delete: [\$10,936,340]

Add: \$11,049,977

State of Alaska
General Obligation Bonds-"AA" Scale As Of April 26, 1996
(Construction of State Correctional Facilities)

DEBT SERVICE SCHEDULE

DATE	PRINCIPAL	COUPON	INTEREST	PERIOD TOTAL	FISCAL TOTAL
7/ 1/98			1,846,172.50	1,846,172.50	1,846,172.50
7/ 1/98	3,410,000.00		1,846,172.50	4,256,172.50	
7/ 1/99			2,147,931.25	2,147,931.25	6,404,103.75
7/ 1/99	3,050,000.00		2,147,931.25	5,197,931.25	
7/ 1/ 0			2,373,448.75	2,373,448.75	7,571,300.00
7/ 1/ 0	3,715,000.00		2,373,448.75	6,088,448.75	
7/ 1/ 1			2,539,142.50	2,539,142.50	8,627,591.25
7/ 1/ 1	4,400,000.00		2,539,142.50	6,939,142.50	
7/ 1/ 2			3,264,620.00	3,264,620.00	10,203,762.50
7/ 1/ 2	6,405,000.00		3,264,620.00	9,669,620.00	
7/ 1/ 3			3,099,340.00	3,099,340.00	12,764,960.00
7/ 1/ 3	6,760,000.00		3,099,340.00	9,859,340.00	
7/ 1/ 4			2,909,606.25	2,909,606.25	12,764,966.25
7/ 1/ 4	7,145,000.00		2,909,606.25	10,054,606.25	
7/ 1/ 5			2,708,588.75	2,708,588.75	12,763,195.00
7/ 1/ 5	7,575,000.00		2,708,588.75	10,263,588.75	
7/ 1/ 6			2,491,158.75	2,491,158.75	12,774,747.50
7/ 1/ 6	8,015,000.00		2,491,158.75	10,500,158.75	
7/ 1/ 7			2,257,078.75	2,257,078.75	12,763,237.50
7/ 1/ 7	8,505,000.00		2,257,078.75	10,762,078.75	
7/ 1/ 8			2,004,423.75	2,004,423.75	12,766,502.50
7/ 1/ 8	9,025,000.00		2,004,423.75	11,029,423.75	
7/ 1/ 9			1,731,796.25	1,731,796.25	12,761,220.00
7/ 1/ 9	9,575,000.00		1,731,796.25	11,326,796.25	
7/ 1/10			1,437,136.25	1,437,136.25	12,763,932.50
7/ 1/10	10,205,000.00		1,437,136.25	11,642,136.25	
7/ 1/11			1,118,626.25	1,118,626.25	12,760,762.50
7/ 1/11	10,805,000.00		1,118,626.25	12,003,626.25	
7/ 1/12			773,438.75	773,438.75	12,777,065.00
7/ 1/12	11,595,000.00		773,438.75	12,368,438.75	
7/ 1/13			401,293.75	401,293.75	12,769,732.50
7/ 1/13	12,365,000.00		401,293.75	12,766,293.75	
ACCRUED	121,650,000.00		66,199,605.00	187,849,605.00	
	121,650,000.00		66,199,605.00	187,849,605.00	

Dated 7/ 1/97 with Delivery of 7/ 1/97 \$11,049,977 Ann PMT

PREPARED BY: GOVERNMENT FINANCE ASSOCIATES, INC.

Micro-Print Debt Date: 05-02-1996 @ 10:14:51 File# 10202 Key: COMBINEZ

NOTE:

- Over the next twelve to eighteen months, interest rates maybe higher, and an assumption taking a possible increase into account has been incorporated herein.
- Outside factors (i.e. higher inflation expectations) can alter interest rate estimates.
- Actual time for bond issuance is not yet determined. Any extension of the period for issuance can change the applicability of the interest rate assumptions.

Post-It [®] brand fax transmittal memo 7071 # of pages = 1	
To: CHUCK ACHBERGER	From: ROSS KINNEY
Co.	Co. DOR
Dept.	Phone # 3669
Fax # 3922	Fax # 2389

9-GS2062\G ✓

Cook

5/2/96

CS FOR SENATE BILL NO. 306(JUD)**IN THE LEGISLATURE OF THE STATE OF ALASKA****NINETEENTH LEGISLATURE - SECOND SESSION****BY THE SENATE JUDICIARY COMMITTEE****Offered:****Referred:****Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to the financing of adult and juvenile correctional facilities;
2 providing for the issuance of general obligation bonds in the amount of
3 \$120,450,000 for the purpose of paying the cost of design, construction, and
4 other capital improvement of state correctional facilities; relating to and giving
5 notice and approval for leases for correctional facilities; and providing for an
6 effective date."

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * Section 1. For the purpose of paying the cost of design, construction, and other capital
9 improvement of correctional facilities of the state, general obligation bonds of the state in the
10 principal amount of not more than \$120,450,000 shall be issued and sold. The full faith,
11 credit, and resources of the state are pledged to the payment of the principal of and interest
12 and redemption premium, if any, on the bonds. The bonds shall be issued under the
13 provisions of AS 37.15 as those provisions read at the time of issuance.

1 * Sec. 2. If the issuance of the bonds is authorized by the qualified voters of the state, a
 2 special fund of the state to be known as the "State Correctional Facility Construction Fund"
 3 shall be established, to which shall be credited the proceeds of the sale of the bonds described
 4 in sec.1 of this Act except for the accrued interest and premiums.

5 * Sec. 3. The amount of \$120,450,000 is appropriated from the "State Correctional Facility
 6 Construction Fund" to the Department of Transportation and Public Facilities to be allocated
 7 among the following projects in the amounts listed, which include the cost of issuance of the
 8 bonds, subject to reallocation between projects in accordance with AS 37.07.080(e):

9	(1) Palmer Correctional Center	\$13,050,000
10	(2) Hiland Mountain (Eagle River) Correctional Center	1,000,000
11	(3) Yukon-Kuskokwim (Bethel) Correctional Center	5,000,000
12	(4) Mat-Su Pretrial (Palmer) Correctional Center	6,000,000
13	(5) Fairbanks Correctional Facility	10,250,000
14	(6) North Slope Borough (Barrow) Correctional Facility	15,000,000
15	(7) Lemon Creek (Juneau) Correctional Center	9,000,000
16	(8) Wildwood (Kenai) Correctional Center	29,200,000
17	(9) McLaughlin Youth Center (Anchorage)	15,350,000
18	(10) Mat-Su Youth Facility	7,600,000
19	(11) Fairbanks Youth Facility	5,000,000
20	(12) Ketchikan Youth Facility	4,000,000

21 * Sec. 4. The amount withdrawn from the public facility planning fund for the purpose of
 22 advance planning for the improvements financed under this Act shall be reimbursed to the
 23 fund from the proceeds of the sale of bonds authorized by this Act.

24 * Sec. 5. The unexpended and unobligated balance of the appropriation made in sec. 3 of
 25 this Act lapses under AS 37.25.020 and is appropriated to the state bond committee to redeem
 26 bonds sold under the Act or to pay rebatable arbitrage if necessary. The amounts expended
 27 from the general fund to pay the principal, interest, and redemption premium on bonds issued
 28 under this Act shall be reimbursed to the general fund from the appropriation made under this
 29 section to the extent that the money is not needed to redeem the bonds.

30 * Sec. 6. The question whether the bonds authorized in this Act are to be issued shall be
 31 submitted to the qualified voters of the state at the next general election and shall read

1 substantially as follows:

2 PROPOSITION

3 State General Obligation Correctional Facility

4 Construction Bonds \$120,450,000

5 Shall the State of Alaska issue its general obligation bonds in the
6 principal amount of not more than \$120,450,000 for the purpose of
7 paying the cost of design, construction, and other capital improvement
8 of adult and juvenile correctional facilities? The annual operating cost
9 of the facilities is estimated at \$31,231,600. Between 1997 and 2013
10 the average annual debt service for bonds is estimated at \$10,936,340.

11 Bonds Yes

12 Bonds No

13 * Sec. 7. NOTICE AND APPROVAL OF LEASE AGREEMENT. To provide for a new
14 correctional facility in the Municipality of Anchorage, the Department of Administration, on
15 behalf of the Department of Corrections, may enter into a lease agreement under AS 33.30.031
16 for a correctional facility in the Municipality of Anchorage on a privately owned site of at
17 least 30 acres that will house persons who are committed to the custody of the commissioner
18 of corrections. The facility shall be designed for sentenced felons, and pretrial, presentenced,
19 and sentenced misdemeanants who, in the determination of the commissioner of corrections,
20 pose an immediate threat to the public. The approval given by this section is subject to the
21 following limitations:

22 (1) the anticipated annual lease obligation may not exceed \$12,000,000;

23 (2) the total lease payments may not exceed \$200,000,000; and

24 (3) the total cost of the facility may not exceed \$100,000,000.

25 * Sec. 8. NOTICE AND APPROVAL OF LEASE AGREEMENT. To provide for a new
26 correctional facility in the City of Valdez, the Department of Administration, on behalf of the
27 Department of Corrections, may enter into a lease agreement under AS 33.30.031 for a
28 correctional facility in the City of Valdez that will house persons who are committed to the
29 custody of the commissioner of corrections. The correctional facility shall be provided by
30 conversion of the existing state hospital in the City of Valdez. The approval given by this
31 section is subject to the following limitations:

- 1 (1) the anticipated annual lease obligation may not exceed \$3,000,000;
2 (2) the total lease payments may not exceed \$40,000,000; and
3 (3) the total cost of the facility may not exceed \$20,000,000.

4 * Sec. 9. In the evaluation of a bid to construct and operate a correctional facility described
5 in secs. 7 and 8 of this Act, the Department of Administration may provide incentive to the
6 maker of a bid that pledges to employ state residents generally, and former state hospital
7 employees with respect to the City of Valdez correctional facility, particularly, as far as
8 practicable.

9 * Sec. 10. Sections 1 - 6 of this Act take effect on the date that the municipal clerk of the
10 Municipality of Anchorage certifies to the revisor of statutes that an ordinance authorizing the
11 issuance of municipal revenue bonds to finance the design and construction of a replacement
12 jail facility has become law.

13 * Sec. 11. Section 7 of this Act takes effect on the date that the lieutenant governor
14 certifies to the revisor of statutes that a majority of the votes cast on a proposition appearing
15 on the 1996 general election ballot favor the issuance of general obligation bonds for the
16 design, construction, and other capital improvement of state correctional facilities.

STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

TONY KNOWLES, GOVERNOR

REPLY TO:

PO BOX 112000
JUNEAU, ALASKA 99811-2000
PHONE (907) 465-3376

April 4, 1996

The Honorable Robin Taylor
Mail Stop 3100, Capitol Room 30
Juneau, AK 99811

Dear Senator Taylor:

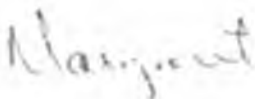
Thank you for the opportunity to speak with you this morning about SB306, the Governor's general obligation bond bill for correctional facilities. As you know, CSSB 306 passed out of Senate State Affairs on Tuesday April 2, 1996, and the Senate Judiciary Committee is the next committee of referral.

This bill is important for the protection of the public - it will ensure that there is adequate space in our now overcrowded, regional Correctional Centers to lock up dangerous criminals. It will authorize a \$148.5 million general obligation bond package for correctional facilities expansion on the November 1996 ballot for a vote of the people. General obligation bonds provide the best financial advantage for the state. And further, the bonds, associated debt and operational costs are included in the Governor's Long Range Fiscal Plan.

On behalf of the Criminal Justice Cabinet, I request that you schedule SB 306 for hearing before the Senate Judiciary Committee at the earliest possible time.

Thank you in advance for your prompt consideration of this request.

Sincerely,



Margaret Pugh
Commissioner

SR00511 WPD

PROPOSED G.O. BONDED CAPACITY EXPANSION

Location	New Beds	Initial Capital Costs	Design & Construction Period ****	First Full Year Operating (FY05)
Palmer C C	221	\$13,050.0	7/1/97 - 12/31/99	\$3,763.3
Comined Hiland C.C.	0	\$1,000.0	7/1/97 - 3/31/00	\$0.0
Yukon-Kuskokwim C C.	48	\$5,000.0	7/1/97 - 12/31/99	\$963.7
Anchorage Criminal Justice	400	\$60,000.0	7/1/97 - 6/30/01	\$8,076.4 *
North Slope Borough	50	\$15,000.0	7/1/97 - 6/30/00	\$2,801.2 **
1st Bond Issuance	719	\$94,050.0		\$15,604.6
Matanuska-Susitna C C	64	\$6,000.0	7/1/98 - 12/31/00	\$1,107.1
2nd Bond Issuance	64	\$6,000.0		\$1,107.1
Fairbanks C C	80	\$10,250.0	7/1/99 - 12/31/01	\$2,266.5
3rd Bond Issuance	80	\$10,250.0		\$2,266.5
Lemon Creek C C	64	\$9,000.0	7/1/00 - 12/31/02	\$1,931.0
4th Bond Issuance	64	\$9,000.0		\$1,931.0
Wildwood C C	149	\$29,200.0	7/1/01 - 3/31/04	(\$2,111.4)***
5th Bond Issuance	149	\$29,200.0		(\$2,111.4)
GRAND TOTAL	1076	\$148,500.0		\$18,797.8

Notes

* Represents a "Net" cost by factoring in the closure of the Sixth Avenue CC (104 Beds) with a \$4,352.2 budget [ACJ \$ 12,428.7 less \$ 4,352.3 = \$ 8,076.4]

** Represents a "Net" cost by factoring in the closure of the current North Slope Jail Contract (9 Beds) with a \$ 834.8 budget [NSB \$ 3,636.0 less \$ 834.8 = \$ 2,801.2]

*** Represents a "Net" cost by factoring in the closure of the Arizona Out-Of-State Contract (208 Beds) with a \$ 4,798.7 budget [Wildwood \$ 2,687.3 less \$ 4,798.7 = (\$2,111.4)]

**** These schedules are subject to change depending on detailed planning with the Architects and Construction contractors

DRAFT

ESTIMATED FUNDING SUMMARY

I. DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES

Expenditure Line	FY97	FY98	FY99	FY00	FY01	FY02	FY03	FY04	Total
71000	\$100.0	\$500.0	\$596.9	\$842.7	\$574.4	\$241.5	\$232.6	\$111.8	\$3,200.8
73000	\$0.0	\$10.0	\$30.0	\$70.0	\$50.0	\$20.0	\$20.0	\$10.0	\$210.0
78000	\$0.0	\$3,966.1	\$16,800.5	\$43,636.9	\$32,464.8	\$11,700.0	\$17,893.8	\$14,307.1	\$140,769.2
TOTAL	\$100.0	\$4,477.0	\$17,427.4	\$44,549.6	\$33,089.2	\$11,961.5	\$18,146.4	\$14,428.9	\$144,180.0

II. DEPARTMENT OF REVENUE:

Expenditure Line	FY97	FY98	FY99	FY00	FY01	FY02	FY03	FY04	Total
73000	\$35.7	\$125.1	\$86.8	\$50.4	\$32.9	\$42.6	\$18.8	\$1.3	\$393.6
78000	\$950.0	\$240.0	\$265.0	\$260.0	\$440.0	\$0.0	\$0.0	\$0.0	\$2,155.0
TOTAL	\$985.7	\$365.1	\$351.8	\$310.4	\$472.9	\$42.6	\$18.8	\$1.3	\$2,548.6

III. DEPARTMENT OF CORRECTIONS:

Expenditure Line	FY97	FY98	FY99	FY00	FY01	FY02	FY03	FY04	Total
71000	\$85.9	\$180.9	\$190.5	\$200.6	\$211.2	\$219.1	\$219.1	\$219.1	\$1,526.4
72000	\$5.0	\$15.0	\$15.0	\$20.0	\$0.0	\$10.0	\$10.0	\$10.0	\$95.0
78000	\$10.0	\$20.0	\$20.0	\$20.0	\$20.0	\$20.0	\$20.0	\$20.0	\$150.0
TOTAL	\$100.9	\$215.9	\$225.5	\$240.6	\$241.2	\$249.1	\$249.1	\$249.1	\$1,771.4

ESTIMATED FUNDING TOTALS

DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES	\$144,180.0
DEPARTMENT OF REVENUE	\$2,548.6
DEPARTMENT OF CORRECTIONS	\$1,771.4
TOTAL	\$148,500.0

DRAFT

HB412

Page 4, between lines 4 and 5: Insert the following new material to read:

"(c) If the issuance of general obligation bonds is authorized by the qualified voters of the state at the 1996 general election, the sum of \$5,200,000 is appropriated from the budget reserve fund (art. IX, sec. 17, Constitution of the State of Alaska) to the public facility planning fund (AS 35.10.135) for the purpose of advance planning for the improvements authorized at that election.

(d) If the issuance of general obligation bonds is authorized by the qualified voters of the state at the 1996 general election, \$900,000 is appropriated from the budget reserve fund (art. IX, sec. 17, Constitution of the State of Alaska) to the State Bond Committee to cover the cost of issuance incurred before the bonds are sold.

(e) An amount equal to the amounts appropriated from the budget reserve fund (art. IX, sec. 17, Constitution of the State of Alaska) in (c) and (d) of this section for the purpose of advance planning for improvements financed under this Act and to pay the cost of issuance of the bonds is appropriated from the proceeds of the sale of bonds to reimburse the budget reserve fund."

Line 5: after "(a)" delete "and (b)" and insert "- (d)" in its place.

Renumber remaining subsections accordingly..

CS for SENATE BILL NO. 306 (STA)

Section 1. Provides for the issuance of general obligation (GO) bonds in the amount of \$ 148,500,000 for the purpose of paying the cost of issuance of the bonds and design and construction of state correctional facilities across the state. The issuance is subject to voter approval at the next general election in November, 1996.

NOTE: An amendment to HB 412, the operating budget bill, has been prepared to use the Constitutional Budget Reserve Fund (CBRF) to cover the costs of initial bond preparation by the State Bond Committee. This appropriation covers only expenses that must be incurred before bonds are sold. Once the bonds are sold, proceeds are used to cover the costs and to reimburse the Constitutional Budget Reserve Fund. [See Attachment; (d) and (e)]

Section 2. Establishes a "State Correctional Facility Construction Fund" (SCFC) in DOT&PF to receive proceeds from bond issuances.

Section 3. Authorizes allocation of bond proceeds in the SCFC to the projects listed.

NOTE: An amendment to HB 412, the operating budget bill, has been prepared to use the Constitutional Budget Reserve Fund (CBRF) to capitalize the Public Facilities Planning Fund (PFPF) in OMB, for the purpose of forward funding advance planning of the listed projects by DOT&PF and DOC. As bonds are issued, PFPF will be reimbursed and funds paid back to the CBRF by PFPF. The net effect is a one time capital appropriation to PFPF which declines as advanced planning of projects is accomplished, and the amount "loaned" to PFPF by the CBRF is reimbursed to the CBRF. [See attachment; (c)]

Section 4. Authorizes bond proceeds to be used to reimburse the "Public Facilities Planning Fund (PFPF) for the advanced planning costs of the Departments of Corrections and Transportation/Public Facilities.

Section 5. Allows excess bond proceeds, should any be realized, to be used by the bond committee to redeem these bonds or pay arbitrage fees.

Section 6. Authorizes a ballot measure to be placed on the ballot November, 1996 asking voters whether they support the issuance of these bonds and associated operating costs

Section 7. Establishes an immediate effective date for the Act under AS 01.10.070(c).



CITY OF BETHEL

P.O. Box 388 Bethel, Alaska 99559
007-543-2297
FAX # 543-4171

RECEIVED
APR 19 1996

Ans'd.....

April 15, 1996

Senator Robin L. Taylor
Alaska State Legislature
State Capitol - Room 30
Juneau, AK 99801-1182

Dear Senator Taylor:

The Bethel City Council, at their April 9, 1996, regular meeting, passed Resolution # 96-14, a copy of which is enclosed. This resolution supports Senate Bill #306, which provides for the issuance of general obligation bonds to fund the design and construction of state correctional facilities.

Senate Bill #306 has the support of the Bethel City Council for several reasons. First, this approach builds the beds where they are needed. The Yukon-Kuskokwim Correctional Center is regularly filled to capacity, and our Council believes that any additional capacity should be in Bethel, rather than in Anchorage. Second, the expansion would create new jobs in Bethel, aiding the local economy. And finally, the bill calls for general obligation bonds, the least expensive type of debt that can be incurred, and it lists the additional operating costs up-front.

I understand that SB 306 is currently awaiting a hearing in the Judiciary Committee. We would like to see this bill scheduled, so that it may be discussed and considered by the Committee. Please do not hesitate to call me if I can answer any questions, or put you in touch with the Mayor, City Manager, or one of our Council Members.

Sincerely,

L. J. Tanner
City Clerk

cc: Mayor and City Council
City Manager



CITY OF BETHEL

P.O. Box 388 Bethel, Alaska 99559

907-543-2297

FAX # 543-4171

Presented By: Council Member McComas

Date: April 9, 1996

Action: Passed

Vote: 6-Yes, 0-No

RESOLUTION #96-14

A RESOLUTION OF THE CITY COUNCIL OF BETHEL, ALASKA, SUPPORTING SENATE BILL #306, PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PAYING THE COST OF DESIGN AND CONSTRUCTION OF STATE CORRECTIONAL FACILITIES.

WHEREAS, Senate Bill #306 provides for the issuance of \$148,500,000 in general bonds, for the purpose of paying the cost of design and construction of correctional facilities of the state, with \$5,000,000 earmarked for an expansion of the Yukon-Kuskokwim Correctional Center in Bethel, and

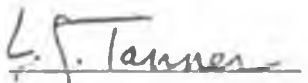
WHEREAS, residents of the Yukon-Kuskokwim Delta Region whose relatives are incarcerated at the Y-K Correctional Center are able to visit them in Bethel, but housing those same prisoners in Anchorage would make it very difficult for families to continue to visit; and

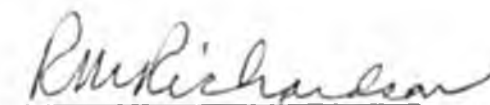
WHEREAS, the expansion of the Y-K Correctional Center would result in the creation of ten new jobs, including Corrections Officers, Probation Officers, Registered Nurses, and Mental Health Clinicians; and

NOW, THEREFORE, BE IT RESOLVED THAT THE BETHEL CITY COUNCIL supports Senate Bill #306, and the expansion of the Yukon-Kuskokwim Correctional Center, and strongly opposes the establishment of a regional correctional center in Anchorage.

PASSED AND APPROVED THIS 9TH DAY OF APRIL, 1996.

ATTEST:


B.J. Tanner, City Clerk


Ruth M. Richardson, Mayor

SB

312

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 3/18/96

FURTHER: *has no further*

Date of 5-Day Notice: 3-21-96
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-25-96

The Judiciary Committee considered SB 312

Relating to purchase of an alcoholic beverage from a package store.

and recommends:

- be replaced with _____ CS _____
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
 same title
 new title
House Bill:
 same title
 technical title
 new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>H. Miller</i>	<input checked="" type="checkbox"/>		
		<i>Lyle Green</i>	<input checked="" type="checkbox"/>		
		<i>Mark Hiller</i>	<input checked="" type="checkbox"/>		
		<i>W. Adams</i>	<input checked="" type="checkbox"/>		
CHAIR: <i>Adrian Taylor</i>	<input checked="" type="checkbox"/>				
		CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Revenue</i>	<i>3/26</i>	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>Revenue</i>	<i>3/27</i>		

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

STATE OF ALASKA
1996 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO: SB 312

Revision Date: 3/21/96 Dept. Affected: Revenue
 Title: "An act relating to purchase of an alcoholic beverage
from a package store" BRU: Alcoholic Beverage Control Board
 Component: Alcoholic Beverage Control Board
 Sponsor: Senate Judiciary
 Requestor: Senate Judiciary COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 OF Match						
1004 UF						
1006 OF/Program Receipts						
1007 O/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS:
 This is a housekeeping measure which will have no fiscal impact on the Alcoholic Beverage Control operating budget.

Prepared by: Douglas B. Griffin *Douglas B. Griffin* Phone: 907-277-8638
 Division: Alcoholic Beverage Control Board Date: 3/22/96
 Approved by Commissioner: _____ Date: _____
 Agency: Department of Revenue

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For further distribution information call the Governor's Legislative Office

STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Revenue	DIVISION Alcoholic Beverage Control	BILL NUMBER 08 012	SPONSOR Senate Judiciary
SHORT TITLE OF BILL An act relating to purchase of an alcoholic beverage from a package store.			
DEPARTMENT POSITION Support			
PREPARED BY Douglas B. Griffin	DATE 3/22/96	COMMITTEE SIGNATURE	DATE

SUMMARY

OTHER AGENCIES AFFECTED BY BILL None known	CONSTITUENT GROUP(S) AFFECTED BY BILL Alcohol Wholesalers Beverage Dispensary Licenses Package Store Licenses	Restaurant or eating place Licenses
ORGANIZATIONAL SUPPORT FOR BILL Caberet, Hotel, Restaurant and Retailers (CHIARR) Anchorage Restaurant and Beverage Association (ARBA)	ORGANIZATIONAL OPPOSITION TO BILL NONE KNOWN	

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT
Changes in law enacted last year (Ch. 101, SLA 1995) inadvertently prohibited owners of bars (AS 04.11.090), restaurants (AS 04.11.00), clubs (AS 04.11.110), or package stores (AS 04.11.150) from purchasing alcoholic beverages from package stores. This went beyond the intent of the legislature to discourage "gray market sales" by requiring most alcoholic beverages to pass through wholesalers where there can be accountability for payment of taxes, fees, and purity. This housekeeping provision will allow retail licensees to purchase product from package stores; this is much more workable without sacrificing accountability.

ANALYSIS OF BILL/PROGRAM EFFECTS
This bill will allow retailers to purchase product from package stores and not just wholesalers. Retail licensees need this flexibility to better serve their customers. There are no known or anticipated negative implications for fixing this problem. No one, including alcoholic beverage wholesalers, oppose this bill.

AMENDMENTS PROPOSED
None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS

Alaska State Legislature

Chairman,
Judiciary Committee

Vice Chairman,
Transportation Committee

Member,
Resources Committee
Western Legislative Forestry Task Force



State Capitol
Juneau, Alaska 99801-1182
19071 465-3873
Fax 19071 465-3922

352 Front Street
Ketchikan, Alaska 99901
19071 225-8088
Fax 19071 225-0713

Senator Robin L. Taylor

Sponsor Statement

Senate Bill 312

Senate Bill 312 was introduced to correct an error made in the drafting of last year's SB 87, an omnibus bill dealing with the Alcoholic Beverage Control Board and local option elections.

One provision in SB 87 was intended to stop so-called "gray market" goods from entering Alaska without paying the state excise tax. This language, known as the "primary source" provision, appeared as section 11 of last year's legislation.

While the language passed last year does address the gray market issue, it also has the unintended effect of banning a practice common among retailers. Bars and restaurants often purchase alcohol from businesses such as Costco because of better pricing or from a package store when wholesaler delivery is not on a daily basis. The language adopted last year prohibits that practice and has the effect of requiring that bars and restaurants purchase only from a wholesaler.

SB 312 amends last year's bill to allow a person holding a dispensary, restaurant, club or package store license to purchase from a package store, as long as the package store obtained its product from a wholesaler.

SB 312 retains the protections against gray market goods while restoring the ability of bars and restaurants to purchase from package stores and discount outlets.

SPONSOR STATEMENT

District A

Hyder • Ketchikan • Kuparuk • Meigs Chuck • Pitmeburg • Seward • Sitka • Wrangell

SB

320

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 3/29/96

FUR AER: Finance

Date of 5-Day Notice: 4-3-96
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4-10-96

The Judiciary Committee considered SB 320

Increasing the number of superior court judges designated for the Third Judicial District to provide an additional superior court judge at Dillingham.

and recommends:

- be replaced with _____ CS _____
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:
- same title
 - new title
- House Bill:
- same title
 - technical title
 - new: SCR# _____

SIGNING DO/PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	X				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	X				
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

P.O. BOX 110300
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-2075

April 10, 1996

The Honorable Rick Halford
Alaska State Senator
State Capitol
Juneau, AK 99801-1182

Dear Senator Halford:

The Department of Law strongly supports SB 320, a bill which creates a new superior court judge position in Dillingham. We believe that creation of this judgeship is essential to our ability to provide adequate criminal justice services to the Bristol Bay region.

As you know, I recently traveled to Dillingham with Deputy Attorney General Laurie Otto and Anchorage District Attorney Ken Goldman. While there we participated in a public meeting and heard many residents of the community discuss their criminal justice needs. We also met separately with region leaders, including city officials, school officials, Native leaders, victims' advocates, and police officials. From all we heard the same message - delivery of criminal justice services by those living outside the region simply does not work. Although most of our discussions revolved around the need for a resident district attorney, it is clear that the criminal justice needs of the community will not be met until there is a resident superior court judge.

For example, until there is a superior court judge, grand juries for felony cases arising in the Bristol Bay and Aleutian Chain regions must be conducted in Anchorage, and, because the judges serving this region live in Anchorage, many motion hearings on these cases are heard in Anchorage. This means that the district attorney for the region must spend a significant amount of time in Anchorage handling grand juries and motion hearings.

The Honorable Rick Halford

April 10, 1996

Page 2

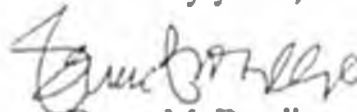
Although we requested in September 1995 that we be allowed to conduct grand juries on Bristol Bay cases in Dillingham, this request was turned down by the court system, which concluded "Grand juries require management by a Superior Court judge. That would have to be done telephonically which may be OK in some cases, but in most cases is not appropriate. Our grand juries are convened in areas served by Superior Court judges which makes management of the grand jury that much easier."

This is not the only problem created by the lack of a Superior Court judge. Because the judge travels to Dillingham/Naknek only one week a month, that is the only week available to conduct trials, a period of time that is wholly inadequate. The result of having inadequate time on the calendar is that we are forced to enter into plea agreements in order to avoid having cases dismissed for failure to bring a defendant to trial within 120 days. In other words, there are cases that we cannot pursue at appropriate levels based on the limited court time that is currently available.

I know you share our belief that protecting the public through adequate prosecution of criminal offenses is a priority for all communities in the state. SB 320 is an important step forward in fully protecting the citizens of Bristol Bay and the Aleutian Chain.

Please let me or Laurie Otto know if you need any additional assistance in seeking passage of this important legislation.

Sincerely yours,



Bruce M. Botelho
Attorney General

cc: Bristol Bay Times
Senator Robin Taylor
Senator Lyman Hoffman
Representative Ivan Ivan
Representative Carl Moses

Senator Lyman F. Hoffman

Alaska State Legislature
State Capitol • Juneau, Alaska 99801-1182 • (907) 465-4453

District I

Adak
Akiachak
Akiak
Akutan
Aleknagik
Amchitka
Atka
Atnautuk
Attu
Belkofski
Bethel
Chefeena
Chignik
Chignik Lagoon
Chignik Lake
Clark's Point
Cold Bay
Dillingham
Dutch Harbor
Eek
Egegik
Ekwok
False Pass
Goodnews Bay
Igluigig
Iliamna
Ivanof Bay
Kasigluk
King Cove
King Salmon
Kipnuk
Kokhanok
Kokhanok Bay
Koliganek
Kongiganak
Kwethluk
Kwigillingok
Levelock
Manokotak
Napakek
Napaktak
Napsaktak
Nelson Lagoon
New Stuyahok
Newhalen
Nikolski
Nondalton
Nunapituk
Oscarville
Pedro Bay
Perryville
Pilot Point
Platinum
Port Alsworth
Port Heiden
Port Moller
Pvatage Creek
Quinhagak
Saint George Island
Saint Paul Island
Sand Point
Siemya
South Naknek
Spraw Harbor
Teguk
Tuntutuliak
Twin Hills
Ugashik
Unalaska
Unga

TO: *Robin*
Senator Robin Taylor
Senate Judiciary Committee

FROM: Senator Lyman Hoffman *L. Hoffman*
District I

RE: Senate Bill 320 - New Superior Court Judge For
Dillingham.

.....

Mr. Chairman,

Thank you for your consideration of Senate Bill 320 - an integral component in the equitable delivery of justice to the people of Dillingham and the Bristol Bay region.

The primary objective of Bristol Bay residents is to facilitate the return of their District Attorney. The Attorney General believes the establishment of a Superior Court in Dillingham partnered with the return of the District Attorney will provide a more comprehensive delivery of justice and public protection.

The Court System has provided a trim, yet responsible, fiscal note and the Court House in Dillingham was originally built with the eventual acquisition of a Superior Court in mind. Combined with the passage of SB 320, these factors lay the groundwork for a system that will address the needs of Bristol Bay residents while relieving substantial stress on an overburdened Anchorage Court system. I believe this is what is commonly referred to as a "win-win" situation.

P.O. Box 886 • Bethel, Alaska 99559 • (907) 543-3541

Senator Robin Taylor, Senate Judiciary Committee
re: SB 320, continued

On behalf of myself and the residents of the Bristol Bay region, I would like to say thank you, Mr. Chairman and members of the Committee, for your consideration of this greatly important legislation.

SJR

7

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SJR 7

Revision Date: January 24, 1995 Dept. Affected: - None -
 Title: SJR 7 - Opposing Federal Mandates BRU: _____
 Component: _____

Sponsor: Senator Taylor
 Requester: Senate Judiciary COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES 1	0	0	0	0	0	0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY95) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Anna A. Glover, Judiciary Committee Aide Phone: 465-3717
 Division: Senate Judiciary Date: 1/24/95
 Approved by Commissioner: [Signature] Date: _____
 Agency: Senate Judiciary Committee

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SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/16/95

FURTHER: _____

Date of 5-Day Notice: 1/19/95
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: _____

Judiciary Committee considered SJR 7

Relating to mandates imposed on the states by the federal government.

and recommends:

- | be replaced with _____ CS _____ (_____)
- | adopt previous _____ CS _____ (_____)
- | attached amendment(s)
- | adopt Letter of Intent by _____ Committee
- | further referral to the _____ Committee

Senate Bill:
| | same title
| | new title
House Bill:
| | technical change
| | new: SCR* _____

SIGNING WITH RECOMMENDATIONS:	DP	DNP	NR	AM
<i>Lynn Green</i>	X			
<i>[Signature]</i>			X	
<i>Mike Miller</i>	X			
<i>Al Adams</i>			X	
CHAIR: <i>Robin L. Taylor</i>	X			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>S. Jao</i>	<i>1/24</i>	✓	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

| APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

Alaska State Legislature



Senator Robin L. Taylor

SPONSOR STATEMENT

SENATE JOINT RESOLUTION NO. 7

Senate Joint Resolution 7 is virtually identical to resolutions already passed in Colorado, Hawaii, Missouri, California, Pennsylvania and Michigan. Separate resolutions have been passed by the Senate and House in Illinois, by the House in Oklahoma and Louisiana and by the Senate in Kentucky.

The resolution has been introduced in 12 other states and has sponsors in an additional 20 states.

SJR7 is representative of what has become a national movement, started in the West, to reassert the sovereignty of the people and the individual states under the Tenth Amendment.

The Tenth Amendment to the Constitution of the United State is brief and to the point. It reads: "The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States, respectively, or to the people".

Passage of SJR7 will send a strong, clear message to the Congress that Alaska is ready to claim her rights under the Tenth Amendment. Those rights include the power to choose whether or not to implement mandates imposed on the states by a Congress which fails to recognize the intent of the Founding Fathers in limiting the powers of the central government.

Past Legislatures have protested individual mandates in numerous resolutions, without result. Passage of SJR7 will strengthen the resolve of those members of Congress currently working to end the tyranny of unfunded and unconstitutional mandates.

SPONSOR STATEMENT

Sponsor Statement - SJR7

1/25/95

Page Two

There will be those who argue that SJR7 has no force of law because it is only a resolution. State Senator Charles Duke, of Colorado, when he won passage of the first resolution of this kind, answered that argument eloquently. He reminded his colleagues, and I quote, "Our Declaration of Independence had no force of law".

I ask the committee's support of SJR7.

PAUL E. GILLMOR
5TH DISTRICT, OHIO

1203 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3505
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OHIO REPUBLICAN WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-3505

June 15, 1994

The Honorable Robin A. Taylor
Majority Leader
Alaska Senate
State Capitol
Juneau, Alaska 99801-1182

Dear Senator:

The problem of unfunded federal mandates will not be solved by Congress without an active role by state officials. I am writing to seek your help in my efforts to improve the states' leverage in the fight to end unfunded federal mandates.

We are both aware that the problem of unfunded federal mandates continues to grow for state and local governments. Prior to my election to Congress in 1988, I served in the Ohio Senate for more than two decades. I served as Majority Leader and President of the Senate for six years. During this tenure, I struggled as I am sure you are struggling now to stretch dwindling state resources to meet ever expanding state needs.

Mandates continue to be easy outs for federal lawmakers who avoid the hard choices by taking the political credit for expensive national priorities only to pass the fiscal obligations of these priorities to the states.

Regrettably, for some in Congress the lure of unfunded mandates is stronger than ever. Public outcry over the federal budget deficit and public anger over increased taxes compete with continuous calls for new and bigger federal programs. The only way to satisfy these conflicting agendas is by raiding state coffers through unfunded mandates.

Unfortunately, the states are defenseless against this federal encroachment. Would unfunded mandates be a problem today if the members of the United States Senate were still chosen by the state legislatures who have to deal with unfunded mandates? Probably not. Part of the problem is that states no longer have any constitutional leverage.

BT

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PORT CLINTON

120 JEFFERSON STREET, 1st Floor
Port Clinton, OH 43402
419-734-1998

TOLL FREE IN OHIO 1-800-541-6446

The Honorable Robin A. Taylor -- Page 2

I do not advocate repeal of the 17th Amendment and the direct election of U.S. Senators, however, the problem of unfunded federal mandates is severe enough that the states need to have the credible option of a constitutional amendment to use in fiscal self-defense.

On October 22, 1993, I introduced H.J. Res. 292, proposing a constitutional amendment to prohibit Congress from enacting involuntary federally mandated expenditures on the states. I am enclosing a copy of the language of my amendment for your review

The amendment has received significant attention in academic circles. The Harvard Journal on Legislation will soon publish an article I co-authored with one of my staff members which discusses the current constitutional imbalance which allows unfunded federal mandates and the need for an amendment to correct that imbalance.

Realistically, Congress will not submit my amendment to the states for ratification for the same reasons that it continues to pass unfunded mandates. However, if a number of state legislatures would call for a constitutional convention to consider this language, the state legislatures' bargaining position with their federal counterparts would be much stronger.

The issue of unfunded federal mandates is not a Democratic or Republican issue; it is an issue of whether the federal government, like state governments, will set priorities within the limits of its fiscal resources. It is about shouldering the responsibility of governing.

So long as the authority to obligate funds is severed from the responsibility of raising them at another level of government, the problem of unfunded mandates will continue. While Congress already has the ability to end the practice of unfunded mandates, Congress lacks the incentive to do so. Working together, we can give Congress the incentive to get the job done.

I would welcome any comments on my proposed amendment, as well as any progress reports of your efforts within your state to pass a resolution calling for a constitutional convention to address the unfunded federal mandate problem.

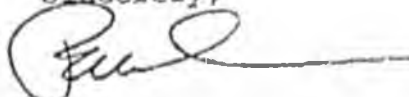
Also, in my ongoing efforts to raise awareness about the problems of unfunded federal mandates, I am always looking for examples of their impact on state and local governments. Any cost estimates of specific mandates you can provide will be extremely helpful in my consultations with other Members of Congress.

The Honorable Robin A. Taylor -- Page 3

You can reach me by writing: Congressman Paul Gillmor, 1203 Longworth House Office Building, Washington, DC - 20515-3505, or by calling 202/225-6405.

I look forward to hearing from you.

Sincerely,



Paul E. Gillmor
Member of Congress

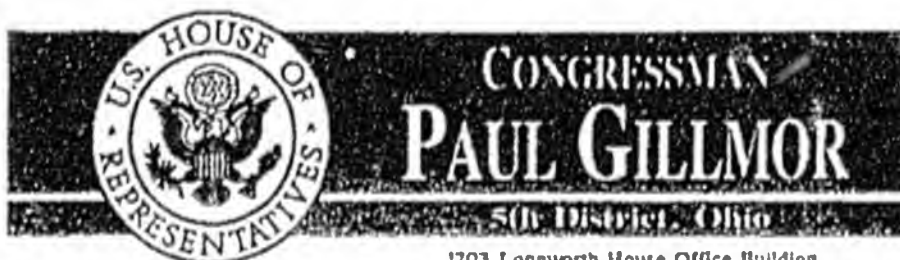
PEG:msw
Enclosure

BT

BT

BT

BT



1203 Longworth House Office Building
Washington, D.C. 20515
(202) 225-6405



103RD CONGRESS
1st Session

H.J. RES. 282

IN THE HOUSE OF REPRESENTATIVES

Mr. Gillmor introduced the following joint resolution; which was referred to the Committee on the Judiciary; Subcommittee on Administrative Law and Government Relations

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States regarding federally-mandated expenditures.

ARTICLE _____

"Section 1. The Congress shall not enact any provision of law that has the effect of requiring any State or local government to expend non-Federal funds to comply with any Federal law unless the Congress reimburses the State or local government for the non-Federal funds expended to comply with that Federal law.

"Section 2. Section 1 shall not prohibit the Congress from enacting a provision of law that permits a State or local government to choose to expend non-Federal funds in order to receive Federal funds.

"Section 3. Sections 1 and 2 shall take effect five years after the ratification of this article".



State Representative
CHARLES DUKE
1711 Woodmoor Drive
Monument, Colorado 80132-9002
Home: (719) 481-9289
Home FAX: (719) 488-3992
Capitol: (303) 866-2924

COLORADO
HOUSE OF REPRESENTATIVES
STATE CAPITOL
DENVER
80203

Vice Chairman:
State Veterans and Military
Affairs Committee
Member:
Transportation and Energy
Committee
Commissioner:
Information Management
Commission
Colorado Advanced Technology
Institute Commission

June 16, 1994

Robin Taylor
352 Front St
Ketchikan, AK 99901

Dear Robin,

Here is the information you requested. Enclosed is a copy of HJR-1035 as adopted by the Colorado General Assembly. This resolution was adopted by the Legislature on April 21, 1994.

This resolution represents a peaceful solution to the problems we face in the state legislatures.

Thanks for your expressed interest.

Sincerely,

Charles R. Duke

STATE OF COLORADO

HOUSE JOINT RESOLUTION 94-1035

BY REPRESENTATIVES Duke, May, Adkins, Agler, Allen, Anderson, Armstrong, Fleming, Jerke, Kreutz, Lawrence, Moellenberg, Morrison, Owen, Pankoy, Pfiffner, Ratterree, Salaz, Shoemaker, Taylor, Chlouber, Coffman, Entz, Epps, Kaufman, Martin, and Tucker; also SENATORS Roberts, Ament, Bishop, Mutzebaugh, Norton, R. Powers, Schroeder, Wells, Blickensderfer, Rizzuto, and Tebedo.

WHEREAS, The 10th Amendment to the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

WHEREAS, The 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, The scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, Today, in 1994, the states are demonstrably treated as agents of the federal government; and

WHEREAS, Numerous resolutions have been forwarded to the federal government by the Colorado General Assembly without any response or result from Congress or the federal government; and

WHEREAS, Many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

WHEREAS, The United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

ALASKA STATE LEGISLATURE

WHEREAS, A number of proposals from ~~previous~~ ^{before} ~~administrations and some~~ now pending from ~~the present~~ ^{before} ~~administration and from Congress~~ may further violate the United States Constitution; now, therefore,

~~Be It Resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Colorado, the Senate concurring herein:~~

ALASKA

(1) That the State of Colorado hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

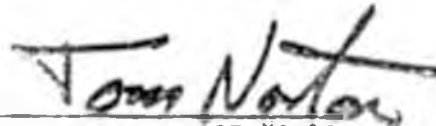
(2) That this serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.

Be It Further Resolved, That copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America, and Colorado's Congressional delegation.

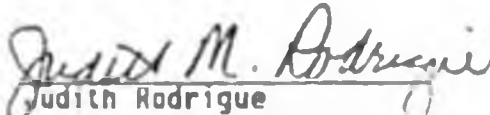
ALASKA'S



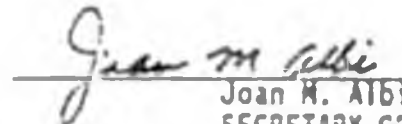
Charles E. Berry
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Tom Norton
PRESIDENT OF THE
SENATE



Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Joan M. Atby
SECRETARY OF
THE SENATE



TENTH AMENDMENT - STATE SOVEREIGNTY RESOLUTION

STATE OF _____

WHEREAS, The 10th Amendment to the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

WHEREAS, The 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, The scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, Today, in 1994, the states are demonstrably treated as agents of the federal government; and

WHEREAS, Numerous resolutions have been forwarded to the federal government by the _____ General Assembly without any response or result from Congress or the federal government; and

WHEREAS, Many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

WHEREAS, The United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, A number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; now, therefore,

Be It Resolved by the _____ of the _____th General Assembly of the State of _____, the _____ concurring herein:

(1) That the State of _____ hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

(2) That this serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.

Be It Further Resolved, That copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America, and _____'s Congressional delegation.

IMPLEMENTING THE "TENTH AMENDMENT - STATE SOVEREIGNTY RESOLUTION"

by: Colorado State Representative Charles Duke

In the many discussions across several states, questions have arisen concerning exactly how the "Tenth Amendment Resolution" will help. A few have also wondered, "What's Next?". Some insight might be gained if we look at the reasons the Resolution came to life. This discussion is primarily intended for legislators, but can be useful for those of you who are working to have it introduced in your state. It may help in your discussions with legislators who you are asking to sponsor or support the resolution.

The principal motivation came from the myriad of federal mandates which have been placed and are planned to be placed on the states. State legislatures feel they have little choice but to implement these mostly-unfunded mandates and pass the cost for implementation to the state taxpayers. For most state legislators, this is a very frustrating dilemma.

The Tenth Amendment assures that we, the people of the United States of America and each sovereign state in the Union of States, now have, and have always had, rights the federal government may not usurp. Article IV, Section 4 says, "The United States shall guarantee to every state in this Union a republican form of government....", and the Ninth Amendment states that..."The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people". We have, through apathy and lack of will, allowed federal legislators and bureaucrats to assert their will over us and commandeer our funds for their own use....most of it today outside the authority granted to them by the Constitution.

When a state passes this resolution proclaiming its sovereignty, that state may then claim exemption to most federal mandates under the Tenth Amendment of the U.S. Constitution. This was what happened with New York v. United States, 112 S. Ct. 2408 (1992). The federal government was attempting to mandate that the State of New York accept radioactive waste for disposal. New York pleaded they were exempt from the mandate under the Tenth Amendment and the court affirmed the Tenth Amendment protection.

Thus, by having proclaimed sovereignty, a state is in the position to select those mandates they will follow, now by choice, not by edict. A sovereignty resolution does not preclude any state from participating in any program they choose, but the proponent may no longer claim, "It's a federal mandate. We have to do it". Each state legislator, in compliance with his/her oath of office, must then examine closely before passage, the Constitutionality of any law being considered.

Needless to say, the feds may be unimpressed with a statement of sovereignty and attempt to impose economic sanctions against the state, as has become their pattern over the years. In anticipation of this, each state should also create escrow funds for each federally-funded major program. That is, the states will collect the major sources of federal funds, such as gas tax and income tax, in behalf of the federal government and make monthly disbursements to the feds from these escrow funds...but only if the funds are to be used for purposes which are allowed in the Constitution. The cost for maintaining this flow-through operation can be borne through the short term interest gained from the escrow accounts. It is easy to see the savings that are possible when the bureaucracies established on the federal level to dole

out funds to the states are no longer needed. Additionally, the tremendous tax burden on all Americans can be eased because of the decreased spending. Should the feds then decide to place economic sanctions, generally meaning the withholding of certain funds, the state could then simply stop making the monthly disbursement to the feds and retain the funds in the escrow accounts. When the matter is resolved, and it certainly will be, the disbursements could continue. This approach also allows the placing of surcharges on those federal payments in order to pay for the cost of implementing federal programs.

The exact mechanism for creating these funds will vary from state to state, but the idea is fairly universal. In most cases, the funds in question properly belong to the state in question to begin with. There are those who believe there is no such quantity as "federal funds" in the first place. Every dollar disbursed by the feds originated somewhere through the sweat of someone's labor. The sovereignty proclaimed by the state simply inserts the authority of the state, guaranteed by the U.S. Constitution, at a point to re-assert control which should never have been given over. This measure will then relieve the pressure of frustration from a federal government wildly out of control and move the decision process much closer to the people.

Should the feds decide to utilize their hired guns, the judicial system, in order to coerce obedience, sovereignty again allows the state to ignore orders of the court. The feds will not, in my opinion, go to more forceful coercions beyond the court system for fear of triggering their ultimate demise. They do not want this and neither do we. We are perfectly within our rights to proclaim protection from federal oppression by our United States Constitution. It was created with exactly these protections in mind.

Representative Charles Duke, Colorado



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UPDATE (6-26-94) 10TH AMENDMENT STATE SOVEREIGNTY RESOLUTION



Passed: General Assembly of Colorado, Hawaii, Missouri

Passed: House in Oklahoma (we're suggesting they have their Senate introduce it as a joint resolution - much more powerful statement to federal government)

Introduced in: Illinois...(SJR 143) by Senators O'Malley & Petka - has passed Senate - now in House. **California...**(SJR 44) by Senator Don Rogers - is in committee. **Ohio...**(joint res - no # yet) by Representative Michael Wise and Senator Grace Drake - many co-sponsors. **Michigan** ...**(concurrent res-no #yet) Rep. John Jamien**

Pennsylvania has the res. drafted, 54 House co-sponsors and support is growing in the Senate. Will be introduced after summer recess. **Tennessee** has a Senator and Representative who say they intend to co-sponsor it. **Massachusetts** Representative Shirley Owens Hicks requested the information - a strong network growing in Massachusetts. **Nebraska** legislators have the resolution and a strong and growing stronger group is working to have it introduced and passed in an up-coming special session. We're told **Washington** is now drafting the res and expects to introduce it in January. We hope they will be able to get a special session called to pass it before January.

Our federal government has run amok. The U.S. Congress continues to pass unConstitutional "laws"; the world policy-makers draft PDDs and EOs for the president to sign giving our national sovereignty and individual liberty over to United Nations control...into the clutches of a socialist World Government. We pray our legislators in all states will see the urgency of this reaffirmation of our sovereignty and realize the fate of America does indeed rest on their action or non-action...and ALL AMERICANS...each and every one of us, must help by educating those legislators who are not fully aware of the facts and supporting the efforts of the few who are aware and have the courage to stand up and speak out!

This resolution seems to have taken on its own momentum (we believe by the Grace of God). Many individuals and organizations are uniting in their respective states to urge and support their legislators to pass the resolution. The resolution was introduced by Colorado Representative (soon to be senator) Charles Duke in March. In less than 12 weeks it has swept the country, giving hope to those who had lost hope, waking up sleeping Americans and getting them involved...and hopefully and most importantly waking up state legislators who forgot or never knew that the states are autonomous and we, the people sovereign over the federal government.

P.S. We're networking with people in 47 states now. Please let us know about the activity in your state. We'll network you with others so your efforts will be cohesive and united.

June 14, 1994

IMPORTANT..Please read the following suggestions from Colorado Rep. Charlie Duke, (no relation to David Duke) relative to the introduction and SUCCESSFUL PASSAGE OF THE 10TH AMENDMENT - STATE SOVEREIGNTY RESOLUTION. This resolution has passed the General Assembly in Colorado, Hawaii, Missouri; the Oklahoma House; is introduced in Illinois & California; soon to be in Ohio, Michigan, Pennsylvania....other states considering it.

Every measure in any state legislature must be introduced by the legislators for that state. The resolution needs a prime sponsor in the House of Representatives, a prime sponsor in the Senate and as many co-sponsors as can be enlisted.

Ordinarily, a legislator who would be interested in a strong Tenth Amendment stance will have an interest in other patriot issues such as Constitutional rights and freedoms, a balanced budget, the right to keep and bear arms, honoring veterans and our American flag, and opposing federal mandates. If you don't know who these might be, visit or call your state capitol and ask for a status sheet. This is a document that gives the name, number, status and usually the prime sponsor of a bill. Look for key words common to a patriot's vocabulary, such as those mentioned above. Then, contact those legislators and discuss the resolution with them. If the legislator you contact has no interest he will generally know another who shares our views and interests. Be certain of the legislator's stance on patriot issues before you ask him or her to be the prime sponsor. Some legislators will agree, or even ask to be the prime sponsor for the express purpose of inflicting fatal damage to the resolution. Needless to say, these legislators are not our friends and should be avoided.

Now, let's say you have found a legislator who is acceptable and who has agreed to be the resolution's prime sponsor. In many states, measures are first assigned to a committee for hearing. This is usually the place where public input is allowed and sought. If possible, find co-sponsors who are on the committee in which the resolution is likely to be assigned...the Chairman of that committee would be excellent. If you have a committee chairman who opposes the resolution, regardless the number of co-sponsors, the resolution could die in that committee as it is the Chairman who decides whether or not to call a measure for vote. Usually a prime sponsor can ask for an alternate committee assignment if the most probable committee assignment is determined to be a hostile committee.

Your prime sponsor should know the likely committee of assignment and the names of the members of that committee. The Committee Chairman can also tell you who the influential members of that committee are. Supporters of the resolution in your state can help the prime sponsor by contacting the members of the committee and asking for their favorable consideration. Be polite. Most legislators lead a fairly demanding lifestyle and a little courtesy will go a long way towards insuring the successful passage of the resolution.

Make preparations to have people from your state testify at the committee hearings. Positive citizen testimony is worth a great deal. Regardless of your anger at the direction your government is going, speak instead of the brighter future that lies ahead for those with the courage to reclaim our freedom as secured by our Constitution. Your prime sponsor will also know the ins and outs of measures in your state. Follow their lead, but offer and be willing to help the process along. The stakes are high (potentially losing our Country)....and the reward is great.

Locate the talk show hosts and columnists in your area who express patriot views. Contact those hosts and columnists and solicit their help in your effort. This should not be difficult, as this subject is of keen interest across America and will generate listeners and readers. The Tenth Amendment is fairly easy to understand and explain, but the implications of its assertion are far-reaching. Some in the media will see that and be glad to lend their support.

Finally, enlist your friends, family, neighbors, other groups and organizations to assist you in contacting every member of your state legislature to encourage their support. Pay particular attention to those who refuse, for they are major contributors to the problems facing America. There is strength in numbers. Take strength from the knowledge that there are those who also love their country and are active in their own states. Take courage from the spirit that founded our Country. United in this strength and courage America can and will be once again the great nation which our forefathers envisioned.

Thank you for your support of this most important measure.

Representative Charles Duke, Colorado.

For further information contact: THE COUNCIL ON DOMESTIC RELATIONS -P.O. Box 3362 Springfield, Ill, 62708
Call 217-854-4008 or 708-471-6747 - Fax 854-4343 * In Colorado Call 303 922-5315 - Fax 986 8597



COUNCIL ON DOMESTIC RELATIONS

P.O. Box 3362 - Springfield, Illinois - 62708

phone 217 854-4008 wkdays / 217 854-4008 or 708 471-6747 eve/wkends

fax 217 854-4343 24 hour ActionLine - msgs: age only 217 854-7504

Thanks for your request for information on the 10th Amendment-State Sovereignty Resolution. Enclosed is a copy of the resolution as it passed the Colorado General Assembly, a "suggestion letter" from Colorado State Representative Charles Duke (soon to be Senator), the author and main sponsor of the resolution in Colorado; an implementation letter which explains to Americans and interested legislators how the resolution can be effective; and other information to bring you up to speed on its progress. The resolution (HJR 1035) passed the Colorado House 51-13 and the Senate 25-7. This is a bi-partisan resolution, with strong support from both sides of the aisle. At the time of this writing (5-15) Hawaii and Missouri have both passed the resolution, it has been introduced in California and Illinois, it's being considered by several other state legislatures and we're networking with people in nearly 40 states who intend to get it introduced and passed.

Please note carefully; the resolution doesn't demand that the feds stop sending down unfunded mandates, but rather un-Constitutional mandates. There's a vast difference here because whether a mandate is funded or not funded isn't the issue. The money is ours. The government doesn't make money...the government takes money and black-mails the states to give even a portion of it back. Rep. Duke points out that in Colorado alone, with just a few million people, they take nearly \$5 billion and give back about \$1.5...it's called "revenue sharing", an awful gift from those world policy makers who think they're going to own America and her people...and the U.S. Congress approved it.

After watching the NAFTA pass which literally destroyed our national and states' sovereignty, provided for multinational panels to overturn our American courts, and the establishment of another international bank to "clean up the borders" (its real purpose is to siphon more billions of our dollars into the hands of those who already control the wealth of the world); after watching them pass the Goals 2000-Educate America Act and HR 6 which puts our children in the hands of the socialist regime now in power (including both Democrats and Republicans); after watching the passage of a tax bill in the face of a reported 10 million calls from angry Americans (the bill wasn't even finished when they voted); with the Brady Bill, the Crime Bill, the National and Community Service Trust Act (mandatory volunteer/free/slave labor from our children), the semi-automatic weapons ban just passed by the U.S. House, and now the authorization by our Congress for the U.N. to complete plans for the establishment of an International Criminal Court which will allow for Americans to be hauled before a foreign tribunal in a foreign land to be tried, convicted and punished for an international 'crime' (one suggested crime would be the dissemination of false or distorted information - perhaps this letter would be alleged distorted)...we're clear our federal government/Congress is under the control of those who claim allegiance to no country and who would bring America into a global socialist government under the New World Order. NOT! Ross Perot is helping them by attempting to convince Americans we need a Constitutional Convention to get a balanced budget amendment added to our Constitution. This could and probably would destroy our Constitution and Ross Perot has been made aware of that fact.

We believe they've underestimated the strength and the spirit of Americans...our love of freedom and our commitment to stay free. This simple, one page resolution is an answer to our prayers. If enough people in enough states will come together and work to get this resolution passed, it may be the vehicle whereby We, the People of America, can once again live in the hope and promise of the freedoms secured by our Constitution. Our founders knew the dangers of a central government and warned against apathy. They gave us the framework and asked us to stand ever vigilant against the tyranny of evil we're experiencing today. We believe this is our opportunity to reclaim our heritage. We call on all Americans to take this message and spread the word far and wide...work with us to have every one of the 50 states proclaim their autonomy and the sovereignty of the people by this resolution as pure and concise as our Constitution...and by the Grace of God we will take our country back.

We, along with Rep. Duke realize this resolution isn't "the" answer. It is a mighty first step toward awakening and educating our state legislators and forming a National Coalition of pro-Constitutional State Legislators to introduce and pass further implementing legislation...a powerful beginning to restore Constitutional government. After all, the states created the federal government - they have the power to bring it back into line. NOTE: This is not a move to secede from the Union. We believe our strength is in our union and the precious document our founders gave us. Some say it has no

'force of law' because it is only a resolution. As Representative Duke so eloquently stated...."Our Declaration of Independence had no force of law. The planting of our American flag on Iwo Jima had no force of law...and when you stand on the top of a mountain and shout 'I AM FREE' there is no force of law." This is a declaration from the autonomous states representing the sovereign people, to our agent, the federal government, demanding it keeps to only the authority granted it by the Constitution for the United States of America! The power in this resolution will be in, of and by We, the People. It is for We, the People...and it will be up to us...each and every one of us...to see that it is passed and implemented by our state legislatures. Our real work begins after the passage of this resolution.

We urge all of you to begin or further efforts to organize in your state. Network with every group and individual you can find. Set up state fax networks and phone trees. Call your state legislators and ask them where they stand on this issue. Their responses will also inform you as to their qualifications to hold office. Spread the word in your state congressional district. You must take the initiative to build the network from the local level. We're willing to help in any way we can within our constraints of time and money. Any state legislator who won't co-sponsor and push the Tenth Amendment-State Sovereignty Resolution to passage does not belong in public office. Your state legislative session may be closed for the year; however, they can and should call a special session to pass this resolution. We notice they don't hesitate to call special sessions to pass laws implementing un-Constitutional federal mandates. Give this message to your state legislators and have them call for a special session...doubtful your Governor will do it since it appears they are as controlled as the federal congress. It's up to you to make this happen.

When the 10th Amendment Resolution is introduced in your state get a copy from your district representative!! Don't accept a watered down or corrupted version of the resolution. If the ACIR, Heritage Foundation and other so-called "conservative" organizations follow their usual procedures they will attempt to infiltrate, manipulate and possibly destroy this movement. We find that many (most?) of our state legislators are frequently fooled by their clever rhetoric and manipulation. Betty Mills (219-749-1478) can provide critical information to assist you in educating your state legislators. Incidentally, Rep. Duke is available for radio interviews. Ask your most powerful and widely heard talk show host to get him on the air. We can provide his phone number to interested talk show hosts. He does not have the time to personally respond to thousands of calls from interested Americans so the most effective way to get his message across is on radio broadcasts...yes?

Now that you have this in your hands, if you don't get involved to help make it happen in your state can you expect it to succeed? Are you willing to risk its failure with the possibility that your effort might just be the deciding factor?...and above all, are you willing to accept responsibility for the loss of your freedom and the enslavement of your children and grandchildren under a one-world socialist government? If your imagination needs some help see the accompanying story from our January '94 newsletter about a nightmare trip into the New World Order.

Thank you for your involvement. May God bless America and our efforts to keep her free.

Jackie Patru



National co-Director

Benjamin Franklin once said, "*They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety*". What do you think?

TENTH AMENDMENT - STATE SOVEREIGNTY RESOLUTION

STATE OF _____

WHEREAS, The 10th Amendment to the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

WHEREAS, The 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, The scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, Today, in 1994, the states are demonstrably treated as agents of the federal government; and

WHEREAS, Numerous resolutions have been forwarded to the federal government by the _____ General Assembly without any response or result from Congress or the federal government; and

WHEREAS, Many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

WHEREAS, The United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, A number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; now, therefore,

Be It Resolved by the _____ of the _____th General Assembly of the State of _____, the _____ concurring herein:

(1) That the State of _____ hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

(2) That this serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.

Be It Further Resolved, That copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America, and _____'s Congressional delegation.

PERSPECTIVE

THE DENVER POST

Sunday, March 20, 1994

UNFUNDED MANDATES

Serious problems demand the use of radical solutions

By Al Knight

Denver Post Perspective Editor

Fast revolutions have been started by relatively minor events that snowballed into major ones. Wars often start with a single shot fired in anger, and many a major reform has been started with the circulation of a single petition.

So it is not utterly beyond the realm of possibility that an innocuous hearing last week before the Colorado House State, Veterans and Military Affairs Committee might be the start of something very big.

That something big would be a serious, and long-overdue attempt by the states and cities of this nation to roll back the burgeoning power of the federal government to impose unfunded mandates. The issue is not only economic, but political. Congress, with the aid of a number of ill-considered court decisions, has been able in recent years to impose a wave of unfunded and partially-funded federal mandates upon the states and cities. These mandates not only threaten to bankrupt some of the states and cities and divert resources from more important local matters. They also threaten the very structure of the federal system in that cities and states are in-

creasingly reduced in many important public matters to mere federal puppets.

The assault on state and local power is everywhere. It can be seen in a resolution before Congress which would assert greater federal authority over what states and localities may do with schools.

It is seen in an attempt, now underway, to require state and local governments to comply with provisions of the Occupational Safety and Health Act (OSHA) at a cost of untold millions.

It is surely seen in the Americans with Disabilities Act, the Safe Drinking Water Act of 1986, the EPA Stormwater Management Program, Superfund and even in the relatively mundane matter of the closure of Lowry Air Force Base, where the chief issue is not the prudent redevelopment of the land, but the need to meet federal requirements concerning housing for the homeless.

It was not always this way. For most of the nation's history beginning with the debates leading to the adoption of the Bill of Rights, it was a given that federal power was and should remain limited.

Little by little these limitations on federal power have been stripped away and little by little the power reserved to the

states has been eroded.

Colorado Springs Mayor Robert Isaac is one of those who have protested this trend. In a recent article he said, "There has been very little debate about the appropriate relationship among the levels of government as set out in the Constitution. I suppose it's hard to see what's happening to the republic — the loss of freedom and local determination — when your head is always in the trough."

In truth Congress has been having a field day buying votes by promising services which ultimately must be delivered by states and localities while these worthies in Washington state on to their next noble challenge.

Rep. Charles Duke, R-El Paso County, and a score of co-sponsors in the Colorado House and Senate, have thankfully decided to confront this set of political deceits.

Duke has submitted a joint resolution (HJR94-2035) that would formally reclaim the state's sovereignty under the 10th Amendment to the U.S. Constitution, and instruct the federal government to "cease and desist" issuing further mandates.

Only Denver Democrat Doug Linkhart

A good article by
Al Knight Re: HJR 1035
Please support.

C.R.

A court case is overdue

KNIGHT from Page 1E

voted against the resolution in committee, briefly commenting that he didn't think any of the pending actions of Congress would violate the U.S. Constitution.

His comment suggests that either he is unaware of what Congress is contemplating or he needs to reread the Constitution.

The 10th Amendment to that document says, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

Unless Linkhart is just coming off a very long sea cruise, he should know that much of our nation's recent history has featured an attempt by Congress, aided by the courts, to expand the power of the federal government into a great number of policy areas previously reserved to the states.

Duke's resolution is by no means the only attempt to roll back this expansion of federal power.

Similar resolutions are under consideration in other states.

The nation's governors have recently joined in a bipartisan effort to draw attention to the effects of unfunded federal mandates.

Ultimately the attempt to reassert state power can't succeed without a frontal assault on a crucial 1985 5-4 Supreme Court decision which virtually wrote the 10th Amendment out of the U.S. Constitution and consigned the states to an insignificant role.

That case (*Garcia v. San Antonio Metropolitan Transit Authority*) dealt with whether the Federal Fair Labor Standards Act applied to the municipal transit system in San Antonio, but the decision went far beyond that narrow question.

In a decision written by Justice Harry Blackmun, not only did the court majority hold that the act applies, but in the words of Justice Lewis Powell, the court ruled in a way "that pays only lip service to the role of the states." Indeed, Powell said, "the court barely acknowledges that the 10th Amendment exists."

Powell went on in that dissent to lecture the court and the country on the potential import of the court's decision. He correctly pointed out that it would provoke yet further assaults on state power, specifically with the proposed expansion of OSHA regulations to states and localities.

He recalled correctly that "Much of the initial opposition to the Constitution was rooted in the fear that the national government would be too powerful and eventually would eliminate the states as viable political entities."

Very likely, Powell said, there would have been no constitution, no union, without the assurance that the 10th Amendment would be a part of the Constitution.



No less than James Madison, one of the most revered founders, declared (*The Federalist No. 45*), "The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State Governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce . . . The powers reserved to the several States will extend to all the objects, which in the ordinary course of affairs, concern the lives, liberties and properties of the people; and the internal order, improvement, and prosperity of the State."

For over 200 years Madison was right. Not any more.

There is still time for the states to wake up.

What is needed is a direct challenge to the Congress. Once the states reassert their rights under the 10th Amendment a major court test is sure to follow.

Justice William Rehnquist, now Chief Justice, saw such a test coming back in 1985 at the time of the *Garcia* decision. In a brief dissent he said, "I do not think it incumbent on those of us in dissent to spell out further the fine points of a principle that will, I am confident, in time again command the support of a majority of this court."

Well, it's been over nine years since then. The situation is worse. It's time the states, acting in their own interest and the interests of their citizens, stage a direct challenge to power concentrated in Washington. Such a court case would test two things. First, whether Rehnquist's confidence in the ultimate wisdom of the court is well placed and second, whether there is anything left of Madison's vision of what limitations should be placed on the federal government.

State Sovereignty Under Our Constitution

By Charles Duke, Colorado State Rep. - District 20

Colorado House Joint Resolution 94-1035 is one of the more interesting pieces of legislation with which I have been associated. Simple in concept, the resolution is awakening feelings not felt by Americans for a long time. Good feelings. Patriotic feelings. Feelings of hope and promise. Feelings of a proud future free of domination.

Not that the resolution itself can deliver these feelings. But, it may be step one in a journey of a thousand miles. I did not at all anticipate that others would see what I see in the resolution. The resolution begins by stating the Tenth Amendment to the U.S. Constitution: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." This amendment does not seem at all to be ambiguous. It says that the powers belonging to the federal government are defined and listed by the Constitution. All other powers are reserved to the states. (and the people)

The resolution goes on to remind the federal government that it was created to be an agent of the states. As such, the

power of the states is intended to be superior to that of the federal government. In 1994, the federal government treats the states and its citizens as agents for itself. In (some) cases, the "agent" context is even construed to mean "subject". It occurred to me that the Tenth Amendment grants us rights we have always had. The federal government is not in the business of assuring and granting rights. Rather, the overwhelming bulk of policy from the Feds is to restrict and limit our rights. A right, however, will rarely be granted by any government body. For a right to be in effect, it must be asserted and claimed.

The pertinent paragraph in HJR 1035 reads as follows, "The State of Colorado hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all other powers not otherwise enumerated and granted to the federal government by the United States Constitution."

It is a strong statement of intent by the state that we have and are claiming sovereign rights. It is asserting nothing more or less than that to which we are entitled under our U.S. Constitution. The response from the people has been, for me, personally rewarding. A number of talk shows have featured and are promoting the resolution. When they do, the switchboards instantly light up with callers offering words of encouragement and support.

Last week a group of young people from a youth ministry stopped me in the basement of the Capitol. The area was a high traffic area during one of the busiest times of the day.

(Continued on Page 7)

Arizona Sheriff Sues Feds Over Brady Bill

Condensed from Sheriff Richard Mack's statement.

On Feb. 28, 1994, in a move to keep my oath to serve the people of Graham County and to uphold and defend the U.S. Constitution and the Constitution of the State of Arizona, I filed a lawsuit in Federal District Court in Tucson (AZ) as to fight the enactment of the Brady Bill. (call (602) 428-3141 for info on making legal fund donations)

Since the very first mention of the Brady Bill, I was against it. A five day waiting period, "what a ridiculous nuisance", I thought. I knew a waiting period, would violate the 2nd Amendment and the Arizona Constitution's guarantee(s) that citizens' rights to keep and bear arms could not be "impaired", but I was still waiting to see the actual bill before I passed final judgment.

In January, the BATF sent us (all law enforcement administrators) copies of their interpretation of the Brady Bill and instructions detailing our "duties" to enforce it. The BATF followed up by meeting with all County Attorneys and County Sheriffs of Arizona on Feb. 2, 1994, and again discussed with us means by which we would be enforcing the Brady Bill. Every Sheriff and County Attorney present were opposed to the Brady Bill, not one of us felt it would help curb the tide of violence or crime in Arizona or any place else for that matter.

At the time I decided that I would have to fight the Brady Bill or succumb to the pressure to violate my oath of office by serving the federal government instead of the people of Graham County.....

.....Eventually the paperwork was prepared by the NRA lawyers and my lawyer, David T. Hardy, and the suit was filed the same day the

Brady Bill took effect.

Basically, my opposition to the Brady Bill is three-fold:

First, the Brady Bill is completely contrary to the US Constitution, i.e., the 2nd., 10th., 13th., and 14th Amendments..... The Brady Bill also violates the Constitution of Arizona which states that the rights of the individual citizen to keep and bear arms in his own defense or in defense of the state, shall not be impaired.

I have sworn an oath in the name of God to uphold and defend both the U.S. and Arizona Constitutions. How could I go along with the Brady Bill and keep my oath of office?

Second, the Federal Government has no jurisdictional authority to order or command me or any other Sheriff in this country to enforce federal law. I am not a federal agent.... I work for Graham County and was hired by the people to do their bidding....

Finally, the Brady Bill imposes a great burden on a very limited Sheriff's Office manpower, budget and resources. The [Brady] Bill would have us spend our time, money and resources doing criminal background checks on honest law-abiding citizens. This is not only a ridiculous waste of time, but treats citizens as criminals for merely exercising their 2nd Amendment rights.

Furthermore, no law, of which there are 20,000 already, is going to convince criminals to give up their guns. This Brady Bill or 50 more like it will do nothing to stop crime or impede the flow of violence in America.

If all public servants, police officers, legislators and even the President take a solemn oath to uphold and defend the Constitution, then that is exactly what we should be doing. Otherwise, the US Constitution becomes a mere form of meaningless words in the hands of government officials.

Our Constitution is hanging by a thread and it is our right, it is our duty, to make sure that what was proclaimed by our founding fathers "shall not perish from the earth."

(please see Liberty Awards for more info)



STATE SOVEREIGNTY...

(Continued from Page 6)

They wanted me to sing the Star Spangled Banner with them while they videotaped. It took a few moments for them to convince me they were serious. I still thought it was a joke, but I decided to play along. It was no joke. They let me sing the first two bars. Then they joined me with strong and proud voices. Needless to say, the commotion generated quite a bit of interest from passersby. People were looking and smiling at us from every angle. That did not deter us. The sense of pride and nationalism I felt standing with those young people was for me a very uplifting moment. What could have motivated them to seek me out? And why the Star Spangled Banner? They left before I could ask.

The resolution was introduced (in the Colorado State House) March 2, 1994.

It is scheduled to be heard in committee March 15. With a little bit of luck and a bucketful of courage, Colorado can take a bold step into the future by passing HJR 1035. ★

[We spoke with Rep. Duke who said he doesn't get major media coverage on his pro-Constitutional issues, so he writes articles for the small independent papers where they are printed. The CDR in Colorado intends to network across the state for support on this Sovereignty Resolution (see below), while they are also fighting gun, education, and other "federally mandated" legislation.]

HELP US IN THE OTHER 49 STATES!!!!

Our goal is to get similar resolutions passed in all 50 states! (please see the front page article for more information) We cannot do it alone - it will take all concerned Americans to rally behind this

effort. Since the major media will not give this type of legislation an ounce of coverage, the grass roots network must bear the burden of educating the public and organizing support.

If you would like to help get a sovereignty resolution sponsored in your state, PLEASE CONTACT US FIRST! To achieve success, the effort must be coordinated. There are some strategies that improve the chances for success, including compiling groups of co-sponsors and introducing the resolution with strategic timing. We are already starting the ball rolling in a few states so call, fax or write to us TODAY. Don't think someone else will do it - that someone else is you!

(217)787-8454/weekdays (217)854-4008 or (708)471-6747/evenings & week ends (217)854-4343/fax. In Colorado, (303)922-5315 (303)986-8597/fax or write the CDR (Illinois address). ★

H.J.R. 94-1035
Unofficial Pre-Engrossed Version
(Printed resolution as amended by committee amendment and floor amendment)

Second Regular Session
Fifty-Ninth General Assembly
LLS NO. R94P0784.ENG JY

STATE OF COLORADO

BY REPRESENTATIVE Duke;
also SENATOR Roberts.

HOUSE JOINT RESOLUTION 94-1035

1 WHEREAS, The 10th Amendment to the Constitution of the
2 United States reads as follows:

3 "The powers not delegated to the United States by the
4 Constitution, nor prohibited by it to the States, are reserved
5 to the States respectively, or to the people."; and

6 WHEREAS, The 10th Amendment defines the total scope of
7 federal power as being that specifically granted by the United
8 States Constitution and no more; and

9 WHEREAS, The scope of power defined by the 10th Amendment
10 means that the federal government was created by the states
11 specifically to be an agent of the states; and

12 WHEREAS, Today, in 1994, the states are demonstrably
13 treated as agents of the federal government; and

14 WHEREAS, Numerous resolutions have been forwarded to the
15 federal government by the Colorado General Assembly without any
16 response or result from Congress or the federal government; and

17 WHEREAS, Many federal mandates are directly in violation

1 of the 10th Amendment to the Constitution of the United States;
2 and

3 WHEREAS, The United States Supreme Court has ruled in New York v. United States, 112 U.S. 2408 (1992), that Congress may not
4 simply commandeer the legislative and regulatory processes
5 of the states; and

6 of the states; and

7 WHEREAS, A number of proposals from previous
8 administrations and some now pending from the present
9 administration and from congress may further violate the United
10 States Constitution; now, therefore,

11 Be it further resolved by the House of Representatives of the
12 Fifty-Ninth General Assembly of the State of Colorado, the
13 Senate concurring hereto:

14 (a) That the State of Colorado hereby claims sovereignty
15 under the 10th Amendment to the Constitution of the United
16 States over all powers not otherwise enumerated and granted to
17 the federal government by the United States Constitution.

18 (b) That this serve as Notice and Demand to the federal
19 government, as our agent, to cease and desist, effective
20 immediately, mandates that are beyond the scope of its
21 constitutionally delegated powers.

22 Be it further Resolved, that copies of this Resolution be
23 sent to the President of the United States, the Speaker of the
24 United States House of Representatives, the President of the
25 United States Senate, the Speaker of the House and the President
26 of the Senate of each state's legislature of the United States of
27 America, and Colorado's Congressional delegation.



The COUNCIL on DOMESTIC RELATIONS

Volume 1 Issue 4

"NEWS FROM THE FRONT LINE"

MARCH, 1994

24 Hour CDR ActionLine (217) 854-7501

♦ STRATEGIES

REASSERTING STATE SOVEREIGNTY

The KEY to reclaiming our FEDERAL GOVERNMENT

This could be the most effective, reasonable and feasible plan for We, the People, to regain control over a Federal Government that has chosen a path of self-destruction.

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Tenth Amendment
U.S. Constitution



Key Solutions
to Key Problems

THE QUESTION IS NO longer, "are we losing control of our Federal Government?" but is now, "how can we (before it's too late) regain control?" Before we analyze the merits of the proposed solution that is the topic of this article, let's take a quick glance at some of the other solutions that are currently being bantered about.

Forcing the current regime to represent us... can be, in general, a frustrating and often futile experience - especially if your Rep or Senator is a constant and blatant violator of his oath to the Constitution. Learning on them is imperative, however, as it is not only our duty as Americans to let them know our positions, but it also can produce some issue-by-issue successes. Many times we've found that (at least at the state level of government) it isn't corruption we are fighting, it's acute ignorance. The bottom line? If we don't let them know our positions and the facts as we know them, we don't have room to complain. But it

will most likely take more to fix the overall problem.

Out with the bad - in with the good

It seems apparent that many of the "organs" we are treating may be beyond curing so a "transplant" is necessary in order to save the patient. "Vote the rascals out!" is our obligation and will help to slow down the destruction of our country. Is this strategy the ultimate cure-all? Many believe that, because the media and the political puppeteers vehemently work against the removal of puppet incumbents, we cannot solely rely on this as a method of reclaiming control of the Federal Government. We should continue striving to elect "loyal" representation as if the future of America solely depended on it. At a minimum, this suggests any additional method(s) used to rescue our country.

Armed Revolution?

As the rumblings of taking our country back by force grow louder, we rise in sound opposition to such a poorly thought-out strategy for two reasons.

First we must consider that, for decades, we as a nation of people have not maintained the amount of vigilance that is needed to sustain freedom. As Benjamin Franklin was walking out after signing the Constitution, a lady asked, "What kind of government did we get?" He responded, "A Republic, Madame - if you can keep it."

The framers of our Constitution (and, therefore, our government) did not intend for we, the people, to sit back apathetically, then at the last minute grab our guns in an attempt to re-instate Constitutional Government. They gave us a system designed for us to work within to maintain liberty. That work consists of implementing my

Inside This Issue

4 *Straight Stats on Gun Violence*

5 *Government Outside Our Government*

6 *State Sovereignty Resolution*

6 *Sheriff Sues Feds over Brady Bill*

8 *Constitutional Crucifixion*

(Continued on Page 12)

REASSERTING STATE SOVEREIGNTY (Continued from Page 1)

combination of the other proposals described in this article. If we ignore the system for which we are fighting, then are we any better than those elected and appointed officials who have violated their oath to the Constitution? It's time to stop considering the "quick fix" and begin to do the work that is our obligation as Americans.

The second reason for our opposition to violence as a cure is one of strategy. Without filling all the pages of this newsletter with the reasons this would fail, we should at least list some of them:

- Too many Americans have been brainwashed and would not join into such a war - many would naively work on the other side.
- The first American Revolution was fought with musket against musket - this one would be fought with pistol against Apache Helicopter Gunship. How's that for being out-gunned!
- Of those who do state they would be (or lead) revolutionary soldiers, how many,
 - would run at the sound of the first shot being fired (maybe they watched too many Rambo movies)
 - may actually be working for the other side (to think that a movement for an armed revolution would not be infiltrated is to be naive).

Again, the bottom line! Think before you decide to "lock and load". This is not to say that we interpret our 2nd Amendment to only secure gun rights for hunting and self protection from street thugs, we just feel there is a time and place for everything.

Secession / Dislvement of the Union

Within the legislatures of several states, including New Hampshire, Arizona, New Mexico, Mississippi, Utah and Hawaii, there has emerged a movement calling for secession / dislvement of the Union. One such proposal is called the *Model Ultimatum Resolution* co-authored by Joe Stumph and Tom Wood of Utah.

This resolution was to be circulated in 1993 to every legislator in each of the 50 States, each of the 50 governors and 50 attorneys general, each member of Congress, each of the nine supreme court justices, President

Clinton and selected news media. It calls for "the Federal Confederacy and Union [to be] hereby dissolved" by the resolutions of 38 of the 50 states.

Could the States secede or the Union be dissolved without endangering the Constitution? What would take its place? The concern about this resolution is that it endangers the Constitution - as it calls for the baby to be thrown out with the bath water. This is the same concern that brought the CDR into the battle against the current Constitutional Convention movement. This particular resolution does nothing to protect our current Constitution - in fact, it states, "BE IT FURTHER

RESOLVED that the Constitution...shall continue to be the Supreme Law of the individual States...until each nation [State], by a vote of a majority of its own citizens, shall change or amend it." It goes on to say, "as soon as practical after dissolving the federal government, that one or more new confederations should be formed under a Constitution substantially similar to that which presently binds us together."

One can envision 100 wild stallions hitched to the same wagon - do the proponents of any Constitutional Convention believe that they can maintain control of such an event?

The States must stand together - united in the days of tribulation that are surely to come. For it is within that union that the solutions lie. Only in that spirit do we agree with the *Ultimatum Resolution* as it points out that the States, as the "principals, create[ed] an artificial corporate structure to act as their agents" - the Federal Government. We see it as reasonable that the creator (States) of the entity (Federal Government) is the vehicle by which it may be brought back under control.

The Loss of State (and individual) Sovereignty

One of the things that has enabled the Federal Government to escape our control was the 1913 enactment of the 17th Amendment. Incidentally (and coincidentally?), 1913 was the year the Federal Reserve Act became law and the 16th Amendment was questionably ratified.

Before the 17th Amendment, we had a stratified system of governance and power, where all levels of interest - nation, states and people were represented equally. Senators were chosen by the Legislatures of the individual states to represent them, individually, the Executive branch represented the Federal Government and the Congress represented the people. The 17th Amendment changed all that by vanquishing the individual states' representation since it eliminated the senators' accountability to the states. This change has caused our states (and We, the People) to lose their sovereignty and therefore become over-run by a now monolithic Federal Government.

REASSERTING STATE SOVEREIGNTY

As stated, the States created the Federal Government and therefore have direct power over it. Our State Legislators are, for the most part, accessible to us. In some cases, they are our friends and neighbors. This in itself adds to the viability of the general concept. The scale of problem solving is reduced

Our State Legislators are, for the most part, accessible to us. In some cases, they are our friends and neighbors.

because we can, if necessary, personally meet with our State Legislators.

According to some state representatives, there are many in the states' governments who are appalled at what the Federal Government has and is doing. Let's assume for the moment that there are enough concerned state legislators to start a coalition in each state and one nationally. Once started, the coalition's membership could be expanded by local public pressure - again, the scale of the solution is much smaller at the state level. Also, media whitewashing is not as prevalent in this

STOP THE CON....

(Continued from Page 2)

speaking out for the con-con. Then he caused great confusion when he seemingly fought so hard to defeat the NAFTA. His debate with Gore against the NAFTA was a farce, and again, many intelligent UWSA's began to see through the mist of his rhetoric. It shouldn't be too confusing. After all, a person has to kill only one time to be considered a murderer. Logically, then, a national leader such as Perot, who openly supports activity (the con-con) which would surely destroy our Constitution, our freedom and American sovereignty must be considered a danger to America and her people.

Most recently...the National Taxpayers Union did a nationwide mailing in January to convince their members of the need for a Balanced Budget Amendment, and, since the U.S. Congress won't introduce the amendment, they ask Americans to support the con-con resolution in their state. Isn't that akin to giving us a shovel to dig our own grave? We wonder...could the recently defeated SJR43, Paul Simon's resolution in the U.S. Senate calling for a BBA, be a ruse to dupe the state legislators into introducing the con-con resolution in their state? Simon's was just one of thirty balanced budget resolutions before Congress, it contained no spending cuts, no spending caps, and was so confusing he

admitted it could wind up in the courts to be interpreted. Since Paul Simon was a signer of the Declaration of INTERdependence which promotes the United Nations and the New World Order we examine very closely any legislation he introduces or sponsors.

As of March 6, states with Con-Con resolutions are...Ohio - passed Senate, now in House committee. Mass. - in House committee. Connecticut and New York - no action since last year but still pending. N.Jersey (ACR 32)- Dick Kamin re-introduced in House. Florida HM 1151 - re-introduced by Buddy Johnson (he did it last year). Alabama - HJR 57 not a BJA but calls for the Con-Con to stop "unfunded federal mandates". According to the American Bar Assoc., because the subject matter is somewhat similar the possibility exists that Congress might include it in the application. We need networkers in Alabama. (ALEC is pushing this one too.) Michigan - HJR V for unfunded mandates, and SJRG, from last year, both sent back to committee and no action at this time. Illinois and Wisconsin still have tabled resolutions from last year, and we watch them closely to see that they lay tabled.

We'll keep you updated via our national ActionLine if an emergency arises. At the present we're working to oppose the resolutions within the states.

**REASSERTING****STATE SOVEREIGNTY** (Continued from Page 12)

smaller scale.

With that, what can we propose that our state legislators should do to put the horse back into the barn? The coalition(s) would propose, pass and implement a number of resolutions and laws in their State Legislatures, starting with *The State Sovereignty Resolution* (see page 6) as authored by Rep. Charlie Duke of Colorado. Simply and palatably it resolves to reassert state sovereignty and calls for the Federal government to cease and desist its un-Constitutional activities.

With this newsletter starts the CDR's determination to get similar legislation introduced and passed in all 50 state legislatures. Those within these state legislatures will be networked together to form a National Ad Hoc Committee that will coordinate future actions by the sovereign states.

The State Sovereignty Resolution would be the start of many actions the state legislatures could take to reclaim control over their federal government. Perhaps one of the next steps could be the push for the repeal of the 17th Amendment so the U.S. Senators could take the place of the National Ad Hoc Committee with regard to representing the interests of the sovereign states. Until that time, however, this committee could be the barrier that could derail that runaway freight train we call the United States Federal Government.

What if the Federal Government chooses to ignore the demands of the Sovereign States? As an example of what could come next, consider this: Fieldmarshal Von Rommel lost the African Campaign not because he was cut gassed or out mannaed - he ran out of gas. His mighty Panzer Division came to a halt for lack of fuel. The fuel line that runs to Washington is the steady stream of our tax dollars. Now

consider this: If you rent a house or apartment and your Landlord doesn't comply with his end of the lease by fixing the plumbing or the furnace you can lawfully pay your rent to an escrow account and, therefore, force him to hold up his end of the contract. Since the Federal Government has not complied with the terms of its contract (the Constitution) with us, then perhaps we can, with the assistance and under the direction of our states' legislatures, have any number of our taxes paid into a state administered escrow account. These types of taxes could be any combination of Federal Excise taxes, Income taxes, Social Security Taxes, etc., etc. Simply stated, "Until you comply with your contract with the American People, the escrowed tax dollars will be held by the various states." Federal courts will not have jurisdiction in these matters as they are agents of the defaulting party - the Federal Government.

Here's what you can do

We urge you to get *The State Sovereignty Resolution* sponsored in your state. Please contact us as our objective is to organize resolution teams in all 50 states. We have compiled a simple step-by-step procedure to bring this plan to fruition. The ability for this plan to succeed, however, rests in the hands of all of you - we cannot do all of the work ourselves. The plan relies on grass-roots support from voters in as many state congressional districts as possible.

No matter how little time or money you may have, you can help in this effort. It may be that you only make one telephone call at the strategic moment that calls are needed. At a minimum, let us put you in touch with the project's leaders in your state so they can add you to their communications network. We cannot depend on the media to inform the public about this project. If you would like to get involved in this effort, call us at (708) 471-6747, fax us at (217) 854-4343, or write to: CDR State Sovereignty, PO Box 3362, Springfield, Ill. 62708. ★

Government levies than runs amok with rules

By WALTER E. WILLIAMS

The Kansas City Journal's (11/24/91) lead article told part of the story behind the Republican midterm election sweep. There's a lot of well-justified anger resulting from stupid laws written by a wicked Congress enforced by evil, power-hungry bureaucrats. Look at just some of them.

Regulators ordered a Kansas City bank to install a Braille keypad, costing \$5,000, on its drive-through automatic teller machine. Steve Mauer, the bank's lawyer, emphasized, "Keep in mind this is a drive-through we're talking about."

As I see it, the only way this regulation makes sense is if it's a police entrapment scheme to arrest blind drivers.

The Occupational Health and Safety Administration (OSHA) fined a Boise, Idaho, plumbing company \$7,875 when company workers rescued a fellow worker. They didn't shore up the collapsed trench or don hard hats before pulling him to safety. OSHA was forced to rescind the fine in the face of public outrage.

The Equal Employment Opportunity Commission (EEOC) ordered Chicago-based Daniel Lamp Co. to pay \$123,000 in back pay to black workers who applied for jobs but were not hired. Located in a



Williams

predominantly Hispanic neighborhood, the company employed 21 Hispanics and five blacks. EEOC maintained that, given the area's population mix, the company should have employed 8.45 black workers.

Thousands of regulations mandate how we conduct virtually every aspect of our lives. The Code of Federal Regulations totals 131,803 pages, while the Federal Register listing proposed regulations totals 69,688 pages. With the full implementation of the Americans With Disabilities (1990), Nutrition Labeling and Education (1990), Civil Rights Restoration (1991) and the Clean Air (1990) acts, there'll be thousands of additional pages of regulations.

You say, "There you go again, Williams, carrying water for businesses and not caring about little people." Let's look at it. Conservative estimates put regulatory compliance costs at about \$1 trillion a year. Here's the question for you: If regulation raises the cost of business, who pays that cost? If you said ultimately consumers, you're half right. It's workers as well.

As a result of regulations, jobs that would exist do not. If Washington makes it costly to get into business or expand an existing one, it is natural to expect less of either. This is one of the reasons this economic recovery is the puniest, in terms of job creation, since World War II. Because of regulations, it's cheaper for many companies that wish to increase

output to pay worker overtime and have part-timers rather than hire full-time employees.

Any catastrophe attracts vultures to feed off carcasses. In the case of regulations, it's consultants, lawyers and accountants. Businessmen know about business, but they know little about all the government mandates that can destroy their business. In come the vultures to advise and counsel them at the time of thousands of dollars a day. Again, who pays? And again, it's consumers and workers.

Republicans should take a hard look at Washington's regulatory apparatus. One criterion for abolishing regulatory laws is to ask first whether they are constitutional: Do they violate the Tenth Amendment?

The second is cost-benefit analysis to see whether the regulatory benefit equals the real-world cost. If Republicans don't help us, then we should do just as the founders did in response to King George's edicts — disobey them.

"Williams," you say, "are you advocating disregard of these laws?" Yes, I am. There is no moral obligation for any of us to obey immoral or unconstitutional laws. But if you're caught, be prepared to pay the price.

Walter E. Williams is a professor at George Mason University in Fairfax, Va. His column is distributed by Creators Syndicate Inc., 5777 W. Century Blvd., Suite 700, Los Angeles, CA 90045 (310) 307-7003.

ANCH DAILY NEWS.
1/23/95

SJR

11

MEMBER

TENTH ALASKA LEGISLATURE
ELEVENTH ALASKA LEGISLATURE
TWELFTH ALASKA LEGISLATURE
THIRTEENTH ALASKA LEGISLATURE
FOURTEENTH ALASKA LEGISLATURE
FIFTEENTH ALASKA LEGISLATURE
SIXTEENTH ALASKA LEGISLATURE
EIGHTEENTH ALASKA LEGISLATURE

ALASKA STATE SENATE



SENATOR TIM KELLY

STATE CAPITOL
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(907) 258-8180
FAX (907) 258-4524

MEMORANDUM

DATE: February 23, 1995

TO: Senator Robin Taylor, Chairman
Senate Judiciary Committee

FROM: Senator Tim Kelly *TJK*

RE: Scheduling of SJR 11, Proposing a Constitutional Amendment to
Limit the Terms of Legislators

I respectfully request you schedule SJR 11, Proposing an amendment to the Constitution which would limit the terms of legislators, for a hearing before the Senate Judiciary Committee at the Committee's earliest convenience.

A sponsor statement and additional back-up is attached.

Thank you in advance for your timely consideration.

MEMBER

TENTH ALASKA LEGISLATURE
ELEVENTH ALASKA LEGISLATURE
TWELFTH ALASKA LEGISLATURE
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SJR 11 - TERM LIMITS FOR STATE LEGISLATORS

Senate Joint Resolution 11 (SJR 11) proposes a constitutional amendment to limit the length of legislative service for State Senators and Representatives. Under SJR 11, a person may serve up to four full two-year terms as a Representative and two full four-year terms as a Senator. After that, a person may not serve in the Legislature again until at least two years has lapsed.

Limiting terms of elected officials has been a popular cause in Alaska and the entire country for many years. In 1990, the voters of Oklahoma, California, and Colorado enacted constitutional amendments which limited state legislative terms. In 1992, the voters of twelve more states joined them, and in 1994 an additional four states enacted term limits.

Professional political life is inconsistent with good representative government. The basic premise behind a democratic republic is that of citizen legislators serving for a limited period of time to represent their fellow citizens, then returning to live among them. The longer they are apart from that community, the more remote they become.

The advantages to adopting a limit on legislative terms are several. They include:

- * Opening the opportunity to serve in the Legislature for more people, with an emphasis on "citizen" rather than "career" legislator.
- * Enhancing legislative turnover with an improved influx of new people and ideas.
- * Reducing cynicism that many people feel toward government by making the Legislature more representative of a broad cross-section of Alaska.
- * Diminishing the advantages of incumbency and seniority. Merit would play a larger role in legislative power.

Here in Alaska, voter support for term limits has ranged between 70% to 80% in favor for the past decade. In fact, Ballot Measure 1, limiting the term of our State's congressional officeholders, passed on November 8th with 72.7% of the voting electorate voting in favor. In addition, voters have passed terms limits on municipal mayors, assemblymen, and school board members whenever presented with the opportunity, and delegates at the State's Constitutional Convention imposed a limit of two full consecutive terms on our Governor.

In spite of this, while more than 25 term limit resolutions for state legislators have been introduced in the State Legislature since 1977, none have passed. The people of Alaska want term limits for their state legislators -- and its time they have the opportunity to vote on it.

If passed, SJR 11 would be placed before the voters in the next general election for ratification.

States With Term Limits

	A	B	C	D	E	F
1	State	U.S. Senators	U.S. Congress	State Senators	State Representatives	Governor
2						
3	Alaska	12 yrs in 18 yr period	6 yrs in 12 yr period	•	•	8
4	Arizona	12	6	8	8	8
5	Arkansas	•	•	8	6	8
6	California	12 yrs in 17yr period	6 yrs in 11 yr period	8	6	8
7	Colorado	12	6	8	8	•
8	Florida	•	8	8	8	8
9	Idaho	12 yrs in 23 yr period	6 yrs in 11 yr period	8 yrs in 15 yr period	8 yrs in 15 yr period	8 yrs in 15 yr period
10	Maine	12 yrs in 17 yr period	6 yrs in 11 yr period	8	8	8
11	Massachusetts	12 yrs in 17 yr period	4 yrs in 9 yr period	4 yrs in 9 yr period	4 in 9	6 yrs in 11 yr period
12	Michigan	12 yrs in 24 yr period	6 yrs in 12 yr period	8	6	8
13	Missouri	12	8	8 yrs & 16 yr max	8 & 16 yr max	•
14	Montana	12 yrs in 24 yr period	6 yrs in 12 yr period	8 yrs in 16 yr period	6 yrs in 12 yr period	8 yrs in 16 yr period
15	Nebraska	12	6	2 terms	2 terms	8
16	Nevada	12	6	12	12	8
17	North Dakota	12	12	•	•	•
18	Ohio	12	8	8	8	8
19	Oklahoma	12	6	12 yrs total	12 yrs total	8
20	Oregon	12	6	8	6	8
21	South Dakota	12	12	8	8	8
22	Washington	•	•	8 yrs in 14 yr span	6 yrs in 12 yr span	8 yrs in 14 yr span
23	Wyoming	12 yrs in 24 yr period	6 yrs in 12 yr period	3 yrs in 24 yr period	3 yrs in 12 yr period	8
24						
25	<p>• In several states, the issue of state imposed congressional term limits is being litigated in federal court. This list reflects term limits imposed by the state which may currently be in litigation or term limits which will take effect only when other states adopt similar term limits.</p>					
26						
27						
28						
29						
30						
31						
32						
33	Prepared by Senator Kelly's Staff, January 30, 1995					

NFIB Alaska

National Federation of
Independent Business

POSITION PAPER

OF

NATIONAL FEDERATION OF INDEPENDENT BUSINESS
(NFIB/ALASKA)

IN SUPPORT OF

SJR 3 TERM LIMITATION

State Office
59 Sitwood Lane
Anchorage, AK 99501
(907) 789-4278



Guardian of
Small Business

CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS RESA JERREL, AND I AM THE STATE DIRECTOR FOR THE NATIONAL FEDERATION OF INDEPENDENT BUSINESS - NFIB/ALASKA. I AM HAPPY TO BE HERE TODAY TO SUPPORT SJR 3.

NFIB/ALASKA IS COMPRISED OF 4,321 SMALL AND INDEPENDENT BUSINESS OWNERS. THE LEGISLATIVE AGENDA OF NFIB/ALASKA IS DETERMINED BY OUR BALLOT. THE BALLOT IS OUR ANNUAL POLL OF OUR MEMBERS ON A SERIES OF ISSUES DEEMED CRITICAL TO SMALL BUSINESS. A MAJORITY VOTE, OF THE MEMBERS IN RESPONSE TO THE POLL, SETS OUR POLICY AND POSITION ON LEGISLATIVE ISSUES. WE THEN SHARE THE RESULTS OF OUR POLL WITH THE LEGISLATURE AND ADMINISTRATION.

ON THE 1991 STATE BALLOT OUR MEMBERS VOTED EIGHTY PERCENT IN FAVOR OF TERM LIMITATIONS.

WHEN ASKED HOW MANY TERMS SHOULD A MEMBER OF THE HOUSE OF REPRESENTATIVES SERVE? WE RECEIVED THE FOLLOWING RESULTS:

47.1% TWO TERMS (4 YEARS)
46.6% FOUR TERMS (8 YEARS)
6.3% SIX TERMS (12 YEARS)

WHEN ASKED THE SAME QUESTION ABOUT SENATE TERMS, WE RECEIVED THE FOLLOWING RESULTS:

88% TWO TERMS (8 YEARS)
12% FOUR TERMS (16 YEARS)
0% SIX TERMS (24 YEARS)

THE VAST MAJORITY OF OUR MEMBERS BELIEVE THAT LEGISLATIVE TERMS SHOULD BE LIMITED TO 8 YEARS - AND THAT IS THE TERM LIMIT SET FORTH IN SJR 3.

I AM HAPPY TO SEE THIS RESOLUTION BEING CONSIDERED EARLY IN SESSION, I WOULD URGE YOU TO MOVE THE BILL OUT OF COMMITTEE - AND LET THE CITIZENS OF ALASKA HAVE THE OPPORTUNITY TO VOTE ON THIS ISSUE.

NFIB/ALASKA THANKS YOU FOR THE OPPORTUNITY TO COMMENT IN FAVOR OF THIS LEGISLATION. IF YOU HAVE ANY QUESTIONS I WOULD BE HAPPY TO TRY AND ANSWER THEM.

National Conference of State Legislatures

States With Term Limits - Nov 30, 94

→ Alaska: Limits members of the U.S. House of Representatives to six years during a 12 year period and U.S. Senators to 12 years during an 18 year period. Will take effect when 21 other states adopt similar congressional term limits. (S)

→ Arizona: Limits U.S. Senators to two consecutive terms and Congressmen to three consecutive terms. Limits state lawmakers to four consecutive two-year terms and members of the executive branch to two consecutive four-year terms. (C)

→ Arkansas: Limits statewide elected officials to two four-year terms, state representatives to three two-year terms and state senators to two four-year terms. The state Supreme Court ruled that the state could not restrict eligibility of federal candidates, and the U.S. Supreme Court has agreed to hear the case. A decision is expected in the Spring of 1995. (C)

→ California: Limits members of the U.S. House of Representatives to six years in an 11-year period and U.S. Senators to 12 years during a 17 year period. Limits state lawmakers to three two-year terms in the Assembly and two four-year terms in the Senate. Constitutional officers are limited to two four-year terms. (C)

→ Colorado: Limits state lawmakers to four consecutive two-year terms in the House and two consecutive four-year terms in the Senate. Congressional limitations are three consecutive two-year terms in the House and two consecutive six-year terms in the Senate. (C)

→ Florida: No one can run for reelection to the Legislature, executive branch or U.S. Congress if by the end of their current term they have served for eight consecutive years. (S)

→ Idaho: Limits U.S. House of Representatives to six years in an 11 year period and U.S. Senate to 12 years in a 23 year period. State legislators and statewide elected officials are limited to eight years in a 15 year period. (S)

→ Maine: State legislators and constitutional officers are limited to four consecutive two-year terms. The state auditor is limited to two consecutive four-year terms. Restrictions on state lawmakers become effective with the 1996 elections and apply to individuals currently holding office. U.S. Representatives are limited to six years of service in 11 years, and U.S. Senators are limited to 12 years of service in 17 years. Applies to time served by senators and representatives beginning January 1, 1995. (S)

→ Massachusetts: Limits Governor, Lt. Governor, Secretary, Treasurer, Auditor or Attorney General to two consecutive terms within an 11-year period. Limits U.S. Senators to two consecutive terms within a 17-year period. Limits state senators, representatives and U.S. Representatives to four consecutive terms in nine years. (S)

→ Michigan: State representatives may serve only three terms, state senators and members of the executive branch only two terms. Limits U.S. Representatives to three terms in any 12-year period and U.S. Senators to two terms during 21 years. (C)

→ Missouri: Restricts state lawmakers to eight years in the same house and 16 total years of legislative service. U.S. Representatives are limited to four terms and U.S. Senators to two terms. Limits on congressional terms will not go into effect until enacted by half the states. (C)

→ Montana: Limits state senators to eight years in a 16-year period, representatives to six years in a 12-year period and the executive branch to eight years of service in 16 years. Holds U.S. Representatives to six years out of 12 and U.S. Senators to 12 years in a 24-year period. (C)

→ Nebraska: Set limits of two consecutive terms in office for state legislators, Lt. Governor, Secretary of State, Auditor, Treasurer, and Attorney General. Also, restricts U.S. Representatives to three consecutive terms, and U.S. Senators to two consecutive terms. Governor is already restricted to two consecutive four-year terms. (C)

→ Nevada: Limits U.S. Representatives to three terms in office, and U.S. Senators to serving two terms in office. The limits apply as of December 31, 1996, but do not take effect until 24 other states have similar measures. Limits members of the Assembly to serving 12 years or six terms and members of the Senate to three terms or 12 years. Supreme Court Justices and all other judges are limited to two terms. Secretary of State, State Treasurer, State Comptroller and Attorney General are limited to eight years or two terms. Governor is already limited to two consecutive terms. (C)

→ North Dakota: Restricts access to the ballot for members of the U.S. Senate or House of Representatives after they have served 12 years in office in any combination. They can run again after a two-year break. (S)

→ Ohio: Limits U.S. Senators to two consecutive terms and members of the U.S. House of Representatives to four consecutive terms. Limits state senators to two consecutive terms and state representatives to four consecutive terms. Limits members of the executive branch to two consecutive terms. Terms are considered consecutive unless there is a break of four years. (C)

→ Oklahoma: State lawmakers are limited to 12 years of legislative service. U.S. House of Representatives would be limited to three two-year terms and Senators to two six-year terms. (C)

→ Oregon: Holds state lawmakers to six years in the House and eight years in the Senate or no more than 12 years of legislative service. Statewide officeholders are limited to eight years and members of Congress to six years in the House and 12 years in the Senate. (C)

→ South Dakota: Limits state lawmakers to four consecutive two-year terms and statewide officers to two consecutive terms. Limits members of Congress to six consecutive terms in the House and two consecutive terms in the Senate. (C)

→ Utah: Utah lawmakers passed a bill prohibiting state officers and members of the House and Senate from placing their names on the ballot if they have served more than 12 consecutive years in office. The law will become effective in January 1995. Limits for members of Congress would be effective when 24 other states pass term limits for federal lawmakers. Time in office would be limited to 12 consecutive years. (S)

→ Washington: Limits state senators to eight out of 14 years, representatives to six out of 12 years, and the Governor and Lt. Governor to eight out of 14 years. Terms served before November 1992 will not count toward limits. (Federal district court overturned the state's term limit law for federal officeholders. The case is pending in the U.S. Circuit Court of Appeals.) (S)

→ Wyoming: Limits state senators to three terms in any 24-year period, representatives to three terms in any 12-year period, and constitutional officers to two terms in any 16-year period. U.S. Senators are limited to serving two terms in any 24-year period in the U.S. Representatives to three terms in 12 years. (S)

20 states limit the terms of state lawmakers and executive branch officials.
22 states limit the terms of federal officials.

(C)--Constitutional

(S)--Statutory

November 30, 1994

Contact for More Information

Nancy Rhyns
NCSL--Denver
(303) 730-2200

SJR

13

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

NO. 1
BILL VER. 5JR13
PUBLISHED (S) Publish Date: 3-6-96

Revision Date: _____
Title: Ratifying an amendment to the
Constitution of the United States concerning the...
Sponsor: Senator Phillips
Requestor: Senate State Affairs

Department Affected: Legislative Affairs Agency
BRU: All
Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

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	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: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact to the Legislative Affairs Agency.

Prepared By: Karla Scholfield, Deputy Director *Karla Scholfield* Phone: 465-3852
 Division: Administrative Services Date: 2/26/96
 Approved By: Pamela A. Varni, Executive Director *Pamela Varni*
 Agency: Legislative Affairs Agency Date: 2/26/96

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

NO. _____
BILL VERSION: SJR 13
PUBLISH DATE: _____

Revision Date: _____
Title: Ratifying an amendment to the
Constitution of the United States concerning the...
Sponsor: Senator Phillips
Requestor: Senate State Affairs

Department Affected: Legislative Affairs Agency
BRU: All
Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

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	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: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact to the Legislative Affairs Agency.

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Phone: 465-3852
Date: 2/26/96

Approved By: Pamela A. Varni, Executive Director
Agency: Legislative Affairs Agency

Date: 2/26/96

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



ALASKA STATE LEGISLATURE

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Memorandum

TO: Senator Bert Sharp, Chair
Senate State Affairs Committee

FROM: Senator Randy Phillips *R.P.*

DATE: February 26, 1996

RE: Sponsor Statement for: Senate Joint Resolution #13
Ratifying an amendment to the Constitution of the United
States concerning the balancing of the federal budget.

Senate Joint Resolution No.13 would ratify a federal balanced budget amendment as proposed in H.J. Res. 1, which passed the U. S. House of Representatives on January 26, 1995.

This proposed amendment would require that the U.S. President and Congress adopt a budget for each fiscal year in which the total outlays do not exceed the total receipts.

A super majority vote consisting of three-fifths of each House of Congress would be required to adopt a budget in which outlays exceed receipts. A super majority vote consisting of three-fifths of each House of Congress would also be required to increase the limit on debt.

An exception to the balanced budget requirement is also allowed in times of war or declared military emergency.

Currently the U.S. national debt is in excess of \$5,000,000,000,000 (\$5 trillion) or nearly \$20,000 for every person in the United States. I believe that it is time to amend the Constitution to provide Congress with the discipline to balance the budget.

A30 Domestic Financial Statistics □ January 1996

1.40 FEDERAL DEBT SUBJECT TO STATUTORY LIMITATION

Billions of dollars, end of month

Item	1993		1994				1995		
	Sept. 30	Dec. 31	Mar. 31	June 30	Sept. 30	Dec. 31	Mar. 31	June 30	Sept. 30
1 Federal debt outstanding	4,436	4,543	4,661	4,672	4,731	4,827	4,891	4,978	5,001
2 Public debt securities	4,412	4,536	4,576	4,608	4,693	4,800	4,856	4,951	4,970
3 Held by public	3,295	3,382	3,424	3,443	3,490	3,563	3,610	3,635	3,635
4 Held by agencies	1,117	1,154	1,152	1,165	1,203	1,237	1,246	1,317	1,335
5 Agency securities	23	37	26	28	29	37	37	37	37
6 Held by public	25	27	26	27	29	37	36	37	36
7 Held by agencies	0	0	0	0	0	0	0	0	0
8 Debt subject to statutory limit	4,316	4,446	4,481	4,519	4,603	4,711	4,779	4,861	4,883
9 Public debt securities	4,312	4,442	4,477	4,515	4,600	4,708	4,776	4,858	4,880
10 Other debt	0	0	0	0	0	0	0	0	0
MEMO									
11 Statutory debt limit	4,900	4,900	4,900	4,900	4,900	4,900	4,900	4,900	4,900

1. Excludes guaranteed debt of U.S. Treasury and other federal agencies, specified participation certificates, notes to individuals, lending organizations, and District of Columbia bonds.

SOURCE: U.S. Department of the Treasury, Monthly Statement of the Public Debt of the United States, and Treasury Bulletin.

1.41 GROSS PUBLIC DEBT OF U.S. TREASURY Types and Ownership

Billions of dollars, end of period

Type and holder	1991	1992	1993	1994	1995			
					Q4	Q1	Q2	Q3
1 Total gross public debt	3,861.7	4,177.0	4,535.7	4,806.3	4,866.2	4,864.1	4,911.4	4,974.0
2 Treasury bills	3,799.0	4,173.9	4,532.3	4,769.3	4,766.2	4,802.3	4,819.8	4,850.6
3 Marketable	2,471.6	2,754.1	2,919.5	3,126.0	3,124.0	3,124.0	3,227.3	3,210.1
4 Held by public	380.4	637.7	714.4	731.8	731.6	734.3	749.3	742.3
5 Held by agencies	1,091.2	1,006.9	1,204.0	1,394.2	1,392.4	1,391.7	1,478.0	1,467.8
6 Bonds	433.3	472.5	495.0	510.3	510.3	517.7	514.7	522.6
7 Nonmarketable	1,317.3	1,419.8	1,519.0	1,641.1	1,641.1	1,633.1	1,693.2	1,690.3
8 State and local government bonds	159.7	153.3	152.6	152.6	152.6	152.9	151.2	149.4
9 Foreign government	41.9	37.4	43.5	42.3	42.3	41.8	41.4	41.0
10 Government securities	41.9	37.4	43.5	42.3	42.3	41.8	41.4	41.0
11 Public	0	0	0	0	0	0	0	0
12 Savings bonds and notes	133.9	135.0	169.6	177.8	177.8	178.0	182.1	181.2
13 Government securities	850.2	1,045.3	1,142.0	1,259.0	1,259.0	1,259.3	1,272.0	1,268.7
14 Nonmarketable	2.0	2.1	2.4	21.0	21.0	16	2.6	2.3
By holder:								
15 U.S. Treasury and other federal agencies and trust funds	668.7	1,047.8	1,193.3	1,257.1	1,217.1	1,254.7	1,316.0	1,316.0
16 Federal Reserve Banks	281.8	302.5	310.2	374.1	374.1	389.3	389.0	389.0
17 Foreign investors	1,543.2	2,219.0	2,047.7	2,168.0	2,168.0	2,229.1	2,244.6	2,244.6
18 Commercial banks	122.3	294.4	223.2	290.6	290.6	303.3	309.0	309.0
19 Money market funds	80.0	79.7	82.8	87.6	87.6	87.7	87.7	87.7
20 Insurance companies	181.8	197.3	246.3	242.8	242.8	239.0	240.0	240.0
21 Other companies	150.8	192.5	219.0	226.9	226.9	230.3	227.7	227.7
22 Trust and local government	483.1	476.7	508.0	443.3	443.3	418.2	415.0	415.0
23 Foreign bonds	138.1	127.3	121.0	100.3	100.3	101.4	102.6	102.6
24 Other securities	125.8	121.0	127.0	122.5	122.5	121.4	121.6	121.6
25 Foreign and international	491.7	548.7	621.0	688.6	688.6	719.6	743.7	743.7
26 Other assets (including securities)	677.4	760.2	715.4	775.6	775.6	801.0	810.4	810.4

1. Includes (not shown separately) amounts owed to the Fund for the Economic Recovery, Government bonds, government plan bonds, and individual retirement bonds.

2. Nonmarketable bonds distributed to holders and are not included in foreign holdings held by foreigners.

3. Held almost entirely by U.S. Treasury and other federal agencies and trust funds.

4. Debt for Federal Reserve Bonds and U.S. government securities and trust funds are held primarily by other groups on Treasury accounts.

5. Excludes investments of foreign investors and international investors in the United States.

6. Includes savings and loan associations, insurance companies, credit unions, mutual savings banks, corporate pension trust funds, dealers and brokers, certain U.S. Treasury deposit accounts, and federally approved agencies.

SOURCE: U.S. Treasury Department, data by type of security. Monthly Statement of the Public Debt of the United States. Data by Holder. Treasury Bulletin.

Federal Reserve Bulletin - Jun 1996

FEDERAL FINANCE

FEDERAL RECEIPTS, OUTLAYS, AND DEBT

In fiscal 1995, there was a deficit of \$163.8 billion, compared with a deficit of \$203.2 billion a year earlier.

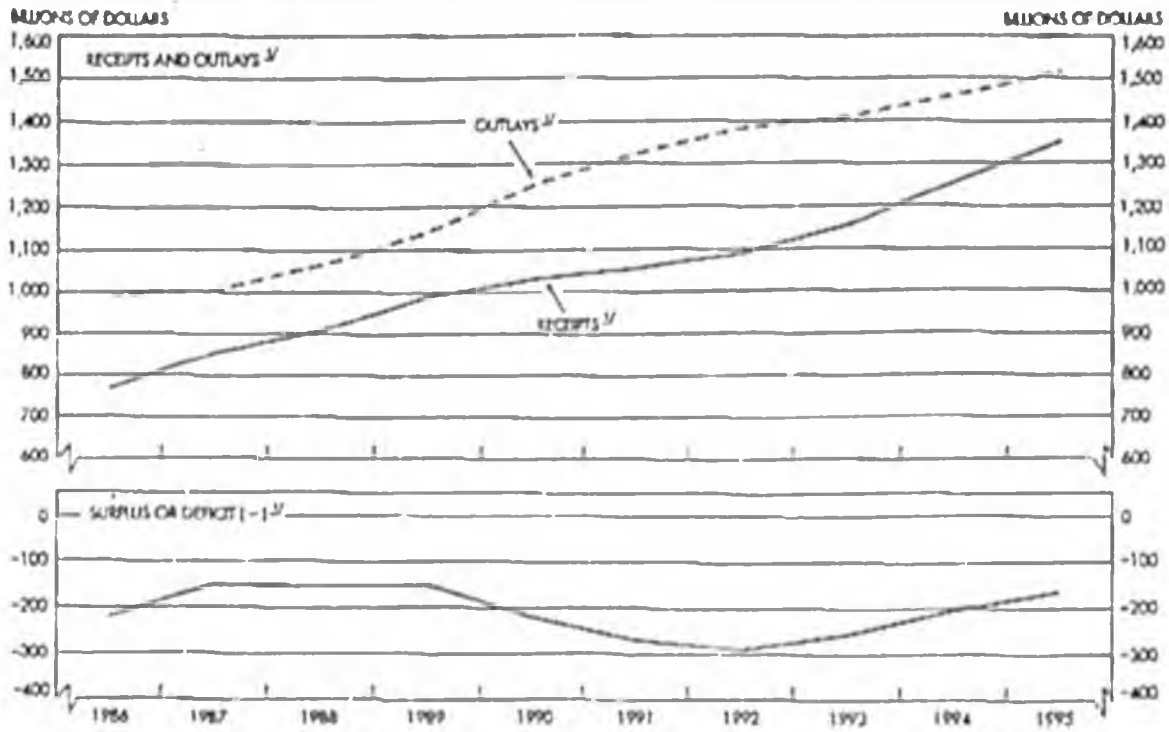


FIGURE 10. RECEIPTS AND OUTLAYS
 SOURCE: DEPARTMENT OF THE TREASURY AND OFFICE OF MANAGEMENT AND BUDGET
 COUNCIL OF ECONOMIC ADVISERS

[Billions of dollars]

Fiscal year or period	Total			On-budget			Off-budget			Gross Federal debt (end of period)	
	Receipts	Outlays	Surplus or deficit (-)	Receipts	Outlays	Surplus or deficit (-)	Receipts	Outlays	Surplus or deficit (-)	Total	Held by the public
1976	288.1	371.8	-78.7	231.7	302.2	-70.5	46.4	69.6	-23.2	629.0	477.4
1977	355.6	409.2	-53.7	278.7	328.5	-49.8	76.8	80.7	-3.9	706.4	548.1
1978	399.6	458.7	-59.2	314.2	369.1	-54.9	85.4	89.7	-4.3	776.6	607.1
1979	463.8	506.0	-40.7	365.2	404.1	-38.7	98.0	100.0	-2.0	829.5	640.3
1980	517.1	590.9	-73.8	407.9	476.6	-72.7	113.2	114.3	-1.1	909.1	707.8
1981	599.2	678.2	-79.0	449.1	543.1	-74.0	130.2	135.2	-5.0	994.8	785.3
1982	617.8	745.8	-128.0	474.1	594.4	-120.1	143.5	151.4	-7.9	1,137.2	919.8
1983	600.6	808.4	-207.8	453.2	661.2	-208.0	147.3	147.1	2	1,271.7	1,131.6
1984	666.5	851.8	-185.4	500.4	686.0	-185.7	166.1	165.9	2	1,564.7	1,300.9
1985	734.1	946.4	-212.3	547.9	769.8	-221.7	186.2	176.8	9.4	1,817.5	1,499.9
1986	769.1	990.2	-221.2	568.9	806.8	-238.0	200.2	183.5	16.7	2,120.6	1,736.7
1987	854.1	1,003.9	-149.8	640.7	810.1	-169.3	213.4	193.8	19.6	2,346.1	1,844.7
1988	909.0	1,064.1	-155.2	667.5	861.4	-194.0	241.5	207.7	33.8	2,601.2	2,050.8
1989	990.7	1,143.2	-152.5	727.0	922.3	-205.2	263.7	210.9	52.8	2,868.0	2,189.9
1990	1,031.2	1,252.7	-221.4	749.7	1,027.8	-278.0	281.7	225.1	56.6	3,276.6	2,410.7
1991	1,054.3	1,323.4	-269.2	760.4	1,091.8	-321.4	293.9	241.7	52.2	3,398.5	2,648.1
1992	1,090.5	1,380.9	-290.4	788.0	1,128.5	-340.5	303.4	257.3	56.1	4,002.1	2,999.8
1993	1,152.5	1,408.7	-256.1	841.6	1,142.1	-300.5	311.9	246.6	65.3	4,351.4	3,247.5
1994	1,257.7	1,460.9	-203.2	922.7	1,181.5	-258.8	335.0	279.4	55.7	4,443.7	3,432.2
1995 ¹	1,350.6	1,514.4	-163.8	979.5	1,225.1	-245.6	351.1	288.7	62.4	4,921.0	3,603.8

¹ Data from Monthly Treasury Statements.
 Note: Data shown as annual are from Budget of the United States Government: Fiscal Year 1996, issued February 6, 1995.

Source: Department of the Treasury and Office of Management and Budget.