

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 86/2

9063 SENATE STATE AFFAIRS

FOR DISCUSSION ONLY
JANUARY 16, 1995.

provision of educational and medical services to Northern communities, and the promotion of tourism and cultural exchange.

An Arctic Council as a regional body could provide political energy and focus for: anticipating and addressing current problems, capitalizing on new opportunities, and involving Northerners in discussion of issues that affect them directly. Northern indigenous peoples, for example, have already made significant contributions through their interventions and representations at international fora (e.g. AEPS) on such critical issues as the environment.

RELATIONSHIP TO EXISTING CIRCUMPOLAR INITIATIVES

The proposed Arctic Council would be the sole international institution mandated to address and manage the full range of common Arctic concerns and would obviate the need to create a multiplicity of other, more specialized bodies which is the emerging trend. It is not intended to replace or duplicate existing circumpolar initiatives. Instead it would act as an umbrella body.

The Council would constitute a broad consultative instrument in support of specialized initiatives such as the AEPS and IASC. These initiatives could in turn become the functional bodies for the Council.

It would ensure greater efficiency and effectiveness by providing focus and, where appropriate, policy direction to existing Arctic-related organizations, creating by consensus additional working groups only where necessary, and by influencing and coordinating with other international organizations.

The relationship between the Arctic Council and the other existing initiatives would be defined more precisely as part of the process to establish the Arctic Council.

FUNCTION OF THE PROPOSED ARCTIC COUNCIL

The terms of reference for an Arctic Council should reflect the elements of the Declaration of May 1993 on the establishment of an Arctic Council (adopted by seven Arctic countries). The Council would provide a forum wherein the Arctic governments would consider and address issues of common interest and make recommendations on follow-up tasks. In this sense, the Council would provide political impetus on actions and co-operative initiatives; ensure better co-ordination and interaction among the Arctic governments; and promote coherence among the Arctic countries on various aspects of northern development.

Through such a body, the Arctic countries would work to advance Arctic interests within other international organizations. The Council would provide a mechanism to mobilize the resources of the Arctic countries in cases of potential emergency situations or priority issues.

Also, the Council would constitute a significant instrument to address the concerns and aspirations of northern inhabitants, especially indigenous peoples.

00

FOR DISCUSSION ONLY
JANUARY 16, 1995.

.3.

Sustainable development is a concept which integrates economic, environmental, and social considerations whose activities are crucial to the economic and cultural viability of northern peoples, and is a shared interest of all Arctic countries. Each element must be given appropriate consideration. The Arctic's unique environmental and cultural features require an integrated regional approach to Arctic sustainable development. These linkages, and the need for a broader integrated approach, have become apparent in the work of the AEPS. An Arctic Council would be the key body to ensure international cooperation and coordination on sustainable development by promoting the exchange of ideas and possible actions on:

- closer cooperation between national and local governments and non-governmental organizations on economic development;
- the management of living resources (especially marine and land mammals and fish) and non-renewable resources (oil and gas; minerals);
- value-added, traditionally-based economic, environmental and scientific enterprises;
- increased trade among the Arctic countries and between the Arctic and other parts of the world;
- improved air and maritime transportation; telecommunications; and educational links; and
- closer indigenous cultural cooperation and cooperation on shared social problems.

The proposed Arctic Council would assist in the regional implementation of global agreements, e.g. trade, and would address only the circumpolar dimension of issues.

STRUCTURE OF THE PROPOSED ARCTIC COUNCIL

In the establishment of an Arctic Council, it is essential for Canada that the following criteria are met. They are based on the terms of reference of the 1993 Declaration:

1. The members of the Arctic Council are the national governments of Canada, Denmark, Finland, Iceland, Norway, Sweden, the Russian Federation, and the United States of America.
2. The Council will operate on the basis of consensus by its members.

The agenda will be a reflection of pressing issues agreed upon by consensus of the eight Arctic countries. The principle of consensus provides the appropriate safeguard to ensure that all parties are in agreement that an issue should be addressed, and that the work of the Arctic Council is based on common understandings and shared interests. Canada

(U)

FOR DISCUSSION ONLY
JANUARY 16, 1995.

does not foresee the Arctic Council as an appropriate body to resolve strategic-military issues. Canada would suggest that in addition to efforts toward its establishment, the Arctic Council focuses initially on promoting sustainable development.

- 3. Representatives of the Inuit Circumpolar Conference, the Saami Council and the Association of Aboriginal peoples of northern Russia will fully participate in the work and deliberations of the Council as permanent participants.

The permanent participant status recognizes the primary interests of indigenous peoples in the Arctic and provides a vehicle for their meaningful participation in the inception and proceedings of the Council.

The initial inclusion of these three organizations is based on the recognition that they represent the majority of indigenous peoples throughout the circumpolar North and the important role that these organizations have played in circumpolar cooperation.

It is recognized that there are other indigenous peoples in the Arctic countries, including Canada which are not represented by these organizations. Canada would encourage each country to explore options to allow for meaningful indigenous participation in the national delegation or through other acceptable means.

- 4. The Council will establish the necessary criteria to invite observers to attend meetings of the Council, as appropriate.

This could include other non-governmental organizations, and non-Arctic national and sub-national governments.

- 5. The Council will meet at ministerial level in one of the member countries on a rotational basis, as needed. In addition, it may choose to meet at senior officials level.

- 6. Each Arctic government will identify a coordinator.

- 7. Canada is prepared to consider a small secretariat to support the work of the Council during the initial period.

This discussion paper was prepared jointly by the Department of Foreign Affairs and International Trade Canada and the Department of Indian Affairs and Northern Development.

000

The Second Arctic Leaders' Summit, Tromsø January 25 - 27, 1995

Proposal for the Establishment of an Arctic Council

The participants in the workshop were generally positively interested in the establishment of an Arctic Council, although some scepticism and concerns were expressed with respect to the different levels of participation - these being the membership for Arctic states versus permanent participation status for Indigenous Peoples - represented by their International Indigenous Organizations of the Arctic.

The Arctic Leaders' Summit recommends that the following be embodied in the Declaration of the Arctic Council:

- The eight Arctic states recognize that the Arctic Indigenous Peoples have the right to self-determination within their nation-states.
- The right of Arctic Indigenous Peoples to participate fully and directly in an Arctic Council should be reflected as a key principle in the proposed structure of the Arctic Council.

The Arctic Leaders' Summit support the principle as stated on page 3 and 4 in the section on Structure of the Proposed Arctic Council in the Discussion Paper on the Establishment of an Arctic Council: A Collaborative Opportunity for the Eight Arctic States of January 16, 1995

Declaration of the Second Arctic Indigenous Leaders Summit

We, the Representatives of the Indigenous Peoples organizations of the Arctic, the Inuit Circumpolar Conference, the Saami Council and the Association of the Indigenous Peoples in Russia, Siberia and the Far East.

Having convened the Second Arctic Leaders Summit at Tromsø, Norway to continue the cooperation among Arctic Indigenous Leaders to further identify common international issues of concern, to exchange experiences, and to develop strategies and solutions.

Bearing in mind that one of the purposes of the Summit is the achievement of international cooperation in solving problems of an economic, social, cultural, political and humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

Recognizing the value and diversity of the indigenous peoples of the Arctic;

Conscious of the need to improve the economic, social, cultural and political situation of Arctic indigenous peoples with full respect for distinctiveness and our own initiatives,

Recognizing the rights of Arctic indigenous peoples to self-determination, self-government, lands and resources, in addition to cultural, social and economic rights,

Recognizing the special role of indigenous peoples in environmental management and development in the Arctic, and the significance of indigenous knowledge and traditional practices, and the need to promote our effective participation to achieve sustainable development in the Arctic;

Recalling the principles concerning indigenous peoples in the Arctic Environmental Protection Strategy (AEPS), Caring for the Earth, the Rio Declaration, the Nuuk Declaration, and the recommendations from the 1994 Seminar on the Integration of Indigenous Peoples Knowledge held at Reykjavik;

Recalling United Nations General Assembly Resolution 48/163 of 21 december 1993, which proclaimed the International Decade of the World's Indigenous Peoples,

Recognizing the central theme of effective partnership and cooperation between indigenous peoples and member states, including participation of indigenous peoples in the plan of action for the decade and its implementation,

Affirming the goal to adopt the Declaration for the Rights of Indigenous Peoples;

Recognizing the importance of the establishment of a permanent forum for indigenous people within the United Nations system;

We adopt, as consensus recommendations of the Summit, the following:

- 1) Recommendations on International Issues
- 2) Recommendations on Business Development and Foreseen Opportunities
- 3) Recommendations on Russian Issues
- 4) Recommendations on Environmental Issues

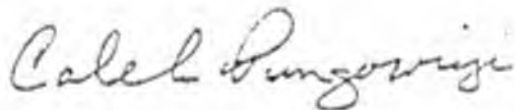
We agree to continue the cooperation, begun in Copenhagen 1991 and continued in Tromsø 1995 by holding our Third Arctic Indigenous Leaders Summit in 1998

We also agree to consider the establishment of a joint task force and procedures to coordinate common Arctic policies.

We further agree that in order to advance our mutual concerns, we will initiate a process leading up to the third Arctic Indigenous Leaders Summit, to include some of the following issues:

- addressing the situation of the Indigenous Peoples of Russian North, Siberia and the Far East.
- implementation of the Rio Principles and Agenda 21
- indigenous strategies for sustainable and equitable development in the Arctic
- furthering of indigenous rights during the International Decade of the World's Indigenous Peoples

Tromsø, January 27, 1995



Signed by Caleb Pungowiyi, president
On the behalf of the Inuit Circumpolar Conference



Signed by Eremye Aipin, president
On the behalf of the Association of the Indigenous Peoples of the Russian North, Siberia and Far East



Signed by Helevi Nuorgam-Poutasuo, president
On the behalf of the Saami Council

-- PRESS RELEASE --

TROMSO, NORWAY - Indigenous leaders of the Arctic from Russia, Scandinavia, Greenland, Canada and Alaska met at a 3-day summit in Tromso, Norway which ended last Friday, January 27th. It was their first meeting since the inaugural and historic Arctic Indigenous Leaders' Summit of 1991.

The Arctic indigenous leaders, along with invited guests and observers, discussed issues of common concern such as increasing Arctic pollution, loss of indigenous rights over land, possible ways of building upon further cooperation among Arctic indigenous peoples, how to best deal with their respective national governments and how to promote economic opportunities among indigenous communities of the circumpolar region.

The Russian Arctic was the focus of much of the debate at the Tromso Summit. Stories were heard about how the Soviet era left many people dispossessed, and about the current rapid changes which ironically are further hurting Arctic Russia's indigenous communities. Anna Prahova, an indigenous leader from the Kola Peninsula spoke passionately about how the Saami people had lost their right to fish the Ponoy, the Lumbovka and other rivers which they have used for thousands of years. Foreign-owned tourism companies from Finland, United States and elsewhere were buying up the rights to rivers so that "wealthy Americans, Canadian and Britons can catch our large salmon, take pictures and fly back home with them". Prahova told Summit delegates and observers that only one week ago much of the Lumbovka River had been put up for public auction. Local companies owned by indigenous peoples would have no chance of competing, she said, and local people would receive no economic benefit. "The benefit is all going to a few regional authorities and foreigners", she said.

Another indigenous leader from the Amur region, Nadezhda Bulatova, spoke of forests being sold to Korean firms by local authorities. She cited an example of Udigeya in the Primorski area in which 2000 indigenous peoples "might as well die when cutting of the forest begins". She did offer positive hope, however, by saying that where indigenous groups had gained a measure of autonomy and control over their traditional resources, sustainable use had been ensured. "It can and does work", she said, "but we need autonomous organizations".

Ms. Bulatova thanked the Inuit Circumpolar Conference (ICC) for its support and for sharing the experiences of other Arctic indigenous peoples like the Inuit of Nunavut, Canada, which ICC President, Caleb Pungowiyi, had talked about earlier. "We are sure that the experiences of the Inuit land claims process in Alaska, Canada and Greenland can help us", she said.

In his address to Summit delegates, the ICC President also spoke of the important role of women in Inuit society and Inuit economies. Mr. Pungowiyi used the example of his grandmother's knowledge of

the environment, community wealth and village trading potential in addition to her leadership skills to show how the rights of Inuit to use their living resources in a wise manner must be vigilantly maintained if Inuit culture is to survive and social problems are to be reduced. He was optimistic that it could, and told governmental observers that they must assist in reopening markets such as seal skins that had been taken away from them due to animal rights movements and laws in the United States and in the European Union.

Degradation of the Arctic environment was also a major focus of the Tromsø Summit. Anne Walker from Alaska said that each indigenous leader should take personal responsibility to take back to the local communities the stories heard at the Summit. Ms. Walker further demanded that scientists and governments carrying out environmental research in the Arctic provide plain-language advice on how contaminants arriving from elsewhere, and ending up in the indigenous peoples' food chain may affect them, so they could make their own assessment of whether or not the food they eat is free from unsafe levels of contaminants.

The Arctic indigenous leaders ended the Summit by making several statements on issues relating to Arctic cooperation, environment, rights to sustainable utilization of resources, business development and the Russian Arctic. The Arctic leaders supported a statement by Simonié Nalukturuk, President of Makivik Corporation in Nunavik (Northern Quebec) that in the event of the province of Quebec separating from Canada, Quebec Inuit have the right to choose their own destiny. Delegates also made a statement in support of a proposed Arctic Council of the eight Arctic governments, but only if the indigenous organizations have full participatory rights in such a council.

--30--

FOR MORE INFORMATION, PLEASE CONTACT:

Caleb Pungowiyi, President
Inuit Circumpolar Conference
Anchorage, Alaska
Tel: 1-907-563-6917

Inqmar Egede, Vice-President
Inuit Circumpolar Conference
Nuuk, Greenland
Tel: 299 23 632

Chester Reimer, Research Director

Inuit Circumpolar Conference
Ottawa, Ontario
Tel: 1-613-563-2642

Leif Halonen
Summit Organizer:
The Saami Council
Ohcejohka/Ulujoki
Finland
Tel: 358 697 71 351

February 16, 1995

The President
The White House
Washington, DC 20500

Dear Mr. President:

The State of Alaska supports an initiative sponsored by the government of Canada known as the Arctic Council. The Arctic Council, comprised of eight Arctic national governments, has an opportunity to be an umbrella body that encompasses the many organizations and issues facing the north. Those issues are very close to Alaska's interest as we are the only Arctic-oriented state, geographically and culturally.

Alaska encourages the United States government to focus on policies affecting the health of our indigenous people, as well as continuing its work on trade, economic development, transportation and research. Public health is of primary concern to Alaska. Solutions to problems, such as the high rates of alcoholism and suicide, affecting the people living in the harsh conditions of the Arctic need to be addressed. Additionally, we view the Arctic Council as a forum to discuss our interests and successes in environmentally responsible Arctic development, including the potential for development in federally designated areas such as the Arctic National Wildlife Refuge.

The State of Alaska wants to be an active participant in the development of the United States' Arctic policies. Representation from Alaska's people is essential as they are affected by and knowledgeable about Arctic policies of our Nation.

Sincerely,

s/s Tony Knowles

Tony Knowles
Governor

The President
February 16, 1995
Page 2

bcc: Ambassador Mary Simon
Senator Ted Stevens
Senator Frank Murkowski
Representative Don Young
Lawton Jordan, The White House
John Katz
Commissioner Willie Hensley

TK/DR/KP/DCED/bph
clinton.tk

0824
Arctic Council support

THE NORTHERN FORUM
OFFICE OF THE SECRETARIAT
4101 University Drive -- Alaska Pacific University
Carr-Gottstein Academic Center, Suite 221
Anchorage AK 99508
Telephone (907) 561-3280 -- Facsimile (907) 561-6645

FAX TRANSMITTAL COVER SHEET

April 6, 1995

TO: Senator Albert Adams - Fax #465-4821
Senator Drue Pearce - Fax #465-3872
Representative Gail Phillips - Fax #465-3472
Representative Ramona Barnes - Fax #465-4565
Representative Beverly Masek - Fax #465-2294

7 Pages to Transmit

FROM Lisa Shaw 

RE: House Joint Resolution No. 15
The Arctic Council

THE NORTHERN FORUM

OFFICE OF THE SECRETARIAT

4101 University Drive, AFU Carr. G., Main Center, Suite 221

Anchorage, Alaska 99508

Phone: 907 561-6680 FAX: 907 561-6645

Telex: 40597, 93 (NFORUMAK)

April 5, 1995

The Honorable Tony Knowles
 Governor
 State of Alaska
 P.O. Box 110001
 Juneau, Alaska 99811

Dear Governor Knowles:

As you are aware, in February of this year, the U.S. voiced its support for the establishment of the Arctic Council, an organization representing the eight Arctic countries. The organizational details are now being finalized by Ambassador Mary Simon of Canada.

As you may also be aware, the initiative to create the Arctic Council was first developed by Canada's former Prime Minister Brian Mulroney in 1991. Since then the Council has had three organizational meetings, one of which I had the opportunity to attend as an observer, in Ottawa, Canada, in May of 1993.

To date, The Northern Forum's Board of Directors has not taken a formal position on the Arctic Council. The Board does, however, support the idea of increased federal resources for the Arctic.

However, there is a concern from the Board that the Arctic Council may duplicate the important work already being done by The Northern Forum, or conflict with the special region-to-region approach of the organization. To ensure that this does not occur, it is imperative that The Northern Forum and the Arctic Council develop a formal relationship of exchange. This could be done in one of two ways.

The first, and preferred, option would be that Northern Forum members be included as part of the official delegation at the Arctic Council's meetings. For example, there could be a stipulation that each federal delegation include at least one regional leader. This would ensure that regional interests are not duplicated or overlooked.

Membership Level I

Board of Directors

Chairman

Governor Sigbjørn Eriksen

Regional Authority of Northern Norway

Vice Chairman

Prasanna Manjhi Ye, Nikolayev

East Republic (Yanina), Russia

Vice Chairman

Governor Takahiro Yamamoto

Wakayama Prefecture, Japan

Secretary General

Walter J. Michel

Alaska, U.S.A.

Governor Tony Knowles

Alaska, U.S.A.

Premier Rachel Khan

Alberta, Canada

Governor Alexander J. Nazarov

Chukotka Autonomous Okrug, Russia

Governor Genden Avin Galsan

Dornod Province, Mongolia

Governor Anatoly M. Yavmov

Evans Autonomous Okrug, Russia

Governor Tan Fengshan

Heilongjiang Province, China

Governor Vadim A. Biryukov

Nenets Autonomous Okrug, Russia

Governor Valeri I. Ispae

Khanty-Mansi, Russia

Governor Alexander V. Phipperid

Khanty-Mansi Autonomous Okrug, Russia

Governor Yuri A. Spudonov

Nenets Republic, Russia

Governor Matsuo Beeno

Utsunomiya Region, Finland

Governor Alexander S. Biryukov

Leningrad Oblast, Russia

Governor Viktor G. Mataldov

Magadan Oblast, Russia

Governor Yuri V. Komarovsky

Nenets Autonomous Okrug, Russia

Governor Evgeniy A. Kravtsov

Sakhalin Oblast, Russia

Governor Arne Frøsten

South Trøndelag, Norway

Governor Göte Bohm

Västernorrland, Sweden

Membership Level II

Republic of Korea

The Honorable Tony Knowles
State of Alaska
April 5, 1995
Page 2 of 2

Secondly, The Northern Forum could be granted Permanent Observer status. This privilege has been proposed for three indigenous groups thus far: The Inuit Circumpolar Conference (ICC), The Sami Council, and the Association of Aboriginal People of Northern Russia.

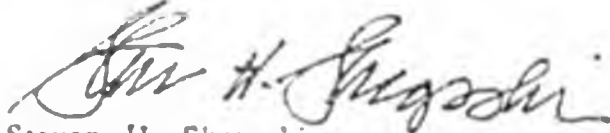
The distinction of "Permanent Observer" is important in this case because it distinguishes these groups from other classes of observers. Permanent Observers are each provided a seat at the table with the federal delegations. This is an important consideration given the fact that the Council votes on the basis of consensus.

There is currently a Resolution which has been proposed by Senator Al Adams to support the establishment of the Arctic Council. I believe this Resolution is of great importance to the State of Alaska. I further believe that this Resolution provides an opportunity for the State of Alaska to persuade the United States and the Arctic Council to formally recognize The Northern Forum. Enclosed is a draft of the suggested changes to this Resolution. Please be aware that I have discussed these issues with your Special Staff Assistant, Kurt Parkan.

I look for your support on this very important matter.

Thank you for your time and consideration.

Sincerely,



Steven H. Shropshire
Executive Director

Enclosure

HOUSE JOINT RESOLUTION NO. 13
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 NINETEENTH LEGISLATURE -- FIRST SESSION

A RESOLUTION

Relating to establishment of an Arctic council. (Original title)

Relating to Strengthening Alaska's role in Global Arctic Affairs.

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

WHEREAS the State of Alaska is an integral center for Arctic policy and has invested considerable resources through a region-to-region approach in establishing the Secretariat for The Northern Forum.

WHEREAS the Northern Forum is a functional, effective world organization, accredited by the United Nations.

WHEREAS The Northern Forum membership is represented by elected leaders from 23 Arctic regions.

WHEREAS there are many Arctic issues that are common to the nations of the circumpolar north, and these issues can be addressed most effectively in a multilateral forum that promotes cooperation and concerted action; and

WHEREAS a regional multilateral forum for the Arctic would provide political energy and focus for anticipating and addressing current and

future problems of the Arctic, capitalizing on new opportunities for the Arctic, and involving residents of the Arctic in a discussion of the issues that affect them directly; and

WHEREAS the creation of a multinational Arctic council has been proposed to provide a permanent, intergovernmental policy forum for the eight Arctic nations, including the United States, Denmark, Finland, Iceland, Norway, Russia, Sweden, and Canada; and

WHEREAS Alaska should play a prominent and active role in developing a policy forum for the Arctic; and

WHEREAS The Northern Forum and the Arctic Council are the only institutions which are mandated to address and manage a full range of regional and federal Arctic issues; and

WHEREAS an Arctic council would be a key body to ensure international cooperation and coordination on sustainable development of the Arctic; and

WHEREAS an Arctic council would ensure greater efficiency and effectiveness in handling Arctic issues, by providing focus and, where appropriate, policy direction to existing Arctic-related organizations, creating by consensus additional working groups only where necessary, and by influencing and coordinating with other international organizations.

BE IT RESOLVED that the Alaska State Legislature supports the establishment of the Arctic Council consisting of the eight nations having territory in the Arctic, as an umbrella policy organization for the Arctic, which formally recognizes and does not duplicate the important work undertaken by The Northern Forum.

COPIES of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; to the Honorable Al Gore, Jr., Vice President of the United States and President of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the Honorable Robert Dole, Majority Leader of the U.S. Senate; the Honorable Warren Christopher, U.S. Secretary of State; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

Canadian carries torch for northern way of life

By CLYDE H. FARNSWORTH
The New York Times

OTTAWA — She speaks of the despair that leads some of her people to alcoholism, drug abuse and suicide and of their pessimism over the lack of job opportunities. Yet to Mary Simon, an Eskimo who recently became Canada's first Circumpolar ambassador, the news is not all bad.

"Not everybody is out drinking

and living a life of despair," she said. "Part of our culture is dying, and there's a strong determination to pull through all of this. But we can make the changes that are necessary to bring back the pride and the self-esteem."

One of the changes she hopes to see as Canada's chief diplomat on northern issues is creation by the world's eight circumpolar nations of an Arctic Council to make policy

and living a life of despair," she said. "Part of our culture is dying, and there's a strong determination to pull through all of this. But we can make the changes that are necessary to bring back the pride and the self-esteem."

commitments in areas of overlapping concern such as environmental protection. Not until the Cold War ended was it possible for more than 115,000 Eskimos, 40,000 of them Canadian, to turn their attention to the endemic common problems of degradation of their environment and deterioration of their economic

Please see Page B3, AMBASSADOR



Does the book 'The Arctic Council' by ...

AMBASSADOR: Canadian Eskimo carries the torch for northern way of life

Continued from Page B1

and social life.

"My own experience goes back 20 years working on both environmental and economic issues in the Canadian north," said Simon, a 47-year-old Inuk from Kuujuaq, a settlement on Ungava Bay in northern Quebec to which she returns frequently. "but now for the first time we have the possibility of a coherent approach by eight governments."

In addition to Canada, the circumpolar nations are the United States, Russia, Norway, Sweden, Finland, Iceland and Denmark, which administers Greenland.

Simon, the first Eskimo to hold the rank of ambassador in Canada, said she wants to look not only at environmental questions, "but at the broader picture of how people live in the north, how development

projects affect people in the different regions."

"Does that wealth go back into the north or is it just taken out?" she said. "Is there development taking place in such a way that will provide new jobs for the young people who are desperately in need of work?"

The council is a 6-year-old Canadian initiative that has won the backing of all polar powers except the United States. Washington has had reservations about creating a new international bureaucracy, but Simon's lobbying appears to have brought the Clinton administration around.

David Colson, the deputy assistant secretary of state responsible for polar affairs, said recently from Washington: "I would hope to be in a position to reconcile our differences and have a common point of view with Canada that we

could express to the other six countries in March."

The issue of environmental security has taken on a sense of urgency with the huge oil spill last year near the Russian arctic city of Utsinsk and the disclosure of dumping by the former Soviet Union of nuclear reactors in the shallow waters of the Kara Sea.

The eight polar countries adopted an Arctic Environment Protection Strategy in 1991, but it was a non-binding agreement lacking enforcement provisions. Pollution also has been a top agenda item for the Inuit Circumpolar Conference, a nongovernmental group representing all the Native people in the north, which Simon headed from 1986 to 1992.

But the hope is that the new governmental body would be able to forestall such disasters and protect

the fragile arctic ecosystems.

By addressing standards required for proper environmental management and conservation, the council could set the stage for sustainable economic development, said Christopher Stephens, an arctic scholar who directs the Indigenous Development International program at the McDonald Institute of Cambridge University.

Canada, which occupies 30 percent of the arctic land mass, is particularly anxious about environmental deterioration. PCBs and chemicals associated with pesticides already have shown up in disconcertingly high concentrations in the Canadian north, borne by winds, rivers and ocean currents.

Through fish and marine mammals, which form a large part of Inuit diets,

they enter the food chain. PCB levels, for example, have been found to be five times higher in the breast milk of Eskimos in northern Quebec than in mothers in southern Canada.

Simon, who has three children, said people in the north feel an urgency about the contamination.

"The concern is something you feel - like it's in you, like I'm really worried about this," she said. "People are worried that they won't be able to eat fat anymore. And where are they going to get a nutritionally based food source because the cost of living is so great?"

A youth steeped in Eskimo culture gave Simon a deep understanding of the

people's concerns. Her mother is an Eskimo, and her father, a Hudson Bay post manager, is a white Canadian who has long lived in the north. The family spoke Inuktitut, the local language, and her mother speaks little English.

As a child, Simon and her seven brothers and sisters learned how to drive a dog team and to build igloos, but they were taught to appreciate both cultures. She went to high school through correspondence courses. Later she taught Inuktitut at McGill University in Montreal, then joined the Northern Service of CBC as a radio and television broadcaster.

SJR

24

SENATE COMMITTEE REFERRAL
First Committee of Referral

DATE: 4/20/95

FURTHER: Judiciary
 Finance

Date of 5-Day Notice: 12/19/95
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2/23/96

State Affairs Committee considered **SJR 24**

Amendments to the Alaska Constitution relating to the transmittal of bills after passage, enactment of bills without the governor's signature; vetoes and vetoed bills.

and recommends:

- be replaced with CS SJR 24 (STA)
- 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>Loren A. Lemmon</i>	✓				
<i>Paul E. [unclear]</i>	✓				
<i>[unclear]</i>					
<i>Charles [unclear]</i>	✓				
<i>[unclear]</i>					
CHAIR: <i>Ben [unclear]</i>	✓				

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>LAH (2/22/96)</i>	<i>1/8/96</i>	0	
<i>LAH</i>	<i>1/10/96</i>	0	
<i>LA Gov - Elections</i>	<i>1/1/96</i>		2.2
<i>LA Governor</i>	<i>1/1/96</i>	0	
<i>Gov - Admin. Sys.</i>	<i>1/1/96</i>	0	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSJR 24(STA)

Revision Date: 2/21/96 Dept Affected Office of the Governor
 Title: Constitutional Amendment re BRU Elective Operations
 Transmittal and enactment of bills and vetoes Component General and Primary Elections
 Sponsor: Senator Donley
 Requester: Senator Sharp COMPONENT SERIAL NO. 22

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.2					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.2	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF	2.2					
1005 GF/Program Receipts						
1037 CF/Mental Health						
Other						
TOTAL	2.2	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 00

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

ANALYSIS: (Attach a separate page if necessary)

This figure includes the cost of providing information about this issue in the Official Election Pamphlet as required by AS 15.58, and the programming costs for counting votes cast on the measure. However, only four measures can be printed on a single ballot card. If this measure requires printing an additional ballot card, the costs will increase by \$53.4.

Prepared by Dana LaTour Phone 465-5347
 Division Division of Elections Date 2/21/96
 Approved by LT Governor Fran Ulmer Date 2/21/96
 Commissioner John Ambrose
 Agency Office of the Lt. Governor

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

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

NO. _____
BILL VERSION: SJR 24
PUBLISH DATE: _____

Revision Date: _____
Title: Proposing amendments to the Consti-
tution...consideration by the legislature of vetoed bills.
Sponsor: Senator Donley
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.

Prepared By: Karla Schofield, Deputy Director *Karla Schofield* Phone: 465-3852
 Division: Administrative Services Date: 1/2/96

Approved By: Pamela A. Varni, Executive Director *Pamela Varni*
 Agency: Legislative Affairs Agency Date: 1/8/96

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

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SJR 24

Revision Date: _____ Dept. Affected: Department of Law
 Title: ...relating to...enactment of bills without the BRU: Civil Division
governor's signature, to vetos,...to consideration by the legislature... Component: General Legal Services
 Sponsor: _____
 Requester: _____ COMPONENT SERIAL NO. 2087

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 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

SJR 24 would place a ballot proposition before the voters in the next general election that would amend the Constitution of the State of Alaska concerning the time provided to the governor for the approval or veto of legislative bills, and the process provided to the legislature for the reconsideration of vetoed bills.

First, the proposed amendment would require that after final passage a bill would have to be returned to the clerk of the secretary of the house in which it originated within twenty-four hours, excluding Sundays. Within seven days after receipt of the bill, the clerk or secretary would have to transmit it to the governor. Currently, there is no time limit (constitutional or otherwise) in which bills have to be transmitted between houses or to the governor after final passage.

Second, the proposed amendment would require that when the governor returns a vetoed bill to the house origin that, in addition to the currently required statement of his objectives, the governor must also include

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 1/10/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 1/10/96
 Agency: Department of Law

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

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SJR 24

ANALYSIS CONTINUATION:

information supporting his veto decision.

Third, the proposed amendment would provide that if a house of the legislature receives a veto message while both houses are in regular session and no later than one hundred and fifteen calendar days after the session convened, the legislature shall on the fifth day after receipt of the veto message meet in joint session to provide the members an opportunity to bring up reconsideration of the vetoed bill or item. Under existing constitutional provisions, vetoes received during a regular session are to be brought up immediately for reconsideration during the entire length of a regular session.

Fourth, the proposed amendment would provide that if a house of the legislature receives a veto message while one or both of the houses is adjourned from a regular session, or later than one hundred and fifteen calendar days after the date the session convened, the legislature would meet on the fifth day of the next regular or special session in joint session to provide the members an opportunity to bring up reconsideration of the vetoed bill or item. The Constitution currently provides that bills vetoed after the adjournment of the first regular session shall be reconsidered no later than the fifth day of the next regular or special session, and that bills vetoed after adjournment of the second regular session shall be reconsidered by the legislature no later than the fifth day of a special session of that legislature, if one is called.

Fifth, the proposed amendment provides that forty days after the last house adjourned from a regular session, each member of the house shall contact the house clerk and each member of the senate shall contact the senate secretary and indicate, in the affirmative or the negative, whether the legislature should meet in special session to reconsider vetoed bills. If at least forty members request a special session, the session would convene on a date agreed upon by the presiding officers that is within seventy days after the last house adjourned from regular session. The amendment further provides that if a member fails to contact the clerk or secretary as provided by the foregoing, the member shall be considered to have requested a special session. There is no existing provision in the Constitution that requires the polling of members of the legislature to call for a special session to reconsider vetoed bills.

Sixth, and finally, the proposed amendment would reduce the time the governor has to approve, veto, or allow a bill to become law without his signature, after a legislature has adjourned, from twenty days to fifteen days, Sundays excepted. The Constitution currently provides that a governor has fifteen days to take these actions while the legislature is in session.

If approved, this resolution places the proposed amendment before the voters at the state's next general election. This act, on its own, will not have a fiscal impact for the Department of Law.

If approved by the voters, the amendment will compress a large body of work into a shortened period of time for the legislature, the Office of the Governor, the Department of Law, and affected departments and agencies. That is because of the timing of the final passage of bills, which occurs during the latter part of a legislative session.

For example, during the last session of the legislature (including the special session) 114 bills were transmitted to the governor. Of those, 57 bills were transmitted during the last 30 days the legislature was in session. Another 43 bills were transmitted after the special session adjourned. Of the latter group, 25 bills were transmitted to the governor a week or more beyond the seven day transmittal period that the amendment would mandate. Certainly, it would be impractical to employ (or even find) staff for such a short period of time

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SJR 24

ANALYSIS CONTINUATION:

to conduct the numerous reviews of bills that each of the affected bodies must carry out. Therefore fiscal note cost are not appropriate. Everyone involved, in both the legislative and executive branches, will be required to work with even greater diligence and speed to insure that their responsibilities are properly met.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SJR 24

Revision Date: _____ Dept. Affected: Office of the Governor
 Title: Amendment to the Constitution re BRU: Division of Elections
 Transmittal and enactment of bills, and vetoes Component: General and Primary Elections
 Sponsor: Senator Donley
 Requester: _____ COMPONENT SERIAL NO. 22

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.2					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.2	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	2.2					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	2.2	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: \$ 00

POSITIONS

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

ANALYSIS: (Attach a separate page if necessary)

This figure covers the cost of inclusion of information about this issue in the Official Election Pamphlet as required by AS 15.58, and programming for counting of votes cast on the measure. However, only four measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, this fiscal impact would be \$53.4.

Prepared by: Dana LaTour
 Division: Division of Elections

Phone: 465-5347
 Date: 1/9/96

Approved by Commissioner: [Signature]
 Agency: Office of the Lt. Governor

Date: 1/9/96

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

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SJR 24

Revision Date: _____ Dept. Affected: Office of the Governor
 Title: Proposing amendments to the Constitution... BRU: Executive Operations
relating to transmittal of bills after passage, enactment of bills... Component: Office of the Lt. Governor
 Sponsor: Senator Donley
 Requester: _____ COMPONENT SERIAL NO. 11

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	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)

FUND SOURCE	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: John Lindback
 Division: Office of the Lt. Governor
 Approved by Commissioner: John Lindback, Chief of Staff
 Agency: Office of the Lt. Governor

Phone: 465-3522
 Date: 1/9/96
 Date: 1/9/96

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SJR 24

Revision Date: _____	Dept. Affected: <u>Office of the Governor</u>
Title: <u>"Proposing amendments to the Constitution... relating to transmittal of bills after passage, enactment of bills..."</u>	BRU: <u>Executive Operations</u>
Sponsor: <u>Senator Donlevy</u>	Component: <u>Executive Office</u>
Requester: _____	COMPONENT SERIAL NO. <u>0</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	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)

FUND SOURCE	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/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: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: <u>Mike Nizich, Director</u> <i>MN</i>	Phone: <u>465-3876</u>
Division: <u>Division of Administrative Services</u>	Date: <u>1/9/96</u>
Approved by Commissioner: <u>Jim Ayers, Chief of Staff</u> <i>J. Ayers</i>	Date: <u>1/9/96</u>
Agency: <u>Office of the Governor</u>	

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

For further distribution information, call the Governor's Legislative Office

CS FOR SENATE JOINT RESOLUTION NO. 24(STA)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
 Referred:

Sponsor(s): SENATOR DONLEY

A RESOLUTION

1 Proposing amendments to the Constitution of the State of Alaska relating to the
 2 transmittal of bills after passage, to vetoes, and to consideration by the legislature
 3 of vetoed bills.

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

5 * Section 1. Article II, sec. 14, Constitution of the State of Alaska is amended to read:

6 SECTION 14. PASSAGE OF BILLS. (a) The legislature shall establish the
 7 procedure for enactment of bills into law. No bill may become law unless it has
 8 passed three readings in each house on three separate days, except that any bill may
 9 be advanced from second to third reading on the same day by concurrence of
 10 three-fourths of the house considering it. No bill may become law without an
 11 affirmative vote of a majority of the membership of each house. The yeas and nays
 12 on final passage shall be entered in the journal.

13 (b) After final passage a bill shall be returned to the clerk or secretary of
 14 the house in which it originated within forty-eight hours, excluding Sundays. If
 15 a bill is not returned within this period it shall be considered to have been
 16 returned and the clerk or secretary of the house of origin shall immediately

1 prepare a duplicate that shall be substituted for the original bill. Within fourteen
2 days, excluding Sundays, after receipt of the bill or preparation of a duplicate by
3 the clerk or secretary, the clerk or secretary shall transmit it to the governor.

4 * Sec. 2. Article II, sec. 15, Constitution of the State of Alaska, is amended to read:

5 SECTION 15. VETO. The governor may veto bills passed by the legislature.
6 He may, by veto, strike or reduce items in appropriation bills. He shall return any
7 vetoed bill, with a statement of his objections and with information supporting his
8 veto decision, to the house of origin.

9 * Sec. 3. Article II, sec. 16, Constitution of the State of Alaska, is amended to read:

10 SECTION 16. ACTION UPON VETO. (a) If a house of the legislature
11 receives [UPON RECEIPT OF] a veto message while both houses are in [DURING
12 A] regular session and no later than one hundred and fourteen calendar days after
13 the date the session convened [OF THE LEGISLATURE], the legislature shall meet
14 no later than the fifth day, excluding Sundays, after receipt of the message
15 [IMMEDIATELY] in joint session and shall provide the members an opportunity
16 to bring up reconsideration [RECONSIDER PASSAGE] of the vetoed bill or item.
17 If a house of the legislature receives a veto message after one or both houses have
18 adjourned from a first regular session or later than one hundred and fourteen
19 calendar days after the date that first regular session convened, the legislature
20 shall meet no later than the fifth day, excluding Sundays, of the next regular or
21 special session in joint session and shall provide the members an opportunity to
22 bring up reconsideration of the vetoed bill or item. If a house of the legislature
23 receives a veto message after one or both houses have adjourned from a second
24 regular session or later than one hundred and fourteen calendar days after the
25 date that second regular session convened, and if a special session is held before
26 the next regular session, the legislature shall meet no later than the fifth day,
27 excluding Sundays, of that special session to provide the members an opportunity
28 to bring up reconsideration of the vetoed bill or item. Joint sessions held under
29 this subsection are mandatory and, notwithstanding the limitations on the
30 duration of sessions under Sections 8 and 9 of this article, the legislature may not
31 adjourn from any session without first convening in joint session if required to do

1 so under this subsection.

2 **(b) Forty days after the last house adjourned from a first or second**
3 **regular session, each member of the house shall contact the house clerk and each**
4 **member of the senate shall contact the senate secretary and indicate in writing,**
5 **in the affirmative or negative without qualification, whether the legislature should**
6 **meet in special session to reconsider vetoed bills. If at least forty members**
7 **request a special session, the session shall convene on a date agreed upon by the**
8 **presiding officers that is within seventy days after the last house adjourned from**
9 **regular session or, if no date is agreed upon, the legislature shall convene on the**
10 **seventieth day after the last house adjourned from regular session. If a member**
11 **fails to contact the clerk or secretary as required under this subsection, the**
12 **member shall be considered to have requested a special session.**

13 **(c) Bills to raise revenue and appropriation bills or items, although vetoed,**
14 become law by affirmative vote of three-fourths of the membership of the legislature.
15 Other vetoed bills become law by affirmative vote of two-thirds of the membership of
16 the legislature. [BILLS VETOED AFTER ADJOURNMENT OF THE FIRST
17 SESSION OF THE LEGISLATURE SHALL BE RECONSIDERED BY THE
18 LEGISLATURE SITTING AS ONE BODY NO LATER THAN THE FIFTH DAY OF
19 THE NEXT REGULAR OR SPECIAL SESSION OF THAT LEGISLATURE. BILLS
20 VETOED AFTER ADJOURNMENT OF THE SECOND REGULAR SESSION
21 SHALL BE RECONSIDERED BY THE LEGISLATURE SITTING AS ONE BODY
22 NO LATER THAN THE FIFTH DAY OF A SPECIAL SESSION OF THAT
23 LEGISLATURE, IF ONE IS CALLED.] The vote on reconsideration of a vetoed bill
24 shall be entered on the journals of both houses.

25 * Sec. 4. The amendments proposed by this resolution shall be placed before the voters of
26 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
27 State of Alaska, and the election laws of the state.

9-LS1058VF
Cook
2/6/96

CS FOR SENATE JOINT RESOLUTION NO. 24()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR DONLEY

A RESOLUTION

1 Proposing amendments to the Constitution of the State of Alaska relating to the
2 transmittal of bills after passage, to vetoes, and to consideration by the legislature
3 of vetoed bills.

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

5 • Section 1. Article II, sec. 14, Constitution of the State of Alaska is amended to read:

6 SECTION 14. PASSAGE OF BILLS. (a) The legislature shall establish the
7 procedure for enactment of bills into law. No bill may become law unless it has
8 passed three readings in each house on three separate days, except that any bill may
9 be advanced from second to third reading on the same day by concurrence of
10 three-fourths of the house considering it. No bill may become law without an
11 affirmative vote of a majority of the membership of each house. The yeas and nays
12 on final passage shall be entered in the journal.

13 (b) After final passage a bill shall be returned to the clerk or secretary of
14 the house in which it originated within forty-eight hours, excluding Sundays. If
15 a bill is not returned within this period it shall be considered to have been
16 returned and the clerk or secretary of the house of origin shall immediately

1 prepare a duplicate that shall be substituted for the original bill. Within seven
2 days after receipt of the bill or preparation of a duplicate by the clerk or
3 secretary, the clerk or secretary shall transmit it to the governor.

4 * Sec. 2. Article II, sec. 15, Constitution of the State of Alaska, is amended to read:

5 SECTION 15. VETO. The governor may veto bills passed by the legislature.
6 He may, by veto, strike or reduce items in appropriation bills. He shall return any
7 vetoed bill, with a statement of his objections and with information supporting his
8 veto decision, to the house of origin.

9 * Sec. 3. Article II, sec. 16, Constitution of the State of Alaska, is amended to read:

10 SECTION 16. ACTION UPON VETO. (a) If a house of the legislature
11 receives [UPON RECEIPT OF] a veto message while both houses are in [DURING
12 A] regular session and no later than one hundred and fourteen calendar days after
13 the date the session convened [OF THE LEGISLATURE], the legislature shall meet
14 no later than the fifth day, excluding Sundays, after receipt of the message
15 [IMMEDIATELY] in joint session and shall provide the members an opportunity
16 to bring up reconsideration [RECONSIDER PASSAGE] of the vetoed bill or item.
17 If a house of the legislature receives a veto message after one or both houses have
18 adjourned from a first regular session or later than one hundred and fourteen
19 calendar days after the date that first regular session convened, the legislature
20 shall meet no later than the fifth day, excluding Sundays, of the next regular or
21 special session in joint session and shall provide the members an opportunity to
22 bring up reconsideration of the vetoed bill or item. If a house of the legislature
23 receives a veto message after one or both houses have adjourned from a second
24 regular session or later than one hundred and fourteen calendar days after the
25 date that second regular session convened, and if a special session is held before
26 the next regular session, the legislature shall meet no later than the fifth day,
27 excluding Sundays, of that special session to provide the members an opportunity
28 to bring up reconsideration of the vetoed bill or item. Joint sessions held under
29 this subsection are mandatory and, notwithstanding the limitations on the
30 duration of sessions under Sections 8 and 9 of this article, the legislature may not
31 adjourn from any session without first convening in joint session if required to do

1 so under this subsection.

2 **(b) Forty days after the last house adjourned from a first or second**
3 **regular session, each member of the house shall contact the house clerk and each**
4 **member of the senate shall contact the senate secretary and indicate, in the**
5 **affirmative or negative without qualification, whether the legislature should meet**
6 **in special session to reconsider vetoed bills. If at least forty members request a**
7 **special session, the session shall convene on a date agreed upon by the presiding**
8 **officers that is within seventy days after the last house adjourned from regular**
9 **session or, if no date is agreed upon, the legislature shall convene on the**
10 **seventieth day after the last house adjourned from regular session. If a member**
11 **fails to contact the clerk or secretary as required under this subsection, the**
12 **member shall be considered to have requested a special session.**

13 **(c) Bills to raise revenue and appropriation bills or items, although vetoed,**
14 **become law by affirmative vote of three-fourths of the membership of the legislature.**
15 **Other vetoed bills become law by affirmative vote of two-thirds of the membership of**
16 **the legislature. [BILLS VETOED AFTER ADJOURNMENT OF THE FIRST**
17 **SESSION OF THE LEGISLATURE SHALL BE RECONSIDERED BY THE**
18 **LEGISLATURE SITTING AS ONE BODY NO LATER THAN THE FIFTH DAY OF**
19 **THE NEXT REGULAR OR SPECIAL SESSION OF THAT LEGISLATURE. BILLS**
20 **VETOED AFTER ADJOURNMENT OF THE SECOND REGULAR SESSION**
21 **SHALL BE RECONSIDERED BY THE LEGISLATURE SITTING AS ONE BODY**
22 **NO LATER THAN THE FIFTH DAY OF A SPECIAL SESSION OF THAT**
23 **LEGISLATURE, IF ONE IS CALLED.] The vote on reconsideration of a vetoed bill**
24 **shall be entered on the journals of both houses.**

25 • **Sec. 4.** The amendments proposed by this resolution shall be placed before the voters of
26 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
27 State of Alaska, and the election laws of the state.

CS SIR 24 - (Work Draft 9-LS1058\F)

Section 1:

After final passage, a bill is returned to originating house within 48 [24] hours, (excluding Sundays). If it is not returned within this time period, it will be considered to be returned and a duplicate shall be made as a substitute for the bill. Within 7 days after receipt/duplicate, bill shall be transmitted to governor.

While this section is politically motivated, this would cause the clerk's and secretary's office, as well as Legal Services additional work. Additionally, certain procedures have been set in place for certifying legislation once it has passed and for enrolling bills as well. When a bill has made final passage, it is signed by the presiding officers of each body (President/Speaker) and certified by the Senate Secretary and Chief Clerk, (i.e. engrossed). Then it is sent to Legal Services for final review. Once Legal Services has reviewed the final draft and puts it into final form, it is then sent back to both houses for final review and final signatures, (enrolling), before it is sent to the Governor's office.

There is concern that the new procedure set out in the proposed CS for engrossing/enrolling of bills could breach the security of these documents and create a political atmosphere for the Chief Clerk and Senate Secretary's offices.

Further, seven days (which would not exclude Sundays in this work CS), is not sufficient time to engross/enroll a final bill in some cases, especially at the end of session. Consider that all these "shops" work tremendously hard at the end of session and sometimes stand on their heads to get the bills cranked out as soon as possible. What if there were 100 bills passed at the end of session? Who would bear the strain of the overload? This provision could be very unworkable for the "worker bees" involved.

In reality, sometimes the presiding officers leave directly after session and return a week or two later to "clean up" after it's all said and done. In some cases, the Governor has sent a list down to the presiding officers with the order in which his office would like each of the bills presented. The budget bill could be held up, not by the presiding officers, but by the length of time it takes to review the bill

(All parties involved (H/S & Gov.)
by the Governor's office) before it is signed into law. In some cases, holding up a bill after final passage could be viewed a courtesy to the 3rd floor. It takes a while for the smoke to clear after a busy end-of-session. Think about the operating budget. It is sometimes not clear what went into the bill at the last minute, or how the fiscal notes relate to the overall budget. Those staff that work on these types of bills are tired and stressed right after session and crank out the numbers as quickly as possible.

Legal Services, the chief clerk and Senate Secretary's office would all appreciate at the very least, 10 days to complete their work. Fourteen days, excluding Sundays, would be a realistic timeframe to crank out all of the work in time.

Section 3. Action upon veto.

This section has been rewritten from the original SJR 24 to address veto override action while both houses are in session, and also when one or both houses are adjourned or after the end of the second session.

It also adds the provision that joint sessions held under this session are mandatory.

VETO Action:


If a veto message is received while houses are in session, and no later than 114 calendar days of session, the legislature shall meet no later than 5 days (excluding Sundays) after receipt of the message and provide members an opportunity to bring up reconsideration of vetoed bill.

If a veto message is received after session has adjourned from a first regular session, or later than 114 days after the first regular session convened, the legislature shall meet in joint session no later than 5th day, (excluding Sundays), of the next regular or special session and shall provide members to bring up reconsideration of vetoed bill.

If a veto message is received after sine die or later than 114 days after the second regular session convened, and if a special session is held before the next regular session, the legislature shall meet no later than the 5th day, (excluding Sundays), of special session to provide members an opportunity to consider vetoed legislation.

Joint sessions are mandatory; notwithstanding the limitations on duration of sessions under Sec. 8 & 9 of Art. II the legislature may not adjourn from any session without first convening in joint session if required to do so.

40 days after the session adjourned from a 1st or 2nd regular session, each member shall contact their respective clerks and indicate yes or no, whether the legislature should meet in special session to reconsider vetoed bills. If at least 40 members request special session, the session shall convene on a date agreed upon by the presiding officers that is within 70 days after session adjourned. *(Could this be hunting season?)* If no date is agreed upon, the legislature shall meet on the 70th day after regular session. If a member fails to contact the clerk or secretary, their vote is counted as a "yes".

 Technical amendment needed: The Senate Secretary and Chief Clerk point out that notice to the secretary/clerk re: special session should be made by certified return receipt requested mail for purposes of documentation.

February 22, 1990

Honorable Senator Dave Donley
Alaska State Legislature
State Capitol
Juneau Alaska
FAX 907-465-6595

Here is a statement you may read into the hearing this afternoon and/or use
otherwise as you see fit

The Executive Committee of the AARP State Legislative Committee supports the
concept contained in SCR 22. The addition of a provision to require adjournment at
a reasonable hour improves the opportunity for citizen monitoring of the
legislative process. Early morning and late night sessions are difficult for the
public to cover and excessive time commitments for legislators work against the
best quality performance of the legislative body in the conduct of its essential
business.

Thank you for the opportunity to comment. please keep us informed of progress on
this resolution.

Barbara Rich
by *BR*

Barbara Rich, Chair
AARP State Legislative Committee
FAX 907-479-2622



NARFE

National Association of Retired Federal Employees

1779

CHAPTER _____

**Karen Brand c/o
Senator Dave Donley
Juneau, Alaska**

**Re: Senate Concurrent Resolution #22
Section: 1--Rule 13 / 2--Amended**

Dear Senator Donley;

The Executive Board of 1779 Chapter of the "National Association of Retired Federal Employees" (NARFE), with a total membership of over 550 members, have discussed the above resolution and wish to bring to your attention our desires concerning this resolution.

As we understand it, the resolution calls for the cutting back of the floor sessions to be in session between the hours of 8 AM and 9 PM. That no sessions would be allowed to take place between the hours of 9 PM and 8 AM and that 3/4ths of the membership would be needed to operate between these late night hours.

We respectfully request your continued interest in getting this resolution passed.

Sincerely,

**Lynn S. Langfield
3201 Sherrie Street,
Anchorage, AK. 99504
1(907)333-7951
Executive Board Member (NARFE)**



OLDER PERSONS ACTION GROUP, Inc.

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

FAX

February 22, 1996

Senator Dave Donley
FAX 465-6595

Dear Senator Donley,

I support SCR 22 proposing Amendments to the Uniform Rules relating to the hours of convening and adjourning from the daily floor sessions.

With a reasonable work schedule legislators to be ready each day to deal with the public process rather than being stressed out from excessively long sessions on critical issues. Critical issues are usually dealt with more rationally after a good night's sleep. Serious mistakes can and have been made because of forced issues during extended sessions of the legislature.

I lend my support to your proposal.

Sincerely,

Will Elder
Executive director

February 21, 1996

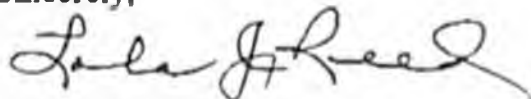
Senator Dave Donley
STATE CAPITOL
Juneau, AK 99801-1182

Dear Senator:

As president of the Central Alaska Retired Teachers' Association (CARTA), an organization of nearly 100 members, I am writing in support of **Senate Concurrent Resolution No. 22**.

Setting reasonable hours for legislative sessions will improve the public process by making meetings more open to attendance by all interested parties and it will improve the effectiveness of the legislative leadership by leaving time for adequate rest.

Sincerely,



Lola J. Reed, President

CARTA

279-3006



Alaska State Legislature

Session:
State Capitol
Juneau AK 99801-1182

Senate State Affairs

Interim:
716 W 4th Avenue
Anchorage AK 99501-2133

MEMORANDUM

DATE: February 15, 1996
TO: Senate State Affairs Committee Members
FROM: Senator Bert Sharp, Chairman *BMS*
Senate State Affairs Committee
RE: **MEETING SCHEDULE** REVISED
February 19 through February 23, 1996

The following is the Senate State Affairs Committee schedule for the week of February 19 through February 23, 1996:

Tuesday, February 20, 1996

No meeting scheduled.

Thursday, February 22, 1996 3:30 p.m. Beltz Room

HB 58 - Chickaloon Flats Critical Habitat

HB 90 - Convening Legislature after Governor's Election

SB 266 - Creamer's Field Goose Classics

SCR 22 - Uniform Rules/Hours of Daily Session

SJR 24 - Change Timing of Veto Override

Bills previously heard.

SENATE JOINT RESOLUTION NO. 24
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATOR DONLEY

Introduced: 4/20/95

Referred: STA, JUD, FIN

A RESOLUTION

1 Proposing amendments to the Constitution of the State of Alaska relating to the
 2 transmittal of bills after passage, [enactment of bills without the governor's
 3 signature.] to vetoes, and to consideration by the legislature of vetoed bills.

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

5 * Section 1. Article II, sec. 14, Constitution of the State of Alaska is amended to read:

6 SECTION 14. PASSAGE OF BILLS. (a) The legislature shall establish the
 7 procedure for enactment of bills into law. No bill may become law unless it has
 8 passed three readings in each house on three separate days, except that any bill may
 9 be advanced from second to third reading on the same day by concurrence of
 10 three-fourths of the house considering it. No bill may become law without an
 11 affirmative vote of a majority of the membership of each house. The yeas and nays
 12 on final passage shall be entered in the journal.

13 (b) After final passage a bill shall be returned to the clerk or secretary of
 14 the house in which it originated within twenty-four hours, excluding Sundays. If
 15 a bill is not returned within this period it shall be considered to have been
 16 returned and the clerk or secretary of the house of origin shall immediately

What is rule number?

1 prepare a duplicate that shall be substituted for the original bill. Within seven
2 days after receipt of the bill or preparation of a duplicate by the clerk or
3 secretary, the clerk or secretary shall transmit it to the governor.

4 * Sec. 2. Article II, sec. 15, Constitution of the State of Alaska, is amended to read:

5 SECTION 15. VETO. The governor may veto bills passed by the legislature.
6 He may, by veto, strike or reduce items in appropriation bills. He shall return any
7 vetoed bill, with a statement of his objections and with information supporting his
8 veto decision, to the house of origin.

9 * Sec. 3. Article II, sec. 16, Constitution of the State of Alaska, is amended to read:

10 SECTION 16. ACTION UPON VETO. (a) If a house of the legislature
11 receives [UPON RECEIPT OF] a veto message while both houses are in [DURING
12 A] regular session and no later than one hundred and fifteen calendar days after
13 the date the session convened [OF THE LEGISLATURE], the legislature shall meet
14 on the fifth day after receipt of the message [IMMEDIATELY] in joint session and
15 shall provide the members an opportunity to bring up reconsideration
16 [RECONSIDER PASSAGE] of the vetoed bill or item. Bills to raise revenue and
17 appropriation bills or items, although vetoed, become law by affirmative vote of three-
18 fourths of the membership of the legislature. Other vetoed bills become law by
19 affirmative vote of two-thirds of the membership of the legislature.

20 (b) If a house of the legislature receives a veto message while one or both
21 houses is adjourned from a [BILLS VETOED AFTER ADJOURNMENT OF THE
22 FIRST] regular session or later than one hundred and fifteen calendar days after
23 the date the session convened, [OF THE LEGISLATURE SHALL BE RECON-
24 SIDERED BY] the legislature shall meet on [SITTING AS ONE BODY NO LATER
25 THAN] the fifth day of the next regular or special session in joint session and shall
26 provide the members an opportunity to bring up reconsideration of the vetoed bill
27 or item [OF THAT LEGISLATURE. BILLS VETOED AFTER ADJOURNMENT
28 OF THE SECOND REGULAR SESSION SHALL BE RECONSIDERED BY THE
29 LEGISLATURE SITTING AS ONE BODY NO LATER THAN THE FIFTH DAY OF
30 A SPECIAL SESSION OF THAT LEGISLATURE, IF ONE IS CALLED]. The vote
31 on reconsideration of a vetoed bill shall be entered on the journals of both houses.

1 (c) Forty days after the last house adjourned from a regular session, each
2 member of the house shall contact the house clerk and each member of the senate
3 shall contact the senate secretary and indicate, in the affirmative or negative
4 without qualification, whether the legislature should meet in special session to
5 reconsider vetoed bills. If at least forty members request a special session, the
6 session shall convene on a date agreed upon by the presiding officers that is
7 within seventy days after the last house adjourned from regular session. If a
8 member fails to contact the clerk or secretary as required under this subsection,
9 the member shall be considered to have requested a special session.

10 * Sec. 4. Article II, sec. 17, Constitution of the State of Alaska, is amended to read:

11 SECTION 17. BILLS NOT SIGNED. A bill becomes law if, [WHILE THE
12 LEGISLATURE IS IN SESSION, THE GOVERNOR NEITHER SIGNS NOR
13 VETOES IT] within fifteen days, Sundays excepted, after its delivery to him, the
14 governor fails to return the vetoed bill with the veto message to the house of
15 origin or returns the bill without signing or vetoing it. [IF THE LEGISLATURE
16 IS NOT IN SESSION AND THE GOVERNOR NEITHER SIGNS NOR VETOES A
17 BILL WITHIN TWENTY DAYS, SUNDAYS EXCEPTED, AFTER ITS DELIVERY
18 TO HIM, THE BILL BECOMES LAW.]

19 * Sec. 5. The amendments proposed by this resolution shall be placed before the voters of
20 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
21 State of Alaska, and the election laws of the state.



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

MEMORANDUM

TO: Senator Bert Sharp, Chair
Senate State Affairs
FROM: Senator Dave Donley *TD*
RE: Hearing for SB 24
DATE: February 8, 1996

I request Senate Bill 24 (SB 24) be scheduled for another hearing in the Senate State Affairs Committee at your earliest convenience. SB 24 proposes amending the state's constitution relating to the transmittal of bills.

Attached is a copy of the Committee Substitute work draft for SB 24. The Committee's suggested improvements have been made and SB 24 is ready to be discussed in committee again.

Thank you for your consideration on scheduling SB 24 for another hearing in the Senate State Affairs Committee.

DD/aa

① 9-3 - Donley Amendment proposal

SENATE JOINT RESOLUTION NO. 24

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATOR DONLEY

Introduced: 4/20/95

Referred: STA, JUD, FIN

A RESOLUTION

1 Proposing amendments to the Constitution of the State of Alaska relating to the
2 transmittal of bills after passage, enactment of bills without the governor's
3 signature, to vetoes, and to consideration by the legislature of vetoed bills.

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

5 * Section 1. Article II, sec. 14, Constitution of the State of Alaska is amended to read:

6 SECTION 14. PASSAGE OF BILLS. (a) The legislature shall establish the
7 procedure for enactment of bills into law. No bill may become law unless it has
8 passed three readings in each house on three separate days, except that any bill may
9 be advanced from second to third reading on the same day by concurrence of
10 three-fourths of the house considering it. No bill may become law without an
11 affirmative vote of a majority of the membership of each house. The yeas and nays
12 on final passage shall be entered in the journal.

13 (b) After final passage a bill shall be returned to the clerk or secretary of
14 the house in which it originated within twenty-four hours, excluding Sundays. If
15 a bill is not returned within this period it shall be considered to have been
16 returned and the clerk or secretary of the house of origin shall immediately

1 prepare a duplicate that shall be substituted for the original bill. Within seven
2 days after receipt of the bill or preparation of a duplicate by the clerk or
3 secretary, the clerk or secretary shall transmit it to the governor.

4 * Sec. 2. Article II, sec. 15, Constitution of the State of Alaska, is amended to read:

5 SECTION 15. VETO. The governor may veto bills passed by the legislature.
6 He may, by veto, strike or reduce items in appropriation bills. He shall return any
7 vetoed bill, with a statement of his objections and with information supporting his
8 veto decision, to the house of origin.

9 * Sec. 3. Article II, sec. 16, Constitution of the State of Alaska, is amended to read:

10 SECTION 16. ACTION UPON VETO. (a) If a house of the legislature
11 receives [UPON RECEIPT OF] a veto message while both houses are in [DURING
12 A] regular session and no later than one hundred and fifteen calendar days after
13 the date the session convened [OF THE LEGISLATURE], the legislature shall meet
14 on the fifth day after receipt of the message [IMMEDIATELY] in joint session and
15 shall provide the members an opportunity to bring up reconsideration
16 [RECONSIDER PASSAGE] of the vetoed bill or item. Bills to raise revenue and
17 appropriation bills or items, although vetoed, become law by affirmative vote of three-
18 fourths of the membership of the legislature. Other vetoed bills become law by
19 affirmative vote of two-thirds of the membership of the legislature.

20 (b) If a house of the legislature receives a veto message while one or both
21 houses is adjourned from a [BILLS VETOED AFTER ADJOURNMENT OF THE
22 FIRST] regular session or later than one hundred and fifteen calendar days after
23 the date the session convened, [OF THE LEGISLATURE SHALL BE RECON-
24 SIDERED BY] the legislature shall meet on [SITTING AS ONE BODY NO LATER
25 THAN] the fifth day of the next regular or special session in joint session and shall
26 provide the members an opportunity to bring up reconsideration of the vetoed bill
27 or item [OF THAT LEGISLATURE. BILLS VETOED AFTER ADJOURNMENT
28 OF THE SECOND REGULAR SESSION SHALL BE RECONSIDERED BY THE
29 LEGISLATURE SITTING AS ONE BODY NO LATER THAN THE FIFTH DAY OF
30 A SPECIAL SESSION OF THAT LEGISLATURE, IF ONE IS CALLED]. The vote
31 on reconsideration of a vetoed bill shall be entered on the journals of both houses.

1 (c) Forty days after the last house adjourned from a regular session, each
2 member of the house shall contact the house clerk and each member of the senate
3 shall contact the senate secretary and indicate, in the affirmative or negative
4 without qualification, whether the legislature should meet in special session to
5 reconsider vetoed bills. If at least forty members request a special session, the
6 session shall convene on a date agreed upon by the presiding officers that is
7 within seventy days after the last house adjourned from regular session. If a
8 member fails to contact the clerk or secretary as required under th' subsection,
9 the member shall be considered to have requested a special session.

10 * Sec. 4. Article II, sec. 17, Constitution of the State of Alaska, is amended to read:

11 SECTION 17. BILLS NOT SIGNED. A bill becomes law if, [WHILE THE
12 LEGISLATURE IS IN SESSION, THE GOVERNOR NEITHER SIGNS NOR
13 VETOES IT] within fifteen days, Sundays excepted, after its delivery to him, the
14 governor fails to return the vetoed bill with the veto message to the house of
15 origin or returns the bill without signing or vetoing it. [IF THE LEGISLATURE
16 IS NOT IN SESSION AND THE GOVERNOR NEITHER SIGNS NOR VETOES A
17 BILL WITHIN TWENTY DAYS, SUNDAYS EXCEPTED, AFTER ITS DELIVERY
18 TO HIM, THE BILL BECOMES LAW.]

19 * Sec. 5. The amendments proposed by this resolution shall be placed before the voters of
20 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
21 State of Alaska, and the election laws of the state.



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

Sponsor Statement Senate Joint Resolution 24

SJR 24 would amend Article II of the Alaska State Constitution by further defining the legislative procedure for the enactment of bills into law.

Passage of SJR 24 would restore the equilibrium of power between the executive and legislative branches of government which was unbalanced by the adoption of the 120 day session limit in 1983. With the session limit in place, the legislature has little recourse to reconsider legislation vetoed after the adjournment of the second session. SJR 24 would afford members of the legislature a greater opportunity to initiate a special session for the purposes of considering vetoed legislation. Under the state constitution members of the legislature should clearly have the right to vote on vetoed legislation and SJR 24 provides members the opportunity to exercise this right.

SJR 24 would also remove the potential for abuse by presiding officers who, under the existing system, may hold passed legislation in their possession indefinitely. SJR 24 would remove the threat of inappropriate interference and delay and would ensure that passed legislation be transmitted in a timely and succinct manner.

SJR 24 would require the Senate Secretary and House Chief Clerk to return a bill to its original house of origin within 24 hours (excluding Sundays) after final passage. If a bill is not returned within this period, the clerk or secretary shall make a duplicate copy of the bill and act as though it was returned to them. Within seven days after the clerk or secretary receives the bill it shall be prepared and transmitted to the Governor.

SJR 24 would require the Governor to provide the legislature with information supporting any veto decision he makes, in addition to the vetoed bill and a statement of his objections.

SJR 24 would require both houses of the legislature to convene in joint session on the fifth day following the receipt of the veto message if a house of the legislature receives a veto message from the governor during the legislative session. This joint session shall provide members the opportunity to bring up reconsideration of the vetoed bill or item. This joint session may only occur while both houses are in regular session and no later than 115 calendar days after the date the session convened.

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-1648

Senate Joint Resolution 24
Sponsor Statement - Page 2

SJR 24 mandates that the legislature shall meet in joint session on the 5th day of a regular or special session to consider any vetoed bill or item received by the legislature the previous session. The joint session may only reconsider those vetoed items that were received during the previous session if one or both houses had adjourned from session or the veto message was received 115 calendar days after the date that session convened. This amendment provides the legislature with a permanent forum to exercise its right to reconsider vetoed legislation.

Currently it is very difficult for the legislature to call itself into special session. The constitutional provisions for calling special sessions are very vague and dependent entirely on the Governor and the Presiding Officers. SJR 24 would adopt a clearer and fairer system for calling special sessions.

SJR 24 would also require members of the legislature to contact the appropriate clerk or secretary of their body 40 days after the last house adjourned from a second year session to indicate in the affirmative or negative whether the legislature should meet in special session to reconsider vetoed bills. If a member fails to contact the clerk or secretary, that member shall be considered to have requested a special session. At least forty members must indicate in the affirmative to have a special session. If 40 members request a special session, the session must convene no later than 70 days after the last house adjourned from regular session.

SJR 24 further defines the procedures on when a bill may become law when the bill is in the possession of the governor. The resolution mandates that a bill becomes law if the governor fails to return the vetoed bill with the veto message to the house of origin or returns the bill without signing or vetoing it.

If SJR 24 passes the legislature its provisions would be placed before the voters of Alaska for approval during the next general election.

DD/jja

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO

1031 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE (907) 269-5100
FAX (907) 276-3697

KEY BANK BUILDING
100 CUSHMAN ST., SUITE 400
FAIRBANKS, ALASKA 99701-4679
PHONE (907) 451-2811
FAX (907) 451-2846

P.O. BOX 110300, DIMOND COURT HOUSE
JUNEAU, ALASKA 99811-0300
PHONE (907) 465-3600
FAX (907) 465-6735

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

January 18, 1996

Senator Randy Phillips
Alaska State Legislature
Room 103
State Capitol
Juneau, Alaska 99801

Re: SJR 24 (Enactment procedures; veto)

Dear Senator Phillips:

During my testimony before the Senate State Affairs Committee on January 16, 1996, you requested that I research various state constitutions and report whether they prescribe times for the presentment of bills to the governor after passage and whether they specify the content of objections that must accompany bills vetoed by a governor

Eight states have provisions requiring the presentment of bills to the governor after final passage by the legislature. There is a wide disparity in the provisions. I believe that these states provide a good cross-section of the manner in which the various states have dealt with the issues addressed in SJR 24.

Connecticut: the time for presentment is set by the legislature by rule. Conn. Const. art. IV, sec. 15.

Illinois: bills must be presented to the governor within 30 days after final passage. Ill. Const. art. IV, sec. 9.

Kansas: bills must be signed by the presiding officers within 10 days after final passage. Kan. Const. sec. 56.

Kentucky: bills must be signed in open session of each house of the legislature and immediately presented to the governor. Ky. Const. sec. 56.

Louisiana: bills must be delivered to the governor within three days after passage. La. Const. art. IV, sec. 5.

Maryland: bills must be presented within 20 days after adjournment. Md. Const. art. III, sec. 30.

Minnesota: bill not signed or presented fail to become law. Minn. Const. art. IV, secs. 21 and 23.

Ohio: bills must be authenticated by the presiding officers and presented to the governor "forthwith." Ohio Const. art. II, sec. 15.

I also checked the same states set out above to determine when a bill becomes law without signature. This sets the limit for the time that the governor has to consider a veto of the bill.

Connecticut: the governor has five days after the presentment if the legislature is in session and 15 days if adjourned. Conn. Const. art. IV, sec. 15.

Illinois: the governor has 60 days after the presentment to take action. Ill. Const. art. IV, sec. 9.

Kansas: the governor has 10 days after the presentment. Kan. Const. art. II, sec. 14.

Kentucky and Ohio: the governor has 10 days after presentment or 10 days after adjournment, whichever is longer to act on a bill. Ky. Const. sec. 88; Ohio art. II, sec. 16.

Louisiana: the governor has 10 days while the legislature is in session and 20 days after adjournment. La. Const. art. III, sec. 18.

Maryland: the governor has 30 days after presentment to take action. Md. Const. art. II, sec. 17.

Minnesota: the governor has three days to act on a bill if the legislature is in session but 14 days to act if the legislature is adjourned. Minn. Const. art. IV, sec. 23.

You also asked me whether the constitutions of other states specified a specific form for the governor's objections to a vetoed bill. My review discloses that most state constitutions are similar to the Alaska Constitution by requiring that the governor send his objections along with the vetoed bill. Some require that the objections be in writing and that they be set out "at large" in the journal of each house upon return of the bill for reconsideration.

Senator Randy Phillips

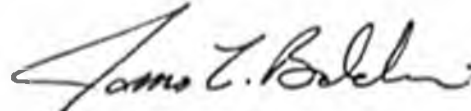
January 18, 1996
Page 3

If you would like additional research regarding other state constitutions, let me know.

Very truly yours,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By:



James L. Baldwin
Assistant Attorney General

JLB:clh

cc: Bert Sharp
State Affairs Chairman
Alaska State Legislature

SJR

25

SENATE COMMITTEE REF
First Committee of Referral

DATE: 4/20/95

FURTHER: Judiciary
 Finance

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

DATE TURNED
 INTO OFFICE: 3/26/96

State Affairs Committee considered SJR 25

Amendments to Alaska Constitution limiting the rights of prisoners to those required under the U.S. Constitution.

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>Brewster Jensen</i>	✓				
<i>RODNEY TROTT</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
CHAIR: <i>[Signature]</i>					

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Corrections</i>	<i>3/26</i>	0	
<i>LAW</i>	<i>3/26</i>	0	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SJR 25

Revision Date 3/22/96 Dept. Affected Office of the Governor
 Title Constitutional Amendment relating to prisoner BRU Elective Operations
 rights Component General and Primary Elections
 Sponsor Senator Donley
 Requester Senate State Affairs COMPONENT SERIAL NO. 22

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.2					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.2	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	2.2					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	2.2	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

ANALYSIS: (Attach a separate page if necessary)

This figure includes the cost of providing information about this issue in the Official Election Pamphlet as required by AS 15.58, and the programming costs for counting votes cast on the measure. However, only four measures can be printed on a single ballot card. If this measure requires printing an additional ballot card, the costs will increase by \$53.4

Prepared by Dana LaTour *Dana LaTour* Phone 465-5347
 Division Division of Elections Date 3/22/96
 Approved by Lt. Governor Fran Ulmer *Fran Ulmer* Date 3/22/96
 Commissioner Office of the Lt. Governor
 Agency

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SJR 25

Revision Date: _____ Dept. Affected: Department of Law
 Title: *Proposing an amendment...limiting the rights of BRU: Criminal Division
prisoners to those required under the Constitution of the United States. Component: Criminal Division
 Sponsor: Senator Donley
 Requester: Senate State Affairs Committee COMPONENT SERIAL NO. 2085

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 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

SJR 25 would place a ballot proposition before the voters at the next general election that would amend the state's Constitution to provide that the rights of prisoners against infliction of cruel and unusual punishments shall be limited to those protections and rights under the Constitution of the United States. If enacted, this resolution will not have a fiscal impact for the Department of Law, because it simply places the proposition before the voters. If eventually approved by the voters, however, the amendment could cause additional litigation in any number of prisoners' rights areas.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 3/22/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 3/22/96
 Agency: Department of Law

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

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SJR 25

Revision Date: 3/26/96 Dept. Affected: Corrections
 Title: Proposing an amendment to the Constitution of BRU: _____
the State of Alaska limiting the rights of prisoners... Component: _____
 Sponsor: Senator Donley
 Requester: Senate State Affairs COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
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 GF Match						
1004 GF						
1005 GF Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: 3 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is expected within the Department of Corrections as a result of this resolution.

Prepared by: Jerry Shriner
 Division: Office of the Commissioner
 Approved by Commissioner: Margaret M. Peck
 Agency: Department of Corrections

Phone: 465-4652
 Date: 3/26/96
 Date: 3/26/96

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SJR 25

Revision Date: _____ Dept. Affected: Corrections
 Title: Proposing an amendment to the Constitution... BRU: _____
limiting the rights of prisoners... Component: _____
 Sponsor: Sen. Donlay
 Requester: Sen. Donley 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	0.0	0.0	0.0

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

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

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	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)

No fiscal impact is expected within the Department of Corrections as a result of this resolution. Rehabilitative programming and prison "frills" are a miniscule portion of the DOC budget.

Prepared by: Jerry Shriner Phone: 365-3640
 Division: _____ Date: 5/15/95
 Approved by Commissioner: Margaret M. Pugh Margaret Pugh Date: 5/15/95
 Agency: Department of Corrections

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

For further distribution information, call the Governor's Legislative Office



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

SPONSOR STATEMENT SJR 25

**LIMITING PRISONER RIGHTS UNDER THE ALASKA
CONSTITUTION TO THE REQUIREMENTS OF THE U.S.
CONSTITUTION**

Senate Joint Resolution 25 would limit the rights of prisoners in the State of Alaska to the requirements of the U.S. Constitution. Since the Alaska Constitution is quite different from the U.S. Constitution, in some areas prisoner's rights may vary. SJR25 adopts a single standard - the Federal standard - for determining prisoner's rights.

Current Alaska prison standards are based on Cleary, a consent decree which has resulted in expanded prisoner's rights in Alaska. The Cleary consent decree did not distinguish between Federal and State constitutional standards. SJR25 cannot overrule Cleary since it was a consent decree. SJR25 can, however, assure that the U.S. Constitution, and not a more protective state constitutional standard, will be the standard for future decisions on prisoner's rights in Alaska.

Additionally, pursuant to recent legal developments, the state may be able to modify or overturn the Cleary consent decree in which case the new single standard adopted by SJR 25 could be applied. There will not necessarily be an immediate impact with passage of SJR25, but as the Federal courts allow tougher Federal prison laws the standard for Alaskan prisoners will get tougher also.

DD/pah

SR

1

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SR 1

Revision Date: _____

Department Affected: Office of the Governor

Title: "A Resolution Relating to a Day of Prayer in Alaska"

BRU: Executive Operations

Component: Executive Office

Sponsor: Senator Taylor

Requestor: _____

COMPONENT SERIAL NO. 0006

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN						
-----------	--	--	--	--	--	--

FUND SOURCE

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: _____

ANALYSIS: (Attach a separate page if necessary.)
No fiscal impact

Prepared by: Michael A. Nizich, Director *Mau*
Division: Division of Administrative Services

Phone: 465-3876
Date: 4/13/95

Approved by Commissioner: Jim Ayers, Chief of Staff *Jim Ayers*
Agency: Office of the Governor

Date: _____

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 4/6/95

FURTHER:

Date of 5-Day Notice: 4/13/95
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: _____

State Affairs Committee considered

SR 1

Relating to a Day of Prayer in Alaska.

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	DNR	AM
<i>Alan A. Jensen</i>	✓				
<i>Bill E. ...</i>	✓				
<i>David ...</i>	✓				
<i>Don ...</i>	✓				
CHAIR: <i>Don ...</i>	✓				

NEW FISCAL NOTE(S):

Department: _____ Date: _____ Zero: _____ Fiscal: _____

Department	Date	Zero	Fiscal
GOV	4/13	✓	

PREVIOUS FISCAL NOTE(S):*

Department: _____ Date: _____ Zero: _____ Fiscal: _____

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

Alaska State Legislature

Chairman,
Judiciary Committee

Vice Chairman,
Transportation Committee

Member,
Resources Committee
Western Legislative Forestry Task Force



Senator Robin L. Taylor

State Capitol
Juneau, Alaska 99801-1182
907-465-1873
Fax: 907-465-1922

352 Front Street
Ketchikan, Alaska 99901
907-225-8088
Fax: 907-225-0713

MEMORANDUM

TO: Senator Bert Sharp, Chairman
Senate State Affairs Committee

FROM: Sen. Robin L. Taylor *R.L.T.*

DATE: 4/6/95

REF: Hearing Request - SR 1

Please consider this as my formal request for a hearing on Senate Resolution 1 at your earliest convenience.

Because this resolution calls for the proclamation of a Day of Prayer in Alaska on May 4, 1995, I would appreciate your timely consideration of this legislation.

Thank you for your consideration.

Alaska State Legislature

Chairman
Judiciary Committee

Chairman
Constitutional Committee

Senator
Resources Committee
System Legislative Forestry Task Force



State Capitol
Juneau, Alaska 99801-2182
907-265-3873
Fax: 907-265-3922

132 Front Street
Ketchikan, Alaska 99801
907-225-8088
Fax: 907-225-0715

Senator Robin L. Taylor

Sponsor Statement

Senate Resolution No. 1

Senate Resolution Number One asks the Governor to declare May 4, 1995 as a Day of Prayer in Alaska. The idea behind this resolution was suggested by Virginia Phillips, of Sitka.

May 4 will mark the 44th consecutive observance of the National Day of Prayer. It was officially established by the Congress in 1952, but special days have been set aside throughout our history for what Abraham Lincoln called a "Day of National Humiliation, Fasting and Prayer".

SR 1 urges the Governor to officially proclaim a Day of Prayer in Alaska to coincide with the national observance.

1995

His Face



Historical Significance of National Day of Prayer—An American Tradition

Quotes and Other Resources

The Declaration of Independence—our first statement as Americans of national purpose and identity—made "the Laws of Nature and of Nature's God" the foundation of the United States of America. The Declaration further asserted that people have unalienable rights that are God-given. These rights are not conferred by civil government, whose express task is to secure those "inalienable" rights.

Fifteen years later, the First Amendment to the U.S. Constitution gave a preeminent position to the right of free exercise of religion and to the protection of that right by prohibiting any "law respecting an establishment of religion."

In his (Virginia) Bill for Establishing Religious Liberty, Thomas Jefferson wrote that a person's religious beliefs do not disqualify him from holding public office. He also said that "all men shall be free to profess . . . their opinions in matters of religion . . ." without negatively affecting their standing in the government. Moreover, contrary to popular belief, Jefferson maintained that federal officials could open their meetings with prayer or call the public to prayer on a given day.

In his famous 1802 letter to a Connecticut religious association, President Jefferson termed the First Amendment a "wall of separation between church and state," but said he was "convinced that a man's natural right" to religious expression is not in opposition to his political function ("social duties").

James Madison agreed, writing in 1785 in support of Jefferson's bill, that ". . . in matters of religion, no man's right is abridged by the institution of civil society (government)." Both Madison and Jefferson expressed a consensus among the founders of our political system—that the exercise of religious rights, properly understood, did not "interfere" with the performance of governmental duties.

Consequently, all people are free to profess their religious beliefs without governmental interference or prohibition, whether in their capacities as government officials, teachers, neighbors or parents. By extension they are also free to encourage their fellow citizens to pray. The Jeffersonian "separation between church and state," understood correctly in the light of the Declaration of Independence, means only that a church and a civil government are separate and distinct institutions. It does not mean government must be hostile toward religion, or seek to eliminate religious content from public forums. In the *Everson v. Board of Education* (1947) case, in which the U.S. Supreme Court first used the "wall of separation" phrase, the Court summarized its meaning: "Neither a state nor the federal government can set up a church."

To date, the only practices which have been held unconstitutional by the Supreme Court as an "establishment" of religion are religious training, prayer, Bible reading and posting of the Ten Commandments when directed and required by the government, as well as government-directed and authorized periods of silence in public schools.

Because of our founding fathers' faith, civic prayers and national days of prayer have a long and venerable history in our constitutional republic, dating back to the First Continental Congress in 1775. The Supreme Court has affirmed the right of state legislatures to open their sessions with prayer as recently as *Morish v. Chambers* (1983). The Supreme Court and the U.S. Congress both begin each day with prayer.

The founders understood one other fundamental principle concerning our religious liberty. It is, in the words of the Virginia Declaration of Rights, that religion is a "duty which we owe to our Creator" rather than to men, "according to the dictates of conscience." Religion must not, therefore, be required or enforced by the civil government. Yet the government may encourage its citizens to pray without compelling them to do so.

In 1952, Congress unanimously passed a joint resolution (signed by President Harry Truman) establishing the annual National Day of Prayer. This law was amended in 1988 and signed by President Ronald

Vertical text on the left margin, including "1995", "His Face", and some illegible fragments.

Reagan, permanently designating the first Thursday in May as the National Day of Prayer.

In 1994, New Jersey became the first state to pass a law, coinciding with federal law, declaring the first Thursday in May as a day of prayer in that state. Likewise, the Alabama Legislature has passed a state resolution establishing a day of prayer there as well. As a result, many other states are now considering similar legislation.

The National Day of Prayer celebrates our country's rich heritage of prayer. Like any other national celebration, the National Day of Prayer reflects a particular aspect of our history and common culture. In a spirit of tolerance and democracy, the event encourages all American citizens to see beyond themselves, without coercion or specific ideology. Just as our leaders (mayors, governors, even the President) help to promote other events which build up the common good, it is entirely appropriate that they encourage spirituality in us as well. The National Day of Prayer's constitutionality is clearly established by time and use. It gives Americans the choice to join with their leaders in acknowledging their dependence on the highest government of all.

Dwight D.
"Before all else,
our hearts fasten
May we know an
ings with all peo

Dwight D.
"It (prayer) is in
times, of course

David Lay
"The destiny of
Almighty." *Time*

George W.
"It is impossible

S.D. Gore
"The great peop
those who can
must be taken f
roll less import

Benjamin
"And have we fi
have lived, sir,
erns the affairs
empire can rise
the house, the
aide, we shall s
that, hencefort
assembly every

Robert E.
"Let these be p

Abraham
"Sometimes it
order that we s
height of the Cre

Historical Quotes

Dwight D. Eisenhower:

"Before all else, we seek, upon our common labor as a nation, the favor of Almighty God. And the hopes in our hearts fashion the deepest prayers of our people. May we pursue the right—without self-righteousness. May we know unity—without conformity. May we grow in strength—without pride of self. May we, in our dealings with all peoples of the earth, ever speak truth and serve justice." *From Second Inaugural Address*

Dwight D. Eisenhower:

"It (prayer) is one of the simple necessities of life, as basic to the individual as sunshine, food and water, and at times, of course, more so." *Time unknown*

David Lawrence, Editor of *U.S. News and World Report*:

"The destiny of the world is in the hands of those statesmen who can interpret faithfully the commands of the Almighty." *Time unknown*

George Washington:

"It is impossible to govern the world without God and the Bible." *Time unknown*

S.D. Gordon:

"The great people of the earth today are the people who pray. I do not mean those who talk about prayer, nor those who can explain about prayer, but I mean those people who take time and pray. They have no time. It must be taken from something else. This something else is very important—very important and pressing, but still less important and less pressing than prayer." *Time unknown*

Benjamin Franklin:

"And have we forgotten that powerful Friend? Or do we imagine that we no longer need His assistance? I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth: that God governs the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? We have been assured, sir, in the sacred writings that 'Except the Lord builds the house, they labor in vain who build it.' I firmly believe this; and I also believe that without His concurring aid, we shall succeed in this political building no better than the builders of Babel. . . . I therefore beg leave that, henceforth, prayers imploring the assistance of heaven and its blessing on our deliberation be held in this assembly every morning before we proceed to business." *Constitutional Convention 1787*

Robert E. Lee:

"Let there be prayer at sunrise, at noonday, at sundown, at midnight—all through the day." *Time unknown*

Abraham Lincoln:

"Sometimes it seems necessary that we should be confronted with perils which threaten us with disaster in order that we may not get puffed up and forget 'him' who has much work for us yet to do." *Written at the height of the Civil War*

Governor Jonathon Trumbull, Connecticut:

"... that God would graciously pour out his Holy Spirit on us to bring us to a thorough Repentance, an effectual Reformation that our iniquities may not bring us to ruin; that He would restore, preserve and secure the Liberties of this and all the other British American Colonies, and make the Land a mountain of Holiness, and Habitation of Righteousness forever." April 19, 1775

George Washington:

"Let my heart, gracious God, be so affected with your glory and majesty that I may fulfill these weighty duties that you have required of us." An entry in his personal diary.

John Quincy Adams:

"The highest glory of the American Revolution was that it connected in one indissoluble bond the principles of Civil government and the principles of Christianity." 1824

James Adams:

"We have no government armed with the power capable of contending with human passions unbridled by morality and religion. Our Constitution was made only for a moral and religious people." Time unknown

Abigail Adams:

"A patriot without religion, in my opinion, is as great a paradox as an honest man without the fear of God." Time unknown

Ronald Reagan:

"Let us, young and old, join together, as did the First Continental Congress, in the first step—humble, heartfelt prayer. Let us do so for the love of God and His great goodness, in search of His guidance, and the grace of repentance, in seeking His blessings, His peace, and the resting of His kind and holy hands on ourselves, our Nation, our friends in the defense of freedom, and all mankind, now and always." 1988 National Day of Prayer Proclamation

Harry Truman:

"But all of us—at home, at war, wherever we may be—are within the reach of God's love and power. We all can pray. We all should pray. We should ask the fulfillment of God's will. We should ask for courage, wisdom, for the quietness of soul which comes alone to them who place their lives in His hands." 1950

John Adams:

"It must be felt that there is no national security but in the nation's humble, acknowledged dependence upon God and His overruling providence." March 4, 1853

Noah Webster:

"The moral principles and precepts contained in the scriptures ought to form the basis of all our civil constitutions and laws. All the miseries and evils which men suffer from vice, crime, ambition, injustice, oppression, slavery, and war, proceed from their despising or neglecting the precepts contained in the Bible." 1828

Rev. Jacob I

"O Lord, our Head, behold all the dwellers on earth, and give Thee from the rock

"Desiring to be he cause: to Thee do them, therefore, I field. Defeat the and, if they still pe hearts, constrain t

"Be Thou present things on the best and peace may be

"Preserve the heal represent such ter lasting glory in th

All this we ask in t

"The First Step: Th Hearts... The Fir Thanks-Giving Squ

Hall, Verma M. Th book available for American Christia

Slater, Rosalie J. 7 \$34.95. Contact: F- 488-6601.

"The Rebirth of Ar The Arthur S. De)

Binkley, J.W., Stud Pole, P.O. Box 601

St. Clair, Barry, "M friends, book avail

Bright, Dr. Bill, "Crusade for Chres

"America's Christu 724088, Atlanta, C

God and Governan the Republic availd Atlanta, GA 31159

Rev. Jacob Duche: First Prayer in the Continental Congress

"O Lord, our Heavenly Father, high and mighty King of kings and Lord of lords, Who dost from Thy throne behold all the dwellers of the earth, and reignest with power supreme and uncontrollable over the kingdoms, empires, and governments, look down in mercy, we beseech Thee, on these American States, who have fled to Thee from the rod of the oppressor and thrown themselves on Thy gracious protection.

"Desiring to be henceforth only dependent on Thee, to Thee have they appealed for the righteousness of their cause: to Thee do they now look up for that countenance and support which Thou alone canst give. Take them, therefore, Heavenly Father, under Thy nurturing care. Give them wisdom in council and valor in the field. Defeat the malicious designs of our adversaries, convince them of the unrighteousness of their cause; and, if they still persist in their sanguinary purpose, oh! let the voice of Thy warring justice, sounding in their hearts, constrain them to drop the weapons of war in their unnerved hands on the day of battle.

"Be Thou present, O God of wisdom, and direct the councils of this honorable assembly; enable them to settle things on the best and surest foundation, that the scene of blood may be speedily closed: that order, harmony, and peace may be restored, and truth and justice, religion and piety prevail and flourish among the people.

"Preserve the health of their bodies and the vigor of their minds; shower down on them and the millions they represent such temporal blessings as Thou seest expedient for them in this world, and crown them with everlasting glory in the world to come.

All this we ask in the name and the through the merits of Jesus Christ, Thy Son, our Savior. Amen." 1774

Resource List Books, Pamphlets and Tapes

"The First Step: The First Continental Congress Debated How to 'Open the Business' of America" and "With United Hearts . . . The First Day All Americans Prayed Together," set of two pamphlets available for \$2. Contact The Thanks-Giving Square Foundation, P.O. Box 1770, Dallas, TX 75221, (214) 969-1977.

Hall, Verna M., *The Christian History of the Constitution of the United States of America—Christian Self Government*, 1973, book available for \$39.95; *Vol II • Christian Self-Government With Union*, available for \$39.95. Contact: Foundation for American Christian Education, P.O. Box 9444, Chesapeake, VA 23321-9444, (804) 488-6601.

Slater, Rosalie J., *Teaching and Learning America's Christian History—The Principle Approach*, 1973, book available for \$34.95. Contact: Foundation for American Christian Education, P.O. Box 9414, Chesapeake, VA 23321-9444, (804) 488-6601.

"The Rebirth of America," no charge for the first two pamphlets; \$2.50 for 100, \$1 for each additional 100. Contact: The Arthur S. DeMoss Foundation, 150 Radnor-Chester Rd., Suite A-300, St. Davids, PA 19067-5276, (215) 254-5300.

Binlley, J.W., *Students' Legal Rights on Public School Campus*, 1990, book available for \$10. Contact: See You at the Pole, P.O. Box 60134, Fort Worth, TX 76115, (817) 295-6198.

St. Clair, Barry, "Mobilize Your Community," a free pamphlet. *Taking Your Campus for Christ by Radically Loving Your Friends*, book available for \$2.95. See You at the Pole, P.O. Box 6747, Ft. Worth, TX 76115, (817) 295-6198.

Bright, Dr. Bill, "Your Five Duties as a Christian Citizen," package of 10 pamphlets available for \$1. Contact: Campus Crusade for Christ, 100 Support Lane, Orlando, FL 32809, or call: Newlife Publications (800) 235-7255.

"America's Christian History—The Untold Story," audiocassette available for \$6.95. Contact: American Vision, P.O. Box 724089, Atlanta, GA 31199, (800) 623-9460.

God and Government—Vol I: A Biblical & Historical Study, Vol. II: Issues in Biblical Perspective, Vol. III: The Restoration of the Republic available for \$11.95 each or \$29.95 for the three-volume set. Contact: American Vision, P.O. Box 724088, Atlanta, GA 31199, (800) 623-9460.

SR

3

SENATE COMMITTEE REF
First Committee of Referral

DATE: 4/25/95

FURTHER:

Date of 5-Day Notice: 4/28/95
 (in accordance with Uniform Rule 23)

DATE TURNED
 INTO OFFICE: _____

State Affairs Committee considered

SR 3

Conversion of the Naval Air Facility in Adak.

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 <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Brian D. Hansen</i>	✓				
<i>Roll E. [unclear]</i>	✓				
CHAIR: <i>Ben [unclear]</i>					

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

LAA	5/1	✓	

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

NO. _____
BILL VERSION: SR 3
PUBLISH DATE: _____

Revision Date: _____
Title: Relating to the conversion of the
Naval Air Facility in Adak.
Sponsor: Senator Kelly
Requestor: Senate State Affairs

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

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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: 5/1/95

Approved By: Pamela A. Varni, Executive Director *Pamela A. Varni*
Agency: Legislative Affairs Agency Date: 5/1/95

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

HB

4

FISCAL NOTE

No. 1

Bill Version: HB 4

(H) Publish Date: 2/1/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: 1/25/95 Dept. Affected: Department of Revenue
 Title: Permanent Fund Dividend Eligibility BRU: Permanent Fund Dividend Division
 Component: Permanent Fund Dividend Division
 Sponsor: Representative KOTT
 Requester: House State Affairs COMPONENT SERIAL NO. 981

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	0.0	0.0	0.0

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

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

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	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.6

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill attempts to reinstate the historically allowable "piggyback" absence, which the Superior Court determined was invalid effective January 1, 1992.

This fiscal note assumes that by June 30, 1995 the Division will mail each of the 1,317 denied 1994 "piggybacking" spouse a letter advising them of the change in the law along with a request to reapply application.

Prepared by: Thomas C. Williams, Director Phone: 465-2323
 Division: Permanent Fund Dividend Division Date: 1/25/95
 Approved by Commissioner: [Signature] Date: 1/25/95
 Agency: Department of Revenue

PREPARED TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

SENATE COMMITTEE REPORT

DATE: 3/7/95

FURTHER: Judiciary
Finance

DATE TURNED INTO OFFICE: _____

State Affairs Committee considered CSHB 4(STA)(title am)

Permanent fund dividend eligibility; relating to appeal periods for certain 1994 permanent fund dividends; efd.

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 change
- new: SCR# _____

SIGNING <u>NO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Andrew J. Fenner</i>	<input checked="" type="checkbox"/>	<i>James Donley</i>			<input checked="" type="checkbox"/>
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
CHAIR:		<i>[Signature]</i>	<input checked="" type="checkbox"/>		

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
<i>REV.</i>	<i>1/25</i>	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

Alaska State Legislature House of Representatives

COMMITTEE ASSIGNMENTS

LABOR & COMMERCE, CHAIRMAN
MILITARY & VETERANS AFFAIRS, CHAIRMAN
COMMUNITY & REGIONAL AFFAIRS
RESOURCES
INTERNATIONAL TRADE / TOURISM
LEGISLATIVE COUNCIL



INTERIM
10928 EAGLE RIVER ROAD, SUITE 141
EAGLE RIVER, AK 99577
PHONE (907) 694-8944
FAX 694-8949

SESSION
STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 465-3777
FAX (907) 465-2819

TO: Senator Bert Sharp, Chair
Senate State Affairs Committee

FROM: Representative Kott

DATE: March 8, 1995

RE: HB 4 - Relating to absences from the state...under the permanent fund dividend program...

Please schedule HB 4 for a hearing in the Senate State Affairs Committee.

This legislation would allow spouses of eligible Permanent Fund Dividend applicants to accompany their spouses on an allowable absence and remain eligible for the dividend themselves.

It would also allow applicants who were denied their dividend for no other reason than accompanying their spouse on an allowable absence to appeal their denial retroactive to 1994. That was the first year the State denied spouses their PFD for this reason. This covers individuals who had their denials for 1992 and 1993 dividends overturned but were still denied because of accompanying a spouse out of state on an allowable absence.

This legislation covers all allowable absences whether it was for military service, college, medical treatment or any another allowable absence.

I am also enclosing a copy of the sectional analysis and sponsor statement.

Thank you in advance for scheduling this legislation for a hearing.



Representative Pete Kott



Alaska State Legislature
House of Representatives

COMMITTEES:
HEALTH, EDUCATION
& SOCIAL SERVICES
JUDICIARY
STATE AFFAIRS

SPECIAL COMMITTEES:
MILITARY & VETERANS AFFAIRS
OIL & GAS



HOME:
9843 CHICHAGOF LOOP
EAGLE RIVER, AK 99577
PHONE (907) 694-7943

DURING SESSION:
STATE CAPITOL
JUNEAU, AK 99811
PHONE (907) 465-3777

Representative Pete Kott

SPONSOR STATEMENT

HB 4 - An Act relating to absences from the state...

This legislation would remedy a problem as a result of a recent court ruling. That ruling declared spouses of a Permanent Fund Dividend (PFD) recipient from being considered eligible to receive a dividend if they were accompanying an eligible spouse out of state on an allowable absence.

This legislation would allow individuals who accompany an eligible spouse out of state on an allowable absence to retain their eligibility for a PFD if that was the only reason that they would have been disallowed.

This correction applies retroactively to January 1, 1994, the first time the Permanent Fund Dividend Division disallowed dividends for that reason. It makes provision for those individuals to receive the previously denied dividend.

I encourage you to support this legislation.



ALASKA DEPARTMENT OF REVENUE
PERMANENT FUND DIVIDEND DIVISION
SECTIONAL ANALYSIS OF PROPOSED CS FOR HB 4 (STA)

As of January 26, 1995

- Section 1.* a. Redefines allowable absences as eligibility criteria instead of elements of residency, elimination any potential conflict between the requirements of AS 43.23.015(a) and the allowable absence provisions; and
b. eliminates redundant language.
- Section 2.* a. Moves into a new section those allowable absences already authorized by statute under AS 43.23.095(8), the current definition of "State Resident"; and
b. makes the historical "piggyback" allowable absence previously in regulation a statutorily allowable absence.
- Section 3.* a. Deletes the reference to absences in the definition of "state resident" since absences are redefined as eligibility criteria in *Sections 1 & 2*; and
b. makes it clear that while absent an individual must maintain at all times an intent to return to remain permanently in order to retain residency.
- Section 4.* Retroactively reinstates the eligibility of all otherwise eligible individuals accompanying their eligible resident spouse for 1992, 1993 and 1994 dividends. This will allow the Department to pay "piggybacking" spouses who were originally denied a 1992 or 1993 dividend but whose denial was subsequently overturned on appeal.
- Section 5.* Gives up to 1,317 1994 "piggybacking" spouses who had not appealed by December 31, 1994 the ability to submit an appeal until September 1, 1995 if the only reason they were ineligible was due to the invalidation of the "piggyback" allowable absence.
- Section 6.* Makes sections 1 - 3 retroactive to January 1, 1995, making the "piggyback allowable absence effective for the 1995 dividend.
- Section 7.* Makes act effective immediately upon signature by the Governor.

HB

10

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

No. 3
Bill Version: CSHB 10 (STA)
(H) Publish Date: 4/6/95

Revision Date: _____ Dept. Affected: Public Safety
Title: "An act relating to payment for emergency services respond to motor vehicle accidents." Alaska State Troopers
Sponsor: Representative Davies Component: Detachments
Requestor: _____ COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	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 ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (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 current year (FY 95) impact: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
No significant impact on the Alaska State Troopers

Prepared By: Francis C. Ailap Phone: 283.2891
Division: Alaska State Troopers Date: 11/23/95
Approved by Commissioner: *Ronald L. Orr* Date: 3/9/95
Agency: Ronald L. Orr, Dept. of Public Safety

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

COMMITTEE COPY

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

No. 2

Bill Version: HB 10

(H) Publish Date: 3/20/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____
Title: Payment of Costs of DWI Accidents

Department: Commerce and Economic Development
BRU: Insurance
Component: Operations

Sponsor: Representative Connes
Requestor: _____

COMPONENT SERIAL NO. 8354

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	00	00	00	00	00	00

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

CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	00	00	00	00	00	00

Estimate of any current year (FY 95) cost: \$ 00

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

ANALYSIS: (Attach a separate page if necessary)
No fiscal impact

Prepared by:	Joan Brown, Administrative Officer	Phone: <u>465-2587</u>
Division:	Insurance	Date: <u>2/16/95</u>
Approved by Commissioner:	William L. Henley	Date: <u>2/23/95</u>
Agency:	Commerce and Economic Development	

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

No. 1
 Bill Version: HB 10
 (H) Publish Date: 3/20/95

STATE OF ALASKA
 1995 LEGISLATIVE SESSION

Revision Date: _____	Dept. Affected: <u>Department of Law</u>
Title: <u>"An Act relating to payment for emergency services responding to certain motor vehicle accidents"</u>	BRU: <u>Legal Services</u>
Sponsor: <u>Representative Davies</u>	Component: <u>Operations</u>
Requester: <u>Representative Davies</u>	COMPONENT SERIAL NO. <u>0093</u>

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	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 28.35 to provide that a person convicted of driving while intoxicated, who contributes to a motor vehicle accident, be required to pay the cost of any emergency services that responded to the accident. Currently, courts have the discretionary power to order reimbursement under these circumstances, when a convicted DWI defendant is sentenced. This bill would make reimbursement of emergency responders mandatory. There will not be a fiscal impact for the Department of Law, because this is a sentencing provision that does not directly involve the department.

Richard I. Pegues

Prepared by: Richard I. Pegues, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 2/15/95
 Date: 2/15/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

SENATE COMMITTEE REPORT

DATE: 4/20/95

FURTHER: Judiciary
Finance

DATE TURNED INTO OFFICE: _____

State Affairs Committee considered CS FOR HOUSE BILL NO. 10(STA) am

"An Act relating to payment for emergency services responding to certain motor vehicle accidents."

and recommends:

- | | |
|--|---|
| <input type="checkbox"/> be replaced with _____ CS _____ (_____) | Senate Bill:
<input type="checkbox"/> same title
<input type="checkbox"/> new title |
| <input type="checkbox"/> adopt previous _____ CS _____ (_____) | House Bill:
<input type="checkbox"/> same title
<input type="checkbox"/> technical change
<input type="checkbox"/> new: SCR* _____ |
| <input type="checkbox"/> attached amendment(s) | |
| <input type="checkbox"/> adopt Letter of Intent by _____ Committee | |
| <input type="checkbox"/> further referral to the _____ Committee | |

SIGNING/DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Henry A. Simon</i> <i>Rec'd EC HQ</i> _____	<input checked="" type="checkbox"/> <input type="checkbox"/>				
_____ _____					

CHAIR: <i>Ben Shapiro</i>					

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

PUBLIC SAFETY	2/9	✓	
OCEA	2/23	✓	
LAW	2/15	✓	

Alaska State Legislature

Legislative Committees
Resources
Legislative Budget & Audit
Administration Regulation Review
Military & Veteran Affairs

Legislative Budget Subcommittees
University of Alaska
Department of Natural Resources
Department of Law

119 N. Cushman Street Suite 207
Fairbanks, Alaska 99701
(907) 451-0172
FAX (907) 451-9201

While in Session
State Capitol
Juneau, Alaska 99801-3182
(907) 465-4457
FAX (907) 465-3519

Representative John Davies District 29

Memorandum

Date: May 24, 1995
To: Senator Bert Sharp
Chair, Senate *in Da* Affairs Committee
From: Representative *J.D.* John Davies
Re: Hearing for HB 10

I respectfully request a hearing for HB 10 at your earliest convenience. HB 10 is a good law and order bill, requiring DWI offenders convicted of causing motor vehicle accidents to pay for the costs of emergency services that respond to the accident.

Attached is my sponsor statement, a copy of the bill, zero fiscal notes from the Department of Law, Department of Public Safety, and Department of Commerce and Economic Development, information from the U.S. Department of Transportation on alcohol-related motor vehicle crashes, and letters of support from the Alaska Municipal League and M.A.D.D.

Thank you, please contact Shannon at my office if you have any questions concerning this bill.

P.S. Bert, this bill was introduced at the request of our local snow folks, & it passed the House unanimously. Hope you can help it moving!

J.D.



Alaska State Legislature

White in Fairbanks
229 N. Cushman Street Suite 207
Fairbanks, Alaska 99701
(907) 456-8172
FAX (907) 451-9293



White in Seward
State Capitol
Juneau, Alaska 99801-1192
(907) 465-4457
FAX (907) 465-3519

Representative John Davies
District 29

HB 10 SPONSOR STATEMENT

HB 10 is an act that requires DWI offenders convicted of causing a motor vehicle accident to pay for the costs of emergency services that respond to the accident.

The problems and associated costs of driving while intoxicated are clear. According to national statistics, approximately one-half of all fatal motor vehicle accidents involve alcohol. According to the Department of Public Safety 40% of all DWI arrests involve repeat offenders. Furthermore, alcohol related injuries and fatalities cost Alaskans an estimated \$68 million per year (Department of Health and Social Services, 1985).

HB 10 attempts to address these problems in two manners. First, as a deterrent to those who drive while intoxicated by raising the financial penalty for doing so. By raising the financial burden to those breaking the law, HB 10 emphasizes the seriousness of the crime. Second, this bill shifts the financial responsibility of the emergency services that respond to alcohol-related accidents from law abiding, tax paying citizens to the convicted DWI offender.

Three states, California, Indiana, and Kansas have similar reimbursement laws.