

HB

212

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/12/96

DATE TURNED INTO OFFICE: 4/4/96

The Finance Committee considered CS FOR HOUSE BILL NO. 212(FIN)

Relating to the management and sale of state timber and relating to the administration of forest land and classification of state land.

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous 5 CS CS HB 212 (RS)

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 DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Steve Thain</i>	✓	<i>Reel & Kelly</i>	✓		
		<i>Paul B. Hargis</i>	✓		
		<i>Wade Dooly</i>	✓		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>Rick Halford</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

#9	DNR	2/5/96		(3.0)
#8	DEC	1/31/96	0	
#7	DP+G	1/30/96		19.6

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. 9
 Bill Version: CSHB 212(FIN)
 (H) Publish Date: 2/7/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 5-Feb-96 Dept Affected: Natural Resources
 Title: An Act relating to the management and sale of BRU: Resource Development
state timber and relating to the administration of forest land... Component: Forest Management & Development
 Sponsor: House State Affairs
 Requestor: House Rules Component Serial No. 435

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)

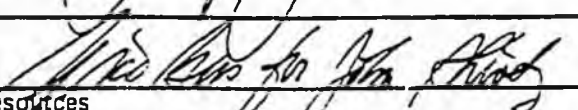
Estimate of any current year (FY96) cost: \$ none

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)

The elimination of the need to prepare forest land use plans for very small sales, those of 10 acres or less, results in a small annual savings.

Prepared by: Tom Boutin, Director Phone: 465-3379
 Division: Forestry Date: 5-Feb-96
 Approved by Commissioner:  Date: 5-Feb-96
 Agency: Natural Resources

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

COMMITTEE COPY

FISCAL NOTE

No. 8

Bill Version: CSHB 212 (FIN)

(H) Publish Date: 2/2/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 24-Jan-96
Title: An Act relating to the management and sale of state timber...
Sponsor: House State Affairs Committee
Requestor: House Resources Committee

Department Affected: Environmental Conservation
BRU: Air and Water Quality
Component: Water Quality

COMPONENT SERIAL NO. 2062

Expenditures: Revenues:

(Thousands of Dollars)

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

FUND SOURCE

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF:Program Receipt	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF:MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
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
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Len Verrelli
Division: Director, Division of Air and Water Quality

Phone: 465-5260
Date: 1/31/96

Approved by Commissioner: [Signature]
Agency: Department of Environmental Conservation

Date: 1/31/96

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

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

ANALYSIS:

On 3/22/95, ADEC submitted a fiscal note for the original version of HB212 (dated 3/1/95). That fiscal note reflected the need for additional positions to address Section 9 of that version of the bill which stated, in part: "Commercial timber harvest may not be found to be an incompatible use or otherwise restricted unless the commissioner provides scientific data that clearly justifies the finding of incompatibility or restriction and demonstrates the benefits of the restriction."

Since ADEC is charged with ensuring that State Water Quality Standards are met, it was determined that additional positions would be required to fulfill this legal obligation, given the provisions of Section 9. In the current version of HB212, the language in that section (Section 10. in HB212b) has been modified, removing the need for additional positions to fulfill our legal requirements. Therefore, ADEC has submitted a "zero" fiscal note for this version of HB212.

FISCAL NOTE

No. 7
 Bill Version: CSHB 212(FIN)
 (H) Publish Date: 2/2/96

STATE OF ALASKA
 1996 LEGISLATIVE SESSION

Revision Date: 1/30/96 Dept. Affected: Fish and Game
 Title: An Act relating to the management and sale of BRU: Habitat and Restoration
state timber and relating to the administration of forest land Component: Habitat Protection
 Sponsor: House STA
 Requester: House Finance COMPONENT SERIAL NO. 2100

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES	15.1					
TRAVEL	1.5					
CONTRACTUAL	2.5					
SUPPLIES	0.5					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	19.6	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	19.6					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	19.6	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

FULL-TIME	1					
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See attached sheet

Prepared by: Janet Kowalski
 Division: Habitat and Restoration
 Approved by Commissioner: Governor Bush
 Agency: Department of Fish and Game

Phone: 465-4105
 Date: 1/27/96
 Date: 1/30/96

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

FISCAL NOTE CONTINUATION PAGE
STATE OF ALASKA BILL NO. CSHB212
1996 LEGISLATIVE SESSION

Analysis: (continued)

HB212 would change the way state forests and sale offerings of state timber are managed. The purpose of the bill appears to be to increase availability of small state timber sales for smaller logging/sawmill operators.

If HB212 is adopted, we believe that over the next five years, that there would be an increase in the availability of small timber sales and would increase the annual cut in the areas of the state where they occur. This means more fish and wildlife habitat will be affected and more Title 16 reviews and forest practices inspections will be required if impacts to fish and wildlife habitat and production are to be minimized. Because pre-sale planning opportunities and pre-contract reviews may be minimized or eliminated under HB212, many impacts which would have formerly been addressed in the pre-sale planning process, will have to be addressed in the field. This will necessitate increased reliance on field monitoring and enforcement to protect anadromous fish habitat and wildlife habitat. Resolution of resource conflicts with small operators is expected to be much more difficult because of the relatively high economic costs. This would require increased field presence by ADF&G field staff to meet ADF&G statutory responsibilities under Title 16 and Title 41. Because of the expected increased number of small timber sales and likely accelerated harvest, increased Habitat Biologist and clerical support would be required as these new areas come on line.

4/4/96
SFC-96

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES
P.O. Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-4271



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381

House Of Representatives House District 34

HOUSE BILL 212 TIMBER MANAGEMENT

Sponsor Statement and Bill Analysis 3/12/96

The House State Affairs Committee introduced HB212 at the request of constituents from the timber industry in Fairbanks. These people are operators of small lumber businesses in the local communities. Their livelihoods have been impacted by the overly complicated procedures they must endure to secure timber from the state. It is not the lack of timber which has caused a problem, it is the inability of the Department of Natural Resources to allow the harvesting of this resource. Current statutes are such that the five-year planning and three year updates required by Title 38 make continuation of an ongoing industry very difficult.

Well-managed timber harvesting not only helps create and support jobs and a healthy economy, it creates and supports healthy forests. The Fairbanks community, as well as many other Alaskan communities, are being prohibited from developing the basic timber industries necessary for maintaining strong forest ecology and a strong economic environment.

HB 212 provides flexibility to the Commissioner of DNR and the Division of Forestry to meet the needs of small timber operators in a timely manner. It also makes small adjustments to Title 38 and Title 41 intended to help secure a sustainable forest products industry for Alaska's forests. Changes made in HB212 between March of 1995, when it was introduced, and the present, represent months of intense hearings with the House Resources Committee, the Department of Forestry, the Administration, the bill sponsor, and business people from the forestry industry. A truly cooperative effort resulted in the bill in its current form, which addresses the needs and wishes of all parties. A section-by-section explanation of the bill follows.

SECTION 1 of the bill amends AS 38.05.112(a) to exempt 10 acre (or less) sales from the requirement of a Forest Land Use Plan. It also exempts salvage sales where the purpose is a land use conversion from forest to nonforest use.

SECTION 2 of the bill amends the requirements for preparation of forest use plans under AS 38.05.112(b). It would now only require the commissioner to consider such information, whereas under current law he must base the decision on the plan.

SECTION 3 of the bill amends AS 38.05.112(c) to insure that all state lands subject to timber harvest will be covered by a planning document subject to public review, and includes a reference to **silvicultural** practices and timber harvest as legitimate forest management techniques for wildlife habitat improvement.

SECTION 4 of the bill amends AS 38.05.113 relating to the requirements of the five year schedule of timber sales; provides an exception for timber sales previously noticed in the five year sale schedules; and adds exceptions from the five year sale schedule listing requirements. The information the Department has to include is streamlined.

"Small sales" currently can be exempted by regulation from the required two listings on the five year schedule of timber sales. Section 4 also **defines "small sales"** as those of 160 acres or less and exempts them from being listed in a five year schedule.

SECTION 5 of the bill adds a new subsection to AS 38.05.113 requiring that all **re-offers** will have to be made within two years of the original offering year or they will have to go back on the five year schedule of timber sales. This governs sales that were offered and not purchased and sales that were sold and not harvested.

SECTION 6 of the bill amends AS 41.17.090(c) by providing that detailed plans of **timber operations on state land** do not have to be prepared and submitted to the state forester under the Forest Practices Act.

SECTION 7 of the bill amends AS 41.17.200 by providing new **direction** for the commissioner of natural resources in the management of state forests. It puts timber resources more into the forefront while retaining the multiple use elements.

SECTION 8 of the bill also amends AS 41.17.200 by adding a new subsection directing that the commissioner shall **restrict public use of the land** and its resources only when necessary to carry out the purposes of this chapter to promote multiple use of the forests.

SECTION 9 is a **technical, conforming amendment** to AS 41.17.210(a) made necessary by sections 10 and 12 of the bill.

SECTION 10 of the bill amends AS 41.17.230(a) by providing that the commissioner of natural resources must permit and allow the uses mentioned in AS 38.05.112(c) in state forest management plans and provides procedures for the commissioner to follow if it is found that a permitted use is **Incompatible** with other uses.

It also puts the existing language of AS 38.05.112(d) **Into Title 41** where it belongs. Title 41 governs Forest Management Plans, and this language sets forth requirements for identifying incompatible uses in Forest Management Plans. It does not belong in the section of statute governing Forest Land Use Plans (AS 38.05.112) but in AS 41.17.

SECTION 11 of the bill adds a **wildlife management** objective for the Tanana State Forest. It would give the Lands Division as well as the Forestry Division the much-needed authority to manage timber in a manner which would improve and enhance wildlife habitat, for example creating shelter and browse for animals and pools for spawning and hatching fish.

SECTION 12 provides a **repealer** to correspond to the change in Section 10 of the bill.

FISCAL NOTE

No. 4
 Bill Version: CSHB 212(RES)
 (H) Publish Date: 1/24/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 16-Jan-96 Dept Affected: Natural Resources
 Title: An Act relating to the management and sale of BRU: Resource Development
state timber, administration of forest land and classification Component: Forest Management & Development
 Sponsor: House State Affairs
 Requestor: _____ Component Serial No. 435

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
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	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ none anticipated

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)

There is no anticipated fiscal impact associated with this legislation.

Prepared by: Tom Boutin, Director Phone: 465-2400
 Division: Forestry Date: 16-Jan-96
 Approved by Commissioner: _____ Date: 16-Jan-96
 Agency: Natural Resources

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: 2/13/96

FURTHER: Finance

DATE TURNED INTO OFFICE: 3/2/96

The Resources Committee considered CS FOR HOUSE BILL NO. 212(FIN)

Relating to the management and sale of state timber ~~and relating to the administration of forest land and classification of state land.~~

P + FMS

and recommends:

- be replaced with SEN CS HB 212 (RES)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

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

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

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
DNR/FOREST MANAGEMENT	2/5/96		(3.0)
DEC/AIR & WATER QUALITY	1/31/96	✓	
DNR/HABITAT PROTECTION	2/2/96		19.6

Fiscal notes apply to Sen C.

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. 9
 Bill Version: CSHB 212(FIN)
 (H) Publish Date: 2/7/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 5-Feb-96 Dept Affected: Natural Resources
 Title: An Act relating to the management and sale of BRU: Resource Development
state timber and relating to the administration of forest land... Component: Forest Management & Development
 Sponsor: House State Affairs
 Requestor: House Rules Component Serial No. 435

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)

Estimate of any current year (FY96) cost: \$ none

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
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)

The elimination of the need to prepare forest land use plans for very small sales, those of 10 acres or less, results in a small annual savings.

Prepared by: Tom Boutin, Director Phone: 465-3379
 Division: Forestry Date: 5-Feb-96
 Approved by Commissioner: [Signature] Date: 5-Feb-96
 Agency: Natural Resources

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: 2/13/96

FURTHER: Finance

DATE TURNED INTO OFFICE: 3/2/96

The Resources Committee considered CS FOR HOUSE BILL NO. 212(FIN)

Relating to the management and sale of state timber ~~and relating to the administration of forest land and classification of state land.~~

P + FNS

and recommends:

- be replaced with SEN CS HB 212 (RES)
- 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>Ad rank</i>	<input checked="" type="checkbox"/>				
<i>Adrian Taylor</i>	<input checked="" type="checkbox"/>				
<i>True Lease</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Lowell A. Luman</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
DNR/FOREST MANAGEMENT	2/5/96		(3.0)
DEC/AIR + WATER QUALITY	1/31/96	<input checked="" type="checkbox"/>	
DEFC/HABITAT PROTECTION	2/2/96		19.6

Fiscal notes apply to Sen CS

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill