

LEG. FINANCE - BILLS 1977 - 1978 689

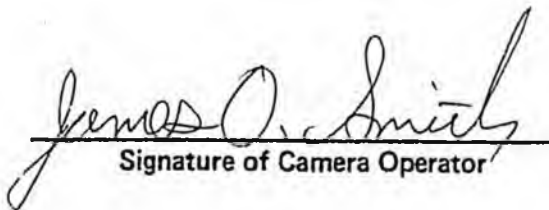
HB 226 thru HB 234

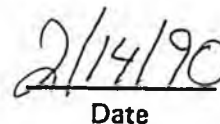


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

COMMITTEE REPORT

2-17-77

HOUSE

3-2-77

Date

Mr. Speaker:

The Committee on FINANCE has had HB 226

under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____ and that
CS for _____ do pass
- (and) recommends it be referred to the _____
committee
- reports it back without recommendation.
- AND attaches a report of its intent
- (other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

[Signature]
Chairman

Introduced: 2/17/77
Referred: Finance

1 IN THE HOUSE

BY SPECKING AND GARDINER

2 HOUSE BILL NO. 226

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a supplemental appropriation to the
7 Office of the Governor, pipeline coordinator's office;
8 and providing for an effective date."

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

10 * Section 1. The sum of \$45,000 is appropriated from the general fund to
11 the Office of the Governor, pipeline coordinator's office, for the fiscal
12 year ending June 30, 1977, for the purpose of contracting for additional
13 tanker simulation studies.

14 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
15 070(c).

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Introduced: 2/17/77
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ENGINEERING COMPUTER OPTECNOMICS, INC.

Systems Analysts for Engineers, Economists and Environmental Scientists

February 12, 1977

The Honorable Keith Specking
House of Representatives
State of Alaska
Pouch V
Juneau, Alaska 99801

Dear Mr. Specking:

Last evening I received a telephone call from Mr. Charles Champion, Alaska's Pipeline Coordinator, asking me to write you concerning the outcome of the initial Valdez real-time simulation program which was conducted for his office. He also requested that I inform you of the details of the proposed followup simulation program which is to be sponsored jointly by the State of Alaska, the U.S. Coast Guard and by industry.

The initial Valdez real-time simulation consisted of 130 runs and was intended to examine a very large crude carrier (VLCC) transiting the waters of Valdez Narrows under various wind conditions with and without tugboat assistance. The real-time simulation research program was jointly designed by our firm, ECO, Inc., the Netherlands Ship Model Basin, and the Office of the Pipeline Coordinator of the State of Alaska, with input from the U.S. Coast Guard, NOAA and industry. The actual runs were conducted on the real-time simulator at the Netherlands Ship Model Basin, Wageningen, The Netherlands. In specific, the research program examined a 165,000 deadweight ton tanker and two 5,000 horsepower tugboats under the following conditions:

page 2.

to: The Hon. Keith Specking
2/12/77

- . using six experienced VLCC masters/pilots;
- . without tugboat assistance, with one tugboat and with two tugboats;
- . under six dynamic wind conditions;
- . fully loaded and ballasted drafts; and
- . under normal and emergency ship procedures.

It should be understood at the outset that the research cannot establish the safety of Valdez tanker operations in any absolute sense. It can establish that operations are unsafe if any groundings, or substantial tract deviations, occur under a given set of conditions. Most importantly, the research can establish any major differences in tanker safety as selected parameters are varied. With respect to the initial program (130 runs), the following can be stated:

- . a two-way traffic system within Valdez Narrows is undesirable;
- . operations within Port Valdez/Valdez Narrows with a wind in excess of 40 knots is undesirable; and,
- . the tugboats, as proposed for Valdez, are suitable for the intended Valdez marine operations and can even be effective in the event of a total mechanical failure onboard the subject VLCC.

With respect to the second Valdez real-time simulation program, the intent is to examine the marine operations in further detail but within the limits as established by the first program. (With a one-way traffic system and with wind speeds limited to a maximum of 40 knots). Additionally, this research will incorporate an element of training within the program, since we intend to utilize actual licensed Valdez Pilots and actual.

page 3.

to: The Hon. Keith Specking
2/12/77

masters from oil tankers scheduled for the TAPS trade. In the previous experiment, we used six Dutch VLCC pilots, each having over three years experience in handling VLCC's.

The second program, as now proposed, consists of 306 simulations to be conducted during the month of March of this year. As previously stated, this program is to be jointly funded by the State of Alaska, the U.S. Coast Guard and industry. As proposed, the Coast Guard and industry would each contribute \$70,000 with the State of Alaska contributing \$45,000. The reason that Alaska's share is \$45,000, in lieu of \$70,000, is that both the Coast Guard and industry felt that since Alaska initiated the original Valdez real-time simulation program at a cost of \$25,000, their share for the second program should be reduced by that amount.

In summary, I would like to point out the basic role of experimentation in a problem such as this. No amount of experimentation can prove that tanker operations in Valdez Narrows will be safe. To the extent that the experimentation is credible, it can establish that operations under certain operating conditions are unsafe. If any groundings or significant amounts of deviation from intended tract occur, that indicates that similar problems can be expected in practice. If all runs under certain operating conditions are conducted safely, then the possibility that operations may be safe in practice remains open. In comparing runs under different operating conditions, those conditions are to be preferred under which significantly better safety scores are obtained.

Two relevant enclosures are attached to this letter. The first is a telegram which was sent to Mr. Champion on February 4, 1977, by Mr. Williams of SOHIO and the second is the breakdown of runs for the second simulation program.

Mr. Champion also requested that I send a copy of this letter with the enclosures to Senator Craft, since he participated

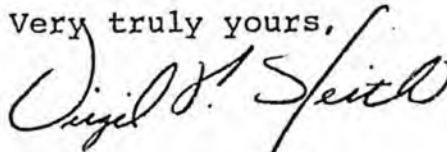
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to: The Hon. Keith Specking
2/12/77

in the simulation workshop on January 13-14, 1977, in Juneau.

Should you require additional information or if we can be of additional assistance in any way, please don't hesitate to contact my associate, Mr. Porricelli, or myself.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Virgil F. Keith".

Virgil F. Keith,
Principal

VK/bh
ENCL.

CC: Honorable Chancey Croft
Mr. Charles A. Champion

NOV 9 1977

77 FEB 4 PM 12:41

LD
LD INFOMASTER
SCHIO CLV

0120660095 1251EST
2026 NA 002 CLEVELAND OHIO FEB 4
RMS C. CHAMPION, STATE PIPELINE COORDINATOR ALASKA
430 WEST SEVENTH AVENUE
ANCHORAGE, ALASKA

BT
THE FOLLOWING TELEX FROM THE NETHERLAND SHIP MODEL BASIN SUMMARIZES
THE POINTS COVERED AT LAST WEEKS MEETING. QUOTE

ATTN: M.F.G. WILLIAMS
SCHIO CLEVE ALASKAN MARINE TECHNICAL OFFICE
2435 MIDLAND BUILDING
CLEVELAND, OHIO

TANKERS THRU VALDEZ NARROWS.
OUR REF.: CH 02131.

BASED ON OUR DISCUSSIONS AT NSMB JANUARY 27, 1977, WE PROPOSE
THE FOLLOWING SIMULATOR PROGRAM.

A)
ON THE SHIP HANDLING SIMULATOR OF THE NSMB A NUMBER OF MANOEUVRES
WILL BE PERFORMED WITH A 165,000 DWT OIL TANKER, IN FULLY LOADED
OR BALLAST CONDITION.

B)
DURING EACH RUN A PREDETERMINED TRACK THROUGH VALDEZ NARROWS HAS
TO BE FOLLOWED UNDER DIFFERENT CONDITIONS, ACCORDING TO THE GIVEN
EXPERIMENTAL DESIGN.

C)
VARIABLE CONDITIONS RELATE TO THE SHIP'S SPEED, THE PRESENCE
OF CURRENTS, VISIBILITY, THE WIND FORCE, THE NARROW'S
CROSSING, INBOUND OR OUTBOUND RUN AND VARIOUS SHIP'S
MANOEUVRES.

D) THE SHIP'S BRIDGE WILL BE EQUIPPED LIKE MODERN VLCC'S INCLUDING RATE OF TURN INDICATOR 16 INCH RADAR DISPLAY AND LORAN-C NAVIGATION SYSTEM.

E) THE MANOEUVRES WILL BE PERFORMED BY A MASTER, A PILOT, A HELMSMAN AND A NAVIGATOR.

F) TWO TUGS WILL BE AVAILABLE TO ASSIST THE SHIP, FOR WHICH PURPOSE TUG CAPTAINS AND VHF COMMUNICATION WILL BE AVAILABLE.

G) IF YOUR ORDER IS RECEIVED ON OR BEFORE FEBRUARY 10. THE SHIP HANDLING SIMULATOR WILL BE AVAILABLE FROM 19.00 TO 06.00 DURING MARCH 77 AT A COST OF NFL. 1,200.-- (DUTCH GUILDERS) PER HOUR.

H) THE PROGRAM INCLUDES REGISTRATION OF THE SHIP'S AND CREW'S BEHAVIOUR AND A STATISTICAL ANALYSIS OF THE MANOEUVRES.

I) THE PLOTS OF THE PERFORMED RUNS WILL BE AVAILABLE ONE WEEK AFTER COMPLETION OF THE SIMULATOR TESTS. THE FINAL REPORT WILL BE AVAILABLE THREE MONTHS AFTER COMPLETION OF THE TESTS.

FOLLOWING REMARKS CONCERN PRACTICAL EXECUTION OF THE EXPERIMENT.

J) ONE STRAIGHT TRACK IS TOO CLOSE TO FOUL GROUND IN OUR VIEW. WE SUGGEST COURSE CHANGE IN POS. 6104.1 N 146 40.0 W. COURSES 023.5-045 WITH HRM.RK. AND 023.5-057 WITHOUT HRM.RK. NORTHWIND: FIRST LEG 1.6 N.M. SECOND LEG 1.9 AND SOUTHWIND FIRST LEG 2.4 SECOND LEG 1.1. N.M.

K) WE PROPOSE 2 SHIFTS OF 4 SUBJECTS EACH FOR 4 WEEKS OF 5 NIGHTS. WE CAN COMPLEMENT YOUR MEN WITH EURO-PILOTS TO A TOTAL NUMBER OF 8 SUBJECTS.

OUR TERMS OF PAYMENT ARE:

A. ON RECEIPT OF ORDER:
20 PERCENT. OF THE TOTAL AMOUNT, PAYMENT BY RETURN AFTER RECEIPT OF INVOICE.

B. ON COMPLETION OF TESTS:
80 PER CENT. OF TOTAL AMOUNT, PAYMENT WITHIN 30 DAYS AFTER RECEIPT OF SPECIFIED INVOICE, ON WHICH FIRST TERM (SEE A.) HAS BEEN DEDUCTED.

C. ON RECEIPT OF TEST REPORT:
REMAINING PART, PAYMENT WITHIN 30 DAYS AFTER RECEIPT OF FINAL
INVOICE.

THIS QUOTATION IS VALID UNTIL MAY 1, 1977.
WE LOOK FORWARD TO YOUR FURTHER NEWS.

REGARDS

UNQUOTE

AS AN INDICATION OF THE VARIABLE WE WISHED TO CONSIDER, NSMB WAS
GIVEN A COPY OF THE JUNEAU MATRIX. THE NUMBER OF RUNS TO BE PER-
FORMED DURING THE EXPERIMENT HAS STILL TO BE AGREED TO BY ALL
PARTIES.

M.F.G. WILLIAMS
SCHIOCLEVE

CC:

C. CHAMPION STATE PIPELINE COORDINATOR, ALASKA
LT. CMDR THOMPSON USCG JUNEAU
MR. A. D. MOOKHOEK EXXON HOUSTON

NNNN
ZCZC 002 CLEVELAND OHIO FEB 4
FMS LT. CMDR THOMPSON
U.S. COAST GUARD FEDERAL BUILDING
JUNEAU, ALASKA

BT
ZCZC 003 CLEVELAND OHIO FEB 4
TLX 775112 EXXON USA HCU D
ATTN: MR. A. D. MOOKHOEK

BT
NNNNEND

ACCEPTED
00001 THRU 00003

1-PC

PROPOSED SIMULATION PROGRAM
FOR
VALDEZ NARROWS

	TUGBOATS		MIDDLE RK		VISIBILITY		WIND		BOUND		OPERATOR		RUNS
	ATTH	ESC	WITH	W/O	IDEAL	ZERO	15/25	30/40	IN	OUT	PILOT	CAPT	
3 KNOTS	18	0	9	9	9	9	9	9	0	18	9	9	18
NORMAL	18	18	18	18	18	18	18	18	18	18	18	18	36
POWER LOSS	9	9	9	9	9	9	9	9	9	9	9	9	18
REGAIN IN (5)	9	9	9	9	9	9	9	9	9	9	9	9	18
RUDDER LOSS	9	9	9	9	9	9	9	9	9	9	9	9	18
REGAIN IN (2)	9	9	9	9	9	9	9	9	9	9	9	9	18
POWER LOSS	0	0	9	9	12	6	9	9	9	9	9	9	18
REGAIN IN (5)	0	0	9	9	12	6	9	9	9	9	9	9	18
RUDDER LOSS	0	0	9	9	12	6	9	9	9	9	9	9	18
REGAIN IN (2)	0	0	9	9	12	6	9	9	9	9	9	9	18
NORMAL	0	18	18	18	18	18	18	18	18	18	18	18	36
POWER LOSS	0	18	9	9	12	6	9	9	9	9	9	9	18
REGAIN IN (5)	0	18	9	9	12	6	9	9	9	9	9	9	18
RUDDER LOSS	0	18	9	9	12	6	9	9	9	9	9	9	18
REGAIN IN (2)	0	18	9	9	12	6	9	9	9	9	9	9	18

TOTAL = 306

ASSUMPTIONS:

1. That a one-way traffic system would be imposed.
2. That the port would be shut down when winds in excess of 40 knots were present in Port Valdez/Valdez Narrows for two minutes or longer.
3. The objective of the 3 knot operation, with tugboats attached, is to examine the towing of a disabled VLCC away from the terminal.
4. The 15 knot base wind will randomly gust to 25 knots for 3 to 5 minutes and the 30 knot base wind will randomly gust to 40 knots for 3 to 5 minutes.
5. The Pilots to be utilized in this program are actual licensed Valdez Pilots and the Masters are actual Masters of tankers scheduled for the TAPS trade.
6. Numbers in parenthesis after the words, REGAIN IN, indicate time to recover from the casualty in minutes.

Introduced: 2/17/77
Referred: Finance

1 IN THE HOUSE

BY SPECKING AND GARDINER

2 HOUSE BILL NO. 226

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

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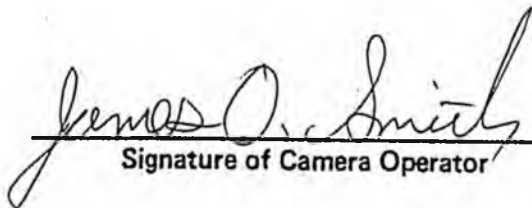
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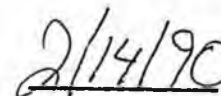


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Signature of Camera Operator


Date

COMMITTEE REPORT
SENATE

5/5/77

Date

Mr. President:

The Committee on FINANCE has had HB 226
supplemental appropriation, Office of the Governor, pipeline coordinator's
under consideration. A majority of the members of the Committee office

- recommends it do pass
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- recommends it do pass with attached amendment(s)
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CS for _____ do pass
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committee
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MEMBERS SIGNING THE MAJORITY REPORT:

_____ Tillman _____

_____ ... _____

_____ ... _____

_____ ... _____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

Chairman

SENATE JOURNAL

LETTER OF INTENT
FOR
HOUSE BILL 226

The Executive Administration shall attempt to recover from the Alyeska Pipeline Company the \$45,000 in general funds appropriated to the Office of the Governor, pipeline coordinator's office, for the purpose of contracting for additional tanker simulation studies in House Bill 226.

John C. Sackett, Chairman
Senate Finance Committee

John Butrovich

George Hohman

Chancy Croft

Joe Orsini

H. D. Meland

Clem Tillion



ENGINEERING COMPUTER OPTECONOMICS, INC.

Systems Analysts for Engineers, Economists and Environmental Scientists

February 12, 1977

The Honorable Keith Specking
House of Representatives
State of Alaska
Pouch V
Juneau, Alaska 99801

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to: The Hon. Keith Specking
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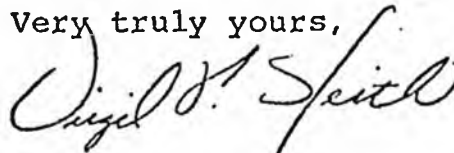
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in the simulation workshop on January 13-14, 1977, in Juneau.

Should you require additional information or if we can be of additional assistance in any way, please don't hesitate to contact my associate, Mr. Porricelli, or myself.

Very truly yours,



Virgil F. Keith,
Principal

VK/bh
ENCL.

CC: Honorable Chancey Croft
Mr. Charles A. Champion

NOV 01 1977
4 PM 12:41

LU INFOMASTER
SCH10 CLV

0131060035 1231EST
2826 NA 001 CLEVELAND OHIO FEB 4
FRS C. CHAMPION, STATE PIPELINE COORDINATOR ALASKA
450 WEST SEVENTH AVENUE
ANCHORAGE, ALASKA

BT

THE FOLLOWING TELEX FROM THE NETHERLAND SHIP MODEL BASIN SUMMARIZES
THE POINTS COVERED AT LAST WEEKS MEETING. QUOTE

ATTN: H.F.G. WILLIAMS
SCH10 CLEVE ALASKAN MARINE TECHNICAL OFFICE
1436 MIDLAND BUILDING
CLEVELAND, OHIO

TANKERS THRU VALDEZ NARROWS.
OUR REF.: CM 02131.

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OUR TERMS OF PAYMENT ARE:

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20 PERCENT OF THE TOTAL AMOUNT, PAYMENT BY RETURN AFTER RECEIPT OF INVOICE.
- B. ON COMPLETION OF TESTS:
80 PER CENT. OF TOTAL AMOUNT, PAYMENT WITHIN 30 DAYS AFTER RECEIPT OF SPECIFIED INVOICE, ON WHICH FIRST TERM (SEE A.) HAS BEEN DEBITED.

C. ON RECEIPT OF TEST REPORT:
REMAINING PART, PAYMENT WITHIN 30 DAYS AFTER RECEIPT OF FINAL
INVOICE.

THIS QUOTATION IS VALID UNTIL MAY 1, 1977.
WE LOOK FORWARD TO YOUR FURTHER NEWS.

REGARDS

UNQUOTE

AS AN INDICATION OF THE VARIABLE WE WISHED TO CONSIDER, NSMB WAS
GIVEN A COPY OF THE JUNEAU MATRIX. THE NUMBER OF RUNS TO BE PER-
FORMED DURING THE EXPERIMENT HAS STILL TO BE AGREED TO BY ALL
PARTIES.

W.F.G. WILLIAMS
SCHOCLEVE

CC:

C. CHAMPION STATE PIPELINE COORDINATOR, ALASKA
LT. CMDR THOMPSON USCG JUNEAU
MR. A. D. MOOKHOEK EXXON HOUSTON

NNNN

ZCZC 002 CLEVELAND OHIO FEB 4
PNS LT. CMDR THOMPSON
U.S. COAST GUARD FEDERAL BUILDING
JUNEAU, ALASKA

BT

ZCZC 003 CLEVELAND OHIO FEB 4
TLX 775112 EXXON USA HCU D
ATTN: MR. A. D. MOOKHOEK

BT

NNNNEND

ACCEPTED
00001 THRU 00003

1-PC

Introduced: 2/17/77
Referred: Finance

1 IN THE HOUSE

BY SPECKING AND GARDINER

2 HOUSE BILL NO. 226

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a supplemental appropriation to the
7 Office of the Governor, pipeline coordinator's office;
8 and providing for an effective date."

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

10 * Section 1. The sum of \$45,000 is appropriated from the general fund to
11 the Office of the Governor, pipeline coordinator's office, for the fiscal
12 year ending June 30, 1977, for the purpose of contracting for additional
13 tanker simulation studies.

14 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
15 070(c).

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RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

2/14/90
Date

"An Act relating to leave for teachers engaged in collective bargaining; and effective date."

COMMITTEE REPORT

HOUSE

3/28/77

April 12 1977 Date

Mr. Speaker:

The Committee on FINANCE has had HE 228 under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for HR 228 and that CS for HR 228 do pass

(and) recommends it be referred to the _____ committee

reports it back without recommendation

AND attaches a report of its intent

(other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

<u>[Signature]</u>	recommends:	<u>no</u>
<u>[Signature]</u>	recommends:	<u>no</u>
<u>[Signature]</u>	recommends:	<u>no</u>

[Signature]
Chairman

Original sponsors: Duncan, Akers,
Bradley, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 228 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL.

6 For an Act entitled: "An Act relating to leave for teachers engaged in
7 collective bargaining; and providing for an effective
8 date."

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

10 * Section 1. AS 14.20.560 is amended by adding new subsections to read:

11 (g) If there is no connecting road between the employee's resi-
12 dence and the place of bargaining, a certificated employee selected to
13 represent the employee bargaining organization is entitled to paid
14 administrative leave for each school day of travel to and from the place
15 of bargaining and for each school day spent in the bargaining process,
16 and payment for actual out-of-pocket transportation expense. No more
17 than three employees for each bargaining organization may be granted
18 administrative leave at one time. Paid administrative leave days under
19 this section are limited to a total of 45 days per employee for each
20 contract.

21 (h) If there is a connecting road between the employee's residence
22 and the place of bargaining, a certificated employee selected to repre-
23 sent the employee bargaining organization is entitled to paid adminis-
24 trative leave for each school day spent in the bargaining process if the
25 bargaining process is held during normal operating school hours. No more
26 than three employees for each bargaining organization may be granted
27 administrative leave at one time. Paid administrative leave days under
28 this section are limited to a total of 45 days for each contract.

29 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-

R/O HFC 4/14/77

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB-228 (Finance) am
Title An Act relating to leave for teachers engaged in collective bargaining
Requested by The Finance Committee Date April 14, 1977

II. FISCAL DETAIL

Agency Affected Education
Program Category Affected Elementary and Secondary Education
Budget Request Unit(s) Affected Financial Support Programs

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.			757.0	802.4	850.6	901.6
TOTAL			757.0	802.4	850.6	901.6

FUNDING (Thousands of Dollars)

GENERAL FUND			757.0	802.4	850.6	901.6
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

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

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Assumptions: 1. Each school district will use maximum of 45-days for teacher representative and administration representatives team leave.

- a) Teacher Administrative Leave
45 days x 51 school districts x \$123/day = \$282,285
- b) School Board Team Administrative Leave
45 days x 51 school districts x \$190/day = \$436,050

2. Two of three of the teacher representatives will make three trips for negotiation purposes (no road system).

- a) Transportation
15 school districts x 2 x \$180/trip x 3 trips = \$16,200
- b) Per Diem
30 days x \$50/day x 15 school districts = \$22,500

TOTAL ESTIMATED COST: \$757,035

Inflation at 6% for FY-80, 81 and 82

IV. DATE January 27, 1978 PREPARED BY Nathaniel Cole, Deputy Commissioner
AGENCY Department of Education
PHONE 465-2800

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

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FINANCE CS FOR HOUSE BILL NO. 228 (*Finance*)
IN THE LEGISLATURE OF THE STATE OF ALASKA *by: Finance Committee*

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to leave for teachers engaged in collective bargaining; and providing for an effective date."

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

* Section 1. AS 14.20.560 is amended by adding a new subsection to read:

(g) If there is no connecting road between the employee's residence and the place of bargaining, a certificated employee selected to represent the employee bargaining organization is entitled to paid administrative leave for each school day of travel to and from the place of bargaining and for each school day spent in the bargaining process, and payment for *actual out-of-pocket* transportation expense. No more than three employees for each bargaining organization may be granted administrative leave at one time. Paid administrative leave days under this section are limited to *a total of 45 days* ~~15 negotiating days~~ per employee for each contract.

(h) If there is a connecting road between the employee's residence and the place of bargaining, a certificated employee selected to represent the employee bargaining organization is entitled to paid administrative leave for each school day spent in the bargaining process if the bargaining process is held during normal operating school hours. No more than three employees for each bargaining organization may be granted administrative leave at one time. Paid administrative leave days under this section are limited to *a total of 45* ~~15 negotiating days~~ per employee for each contract.

* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.070(c).

Original sponsors: Duncan, Akers,
Bradley, et al

Offered: 3/28/77
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 228

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to leave for teachers engaged in
7 collective bargaining; and providing for an effective
8 date."

9

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

10

* Section 1. AS 14.20.560 is amended by adding a new subsection to read:

11

(g) If there is no connecting road between the employee's resi-

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dence and the place of bargaining, a certificated employee selected to

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represent the employee bargaining organization is entitled to paid

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administrative leave for each school day of travel to and from the place

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of bargaining and for each school day spent in the bargaining process,

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and payment for transportation expense. No more than three employees

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for each bargaining organization may be granted administrative leave at

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one time. ^{Paid administrative leave days} ~~Bargaining sessions~~ under this section are limited to 15

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^{per employee} negotiating days ^{for each contract.}

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* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-

21

070(c).

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(h) *[Handwritten notes and signatures]*

Introduced: 2/18/77
Referred: Health, Education &
Social Services and Finance

BY DUNCAN, AKERS, BRADLEY, BROWN,
BUCHHOLDT, COWPER, ELIASON,
FREEMAN, GARDINER, GRUENING, GUY,
MCKINNON, MALONE, MEEKINS, MILLER,
OSE, OSTERBACK, PARR, RUDD,
SCHAEFFER, SMITH AND SNIDER

1 IN THE HOUSE

2 HOUSE BILL NO. 228

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to leave for teachers engaged in
7 collective bargaining; and providing for an effective
8 date."

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

10 * Section 1. AS 14.20.560 is amended by adding a new subsection to read:

11 (g) Certificated employees selected to represent the employee
12 bargaining organization are entitled to paid administrative leave for
13 each day of travel to and from the place of bargaining and for each day
14 spent in the bargaining process. Transportation expenses shall also be
15 paid if there is no connecting public road from the employee's residence
16 to the place of bargaining. No more than five employees for each bar-
17 gaining organization may be granted administrative leave at one time.

18 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
19 070(c).

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NEA - ALASKA

(ALASKA EDUCATION ASSOCIATION)

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

JUNEAU OFFICE
207 SEWARD BUILDING
JUNEAU, ALASKA 99801
PHONE: (907) 586-3090

ANCHORAGE REGIONAL OFFICE
1515 EAST TUDOR ROAD
ANCHORAGE, ALASKA 99507
PHONE: (907) 279-8544

FAIRBANKS REGIONAL OFFICE
954 COWLES, SUITE 143
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-2297

Robert Van Houte
Executive Secretary
Juneau Office

Robert C. Cooksey
Deputy Executive Secretary
Juneau Office

Charles L. O'Connell
Deputy Executive Secretary
Anchorage Office

Dianne Anderson
Field Staff
Anchorage Office

James D. Alter
Field Staff
Anchorage Office

Mary Ann Eininger
Deputy Executive Secretary
Fairbanks Office

March 31, 1977

TO: HOUSE FINANCE COMMITTEE

RE: HB 228

Many school districts at present grant leave for negotiations if they are held during the school day. For example, Anchorage, Sitka, Kodiak and the North Slope. The other districts, generally speaking, negotiate during off school hours. In the REAA's several grant Professional Administrative Leave for negotiations; for example, Northwest and Southeast Islands.

In my opinion, about 10 of the REAA's and two or three city or borough districts will be affected by the bill.

In regard to costs, administrative leave will require payment of substitute teachers at a normal rate of \$45.00 per day. I estimate 13 districts will utilize 480 man days for a cost of \$21,600. The estimate for travel expenses is \$12,000. Total cost would be \$33,600.

Sincerely,

Bob Van Houte

Bob Van Houte
Executive Secretary

REAA's that do not bargain during school hours or which have already arranged to pay for administrative leave:

Already Given Leave

Northwest
Southeast Islands
Iditarod (near McGrath)

Negotiate During non-school Time

Adak
Pribiloffs
Delta
Whittier
Metlakatla
Glennallen
Angoon
Upper Rail Bel (Healy, Anderson)

(Fort Yukon is covered under one of the above categories.)

52 districts total
(including REAA's)

Anchorage allows 60 days admin. leave
for its employees.

1 FINANCE CS FOR HOUSE BILL NO. 228
2 IN THE LEGISLATURE OF THE STATE OF ALASKA
3 TENTH LEGISLATURE - FIRST SESSION
4 A BILL

5
6 For an Act entitled: "An Act relating to leave for teachers engaged in collective bar-
7 gaining; and providing for an effective date."

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

9 * Section 1. AS 14.20.560 is amended by adding a new subsection to read:

10 (g) If there is no connecting road between the employee's residence and the
11 place of bargaining, a certificated employee selected to represent the employee
12 bargaining organization is entitled to paid administrative leave for each school
13 day of travel to and from the place of bargaining and for each school day spent in
14 the bargaining process, and payment for transportation expense. No more than three
15 employees for each bargaining organization may be granted administrative leave at
16 one time. Paid administrative leave days under this section are limited to ^{a total of 45} ~~15~~
17 negotiating days ~~per employee~~ for each contract.

18 (h) If there is a connecting road between the employee's residence and the
19 place of bargaining, a certificated employee selected to represent the employee
20 bargaining organization is entitled to paid administrative leave for each school day
21 spent in the bargaining process if the bargaining process is held during normal
22 operating school hours. No more than three employees for each bargaining organization
23 may be granted administrative leave at one time. Paid administrative leave days
24 under this section are limited to ^{a total of 45} ~~15~~ negotiating days ~~per employee~~ for each contract.

25 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.070(c).
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Terry Gardiner

Box 6092, Ketchikan, Alaska 99901 Pouch V, Juneau, Alaska 99811

HB 228

March 28, 1977

MEMO

TO: Representative Cowper
FROM: Terry Gardiner
RE: Relating to Leave for Teachers Engaged in Collective Bargaining

Enclosed is a copy of a letter from Ed McNulty in Ketchikan. He points out a problem that he feels exists in the present legislation, the definition of "the bargaining process". I would appreciate it if you would bring up the question of this definition before the Committee if the legislation is considered.

Also, another problem brought to my attention with the legislation is the fact that it does not speak to whether a school employee who is bargaining is employed by that particular school. Possibly a school could be based with compensating a school negotiator when he is negotiating for a different school district. I do not think this is what the legislation was intended to do.

Generally the opposition to HB 228 seems to be that school administrators fear that with the way the bill is written that it would extend to much more than the original intention of the legislation.

KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT

POUCH Z

P. O. Box 2550

KETCHIKAN, ALASKA 99901

907-225-2118

March 22, 1977

The Honorable Terry Gardiner
Alaska State House of Representatives
Pouch V, State Capitol
Juneau, Alaska 99811

Re: House Bill 228

Dear Representative Gardiner:

I am in opposition to this legislation and I am disappointed to see your name as one of its sponsors.

This is a poorly written piece of legislation which would appear to subsidize the union by paying costs which are normally paid for with union dues.

You have failed to adequately define "the bargaining process" which normally includes preparation time. This could put management in the position of having the union dictate when it will take off for union activities.

I urge you to reconsider your support for this measure.

Sincerely,



Edward K. McNulty
Assistant Superintendent

Original sponsors: Duncan, Akers,
Bradley, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 228 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to leave for teachers engaged in
7 collective bargaining; and providing for an effective
8 date."

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

10 * Section 1. AS 14.20.560 is amended by adding new subsections to read:

11 (g) If there is no connecting road between the employee's resi-
12 dence and the place of bargaining, a certificated employee selected to
13 represent the employee bargaining organization is entitled to paid
14 administrative leave for each school day of travel to and from the place
15 of bargaining and for each school day spent in the bargaining process,
16 and payment for actual out-of-pocket transportation expense. No more
17 than three employees for each bargaining organization may be granted
18 administrative leave at one time. Paid administrative leave days under
19 this section are limited to a total of 45 days per employee for each
20 contract.

21 (h) If there is a connecting road between the employee's residence
22 and the place of bargaining, a certificated employee selected to repre-
23 sent the employee bargaining organization is entitled to paid adminis-
24 trative leave for each school day spent in the bargaining process if the
25 bargaining process is held during normal operating school hours. No more
26 than three employees for each bargaining organization may be granted
27 administrative leave at one time. Paid administrative leave days under
28 this section are limited to a total of 45 days for each contract.

29 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-

1 FINANCE CS FOR HOUSE BILL NO. 228
2 IN THE LEGISLATURE OF THE STATE OF ALASKA
3 TENTH LEGISLATURE - FIRST SESSION

4 A BILL

5
6 For an Act entitled: "An Act relating to leave for teachers engaged in collective bar-
7 gaining; and providing for an effective date."

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

9 * Section 1. AS 14.20.560 is amended by adding a new subsection to read:

10 (g) If there is no connecting road between the employee's residence and the
11 place of bargaining, a certificated employee selected to represent the employee
12 bargaining organization is entitled to paid administrative leave for each school
13 day of travel to and from the place of bargaining and for each school day spent in
14 the bargaining process, and payment ^{shall out-of-pocket} for transportation expense. No more than three
15 employees for each bargaining organization may be granted administrative leave at
16 one time. Paid administrative leave days under this section are limited to 15
17 negotiating days per employee for each contract.

18 (h) If there is a connecting road between the employee's residence and the
19 place of bargaining, a certificated employee selected to represent the employee
20 bargaining organization is entitled to paid administrative leave for each school day
21 spent in the bargaining process if the bargaining process is held during normal
22 operating school hours. No more than three employees for each bargaining organization
23 may be granted administrative leave at one time. Paid administrative leave days
24 under this section are limited to 15 negotiating days per employee for each contract.

25 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.070(c).
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THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSHB 228
 Title An Act relating to leave for teachers engaged in collective bargaining;
~~Requesting~~ and providing for an effective date Date 4/15/77

Requested By: Legislative Finance

II. FISCAL DETAIL
 Agency Affected Education
 Program Category Affected None
 Budget Request Unit(s) Affected None

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

FUNDING (Thousands of Dollars)

GENERAL FUND		- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

There is no fiscal impact to the Department of Education as a result of this bill.

IV. DATE April 15, 1977 PREPARED BY Wm. D. Thomson, Director, Mgt., Law & Finance
 AGENCY Department of Education
 PHONE 465-2802
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

2/14/90
Date

COMMITTEE REPORT

HOUSE

3/1/77

_____ 15 _____ Date

Mr. Speaker:

The Committee on FINANCE has had HR 233 under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for HR 233 and that CS for HR 233 do pass
- (and) recommends it be referred to the _____ committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

_____	_____	_____
_____	_____	_____
_____	_____	_____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____	recommends:	_____
_____	recommends:	_____
_____	recommends:	_____

_____ Chairman

Original sponsors: Gruening, Malone,
Gardiner and Swanson

Offered: 3/1/77
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 233

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to land under the Alaska Native
7 Claims Settlement Act; and providing for an effective
8 date."

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

10 * Section 1. PURPOSE AND STATEMENT OF POLICY. (a) Section 17(d)(2) of
11 the Alaska Native Claims Settlement Act of 1971 directed the Secretary of the
12 Department of the Interior "to withdraw from all forms of appropriation under
13 the public land laws, including the mining and mineral leasing laws, and from
14 selection under the Alaska Statehood Act . . . up to, but not to exceed,
15 eighty (80) million acres of unreserved public lands in the State of Alaska .
16 . . which the Secretary deems suitable for addition to or creation as units
17 of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers
18 Systems."

19 (b) Congress is now considering bills calling for up to 114 million
20 acres for inclusion in the four systems described in (a) of this section.
21 The legislature finds it essential that Alaskans be provided an opportunity
22 to affect the system and nature of public land management in Alaska in order
23 to insure that the rights of the state under the Statehood Act are fully
24 recognized. The legislature further finds that it is in the best interests
25 of the nation and the state not to immediately classify the large tracts of
26 Alaska public land.

27 * Sec. 2. STEERING COUNCIL FOR d-2 LAND. There is created in the Office
28 of the Governor the Steering Council for d-2 lands consisting of nine members
29 as follows: the state co-chairman of the Joint Federal-State Land Use

1 Planning Commission for Alaska, four members appointed by the governor, two
2 members of the house of representatives appointed by the speaker of the
3 house, and two members of the senate appointed by the president of the
4 senate. The Steering Council may select one of its members as chairman.

5 * Sec. 3. COMPENSATION. Members of the Steering Council receive the same
6 travel pay and per diem as provided by law for boards and commissions.

7 * Sec. 4. STAFF. The council may employ those persons necessary to carry
8 out the purposes of this Act, including but not limited to permanent or
9 temporary employees, consultants or other experts.

10 * Sec. 5. DUTIES. (a) The Steering Council shall develop a unified
11 lobbying and informational effort to make Alaska's needs and future land use
12 requirements known to Congress and the public in all matters relating to land
13 withdrawals and classifications under the Alaska Native Claims Settlement Act
14 or any other relevant federal Act, regulation or order.

15 (b) The Steering Council is to provide a forum for Alaskans interested
16 in d-2 lands to develop recommendations to protect Alaska's present and
17 future needs and to assist Alaskans in presenting their views on Alaska land
18 questions before Congress.

19 (c) The Steering Council may expend funds to enable independent Alaskan
20 groups to make presentations before Congress and the public.

21 (d) The Steering Council may do other things which it considers advis-
22 able for maximizing the development of positions on the issues of withdrawals
23 and the effectiveness of presentation of these positions to Congress and the
24 public.

25 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
26 070(c).

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Introduced: 2/18/77
Referred: Resources and
Finance

BY GRUENING, MALONE, GARDINER
AND SWANSON

1 IN THE HOUSE

2 HOUSE BILL NO. 233

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to land under the Alaska Native Claims
7 Settlement Act; and providing for an effective date."

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

9 * Section 1. STEERING COUNCIL FOR d-2 LAND. There is created in the
10 Office of the Governor the Steering Council consisting of nine members as
11 follows: the state co-chairman of the Joint Federal-State Land Use Planning
12 Commission for Alaska, four members appointed by the governor, two members of
13 the house of representatives appointed by the speaker of the house, and two
14 members of the senate appointed by the president of the senate.

15 * Sec. 2. COMPENSATION. Members of the Steering Council receive the same
16 travel pay and per diem as provided by law for boards and commissions.

17 * Sec. 3. STAFF. The committee may employ those persons necessary to
18 carry out the purposes of this Act, including but not limited to regular or
19 temporary employees, consultants or other experts in the field.

20 * Sec. 4. DUTIES. (a) The Steering Council shall develop a lobby effort
21 to represent Alaska's interest before Congress in matters relating to land
22 withdrawals under sec. 17(d)(2) of the Alaska Native Claims Settlement Act
23 (43 U.S.C. 1601 et seq.).

24 (b) The Steering Council is to provide a forum for parties interested
25 in the d-2 land to develop and maintain a common broad front on the issues
26 and to develop a capability for these interested parties to adequately
27 present their views before Congress.

28 (c) In order to ensure the widest possible presentation of Alaska's
29 views before Congress the Steering Council may make grants from the funds

1 available to it to independent groups for the purpose of presentations before
2 Congress on these issues. These groups must have an interest in the issue of
3 d-2 withdrawal, but their position need not be identical to the position of
4 the Steering Council of the state or the official position of the executive
5 branch of government of the state. The interest may concern specific issues
6 or particular portions of the land being withdrawn.

7 (d) The Steering Council may do other things considered advisable for
8 maximizing the development of positions on the issues of withdrawal and the
9 effectiveness of presentation of these positions to Congress.

10 * Sec. 5. The provisions of AS 39.50 (conflict of interest) apply to the
11 Steering Council for d-2 land created by this Act.

12 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
13 070(c).

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Original sponsors: Gruening, Malone,
Gardiner and Swanson

Offered: 3/1/77
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 233

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to land under the Alaska Native
7 Claims Settlement Act; and providing for an effective
8 date."

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

10 * Section 1. PURPOSE AND STATEMENT OF POLICY. (a) Section 17(d)(2) of
11 the Alaska Native Claims Settlement Act of 1971 directed the Secretary of the
12 Department of the Interior "to withdraw from all forms of appropriation under
13 the public land laws, including the mining and mineral leasing laws, and from
14 selection under the Alaska Statehood Act . . . up to, but not to exceed,
15 eighty (80) million acres of unreserved public lands in the State of Alaska .
16 . . which the Secretary deems suitable for addition to or creation as units
17 of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers
18 Systems."

19 (b) Congress is now considering bills calling for up to 114 million
20 acres for inclusion in the four systems described in (a) of this section.
21 The legislature finds it essential that Alaskans be provided an opportunity
22 to affect the system and nature of public land management in Alaska in order
23 to insure that the rights of the state under the Statehood Act are fully
24 recognized. The legislature further finds that it is in the best interests
25 of the nation and the state not to immediately classify the large tracts of
26 Alaska public land.

27 * Sec. 2. STEERING COUNCIL FOR d-2 LAND. There is created in the Office
28 of the Governor the Steering Council for d-2 lands consisting of nine members
29 as follows: the state co-chairman of the Joint Federal-State Land Use

1 Planning Commission for Alaska, four members appointed by the governor, two
2 members of the house of representatives appointed by the speaker of the
3 house, and two members of the senate appointed by the president of the
4 senate. The Steering Council may select one of its members as chairman.

5 * Sec. 3. COMPENSATION. Members of the Steering Council receive the same
6 travel pay and per diem as provided by law for boards and commissions.

7 * Sec. 4. STAFF. The council may employ those persons necessary to carry
8 out the purposes of this Act, including but not limited to permanent or
9 temporary employees, consultants or other experts.

10 * Sec. 5. DUTIES. (a) The Steering Council shall develop a unified
11 lobbying and informational effort to make Alaska's needs and future land use
12 requirements known to Congress and the public in all matters relating to land
13 withdrawals and classifications under the Alaska Native Claims Settlement Act
14 or any other relevant federal Act, regulation or order.

15 (b) The Steering Council is to provide a forum for Alaskans interested
16 in d-2 lands to develop recommendations to protect Alaska's present and
17 future needs and to assist Alaskans in presenting their views on Alaska land
18 questions before Congress.

19 (c) The Steering Council may expend funds to enable independent Alaskan
20 groups to make presentations before Congress and the public.

21 (d) The Steering Council may do other things which it considers advis-
22 able for maximizing the development of positions on the issues of withdrawals
23 and the effectiveness of presentation of these positions to Congress and the
24 public.

25 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
26 070(c).

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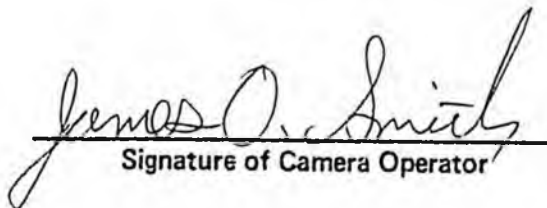
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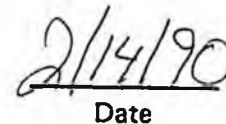


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

COMMITTEE REPORT

HOUSE

3/1/77

March 15 1977 Date

Mr. Speaker:

The Committee on FINANCE has had HR 234

under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for HR 234 and that
CS for HR 234 do pass
- (and) recommends it be referred to the _____
committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

<u>[Signature]</u>	_____	_____
<u>Freeman</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>McKens</u>	_____
<u>[Signature]</u>	_____	_____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

[Signature]
Chairman

Original sponsors: Gruening, Malone
and Gardiner

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 234

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making special appropriations for the work of
7 the Steering Council for d-2 lands; and providing for
8 an effective date."

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

10 * Section 1. The sum of \$300,000 is appropriated from the general fund to
11 the Office of the Governor for the Steering Council for d-2 lands.

12 * Sec. 2. The sum of \$20,000 is appropriated from the general fund to the
13 Legislative Affairs Agency for the purpose of paying travel and other neces-
14 sary expenses of members of the legislature appointed as members of the
15 Steering Council on d-2 lands.

16 * Sec. 3. This Act takes effect upon the effective date of an Act creat-
17 ing a Steering Council for d-2 lands, as enacted by the Tenth Alaska Legis-
18 lature, First Session.

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Introduced: 2/18/77
Referred: Resources and
Finance

1 IN THE HOUSE

BY GRUENING, MALONE
AND GARDINER

2 HOUSE BILL NO. 234

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Steering
7 Council for d-2 lands; and providing for an effective
8 date."

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

10 * Section 1. The sum of \$300,000 is appropriated from the general fund to
11 the Office of the Governor for the Steering Council for d-2 lands.

12 * Sec. 2. This Act takes effect upon the effective date of the Act creat-
13 ing a Steering Council for d-2 lands, as enacted by the Tenth Alaska State
14 Legislature, First Session.

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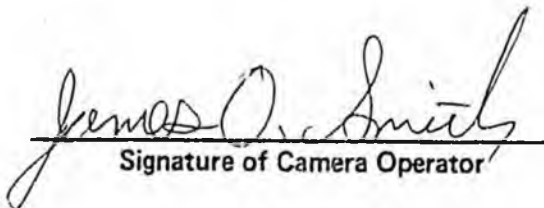
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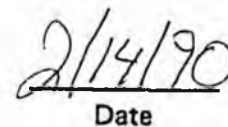


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

Original sponsors: Gruening, Malone
and Gardiner

Offered: 4/26/77
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 234 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making special appropriations for the work of
7 the Steering Council for Alaska Lands; and providing
8 for an effective date."

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

10 * Section 1. The sum of \$300,000 is appropriated from the general fund to
11 the Department of Natural Resources for the Steering Council for Alaska Lands.
12 The appropriation is made exclusively for purposes of meeting expenses of
13 administration of the work of the council and may not be transferred to any
14 other program.

15 * Sec. 2. The sum of \$20,000 is appropriated from the general fund to the
16 Legislative Affairs Agency for the purpose of paying travel and other neces-
17 sary expenses of members of the legislature not appointed as members of the
18 Steering Council for Alaska Lands.

19 * Sec. 3. This Act takes effect upon the effective date of a version of
20 an Act entitled "An Act relating to selection of state land and federal land
21 withdrawal and classification."

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COMMITTEE REPORT
SENATE

4/26/77

Date

Mr. President:

The Committee on FINANCE has had CSHB 234
special appropriation for Steering Council for d-2 lands
under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____ and that
CS for _____ do pass
- (and) recommends it be referred to the _____
committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) no action

MEMBERS SIGNING THE MAJORITY REPORT:

<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

[Signature] recommends: [Signature]

_____ recommends: _____

_____ recommends: _____

Chairman

Senator Sackett

HB 233
HB 234

SB 141

SUMMARY OF STATE LAND GRANT STATUS

At Statehood, Alaska became heir to several federal land grants made during Alaska's territorial years in addition to being granted two significant land entitlements under the Statehood Act. The following is a summary of the State's progress in selecting its land entitlements under federal land grants.

General Grant Lands

Section 6 (b) of the Statehood Act entitles the State to select up to 102.55 million acres of unreserved federal land in Alaska within twenty-five years of Statehood. The State has selected 67 million acres under this land entitlement and has seven years in which to select the balance over 35 million acres. These figures do not include the proposed land selection of 2.8 million acres now under review.

Community Grant Lands

Under Section 6 (a) of the Statehood Act, Alaska is entitled to select 400 000 acres from National Forests and another 400,000 acres from other public domain lands for the purpose of providing for community related needs. Almost 320,000 acres remain to be selected out of the public domain land entitlement while over 350,000 acres remain in the National Forest land grant. The State has seven years to complete its community grant land selections.

Mental Health Lands ←

Public Law 84-830, passed in 1956, gave the then Territory of Alaska ten years in which to select one million acres of unreserved federal land to be administered for the support of Alaska's mental health program. This land grant vested with the State of Alaska at statehood. The full entitlement of 1,000,000 acres has been selected.

University Lands

Alaska was granted 100,000 acres of land to support a University program. The selection of this land is 99 percent complete. This grant supplements an earlier University grant of specific sections of townships certain in the Tanana Valley.

Common School Lands

Alaska was granted sections (16 and 36) in each township of federal land which was surveyed at the time of Statehood for the support of Alaska's common school program. Over 100,000 acres have been received under this grant.

LAND SELECTIONS

Law and Written Policy

Although the Statehood Act was silent about the Federal purpose underlying the major grant of 102,550,000 acres to Alaska, congressional discussion prior to statehood emphasized the expectation that a transfer of land from Federal to State ownership would open Alaska for economic development. Alaska's Constitution speaks of both conservation and development, yet the dominant theme is development.

This context of Federal and State policy is reflected in the Alaska Land Act, the 1959 statute in which the State Legislature established the Division of Lands and structured its operations. The general policy statement in this statute repeats the State constitutional mandate to encourage settlement and development by making land available for use consistent with the public interest.¹ Land selection policy is specifically guided by Section 38.05.290 which directs the Commissioner of Natural Resources to "give preference of selection to land which will provide the maximum benefits to the people of the State."

The determinant policy guiding land selection by the Division has been to choose lands with potential for human habitation and economic development, preferably lands with a variety of such potentials. In the 1963 annual report, on the occasion of its five-year anniversary, the Division summarized the objectives guiding its activities:

"To further development—by making land, minerals, timber, gravel and other materials available for private development; working with individuals and existing or potential industries to assure maximum sustained use of resources.

"to furnish State revenues—by providing a solid base of recurring revenue from leases and sale contracts; producing immediate revenue through competitive oil and gas lease sales; reducing State expenses by furnishing gravel and materials, building sites, and rights-of-way for State and local government use.

1. Alaska Statutes, Section 38.05.350.

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

DEC 27 '75

2

FILE No.

NAME	STATUS	DATE
RES.		
FD.		
IND.		
SN.		
EDDY		
KAMN		
ACS		

DEC 17 1976

Mr. Jack Wick, President
Konig, Inc.
P.O. Box 746
Kodiak, Alaska 99615

Dear Mr. Wick:

On July 16, 1976, we sent to each Regional Corporation an assessment of land entitlements under sections 14(a), 12(b), and 12(c) of the Alaska Native Claims Settlement Act (ANCSA) and requested comments or suggested corrections to be made to those estimates. Thus far we have received no material response. After further review of those estimates within the Department, we have developed some more refined figures to be used for planning purposes by the Department and by Native Corporations. These estimates are contained in enclosure 1 to this letter.

At this time, we are making an initial 12(b) entitlement allocation, enclosure 2. Subsequently, when more of the uncertainties are resolved, there may be additional allocations of 12(b) entitlement. However, this initial allocation is a firm minimum allocation made pursuant to section 12(b) of the ANCSA for the purpose of reallocation of the entitlement to the Village Corporations by the Regional Corporations. Enclosure 3 is a listing of the 12(b) entitlement allocation to each of the eleven Regions.

As you know, we recognize the need to permit reasonable overfiling in order to assure that each Native Corporation receives its full land entitlement under the ANCSA. However, it is apparent that in many cases there has been excessive overfiling which serves only to needlessly tie up land that should be made available for other purposes and delays the BLM's ability to process selections and convey the land. Moreover, in many cases, there has been no numerical priority assigned by the applicant corporation to its selections (43 CFR 2651.3 and 2652.3).

The Bureau of Land Management in Alaska will be directed to reject selections filed by Native Corporations which exceed the estimates in enclosure 1, as BLM reviews the selections which are pending adjudication. If selections are prioritized, they will be

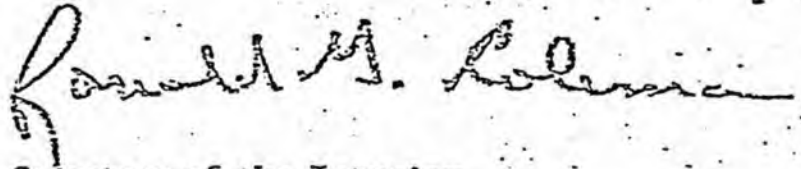


X-C Ron Swanson/Bob Cross 2/22/77

rejected on the basis of lowest priority first. If selections are not prioritized, they will be rejected on the basis of last filing first. Where a filing includes more land than the Corporation's entitlement, the BLM will reject selections beginning with the last unit of land described in the filing.

We realize that the reduction of overselections may create some difficulty for Native Corporations. However, it is clearly not the intent of the ANCSA that the selection process should indefinitely tie up nearly three times the entitlement provided the Native Corporations. We believe it is in the long-term best interests of all parties involved in the administration of the Act that the selections be brought more closely in line with the statutory entitlements.

Sincerely yours,



~~Assistant~~ Secretary of the Interior

Enclosures - 3

The studies have been completed and proposals developed. Most conservationists view the government's plan as excellent as far as it goes, but too conservative none-the-less. They have therefore organized an Alaska Coalition, developed their own proposals and presented them in bill form. Their D-2 bill along with several others are now before the Congress, which has a self-imposed deadline of December 18, 1978 for taking action on the proposed legislation. And knowing how long it takes to move controversial legislation through the national political mill, conservationists have decided to start pushing now - strong and hard.

To this end, Congressman Morris K. Udall (D-Arizona) has introduced the Alaska National Interest Lands Conservation Act of 1977 (HR 39). Conservationists are delighted that there are currently 75 co-sponsors for the Udall bill. The letters and telegrams coming into Congressional offices have already had an enormous impact; most of those members co-sponsoring the legislation were responding to this mail from home. Alaska's Congressman Don Young is not among the co-sponsors, however, and needs to hear from Alaskans on the issue. Interested persons can write both Congressman Udall and Young (all Congressmen can be addressed at: House Office Building, Washington, D.C. 20515) on this unprecedented conservation initiative, and express their views, be they pro or con.

The House Interior Committee chaired by Mr. Udall recently established a new Oversight and Alaska Lands Sub-committee which will have sole jurisdiction over the whole Alaska lands issue. John Seiberling of Ohio, one of the foremost environmental spokesmen in Congress, will be the chairman. This new development is received with great excitement by those working on the D-2 lands issue, for it guarantees that their views will be heard.

Once the Congress has dealt with the high priority strip mining legislation now before it, Mr. Seiberling's subcommittee anticipates holding field hearings on the Udall bill in Alaska and key cities in the Lower 48. This is expected to occur in early summer. The hearings will be followed by a "show me" trip to Alaska now being planned for House and Senate Interior Committee members and their wives for the August Congressional recess.

The Carter Administration has yet to develop a firm position on the D-2 lands question, but is watching proceedings in the Congress with keen interest. Key advisors are well aware that the proper decisions on this issue may well afford Mr. Carter the opportunity to become the greatest conservation President since Teddy Roosevelt.

Without question, conservationists view the Alaskan national interest lands as providing the last and greatest opportunity of our lifetime to dedicate vast and yet unspoiled ecosystems large enough to provide lasting protection to their unmatched wildland and wildlife values. The degree to which Alaskans and other U.S. citizens get involved will to a large extent determine the final outcome.

These and other questions pertaining to the Alaska D-2 lands issue will be addressed in ensuing editions of the Alaska Currently in our attempt to keep you fully informed as events unfold.

(Dave Cline is federal programs coordinator for the Alaska Coastal Management Program in Juneau. For further information he can be contacted at 465-4974).

Title to property.

SEC. 5. The State of Alaska and its political subdivisions, respectively, shall have and retain title to all property, real and personal, title to which is in the Territory of Alaska or any of the subdivisions. Except as provided in section 6 hereof, the United States shall retain title to all property, real and personal, to which it has title, including public lands.

Selection from public lands.

400,000 ac. ①

SEC. 6. (a) For the purposes of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select, within twenty-five years after the date of the admission of the State of Alaska into the Union, from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed four hundred thousand acres of land, and from the other public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another four hundred thousand acres of land, all of which shall be adjacent to established communities or suitable for prospective community centers and recreational areas. Such lands shall be selected by the State of Alaska with the approval of the Secretary of Agriculture as to national forest lands and with the approval of the Secretary of the Interior as to other public lands: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied.

400,000 ac.

②

(b) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within twenty-five years after the admission of Alaska into the Union, not to exceed one hundred and two million five hundred and fifty thousand acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the lands so occupied: *And provided further*, That no selection hereunder shall be made in the area north and west of the line described in section 10 without approval of the President or his designated representative.

102,550,000 ac.

③

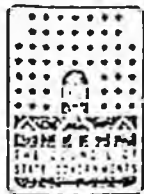
(c) Block 32, and the structures and improvements thereon, in the city of Juneau are granted to the State of Alaska for any or all of the following purposes or a combination thereof: A residence for the Governor, a State museum, or park and recreational use.

(d) Block 19, and the structures and improvements thereon, and the interests of the United States in blocks C and 7, and the structures and improvements thereon, in the city of Juneau, are hereby granted to the State of Alaska.

Fish and wildlife resources.

(e) All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U. S. C., secs. 192-211), as amended, and under the provisions of the Alaska commercial fisheries laws of June 26, 1906 (34 Stat. 478; 48 U. S. C., secs. 230-239 and 241-242), and June 6, 1924 (43 Stat. 465; 48 U. S. C., secs. 221-228), as supplemented and amended, shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: *Provided*, That the administration and management of the fish and wildlife resources of Alaska shall be retained by the Federal Government under existing laws until the

The Council of State Governments



WESTERN OFFICE

85 POST STREET
SAN FRANCISCO, CALIFORNIA 94104
(415) 986-3760

February 18, 1977

John B. Chenoweth
Legislative Counsel
Legislative Affairs Agency
Pouch Y, State Capitol
Juneau, Alaska 99811

RE: In lieu Land Section request

Dear Mr. Chenoweth:

Yours is a particularly interesting and timely request, and while this letter will partially answer your questions, I hope to have supplemental information within the next week. (Please find enclosed Utah HJR 38)

The activity of the states in regard to legal action against the federal government for return of public lands has been generally minimal in the last few years. Tensions have grown in Utah, however, to the point of litigation presently underway in Appellate Court. The Bureau of Land Management is claiming that the lands Utah is selecting in lieu of Sections 16 and 36 under 43 U.S.C. 851-852, and Revised Statutes 2275-2276 are prime lands containing oil shale and should, therefore, not be remitted to the State of Utah but remain federal land for purposes of development. Utah is, of course, not in agreement with BLM. BLM argues that Lands 16 and 36, which would have passed to state ownership, were not prime lands so the State may not now take prime lands in lieu of 16 and 36. I hope I am not misinterpreting this case; but you may check with BLM in Utah for further information. (BLM, Division of Technical Services, Adjudication Division --801-588-5340)

As far as activities in other Western States, there appears to be growing interest in this area from California. An important consideration is that BLM has not surveyed all the land eligible for selection, according to BLM's Regional Office in Sacramento. (per Joan Russell, BLM, Federal Building, 2800 Cottage Way, Sacramento, Ca. 95825, 916-468-4431) I do not know the school lands California selected in lieu of Sections 16 and 36, but am aware that the state wants to claim some national park land as a part of the state indemnity. Again, the federal government is not pleased with the state's selection. Litigation in California has not occurred to date. In addition, there is not much interest from a legislative standpoint in Sacramento as far as I can tell.

Support asked for suit against feds over Statehood violations

The Fairbanks chapter of Citizens for the Management of Alaska's Lands (C-MAL) will ask the statewide group to support a move by Sen. Jay Kerttula to sue the federal government, charging violations of the Statehood Act.

The group had its second organizational meeting this morning to consider selection of its board of directors and to discuss the position it will take on Alaska land issues.

Acting on a motion from Jim O'Sullivan, the group voted to ask the statewide group to support Kerttula's efforts to get a \$500,000 appropriation for a lawsuit against the federal government. Kerttula claims the

state's rights to select land under the Statehood Act have been violated by the federal government.

C-MAL was initially formed in Anchorage by representatives of mining, business, forestry, Native, fishing, labor, and other interests. Its immediate goal is to secure a unified Alaska position on d-2 land classifications.

The Fairbanks group will act as a regional chapter to the Anchorage body, which now claims membership statewide. Six directors from the Fairbanks chapter will serve on the statewide board of directors.

Thirty-seven persons were nominated for the local board, but final action was not taken. Nominees will attend a board of directors meeting Tuesday morning, however, and the slate may be narrowed at that time. Nominees represent conservation interests, mining, the Native community, business and industry, agriculture, local government land agencies, fish and game interests, forestry, and rural residents.

After a general discussion of the state's right to choose and use land, the group voted to ask other western states to join in any assertion of state's right, including possible litigation.

Ernest Wolff, vice-chairman of the group, said he believes court action will be the only way for the state to gain control over lands within its boundaries. Others suggested that lobbying and education programs could also be used.

C-MAL plans to meet every Friday at 7 a.m., at the borough assembly chambers. One of the first orders of business will be to establish a list of goals and priorities.

Members agreed that they might not be able to come up with a position all could support unanimously, but most felt they could come up with at least a general direction agreeable to everyone.

The C-MAL board will meet Tuesday at 7:30 a.m. at the assembly chambers for a more specific discussion of issues, and the entire group will continue to meet Friday mornings.

3/6/77

JAY - THIS

ACTION PASSED UNANIMOUSLY BY ENVIRONMENTALISTS, CONSERVATIONISTS, BLACK, CHURCH, GOVERNMENT, MINERS, NATIVE, BUSINESS

WERE PRESENT AT MEETING. YOU HAVE A GREAT DEAL OF SUPPORT ACROSS THE BOARD. ALL REFS UP WITH VIOLATIONS OF STATES RIGHTS

Jim

Editorial Opinion and Comment of

FAIRBANKS

Daily News - Miner

"Independent in All Things. . . Neutral in None"

Other opinions expressed on this page do not necessarily reflect those of the Daily News-Miner.

A better idea

Some time ago we said Sen. Jay Kerttula, D-Palmer, had a good idea with his bill to pursue a lawsuit against the federal government over its various efforts to water down the promises it made in the Alaska Statehood Act. Now it's an even better idea.

Sen. Kerttula is circulating a draft revision of the bill to expand its earlier legal research and include the executive branch in this important decision.

The changes in the new draft eliminate an outright charge against the Hammond administration's land selection record, and replaces it with a call for a review of current state policies and practices in land selection.

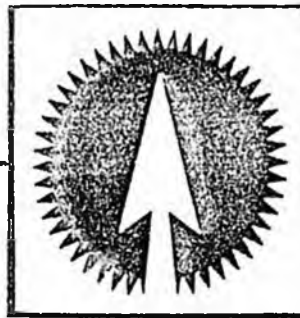
"The determination of selection policy and resolution of the legal questions involving the rights of selection under the Statehood Act as against the continuing efforts of the federal government to restrict selections by withdrawal or reservation of public land is of immediate concern to the people of Alaska and to the future development of the state and its resources," the bill states.

The duties of the special legislative commission created in the bill are expanded in the draft to include research of the history of federal land selection management "to determine the degree of diligence with which the Bureau (of Land Management) has completed action on state selections."

The draft also directs the commission to research the legal status of tentatively approved state selections, and the effects of the federal government's inertia on these.

While the bill and the draft specifically exclude valid land selections by Native corporations under the Alaska Native Claims Settlement Act, the draft does

Alaska Loggers Association, Inc.



111 STEDMAN, SUITE 200
KETCHIKAN, ALASKA 99901
Phone 907-225-6114

March 28, 1977

The Honorable Jalmar Kerttula
Alaska State Senate
Pouch "V" State Capitol Bldg.
Juneau, Alaska 99811

Dear Senator Kerttula:

Enclosed for your consideration is resolution number 77-3 passed by the Directors and members of the Alaska Loggers Association at their scheduled spring membership meeting in Juneau on March 19 and 20, 1977. Your careful consideration of the resolution is requested.

Sincerely,

Donald A. Bell
General Manager
ALASKA LOGGERS ASSOCIATION

DAB/mjh
Enclosure

RESOLUTION NUMBER 77-3

RESOLUTION OF THE ALASKA LOGGERS ASSOCIATION

REGARDING THE KERTULLA BILL

WHEREAS, the Alaska Statehood Act authorized selection by the State of 102,550,000 acres from the unreserved public land of the United States; and

WHEREAS, selection of lands by the State of Alaska pursuant to the said Act was delayed for the settlement of Native Claims which is now nearly complete, and

WHEREAS, S17(d)(2) of the Alaska Native Claims Settlement Act provides for the withdrawal of up to 80 million acres of unreserved public land for inclusion in the National Park, National Wildlife Refuge, Wild and Scenic Rivers and National Forest Systems, which withdrawals will add extensive additional acreage to the land already closed to selection by the State of Alaska; and

WHEREAS, the State of Alaska should have available for its selection lands having actual or potential economic value; and

WHEREAS, the continuing withdrawal of public lands in Alaska by the Federal government restricts State land

selections which is of concern to the people of the State of Alaska and to the future uses of the State's resources for the benefit of the people of the State;

NOW THEREFORE BE IT RESOLVED that the Alaska Loggers' Association endorses CSSB 141 introduced by Senator Jalmar Kertulla which would appoint a Joint Legislative Commission to review State land selection practices and the policies of the Federal government concerning reservation, withdrawal or disposition of public land in Alaska.

February 24, 1977
2020 Lake Otis Pkwy.
Anchorage, Alaska 99504

Senator Jalmar Kertulla
Co-Chairman State Affairs Committee
Alaska State Senate
Pouch V, Juneau, Alaska 99811

Dear Jalmar:

As you know, I have been active in Alaskan mineral exploration and development for about 30 years. I am writing to express my alarm at recent Congressional proposals to set aside up to 116,000,000 acres of our state lands for additional parks and wilderness.

It is my opinion that these same lands many contain the petroleum potential of Iran, the coal potential of West Virginia and the metal potential of Montana. Our federal government should, at the very least, conduct some intelligent in depth mineral evaluations of these lands. The state of Alaska should seek title to some of these lands under provisions of the statehood act.

I want to applaud and support your efforts to have the land grant provisions of the Alaska Statehood Act reviewed. The legislature should determine if, infact, Alaska's land grants have been denied or thwarted by acts of Congress.

Best personal regards,
Sincerely,

Leo Mark Anthony
Leo Mark Anthony

Walter J. Hickel

907-279-2401
935 THIRD AVENUE
ANCHORAGE, ALASKA 99501

February 28, 1977

Honorable Jalmar Kerttula
Senate Majority Leader
State Capitol
Juneau, AK 99801

Dear Jay:

Thank you for your note and the copy of Senate Bills #141 and #142. Your bills clearly express both the intent and the thrust of an all-out bid to protect Alaska's state lands.

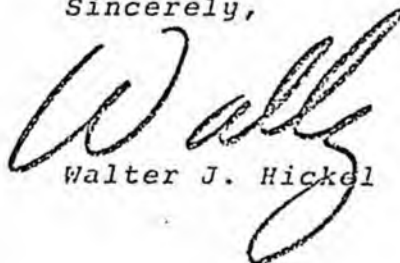
I was deeply involved in this particular issue in the Statehood Act, and I worked with Senator Robert Taft, Sr. and his staff in Washington, D.C. to recommit the Statehood Bill in 1952 because of the lack of acreage it provided the state.

One of the reasons of our overwhelming ratification of the Statehood Act was that the bill in 1958 promised us over 100,000 acres, thereby allowing us to become a viable, economic unit. You remember how it was the anti-statehood forces who said we couldn't sustain ourselves, and we can't without the land.

The only suggestion I have for the language of Senate Bill #141 is that Section 1 Subsection (1) should use the word contract instead of compact. A contract is more understandable to the average American and lends strength to the entire legal argument.

With best regards.

Sincerely,


Walter J. Hickel

*Keep up the
fight*

C

MOENING-GREY & ASSOCIATES, INC.

GEOLOGISTS AND ENGINEERS

715 L STREET, SUITE B ANCHORAGE, ALASKA 99501

TELEPHONE 274-2314

March 9, 1977

Honorable Jalmar Kerttula
Senate Majority Leader
Alaska State Senate
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Senator Kerttula:

Your proposed legislation, Senate Bill No. 141, has merit. The State's posture of showing maturity and the ability to act timely, has waned to the point of being a "mass of mush". Those persons having the responsibility to protect the State's rights and exercise its prerogatives seem to be fully occupied in learning how to do their job, re-inventing the wheel, and being unaware of the forces that are preempting our statehood rights.

Presently, those now formulating a State land selection program are setting up a rating system on which to justify each acre for selection. Along with this, as presented in the Department of Natural Resources public meeting on selections, the Department appears to be unsure of what they are doing. They want each movement blessed by the public exposure, and being able to say, you the public said it should be this way. I ask, what are we hiring all those experts for if they cannot make a decision.

The proposed Joint Legislative Commission, though probably to be criticized for meddling in the administrative arena, may provide the hammer that can get things back in perspective. The Commission could provide the leadership and set the goals to be attained.

A question in my mind is the ability of the Commission to act timely. While we are all concerned about the many D-2 bills that affects the final acreage, more harm is done to the State through public land orders published in the Federal Register. It is through this vehicle that the public domain lands are

Honorable Jalmar Kerttula
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withdrawn from State selection by a five line paragraph. These notices require timely, often less than 30 days, responses and would be the basis of most legal action. Can such a Commission be responsive on a day to day crisis situation? The State selection process is not all that complicated. There are X number of acres to be selected within a known time frame. The time frame may be a basis for legal action because of the various land freezes. With 30[±] million acres remaining to be selected, you cannot go too far astray with what is left to pick from. It is kind of like taking a bath--95% of the job can be taken care of by just jumping into the water. When it gets down to cleaning the finger nails and cleaning the ears is when the special tools are needed.

The State selection process is a known quantity. All we have to do, is do it before it is too late. It costs \$10.00 for filing fees for each 1/4 township of land or portion thereof. The selections must meet compactness criteria and other tests as published in the BLM regulations. My thoughts here are:

1. Set up an account or fund that is readily available for selection fees, publication costs and fees for legal action.
2. Identify the bulk of the lands that are worthy of state selection and give notice to the BLM. Presently all D-1 lands are withdrawn from selection and will require a public land order to make them available for the States 90 day selection preference right.
3. Make the U. S. Forest community grant selections. These will probably require a law suit to break the Forest Service administrative hold on what they think is proper for the State to select.
4. Assign a watchdog to stay on top of the withdrawals that infringe on the State's selection rights and provide meaningful counteraction when injury is evident.
5. Keep control on administrative deals that bargain away land selection rights or erode the State's sovereignty for land management jurisdiction.
6. Set some target dates for the administration to meet. State selections is not a new program and should not warrant the cry of manpower shortage. Lets get things back in prospective and not get exploited with outside expertise and the fast shoe shuffle.

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I am enclosing some material that provides some of the history of the State selection process. This type of material is readily found and should not get studied to death. The former directors, commissioners or myself could sum it up very readily.

Your invitation for me to testify on the bill is gratifying. My concern gets down to my position with my employer. It would constitute a financial burden, especially now when revenues are low. I can, however, provide additional comment as requested and meet with you or members of the State Affairs or Resources Committees if they get to Anchorage on other matters.

Sincerely,

MOENING-GREY & ASSOCIATES, INC.



Dale P. Tubbs

DPT/lv
encl.

FRANK H. MURKOWSKI

S. R. BOX 10459
FAIRBANKS, ALASKA 99701

February 17, 1977

Senator Jay Kerttula
Pouch V
Juneau, Alaska 99811

Dear Senator Kerttula:

I was extremely pleased to learn of your proposal to file suit against the federal government for breach of our Statehood Act. I think you are on the right track and for what it is worth, you certainly have my support.

This matter came up under discussion with a group of the Alaska State Chamber of Commerce board members and they too enthusiastically support your efforts.

Should you feel it appropriate, we would be happy to be called upon. Keep up the good work.

Sincerely,



cc: Don Dickey

P.S. Enclosed is a copy of my testimony given recently on a D-2 Lands hearing in Anchorage.

ANS.
2-21-77
AH

James D. Rhodes, Esq.
717 K Street
Anchorage, AK 99501
February 14, 1977

Representative Jalmar M. Kerttula
Box Z
Palmer, AK 99645

Dear Representative Kerttula:

I was very much interested in the newspaper article which reported that you are intending to introduce legislation which will permit a suit to be brought against the Federal Government for breach of its obligations to allow the State of Alaska to select a certain amount of land pursuant to the terms of the Alaska Statehood Act and the corresponding compact.

At the outset, let me say that I wholeheartedly agree that the Federal Government has not only breached the Alaska Statehood Act, it has simply ignored the respective obligations contained within the Act and in my opinion has continued to treat the State of Alaska as though it were nothing more than a possession of the United States or at the very best, as still a territory.

Although I have only lived in Alaska for eleven years, I became intimately familiar with the problems of the State of Alaska vis a vis the Federal Government during a four year period of time when I worked as an Assistant Attorney General under Governors Hickel, Miller and Egan. During the years 1968 through 1971, we were engaged extensively in the issue of ownership of Cook Inlet, the Native Land Claims Settlement Act and many disputes concerning federal/state ownership of navigable waters, tide and submerged lands. We were also involved extensively in litigation to attempt to render the "Udall Super Land Freeze" unconstitutional. It was during this period of time that I came to the ultimate, unequivocal conclusion that the Federal Government, in general, and Mr. Udall, in particular, could not give a damn about what Alaskans want in the way of self-determination or self government, much less what the

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law is or what the obligations of the government are to the State of Alaska. It is my considered opinion that many of the current leaders in Congress, especially Mr. Udall and even our now Vice President Mondale, resent very much that Alaska was given Statehood and are now actively pursuing a course of conduct which will in effect circumvent statehood and perhaps effectively render Alaska a state in name only.

I believe that your idea of bringing suit is a good idea and should be done even though, sadly to say, I believe that it is doomed to failure from the start. I say that with deep personal regret because, in my opinion, I believe that we Alaskans have allowed our "leaders" to barcain away Alaska's sovereignty in exchange for very short term political gains or economic expediencies which seemed vitally important at the moment, but which in reality, and over the long haul, are relatively unimportant.

Even if Alaska has retained some of its sovereign powers, which I honestly doubt, it must assert that sovereignty in the most forceful and meaningful manner available to it. I firmly believe that if you are to succeed in a challenge to the Federal Government's gross abuse of its obligations under the Statehood Act, you would have to have the unequivocal backing of a courageous declaration of unity from both the people of the State of Alaska and its leaders equal to, at the very least, the courage of the men who founded this country 200 years ago. Without such a display of strength and determination, your challenge in the courts would be looked upon by the Federal Government with about as much alarm as the troops in Camp Pendelton, California, would look upon a single person walking into Camp Pendelton with a pea shooter and demanding the surrender of the First Marine Division.

Unfortunately, the judicial branch is the only vehicle by which a challenge of the type you contemplate may be peacefully made this day and age. I say unfortunately because the courts are the very entity that has fostered the erosion of the concept of individual State sovereignty, and have by judicial fiat reduced our once sovereign, but United States, into fifty quivering little political subdivisions who send

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highly paid "lobbyists" called Senators and Congressmen to Washington, D.C. to bargain away whatever vestige of sovereignty is left in exchange for monetary grants or favors which ultimately take the form of simply redistributing the wealth from one section of the country to another, or from one community to another.

In short, I believe that the forum you have chosen to make your challenge, although the only one available, is hostile to the very notion that a state should be able to assert a claim against the United States any more than a child should be able to reprimand its parents.

The newspaper also reported that you would retain the services of a Washington, D.C. law firm to bring the suit and I am therefore assuming that such suit would be brought in Washington, D.C. If I have accurately characterized the courts in general as hostile to the philosophy that would be advanced through the type of challenge you proposed, I would be also correct in describing the federal courts and judges residing within the District of Columbia as downright hatefully vindictive towards such a notion and in all likelihood will seize your challenge as an opportunity to write law which would not only defeat your purpose, but will take the final step of divesting Alaska of any right to even speak out against federal control and domination of our state. In my opinion, the battle would be lost the day you filed the complaint and it would simply go downhill from that point on.

I strongly urge you to consider legislation which would require the Governor to instruct the Attorney General to bring suit in the District Court for the District of Alaska, coupled with the type of declaration mentioned above, and a strongly worded resolution unanimously adopted by our Legislature directed to the Federal Government and to those whom you indicated would be defendants, that the gauntlet has been thrown down with a fight to the finish to follow.

Finally, although I greatly admire the action you are taking, I believe that you will find that the halls of the Capitol literally "abound" with opponents of your bill and the implications that would flow from a successful conclusion on behalf of the State of Alaska. I believe that you will

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find that Senator Gravel will strongly denounce such action as well as Senator Stevens although perhaps less so. I believe you will also find that Governor Hammond's philosophy of government very closely parallels that suggested by implementation of Udall's proposals. >

Be that as it may, you have one ardent supporter at least in the undersigned and one who will watch with great interest the progress of the challenge.

Kindest regards.

Very truly yours,


James D. Rhodes

JDR:ce

W EUGENE GLESS, 1922-1975

ROBERT C. ELY
JOSEPH RUDD
THEODORE E. FLEISCHER
FRANCIS E. SMITH, JR.
HERBERT S. FOWLER
MICHAEL G. E. S. S.
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PHILLIP J. EDE
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NORMAN C. GORSUCH
JOSEPH A. McLEAN
STEPHEN J. PEARSON

March 15, 1977

Senator Jalmar Kerttula
Senate Majority Leader
Pouch Y
Juneau, Alaska 99811

Dear Jay:

I received your letter of March 4th last Thursday and had a chance to consider it over the weekend. I think the objective of Senate Bill No. 141, particularly as expanded in the Committee Substitute, very worthwhile. Many others besides myself have been concerned from time to time with the slowness of the federal government's processing of state selections, the apparent view of the Interior Department that it may reject selections even after tentative approval for its "public purposes", and the Secretary's leniency in allowing Native corporation over-selections and other matters which serve to delay filing and processing of state selections. In addition, and the Committee Substitute addresses this, there is concern about the rate at which state selections are made and the criteria employed by the Division of Lands in making those selections. At present the only criteria stated in AS 38.05.290 is provision of "the maximum benefits to the people of the state."

I have a few specific suggestions regarding Committee Substitute for Senate Bill No. 141 which you may wish to consider. In §1(4) insert "up to, but not to exceed," before the figure "80". This would conform with the language of §17(d)(2) of the Settlement Act and would point out that the Secretary has exceeded his authority and thereby withheld some land from state selection.

Section 1(5) might be rewritten as follows:

(5) the state has not completed selection of the land which it is authorized to select under the Statehood Act, seven years remain to the state to complete its selections, and the continuing action on the part of the Congress in effecting, authorizing, or considering the withdrawal or reservation of land constitutes a serious threat to the state's ability under the Statehood Act to make timely selection of and promptly receive title to land [UNDER THE STATEHOOD ACT OF LAND] having actual or potential economic value;

The so-called BLM Organic Act (Public Law 94-579, October 21, 1976) completely revamped the laws under which BLM operates. Among other things, it authorizes a variety of new types of classifications or withdrawals which might interfere with state selections. In addition, one of the problems in the slowness of state selection processing is the change of law and policy which occurs in the interim and which sometimes results in rejection of selection -- most notably, the provision of the Settlement Act making some tentatively approved selections available to the Native corporations. I am not sure how badly the state was actually affected by that provision, but state selections made in the early 60's might never have been subject to it if they had been processed promptly.

Section 5(a)(3) might be rewritten as follows:

(3) research the legal status of lands which have been selected and which have been "tentatively approved" for conveyance to [SELECTION BY] the state and the subsequent resultant effects of the failure of the federal government to recognize that status and to complete action on tentatively approved selections in a timely manner;

It has been argued that the Statehood Act grant was effective as of January 3, 1959, subject only to identification by the state of the lands it wished to be subject to the grant. Once a selection has been filed on land available for transfer to the state, the grant is fixed and must be conveyed to the state. This argument has never truly been tested under the Alaska Statehood Act although