SB 59 cont., thru CSSB 68

(1) a directive to stop the violation;

(2) the imposition of a civil fine under (a) of this section, which is payable immediately;

(3) a directive to repair damages.

(4) a finding that the charges are wholly or partially unjustified; or

(5) a combination of the above.

(d) In determining the amount of any civil fine imposed, the following must be considered, as appropriate

(1) the character and degree of injury to forest resources and values.

(2) the degree of intent or negligence of the respondent in causing or permitting the violation.

(3) the character and number of past violations caused or permitted by the respondent, and

(4) if such information is available, the net economic savings realized by the respondent through the violation described in (a) of this section.

(e) If the commissioner finds that a violation described in (a) of this section has occurred and that continuation of the violation or failure to repair damage would likely result in irreversible or irretrievable damage to the forest resources or values affected, and it would be prejudicial to the welfare of the state to delay action pending a hearing, the commissioner may, without prior hearing, issue a temporary order in addition to the documents required by (b) of this section requiring the respondent to stop the violation or repair damage or both. The order remains in effect for 21 days unless a final order is issued earlier. Proceedings in conjunction with the alleged violation must otherwise be the same.

(f) If a person fails to comply with an order issued under (c) or (e) of this section, the attorney general, at the request of the commissioner, may seek an injunction suspending all or part of the operations being conducted by the respondent until he or she complies with the order. If the order directs the respondent to repair damage, the commissioner may proceed with department staff or contractors to repair the damage, and the timber owner, forest landowner, and operator are jointly and severally liable for the cost of the repair after delivery by the commissioner of an itemized statement of expenses incurred. Those expenses constitute a general lien, arising at the time the order is issued, upon the real and personal property of the operator, timber owner, and forest landowner within the state. A lien arising under this subsection is prior and paramount to all other liens and encumbrances except governmental tax liens.

(g) All orders issued under this section are enforceable by injunction, attachment, garnishment, or other appropriate remedy.

(h) Unless otherwise specified, proceedings under this section are not subject to the Administrative Procedure Act (AS 44.62). A hearing under this section must be held before a hearing officer, appointed by the attorney general from among members of the Alaska Bar Association who are knowledgeable and experienced in the subject matter. A person who has assisted in the preparation of the state's case or who is a state employee is ineligible. Hearings are not limited by common law, statutory, or judicial rules of evidence; however, the hearing officer may admit only that evidence which appears to him to be reliable and trustworthy. All hearings must be open to the public. Written or oral testimony may be submitted. A party to a hearing may make written or oral argument, secure the issuance of a subpoena under AS 44.62.430, offer testimony or other evidence, and

cross-examine witnesses. The hearing officer shall endeavor, in conducting any hearing, to insure that the respondent understands the proceedings and that the facts supporting the position of each party have been adequately presented. Hearings shall be held as close as practicable to the location of the alleged violation. Testimony given at the hearing must be recorded.

(i) If the respondent notifies the commissioner within five days before the hearing provided for in (h) of this section, the following rules and procedures apply to the hearing:

(1) the hearing will be a nonadversary proceeding, with the hearing officer fully and impartially representing the interests of the state and the respondent.

(2) the hearing officer will thoroughly investigate the facts and circumstances relating to the alleged violation, including taking testimony from appropriate persons, collecting and examining documents and other evidence, and performing other actions consistent with due process of law.

(3) issue a decision in accordance with the applicable procedures of (h) of this section.

(j) For purposes of this section, "damage" includes any unsatisfactory condition resulting from an alleged violation, and an order to "repair damage" may direct correction of any unsatisfactory condition.

Sec. 41.17.120. APPEALS AND JUDICIAL REVIEW. (a) An administrative action of the department under this chapter, except actions under sec. 110 and except for adoption of regulations, may be appealed to the commissioner within 30 days after it is taken. The commissioner shall hold a hearing, at which all substantial issues shall be considered, within 15 days after an appeal is filed. Within 10 days after conclusion of the hearing thereafter, the commissioner shall

issue a written decision based upon the evidence, which must be provided to the appellant. The commissioner may delegate his duties, in whole or in part, under this subsection to a hearing officer.

(b) A final decision under (a) of this section or a final order under sec. 110 of this chapter, may be appealed to the superior court within 30 days after it is issued. Judicial review must be as provided in AS 44.62.560 and 44.62.570.

(c) A temporary order issued under sec. 110 of this chapter may be immediately appealed to the superior court as to its propriety.

Sec. 41.17.130. CIVIL ACTION. Any aggrieved person may commence a civil action on his or her own behalf against the commissioner where it is alleged that the commissioner (or his delegate) has failed to perform a duty or has committed an abuse of discretion under this chapter. The superior court has jurisdiction to order the commissioner to take necessary corrective action. No action may be commenced under this section until the plaintiff has completed an appeal under sec. 120(a) of this chapter unless the plaintiff can demonstrate that a condition of urgency exists or unless he is alleging a failure to perform a duty. Nothing in this section restricts any right which a person or class of persons may have under statute or common law to any other relief against the commissioner.

Sec. 41.17.950. DEFINITIONS. In this chapter, unless the context otherwise requires,

(1) "broadcast chemicals" includes pesticides, herbicides, fungicides, fertilizers, poisons, and any other substances

(A) used for silvicultural management or related purposes,

(B) not native to the ecosystem in which they are being applied, and

(C) having a foreseeable adverse impact on the welfare of renewable resources, as determined by the commissioner of environmental conservation;

(2) "commissioner" means the commissioner of natural resources;

(3) "department" means the Department of Natural Resources;

(4) "forest land" means land stocked or having been stocked with forest trees of any size and not currently developed for non-forest use, regardless of whether presently available or accessible for commercial purposes, and includes any such land under state, municipal, or private ownership;

(5) "forest landowner" means a person who owns forest land;

(6) "multiple use" means

(A) the management of all the various resources of forest land so that they are used in the combination that will best meet the needs of the citizens of Alaska, making the most judicious use of the land for some or all of these resources or related values, benefits, and services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions;

(B) that some land will be used for less than all of the resources; and

(C) harmonious and coordinated management of the various resources, each with the other, without significant impairment of the productivity of the land and water, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output;

(7) "operations" means timber harvesting or activities

associated with timber harvesting or forest development unless exempted under sec. 30 of this chapter;

(8) "operator" means a person who is engaged in timber harvesting or activities associated with timber harvesting or forest development himself, or who contracts with others to conduct operations on his behalf, except a person who is engaged in an operation as employee with wages or piecework as his sole compensation;

(9) "person" includes a joint venture as well as the entities set out in AS 01.10.060(7);

(10) "silviculture" means the art of producing and tending a forest, the application of the knowledge of silvics in the treatment of a forest, and the theory and practice of controlling and managing forest establishment, composition, and growth;

(11) "sustained yield" means the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of forest land and water without significant impairment of the productivity of the land and water, but does not require that timber be harvested in a non-declining yield basis over a rotation period;

(12) "timber owner" means a person who owns timber on forest land or who has the rights to timber, but does not own the land itself, and

(13) "significant impairment of the productivity of the land and water" means any activity which may foreseeably result in prolonged or substantial damage to renewable resources or prolonged or substantial reduction of the continuing capability of the land or water to produce renewable resources at their natural or historic levels.

* Sec. 2. AS 39.25.120 is amended by adding a new paragraph to read:

(10) the state forester, in the Department of Natural Resources.

* Sec. 3. This Act takes effect January 1, 1979. However, the commissioner is not precluded from undertaking preparatory activities in the interim.

Original sponsor: Rules Committee by request of the Governor

Offered: 4/26/78
Referred: Finance

IN THE SENATE BY THE RESOURCES COMMITTEE

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 59

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to forest resources and practices; and providing for an effective date."

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

* Section 1. AS 41 is amended by adding a new chapter to read:

CHAPTER 17. FOREST RESOURCES AND PRACTICES.

Sec. 41.17.010. DECLARATION OF INTENT. The legislature declares that

(1) the forest resources of Alaska are among the most valuable natural resources of the state, and furnish timber and wood products, fish and wildlife, tourism, outdoor recreation, water, soil, air, minerals, and general health and welfare;

(2) economic enterprises and other activities and pursuits derived from forest resources warrant the continuing recognition and support of the state;

(3) the state has a fundamental obligation to insure that management of forest resources guarantees perpetual supplies of renewable resources, provides nonrenewable resources in a manner consistent with that obligation, and serves the needs of all Alaska for the many products, benefits, and services obtained from them;

(4) government administration of forest resources should combine professional management services, regulatory measures, and economic incentives in a complementary fashion, and should draw upon the expertise of professional foresters in conjunction with other disciplines;

(5) under the leadership of the Department of Environmental Conservation, the state should exercise its full responsibility and authority for control of nonpoint source pollution with respect to the Federal Water Pollution Control Act, as amended;

(6) the provisions of this chapter shall be the basis for forest management standards, policies, and guidelines developed under the Alaska Coastal Management Act to the extent permitted by law.

Sec. 41.17.020. DIVISION OF FORESTRY ESTABLISHED. (a) The division of forestry is established in the Department of Natural Resources.

(b) The division is headed by the state forester who is appointed by the commissioner of natural resources. The commissioner shall administer this chapter and may delegate responsibilities under this chapter to the state forester.

(c) The state forester shall be an experienced practical forester, possessing appropriate academic degrees and experience for the position. The state forester shall be generally familiar with western and northern forestry conditions, experienced in the prevention of forest fires, possess production experience, and be generally familiar and experienced with the renewable and nonrenewable resources of forest land and the products, benefits, and services to be gained from them.

(d) After planning and classification procedures under AS 38.05 have been completed, the governor may create, by administrative order, state forests, to consist of land determined by him to be desirable for retention in state ownership as multiple-use land.

(e) The commissioner may designate and operate experimental and research forests on state land consistent with the limitations of AS 38.05.300. Laboratories and other facilities may be employed in conjunction with those forests.

(f) The commissioner may establish and maintain forest vegetation

nurseries and greenhouses for planting stock to be made available, with or without charge, to organizations, institutions, government agencies, individuals, and businesses for reforestation, afforestation, and related purposes.

(g) The commissioner is authorized to undertake cooperative forestry programs, extension services and education programs, and to otherwise offer a full range of professional management services to the interested public. When he considers it beneficial, the commissioner may participate in federal assistance programs by accepting assistance in whatever form offered.

(h) The commissioner may develop proposed regulations under this chapter as part of the state program for control of nonpoint source pollution under the Federal Water Pollution Control Act, as amended, and shall seek to enter into a cooperative agreement with the commissioner of environmental conservation for that purpose. However, the Department of Environmental Conservation is the lead agency for water quality and control of nonpoint source pollution under that Act, and the regulations and cooperative agreement are therefore subject to the advance approval of the commissioner of environmental conservation.

(i) In the administration of this chapter, the commissioner shall consult with and draw upon the expertise of interested organizations, enterprises, individuals, government agencies, educational institutions, and landowners. The commissioner may enter into cooperative agreements and contracts with them to carry out this chapter.

(j) The commissioner shall locate department personnel with forestry expertise throughout the state to facilitate public access to professional management services and other forest resources programs.

(k) Notwithstanding any other provision of this chapter, the commissioner may not employ the authority vested by this chapter so as

to duplicate or preempt the statutory authority of other state agencies to adopt regulations or undertake other administrative actions governing resources, values, or activities on forest land except for (1) regulations under the Coastal Management Act; and (2) if authorized by the commissioner of environmental conservation, regulations relating to control of nonpoint source pollution.

(l) The commissioner may take other actions necessary and proper for the administration of this chapter, including the adoption of regulations under the Administrative Procedure Act (AS 44.62).

Sec. 41.17.030. RESPONSIBILITIES OF DIVISION OF FORESTRY. (a) The division shall manage state forests and, as directed by the commissioner, provide technical advice to the division of lands on sound forest practices necessary to ensure the continuous growing and harvesting of commercial forest species on other state land.

(b) The division shall regulate operations on private forest land as authorized by the provisions of this chapter or state law.

(c) The division shall provide public information and assistance regarding forest practices and timber management generally.

(d) The division shall assume, on the effective date of this Act or at a later time designated by the commissioner within six months from the effective date of this Act, the programs of the Department of Natural Resources or the division of lands under

(1) AS 41.15 (Forests);

(2) AS 38.05.115 - 38.05.120; the division shall assume responsibilities under these sections upon a determination by the commissioner under AS 38.05.115 that the timber or other materials should be sold; and

(3) AS 38.05.035(a)(14) after a determination by the commissioner to sell timber or other forest land resources on the terms set by

the commissioner.

Sec. 41.17.040. BOARD OF FORESTRY. (a) The Board of Forestry is established in the Department of Natural Resources, division of forestry.

(b) The board is composed of 12 members appointed by the governor from nominations submitted from the groups listed in (c) of this section. The board shall elect its own presiding officer.

(c) Seats on the board shall be allocated as follows:

(1) the state forester ex officio as one seat;

(2) a nominee of the regional forester, United States Forest Service has one seat;

(3) a nominee of the Society of American Foresters has one seat;

(4) nominees of Native corporations owning or likely to own commercial timber stands have four seats;

(5) a nominee of the Alaska Loggers' Association or of a timber processor doing business in Alaska has one seat;

(6) a nominee of an Alaskan environmental group has one seat;

(7) a nominee of the Alaska Coastal Management Council has one seat;

(8) a nominee of unions engaged in processing forest products has one seat; and

(9) a nominee of the United Fishermen's Association has one seat.

(d) Each group entitled to make nominations under (c) of this section shall submit three names to the governor for the vacancy on the board it is entitled to make nominations for.

(e) The term of office of a member of the board is three years; the governor shall make his initial appointments to the board in such a

way that four nominations expire during 1980, four appointments expire during 1981, and three appointments expire during 1982. The state forester serves an indefinite term, ex officio.

(f) The board shall review and comment to the commissioner on regulations proposed for adoption under this chapter. The board shall also report to the legislature its recommendations for changes in the provisions of this chapter and its comments on the regulations adopted by the commissioner under this chapter. It may also review and advise the legislature on the activities of the division of forestry in the Department of Natural Resources.

(g) Members of the board, except the state forester, do not serve at the pleasure of the governor.

(h) The governor may initiate the removal of a board member for inefficiency, neglect of duty, or misconduct in office by delivering to the member a written copy of the charges and giving the member an opportunity to be heard in person or by counsel at a public hearing before the governor or his designee on at least 10 days written notice by registered mail. The member has a right of confrontation and cross-examination of witnesses testifying. The removal is effective 15 days after the governor files a complete statement of all charges made against the member and the findings on those charges in the main office of the board except that a member may appeal the findings to the superior court. The court shall limit its review to a determination of whether the findings on the charges are substantiated by the evidence presented. The removal is suspended for any period of time during which an appeal from the findings of the governor or his designee is pending.

Sec. 41.17.050. APPLICABILITY. (a) Unless otherwise specified, this chapter applies to forest land under state, municipal, or private ownership.

(b) The provisions of this chapter applicable to state land are applicable to forest land under federal ownership to the extent permitted by law.

(c) The following operations are exempt from the provisions of this chapter

(1) minor, small scale, or incidental operations of little significance with respect to the purposes of this chapter; and

(2) operations on private homesteads, farms, residential or recreational property, and on all private tracts of 160 acres or less under single ownership, unless those operations are part of a major commercial logging network encompassing other tracts of land.

Sec. 41.17.060. REGULATORY AND ADMINISTRATIVE STANDARDS. (a) All regulations, administrative actions, and other activities and duties undertaken under this chapter shall be in full accordance with the standards set out in this section.

(b) With respect to state, municipal, and private forest land, the following standards apply:

(1) to the maximum extent possible, all applicable data and information of applicable disciplines shall be updated and used in making decisions relative to the management of forest resources;

(2) environmentally sensitive areas and best management practices shall be recognized in the implementation of any nonpoint source pollution control measures authorized under this chapter;

(3) where not inconsistent with the other provisions of this section, administration of forest land shall consider marketing conditions and other economic constraints affecting the operator.

(c) With respect to state and municipal forest land only, the following standards also apply:

(1) forest land shall be administered for the multiple use of

the renewable and nonrenewable resources and for the sustained yield of the renewable resources of the land in the manner which best provides for the present needs and preserves the future options of the people of Alaska;

(2) any system of allocating predominant uses or values to particular units within a contiguous area of land shall reflect in reasonable proportion the various resources and values present in that area;

(3) to the extent its capacity permits, forest land shall be administered so as to provide for the continuation of businesses, activities, and lifestyles which are dependent upon or derived from forest resources;

(4) timber harvesting is limited to areas where data and information demonstrate that natural or artificial reforestation techniques will result in the production of a sustained yield of merchantable timber from that area;

(5) there shall be no significant impairment of the productivity of the land and water with respect to renewable resources; and

(6) where economically practicable, allowance may be made for scenic quality in or adjacent to areas of substantial importance to the tourism and recreation industry.

Sec. 41.17.070. ADMINISTRATIVE PLAN AND REPORT. (a) The commissioner shall develop and continually maintain a long-range plan for the administration of this chapter which demonstrates that the provisions of sec. 10 are being recognized and that the standards of sec. 60 are being met. The commissioner shall maintain a current inventory or assessment of timber on forest land to assist in meeting the requirements of this section.

(b) On December 31, 1980, and at two-year intervals after that

date, the commissioner shall submit a detailed report to the legislature reviewing the administration of this chapter over the preceding two years, demonstrating compliance with (a) of this section, and describing how the plan will affect the welfare of the forest products industry and other activities and pursuits derived from or affected by forest resources.

(c) As a part of the report to be submitted on December 31, 1980, under (b) of this section, the commissioner shall, after consultation with interested constituencies,

(1) review the structure and operations of the division of forest, land, and water management;

(2) describe the degree to which the division has established a high-profile forestry program utilizing the expertise of professional foresters;

(3) describe the responsiveness of the division to the interest of forest resources constituencies; and

(4) make recommendations to the legislature respecting the legal authority of the Department of Natural Resources relating to forestry, the qualifications of the director of the division, and the location of the division within the department.

(d) On December 31, 1980, the commissioner, after consultation with the commissioner of revenue, shall transmit to the legislature recommendations for legislation establishing economic incentives which would further the purposes of this chapter.

Sec. 41.17.080. REGULATIONS. (a) The commissioner may adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) governing operations on forest land with respect to the following:

(1) harvesting and removal from the site of timber and tree

products;

(2) reforestation, revegetation, stocking, prescribed burning, fertilization, thinning, and other silvicultural activities;

(3) brush, slash, and debris, and salvage of trees;

(4) soil erosion and wasting,

(5) fire and flood hazards;

(6) prevention and control of disease and insect infestation.

(b) An operator may apply through the commissioner for permits required by other state agencies to operate on forest land, which applications may be forwarded to the commissioner of environmental conservation for procedures in accordance with AS 46.35. The commissioner shall notify the operator of the action taken. Where practicable and desirable, the commissioner may enter into cooperative agreements with federal agencies authorizing the department to serve as a collection point for federal permit applications.

(c) The commissioner may establish regions, districts, or other subdivisions of forest land within the state in which different regulations apply to reflect varying conditions within the state, or to facilitate administration.

(d) The commissioner shall adopt only those regulations necessary to accomplish the purposes of this chapter, and shall avoid those which increase operating costs without yielding significant benefits.

Sec. 41.17.090. REVIEW AND APPROVAL OF OPERATIONS. (a) Operations on forest land shall be reviewed and approved under this section for consistency with the policies and provisions of this chapter and regulations adopted under this chapter.

(b) The commissioner shall make full use of professional management services and other educational and assistance programs of the department to encourage early contact between operators and the state

and to minimize reliance on this section as a principal means of achieving the purposes of this chapter.

(c) Before operating on forest land, an operator shall give notification to the commissioner consisting of

(1) a brief written description of the proposed operation;

(2) a USGS map of the largest available scale showing the location of all proposed activities;

(3) proposed measures for soil conservation and reforestation; and

(4) evidence that the landowner and timber owner (if different from the operator) have approved the proposed operation.

(d) Within five days after receipt, the commissioner shall distribute the notification materials to affected state agencies. The agencies shall make their recommendations within 20 days after receiving the materials. The commissioner may extend the review period up to an additional 20 days only if the subject matter is highly and unusually complex.

(e) Within 10 days after expiration of the review period, the commissioner shall, as appropriate,

(1) grant unconditional approval of the proposed operation;

(2) grant conditional approval, imposing necessary terms and conditions based on the recommendations of the department or another agency.

(3) disapprove the proposed operation, but only if he considers it impossible to take other action under this subsection, or

(4) upon the recommendation of the department or another agency, require the submission of additional plans or descriptions from the operator, but only to the extent necessary for proper assessment of the proposed operation; however, any action by the commissioner under

this paragraph must be taken within three days after expiration of the review period.

(f) If action is taken under (e)(4) of this section, the commissioner and affected agencies have an additional 20-day review period, after which time action must be taken under (e)(1), (2), or (3). If the commissioner takes no action under (e) of this section within the statutory time limit, he is presumed to have taken action under (e)(1). Action taken by the commissioner under (e)(2) - (4) of this section shall be accompanied by a written justification.

(g) If recommendations of another state agency are rejected, the commissioner shall provide the agency with a written statement of the reasons for that action.

(h) Upon receipt of any notification, the commissioner shall provide copies to the timber owner and landowner, if different from the operator, and within five days shall publish the brief description received in a newspaper of general circulation, with an invitation for public comment. Recommendations received from the public shall be considered.

(i) Information and paperwork required of the operator under this section shall be limited to that necessary to accomplish the purposes of this section. Site examinations, including an interdisciplinary review, may be undertaken by the commissioner.

(j) An operator may not substantially deviate from plans approved under this section unless approved in writing by the commissioner after full consultation with affected agencies.

(k) The commissioner may limit the review and approval process under this section to 10 days where such action is immediately necessary for the preservation of the public peace, health, safety or general welfare, and is undertaken in concert with affected agencies.

(l) No action taken by the commissioner under this section is an authorization for an operator to violate applicable laws or regulations.

(m) The commissioner may require an operator to post security with respect to an operation, and to submit written reports.

(n) Operations which begin before the effective date of this Act have one year to comply with this chapter.

Sec. 41.17.100. DEPLOYMENT OF BROADCAST CHEMICALS. The commissioner of environmental conservation, in consultation with the commissioner, shall formulate necessary plans and measures to insure that application of broadcast chemicals and other substances foreign to the Alaska forest ecosystem do not lead to results contrary to the objectives and provisions of this chapter and other applicable laws and regulations relating to renewable resources. Regulations adopted by the commissioner of environmental conservation may include requirements for advance testing, posting of security, written reports, and other matters.

Sec. 41.17.110. CONVERSION OF FOREST LAND TO OTHER USES. An intention to convert forest land to other uses after timber harvesting may be stated in the notification submitted under sec. 90 of this chapter. In that event, reforestation requirements adopted under this chapter do not apply, except that conversion shall be completed during the time set by regulation for minimum reforestation of the land, and other requirements for revegetation may be imposed to the extent permitted by law. If the commissioner finds at any time that the responsible party has failed to conform to the intent to convert as stated in the notification, the commissioner shall revoke approval of the conversion and require full compliance with reforestation requirements.

Sec. 41.17.120. INSPECTIONS, INVESTIGATIONS, AND ENFORCEMENT. The commissioner may inspect and investigate forest land and activities on it and may enter upon it in conjunction with any operations as necessary

e with applicable gulations and requirements and to
he provisions of this chapter. Other state agencies
iority to the extent necessary to enforce their own
laws and regulations on forest land. Those agencies and the commissioner shall coordinate their actions under this section.

Sec. 41.17.130. PROHIBITIONS, PENALTIES, AND ENFORCEMENT PROCEDURES. (a) No person may violate or permit a violation of a provision of this chapter, a regulation adopted under this chapter, or a term or condition of any approval granted under secs. 90 - 110 of this chapter. A person who commits a violation is liable for a civil fine to be assessed by the commissioner not to exceed $10,000.

(b) If an investigation discloses probable cause to believe a violation has occurred, the commissioner shall serve upon the alleged violator (the "respondent") written notice and a formal complaint which describes the alleged violation and requires the respondent to answer the charges at a hearing not more than 10 days thereafter. The respondent shall be granted 10-day extensions up to a total of 60 days upon request. The notice shall also describe any damage which has occurred or might occur as a result of the violation. At the hearing, the state shall show by a preponderance of the evidence that the respondent has caused or permitted a violation described in (a) of this section.

(c) Within 10 days afte. the hearing, or upon nonappearance of the respondent, the hearing officer shall enter a final order. The order shall be based on the evidence presented at the hearing, and shall be accompanied by a written opinion stating the reasons for the decision. The commissioner shall immediately notify the respondent of the order by registered mail. The order may include:

(1) a directive to stop the violation,

(2) the imposition of a civil fine under (a) of this section,

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

to insure compliance with applicable regulations and requirements and to otherwise enforce the provisions of this chapter. Other state agencies have this same authority to the extent necessary to enforce their own laws and regulations on forest land. Those agencies and the commissioner shall coordinate their actions under this section.

Sec. 41.17.130. PROHIBITIONS, PENALTIES, AND ENFORCEMENT PROCEDURES. (a) No person may violate or permit a violation of a provision of this chapter, a regulation adopted under this chapter, or a term or condition of any approval granted under secs. 90 - 110 of this chapter. A person who commits a violation is liable for a civil fine to be assessed by the commissioner not to exceed $10,000.

(b) If an investigation discloses probable cause to believe a violation has occurred, the commissioner shall serve upon the alleged violator (the "respondent") written notice and a formal complaint which describes the alleged violation and requires the respondent to answer the charges at a hearing not more than 10 days thereafter. The respondent shall be granted 10-day extensions up to a total of 60 days upon request. The notice shall also describe any damage which has occurred or might occur as a result of the violation. At the hearing, the state shall show by a preponderance of the evidence that the respondent has caused or permitted a violation described in (a) of this section.

(c) Within 10 days after the hearing, or upon nonappearance of the respondent, the hearing officer shall enter a final order. The order shall be based on the evidence presented at the hearing, and shall be accompanied by a written opinion stating the reasons for the decision. The commissioner shall immediately notify the respondent of the order by registered mail. The order may include:

(1) a directive to stop the violation;

(2) the imposition of a civil fine under (a) of this section,

which is payable immediately;

(3) a directive to repair damages;

(4) a finding that the charges are wholly or partially unjustified; or

(5) a combination of (1) - (4) of this subsection.

(d) In determining the amount of any civil fine imposed, the following shall be considered, as appropriate:

(1) the character and degree of injury to forest resources and values;

(2) the degree of intent or negligence of the respondent in causing or permitting the violation;

(3) the character and number of past violations caused or permitted by the respondent; and

(4) if such information is available, the net economic savings realized by the respondent through the violation described in (a) of this section.

(e) If the commissioner finds that a violation described in (a) of this section has occurred and that continuation of the violation or failure to repair damage would likely result in irreversible or irretrievable damage to the forest resources or values affected, and it would be prejudicial to the welfare of the state to delay action pending a hearing, the commissioner may, without prior hearing, issue a temporary order in addition to the documents required by (b) of this section requiring the respondent to stop the violation or repair damage or both. The order remains in effect for 21 days unless a final order is issued earlier; an extension of time granted under (b) of this section extends the order issued under this subsection until the hearing officer issues a final order under (c) of this section. Proceedings in conjunction with the alleged violation must otherwise be the same.

(f) If a person fails to comply with an order issued under (c) or (e) of this section, the attorney general, at the request of the commissioner, may seek an injunction suspending all or part of the operations being conducted by the respondent until the respondent complies with the order. If the order directs the respondent to repair damage, the commissioner may proceed with department staff or contractors to repair the damage, and the respondent is liable for the cost of the repair after delivery by the commissioner of an itemized statement of expenses incurred.

(g) All orders issued under this section are enforceable by injunction, attachment, garnishment, or other appropriate remedy.

(h) Unless otherwise specified, proceedings under this section are not subject to the Administrative Procedure Act (AS 44.62). A hearing under this section shall be held before a hearing officer, appointed by the attorney general from among members of the Alaska Bar Association who have been nominated by the Board of Forestry and who are knowledgeable and experienced in the subject matter. A person who has assisted in the preparation of the state's case or who is a state employee is ineligible. Hearings are not limited by common law, statutory, or judicial rules of evidence; however, the hearing officer may admit only that evidence which appears to him to be reliable and trustworthy. All hearings shall be open to the public. Written or oral testimony may be submitted. A party to a hearing may make written or oral argument, secure the issuance of a subpoena under AS 44.62 430, offer testimony or other evidence, and cross-examine witnesses. The hearing officer shall endeavor, in conducting any hearing, to insure that the respondent understands the proceedings and that the facts supporting the position of each party have been adequately presented. Hearings shall be held as close as practicable to the location of the alleged violation. Testi-

mony given at the hearing shall be recorded.

(i) If the respondent notifies the commissioner within five days before the hearing provided for in (h) of this section, the following rules and procedures apply to the hearing:

(1) the hearing shall be a nonadversary proceeding, with the hearing officer fully and impartially representing the interests of the state and the respondent;

(2) the hearing officer shall thoroughly investigate the facts and circumstances relating to the alleged violation, including taking testimony from appropriate persons, collecting and examining documents and other evidence, and performing other actions consistent with due process of law;

(3) issue a decision in accordance with the applicable procedures of (h) of this section.

(j) For purposes of this section, "damage" includes any unsatisfactory condition resulting from an alleged violation, and an order to "repair damage" may direct correction of any unsatisfactory condition.

Sec. 41.17.140. APPEALS AND JUDICIAL REVIEW. (a) An administrative action of the department under this chapter, except actions under sec. 130 of this chapter and except for adoption of regulations, may be appealed to the commissioner within 30 days after it is taken. The commissioner shall hold a hearing, at which all substantial issues shall be considered, within 15 days after an appeal is filed. The respondent shall be granted 10-day extensions up to a total of 60 days upon request. Within 10 days after conclusion of the hearing, the commissioner shall issue a written decision based upon the evidence, which shall be provided to the appellant. The commissioner may delegate his duties, in whole or in part, under this subsection to a hearing officer appointed by the attorney general from among members of the Alaska Bar Association

who have been nominated by the Board of Forestry and who are knowledgeable and experienced in the subject matter.

(b) A final decision under (a) of this section or a final order under sec. 130 of this chapter may be appealed to the superior court within 30 days after it is issued. Judicial review shall be as provided in AS 44.62.560 and 44.62.570.

(c) A temporary order issued under sec. 130 of this chapter may be immediately appealed to the superior court as to its propriety.

Sec. 41.17.950. DEFINITIONS. In this chapter, unless the context otherwise requires,

(1) "board" means the Board of Forestry established in sec. 40 of this chapter;

(2) "broadcast chemicals" includes pesticides, herbicides, fungicides, fertilizers, poisons, and any other substances

(A) used for silvicultural management or related purposes;

(B) not native to the ecosystem in which they are being applied; and

(C) having a foreseeable adverse impact on the welfare of renewable resources, as determined by the commissioner of environmental conservation;

(3) "commissioner" means the commissioner of natural resources;

(4) "department" means the Department of Natural Resources;

(5) "forest land" means land stocked or having been stocked with forest trees of any size and not currently developed for nonforest use, regardless of whether presently available or accessible for commercial purposes, and includes any such land under state, municipal, or private ownership;

(6) "forest landowner" means a person who owns forest land;

(7) "multiple use" means

(A) the management of all the various resources of forest land so that they are used in the combination that will best meet the needs of the citizens of Alaska, making the most judicious use of the land for some or all of these resources or related values, benefits, and services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions;

(B) that some land will be used for less than all of the resources; and

(C) harmonious and coordinated management of the various resources, each with the other, without significant impairment of the productivity of the land and water, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output;

(8) "operations" means timber harvesting or activities associated with timber harvesting or forest development unless exempted under sec. 30 of this chapter;

(9) "operator" means a person who is engaged in timber harvesting or activities associated with timber harvesting or forest development himself, or who contracts with others to conduct operations on his behalf, except a person who is engaged in an operation as employee with wages or piecework as his sole compensation;

(10) "person" includes a joint venture as well as the entities set out in AS 01.10.060(7);

(11) "silviculture" means the art of producing and tending a forest, the application of the knowledge of silvics in the treatment of

a forest, and the theory and practice of controlling and managing forest establishment, composition, and growth;

(12) "sustained yield" means the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of forest land and water without significant impairment of the productivity of the land and water, but does not require that timber be harvested in a non-declining yield basis over a rotation period;

(13) "timber owner" means a person who owns timber on forest land or who has the rights to timber, but does not own the land itself; and

(14) "significant impairment of the productivity of the land and water" means any activity which may foreseeably result in prolonged or substantial damage to renewable resources or prolonged or substantial reduction of the continuing capability of the land or water to produce renewable resources at their natural or historic levels.

* Sec. 2. AS 39.25.120 is amended by adding a new paragraph to read:

(10) the state forester, in the Department of Natural Resources.

* Sec. 3. This Act takes effect January 1, 1979. However, the commissioner of natural resources is not precluded from undertaking preparatory activities in the interim.

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

4/6/78

Date: 4/24/78

Mr. President:

The Committee on RESOURCES has had SSSB 59 forest resources and practices

under consideration and (a majority of the committee) (the committee reports it back as follows)

( ) recommends it do pass ( ) recommends it do not pass

( ) recommends it do pass with attached amendment(s)

(X) recommends it be replaced with CS for SS SB 59

and _____ ( ) new title (X) same title

( ) AND attaches a Letter of Intent ( ) New Fiscal Note

(X) reports it back without individual recommendations

( ) and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

1 Peter Mcland
1 Clem Tillion

OTHER RECOMMENDATIONS:

2 John Bertrand No Rec
2 Bill Ellis No Rec
2 John Hein DO NOT PASS UNLESS AMENDED [illegible]

H. R. Poland
Chairman
Do Pass

S 60 (rev. 6/77)

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

2/26/90
Date

02-619 (REV 8/78)

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. SB 60
Title Retirement and Death Benefits
Requested by Military Affairs Date 25 November 1977

II. FISCAL DETAIL
Agency Affected Military Affairs
Program Category Affected Public Protection
Budget Request Unit(s) Affected Military Preparedness

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES		23,400	49,200	73,200	98,900	118,800
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

SEE ATTACHED

IV. DATE 25 November 1977 PREPARED BY R. H. HOLMSEN, Director, R&R Divis
AGENCY Department of Military Affairs
PHONE 276-3656

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

FISCAL NOTE

TITLE: Proposed revision of the existing Alaska National Guard R&R Incentive Programs -- Retirement Program, AS 26.0[illegible].222-227-SB 60.

REQUESTED BY: Department of Military Affairs

BUDGET REQUEST UNIT: Item 700 - Grants, Claims (Retirement)

	FY 79	FY 80	FY 81	FY 82	FY 83
Current Program	$69,600	$70,000	$70,000	$70,000	$70,000
Added Cost SB 60	$23,400	$49,200	$73,200	$98,400	$118,800
Total	$93,000	$119,200	$143,200	$168,400	$188,[illegible]00

METHOD OF COMPUTATION:

RETIREMENT

YRS SERVICE	ARMY @ AGE 55	ARMY UNDER 55	AIR @ AGE 55	AIR UNDER 55	TOTAL ELIGIBLE *	COST PER YEAR/3600 PERSON/YR	ACCUMULATIVE COST
FY 79-20	11	77	7	29	39	$23,400	$ 23,400
FY 80-19	23	57	3	28	43	25,800	49,200
FY 81-18	16	78	3	26	40	24,000	73,200
FY 82-17	20	84	1	23	42	25,200	98,400
FY 83-16	12	79	[illegible]	33	34	20,400	118,800
FY 84-15	20	73	3	26	42	25,200	144,600
FY 85-14	32	93	8	43	57	34,200	178,800
FY 86-13	21	87	9	32	54	32,400	211,200
FY 87-12	18	94	5	42	50	30,000	241,200
FY 88-11	33	85	8	45	67	40,200	281,400
FY 89-10	35	89	16	47	70	42,000	323,400

* Total eligible includes all of the those w/20+ yrs svc reaching age 55 at the year plus an estimated 20% who will be discharged for failure to meet federal standards meaning they will draw retirement upon discharge.

Introduced: 1/19/77
Referred: State Affairs and Finance

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

IN THE SENATE

SENATE BILL NO. 60

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to National Guard and Naval Militia retirement and death benefits, and providing for an effective date."

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

* Section 1. AS 26.05.222 is amended to read:

Sec. 26.05.222. CREATION AND ADMINISTRATION OF ALASKA NATIONAL GUARD AND ALASKA NAVAL MILITIA RETIREMENT PLAN. There is established in the public employees retirement system of Alaska a separate Alaska National Guard and Alaska Naval Militia retirement plan and account, which shall be administered as a part of and in like manner as the public employees retirement system.

* Sec. 2. AS 26.05.223 is amended to read:

Sec. 26.05.223. COMMENCEMENT OF PARTICIPATION IN PLAN. An active member of the Alaska National Guard or Alaska Naval Militia shall be included in this plan upon commencement of his active membership in the Alaska National Guard, or upon commencement of his active membership in the Alaska Naval Militia [OR ON JANUARY 1, 1973, WHICHEVER IS LATER. INCLUSION IN THE PLAN IS A CONDITION OF ACTIVE MEMBERSHIP IN THE ALASKA NATIONAL GUARD].

* Sec. 3. AS 26.05.224(a) is amended to read:

(a) An active member of the Alaska National Guard on or after January 1, 1973, or an active member of the Alaska Naval Militia on or after July 1, 1977, is eligible for a retirement pension [PAY]

(1) upon voluntary retirement after a total of 20 years or

SB-60

Introduced: 1/19/77
Referred: State Affairs and Finance

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

IN THE SENATE

SENATE BILL NO. 60

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to National Guard and Naval Militia retirement and death benefits; and providing for an effective date."

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

* Section 1. AS 26.05.222 is amended to read:

Sec. 26.05.222. CREATION AND ADMINISTRATION OF ALASKA NATIONAL GUARD AND ALASKA NAVAL MILITIA RETIREMENT PLAN. There is established in the public employees retirement system of Alaska a separate Alaska National Guard and Alaska Naval Militia retirement plan and account, which shall be administered as a part of and in like manner as the public employees retirement system.

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Sec. 26.05.223. COMMENCEMENT OF PARTICIPATION IN PLAN. An active member of the Alaska National Guard or Alaska Naval Militia shall be included in this plan upon commencement of his active membership in the Alaska National Guard, or upon commencement of his active membership in the Alaska Naval Militia [OR ON JANUARY 1, 1973, WHICHEVER IS LATER. INCLUSION IN THE PLAN IS A CONDITION OF ACTIVE MEMBERSHIP IN THE ALASKA NATIONAL GUARD].

* Sec. 3. AS 26.05.224(a) is amended to read:

(a) An active member of the Alaska National Guard on or after January 1, 1973, or an active member of the Alaska Naval Militia on or after July 1, 1977, is eligible for a retirement pension [PAY]

(1) upon voluntary retirement after a total of 20 years or

more of active service in the Alaska National Guard, Alaska Naval Militia, or the Armed Forces of the United States, or any combination of these [AND UPON REACHING 55 YEARS OF AGE], or

(2) upon involuntary retirement because of federal standards imposed on Alaska National Guard or Alaska Naval Militia members, regardless of length of service.

* Sec. 4. AS 26.05.224(b) is amended to read:

(b) Retirement pay is $50 a month, payable [TO BE CONTINUED] for the same number of months that the person was a member of the Alaska National Guard or Alaska Naval Militia. Payment of the retirement pension shall begin the first month after the person's 55th birthday or separation from the Alaska National Guard or Alaska Naval Militia, whichever is later. A member or former member may elect to have payment of retirement pension benefits deferred until any month after his 55th birthday or separation from the Alaska National Guard or Alaska Naval Militia, whichever is later. Payment of a deferred benefit may not commence until application for the benefit is filed with and approved by the Department of Military Affairs.

* Sec. 5. AS 26.05.227 is amended to read:

Sec. 26.05.227. DEFINITION. As used in secs. 222 - 226 of this chapter, "member" means an active commissioned or warrant officer or enlisted man or woman in the Alaska National Guard or Alaska Naval Militia.

* Sec. 6. AS 26.05.224(c) is repealed.

* Sec. 7. This Act takes effect July 1, 1977.

SB-60

COMMITTEE REPORT

SENATE

3/17/77

_____ Date

Mr. President:

The Committee on FINANCE has had SB 60
National Guard and Naval Militia retirement and death benefits
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:

_____ _____ _____

_____ _____ _____

_____ _____ _____

_____ _____ _____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

_____
Chairman

S 60

COMMITTEE REPORT

SENATE **Finance

1/19/77

16 March 1977 Date

Mr. President:

The Committee on STATE AFFAIRS has had SB 60 National Guard & Naval Militia retirement & death benefits under consideration. A majority of the members of the Committee

- [x] 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
- [x] reports it back without recommendation
- [ ] AND attaches a report of its intent
- [ ] (other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

[illegible]

John Hayes DO PASS

Fred Bradley Do Pass

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

[illegible]
Chairman

S 60

60

Introduced: 1/19/77
Referred: State Affairs and Finance

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

IN THE SENATE

SENATE BILL NO. 60

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to National Guard and Naval Militia retirement and death benefits; and providing for an effective date."

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

* Section 1. AS 26.05.222 is amended to read:

Sec. 26.05.222. CREATION AND ADMINISTRATION OF ALASKA NATIONAL GUARD AND ALASKA NAVAL MILITIA RETIREMENT PLAN. There is established in the public employees retirement system of Alaska a separate Alaska National Guard and Alaska Naval Militia retirement plan and account, which shall be administered as a part of and in like manner as the public employees retirement system.

* Sec. 2. AS 26.05.223 is amended to read:

Sec. 26.05.223. COMMENCEMENT OF PARTICIPATION IN PLAN. An active member of the Alaska National Guard or Alaska Naval Militia shall be included in this plan upon commencement of his active membership in the Alaska National Guard, or upon commencement of his active membership in the Alaska Naval Militia [OR ON JANUARY 1, 1973, WHICHEVER IS LATER. INCLUSION IN THE PLAN IS A CONDITION OF ACTIVE MEMBERSHIP IN THE ALASKA NATIONAL GUARD].

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(a) An active member of the Alaska National Guard on or after January 1, 1973, or an active member of the Alaska Naval Militia on or after July 1, 1977, is eligible for a retirement pension [PAY]

(1) upon voluntary retirement after a total of 20 years or

more of active service in the Alaska National Guard, Alaska Naval Militia, or the Armed Forces of the United States, or any combination of these [AND UPON REACHING 55 YEARS OF AGE], or

(2) upon involuntary retirement because of federal standards imposed on Alaska National Guard or Alaska Naval Militia members, regardless of length of service.

* Sec. 4. AS 26.05.224(b) is amended to read:

(b) Retirement pay is $50 a month, payable [TO BE CONTINUED] for the same number of months that the person was a member of the Alaska National Guard or Alaska Naval Militia. Payment of the retirement pension shall begin the first month after the person's 55th birthday or separation from the Alaska National Guard or Alaska Naval Militia, whichever is later. A member or former member may elect to have payment of retirement pension benefits deferred until any month after his 55th birthday or separation from the Alaska National Guard or Alaska Naval Militia, whichever is later. Payment of a deferred benefit may not commence until application for the benefit is filed with and approved by the Department of Military Affairs.

* Sec. 5. AS 26.05.227 is amended to read:

Sec. 26.05.227. DEFINITION. As used in secs. 222 - 226 of this chapter, "member" means an active commissioned or warrant officer or enlisted man or woman in the Alaska National Guard or Alaska Naval Militia.

* Sec. 6. AS 26.05.224(c) is repealed.

* Sec. 7. This Act takes effect July 1, 1977.

60

January 18, 1977

The Honorable John L. Rader
President of the Senate
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. President:

Under authority of art. III, sec. 18 of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill to include members of the Alaska Naval Militia in the National Guard retirement program, and to remove an ambiguity in the present law regarding the age at which a person becomes eligible for monthly payments under this program. The bill would also remove a sentence inapplicable to this kind of retirement plan, in that it would be meaningful only in a retirement plan in which the employee is required to contribute some percentage of his earnings; the current law establishes this as a non-contributory plan.

Sincerely,

Jay S. Hammond
Governor

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. 1560
Title Retirement and Death Benefits
Requested by Office of the Governor Date 12/15/76

II. FISCAL DETAIL
Agency Affected Military Affairs
Program Category Affected Public Protection
Budget Request Unit(s) Affected Military Preparedness

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.		46,400	61,200	71,400	80,300	
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND		46,400	61,200	71,400	80,300	
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME			0			
PART TIME			0			
TEMPORARY			0			

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

SEE ATTACHMENT

IV. DATE 12/15/76 PREPARED BY Richard L. Rountree
AGENCY Military Affairs
PHONE 465-4600

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

33 (01) (Rev. 10/76)

FISCAL NOTE

TITLE: Proposed revision of the existing Alaska National Guard R&R Incentive Programs - - Retirement Program, AS 26.05.222-227.

REQUESTED BY: Department of Military Affairs

BUDGET REQUEST UNIT: Item 700 - Grants, Claims (Retirement)

	FY 78	FY 79	FY 80	FY 81
Total Cost	$86,400	$103,200	$115,500	$126,600
Current Program	$40,000	42,000	44,100	46,300
Net Cost	$46,400	61,200	71,400	80,300

METHOD OF COMPUTATION:

RETIREMENT

# YRS SERVICE	ARMY	AIR	NAVY	TOTAL PERSONS	COST PER YEAR @600/PERSON/YR	CUMULATIVE TOTAL COST/YEAR IF ALL RETIRE (MAX COST)	ESTIMATED CUMULATIVE ANNUAL COSTS IF 50% RETIRE WHEN ELIGIBLE
FY 78-19	26	10	3	39	$23,400	$172,800	$86,400
FY 79-18	48	6	2	56	33,600	206,400	103,200
FY 80-17	32	5	4	41	24,600	231,000	115,500
FY 81-16	32	4	1	37	22,200	253,200	126,600
FY 82-15	89	11	1	101	60,600	313,800	156,900
FY 83-14	68	8	1	77	46,200	360,000	180,000
FY 84-13	56	10	1	67	40,200	400,200	200,100

ALASKA STATE LEGISLATURE

TENTH Legislature FIRST Session

SENATE BILL NO. 60

By THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

"An Act relating to National Guard and Naval Militia retirement and death benefits; and providing for an effective date."

National Guard & Naval Militia retirement & death benefits

Introduced in the Senate 1/19, 19 77

HISTORY IN THE SENATE

1977		
1	19	Read first time and referred to Committee on State Affairs and Finance
		Reported back with recommendation that
		Read second time and
		Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19	
	Read first time and referred to Committee on
	Reported back with recommendation that
	Read second time and
	Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	
	Received from House
	Reported correctly enrolled
	Sent to Governor
	By Governor
	Filed with Lt. Governor
	Chapter No

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

2/26/90
Date

02519 (REV 8/78)

COMMITTEE REPORT

SENATE

3/23/77

_____ Date

Mr. President:

The Committee on FINANCE has had _____ 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:

_____ _____ _____

_____ _____ _____

_____ _____ _____

_____ _____ _____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

_____
Chairman

S 60

Katy - file with bill when it appears.

ALASKA STATE LEGISLATURE

REPRESENTATIVE CLARK GRUENING
District Seven
Pouch V
Juneau, Alaska 99811

940 Tyonek Drive
Anchorage, Alaska 99501

February 8, 1977

Dear George,

The Arctic-Alaska International Conference sounds like a great idea and I'm willing to work for an appropriation.

I wonder if you would work up a more detailed budget of what this money is to be used for. Also, do you intend to be the executive director, or who will continue to carry the ball?

I am enclosing SB 63, and plan to introduce one on the House side.

Cordially,

Clark

Rep. Clark Gruening

Senator John L. Rader

POUCH V
JUNEAU, ALASKA 99801
OR
P.O. BOX 2860
ANCHORAGE, ALASKA 99510

February 4, 1977

Mr. George H. Byer
Coordinator
Arctic-Alaska International
Conference, Inc.
Box 445
Hemet, California 92343

Dear George:

It was sure good to hear from you and know that you are actively pursuing the Conference. As you may have heard, our winter has been one of the mildest ever. I'm sure carrying the mail would be a bit easier than some of the winters in the past.

Senator Chancy Croft has introduced a bill (enclosed) that would appropriate money for the conference. The bill is presently in the Community and Regional Affairs Committee, chaired by Senator Ordunna. The Finance Committee will then have an opportunity to review it. John Harkett is Chairman of Finance.

Rest assured, George, that I will keep my eye on the bill as it moves along.

Thank you for your kind thoughts and encouragement.

Sincerely,

John L. Rader, President
Alaska State Senate

Enclosure: SB 63
JLR/kle

Introduced: 1/20/77
Referred: Community & Regional Affairs and Finance

IN THE SENATE BY CROFT

SENATE BILL NO. 63

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act making a special appropriation to the municipality of Anchorage for the Arctic Alaska International Conference; and providing for an effective date."

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

* Section 1. The sum of $25,000 is appropriated from the general fund to the municipality of Anchorage for the Arctic Alaska International Conference to be held September 7 - 10, 1977.

* Sec. 2. This Act takes effect July 1, 1977.

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

2/26/92
Date

02519 (REV 8/78)

Introduced: 1/20/77
Referred: Community & Regional Affairs and Finance

IN THE SENATE BY CROFT

SENATE BILL NO. 63

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act making a special appropriation to the municipality of Anchorage for the Arctic Alaska International Conference; and providing for an effective date."

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

* Section 1. The sum of $25,000 is appropriated from the general fund to the municipality of Anchorage for the Arctic Alaska International Conference to be held September 7 - 10, 1977.

* Sec. 2. This Act takes effect July 1, 1977.

"An Act making a special appropriation to the municipality of Anchorage for the Arctic Alaska International Conference; eff. date."?

COMMITTEE REPORT

5-10-77

HOUSE

_____ Date

Mr. Speaker:

The Committee on FINANCE has had SB 63 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:

_____ _____ _____

_____ _____ _____

_____ _____ _____

_____ _____ _____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

_____
Chairman

H 60

63

Introduced: 1/20/77
Referred: Community & Regional Affairs and Finance

IN THE SENATE BY CROFT

SENATE BILL NO. 63

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act making a special appropriation to the municipality of Anchorage for the Arctic Alaska International Conference; and providing for an effective date."

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

* Section 1. The sum of $25,000 is appropriated from the general fund to the municipality of Anchorage for the Arctic Alaska International Conference to be held September 7 - 10, 1977.

* Sec. 2. This Act takes effect July 1, 1977.

COMMITTEE COPY

ALASKA STATE LEGISLATURE

TENTH Legislature FIRST Session

SENATE BILL NO. 63

By CROFT

"An Act making a special appropriation to the municipality of Anchorage for the Arctic Alaska International Conference; and providing for an effective date."

Arctic Alaska International Conf.

Introduced in the Senate 1/20, 19 77

HISTORY IN THE SENATE

19 77		
1	20	Read first time and referred to Committee on Community & Regional Affairs & Finance
		Reported back with recommendation that
		Read second time and
		Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19		
		Read first time and referred to Committee on
		Reported back with recommendation that
		Read second time and
		Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	
	Received from House
	Reported correctly enrolled
	Sent to Governor
	..... By Governor
	Filed with Lt. Governor
	Chapter No.

91.001

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

2/26/90
Date

02-619 (REV 8/78)

SB 68 -

CITY OF HAINES

TELEPHONE (907) 766-2231 – POST OFFICE BOX 239 – HAINES, ALASKA 99827

Lois - Copy to Jack Doyle OK

January 7, 1977

The Honorable Bill Ray
State Senator
165 Behrends Avenue
Juneau, Alaska 99801

Dear Senator Ray:

Since Governor Hammond's veto last summer of the proposed state bond issue for port development, the Administration has indicated to the officials of the City of Haines that alternative funds for the completion of the boat harbor would be provided for in the next State Capital Budget. Today I learned just how the Administration plans to provide for our project:

$222,500	Capital Budget - General Fund
177,500	Capital Budget - Incremental Fund
200,000	State discretionary funds from the U.S. Department of Commerce, Economic Development Administration ("304 funds")
$600,000	

To complete this facility as planned, including electrical utilities, would cost an estimated $750,000. The failure of the Administration to program the full $750,000 will likely mean that the facilities will be constructed without electrical utilities and also without the planned fill to provide additional parking.

The method in which the proposed $600,000 is programmed creates additional concern. Supposedly, the $177,500 allocated from the Incremental Fund will be realized only if the legislature reduces the present marine fuel tax exemption for non-propulsion use of fuels. I understand that a similar measure failed to gain legislative approval last year. Also, State officials acknowledge that necessary federal approval of the proposed allocation of $200,000 of the "304 funds" would take at least 4-5 months following application. The length of time required for this source of funding could conceivably delay construction of a major portion of this facility until 1978.

In the past, the City of Haines has endeavored to cooperate with the State Administration in virtually every manner possible; recently by pioneering among municipalities the implementation of controversial boat harbor management policies established by the State. Also, last Tuesday the City spent most of its appropriation of the 1974 Port Development Bond fund to purchase the Haines dry cargo dock in a move to protect the State's multimillion dollar investment in its Haines ferry terminal.

It is time for the State to reciprocate. I ask that you consider introducing into the Senate a special appropriations bill for $600,000 to provide for the major construction of the float facilities at the earliest opportunity. Also, that you work toward the commitment of $150,000 from "304 funds" to provide the needed electrical utilities and fill for parking. As you must realize, the timely completion of these facilities is vital to the economy of Haines.

I would welcome the opportunity to discuss the matter with you further and may be reached by telephone at 766-2491.

Sincerely,

Gail J. Wallace
Mayor

GJB:lb

SB 68

DIVISION OF WATER & HARBORS

January 25, 1977

The Honorable Jim Duncan
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Duncan,

Commissioner Harris has requested that I provide you with funding and design information on the Haines Small Boat Harbor.

The following will summarize:

Work Completed To Date

New Harbor Expansion (breakwater realignment and dredging)

Federal Cost	$1,000,000
State (1972 Harbor Bonds)	925,500
Total	$1,925,500

Inner Harbor Improvements

Total Estimated Cost	$800,000
Department Budget Recommendation	600,000
Governors Allowance(House Bill 52)	222,500
Potential Section 304 EDA Funds	200,000

The $800,000 total estimated cost would provide a complete harbor facility with a capacity of approximately 200 vessels and would include approach structures, dock, launching ramp, parking area and utilities. If we are limited to a $422,500 project (Governor's allowance plus EDA funds) I believe it would be possible to provide approximately 100 berths with associated utilities. The installation of additional floats, dock etc. could be undertaken in the future as funding permits.

It is my understanding that the Department of Commerce and Economic Development through the Governor's office is pursuing the EDA funding on behalf of the City of Haines. However, it will be necessary for the City to formally apply to EDA once these funds are allocated to the project.

Please give me a call if you need further specifics regarding the status of the Haines project.

Sincerely,

Don Statter
Director

cc: Donald Harris, Commissioner
Department of Public Works

Original sponsor: Ray

IN THE SENATE BY THE FINANCE COMMITTEE

CS FOR SENATE BILL NO. 68

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act making special appropriations to the Department of Public Works for improvements at the Haines boat harbor; and providing for an effective date."

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

* Section 1. The sum of $222,500 is appropriated from the general fund to the Department of Public Works for improvements at the Haines boat harbor.

* Sec. 2. The sum of $177,500 is appropriated from the general fund to the Department of Public Works for improvements at the Haines boat harbor contingent upon passage of Senate Bill No. 149 or equivalent legislation increasing the watercraft fuel tax from four cents to six cents per gallon and decreasing the exemption for nonpropulsion fuel.

* Sec. 3. The sum of $200,000 is appropriated from federal Economic Development Administration funds to the Department of Public Works for improvements at the Haines boat harbor contingent upon federal approval.

* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-070(c).

HB 68

This bill would appropriate 600,000 for improvements to the Haines boat harbor.

Total cost to complete the harbor is estimated to be 750,000 (see letter from Haines Mayor 1/7/77). Division of Waters & Harbors Estimate is 800,000.

It is estimated that 200,000 could be received from Federal EDA funds and the Governors budget (HB 52) includes 222,500. Thus it appears that this appropriation could be reduced to 327,500 and still cover the costs of completing the harbor.

The big question, aside from the above, is what is the best way to fund this type of project?

COMMITTEE REPORT

SENATE

_____ Date

Mr. President:

The Committee on _____ has had _____ 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:

_____ _____ _____

_____ _____ _____

_____ _____ _____

_____ _____ _____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

_____
Chairman

S 60

COMMITTEE REPORT

SENATE **Finance

1/21/77

Jan. 27, 1977 Date

Mr. President:

The Committee on STATE AFFAIRS has had SB 68
special appropriation to Dept. of Public Works/Haines boat harbor
under consideration. A majority of the members of the Committee

- [x] recommends it do pass
- [ ] recommends it do not pass
- [ ] recommends it do pass with attached amendment(s)
- [ ] recommends it be replaced with SB for _____ and that SB for _____ do pass
- [ ] (and) recommends it be referred to the ~~Finance~~ committee
- [ ] reports it back without recommendation
- [ ] AND attached is report of the minority
- [ ] (Date) _____

MEMBERS SIGNING THE MAJORITY REPORT:

~~Kelly~~ ~~Do pass~~
Bill Ray Do pass
Thomas E. Bradley Do Pass
John Hellen Do PASS

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

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

J. Kent Kelly
Chairman

S 60

SFC

Introduced: 1/21/77
Referred: State Affairs and Finance

IN THE SENATE BY RAY

SENATE BILL NO. 68

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act making a special appropriation to the Department of Public Works, Haines boat harbor completion, and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA

* Section 1. The sum of $600,000 is appropriated from the general fund to the Department of Public Works for the completion of the boat harbor at Haines.

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

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

02-519 (REV 8/78)

AMENDMENT

OFFERED IN THE HOUSE: BY: _____

TO: _____ HOUSE BILL No. _____

SENATE BILL No. _____

PAGE: _____ LINE: _____

M 70

STATE OF ALASKA

AUDIT DIVISION
POUCH W — ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH WF — STATE CAPITOL

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE JUNEAU 99801

June 3, 1978

M E M O R A N D U M

TO: Steve Cowper, Chairman
House Finance Committee

FROM: J. H. Hogan, Director
Legislative Finance Division

SUBJECT: SB 68 - House Capital Budget

Yesterday Representative Schaeffer called my attention to the fact that a small project had been left out of the House Capital Budget. I checked the minutes. The project was approved by the Committee and was just overlooked in preparation of the bill. Assuming there are no other projects missing, I would suggest that when the bill is brought up for consideration on the floor, you call attention to the following addition between lines 19 and 20 on page 12, HCS CSSB 68.

ADD:

	Appropriation	General Fund
Runway reflectors, Kobuk	5,000	5,000

JHH:pw

TRANSPORTATION (CONT.)

	ALLOCATIONS	APPROPRIATION ITEMS	APPROPRIATION FUND SOURCES GENERAL FUND	OTHER FUNDS
DALE & DAVIS ROAD SEAL COAT		75,000	75,000	
AIRPORT MAINTENANCE EQUIPMENT		250,000	250,000	
HIGHWAY MAINTENANCE EQUIPMENT		40,000	40,000	
UMIAT AIRPORT SHOP		260,000	260,000	
DEMPSE BRIDGE RESTORATION		50,000	50,000	
FT GREELY/DELTA BIKE TRAILS		125,000	125,000	
SOUTHEAST REGION				
AVIATION PROJECTS		3,525,000		3,525,000
HIGHWAY PROJECTS		21,713,400		21,713,400
MARINE PROJECTS		2,324,000		2,324,000
HIGHWAY MAINTENANCE EQUIPMENT		85,000	85,000	
FERRY TRANSFER BRIDGE MAINTENANCE		145,000	145,000	
KAKE & HOONAH REPAIRS		60,000	60,000	
WESTERN REGION				
AVIATION PROJECTS		6,320,000		6,320,000
HIGHWAY PROJECTS		10,155,200		10,155,200
Runway reflectors, Kobuk		5,000	5,000	
SOUTH CENTRAL REGION				
AVIATION PROJECTS		2,300,000		2,300,000
HIGHWAY PROJECTS		26,369,800		26,369,800
MARINE PROJECTS		176,000		176,000
KEYSTONE CANYON RAILROAD STUDY		25,000	25,000	
ANCHORAGE INTERNATIONAL AIRPORT		4,930,000		4,930,000
LAKE HOOD SERVICE ROAD	300,000			
REHABILITATE RUNWAY 6L	3,000,000			
MISCELLANEOUS IMPROVEMENTS	530,000			
SOUTH AIRPORT TAXIWAY	1,100,000			
FAIRBANKS INTERNATIONAL AIRPORT		3,150,000		3,150,000
NE LAND ACQUISITION	2,600,000			
MISCELLANEOUS IMPROVEMENTS	280,000			
USPS ACCESS ROAD	270,000			
STATEWIDE AVIATION PROGRAMS				
EQUIPMENT STORAGE BUILDINGS		225,000		225,000
SEAL COATING		1,800,000		1,800,000
STATEWIDE HIGHWAY PROGRAMS		41,101,300		41,101,300

Jay — This is
your File Copy

Jack

Return to Jessie

P.J. Hogan
5-29-78

Original sponsor: Ray

IN THE SENATE BY THE FINANCE COMMITTEE

HOUSE CS FOR CS FOR SENATE BILL NO. 68

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act appropriating for the capital expenses of the state government; and providing for an effective date."

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

* Section 1. Included within the general fund amounts appropriated according to the schedules in sec. 3 of this Act, the following amount is from the unreserved special account in the general fund:

	Capital
Watercraft Fuel Tax Account	$ 2,165,600

* Sec. 2. Fiscal Year 1979 Capital Budget Summary by Funding Source:

	Capital Budget
Federal receipts	$ 278,395,300
General fund match	125,000
General fund	30,538,700
Highway working capital fund	8,891,300
International airport revenue fund	1,570,000
Program receipts	130,000
Marine/coastal protection fund	6,000,000
Total	$ 325,650,300

(ALLOCATIONS AND APPROPRIATION ITEMS FOLLOW ON PAGE 2)

"An Act making special appropriations to the Department of Public Works [illegible] monthly of the Unions Lost Harbor, effective date."

COMMITTEE REPORT

HOUSE

_____ Date

Mr. Speaker:

The Committee on _____ has had _____ 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:

_____ _____ _____

_____ _____ _____

_____ _____ _____

_____ _____ _____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

_____
Chairman

Introduced: 1/21/77
Referred: State Affairs and Finance

IN THE SENATE BY RAY

SENATE BILL NO. 68

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act making a special appropriation to the Department of Public Works, Haines boat harbor completion; and providing for an effective date."

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

* Section 1. The sum of $600,000 is appropriated from the general fund to the Department of Public Works for the completion of the boat harbor at Haines.

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

SB 68

DIVISION OF WATER & HARBORS

January 25, 1977

The Honorable Jim Duncan
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Duncan,

Commissioner Harris has requested that I provide you with funding and design information on the Haines Small Boat Harbor.

The following will summarize:

Work Completed To Date

New Harbor Expansion (breakwater realignment and dredging)

Federal Cost	$1,000,000
State (1972 Harbor Bonds)	925,500
Total	$1,925,500

Inner Harbor Improvements

Total Estimated Cost	$800,000
Department Budget Recommendation	600,000
Governors Allowance(House Bill 52)	222,500
Potential Section 304 EDA Funds	200,000

The $800,000 total estimated cost would provide a complete harbor facility with a capacity of approximately 200 vessels and would include approach structures, dock, launching ramp, parking area and utilities. If we are limited to a $422,500 project (Governor's allowance plus EDA funds) I believe it would be possible to provide approximately 100 berths with associated utilities. The installation of additional floats, dock etc. could be undertaken in the future as funding permits.

It is my understanding that the Department of Commerce and Economic Development through the Governor's office is pursuing the EDA funding on behalf of the City of Haines. However, it will be necessary for the City to formally apply to EDA once these funds are allocated to the project.

Please give me a call if you need further specifics regarding the status of the Haines project.

Sincerely,

Don Statter
Director

cc: Donald Harris, Commissioner
Department of Public Works

SB 68

CITY OF HAINES

TELEPHONE (907) 766-2231 – POST OFFICE BOX 239 – HAINES, ALASKA 99827

Lois – Copy to Jack Doyle OK

January 7, 1977

The Honorable Bill Ray
State Senator
165 Behrends Avenue
Juneau, Alaska 99801

Dear Senator Ray:

Since Governor Hammond's veto last summer of the proposed state bond issue for port development, the Administration has indicated to the officials of the City of Haines that alternative funds for the completion of the boat harbor would be provided for in the next State Capital Budget. Today I learned just how the Administration plans to provide for our project:

$222,500	Capital Budget - General Fund
177,500	Capital Budget - Incremental Fund
200,000	State discretionary funds from the U.S. Department of Commerce, Economic Development Administration ("30% funds")
$600,000	

To complete this facility as planned, including electrical utilities, would cost an estimated $750,000. The failure of the Administration to program the full $750,000 will likely mean that the facilities will be reconstructed without electrical utilities and also without the planned fill to provide additional parking.

The method in which the proposed $600,000 is programmed creates additional concern. Supposedly, the $177,500 allocated from the Incremental Fund will be realized only if the legislature reduces the present marine fuel tax exception for non-propulsion use of fuels. I understand that a similar measure failed to gain legislative approval last year. Also, State officials acknowledge that necessary federal approval of the proposed allocation of $200,000 of the "30% funds" would take at least 4-5 months following application. The length of time required for this source of funding could conceivably delay construction of a major portion of this facility until 1978.

In the past, the City of Haines has endeavored to cooperate with the State Administration in virtually every manner possible; recently by pioneering among municipalities the implementation of controversial boat harbor management policies established by the State. Also, last Tuesday the City spent most of its appropriation of the 1974 Port Development Bond fund to purchase the Haines dry cargo dock in a move to protect the State's multimillion dollar investment in its Haines ferry terminal.

It is time for the State to reciprocate. I ask that you consider introducing into the Senate a special appropriations bill for $600,000 to provide for the major construction of the float facilities at the earliest opportunity. Also, that you work toward the commitment of $150,000 from "304 funds" to provide the needed electrical utilities and fill for parking. As you must realize, the timely completion of these facilities is vital to the economy of Haines.

I would welcome the opportunity to discuss the matter with you further and may be reached by telephone at 766-2491.

Sincerely,

Gail J. Wallace
Mayor

DKB:lb

Introduced: 1/21/77
Referred: State Affairs and Finance

IN THE SENATE BY RAY

SENATE BILL NO. 68

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act making a special appropriation to the Department of Public Works, Haines boat harbor completion; and providing for an effective date."

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

* Section 1. The sum of $600,000 is appropriated from the general fund to the Department of Public Works for the completion of the boat harbor at Haines.

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

SB 68

DIVISION OF WATER & HARBORS

January 25, 1977

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House of Representatives
Pouch V
Juneau, Alaska 99811

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It is my understanding that the Department of Commerce and Economic Development through the Governor's office is pursuing the EDA funding on behalf of the City of Haines. However, it will be necessary for the City to formally apply to EDA once these funds are allocated to the project.

Please give me a call if you need further specifics regarding the status of the Haines project.

Sincerely,

Don Statter
Director

cc: Donald Harris, Commissioner
Department of Public Works

Original sponsor: Ray

Offered. 3/10/77
Referred: Rules

IN THE SENATE

BY THE FINANCE COMMITTEE

CS FOR SENATE BILL NO. 68

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act making special appropriations to the Department of Public Works for improvements at the Haines boat harbor; and providing for an effective date."

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

* Section 1. The sum of $222,500 is appropriated from the general fund to the Department of Public Works for improvements at the Haines boat harbor.

* Sec. 2. The sum of $177,500 is appropriated from the general fund to the Department of Public Works for improvements at the Haines boat harbor contingent upon passage of Senate Bill No. 149 or equivalent legislation increasing the watercraft fuel tax from four cents to six cents per gallon and decreasing the exemption for nonpropulsion fuel.

* Sec. 3. The sum of $200,000 is appropriated from federal Economic Development Administration funds to the Department of Public Works for improvements at the Haines boat harbor contingent upon federal approval.

* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-070(c).