

LEG. FINANCE - BILLS 1977 - 1978 930

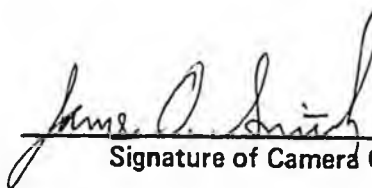
SB 184am thru SB 200 & SB 220 930

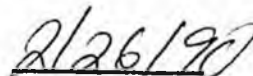


RECORDS CERTIFICATION



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

4-27-77

COMMITTEE REPORT

HOUSE

May 27, 1977 Date

Mr. Speaker:

The Committee on FINANCE has had SB 184 am 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 House Finance SB 184 am and that House Finance SB 184 am do pass
- (and) recommends it be referred to the _____ committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

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

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

[Signature]
Chairman

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 255 & 50184
 Title "An Act Relating to the Commercial Fishing Loan Act"
 Requested by House Finance Committee Date 2/24/77

II. FISCAL DETAIL

Agency Affected Commerce & Economic Development
 Program Category Affected Development
 Budget Request Unit(s) Affected Division of Business Loans

EXPENDITURES (Thousands of Dollars)

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

TOTAL

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

House Bill 255 will have no fiscal impact on the division.

IV. DATE February 24, 1977 PREPARED BY Pete Joann, Director
 AGENCY Commerce & Economic Development
 Original: Legislative Finance PHONE 465-2525
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Original sponsor: Poland

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 184

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act increasing the limitation on commercial fishing
7 loans; and providing for an effective date."

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

9 * Section 1. AS 16.10.320 is amended to read:

10 Sec. 16.10.320. LIMITATIONS ON LOANS. A commercial fishing loan
11 may not exceed \$200,000 [\$100,000]. A loan may not run longer than 15
12 years or bear interest exceeding seven per cent, and it shall be secured
13 by a first lien and appropriate security agreements, except that a lien
14 in favor of the state is not required for loans guaranteed fully by the
15 federal government under the Federal Ship Financing Act of 1972 (46
16 U.S.C. secs. 1271 - 1279b; 86 Stat. 909), as amended [, AND LOANS
17 GRANTED UNDER SEC. 310(a)(1)(B) OF THIS CHAPTER MAY BE SECURED BY OTHER
18 ACCEPTABLE COLLATERAL AS DETERMINED APPROPRIATE BY THE DEPARTMENT,
19 INCLUDING BUT NOT LIMITED TO A PLEDGE OF ASSESSMENTS FROM FISHERMEN TO
20 FINANCE THE ESTABLISHMENT OF HATCHERIES UNDER SECS. 400 470 OF THIS
21 CHAPTER]. In the case of a security agreement given to secure a loan
22 made under secs. 300 - 370 of this chapter and covering a vessel docu-
23 mented under the laws of the United States and so long as the Ship
24 Mortgage Act of 1920 (46 U.S.C. secs. 911 - 934; 41 Stat. 1000), as
25 amended, and the Shipping Act of 1916 (46 U.S.C. secs. 801 - 842; 39
26 Stat. 728), as amended, remain ambiguous with respect to whether or not
27 a state or state agency qualifies as a citizen of the United States for
28 purposes of those Acts, the first lien requirement of this section may
29 be satisfied by the recordation and endorsement of a first preferred

1 ship mortgage under the Ship Mortgage Act of 1920, and by perfection of
2 a security interest under the Uniform Commercial Code - Secured Trans-
3 actions (AS 45.05.690 - 45.05.794), if the approval of the Secretary of
4 Commerce is obtained under 46 U.S.C. sec. 839 for the transfer to the
5 department of the interest in a vessel documented under the laws of the
6 United States. In the case of a security agreement given to secure a
7 loan made under secs. 300 - 370 of this chapter and covering a vessel
8 documented under the laws of the United States, the first lien require-
9 ment of this section may also be satisfied by use of a trust deed and
10 bond issue under it, if the trustee is a citizen of the United States
11 and obtains a first preferred ship mortgage on the vessel under the Ship
12 Mortgage Act of 1920, and the approval of the Secretary of Commerce is
13 obtained under 46 U.S.C. secs. 839 and 961 for the transfer of the bond
14 or bonds to the department if the trustee is not a trustee approved by
15 the Secretary of Commerce under 46 U.S.C. secs. 808, 835 and 961.

16 [EXCEPT FOR LOANS GRANTED UNDER SEC. 310(a)(1)(B) OF THIS CHAPTER,
17 LOANS] Loans may not exceed 75 per cent of the appraised value of the
18 collateral used to secure the loan.

19 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
20 070(c).

FORM 02-001BC
FOR BRIEF COMMUNICATIONS
MAY BE HANDWRITTEN

MEMORANDUM

State of Alaska

TO: Legislative Affairs Agency

DEPT. _____
DIV. _____
SEC. _____

DATE : 5/27/77

FROM: Anne Lindbeck, Secy.
House Finance Committee

SUBJECT: HCS for SB 184am

Please prepare a committee substitute as per the attached copy right away. Thanks.

Introduced: 2/24/77
Referred: Resources,
Commerce and Finance

Finance Com-
BY ~~POLAND~~ *mittee*

1 IN THE SENATE

2 *HCS for* SENATE BILL NO. 184 am *(Finance)*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act increasing the limitation on commercial fishing
7 loans; and providing for an effective date."

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

9 * Section 1. AS 16.10.320 is amended to read:

10 Sec. 16.10.320. LIMITATIONS ON LOANS. A commercial fishing loan
11 may not exceed ~~\$150,000~~ ^{\$200,000} [\$100,000]. A loan may not run longer than 15
12 years or bear interest exceeding seven per cent, and it shall be secured
13 by a first lien and appropriate security agreements, except that a lien
14 in favor of the state is not required for loans guaranteed fully by the
15 federal government under the Federal Ship Financing Act of 1972 (46
16 U.S.C. secs. 1271 - 1279b; 86 Stat. 909), as amended [, AND LOANS GRANTED
17 UNDER SEC. 310(a)(1)(B) OF THIS CHAPTER MAY BE SECURED BY OTHER ACCEPT-
18 ABLE COLLATERAL AS DETERMINED APPROPRIATE BY THE DEPARTMENT, INCLUDING
19 BUT NOT LIMITED TO A PLEDGE OF ASSESSMENTS FROM FISHERMEN TO FINANCE THE
20 ESTABLISHMENT OF HATCHERIES UNDER SECS. 400 - 470 OF THIS CHAPTER]. In
21 the case of a security agreement given to secure a loan made under secs.
22 300 - 370 of this chapter and covering a vessel documented under the
23 laws of the United States and so long as the Ship Mortgage Act of 1920
24 (46 U.S.C. secs. 911 - 984; 41 Stat. 1000), as amended, and the Shipping
25 Act of 1916 (46 U.S.C. secs. 801 - 842; 39 Stat. 728), as amended,
26 remain ambiguous with respect to whether or not a state or state agency
27 qualifies as a citizen of the United States for purposes of those Acts,
28 the first lien requirement of this section may be satisfied by the
29 recordation and endorsement of a first preferred ship mortgage under the

1 Ship Mortgage Act of 1920, and by perfection of a security interest
2 under the Uniform Commercial Code - Secured Transactions (AS 45.05.690 -
3 45.05.794), if the approval of the Secretary of Commerce is obtained
4 under 46 U.S.C. sec. 839 for the transfer to the department of the
5 interest in a vessel documented under the laws of the United States. In
6 the case of a security agreement given to secure a loan made under secs.
7 300 - 370 of this chapter and covering a vessel documented under the
8 laws of the United States, the first lien requirement of this section
9 may also be satisfied by use of a trust deed and bond issue under it, if
10 the trustee is a citizen of the United States and obtains a first pre-
11 ferred ship mortgage on the vessel under the Ship Mortgage Act of 1920,
12 and the approval of the Secretary of Commerce is obtained under 46
13 U.S.C. secs. 839 and 961 for the transfer of the bond or bonds to the
14 department if the trustee is not a trustee approved by the Secretary of
15 Commerce under 46 U.S.C. secs. 808, 835 and 961. [EXCEPT FOR LOANS
16 GRANTED UNDER SEC. 310(a)(1)(B) OF THIS CHAPTER, LOANS] Loans may
17 not exceed 75 per cent of the appraised value of the collateral used
18 to secure the loan.

19 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
20 070(c).

Introduced: 2/24/77
Referred: Resources,
Commerce and Finance

1 IN THE SENATE

BY POLAND

2 SENATE BILL NO. 184 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act increasing the limitation on commercial fishing
7 loans; and providing for an effective date."

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

9 * Section 1. AS 16.10.320 is amended to read:

10 Sec. 16.10.320. LIMITATIONS ON LOANS. A commercial fishing loan
11 may not exceed \$150,000 [\$100,000]. A loan may not run longer than 15
12 years or bear interest exceeding seven per cent, and it shall be secured
13 by a first lien and appropriate security agreements, except that a lien
14 in favor of the state is not required for loans guaranteed fully by the
15 federal government under the Federal Ship Financing Act of 1972 (46
16 U.S.C. secs. 1271 - 1279b; 86 Stat. 909), as amended [, AND LOANS GRANTED
17 UNDER SEC. 310(a)(1)(B) OF THIS CHAPTER MAY BE SECURED BY OTHER ACCEPT-
18 ABLE COLLATERAL AS DETERMINED APPROPRIATE BY THE DEPARTMENT, INCLUDING
19 BUT NOT LIMITED TO A PLEDGE OF ASSESSMENTS FROM FISHERMEN TO FINANCE THE
20 ESTABLISHMENT OF HATCHERIES UNDER SECS. 400 - 470 OF THIS CHAPTER]. In
21 the case of a security agreement given to secure a loan made under secs.
22 300 - 370 of this chapter and covering a vessel documented under the
23 laws of the United States and so long as the Ship Mortgage Act of 1920
24 (46 U.S.C. secs. 911 - 984; 41 Stat. 1000), as amended, and the Shipping
25 Act of 1916 (46 U.S.C. secs. 801 - 842; 30 Stat. 728), as amended,
26 remain ambiguous with respect to whether or not a state or state agency
27 qualifies as a citizen of the United States for purposes of those Acts,
28 the first lien requirement of this section may be satisfied by the
29 recordation and endorsement of a first preferred ship mortgage under the

1 Ship Mortgage Act of 1920, and by perfection of a security interest
2 under the Uniform Commercial Code - Secured Transactions (AS 45.05.690 -
3 45.05.794), if the approval of the Secretary of Commerce is obtained
4 under 46 U.S.C. sec. 839 for the transfer to the department of the
5 interest in a vessel documented under the laws of the United States. In
6 the case of a security agreement given to secure a loan made under secs.
7 300 - 370 of this chapter and covering a vessel documented under the
8 laws of the United States, the first lien requirement of this section
9 may also be satisfied by use of a trust deed and bond issue under it, if
10 the trustee is a citizen of the United States and obtains a first pre-
11 ferred ship mortgage on the vessel under the Ship Mortgage Act of 1920,
12 and the approval of the Secretary of Commerce is obtained under 46
13 U.S.C. secs. 839 and 961 for the transfer of the bond or bonds to the
14 department if the trustee is not a trustee approved by the Secretary of
15 Commerce under 46 U.S.C. secs. 808, 835 and 961. [EXCEPT FOR LOANS
16 GRANTED UNDER SEC. 310(a)(1)(B) OF THIS CHAPTER, LOANS] Loans may
17 not exceed 75 per cent of the appraised value of the collateral used
18 to secure the loan.

19 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
20 070(c).

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

POUCH D - JUNEAU 99811

June 8, 1978

J. H. Hogan, Director
Legislative Finance
Pouch WF
Juneau, AK 99811

RE: HCS SB184 (Fin) am H
Fiscal Impact

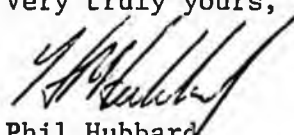
Dear Mr. Hogan:

The House passed SB184 after being amended on the floor and the Senate concurred yesterday. A major change was made in the eligibility requirements for obtaining a commercial fishing loan. AS 16.10.310 (a) (1)(A) was amended to require one (1) year commercial fishing experience in the past five (5) years instead of three (3) years experience in order to be eligible for a loan. This change will drastically increase the number of fishermen eligible to receive loans. The anticipated increase in loan applications will create considerable back-logs similar to what was experienced six months ago, if Business Loans doesn't receive additional staffing to handle this increase.

In order to handle this increase, I am proposing two additional loan examiners and one loan closer. One loan examiner will be stationed in Anchorage to assist in the Bristol Bay, Kenai Peninsula and Kodiak areas. The other loan examiner will assist in Southeast. The loan closer will be located in the central office at Juneau to assist with documentation and loan closings.

I feel these positions are necessary for Business Loans to operate in an efficient manner.

Very truly yours,



Phil Hubbard
Commissioner

PH/PJ/tjh

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HCSSB184 AmH
 Title Commercial Fishing Loan Act
 Requested by _____ Date 6-8-78

II. FISCAL DETAIL
 Agency Affected Commerce & Economic Development
 Program Category Affected Development
 Budget Request Unit(s) Affected Division of Business Loans

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		88.8	94.1	99.7	105.7	
200 TRAVEL		29.4	31.2	33.1	35.1	
300 CONTRACTUAL		16.0	16.9	17.9	18.9	
400 COMMODITIES		0.9	1.0	1.1	1.2	
500 EQUIPMENT		4.8	5.1	5.4	5.7	
600 LAND & STRUCTURES		0.0	0.0	0.0	0.0	
700 GRANTS, CLAIMS, ETC.		0.0	0.0	0.0	0.0	
TOTAL		139.9	148.3	157.2	166.6	

FUNDING (Thousands of Dollars)

GENERAL FUND		139.9	148.3	157.2	166.6	
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		3	3	3	3	
PART TIME						
TEMPORARY						

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

Attached.

IV. DATE 6-8-78 PREPARED BY Pete Jeans, Director
 AGENCY Divison of Business Loans
 PHONE 465-2510

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

13 Request for New Position

POSITION TITLE LOAN EXAMINER III				19 RANGE	G BARG. UNIT	LOCATION Juneau		APPROV.	DISAPPROV.
TYPE OF POSITION (PFT, PPT, SEAS.) PFT		MAN MONTHS 12	NEW	RP # 78 -	MAINT. X	BRU FORM 12		GOV.	
				PCN#	CHANGE	PRIORITY _____ PAGE/LINE _____		LEG.	
TYPE OF EXPENDITURE		AMOUNT	FUNDING SOURCE			DETAIL OF RELATED EXPENSES			
			GF	OTHER	RECEIPT CODE				
PERSONAL SERVICES		34,800	34,800			1405 x 12 = 16860 x 117.25% = 19768 + 1020 FICA			
TRAVEL		9,792	[Hatched Area]			986 HI			
CONTRACTUAL		5,353							
COMMODITIES		300							
EQUIPMENT		1,596							
OTHER									
TOTAL		51,841	51,841			BRU COMPONENT Business Loans			

JUSTIFICATION:

With the anticipated increase in commercial fishing loan applications due to requiring only one year experience, additional staff is required to process applications in a timely manner.

BRU Business Loans AGENCY Commerce & Economic Development REVISED _____

13 PERSONAL SERVICES
 REQUEST FOR NEW POSITION

13 Request for New Position

POSITION TITLE LOAN EXAMINER 1 I				19 RANGE	G BARG. UNIT	LOCATION Anchorage		APPROV.	DISAPPROV.
TYPE OF POSITION		MAN	NEW	RP # 78 -	MAINT. X	BRU FORM 12		GOV.	
(PFT, PPT, SEAS.) PFT		MONTHS 12		PCN#	CHANGE	PRIORITY PAGE/LINE		LEG.	
TYPE OF EXPENDITURE	AMOUNT	FUNDING SOURCE			RECEIPT CODE	DETAIL OF RELATED EXPENSES			
		GF	OTHER						
PERSONAL SERVICES	34,800	34,800				1405 x 12 = 16860 x 117.25% = 19768 + 1020 (ETCA)			
TRAVEL	9,792					986 (HI)			
CONTRACTUAL	5,353								
COMMODITIES	300					Rent - Phones etc.			
EQUIPMENT	1,596								
OTHER									
TOTAL	51,841	58,841				BRU COMPONENT Business Loans			

JUSTIFICATION:

With the anticipated increase in commercial fishing loan applications due to requiring only one year experience, additional staff is required to process applications in a timely manner.

BRU Business Loans AGENCY Commerce & Economic Development REVISED _____

13 PERSONAL SERVICES
REQUEST FOR NEW POSITION

13 Request for New Position

POSITION TITLE LOAN CLOSER I			10 RANGE	G BARG. UNIT	LOCATION Juneau	APPROV.	DISAPPROV.
TYPE OF POSITION (PFT, PPT, SEAS.) PFT	MAN MONTHS 12	NEW	RP # 78 -	MAINT. X	BRU FORM 12	GOV.	
			PCN#	CHANGE	PRIORITY _____ PAGE/LINE _____	LEG.	
TYPE OF EXPENDITURE	AMOUNT	FUNDING SOURCE			DETAIL OF RELATED EXPENSES		
		GF	OTHER	RECEIPT CODE			
PERSONAL SERVICES	19,273	19,273			1236 x 12 = 14832 x 117.25% = 17391 + 897 (FICA) 986 (HI)		
TRAVEL	9,792	[REDACTED]					
CONTRACTUAL	5,353						
COMMODITIES	300						
EQUIPMENT	1,596						
OTHER							
TOTAL	36,314	36,314			BRU COMPONENT Business Loans		

JUSTIFICATION:

With the anticipated increase in commercial fishing loan applications due to requiring only one year experience additional staff is required to process applications in a timely manner.

BRU Business Loans AGENCY Commerce & Economic Development REVISED _____

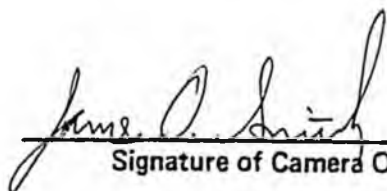
13 PERSONAL SERVICES
REQUEST FOR NEW POSITION



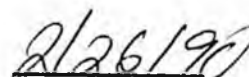
RECORDS CERTIFICATION



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

Introduced: 2/28/77
Referred: Resources and
Finance

1 IN THE SENATE

BY HUBER

2 SENATE BILL NO. 191

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: 'An Act relating to the leasing of utility land; and
7 providing for an effective date.'

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

9 * Section 1. AS 38.05.105 is amended by adding a new subsection to read:

10 (b) Land leased as utility land which has been used throughout the
11 term of the lease for single-family residential purposes only shall be
12 appraised on the basis of its market value as residential property
13 until, in the determination of the director, it is no longer used for
14 single-family residential purposes. Upon a change from single-family
15 residential use to another use, the lessee shall pay to the department
16 an adjusted back-rental amount based on the appraised market value of
17 the land as utility land for the lessee's entire leasehold period.

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

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THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 191 (Sen. Huber)
 Title Leasing of Utility land for residential purposes
 Requested by Senate Finance Date January 13, 1978

II. FISCAL DETAIL

Agency Affected Department of Natural Resources
 Program Category Affected NRMEC
 Budget Request Unit(s) Affected Land and Water Management

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

There would be a negligible change in the cost of administration due to this bill. There would be a small revenue cost.

IV. DATE January 13, 1978 PREPARED BY Patrick Conheady
 AGENCY Department of Natural Resources
 PHONE 465-2400
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

COMMITTEE REPORT

SENATE

3/8/77

_____ Date

Mr. President:

The Committee on FINANCE has had SB 191
leasing of utility land
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: 2/28/77
Referred: Resources and
Finance

1 IN THE SENATE

BY HUBER

2 SENATE BILL NO. 191

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the leasing of utility land; and
7 providing for an effective date."

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

9 * Section 1. AS 38.05.105 is amended by adding a new subsection to read:

10 (b) Land leased as utility land which has been used throughout the
11 term of the lease for single-family residential purposes only shall be
12 appraised on the basis of its market value as residential property
13 until, in the determination of the director, it is no longer used for
14 single-family residential purposes. Upon a change from single-family
15 residential use to another use, the lessee shall pay to the department
16 an adjusted back-rental amount based on the appraised market value of
17 the land as utility land for the lessee's entire leasehold period.

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

ALASKA STATE LEGISLATURE

TENTH Legislature FIRST Session

SENATE BILL NO. 191

By HUBER

"An Act relating to the leasing of utility land; and providing for an effective date."

leasing of utility land

Introduced in the Senate 2/23/77, 1977

HISTORY IN THE SENATE

19 77

Read first time and referred to Committee on

2 23

Resources and Finance

3 8

Reported back with *Resources* recommendation that *do pass, no rec, to fin.*

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

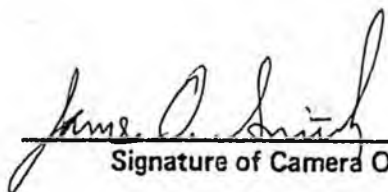
Chapter No.



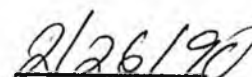
RECORDS CERTIFICATION



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Signature of Camera Operator



Date

"An Act exempting exchanges, commissaries, ships' stores, officers' clubs and NCO clubs operated by the uniformed services of the United States from the cigarette tax; effec. date."

COMMITTEE REPORT

HOUSE

Mr. Speaker:

Date May 27, 1977

The Committee on FINANCE has had CS 8198

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 ^{House} CS FOR CS 8198 AND THAT

^{House} CS FOR CS 8198 DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

Frederic V. ... Chairman

STATE OF ALASKA

DEPARTMENT OF REVENUE

5B 198
JAY S. HAMMOND, GOVERNOR

STATE OFFICE BUILDING

POUCH SA - JUNEAU 99811

March 7, 1977

The Honorable W. E. Bradley
Chairman
Senate Commerce Committee
Alaska State Legislature
State Capitol Building
Juneau, Alaska

Re: Senate Bill No. 198

Dear Senator Bradley:

Senate Bill No. 198, an Act exempting exchanges, commissaries and ships' stores operated by the uniformed services of the United States from the cigarette tax, was introduced in the Senate on March 1, 1977 and was referred to the Senate Commerce and Finance Committees.

For the consideration of the Senate Commerce Committee, I am enclosing a Fiscal Note prepared by Mr. Gary L. Jenkins, Director, Audit Division, Department of Revenue, Juneau, Alaska concerning the proposed legislation.

Very truly yours,

R. D. Stevenson
Special Assistant

cc: The Honorable John C. Sackett
Chairman
Senate Finance Committee
Alaska State Legislature
State Capitol Building
Juneau, Alaska

Gary L. Jenkins, Director
Audit Division
Department of Revenue

Enclosure

Original sponsors: Colletta and Bradley

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 198
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to taxation and providing for an
7 effective date."

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

9 * Section 1. AS 43.50.090 is amended by adding a new subsection to read:

10 (c) The tax imposed under (a) of this section does not apply to
11 cigarettes imported or acquired in the state by an exchange, commissary,
12 or ship's stores operated by one of the uniformed services of the United
13 States as defined in 5 U.S.C. 2101.

14 * Sec. 2. AS 29.53.055 is amended to read:

15 Sec. 29.53.055. NO LIMITATION ON TAXES TO PAY BONDS. The
16 limitations provided for in secs. 45 or 50 of this chapter do not apply
17 to taxes levied or pledged to pay or secure the payment of the principal
18 and interest on bonds. Taxes to pay or secure the payment of principal
19 and interest on bonds may be levied without limitation as to rate or
20 amount, regardless of whether the bonds are in default or in danger of
21 default.

22 * Sec. 3. AS 29.58.130(a) is amended to read:

23 (a) The full faith and credit of a municipality are pledged for
24 the payment of principal and interest on general obligation bonds. The
25 municipality may levy ad valorem taxes for payment without limitation
26 of rate or amount, regardless of whether the bonds are in default or
27 in danger of default.

28 * Sec. 4. Sections 2 and 3 of this Act are retroactive to January 1, 1976.

29 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-

1 070(c).

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"An Act exempting exchanges, commissaries, ships' stores, officers' clubs and NCO clubs operated by the uniformed services of the United States from the cigarette tax; effec. date."

COMMITTEE REPORT

HOUSE

4/27/77

May 17/1977 Date

Mr. Speaker:

The Committee on FINANCE has had CSSB 128 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

Original sponsors: Colletta and Bradley

Offered: 3/23/77
Referred: Finance

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2

CS FOR SENATE BILL NO. 198

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act exempting exchanges, commissaries, ships'

7

stores, officers' clubs and NCO clubs operated by the

8

uniformed services of the United States from the

9

cigarette tax; and providing for an effective date."

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

11

* Section 1. AS 43.50.090 is amended by adding a new subsection to read:

12

(c) The tax imposed under (a) of this section and AS 43.50.190

13

does not apply to cigarettes imported or acquired by or sold to an

14

exchange, commissary, ship's stores, officers' or noncommissioned

15

officers' club operated by one of the uniformed services of the United

16

States as defined in 5 U.S.C. 2101 if sales are limited to authorized

17

purchasers only.

18

* Sec. 2. This Act is retroactive to January 1, 1977.

19

* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-

20

070(c).

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THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. House Bill 255 & 58184
Title "An Act Relating to the Commercial Fishing Loan Act"
Requested by House Finance Committee Date 2/24/77

II. FISCAL DETAIL
Agency Affected Commerce & Economic Development
Program Category Affected Development
Budget Request Unit(s) Affected Division of Business Loans

EXPENDITURES (Thousands of Dollars)

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

TOTAL

FUNDING (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify)	0	0	0	0	0	0

POSITIONS

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

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

House Bill 255 will have no fiscal impact on the division.

IV. DATE February 24, 1977 PREPARED BY Pete Jeanu, Director
AGENCY Commerce & Economic Development
PHONE 465-2525
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

SB 198

A BILL

For an Act entitled: "An Act relating to taxation and providing
for an effective date."

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

*Section 1. AS 43.50.090 is amended by adding a new subsection
to read:

(c) The tax imposed under (a) of this section does not
apply to cigarettes imported or acquired in the state by
an exchange, commissary or ship's stores operated by one
of the uniformed services of the United States as defined
in 5 U.S.C. 2101.

*Sec. 2. AS 29.53.055 is amended to read:

SEC. 29.53.055. NO LIMITATION ON TAXES TO PAY BONDS. The
limitations provided for in Sections 45 or 50 of this
chapter do not apply to taxes levied or pledged to pay or
secure the payment of the principal and interest on bonds.
Taxes to pay or secure the payment of principal and interest
on bonds may be levied without limitation as to rate or
amount, regardless of whether such bonds are in default
or in danger of default.

*Sec. 3. AS 29.53.180 is amended to read:

Sec. 29.58.180. PAYMENT. (a) The full faith and credit
of a municipality are pledged for the payment of principal
and interest on general obligation bonds. The municipality
may levy ad valorem taxes for payment without limitation
of rate or amount, regardless of whether such bonds are in
default or in danger of default.

*Sec. 4. This Act takes effect immediately in accordance
with AS 01.10.070(c).

Original sponsors: Colletta and Bradley

Offered: 3/23/77
Referred: Finance

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2

CS FOR SENATE BILL NO. 198

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act exempting exchanges, commissaries, ships'

7

stores, officers' clubs and NCO clubs operated by the

8

uniformed services of the United States from the

9

cigarette tax; and providing for an effective date."

10

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

11

* Section 1. AS 43.50.090 is amended by adding a new subsection to read:

12

(c) The tax imposed under (a) of this section and AS 43.50.190

13

does not apply to cigarettes imported or acquired by or sold to an

14

exchange, commissary, ship's stores, officers' or noncommissioned

15

officers' club operated by one of the uniformed services of the United

16

States as defined in 5 U.S.C. 2101 if sales are limited to authorized

17

purchasers only.

18

* Sec. 2. This Act is retroactive to January 1, 1977.

19

* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-

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070(c).

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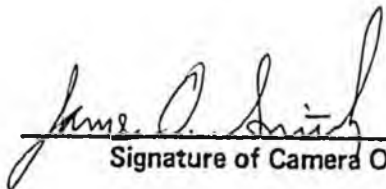
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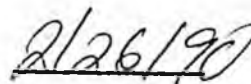
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Signature of Camera Operator



Date

Introduced: 3/1/77
Referred: Resources
and Finance

1 IN THE SENATE

BY HUBER

2 SENATE BILL NO. 199

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act repealing authorization to reacquire oil and
7 gas leasehold interests in Kachemak Bay; and providing
8 for an effective date."

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

10 * Section 1. AS 38.05.184 is repealed.

11 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
12 070(c).

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COMMITTEE REPORT

SENATE

4/5/77

_____ Date

Mr. President:

The Committee on Finance has had SB 199 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

COMMITTEE REPORT

SENATE

**Finance

3/1/77

4/4/77 Date

Mr. President:

The Committee on Resources has had SB 199 oil & gas leasehold interests in Kachemak Bay 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) reports it back as follows

MEMBERS SIGNING THE MAJORITY REPORT:

- 1 [Signature] No Rec
1 [Signature] No Rec
1 [Signature] no Rec
2 [Signature] NO PASS

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

- 3 [Signature] recommends: Do Not Pass
3 [Signature] recommends: Do Not Pass
recommends:

1 K. Poland Chairman
no Rec

199
Introduced: 3/1/77
Referred: Resources
and Finance

1 IN THE SENATE

BY HUBER

2 SENATE BILL NO. 199

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act repealing authorization to reacquire oil and
7 gas leasehold interests in Kachemak Bay; and providing
8 for an effective date."

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

10 * Section 1. AS 38.05.184 is repealed.

11 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
12 070(c).

ALASKA STATE LEGISLATURE

TENTH Legislature FIRST Session

SENATE BILL NO. 199

By HUBER

"An Act repealing authorization to reacquire oil and gas leasehold interests in Kachemak Bay; and providing for an effective date."

Kachemak Bay

Introduced in the Senate 3/1/19..77

HISTORY IN THE SENATE

19	77	Read first time and referred to Committee on
3	1	Resources and Finance
4	5	Reported back with <i>Resources</i> recommendation that <i>4 yeas, 1 defers, 2 dissent pass to Finance</i>
		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

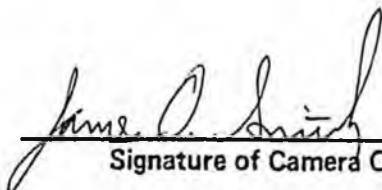
19		Received from House
		Reported correctly enrolled
		Sent to Governor
	 By Governor
		Filed with Lt. Governor
		Chapter No.



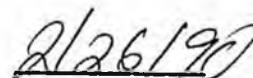
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Signature of Camera Operator



Date

COMMITTEE REPORT
SENATE

3/23/77

Date

Mr. President:

The Committee on FINANCE has had SB 198
exempting exchanges, commissaries and stores operated by uniformed
under consideration. A majority of the members of the Committee of
from the cigarette "

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for SB 198 (commerce) and that
CS for SB 198 (commerce) 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

STATE OF ALASKA

DEPARTMENT OF REVENUE

5B 198
JAY S. HAMMOND, GOVERNOR

STATE OFFICE BUILDING

POUCH SA - JUNEAU 99811

March 7, 1977

The Honorable W. E. Bradley
Chairman
Senate Commerce Committee
Alaska State Legislature
State Capitol Building
Juneau, Alaska

Re: Senate Bill No. 198

Dear Senator Bradley:

Senate Bill No. 198, an Act exempting exchanges, commissaries and ships' stores operated by the uniformed services of the United States from the cigarette tax, was introduced in the Senate on March 1, 1977 and was referred to the Senate Commerce and Finance Committees.

For the consideration of the Senate Commerce Committee, I am enclosing a Fiscal Note prepared by Mr. Gary L. Jenkins, Director, Audit Division, Department of Revenue, Juneau, Alaska concerning the proposed legislation.

Very truly yours,

R. D. Stevenson
Special Assistant

cc: The Honorable John C. Sackett
Chairman
Senate Finance Committee
Alaska State Legislature
State Capitol Building
Juneau, Alaska

Gary L. Jenkins, Director
Audit Division
Department of Revenue

Enclosure

STATE
of ALASKA

MEMORANDUM

TO: John Messenger
Deputy Commissioner
Department of Revenue

DATE : March 4, 1977

FROM: Gary L. Jenkins
Director
Audit Division 

SUBJECT: Senate Bill 198

The referenced Senate Bill is designed to correct the current problem in our cigarette tax law regarding sale of cigarettes to military organizations. I have reviewed the bill, including some changes which Senator Colletta is going to have made to the bill in the first committee hearing, and find it to be acceptable. The bill merely takes care of a problem with our law whereby cigarette sales to the military from within Alaska are taxable but if they are shipped from outside of Alaska, they are not taxable.

GLJ:mh

Introduced: 3/1/77
Referred: Commerce and
Finance

1 IN THE SENATE

BY COLLETTA

2 SENATE BILL NO. 198

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act exempting exchanges, commissaries and ships'
7 stores operated by the uniformed services of the United
8 States from the cigarette tax; and providing for an
9 effective date."

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

11 * Section 1. AS 43.50.090 is amended by adding a new subsection to read:

12 (c) The tax imposed under (a) of this section does not apply to
13 cigarettes imported or acquired in the state by an exchange, commissary
14 or ship's stores operated by one of the uniformed services of the United
15 States as defined in 5 U.S.C. 2101.

16 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

Original sponsors: Colletta and Bradley

Offered: 3/23/77
Referred: Finance

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 CS FOR SENATE BILL NO. 198

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act exempting exchanges, commissaries, ships'
7 stores, officers' clubs and NCO clubs operated by the
8 uniformed services of the United States from the
9 cigarette tax; and providing for an effective date."

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

11 * Section 1. AS 43.50.090 is amended by adding a new subsection to read:

12 (c) The tax imposed under (a) of this section and AS 43.50.190
13 does not apply to cigarettes imported or acquired by or sold to an
14 exchange, commissary, ship's stores, officers' or noncommissioned
15 officers' club operated by one of the uniformed services of the United
16 States as defined in 5 U.S.C. 2101 if sales are limited to authorized
17 purchasers only.

18 * Sec. 2. This Act is retroactive to January 1, 1977.

19 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
20 070(c).

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

POUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM

February 18, 1977

SUBJECT: Cigarette Tax Exemption (W.O. #3424)
TO: Senator Mike Colletta
FROM: J.L. Baldwin *J.L. Baldwin*
Staff Attorney

The bill accompanying this memo has been expanded to cover exchanges, commissaries, and ship's stores of the uniformed services, rather than limiting it to the Army, Navy, Air Force, Marines, and Coast Guard. There are vessels with ship's stores operating in Alaskan waters and manned by uniformed personnel of the Coast and Geodetic Survey.

I have attached a copy of 5 USC 2101 for your information.

JLB:hjd

Attachments (2)

*check "Buck" Act 4 USC 107
Starting Callahan*

provision had not been 6, 1966, P. L. 89-554, § 1,

SUBPART A.—GENERAL PROVISIONS

CHAPTER 21.—DEFINITIONS

Section

- 2101. Civil service—Armed forces—Uniformed services.
- 2102. The competitive service.
- 2103. The excepted service.
- 2104. Officer.
- 2105. Employee.
- 2106. Member of Congress.
- 2107. Congressional employee.
- 2108. Veteran—Disabled veteran—Preference eligible.

Section 2101. Civil service—Armed forces—Uniformed services.—For the purpose of this title—

(1) the "civil service" consists of all appointive positions in the executive, judicial, and legislative branches of the Government of the United States, except positions in the uniformed services;

(2) "armed forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard; and

(3) "uniformed services" means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the Coast and Geodetic Survey. (Sept. 6, 1966, P. L. 89-554, § 1, 80 Stat. 403.)

Transfers of functions.—The functions of the Coast and Geodetic Survey were transferred to the Secretary of Commerce, and the Coast and Geodetic Survey and the Weather Bureau were consolidated to form a new agency, the Environmental Science Services Administration, by Reorg. Plan No. 2 of 1965, see § 503 note of this title.

All functions of the Public Health Service were transferred to the Secretary of Health, Education, and Welfare by 1965 Reorg. Plan No. 3, see § 503 note of this title.

2102. The competitive service.—(2) The "competitive service" consists of—

(1) all civil service positions in the executive branch, except—

(A) positions which are specifically excepted from the competitive service by or under statute; and

(B) positions to which appointments are made by nomination for confirmation by the Senate, unless the Senate otherwise directs;

(2) civil service positions not in the executive branch which are specifically included in the competitive service by statute; and

(3) positions in the government of the District of Columbia which are specifically included in the competitive service by statute.

(b) Notwithstanding subsection (a) (1) (B) of this section, the "competitive service" includes positions to which appointments are made by nomination for confirmation by the Senate when specifically included therein by statute.

(c) As used in other Acts of Congress, "classified civil service" or "classified service" means the "competitive service." (Sept. 6, 1966, P. L. 89-554, § 1, 80 Stat. 403.)

Prior law.—This section is based on Act Jan. 16, 1923, c. 27, § 7 (less applicability to appointment and promotion), 22 Stat. 406 (§ 638 (less applicability to appointment and promotion) of former Title 5).

Revision note.—Subsec. (a) is restated in the form of a definition. Subsec. (a)(1) is based on § 638 of former Title 5, which placed positions in the executive branch of the Government generally in the competitive service by the requirement that employment be predicated on passing an examination or being exempted from examination, and § 1 of the Act of Nov. 26, 1940, c. 919, Title I, 54 Stat. 1211, which authorized the President, subject to certain exceptions, to place in the classified civil service positions in the Executive departments, independent establishments, and other agencies of the Government. In that Act the word "executive" has been construed to modify "departments," "independent establishments," and "other agency." Acting under this statute, the President has placed all but a comparatively few of the positions covered by the Act of Nov. 26, 1940, in the competitive service. The remainder are covered by the exceptions contained in the Civil Service Rules and Regulations. The authority of the President conferred by the Act of Nov. 26, 1940, has been superseded in part by exceptions created by statutes enacted after that date. The effect of these exceptions and the power conferred on the President by § 633(2)(8) (last sentence) of former Title 5 to make exceptions to the Civil Service Rules are preserved by the words "positions which are specifically excepted from the competitive service by or under statute." In subsec. (a)(1)(B), the words "or to pass an examination" are omitted as covered by the exclusion from the "competitive service." Subsec. (a)(2) preserves the exception stated in § 638 of former Title 5 modified to recognize the several statutory exceptions to this exception that have been enacted. The language of § 638 of former Title 5 relative to examination is codified in §§ 3304(b) and 3361 of this title. The reference to veterans' preference is omitted because the statute referred to, R. S. § 1754, was superseded by §§ 3 and 21 of the Act of June 18, 1929, c. 28, 46 Stat. 21. Section 3 of the Act of June 18, 1929, was superseded by the Act of June 27, 1944, c. 237, 58 Stat. 387, as amended, which is carried into this title. The exception for laborers and workmen was superseded by the Act of Nov. 26, 1940. Subsec. (b) is added because of the provisions in § 3311 of Title 39.

NOTES TO DECISIONS

A merchant appraiser was not under civil service. *Autmond v. Hedden*, 137 US 310, 34 LEd 674, 11 SCR 103.

Examination was not required of prior employee not taking oath until after requirement. 19 OAG 410.

Temporarily employed draftsmen were not required to have certification. 21 OAG 261.

Certificate of eligibles was authority for appointing officer and protection for appointee. 21 OAG 335.

Temporary stenographers and laborers were not classified. 24 OAG 95; 25 OAG 417.

The statute applied to engineer and assistant at military academy. 25 OAG 341.

The statute applied to civilian employees at navy yards with the exception of laborers. 27 OAG 184, 215, 446.

section is based on Act July 4 "Sec. 12(c)", 54 Stat. 703 (former Title 5).

Sections 346 and 347 of Title 5 § 1182(c) of former Title 5 the Act of June 25, 1942, c. 562, and are now covered by E. The titles of the courts conform to Title 28. In the rewritten petition, "written" is necessary.

5 TO DECISIONS

not sue civil service commission in Louisiana for purpose of commission appearing for political activity, since only be sued in District of Columbia. *Guerra*, 342 US 512, 56 S.Ct. 1010, 130 F(2d) 410, aff'g (CA 5).

a plaintiff who had been a employment insurance appeal against members of the civil service commission for a defendant that defendants had or pass upon charges made the plaintiff should have been of jurisdiction of the federal court the matter in controversy nothing but the value of plaintiff some future time to his former position. *Newtch*, 2, 130 F(2d) 197, mod'g 42

of the discharging order and the appealing employees was prerequisite to the merit of the merits of the commission. *Utah v. U. S.*, (CA 10).

ration	5531
ortation, and	5761
.....	5901
—Attendance and Leave	6161
.....	6301
—Employee Relations	7101
.....	7301
urity, and Conduct	7131
IS	7371
mployees	7501
Insurance and Annuities	8101
for Work Injuries	8301
.....	8501
Compensation	8701
ance	8901

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 198
 Title An Act exempting exchanges, commissaries and ships' stores operated by the uniformed services of the United States from the cigarette tax.
 Requested by The Senate Commerce Committee Date 3-4-77

II. FISCAL DETAIL

Agency Affected _____ Revenue _____
 Program Category Affected Fiscal Services
 Budget Request Unit(s) Affected Audit

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

See memo to John Messenger dated 3-4-77.

IV. DATE 3-4-77

PREPARED BY *Ray Berke*
 AGENCY Audit Division
 PHONE 465-2320

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

STATE
of ALASKA

MEMORANDUM

TO: John Messenger
Deputy Commissioner
Department of Revenue

DATE : March 4, 1977

FROM: Gary L. Jenkins
Director
Audit Division 

SUBJECT: Senate Bill 198

The referenced Senate Bill is designed to correct the current problem in our cigarette tax law regarding sale of cigarettes to military organizations. I have reviewed the bill, including some changes which Senator Colletta is going to have made to the bill in the first committee hearing, and find it to be acceptable. The bill merely takes care of a problem with our law whereby cigarette sales to the military from within Alaska are taxable but if they are shipped from outside of Alaska, they are not taxable.

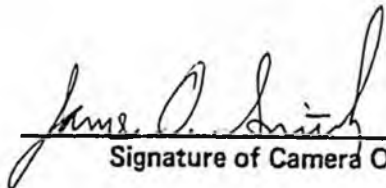
GLJ:mh



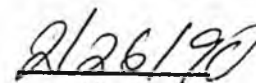
RECORDS CERTIFICATION



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

BY FERGUSON AND POLAND

1 IN THE SENATE

2 SENATE BILL NO. 200

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to instructional unit allotments under
7 the public school foundation program."

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

9 * Section 1. AS 14.17.051(a)(6), and (8) are amended to read:

10 (6) if the district or area is in that part of the state
11 lying within the boundaries of election district [12,] 13 [OR 18,] the
12 district or area shall receive 126.25 per cent of the base instructional
13 unit allotment;

14 (8) if the district or area is in that part of the state
15 lying within the boundaries of election district 12, 15, 16 (north of
16 the Arctic Circle), [OR] 17 or 18, the district or area shall receive
17 133.75 per cent of the base instructional unit allotment.

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29

#

Original sponsors: Ferguson and Poland

Offered: 3/31/77
Referred: Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 200

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to instructional unit allotments under
the public school foundation program."

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

9 *Section 1. AS 14.17.051 is repealed and re-enacted to read:

10 Sec. 14.17.051. INSTRUCTIONAL UNIT ALLOTMENT. The instructional
11 unit allotment for each school district or regional educational atten-
12 dance area is as follows:

13 (1) for Gateway Borough School District, City and Borough of
14 Juneau School District, and Anchorage School District, the district is
15 entitled to receive the base instructional unit allotment;

16 (2) for Annette Island School District, Southeast School
17 District, Petersburg City School District, Wrangell City School District,
18 Sitka Borough School District, and Matanuska-Susitna Borough School
19 District, the district or area is entitled to receive 104 per cent of
20 the base instructional unit allotment;

21 (3) for Craig City School District, Hydaburg City School
22 District, Klawock City School District, Kake City School District,
23 Chatham School District, Haines Borough School District, Hoonah City
24 School District, Skagway City School District, and Kenai Peninsula
25 Borough School District, the district or area is entitled to receive 108
26 per cent of the base instructional unit allotment;

27 (4) for Pelican City School District, Kodiak Island Borough
28 School District, Nenana City School District, North Star Borough School
29 District, Delta School District, Alaska Gateway School District, and

A M E N D M E N T

OFFERED IN THE SENATE:

Senate Community and
By: Regional Affairs Committee

To: _____ SENATE BILL No. 220

HOUSE BILL No. _____

PAGE: 2 and 3

LINE: _____

Page 2, line 28: Change "eight" to "nine"

Page 3, line 3 & 4: Delete "the area of the North Slope
Borough and"

Page 3, line 6: Add "(B) the North Slope Borough;"
and reletter accordingly.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

Original sponsors: Ferguson and Poland

Offered: 3/31/77
Referred: Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 200

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

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12 dance area is as follows:

13 (1) for Gateway Borough School District, City and Borough of
14 Juneau School District, and Anchorage School District, the district is
15 entitled to receive the base instructional unit allotment;

16 (2) for Annette Island School District, Southeast School
17 District, Petersburg City School District, Wrangell City School District,
18 Sitka Borough School District, and Matanuska-Susitna Borough School
19 District, the district or area is entitled to receive 104 per cent of
20 the base instructional unit allotment;

21 (3) for Craig City School District, Hydaburg City School
22 District, Klawock City School District, Kake City School District,
23 Chatham School District, Haines Borough School District, Hoonah City
24 School District, Skagway City School District, and Kenai Peninsula
25 Borough School District, the district or area is entitled to receive 108
26 per cent of the base instructional unit allotment;

27 (4) for Pelican City School District, Kodiak Island Borough
28 School District, Nenana City School District, North Star Borough School
29 District, Delta School District, Alaska Gateway School District, and

1 Upper Railbelt Regional School District, the district or area is en-
2 titled to receive 112 per cent of the base instructional unit allotment;

3 (5) for Copper River School District, Cordova City School
4 District, and Valdez City School District, the district or area is
5 entitled to receive 115 per cent of the base instructional unit
6 allotment;

7 (6) for Yakutat City School District and Chugach School
8 District, the district or area is entitled to receive 120 per cent of
9 the base instructional unit allotment;

10 (7) for Adak Regional School District and Pribilof Islands
11 School District, the area is entitled to receive 135 per cent of the
12 base instructional unit allotment;

13 (8) for Yukon Flats School District, Aleutian Chain School
14 District, King Cove City School District, and Unalaska City School
15 District, the district or area is entitled to receive 145 per cent of
16 the base instructional unit allotment;

17 (9) for Dillingham City School District, Bristol Bay Borough
18 School District, Southwest Regional School District, Lake Peninsula
19 School District, Lower Kuskokwim School District, Galena City School
20 District, Kuspuk School District, Yukon-Koyukuk School District, North-
21 west Arctic School District, Selawik City School District, Nome City
22 School District, Bering Straits School District, Iditarod Area School
23 District, North Slope Borough School District, Lower Yukon School Dis-
24 trict, and St. Mary's City School District, the district or area is
25 entitled to receive 150 per cent of the base instructional unit allot-
26 ment.

A M E N D M E N T

OFFERED IN THE SENATE:

By: Senate Community and
Regional Affairs Committee

To: _____ SENATE BILL No. 220

HOUSE BILL No. _____

PAGE: 2 and 3

LINE: _____

Page 2, line 28: Change "eight" to "nine"

Page 3, line 3 & 4: Delete "the area of the North Slope
Borough and"

Page 3, line 6: Add "(B) the North Slope Borough;"
and reletter accordingly.

A M E N D M E N T #1

OFFERED IN THE SENATE:

By: Resources Committee

To: _____ SENATE BILL No. 220

HOUSE BILL No. _____

PAGE: 2

LINE: 28

Delete line 28 + insert
~~Sec. 44.19.891. ALASKA COASTAL POLICY COUNCIL~~

After (1) substitute new language as follows:

Eight public members appointed by the Governor from a list comprised of at least three names from each region, nominated by the municipalities of each region. The nominees shall

A M E N D M E N T #2

OFFERED IN THE SENATE:

By: Resources Committee

To: _____ SENATE BILL No. 220

HOUSE BILL No. _____

PAGE: 24

LINE: 21

between AS 46.35 and State Agencies, insert the following:

Such technical assistance shall include the direct granting to the coastal resource districts a portion of any funds received by the state from the federal coastal zone management program, in amounts to be individually determined for each coastal resource district by the Commissioner.

STATE
of ALASKA

MEMORANDUM

TO: Senator Poland ✓
Senator Orsini
Representative Rudd
Jack Chenoweth
Ron Lind
Fran Ulmer

DATE : March 25, 1977

FROM:

Murray Walsh *MW*
Alaska Coastal Management Program
Division of Policy Development and Planning
Office of the Governor

SUBJECT: SB 220/HB 342: Fiscal Note

We have prepared a fiscal note for SB 220/HB 342. Since the bill will complement and augment an existing program, we have tried to present a basic understanding of the present and near future financial expectations of the Alaska Coastal Management Program, rather than just showing the expected increases that would result from passage and implementation of SB 220/HB 342.

We hope this information is useful and instructive to you, and please call on us for further explanation or clarification of the fiscal or any other aspects of the coastal program.

April 12, 1977

COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

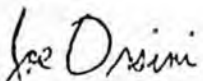
COMMITTEE LETTER OF INTENT TO SB 220

The Community and Regional Affairs Committee wishes to emphasize that it is our intent to see that maximum funds derived for this program be granted to communities to assist them in establishing and maintaining their Coastal Zone Management Program, and that the state act primarily as a vehicle in relaying this money to the communities.

The fiscal note that accompanies this bill reflects that the State intends to absorb a significant amount of funding at the State program level, contrary to the intent of this Committee. The Committee, therefore, recommends that before this Act be implemented, that it be demonstrated that the communities will be the recipients of the greatest share of these funds, and that the necessity of existing utilization of Alaska Coastal Management Program funding by state agencies be re-examined with the view toward a redistribution of these funds to the Coastal Zone Management district level.

The Committee does not intend, in approving this bill, to encourage the continued planning and development of the unorganized boroughs solely at State expense. The Committee believes that the day is not too far off when areas of the unorganized borough will be expected to implement local systems of deriving revenue to help support locally controlled municipal services, such as education and planning, within their respective areas.

The Community and Regional Affairs Committee also wishes to complement the Senate Resources Committee in their diligent and competent efforts at drafting this legislation and promoting the concept that the planning of the Coastal Zone Management Program be borne by the affected municipalities and not by a state resource agency.



Senator Joe Orsini
Chairman
Senate Community and
Regional Affairs
Committee

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 220 / HD 342
 Title "An Act relating to the management of coastal resources of the state"
 Requested by The Senate Rules Committee by request Date 3/7/77
of the joint Administration-Legislative
Committee on coastal management

II. FISCAL DETAIL

Agency Affected Office of the Governor (DPDP) and Dept. of Comm. & Reg. Affa
 Program Category Affected Coastal Zone Management
 Budget Request Unit(s) Affected 01-47-6-02-00-00

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	1,000.0	1,000.0	1,000.0	1,000.0
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	1,000.0	1,000.0	1,000.0	1,000.0
OTHER (Specify)						

POSITIONS

FULL TIME	4	4	4	4	4	4
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY						

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

A. Assumptions.

1. Passage of the bill will make federal approval under section 306 of the Coastal Zone Management Act of 1972, and award of additional funding under that section, possible; and this should occur in June of 1978.
2. No increase in state cash appropriations will be needed to match the incoming federal grants. The larger federal grants can be matched with local participation and state agency in-kind services.
3. Only four new positions in state government (3 in CRA, 1 in DPDP) should be needed to implement the bill. Almost all of the bill's provisions can be met with the existing personnel now in place in various state agencies as a result of the existing Alaska Coastal Management Program (ACMP). The new positions will be needed because of the substantial new role of local governments and the needs of the new council.

IV. DATE 3/23/77 PREPARED BY Murray R. Walsh

AGENCY DPDP, Governor's Office
 PHONE 465-4973

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

III. Analysis, Continued

B. Program Summary.

The purpose of a fiscal note is usually to show what increases in state staff or expenditures can be expected as a result of legislation. In this case, SB 220/HB 342 would become the centerpiece of an existing program which began in the summer of 1974. The program, which is called the Alaska Coastal Management Program (ACMP) just as in the bill, has changed in many respects since it began, but the overall goal of wise use and protection of the coastal resources has never changed nor has the programmatic goal of federal approval under section 306 of the Coastal Zone Management Act of 1972 changed.

Analysis by the ACMP staff in the Office of the Governor, the Dept. of Law, and the federal Office of Coastal Zone Management shows that the proposed bill should make it possible for ACMP to be federally approved with little difficulty if the bill is enthusiastically administered. This approval would permit larger federal CZM grants to be made to the state. So, while the face sheet of this note is filled out according to the instructions for fiscal notes, we provide a more thorough look at the ACMP budget on the following charts. Grant application and BRU data, as well as ACMP staff experience and expectation have been melded to form general budget charts for fiscal years 1977, 78, and 79. The figures are reliable insofar as general allocations and magnitude; but they are not exact since there are many unknowns. The figures for FY 77 are also rough since they are drawn from two separate grant applications and a possible supplemental application.

The first chart might be thought of as the "pre-bill situation. Since FY 77 will end just after passage of the bill, there will be little of the bill reflected in the FY 77 chart. This is not awkward, since many of the bill's provisions were anticipated. The major difference from FY 77 to FY 78 and beyond will be the amount of local government involvement, which was only voluntary, and rather novel at the start of FY 77.

The second chart, for FY 78, is a projection of program development expenditures as the implementation of the bill begins. There is much to do: Local governments must be provided with enough funds to get their programs underway, and the Council will have quite a job in getting organized and establishing its guidelines and procedures. Additionally, the ACMP office will be pursuing approval of the program by the end of the fiscal year, and this will involve substantial time and money.

The third chart can be thought of as the first year of "regular" program administration. By this time the larger Sec. 306 grants will be available and local programs should be well underway. Also, some local governments may be done with developing their programs, and thus be eligible for administration grants with which to maintain their programs. This last topic

is not addressed in the proposed legislation, but making grants of CZM 306 funds for regular municipal and borough administration of local coastal programs is certainly permitted and encouraged in the national CZM program.

The first and second charts will be largely unchanged whether or not SB 220/HB 342 passes or not, except that the funds for local grants in the second (FY 78) chart might be less because the local demand would probably not be as high without the existence of a bill like SB 220/HB 342.

The third chart (FY 79) may not be valid at all if the bill does not pass because there is considerable uncertainty over whether ACMP could be federally approved without the help of SB 220/HB 342, or something similar.

Chart One-Fiscal Year 77.

Approximate ACMP Receipts:*

Federal:	\$1,200,000
State Cash Appropriation:	250,000
TOTAL	<u>\$1,450,000</u>

Approximate ACMP Expenditures:

ACMP Office Use...	
Public Participation	\$ 200,000
Program Elements	100,000
Grant and Contract Adm.	50,000
Grants to Local Gov'ts	350,000
Assistance to Local Gov't	225,000
State Agency Projects	525,000
TOTAL	<u>\$1,450,000</u>

Chart Two-Fiscal Year 78

Approximate ACMP Receipts:*

Federal:	\$1,200,000
State Appropriation:	250,000
TOTAL	<u>\$1,450,000</u>

Approximate ACMP Expenditures:

ACMP Office Use...	
Public Participation	\$ 225,000
Program Elements	75,000
Grant and Contract Adm.	50,000
Grants to Local Gov'ts	625,000
Assistance to Local Gov't	75,000
State Agency Projects	400,000
TOTAL	<u>\$1,450,000</u>

Chart Three-Fiscal Year 79. (If approval under Sec. 306 of the Coastal Zone Management Act has been achieved, and the federal funding is thereby available.)

Approximate ACMP Receipts:*

Federal:	\$2,000,000
State Appropriation:	250,000
TOTAL	<u>\$2,250,000</u>

Approximate ACMP Expenditures:

ACMP Office Use:	
Public Participation:	\$200,000
Program Elements:	75,000
Grant and Contract Adm:	75,000
Program Development Grants	
to local government:	700,000
Program Administration	
Grants to local gov't:	600,000
Assistance to Local gov't:	100,000
State Agency Projects:	500,000
TOTAL	<u>\$2,250,000</u>

* The receipts shown here are those monies under ACMP Office control only. The federal grants do require state matching shares, of which the annual ACMP appropriation is a part. The rest of the match is made up from local and state agency in-kind contributions to the program. Grants to local governments usually require that the local government contribute some value to its own program in cash or in kind, and this contribution is used as part of the overall match for the federal funds. The match ratio now is 4 federal dollars for every 1 state dollar. The state ususally has no trouble finding enough matching share, and this is why we do not expect to ask for any larger annual appropriation than \$250,000 per year.

C. Personnel.

SB 220/HB 342 will cause a dramatic increase in local involvement in ACMP. Thus, we see the need of at least three mid-range planners in addition to the existing CRA staff to handle the increased demand for grants and services. All other aspects of SB 220/HB 342 have been forseer except the Alaska Coastal Policy Council, and the ACMP office will need a para-professional administrator to attend to the needs of the Council. All these people can easily be paid from the present program revenue.

D. Budgetary Terms Defined

The terms used in the three budget charts for the Program Summary in (B) above may not be familiar to everyone, so descriptions are provided below for better understanding of the Alaska Coastal Management Program activities and expenditures.

"ACMP Office Use" means the funds expended directly from the Alaska Coastal Management Program Office within the Division of Policy Development and Planning in the Office of the Governor. The other funds are spent by other state agencies or passed through to local governments. The ACMP Office applies for the entire amount and arranges contracts with the other state agencies. The next three terms are more specific activities undertaken by the ACMP staff.

"Public Participation" There are basically two objectives of public participation: The first and current effort is to learn as much as possible from the public about Alaskan coastal affairs, and in return to acquaint the public as much as possible with the nature of ACMP. The second objective, which will begin soon, is to enable thorough public review, understanding, and comment on the policies and other more specific details about the program, which have only now begun to solidify. Both objectives are pursued with a community workshop series, a monthly newsletter, a group of special interest representatives, an array of slide programs, brochures, films, etc, and by staff visits to communities and group meetings. There are presently two staff people working on public participation, with help from others. Much of the work is done by contractors. People from other state agencies assist as well.

"Program Elements" This refers to a series of tasks whose purpose is to lead to approval of ACMP under Section 306 of the federal Coastal Zone Management Act. Many of the duties that the Council would perform with passage of SB 220/HB 342 are complemented by ongoing program elements, which include assembling a unified policy base, defining land and water uses of state concern, listing and defining special areas in the coast which need extra attention in management, coordinating the array of state authorities, organizing the array of state procedures for better management, coordinating and consulting with federal agencies, and eventually producing a program document which unifies and describes all these elements. This work is done by two and a half staff people with some contract assistance.

"Grant and Contract Administration" This is the task of applying for and managing the large sums of money that flow into the program. Grant applications require forecasting the often uncertain program needs over a year or more in the future, and balancing the many demands for the use of the funds. Then, a number of contracts with agencies and consultants must be consummated, coordinated, kept track of, reported on, and eventually audited. One and one-half staff people do this work. The grants are audited every year.

"Grants to Local Governments" The ACMP Office contracts with the Dept. of Community and Regional Affairs to provide funds for local planning efforts. Some of this activity is specifically related to planning for OCS development impacts on the communities, and the rest is for general coastal management planning. If the bill passes, this same mechanism would be used to support the local planning effort called for in the bill. A matching share is usually required of the local governments in return for grants, but this is only 20% of the value of the project and can be in-kind services as well as cash. When the ACMP is approved under section 306, we will be able to provide funds for administration of local programs as well as for the planning.

"Assistance to Local Governments" In addition to the direct grants, CRA assists local governments by providing individual and general staff and consultant assistance. Often, a local government will need help for a project, but the size of the project does not warrant hiring a local planner. The job may only take three months. In cases like this, CRA will provide professional staff assistance to the local government. In other cases, several local governments may be faced with the same kind of problem, and help can be provided to all with a CRA staff project or a consultant project. The product or report is then given to the local governments which need it. Whatever the situation, this form of assistance is basically just support to local planning by means other than direct grants. A final example is a project by two or local governments want to work together on a project, and CRA can relieve both of paperwork difficulties if a contractor is to be used.

"State Agency Projects" These are tasks undertaken by state agencies at the request of ACMP or at the agency's own initiative. In the former case, ACMP needed information on the biophysical relationship of the marine waters to the specific uplands of Alaska. The Dept. of Fish and Game was contracted for this work. The result will assure adequate program coverage of the important processes of nature. In other cases, an agency may look ahead to its duties related to ACMP and ask for funds to conduct a study or inventory. In all cases, the ACMP Office assures that the project will be of value to ACMP and in most cases, also of value to local governments.

"Program Development Grants to Local Government" and "Program Administration Grants to local government" are both terms that are subsumed under "Grants to Local Government."

Introduced: 3/7/77
Referred: Resources and Finance

BY THE RULES COMMITTEE BY REQUEST
OF THE JOINT ADMINISTRATION-
LEGISLATIVE COMMITTEE ON COASTAL
MANAGEMENT

1 IN THE SENATE

2 SENATE BILL NO. 220

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the management of the coastal
7 resources of the state; and providing for an effective
8 date."

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

10 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that

11 (1) the coastal area of the state is a distinct and valuable
12 natural resource of concern to all the people of the state;

13 (2) the demands upon the resources of the coastal area are signi-
14 ficant, and will increase in the future;

15 (3) the protection of the natural and scenic resources and the
16 fostering of wise development of the coastal area are of concern to present
17 and future citizens of the state;

18 (4) the capacity of the coastal area to withstand the demands upon
19 it is limited;

20 (5) the degree of planning and resource allocation which has
21 occurred in the coastal area has often been motivated by short-term consider-
22 ations, unrelated to sound planning principles; and

23 (6) in order to promote the public health and welfare, there is a
24 critical need to engage in comprehensive land and water use planning in
25 coastal areas and to establish the means by which a planning process and
26 management program involving the several governments and areas of the unor-
27 ganized borough having an interest in the coastal area may be effectively
28 implemented.

29 * Sec. 2. LEGISLATIVE POLICY. It is the policy of the state to

1 (1) preserve, protect, develop, use, and, where necessary, restore
2 or enhance the coastal resources of the state for this and succeeding genera-
3 tions;

4 (2) encourage coordinated planning and decision making in the
5 coastal area among levels of government and citizens engaging in or affected
6 by activities involving the coastal resources of the state;

7 (3) develop a management program which sets out policies, objec-
8 tives, standards and procedures to guide and resolve conflicts among public
9 and private activities involving the use of resources which have a direct and
10 significant impact upon the coastal waters of the state;

11 (4) assure the participation of the public, local governments, and
12 agencies of the state and federal governments in the development and imple-
13 mentation of a coastal management program;

14 (5) utilize existing governmental structures and authorities, to
15 the maximum extent feasible, to achieve the policies set out in this section;
16 and

17 (6) authorize and require state agencies to carry out their plan-
18 ning duties, powers and responsibilities and take actions authorized by law
19 with respect to programs affecting the use of the resources of the coastal
20 area in accordance with the policies set out in this section and the guide-
21 lines and standards adopted by the Alaska Coastal Policy Council under AS
22 46.35.

23 * Sec. 3. AS 44.19 is amended by adding new sections to read:

24 ARTICLE 11A. ALASKA COASTAL POLICY COUNCIL.

25 Sec. 44.19.891. ALASKA COASTAL POLICY COUNCIL. (a) There is
26 created in the Office of the Governor the Alaska Coastal Policy Council.
27 The council consists of the following:

28 (1) eight public members appointed by the governor, who shall
29 be the mayor or member of the assembly or council of a municipality; one

1 public member shall be appointed from each of the following general
2 regions:

3 (A) northwest Alaska, including, generally, the area
4 of the North Slope Borough and the Northwest Arctic and Bering
5 Straits regional educational attendance areas;

6 (B) southwest Alaska, including, generally, the area
7 within the Lower Yukon, Lower Kuskokwim, Southwest, and Lake-
8 Peninsula regional educational attendance areas and the Bristol Bay
9 Borough;

10 (C) Kodiak-Aleutians, including the area of the Kodiak
11 Island Borough and the Aleutian, Adak and Pribilof regional educa-
12 tional attendance areas;

13 (D) Upper Cook Inlet, including the Municipality of
14 Anchorage and the Matanuska-Susitna Borough;

15 (E) Lower Cook Inlet, including, generally, the area
16 within the Kenai Peninsula Borough;

17 (F) Prince William Sound, including, generally, the area
18 east of the Kenai Peninsula Borough to 141° W. longitude;

19 (G) northern Southeast Alaska, including the area south-
20 east of 141° W. longitude and north of 57° N. latitude, including
21 the entirety of the City and Borough of Sitka; and

22 (H) southern Southeast Alaska, including that portion of
23 southeastern Alaska not contained within the area described in (G)
24 of this paragraph.

25 (2) each of the following:

26 (A) the director of the division of policy development
27 and planning;

28 (B) the commissioner of the Department of Commerce and
29 Economic Development;

1 (C) the commissioner of the Department of Community and
2 Regional Affairs;

3 (D) the commissioner of the Department of Environmental
4 Conservation;

5 (E) the commissioner of the Department of Fish and Game;

6 (F) the commissioner of the Department of Natural Re-
7 sources; and

8 (G) the commissioner of the Department of Public Works.

9 (b) Each public member appointed by the governor under (a)(1) of
10 this section serves a term of two years and until his successor is
11 appointed and qualified, except that the term of office of a public
12 member first appointed under (a)(1)(A), (a)(1)(C), (a)(1)(E) and (a)(1)-
13 (G) of this section shall be one year. A public member may be re-
14 appointed.

15 (c) The council shall designate co-chairmen, one of whom shall be
16 selected from among the public members appointed under (a)(1) of this
17 section and one from among the members designated in (a)(2) of this
18 section.

19 (d) Members appointed under (a) of this section may select one per-
20 son to serve as a permanent alternate at meetings of the council. If
21 the member appointed is unable to attend, the alternate may act in his
22 place.

23 (e) Four public members and three designated members of the
24 council constitute a quorum, but one or more of the members designated
25 by the council may hold hearings. All decisions of the council shall be
26 by a majority vote of the members present and voting.

27 (f) Members of the council are entitled to per diem and travel
28 expenses authorized by law for members of boards and commissions.

29 (g) If there is a vacancy among the public members appointed under

1 (a)(1) of this section, the governor shall make an appointment to
2 become immediately effective for the unexpired portion of the term.

3 Sec. 44.19.392. POWERS OF THE COUNCIL. The council may

4 (1) apply for and accept grants, contributions, and appropri-
5 ations, including application for and acceptance of federal funds which
6 may become available for coastal planning and management;

7 (2) contract for necessary services;

8 (3) consult and cooperate with

9 (A) persons, organizations, and groups, public or
10 private, interested in, affected by, or concerned with coastal area
11 planning and management;

12 (B) agents and officials of the coastal resource dis-
13 tricts of the state, and federal and state agencies concerned with
14 or having jurisdiction over coastal area planning and management;

15 (4) take any reasonable action necessary to carry out the
16 provisions of secs. 891 - 894 of this chapter.

17 Sec. 44.19.893. DUTIES OF THE COUNCIL. In conformity with the
18 Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et
19 seq.), the council shall

20 (1) develop guidelines and standards for the preparation of,
21 and approve, in accordance with AS 46.35, the Alaska coastal management
22 program;

23 (2) establish continuing coordination among state agencies to
24 facilitate the development and implementation of the Alaska coastal
25 management program; in carrying out its duties under this paragraph, the
26 council shall initiate an interagency program of comprehensive coastal
27 resource planning for each geographic region described in sec. 891(a)(1)
28 of this chapter;

29 (3) assure continued provision of data and information to

1 coastal resource districts to carry out their planning and management
2 functions under the program;

3 (4) submit annually to the legislature, not later than the
4 10th day of each regular session, the portion of the coastal management
5 program approved or amended by the council during the preceding year.

6 Sec. 44.19.894. COUNCIL STAFF. The council shall utilize the
7 staff of the office of coastal management within the division of policy
8 development and planning in discharging its powers and duties. The
9 coordinator of the office, with the concurrence of the council, may
10 contract with or employ personnel or consultants he considers necessary
11 to carry out the powers and duties of the council.

12 * Sec. 4. AS 46 is amended by adding a new chapter to read:

13 CHAPTER 35. COASTAL MANAGEMENT PROGRAM.

14 ARTICLE 1. DEVELOPMENT OF ALASKA COASTAL MANAGEMENT PROGRAM.

15 Sec. 46.35.010. DEVELOPMENT OF ALASKA COASTAL MANAGEMENT PROGRAM.

16 (a) The Alaska Coastal Policy Council established in AS 44.19.891 shall
17 approve, in accordance with secs. 10 - 210 of this chapter, the Alaska
18 coastal management program.

19 (b) The council may approve the Alaska coastal management program
20 for a portion or portions of the coastal area before approving the
21 complete program under (a) of this section. Portions of the program
22 approved under this subsection shall be incorporated into the Alaska
23 coastal management program.

24 (c) The Alaska coastal management program shall be reviewed by the
25 council and, when appropriate, revised to

26 (1) add newly approved district coastal management programs,
27 or revisions and amendments to the Alaska coastal management program;

28 (2) integrate newly approved district coastal management
29 programs, or revisions and amendments of district coastal management

1 programs, with existing approved programs and with plans developed by
2 state agencies;

3 (3) add new or revised state statutes, policies, regulations
4 or other appropriate material;

5 (4) review the effectiveness of implementation of district
6 coastal management programs; and

7 (5) consider new information acquired by the state and
8 coastal resource districts.

9 (d) All reviews and revisions shall be in accordance with the
10 guidelines and standards adopted by the council under sec. 40 of this
11 chapter.

12 Sec. 46.35.020. OBJECTIVES. The Alaska coastal management program
13 shall be consistent with the following objectives:

14 (1) the use, management, restoration and enhancement of the
15 overall quality of the coastal environment;

16 (2) the development of industrial or commercial enterprises
17 which are consistent with the social, cultural, historical, economic and
18 environmental interests of the people of the state;

19 (3) the orderly, balanced utilization and protection of the
20 resources of the coastal area consistent with sound conservation and
21 sustained yield principles;

22 (4) the management of coastal land and water uses in such a
23 manner that, generally, those uses which are economically or physically
24 dependent on a coastal location are given higher priority when compared
25 to uses which do not economically or physically require a coastal
26 location;

27 (5) the protection and management of significant historic,
28 cultural, natural and aesthetic values and natural systems or processes
29 within the coastal area;

1 (6) the prevention of damage to or degradation of land and
2 water reserved for their natural values as a result of inconsistent land
3 or water usages adjacent to that land;

4 (7) the recognition of the need for a continuing supply of
5 energy to meet the requirements of the state and the contribution of a
6 share of the state's resources in meeting national energy needs; and

7 (8) the full and fair evaluation of all demands on the land
8 and water in the coastal area.

9 Sec. 46.35.030. DEVELOPMENT OF DISTRICT COASTAL MANAGEMENT PRO-
10 GRAMS. Coastal resource districts shall develop and adopt district
11 coastal management programs in accordance with the provisions of this
12 chapter. The program adopted by a coastal resource district shall be
13 based upon a comprehensive resource use plan or a comprehensive state-
14 ment of needs, policies, objectives and standards governing the use of
15 resources within the coastal area of the district. The program shall be
16 consistent with the guidelines and standards adopted by the council
17 under sec. 40 of this chapter and shall include:

18 (1) a delineation within the district of the boundaries of
19 the coastal area subject to the district coastal management program;

20 (2) a statement, list, or definition of the land and water
21 uses and activities subject to the district coastal management program;

22 (3) a statement of policies to be applied to the land and
23 water uses subject to the district coastal management program;

24 (4) regulations, as appropriate, to be applied to the land
25 and water uses subject to the district coastal management program;

26 (5) a description of the uses and activities which will be
27 considered proper and the uses and activities which will be considered
28 improper with respect to the land and water within the coastal area;

29 (6) a summary or statement of the policies which will be

1 applied and the procedures which will be used to determine whether
2 specific proposals for land or water uses or activities shall be allowed;
3 and

4 (7) a designation of, and the policies which will be applied
5 to the use of, areas within the coastal resource district which merit
6 special attention.

7 Sec. 46.35.040. DUTIES OF THE ALASKA COASTAL POLICY COUNCIL. The
8 Alaska Coastal Policy Council shall

9 (1) by regulation adopted under the provisions of the
10 Administrative Procedure Act (AS 44.62), identify and define, within
11 six months of the effective date of this Act, for the use of and
12 application by coastal resource districts and state agencies for carry-
13 ing out their responsibilities under this chapter, guidelines and
14 standards for

15 (A) identifying the boundaries of the coastal area
16 subject to the district coastal management program;

17 (B) determining the land and water uses and activities
18 subject to the district coastal management program;

19 (C) developing policies applicable to the land and
20 water uses subject to the district coastal management program;

21 (D) developing regulations applicable to the land and
22 water uses subject to the district coastal management program;

23 (E) developing policies and procedures to determine
24 whether specific proposals for the land and water uses or activities
25 subject to the district coastal management program shall be allowed;

26 (F) designating and developing policies for the use of
27 areas of the coast which merit special attention; and

28 (G) measuring the progress of a coastal resource dis-
29 trict in meeting its responsibilities under this chapter;