

LEG. FINANCE - BILLS 1981 - 1982 1721

SSSB 796 cont. - SB 802 1721

1 purpose for which the Alaska Chilkat Bald Eagle Preserve is established.

2 (c) It is the intent of the legislature in enacting AS 41.20.506 -
3 41.20.525 to provide sufficient protection for the purposes for which
4 the Alaska Chilkat Bald Eagle Preserve is established. Accordingly, the
5 establishment of the Alaska Chilkat Bald Eagle Preserve and the Haines
6 State Forest Resource Management Area (AS 41.15.500 - 41.15.520) is
7 determined to represent a proper balance between the reservation of
8 state public domain land and water for bald eagle preserve purposes and
9 state public domain land and water more appropriate for multiple use.
10 Therefore, the legislature determines that there is no need for legisla-
11 tion expanding or contracting the boundary of the Alaska Chilkat Bald
12 Eagle Preserve in the future; the legislature further determines that
13 study by a state agency of the expansion or contracting of the boundary
14 of the preserve shall be conducted under AS 41.20.507(j).

15 (d) Inasmuch as the area described in AS 41.20.507(k) exceeds 640
16 acres, AS 41.20.506 - 41.20.525 are intended to close the area to mul-
17 tiple use in conformity with AS 38.05.300 and the land is dedicated as a
18 special purpose site under art. VIII, sec. 7 of the state constitution.

19 Sec. 41.20.507. ESTABLISHMENT AND MANAGEMENT. (a) Subject to
20 valid existing rights, the land and water presently owned by the state
21 and all land and water acquired in the future by the state lying within
22 the boundaries described in (k) of this section are designated the
23 Alaska Chilkat Bald Eagle Preserve and assigned to the Department of
24 Natural Resources for control, development, and maintenance.

25 (b) Private land, pending and approved land selections made by the
26 Haines Borough under state law on the effective date of this Act, Univer-
27 sity of Alaska grant land not located within the Chilkat River Critical
28 Habitat Area established by AS 16.20.230(8) and existing transportation
29 and utility corridors located partially or completely within the Alaska

1 Chilkat Bald Eagle Preserve are excluded from the Alaska Chilkat Bald
2 Eagle Preserve. The commissioner of natural resources may not acquire
3 private land or University of Alaska grant land located partially or
4 completely within the Alaska Chilkat Bald Eagle Preserve by eminent
5 domain for any purpose.

6 (c) Approved or pending Native allotments located partially or
7 completely within the Alaska Chilkat Bald Eagle Preserve are not ad-
8 versely affected by the establishment of the Alaska Chilkat Bald Eagle
9 Preserve and all approved allotments and all pending allotments located
10 partially or completely within the preserve shall be treated as private
11 land.

12 (d) The Department of Fish and Game is responsible for the manage-
13 ment of fish and game resources in the Alaska Chilkat Bald Eagle Pre-
14 serve under applicable law and consistent with the purposes of AS 41.-
15 20.506 - 41.20.525.

16 (e) The Department of Natural Resources shall consult with the
17 Department of Fish and Game, the United States Fish and Wildlife Ser-
18 vice, and the Alaska Chilkat Bald Eagle Preserve Advisory Council estab-
19 lished by AS 41.20.515 before adoption of reasonable regulations govern-
20 ing public use and protection of the Alaska Chilkat Bald Eagle Preserve.
21 The Department of Fish and Game shall consult with the Department of
22 Natural Resources and the Alaska Chilkat Bald Eagle Preserve Advisory
23 Council in proposing regulations governing fish and game management in
24 the Alaska Chilkat Bald Eagle Preserve for adoption by the Board of
25 Fisheries or the Board of Game. The Department of Fish and Game and the
26 Department of Natural Resources shall cooperate with the United States
27 Fish and Wildlife Service in its administration of federal law governing
28 the conservation of bald eagles.

29 (f) The state land and water described in (k) of this section are

1 closed to mineral entry under AS 38.05.135 - 38.05.280, to commercial
2 harvest of timber, to sale under state land disposal laws, and to muni-
3 cipal selections made after the effective date of this Act. The commis-
4 sioner of natural resources may lease the land described in (k) of this
5 section under AS 38.05.070 - 38.05.105 for a purpose consistent with
6 AS 41.20.506(a).

7 (g) Continued oportunities for traditional uses of the Alaska
8 Chilkat Bald Eagle Preserve at levels and by methods and means that are
9 compatible with the protection of the bald eagle population are guaran-
10 teed. These historically compatible uses include but are not limited to
11 hunting, trapping, fishing, berry picking, other subsistence and recrea-
12 tional uses, operation of motorized vehicles, and the harvesting of
13 personal-use firewood. The level and method or means of traditional use
14 shall be permitted to continue subject to reasonable regulation unless
15 the director of the division of parks, Department of Natural Resources,
16 after consultation with the Alaska Chilkat Bald Eagle Preserve Advisory
17 Council, makes a finding that the level or method and means of use is
18 causing significant resource damage that is inconsistent with AS 41.20.-
19 506(a). The director of the division of parks shall hold a public
20 hearing in Haines and Klukwan before restricting a traditional use
21 permitted under this section.

22 (h) If privately owned land, University of Alaska grant land, valid
23 mining rights, existing mineral leases, subsurface rights on private
24 land, or other valid occupancy is surrounded by state land of the Alaska
25 Chilkat Bald Eagle Preserve or if privately owned land, University of
26 Alaska grant land, federal land, or state land not described in (k) of
27 this section, valid mining claims, subsurface rights, or other valid oc-
28 cupancy on land not described in (k) of this section does not have rea-
29 sonable, timely, and economically feasible access and egress by means

1 other than crossing land designated as Alaska Chilkat Bald Eagle Preserve
2 land in (k) of this section, the director of the division of parks shall
3 grant a private landowner, the University of Alaska, a holder of valid
4 existing rights to land, or a state agency or federal agency rights
5 necessary to assure reasonable, timely, and economically feasible access
6 and egress. The rights of access and egress granted under this subsec-
7 tion are subject to reasonable regulation and stipulations established
8 by the director of the division of parks after consulting with the
9 Alaska Chilkat Bald Eagle Preserve Advisory Council to protect the
10 purposes and values of the Alaska Chilkat Bald Eagle Preserve and to
11 minimize adverse environmental impacts in the preserve. The director of
12 the division of parks shall give favorable consideration to applications
13 for utility rights-of-way that are compatible with AS 41.20.506(a).

14 (i) The director of the division of parks and the Alaska Chilkat
15 Bald Eagle Advisory Council established under AS 41.20.515, in consulta-
16 tion with the United States Fish and Wildlife Service, the Department of
17 Fish and Game, the Chilkat Indian Village, the Chilkoot Indian Associa-
18 tion, and other appropriate groups, may use information gained through
19 cooperative resource studies in the development of the management plan
20 for the Alaska Chilkat Bald Eagle Preserve and in decisions affecting
21 the management and administration of the preserve. The director of the
22 division of parks and the advisory council shall investigate the need
23 for additional research to increase knowledge and understanding of the
24 natural and cultural resources of the area and to enhance the effective
25 management of the Alaska Chilkat Bald Eagle Preserve.

26 (j) An agency of the state may not participate or cooperate with a
27 federal or private study considering additions to or deletions from the
28 area of the Alaska Chilkat Bald Eagle Preserve without giving 90 days
29 prior notice to the Alaska Chilkat Bald Eagle Preserve Advisory Council.

1 The director of the division of parks may waive the notice required by
2 this subsection on his determination in writing to the advisory council
3 that an emergency necessitates immediate study or a shorter period of
4 notice to the advisory council.

5 (k) Except for University of Alaska grant land, the land and water
6 owned by the state and all land and water acquired by the state in the
7 future lying within the following described parcels are designated as
8 the Alaska Chilkat Bald Eagle Preserve:

9 (1) Township 26 South, Range 55 East, Copper River Meridian

10 Section 12: that portion within USS 3708

11 Section 13

12 Section 23: SE1/4NE1/4, NE1/4SE1/4, E1/2NW1/4SE1/4,
13 S1/2SE1/4

14 Sections 24 and 25

15 Section 26: E1/2

16 Section 33: SE1/4SE1/4SE1/4

17 Section 34: E1/2NE1/4, E1/2SW1/4NE1/4, SE1/4NE1/4SW1/4,
18 E1/2SW1/4SW1/4, SW1/4SW1/4SW1/4, SE1/4SW1/4, SE1/4

19 Section 35

20 Section 36: NE1/4NW1/4NE1/4, W1/2W1/2NE1/4, NW1/4,
21 N1/2SW1/4, N1/2SW1/4SW1/4, SW1/4SW1/4SW1/4, NW1/4SE1/4-
22 SW1/4, NW1/4SE1/4

23 (2) Township 26 South, Range 56 East, Copper River Meridian

24 Section 7: SW1/4NE1/4, S1/2NW1/4, S1/2

25 Section 8: SE1/4SW1/4NW1/4, SE1/4NW1/4, SW1/4, that
26 portion of the S1/2NE1/4 within USS 3708

27 Section 17: W1/2NW1/4

28 Section 18

29 Section 19: W1/2, SW1/4SE1/4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Section 30: NE1/4NW1/4NE1/4, W1/2NW1/4NE1/4, NW1/4,
W1/2SW1/4

(3) Township 27 South, Range 55 East, Copper River Meridian

Section 2: NW1/4, W1/2NE1/4SW1/4, NW1/4SW1/4, N1/2SW1/4-
SW1/4, SW1/4SW1/4SW1/4, NW1/4SE1/4SW1/4, except USS 3744

Section 3

Section 4: NE1/4NE1/4NE1/4, S1/2NE1/4NE1/4, E1/2SW1/4-
NE1/4, SE1/4NE1/4, E1/2SE1/4SW1/4, SE1/4

Section 8: SE1/4SE1/4SW1/4, S1/2S1/2SE1/4, N1/2SE1/4-
SE1/4

Section 9: E1/2, E1/2NW1/4, N1/2NE1/4SW1/4, SE1/4NE1/4-
SW1/4, NW1/4SW1/4SW1/4, S1/2S1/2SW1/4

Section 10: W1/2W1/2NE1/4, W1/2

Section 15: NW1/4NW1/4NE1/4, S1/2NW1/4NE1/4, SW1/4NE1/4,
W1/2, W1/2SE1/4

Section 16: E1/2, NW1/4, N1/2SW1/4, NW1/4SE1/4SW1/4,
E1/2SE1/4SW1/4

Section 17: N1/2NE1/4, NE1/4SW1/4NE1/4, SE1/4NE1/4,
E1/2NE1/4NW1/4, N1/2NE1/4SE1/4, SE1/4NE1/4SE1/4

Section 21: E1/2, E1/2E1/2NW1/4, SW1/4SE1/4NW1/4, E1/2-
SW1/4, SE1/4SW1/4SW1/4

Section 22: SW1/4NE1/4NE1/4, W1/2E1/2, W1/2SE1/4NE1/4,
W1/2, W1/2E1/2SE1/4

Section 26: NW1/4NW1/4NW1/4, S1/2NW1/4NW1/4, SW1/4NW1/4,
W1/2E1/2SW1/4, W1/2SW1/4

Section 27

Section 28: E1/2, E1/2W1/2, E1/2W1/2W1/2

Section 33: N1/2NE1/4, E1/2SW1/4NE1/4, NW1/4SW1/4NE1/4,
SE1/4NE1/4, E1/2NE1/4NW1/4, NE1/4SE1/4, E1/2NW1/4SE1/4,

1 N1/2SE1/4SE1/4, SE1/4SE1/4SE1/4

2 Section 34

3 Section 35: NW1/4NW1/4NE1/4, S1/2NW1/4NE1/4, SW1/4NE1/4,
4 NW1/4SE1/4NE1/4, S1/2SE1/4NE1/4, W1/2, SE1/4

5 Section 36: W1/2SW1/4SW1/4

6 (4) Township 28 South, Range 55 East, Copper River Meridian

7 Section 1: S1/2SW1/4NW1/4, SW1/4

8 Section 2

9 Section 3: NE1/4, N1/2NW1/4, N1/2SW1/4NW1/4, SE1/4NW1/4,
10 NE1/4NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4

11 Section 4: E1/2NE1/4NE1/4

12 Section 10: that portion of Mosquito Lake

13 Section 11: N1/2, N1/2SE1/4, NE1/4SW1/4SE1/4, SE1/4SE1/4,
14 except USS 3431

15 Section 12

16 Section 13: E1/2, NE1/4NW1/4, E1/2NW1/4NW1/4, NW1/4NW1/4-
17 NW1/4, NW1/4SE1/4NW1/4, E1/2SE1/4NW1/4

18 Section 15: that portion of Mosquito Lake

19 Section 19: Lot 13

20 Section 24: E1/2E1/2, NE1/4NW1/4NE1/4

21 Section 25: Lots 9 - 11 and 16

22 Section 26: that portion of Lot 5 and NE1/4NW1/4 south
23 of the Haines Highway and Lots 1, 12, and 17

24 Section 27: Lots 5 - 8, 10, 13, 18, 19, and 22

25 Section 28, except S1/2NE1/4SW1/4, S1/2S1/2, S1/2N1/2-
26 SE1/4 and that portion north of the Haines Highway

27 Section 29, except S1/2S1/2S1/2, NE1/4SE1/4SE1/4 and
28 Lots 9, 14, 15, and 18

29 Section 30: Lot 11 and N1/2NE1/4SE1/4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Section 33: S1/2SE1/4SE1/4

Section 34: S1/2S1/2S1/2

Section 35: Lot 1

Section 36: N1/2N1/2, N1/2SW1/4NE1/4, NE1/4SE1/4NW1/4
and Lot 5

(5) Township 28 South, Range 56 East, Copper River Meridian

Section 7: SW1/4NW1/4NW1/4, SW1/4NW1/4, SW1/4SE1/4NW1/4,
W1/2NE1/4SW1/4, SE1/4NE1/4SW1/4, NW1/4SW1/4, S1/2SW1/4,
SW1/4SW1/4SE1/4

Section 17: W1/2SW1/4SW1/4, SE1/4SW1/4SW1/4

Section 18: W1/2W1/2NE1/4, E1/2SW1/4NE1/4, SW1/4SE1/4-
NE1/4, W1/2, SE1/4

Section 19

Section 20: W1/2W1/2

Section 29: Lots 8 - 11

Section 30, except Lots 1, 4, 5, 8, 15 - 17, and the
NE1/4SW1/4

Section 31

Section 32, except USS 991, USS 2455, and Lots 1, 2,
and 24

Section 33: S1/2 except USS 2455 and Lots 18 - 21

Section 34: Lots 1, 2, S1/2NE1/4SE1/4, W1/2SW1/4SE1/4,
SE1/4SW1/4SE1/4

(6) Township 28 South, Range 57 East, Copper River Meridian

Section 22: NE1/4SW1/4, E1/2SE1/4SW1/4, W1/2NW1/4SE1/4,
SW1/4SE1/4, NW1/4SE1/4SE1/4, S1/2SE1/4SE1/4

Section 26: W1/2SW1/4NW1/4, W1/2W1/2SW1/4

Section 27: E1/2E1/2, N1/2NW1/4NE1/4, SE1/4NW1/4NE1/4

Section 34: NE1/4NE1/4, NE1/4SE1/4NE1/4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Section 35: SW1/4SW1/4NE1/4, NW1/4NW1/4NW1/4, S1/2NW1/4-
NW1/4, S1/2NW1/4, E1/2SW1/4, NW1/4NW1/4SE1/4, S1/2NW1/4-
SE1/4, S1/2SE1/4, SW1/4NE1/4SE1/4

(7) Township 29 South, Range 55 East, Copper River Meridian

Section 1: S1/2NE1/4NE1/4, E1/2SW1/4NE1/4, N1/2SE1/4-
NE1/4, SW1/4SE1/4NE1/4, NW1/4NE1/4SE1/4, NE1/4NW1/4SE1/4

(8) Township 29 South, Range 56 East, Copper River Meridian

Section 1

Section 2: N1/2NE1/4, E1/2SE1/4NE1/4, NE1/4NW1/4, E1/2-
NE1/4SE1/4, NE1/4SE1/4SE1/4

Section 4: W1/2NW1/4, W1/2SE1/4NW1/4, SE1/4SE1/4NW1/4,
SW1/4, W1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, SW1/4SE1/4,
W1/2SE1/4SE1/4, SE1/4SE1/4SE1/4

Section 5: E1/2, N1/2NW1/4, SE1/4NE1/4SW1/4, E1/2SE1/4-
SW1/4

Section 6: N1/2N1/2NE1/4, NE1/4NE1/4NW1/4, S1/2NE1/4-
NW1/4, S1/2NW1/4NW1/4, N1/2SW1/4NW1/4, NW1/4SE1/4NW1/4

Section 8, except SW1/4SW1/4 and S1/2SE1/4SW1/4

Section 9

Section 10: S1/2S1/2NE1/4, SW1/4NE1/4NW1/4, NW1/4NW1/4,
S1/2NW1/4, S1/2

Section 11: S1/2NE1/4, S1/2S1/2NW1/4, NE1/4SW1/4NW1/4,
N1/2SE1/4NW1/4, S1/2

Sections 12, 13, 14

Section 15: N1/2, N1/2N1/2SW1/4, E1/2SE1/4, NW1/4SE1/4,
E1/2SW1/4SE1/4

Section 16: E1/2NE1/4, E1/2W1/2NE1/4, W1/2NW1/4NE1/4,
NW1/4SW1/4NE1/4, N1/2N1/2NW1/4, SE1/4NE1/4NW1/4, NE1/4-
SE1/4NW1/4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Section 17: N1/2NE1/4NE1/4

Section 22: N1/2NE1/4NE1/4, NE1/4NW1/4NE1/4

Section 23: that portion of the N1/2NW1/4 lying west of
Chilkat Lake

(9) Township 29 South, Range 57 East, Copper River Meridian

Section 4: NW1/4NW1/4SW1/4, S1/2NW1/4SW1/4, SW1/4SW1/4,
NW1/4SE1/4SW1/4, S1/2SE1/4SW1/4

Section 5: SW1/4NE1/4, NW1/4SE1/4NE1/4, S1/2SE1/4NE1/4,
SW1/4NE1/4NW1/4, W1/2NW1/4, SE1/4NW1/4, S1/2

Sections 6 - 8

Section 9: W1/2W1/2NE1/4, SE1/4SW1/4NE1/4, SW1/4SE1/4-
NE1/4, NW1/4, S1/2

Section 10: Lot 1, W1/2E1/2SW1/4

Section 14: that portion west of the Haines Highway

Section 15: W1/2NE1/4, W1/2, SW1/4SE1/4, Lots 11 and 12

Sections 16 - 18

Section 19: NE1/4NE1/4NE1/4

Section 20: NE1/4, E1/2NW1/4, NW1/4NW1/4, E1/2SW1/4NW1/4,
NE1/4SE1/4, N1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, NE1/4SE1/4-
SE1/4

Sections 21 and 22

Section 23: that portion west of the Haines Highway

Section 25: that portion west of the Haines Highway

Section 26: that portion west of the Haines Highway

Section 27

Section 28: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4, N1/2SE1/4-
NW1/4, NE1/4SE1/4, N1/2NW1/4SE1/4, SE1/4NW1/4SE1/4,
NE1/4SE1/4SE1/4

Section 34: NE1/4, NE1/4NW1/4, NE1/4SE1/4NW1/4, NE1/4-

1 SE1/4, NE1/4NW1/4SE1/4, E1/2SE1/4SE1/4

2 Section 35

3 Section 36: that portion west of the Haines Highway

4 (10) Township 29 South, Range 58 East, Copper River Meridian

5 Section 3: S1/2SW1/4NW1/4, SW1/4NE1/4SW1/4, W1/2SW1/4,
6 SE1/4SW1/4, S1/2SW1/4SE1/4

7 Section 4: SW1/4NE1/4NE1/4, W1/2NE1/4, SE1/4NE1/4, NW1/4,
8 NE1/4SW1/4, SE1/4

9 Section 9: NE1/4NE1/4

10 Section 10: N1/2, E1/2SW1/4, E1/2W1/2SW1/4, NW1/4NW1/4-
11 SW1/4, SE1/4

12 (11) Township 30 South, Range 57 East, Copper River Meridian

13 Section 1

14 Section 2: NE1/4, NE1/4NW1/4, N1/2NW1/4NW1/4, SE1/4NW1/4-
15 NW1/4, N1/2SE1/4NW1/4, SE1/4SE1/4NW1/4, N1/2SE1/4,
16 N1/2SE1/4SE1/4

17 Section 3: NE1/4NE1/4NE1/4

18 Section 12: NE1/4, NE1/4NW1/4, NE1/4NW1/4NW1/4, NE1/4-
19 SE1/4NW1/4, W1/2NE1/4SE1/4, NE1/4NW1/4SE1/4, E1/2E1/2-
20 SE1/4, NW1/4SE1/4SE1/4

21 Section 13: NE1/4NE1/4NE1/4

22 (12) Township 30 South, Range 58 East, Copper River Meridian

23 Section 6: that portion west of the Haines Highway

24 Section 7: that portion west of the Haines Highway

25 Section 8: that portion west of the Haines Highway

26 Section 16: that portion west of the Haines Highway

27 Section 17: that portion west of the Haines Highway

28 Section 18: E1/2, N1/2NW1/4, N1/2SE1/4NW1/4, SE1/4SE1/4-
29 NW1/4

1 (l) Historical, cultural, and burial sites identified in the
2 Alaska Chilkat Bald Eagle Preserve management plan are not available for
3 surface disposal under AS 41.20.507(f) and shall be managed by the
4 director of parks to prevent vandalism, destruction, and desecration.

5 (m) The director of the division of parks and the director of the
6 division of forestry shall consult in the preparation of the management
7 plan prepared under AS 41.20.507(i) to promote effective, efficient, and
8 coordinated administration of the Haines State Forest Resource Manage-
9 ment Area and the Alaska Chilkat Bald Eagle Preserve for the purposes
10 and values for which each is established.

11 (n) University of Alaska grant land located within the boundary of
12 the Chilkat River Critical Habitat Area established under AS 16.20.230(8)
13 is excluded from the Alaska Chilkat Bald Eagle Preserve.

14 Sec. 41.20.515. ALASKA CHILKAT BALD EAGLE PRESERVE ADVISORY COUN-
15 CIL. (a) A 12-member Alaska Chilkat Bald Eagle Preserve Advisory
16 Council is established. The members of the advisory council shall be
17 selected under this section. Members of the advisory council or their
18 alternates are entitled to the per diem and travel expenses authorized
19 for members of state boards under AS 39.20.180.

20 (b) The governor may appoint individuals to the Alaska Chilkat
21 Bald Eagle Preserve Advisory Council representing the following inter-
22 ests for a two-year term:

23 (1) a resident of the Haines Borough representing a conserva-
24 tion organization; and

25 (2) a representative of the United States Fish and Wildlife
26 Service.

27 (c) The mayor of the City of Haines, the mayor of the Haines
28 Borough, the president of Klukwan, Inc., the chairman of the Council of
29 the Chilkat Indian Village, and the chairman of the Chilkoot Indian

1 Association are ex officio members of the Alaska Chilkat Bald Eagle
2 Preserve Advisory Council. The mayor of the Haines Borough may recom-
3 mend to the governor for appointment to the advisory council the name of
4 a resident of the Haines Borough for the representation of commercial or
5 industrial interests.

6 (d) The commissioner of fish and game, the director of the divi-
7 sion of parks, and the director of the division of forestry, or their
8 designees, serve ex officio as members of the Alaska Chilkat Bald Eagle
9 Preserve Advisory Council.

10 (e) The Alaska Chilkat Bald Eagle Preserve Advisory Council shall
11 assist the Department of Natural Resources in the development and moni-
12 toring of a management plan for the Alaska Chilkat Bald Eagle Preserve.
13 The management plan shall be presented at public hearings in Haines and
14 Klukwan before approval and implementation by the department.

15 (f) Members of the Alaska Chilkat Bald Eagle Preserve Advisory
16 Council selected under (b) - (d) of this section may select alternates
17 to act as members of the advisory council in their absence.

18 Sec. 41.20.525. EXISTING RIGHTS. The establishment of the Alaska
19 Chilkat Bald Eagle Preserve under AS 41.20.506 - 41.20.525 does not
20 enlarge, diminish, add to, or waive a requirement of law otherwise
21 applicable to the management or use of the state land of the Haines
22 State Forest Resource Management Area (AS 41.15.500 - 41.15.520) or
23 private land. An activity allowed under law on land not described in
24 AS 41.20.507(k), including but not limited to timber harvest, mining,
25 resource development, and recreation, is permitted so long as the activ-
26 ity is conducted in compliance with law.

27 * Sec. 2. AS 41.15 is amended by adding new sections to read:

28 ARTICLE 3A. HAINES STATE FOREST RESOURCE MANAGEMENT AREA.

29 Sec. 41.15.500. HAINES STATE FOREST RESOURCE MANAGEMENT AREA. (a)

1 The purpose of AS 41.15.500 - 41.15.520 is to establish the land and
2 water presently owned by the state and all land and water acquired in
3 the future by the state lying within the boundaries described in AS 41.-
4 15.510(a) as the Haines State Forest Resource Management Area. The
5 primary purposes for the establishment of the Haines State Forest Re-
6 source Management Area are the utilization, perpetuation, conservation,
7 and production of the land and water including but not limited to the
8 use of renewable and nonrenewable resources through multiple-use manage-
9 ment and the continuation of other beneficial uses including traditional
10 uses and other recreational activities.

11 (b) The responsibility for the management, control, development,
12 and maintenance of the Haines State Forest Resource Management Area
13 established under AS 41.15.500 - 41.15.520 is assigned to the Department
14 of Natural Resources.

15 Sec. 41.15.510. BOUNDARIES AND MANAGEMENT OF HAINES STATE FOREST
16 RESOURCE MANAGEMENT AREA. (a) Subject to valid existing rights, the
17 land and water presently owned by the state and all land and water
18 acquired in the future by the state lying within the following described
19 parcels are designated as the Haines State Forest Resource Management
20 Area:

21 (1) All lands encompassed by U.S. Survey 3708, Tracts A, B
22 and C but excluding U.S.M.S. 2206.

23 (2) Those mental health lands (MH-153) approved in the state
24 selection letter from the United States Bureau of Land Management dated
25 August 26, 1974, described as follows: Beginning at corner No. 1 of
26 this tract which is common to angle point No. 5 of U.S. Survey 3708,
27 then north 02°13'51" west 52.639 chains along the survey line to corner
28 No. 2 of this tract which is common to angle point No. 6 of U.S. Survey
29 3708, then north 12°01'18" west 13.346 chains to corner No. 3 of this

1 tract which is common to angle point No. 7 of U.S. Survey 3708, then
2 north 53°57'42" west 537.070 chains to corner No. 4 of this tract which
3 is common to angle point No. 7-A of U.S. Survey 3708, then south 0°0'30"
4 east 63.06 chains to corner No. 5 of this tract, then south 53°57'42"
5 east 542.00 chains to corner No. 1 of this tract and angle point No. 5,
6 U.S. Survey 3708, the point of beginning.

7 (3) Township 28 South, Range 56 East, Copper River Meridian
8 Section 29: that portion of the N1/2 lying east of
9 U.S.S. 3708

10 Section 34: NW1/4, SE1/4

11 (4) Township 28 South, Range 57 East, Copper River Meridian

12 (5) Township 28 South, Range 58 East, Copper River Meridian

13 (6) Township 29 South, Range 57 East, Copper River Meridian

14 Section 36: that portion of Lots 1, 5, 6, and 10 lying
15 east of U.S.S. 3708

16 (7) Township 29 South, Range 58 East, Copper River Meridian

17 (8) Township 29 South, Range 59 East, Copper River Meridian

18 (9) Township 29 South, Range 60 East, Copper River Meridian

19 Sections 19 - 36

20 (10) Township 29 South, Range 61 East, Copper River Meridian

21 Sections 19 - 36

22 (11) Township 29 South, Range 62 East, Copper River Meridian

23 Sections 19 and 20

24 Sections 29 - 32

25 (12) Township 30 South, Range 57 East, Copper River Meridian

26 Section 1: that portion of Lot 1 lying east of U.S.S.

27 3708

28 (13) Township 30 South, Range 58 East, Copper River Meridian

29 That portion lying east and south of U.S.S. 3708

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

- (14) Township 30 South, Range 59 East, Copper River Meridian
 - Sections 1- 10
 - Section 12
 - Sections 14 - 23
 - Section 27: that portion lying west of the Haines Corporation boundary
 - Sections 28 - 31
 - Section 33
- (15) Township 30 South, Range 60 East, Copper River Meridian
- (16) Township 30 South, Range 61 East, Copper River Meridian
- (17) Township 30 South, Range 62 East, Copper River Meridian
 - Sections 5 - 8
 - Sections 17 - 20
 - Sections 29 - 32
- (18) Township 31 South, Range 58 East, Copper River Meridian
- (19) Township 31 South, Range 59 East, Copper River Meridian
 - Sections 6 - 8
 - Sections 16 - 22
 - Sections 27 - 34
- (20) Township 31 South, Range 60 East, Copper River Meridian
 - Sections 1 - 4
 - Sections 9 - 15
 - Sections 22 - 24
 - Sections 35 and 36
- (21) Township 31 South, Range 61 East, Copper River Meridian
 - Sections 1 - 30
- (22) Township 31 South, Range 62 East, Copper River Meridian
 - Sections 5 - 8
 - Sections 17 - 20

1 Sections 31 and 32

2 (23) Township 32 South, Range 59 East, Copper River Meridian

3 Sections 3 - 33

4 Sections 34 - 36: that portion lying north of the Tongass

5 National Forest boundary

6 (b) Private land, University of Alaska grant land, existing trans-
7 portation corridors, and borough selection within the Haines State Forest
8 Resource Management Area are excluded from the Haines State Forest
9 Resource Management Area. The commissioner of natural resources may not
10 acquire private land or University of Alaska grant land located within
11 the Haines State Forest Resource Management Area by eminent domain for
12 any purpose.

13 (c) Approved or pending Native allotment applications located
14 partially or completely within the Haines State Forest Resource Manage-
15 ment Area are not adversely affected by the establishment of the Haines
16 State Forest Resource Management Area and all approved allotments and
17 all pending allotments shall be treated as private land.

18 (d) The division of forestry shall consult with the division of
19 parks, the Department of Fish and Game, and the Alaska Chilkat Bald
20 Eagle Preserve Advisory Council to promote effective, efficient, and
21 coordinated administration of the Haines State Forest Resource Management
22 Area and the Alaska Chilkat Bald Eagle Preserve for the values for which
23 each is established.

24 (e) Resource studies undertaken by the Department of Natural
25 Resources shall be designed to benefit the management and administration
26 of the Haines State Forest Resource Management Area and the Alaska
27 Chilkat Bald Eagle Preserve.

28 (f) The establishment of the Haines State Forest Resource Manage-
29 ment Area has no effect on the terms and conditions of an existing

1 permit or contract involving use of the land, water, or other resources
2 of the Haines State Forest Resource Management Area.

3 Sec. 41.15.520. MULTIPLE-USE MANAGEMENT. (a) The Haines State
4 Forest Resource Management Area shall be managed under the principles of
5 multiple use and sustained yield as defined in AS 38.04.910, under
6 AS 41.17, and under a management plan prepared by the Department of
7 Natural Resources. The plan may not be adopted or revised without prior
8 review by the Board of Forestry or without a public hearing held in
9 Haines and Klukwan.

10 (b) The Department of Natural Resources shall periodically review
11 and revise the management plan adopted for the Haines State Forest
12 Resource Management Area under (a) of this section. The management plan
13 shall be based on an existing operational level inventory and revised as
14 future inventory information becomes available to the department.

15 (c) A copy of a management plan and any revision to it prepared by
16 the Department of Natural Resources, reviewed by the Board of Forestry
17 and adopted by the department after public hearings required under (a)
18 of this section shall be provided to the legislature within 30 days of
19 its adoption or revision or within the first 10 days of the first session
20 of the legislature to convene after its adoption or revision.

21 (d) The Department of Fish and Game is responsible for the manage-
22 ment of fish and game resources in the Haines State Forest Resource
23 Management Area under applicable law and in a manner consistent with
24 AS 41.15.500 - 41.15.520.

25 (e) The control of highway access and roadside structures within
26 the Haines State Forest Resource Management Area is the responsibility
27 of the Department of Natural Resources except that the Department of
28 Transportation and Public Facilities is responsible for the repair and
29 maintenance of public roads in the Haines State Forest Resource Manage-

1 ment Area.

2 (f) The state land and water described in AS 41.15.510(a) are
3 closed to sale under state land disposal laws and to municipal selec-
4 tions made after the effective date of this Act. The commissioner of
5 natural resources may lease the land described in AS 41.15.510(a) under
6 AS 38.05.070 - 38.05.105 for a purpose consistent with AS 41.15.500(a).

7 (g) The Department of Natural Resources shall consult with the
8 Department of Fish and Game during preparation of a management plan
9 under (a) and (b) of this section and during formulation of regulations
10 governing the use of the Haines State Forest Resource Management Area.
11 The Department of Fish and Game shall consult with the Department of
12 Natural Resources before adopting regulations governing fish and wild-
13 life management in the Haines State Forest Resource Management Area.
14 Regulations may not be adopted by either department without prior review
15 at a public hearing.

16 (h) The Department of Natural Resources may enter into cooperative
17 management agreements with a person who holds title to or has a valid
18 entry on land within or adjoining the boundaries of the Haines State
19 Forest Resource Management Area.

20 * Sec. 3. The management plan for the Alaska Chilkat Bald Eagle Preserve
21 prepared by the Department of Natural Resources under AS 41.20.507(i) as
22 enacted in sec. 1 of this Act shall be adopted and implemented within two
23 years after the effective date of this Act.

24 * Sec. 4. The management plan for the Haines State Forest Resource Manage-
25 ment Area prepared by the Department of Natural Resources under AS 41.15.520
26 enacted in sec. 2 of this Act shall be adopted and implemented within two
27 years after the effective date of this Act. The Haines-Skagway Area Land Use
28 Plan adopted by the Department of Natural Resources in 1979 shall be used as
29 the basis for preparation of the initial management plan for the Haines State

1 Forest Resource Management Area. Before approval of the management plan
2 prepared under AS 41.15.520, management of the Haines State Forest Resource
3 Management Area shall be conducted under the land use allocations and the
4 appropriate management provisions of the Haines-Skagway Area Land Use Plan.

5 * Sec. 5. This Act takes effect July 1, 1982.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Introduced: 3/4/82
Referred: Resources and
Finance

1 IN THE SENATE

BY RAY

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 796
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the management of state-owned
7 land in the Haines area, establishing the Alaska Chilkat
8 Bald Eagle Preserve and the Haines State Forest Resource
9 Management Area"

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

11 * Section 1. AS 41.20 is amended by adding new sections to read:

12 ARTICLE 16. ALASKA CHILKAT BALD EAGLE PRESERVE.

13 Section 41.20.550. DECLARATION OF PURPOSE. The purpose of
14 AS 41.20.550 - 41.20.560 is to establish the state-owned land and water
15 described in AS 41.20.550(a) as the Alaska Chilkat Bald Eagle Preserve
16 as part of the state park system. The primary purpose of establishing
17 the Alaska Chilkat Bald Eagle Preserve is to protect and perpetuate the
18 the Chilkat bald eagles and their essential habitats within the preserve
19 in recognition of their statewide, nationally and internationally
20 significant values, and to protect the natural salmon spawning and
21 rearing areas of the Chilkat and Chilkoot River systems within the
22 preserve. The preserve is also established to provide continued
23 opportunities for research, study and enjoyment of bald eagles and other
24 wildlife and to provide for other public uses consistent with the primary
25 purpose for which the Alaska Chilkat Bald Eagle Preserve is established.
26 The statelands and waters described in section 550(a) of this chapter
27 are dedicated as a special purpose site pursuant to Article VIII, section
28 7 of the Alaska Constitution.

29 ESTABLISHMENT AND MANAGEMENT

1 (a) Subject to valid existing rights, the state-owned or acquired
2 land and water lying within boundaries and depicted on a map entitled
3 "Alaska Chilkat Bald Eagle Preserve," and dated February, 1982, and on
4 file in the office of the Commissioner of Natural Resources, and hereby
5 designated as the Alaska Chilkat Bald Eagle Preserve and assigned to the
6 Department of Natural Resources for control, development and maintenance.

7 (b) Private land, existing selections by the Haines Borough under
8 State law, and existing transportation and utility corridors lying
9 within the parcels described in (a) of this section are excluded from
10 the Alaska Chilkat Bald Eagle Preserve, and the State may not acquire
11 private land within the Alaska Chilkat Bald Eagle Preserve by eminent
12 domain.

13 (c) Approved and pending Native allotment applications located
14 within or partially within the Alaska Chilkat Bald Eagle Preserve shall
15 not be adversely affected by the establishment of the preserve, and all
16 approved allotments shall be treated as private land under AS 41.20.550 -
17 560.

18 (d) The Department of Fish and Game is responsible for the manage-
19 ment of fish and game resources in the Alaska Chilkat Bald Eagle Preserve
20 under applicable law and consistent with the purposes of AS 41.20.550 -
21 41.20.560.

22 (e) The Department of Natural Resources shall consult with the
23 Department of Fish and Game, the U. S. Fish and Wildlife Service, and
24 the Advisory Council established by this Act before adoption of reason-
25 able regulations governing public use and protection of the Alaska
26 Chilkat Bald Eagle Preserve. The Department of Fish and Game shall
27 consult with the Department of Natural Resources and the Bald Eagle
28 Preserve Advisory Council in proposing regulations governing fish and
29 game management in the Alaska Chilkat Bald Eagle Preserve for adoption

1 by the Board of Fisheries or the Board of Game. The Department of Fish
2 and Game and the Department of Natural Resources shall cooperate with
3 the U. S. Fish and Wildlife Service in its administration of the Bald
4 Eagle Protection Act of 1940 and other appropriate laws that govern the
5 conservation of bald eagles or implement international treaty obliga-
6 tions of the United States.

7 (f) The natural habitat of the Alaska Chilkat Bald Eagle Preserve
8 shall be managed by the Department of Natural Resources to sustain the
9 eagle and salmon populations and other wildlife in perpetuity in accor-
10 dance with applicable law and to insure to the maximum extent practi-
11 cable, water quality and necessary water quantity in accordance with
12 applicable law.

13 (g) The State land and water described in (a) of this section are
14 closed to mineral entry and location under AS 38.05.135 - 38.05.280,
15 commercial harvest of timber, conveyance of fee title under State land
16 disposal laws and future municipal selections under state law.

17 (h) Continued oportunities for traditional uses of the area at
18 levels and by methods and means that are compatible with the protection
19 of the bald eagle population are guaranteed. These historically com-
20 patible uses include but are not limited to hunting, trapping, fishing,
21 berry picking, other subsistence and recreational uses, operation of
22 motorized vehicles and the harvesting of personal use firewood. The
23 level and method or means of traditional use shall be permitted to
24 continue subject to reasonable regulation unless the director of the
25 Division of Parks, after consultation with the Advisory Council, makes a
26 finding that the level or method and means of use is causing significant
27 resource damage which is inconsistent with the primary purposes of
28 AS 41.20.550 - 41.20.560. The director of the division of parks shall
29 hold public hearings in Haines and Klukwan before restricting a tradi-

1 tional use permitted under this section.

2 (i) If privately owned land, valid mining claims, existing mineral
3 leases, subsurface rights on private lands, or other valid occupancies,
4 are surrounded by State land of the Alaska Chilkat Bald Eagle Preserve
5 or if privately owned land, valid mining claims, subsurface rights, or
6 other valid occupancies or state-owned or federally owned land not
7 designated as part of the Alaska Chilkat Bald Eagle Preserve does not
8 have reasonable, timely, and economically feasible access for economic
9 and other purposes by means other than crossing land designated as part
10 of the Alaska Chilkat Bald Eagle Preserve in (a) of this section, the
11 director of the division of parks shall grant the landowner, holder of
12 valid mining claims, mineral lease or subsurface right, occupant or
13 government agency the rights necessary to assure reasonable, timely and
14 economically feasible access for economic and other purposes. This
15 right of access shall be subject to reasonable regulation and stipula-
16 tions established by the director of the division of parks in consul-
17 tation with the Advisory Committee in furtherance of the purposes and to
18 protect the values for which the Alaska Chilkat Bald Eagle Preserve was
19 established and to minimize adverse environmental impacts in the pre-
20 serve. The director of the division of parks shall give favorable
21 consideration to applications for utility rights of way that are com-
22 patible with the primary purpose of the Alaska Chilkat Bald Eagle
23 Preserve.

24 (j) The director of the division of parks and the Alaska Chilkat
25 Bald Eagle Local Advisory Council established under AS 41.20.560, in
26 consultation with the U. S. Fish and Wildlife Service and the Alaska
27 Department of Fish and Game, shall use information gained through the
28 Haines-Klukwan Cooperative resource studies and other pertinent sources
29 in the development of the management plan for the Alaska Chilkat Bald

1 Eagle Preserve and in decisions affecting the management and adminis-
2 tration of the preserve. The Management Plan shall be developed and
3 implemented within two years of the effective date of this Act. The
4 director of the division of parks and the Advisory Council shall in-
5 vestigate the need for additional research to increase knowledge and
6 understanding of the natural resources of the area and to enhance
7 effective management of the Alaska Chilkat Bald Eagle Preserve. No
8 state, federal or private study of the preserve or its resources for the
9 single purpose of adding or deleting areas from the preserve shall be
10 conducted without 90 days prior notice to and timely review by the
11 council except that the director may certify to the council that a study
12 is required by an emergency which necessitates immediate action or a
13 shorter period of review.

14 Sec. 41.20.560. ALASKA CHILKAT BALD EAGLE PRESERVE LOCAL ADVISORY
15 COUNCIL.

16 (a) An 11 member local advisory council is hereby established.
17 The members of the local advisory council shall be appointed by the
18 governor. Members of the local advisory council are entitled to per
19 diem and travel expenses authorized for members of state boards under
20 AS 39.20.180.

21 (b) The governor shall appoint individuals to the Advisory Council
22 representing the following interests;

23 (1) a resident of the Haines Borough representing a conserva-
24 tion organization;

25 (2) a resident of the Haines Borough representing commercial
26 or industrial interests nominated by the borough mayor;

27 (3) the Mayor of the City of Haines;

28 (4) the Mayor of the Borough of Haines;

29 (5) a representative nominated by Klukwan, Inc.;

1 (6) the President of the TRA Council of the Chilkat Indian
2 Village;

3 (7) a representative nominated by the Upper Lynn Canal Local
4 Fish and Game Advisory Council;

5 (8) a representative of the Alaska Department of Fish and
6 Game;

7 (9) a representative of the U. S. Fish and Wildlife Service;

8 (10) a representative of the Alaska Department of Natural
9 Resources, Division of Forestry;

10 (11) a representative of the Alaska Department of Natural
11 Resources; Division of Parks.

12 (c) All appointments to the local advisory council shall be for a
13 term of two years.

14 (d) The Alaska Chilkat Bald Eagle Preserve Advisory Council shall
15 assist the Department of Natural Resources in the development and
16 monitoring of the management plan for the Alaska Chilkat Bald Eagle
17 Preserve. The management plan shall be presented at public hearings in
18 Haines and Klukwan before approval and implementation by the department.

19 AS 41.15.570 MISCELLANEOUS PROVISIONS.

20 (a) Notwithstanding any other provision of this Act or law,
21 establishment by section 550 of this Chapter of the Alaska Chilkat Bald
22 Eagle Preserve shall not be deemed to enlarge, diminish, add to, or
23 waive any substantive or procedural requirements otherwise applicable to
24 the management or use of the adjacent lands of the Haines State Forest
25 Resource Management Area, or other State or private lands. Any and all
26 activities allowed under applicable law on lands adjacent to the Alaska
27 Chilkat Bald Eagle Preserve, including but not limited to timber harvest,
28 mining, other resource development, or recreation shall be permitted on
29 adjacent lands so long as these activities are conducted in compliance

1 with applicable law. The director of the division of parks and the
2 director of the division of forestry are encouraged to consult with one
3 another in the preparation of the management plan so as to promote
4 effective, efficient, and coordinated administration of the Forest
5 Resource Management Area and Preserve for the values for which each is
6 established.

7 (b) It is the intent of the Alaska Legislature in enacting this
8 legislation to provide sufficient protection for the purposes for which
9 the Alaska Chilkat Bald Eagle Preserve is established; accordingly, the
10 establishment of the Alaska Chilkat Bald Eagle Preserve represents a
11 proper balance between the reservation of State public domain lands and
12 waters for bald eagle preserve purposes and those State lands more
13 appropriate for multiple use, and thus the Alaska Legislature believes
14 that the need for future legislation expanding or contracting the
15 boundary of the Alaska Chilkat Bald Eagle Preserve is unnecessary.

16 (c) The Chilkat River Fish and Game Critical Habitat Area estab-
17 lished by AS 16.20.230(8) is hereby repealed.

18 * Section 2. AS 41.15 is amended by adding new sections to read:

19 ARTICLE 3A. HAINES STATE FOREST RESOURCE MANAGEMENT AREA.

20 Sec. 41.15.500. HAINES STATE FOREST RESOURCE MANAGEMENT AREA. (a)

21 The purpose of AS 41.15.500 - 41.15.530 is to establish designated
22 state-owned or acquired land and water areas as the Haines State Forest
23 Resource Management Area. The primary purposes of the establishment of
24 the Haines State Forest Resource Management Area are the utilization,
25 perpetuation, conservation, and production of the land and water, in-
26 cluding but not limited to the use of renewable and non-renewable re-
27 sources through multiple-use management, and the continuation of other
28 beneficial uses including traditional uses and other recreational
29

1 activities.

2 (b) The responsibility for the management of the Haines State
3 Forest Resource Management Area established under AS 41.15.500 - 41.15.-
4 530 is assigned to the Department of Natural Resources.

5 Sec. 41.15.510. BOUNDARIES OF HAINES STATE FOREST RESOURCE MANAGE-
6 MENT AREA. (a) Subject to valid existing rights, the state-owned or
7 acquired land and water located above the mean high tide line and lying
8 within the boundaries and depicted on a map entitled "Haines State
9 Forest Resource Management Area" and dated February, 1982 and on file in
10 the Office of the Commissioner of Natural Resources, are hereby desig-
11 nated as the Haines State Forest Resource Management Area and assigned
12 to Department of Natural Resources for control, development and main-
13 tenance.

14 (b) Private land, existing transportation corridors, and borough
15 selection within the Haines State Forest Resource Management Area are
16 excluded from the Haines State Forest Resource Management Area, and the
17 State may not acquire private land within the Haines State Forest
18 Resource Management Area by eminent domain.

19 (c) Approved and pending Native allotment applications located
20 within or partially within the Haines State Forest Resource Management
21 Area shall not be adversely affected by the establishment of the Haines
22 State Forest Resource Management Area and all approved allotments shall
23 be treated as private land under this title.

24 (d) The Division of Forestry shall consult with the Division of
25 Parks, the Department of Fish and Game, and the Alaska Chilkat Bald
26 Eagle Preserve Local Advisory Council to promote effective, efficient,
27 and coordinated administration of the Forest and the Preserve for the
28 values for which each is established.

29 (e) To the extent practicable, resource studies undertaken by the

1 Department shall be designed to benefit the management and administration
2 of both the Haines State Forest Resource Management Area and the Alaska
3 Chilkat Bald Eagle Preserve.

4 (f) The establishment of the Haines State Forest Resource Manage-
5 ment Area shall have no effect on the terms and conditions of any exist-
6 ing permits or contracts involving use of the land, water, or other
7 resources of the Forest.

8 Sec. 41.15.520. MULTIPLE-USE MANAGEMENT. (a) Land within the
9 Haines State Forest Resource Mangement Area shall be managed under the
10 principles of multiple use and sustained yield as defined by AS 38.-
11 04.910 and pursuant to the Forest Resources and Practices Act and other
12 applicable laws and pursuant to a management plan prepared by the
13 Department of Natural Resources. This plan may not be adopted or
14 revised without prior review by the Board of Forestry or without public
15 hearings held in the Haines Borough. The management plan shall be
16 adopted and implemented within two years after enactment of this
17 legislation. The management plan should be based on a current opera-
18 tional level inventory completed within the last ten years and updated
19 as future inventory information becomes available.

20 (b) The Department of Natural Resources shall periodically review
21 the management plan for the Haines State Forest Resource Management Area
22 under AS 41.15.510. The Haines-Skagway Area Land Use Plan adopted by
23 the Department of Natural Resources in 1979 shall be used as the basis
24 for preparation of the management plan for the Haines State Forest
25 Resource Management Area. Prior to approval of the management plan
26 prepared pursuant to AS 41.15., management of the Haines State Forest
27 Resource Management Area shall be conducted pursuant to the land use
28 allocations and their appropriate management provisions of the Haines-
29 Skagway Area Land Use Plan.

1 (c) A copy of a management plan and any revision to it prepared by
2 the Department of Natural Resources, reviewed by the Board of Forestry
3 and adopted by the Department after public hearings required under (a)
4 of this section shall be provided to the Legislature within 30 days of
5 its adoption or revision or within the first 10 days of the first
6 session of the Legislature to convene after its adoption or revision.

7 (d) The Department of Fish and Game is responsible for the manage-
8 ment of fish and game resources in the Haines State Forest Resource
9 Management Area under applicable law and in a manner consistent with the
10 purposes and provisions of this section.

11 (e) The control of highway access and roadside structures within
12 the Haines State Forest Resource Management Area is the responsibility
13 of the Department of Natural Resources except that the Department of
14 Transportation and Public Facilities is responsible for the repair and
15 maintenance of all existing public roads in the Haines State Forest
16 Resource Management Area.

17 (f) The state land and water described in section 510(a) of this
18 Act are closed to conveyance of fee title under state land disposal laws
19 and to future municipal selections under state laws.

20 (g) The Department of Natural Resources shall consult with the
21 Department of Fish and Game during preparation of a management plan
22 under (a), and (b) of this section and formulation of regulations
23 governing the public use of the Haines State Forest Resource Management
24 Area. The Department of Fish and Game shall consult with the Department
25 of Natural Resources before adoption of regulations governing fish and
26 wildlife management in the Haines State Forest Resource Management Area.
27 Regulations may not be adopted by either department without prior review
28 at public hearings.

29 Sec. 41.15.530. COOPERATIVE MANAGEMENT AGREEMENT.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

(a) The Department of Natural Resources may enter into cooperative management agreements with persons who hold title to or have a valid entry on land within the boundaries of the Haines State Forest Resource Management Area or adjoining the boundaries of the Haines State Forest Resource Management Area.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSSSB 796
Title Act providing for management of state-owned land in Haines Area
Requested by Farenkamp Date 4-14-82

II. FISCAL DETAIL

Agency Affected Department of Natural Resources
Program Category Affected NRMEC
BRU, Program, Or Subprogram(s) Affected Parks & Rec & Land Mgmt.
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 COMMODITIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS, ETC.		0				
TOTAL		0				

FUNDING (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME		0				
PART TIME						
TEMPORARY						

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

IV. DATE April 14, 1982 PREPARED BY Jeff Haynes
AGENCY Natural Resources
Original: Legislative Finance PHONE 465-2400
cc: Budget and Management
Prime Sponsor (First Legislator Named)

COMMITTEE REPORT
SENATE

2/16/82

FURTHER: Finance

Date: 4-12-82

Mr. President: HEALTH, EDUCATION AND
SOCIAL SERVICES

The Committee on _____ has had SB 799

establishing the senior Alaskans volunteer enterprises program

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

do pass [] do not pass

[] do pass with attached amendments(s)

replace with CS for SB 799 (HESS) [] same title
[] new title

and recommends + major pass

[] AND attaches a "Letter of Intent" [] New Fiscal Note

[] reports it back without recommendation

[] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]
[Signature]
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
CHAIRMAN

Offered: 4/20/82
Referred: Finance

Original sponsor: Fischer

1 IN THE SENATE

BY THE HEALTH, EDUCATION
AND SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 799 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Alaska senior citizen employ-
7 ment team program and fund; and providing for an effec-
8 tive date."

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

10 * Section 1. FINDINGS AND INTENT. The legislature finds that the wealth
11 of experience, expertise, and wisdom of older Alaskans constitutes a valuable
12 state resource. It is the intent of the legislature that this resource be
13 developed in order to address the needs and problems of Alaskans, to enable
14 older Alaskans to earn a reasonable wage, and to improve the general welfare
15 of the people of the state.

16 * Sec. 2. PURPOSE. This Act provides for the Alaska senior citizen
17 employment team (ASCET) program of full-time and part-time employment in
18 community volunteer service. The purpose of this Act is to strengthen and
19 supplement efforts to eliminate human, social, and environmental problems in
20 Alaska by encouraging and enabling Alaska residents 60 years of age and older
21 from all walks of life to perform meaningful and constructive service to
22 their communities, and, if they have business experience, to assist persons
23 in small business enterprises.

24 * Sec. 3. PROGRAM ESTABLISHED. The Alaska senior citizen employment team
25 program is established under the Older Alaskans Commission, Department of
26 Administration. The executive director of the Older Alaskans Commission is
27 the director of the program.

28 * Sec. 4. FUND ESTABLISHED. (a) The Alaska senior citizen employment
29 team fund is established in the Department of Administration and consists of

COMMITTEE COPY

1 money appropriated to it by the legislature.

2 (b) The fund shall be administered by the director for the following
3 purposes:

4 (1) to reimburse participating program sponsors for wages paid to
5 an enrollee and expenses incurred on behalf of an enrollee under terms of
6 this Act;

7 (2) to employ or contract for staff and services necessary to
8 accomplish the purposes of this Act.

9 * Sec. 5. ENROLLEES. The director shall recruit, select, and enroll
10 Alaska residents 60 years of age and older to perform full-time and part-time
11 service in eligible programs under sec. 6 of this Act. The director may
12 provide short-term training necessary to make the most effective use of the
13 skills and talents of enrollees.

14 * Sec. 6. CONTRACTS FOR EMPLOYMENT OF ENROLLEES. (a) The director may
15 contract

16 (1) for the employment of an enrollee by a nonprofit organization,
17 by a unit of local government, or by the sponsor of an older Alaskans service
18 program under AS 47.65 to accomplish a purpose of this Act;

19 (2) with a person engaged in small business for the employment of
20 an enrollee with business experience related to that small business; a con-
21 tract under this paragraph shall provide that the enrollee is employed only
22 to advise and assist in establishing or conducting the small business.

23 (b) A contract under (a) of this section shall provide for the employ-
24 ment of an enrollee at a wage of not less than \$5 an hour and may provide
25 that an enrollee may work full time or part time, may share the job with
26 another person, and may arrange to work on a "flex-time" basis. The contract
27 shall require an employer of an enrollee to establish a procedure for an
28 enrollee to present and obtain resolution of grievances with the employer
29 concerning terms and conditions of employment. The procedure shall provide

COMMITTEE COPY

1 the enrollee with notice and the opportunity to be heard. The contract shall
2 require the program sponsor to pay the wages of the enrollee, to provide all
3 employee benefits required by state and federal law, and to provide the
4 enrollee with a written description of the duties to be performed by the
5 enrollee. The contract shall specifically provide that the program sponsor
6 will not discriminate with respect to the program because of age, race,
7 creed, color, national origin, sex, sexual orientation, marital status,
8 parental status, physical disability, or political affiliation. The contract
9 shall provide that the enrollee may not be employed to displace an employee
10 who is not an enrollee. The director upon request shall provide an enrollee
11 employed under this program with a copy of the enrollee's contract of employ-
12 ment.

13 (c) An employer is eligible to receive reimbursement of all or a por-
14 tion of the wages paid to an enrollee, and expenses authorized by the direc-
15 tor and incurred on behalf of an enrollee, in amounts specified in the con-
16 tract of employment and in a manner prescribed by regulations issued by the
17 director.

18 (d) The director shall assign an enrollee to work in the community in
19 which the enrollee resides, or a nearby community, unless the enrollee agrees
20 to serve elsewhere in the state.

21 * Sec. 7. AUDIT. A program or business employing an enrollee under this
22 Act is subject to audit by the legislative audit division.

23 * Sec. 8. ANNUAL REPORT. The director shall submit to the legislature
24 each January a report of the activities of the Alaska senior citizen employ-
25 ment team program.

26 * Sec. 9. REGULATIONS. The director shall issue regulations necessary to
27 accomplish the purposes of this Act.

28 * Sec. 10. DEFINITIONS. In this Act,

29 (1) "director" means the executive director of the Older Alaskans

1 Commission (AS 44.21.200);

2 (2) "enrollee" means a person enrolled in the Alaska senior citi-
3 zen employment team program;

4 (3) "resident" means a person who for 12 consecutive months imme-
5 diately preceding enrollment in the Alaska senior citizen employment team
6 program has maintained a permanent place of abode in the state and has con-
7 tinually maintained a voting residence in the state.

8 * Sec. 11. This Act is repealed June 30, 1987.

9 * Sec. 12. This Act takes effect July 1, 1982.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Introduced: 2/16/82
Referred: Health, Education
& Social Services and Finance

1 IN THE SENATE

BY FISCHER

2 SENATE BILL NO. 799

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the senior Alaskans volunteer
7 enterprises program; and providing for an effective
8 date."

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

10 * Section 1. FINDINGS AND INTENT. The legislature finds that the wealth
11 of experience, expertise, and wisdom of older Alaskans constitutes a valuable
12 state resource. It is the intent of the legislature that this resource be
13 developed in order to address the needs and problems of Alaskans and to
14 improve the general welfare of the people of the state.

15 * Sec. 2. PURPOSE. This Act provides for the senior Alaskans volunteer
16 enterprises (SAVE) program of full-time volunteer service. The purpose of
17 this Act is to strengthen and supplement efforts to eliminate human, social,
18 and environmental problems in Alaska by encouraging and enabling Alaska
19 residents 60 years of age and older

20 (1) from all walks of life to perform meaningful and constructive
21 volunteer service to their communities; and

22 (2) with business experience to assist persons engaged in, or who
23 seek to engage in, small business enterprises.

24 * Sec. 3. PROGRAM ESTABLISHED. The senior Alaskans volunteer enterprises
25 program is established in the Department of Community and Regional Affairs.

26 * Sec. 4. DIRECTOR, DEPUTY DIRECTOR, AND STAFF. (a) The governor shall
27 appoint a director and a deputy director for the program for a term of five
28 years.

29 (b) The director and deputy director are in the partially exempt

1 service under AS 39.25.120 and shall be compensated at the same rate as a
2 director and a deputy director of a division of a principal department in the
3 executive branch.

4 (c) The deputy director shall perform such functions as the director
5 prescribes, and shall act as the director during the absence or disability of
6 the director.

7 (d) The director may select and employ staff necessary to accomplish
8 the purposes of this Act.

9 * Sec. 5. VOLUNTEERS. (a) The director shall recruit, select, and
10 enroll Alaska residents 60 years of age and older to serve in full-time
11 volunteer programs of the kind described in sec. 7 of this Act. The director
12 shall take appropriate action to insure that women and members of minority
13 groups are included among those who serve as volunteers.

14 (b) The director may provide short-term training necessary to make the
15 most effective use of the skills and talents of volunteers.

16 (c) A volunteer shall be enrolled for a period of service of not less
17 than one year, except that a volunteer may be enrolled for a period of less
18 than a year if the director determines that service by the volunteer for a
19 shorter period is necessary to achieve a purpose of this Act.

20 (d) A volunteer receives no compensation for service under this Act,
21 but is entitled to be reimbursed for transportation, meals, and other out-of-
22 pocket expenses incident to training received or service provided by the
23 volunteer.

24 (e) The director shall establish a procedure, including notice and an
25 opportunity to be heard, for a volunteer to present and obtain resolution of
26 grievances concerning terms and conditions of service. The director shall
27 provide to a volunteer information regarding the procedure and the terms and
28 conditions of service at the time of enrollment.

29 * Sec. 6. ASSIGNMENT OF VOLUNTEERS. (a) Upon request of a local govern-

1 ment agency or a private nonprofit organization, the director may assign a
2 volunteer to work in a program funded, administered, or operated by the
3 agency or organization for the purpose of accomplishing a purpose of this
4 Act.

5 (b) The director shall assign a volunteer to work in the community in
6 which the volunteer resides, or a nearby community, unless the volunteer
7 agrees to serve elsewhere in the state.

8 * Sec. 7. ELIGIBLE PROGRAMS. Programs to which the director may assign a
9 volunteer include

10 (1) programs to provide supportive person-to-person services in
11 health and education to children, including "foster grandparents" programs;

12 (2) programs to provide adults with home health care, nursing
13 care, "meals-on-wheels" and other nutritional services;

14 (3) "senior companions" programs for persons with developmental or
15 other physical or mental disabilities; and

16 (4) programs using the expertise of volunteers with business
17 experience to assist persons engaged in small business or seeking to be
18 engaged in small business, or to counsel persons in management or financial
19 matters in furtherance of the purposes of this Act.

20 * Sec. 8. SPECIAL AND DEMONSTRATION PROGRAMS. (a) The director may
21 conduct, or make a grant and enter into a contract for, a special volunteer
22 program or demonstration program designed to (1) encourage wider volunteer
23 participation to further the purposes of this Act, and (2) identify particu-
24 lar segments of communities that could benefit from volunteer enterprises.

25 (b) A special or demonstration program under (a) of this section
26 includes a program to (1) provide alternatives to the incarceration of youth-
27 ful offenders; (2) promote educational opportunities for veterans; and (3)
28 provide community-based peer group outreach and counseling for drug abusers.

29 * Sec. 9. GRANTS AND CONTRACTS. (a) The director may make a grant or

1 enter into a contract with a local government agency or a private nonprofit
2 organization to pay part or all of the costs for the development and opera-
3 tion of a volunteer service program under this Act.

4 (b) Payments under this Act for a grant or contract shall be made on
5 conditions determined by the director.

6 (c) The director may suspend further payments or terminate payments
7 under a contract or grant providing assistance under this Act, if he deter-
8 mines there is a material failure to comply with the terms and conditions of
9 the grant or contract.

10 (d) The director shall prescribe procedures to insure that

11 (1) payments under this Act are not suspended for failure to
12 comply with the terms and conditions of a grant or contract, except in emer-
13 gency situations for 30 days, unless the agency or organization that is a
14 party to the grant or contract has been given reasonable notice and oppor-
15 tunity to show cause why that action should not be taken; and

16 (2) payments under this Act may not be terminated for failure to
17 comply with the terms and conditions of a grant or contract unless the agency
18 or organization that is a party to the grant or contract has been afforded
19 reasonable notice and opportunity for a full and fair hearing.

20 * Sec. 10. NONDISCRIMINATION. The director may not provide financial
21 assistance under a grant or contract for a program under this Act unless the
22 grant or contract specifically provides that a person with responsibilities
23 in the operation of the program will not discriminate with respect to the
24 program because of race, creed, color, national origin, sex, sexual orienta-
25 tion, marital status, parental status, physical disability, or political
26 affiliation.

27 * Sec. 11. PARTICIPATION OF BENEFICIARIES AND OLDER ALASKANS COMMISSION.

28 (a) The director, after consultation with the agency or organization sponsor-
29 ing a volunteer service program, shall establish a continuing mechanism

1 through which residents of a community to be served by the program may par-
2 ticipate in planning, developing, and implementing the program.

3 (b) Before the director makes a grant or enters into a contract with an
4 agency or organization sponsoring a volunteer service program, the Older
5 Alaskans Commission (AS 44.21.200 - 44.21.240) shall have 30 days to review
6 the program and make recommendations to the director concerning the program.

7 * Sec. 12. EVALUATIONS. (a) The director shall periodically evaluate
8 all programs authorized by this Act, their effectiveness in achieving stated
9 goals, their impact on related programs, and their structure and mechanisms
10 for delivery of services. Evaluations shall be conducted by persons not
11 immediately involved in the administration of the program evaluated. In
12 carrying out evaluations the director shall obtain the opinions of program
13 participants concerning the program.

14 (b) The director shall develop and publish general standards for evalu-
15 ation of program effectiveness in achieving the objectives of this Act.

16 (c) The director may, for the purpose of conducting an evaluation under
17 this section, spend not more than one percent of funds appropriated to the
18 senior Alaskans volunteer enterprises program.

19 (d) The director shall publish a report of a program evaluation not
20 later than 60 days after the completion of the evaluation.

21 * Sec. 13. AUDIT. (a) An agency or organization with which the director
22 has a contract or to which the director has made a grant shall maintain
23 records as required by the director, including records that fully disclose

24 (1) the amount and disposition by the agency or organization of
25 the proceeds of the assistance;

26 (2) the total cost of the program in connection with which assist-
27 ance is given or used;

28 (3) the amount of that portion of the cost of the program supplied
29 by sources other than the director; and

1 (4) other records that will facilitate an effective audit.

2 (b) The director, until three years after the completion of a program
3 for which records are required to be kept under this section,

4 (1) shall have access to the records for the purpose of conducting
5 an audit; and

6 (2) may examine any books, documents, papers, and records that in
7 the opinion of the director may be related or pertinent to a grant or con-
8 tract referred to in (a) of this section.

9 * Sec. 14. ANNUAL REPORT. The director shall submit to the legislature
10 each January a report of the activities of the senior Alaskans volunteer
11 enterprises program, including copies of evaluations conducted under sec. 12
12 of this Act.

13 * Sec. 15. DEFINITIONS. In this Act,

14 (1) "director" means the director of the senior Alaskans volunteer
15 enterprises program;

16 (2) "resident" means a person who for 12 consecutive months imme-
17 diately preceding enrollment as a volunteer under this Act has maintained a
18 permanent place of abode in the state and has continually maintained his
19 voting residence in the state;

20 (3) "volunteer" means a person enrolled to perform volunteer
21 service in the senior Alaskans volunteer enterprises program.

22 * Sec. 16. This Act terminates June 30, 1987.

23 * Sec. 17. This Act takes effect July 1, 1982.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SS SB 799

Title An Act establishing the senior Alaskans volunteer enterprises program

Requested by _____ Date 4/5/82

II. FISCAL DETAIL

Agency Affected Administration

Program Category Affected Social & Economic Assistance for the Aged

BRU, Program, or Subprogram(s) Affected Older Alaskans Commission

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES			113.3	124.6	137.1	150.8
200 TRAVEL			12.0	13.2	14.5	16.0
300 CONTRACTUAL			10.6	11.7	12.9	14.2
400 COMMODITIES			3.0	3.3	3.6	4.0
500 EQUIPMENT			2.0	0	0	0
600 LAND & STRUCTURES			0	0	0	0
700 GRANTS, CLAIMS, ETC.			1,069.9	1,176.9	1,294.6	1,424.1
TOTAL			1,210.8	1,329.7	1,462.7	1,609.1

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND			1,210.8	1,329.7	1,462.7	1,609.1
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME			3	3	3	3
PART TIME						
TEMPORARY						

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

This type of program necessitates detailed planning and development, accounting and clerical functions as well as on-site monitoring and evaluation.

Funds for administrative support are included for the following three positions:

- Project Coordinator (R18);
- Administrative Assistant I (R12); and an
- Accounting Technician I (R12).

Travel includes that necessary for enrollee training, for program development and implementation, monitoring of worksites and enrollees, program evaluation and modification.

Inflation is computed at 10% per year except for equipment, one time only purchase.

(Continued on attached page.)

IV. DATE April 5, 1982

PREPARED BY Eileen Richard

AGENCY Older Alaskans Commission

PHONE 465-3250

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislative Meeting)

ATTACHMENT TO FISCAL NOTE SSB799

III. ANALYSIS (continued)

To select a logical number of enrollees to be funded on this program, a determination of the number of older workers available to work is necessary. Since most older workers have become discouraged, they no longer apply at employment centers and of those that do apply, only 12% are placed in jobs. The number of those that apply should then be considered as an absolute minimum of persons available to work. In the case of persons 55 and up, it is 2,528 applicants; and of those applicants 60 and up, it is 1,211. In order to narrow the target group it was determined to use figures for only the economically disadvantaged applicants as those having the greatest need although this is not an eligibility requirement for the program. For the group 55 and up, this would be 676 persons and for those 60 and up, it would be 294 persons.

It was decided to use the number 100 as the enrollees to be served by the basic budget described herein. Because President Reagan's budget has allocated "0" dollars for the Title V program planning to eliminate it, this program cannot be considered as "add-on" and must be self-supporting administratively. Because of its similarity to Title V, the projected Title V budget for FY '83 with minor modifications is being used.

The following assumptions have been made:

- (1) the average hours to be worked is 25 hours per week, although they may work part or full time.
- (2) the average wage is \$6.86 per hour (the current rate paid on Title V)
- (3) 20% of the average wage is to cover required fringe benefits, training, and other work-related necessities.

Thus, the cost per person is as follows:

$$25 \text{ hours} \times (\$6.86 \text{ per hour} + 20\%) \times 52 \text{ weeks} = \$10,699$$

The grants/contract component is:

$$100 \text{ persons} \times \$10,699 \text{ per person} = \$1,069,900.$$

The total budget for 100 is \$1,210,800.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Department of Admin. Older Alaskans Commission	Sponsor (Principal) Sen. Fischer	Bill Number SSSB799
---	-------------------------------------	------------------------

Department Position
The Older Alaskans Commission supports the establishment of an Alaskan senior citizen employment team program and endorses this bill with some housekeeping amendments as recommended.

Division Director <i>Sen. B. Key</i>	Date 3/26/82	Commissioner	Date
---	-----------------	--------------	------

GOVERNOR'S OFFICE USE

Comments:

<input type="checkbox"/> Position Noted	by	Date
---	----	------

SUMMARY

1. a) Related Bills (Similar or Conflicting)	1. b) Other Agencies Affected by Bill
2. a) Organizational Support for Bill Older Alaskans Commission Older Person Action Group	2. b) Organizational Opposition to Bill Unknown

3. Program Effects of Bill
This bill is similar to current Federal programs which are to be phased out. SSSB799 has a broader scope than our current Title V program as it imposes no income limitation on eligibility. However, it also has a higher criteria of 60 rather than 55 years. The Administrative capability to operate such a program is already in place. The program would require a moderate increase of staff.

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:
See attached

6. Comments:
See attached

1. Change the word "volunteer" to "enrollee" when referring to a person who is to be employed by the program and delete "volunteer" when used in the context of community service.
2. Change age 60 to age 55 for purposes of employment.
3. Under Sec. 4 (b) (1), add the phrase "and other authorized related employment or training expenses" in front the phrase "under terms of this Act:"
4. Under Sec. 5. delete "older Alaskans service".
5. Under Sec. 6 (a), change to read "...the employment of ^{an enrollee} ~~a volunteer~~ by a non-profit organization, local units or branches of government, or to a small business enterprise, preferably those serving or operated by Alaskan senior citizens, to accomplish a purpose of this Act."
6. Under Sec. 6 (b) at the end of line 20, change the word "contract" to "the Alaska senior citizen employment team".

Change line 22 and 23 to read, "for a volunteer to use for the resolution of alleged grievances with the".
7. Page 3, line 2, change "director" to "employer". Line 3, change "contract of employment" to "job description".

6. Comments.

Each item number below is the same as the amendment number to which it refers under "5. Amendments Proposed".

1. Recommend changes in terminology to conform with standard nomenclature used in other employment and volunteer programs throughout the country.

Volunteer: is very misleading as it denotes a person who performs services, usually without compensation. Nationwide volunteer programs under ACTION, sometimes give a stipend - a nominal amount to cover out-of-pocket expenses in connection with the volunteer work. The stipend is not a wage and not declarable for Income Tax purposes as income.

Although the person is actually an employee, this term would not distinguish him from other employees under the same employer. Other terms that might be more suitable are enrollee, participant, older worker, or enlistee. Enrollee is used in Title V. Participant is often used for the recipient of services rather than the person providing services within the program. Although older worker is also descriptive of the positions, enrollee and enlistee retain the concept of volunteerism in that persons enroll or enlist voluntarily as opposed to being drafted, forced or coerced.

Community services are exactly what the name implies whether or not they are performed by volunteers or paid workers.

2. There are several reasons for recommending the younger age although the older age could still be given preference.
 - a. There are many jobs that require the greater strength and better health, especially those providing home chores services to seniors, such as woodcutting, waterhauling, cooking and cleaning, etc.
 - b. Changing to age 55 would be the same as Title V.
 - c. At age 55, more people are looking and needing career changes or new careers such as displaced homemakers.
 - d. Social security is not available (unless disabled) until age 62.
3. Wages to be paid will be the principal expenditure but not the only expenditure. In other sections of the act fringe benefits according to federal and state law must be paid, training may be provided, and other incidental expenses necessary to operate an employment program.
4. This phrase is redundant and not all inclusive. By referring to "eligible programs under sec. 6" and then listing the types of eligible programs in section 6, this redundancy is eliminated and makes it unnecessary to change both sections should the types of programs listed under section 6 be changed.
5. Limiting the employment to service programs under AS 47.65 would result in very few job opportunities as this is only one type of funding used for older Alaskans service programs and is a relatively small portion of the total. There are many more programs under Title III, IV, etc. There are also many other organizations serving the elderly who may not have applied for these particular funds or may not have received funding due to federal cutbacks who should also be eligible for a position under this employment program.

The phrase "to persons engaged in small business matters" is not very clear but is probably meant to mean a small business enterprise. The idea relates to the use of former business executives under the volunteer organization "SCORE" who assist small businesses with their expertise. Employing an appropriate person for this purpose would be of great benefit to a small struggling business and would make good use of an older person as a resource.

6. A grievance procedure is usually established by the organization in charge of the program and may then become a part of each contract.
7. Each employer should be required to supply his employee with his own job description. These should not have to come from the organization in charge of the entire program. Also, since the contract is with the employer and concerns other items required of the employer, it is not supplied to each employee. What each employee does need is a copy of his job description and he may also want a copy of his application which would show his job assignment, rate of pay, and other pertinent facts.

ALASKA STATE LEGISLATURE

TWELFTH Legislature SECOND Session

SENATE ... BILL NO. ... 799 ..

By .. FISCHER ..

HISTORY IN THE SENATE

19 82

2

16

470

Read first time and referred to Committee on

HESS and Fianace

Reported back with *HESS* recommendation that *replace w/ES - 3 do pass to fu*

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

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

"An Act establishing the senior Alaskans volunteer enterprises program; and providing for an effective date."

Introduced in the Senate ... 2/16, 19. 82

LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SS SB 799

Title An Act establishing the senior Alaskans volunteer enterprises program

Requested by _____ Date 4/5/82

II. FISCAL DETAIL

Agency Affected Administration

Program Category Affected Social & Economic Assistance for the Aged

BRU, Program, or Subprogram(s) Affected Older Alaskans Commission

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES			113.3	124.6	137.1	150.8
200 TRAVEL			12.0	13.2	14.5	16.0
300 CONTRACTUAL			10.6	11.7	12.9	14.2
400 COMMODITIES			3.0	3.3	3.6	4.0
500 EQUIPMENT			2.0	0	0	0
600 LAND & STRUCTURES			0	0	0	0
700 GRANTS, CLAIMS, ETC.			1,069.9	1,176.9	1,294.6	1,424.1
TOTAL			1,210.8	1,329.7	1,462.7	1,609.1

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND			1,210.8	1,329.7	1,462.7	1,609.1
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME			3	3	3	3
PART TIME						
TEMPORARY						

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

This type of program necessitates detailed planning and development, accounting and clerical functions as well as on-site monitoring and evaluation.

Funds for administrative support are included for the following three positions:

- Project Coordinator (R18);
- Administrative Assistant I (R12); and an
- Accounting Technician I (R12).

Travel includes that necessary for enrollee training, for program development and implementation, monitoring of worksites and enrollees, program evaluation and modification.

Inflation is computed at 10% per year except for equipment, one time only purchase.

(Continued on attached page.)

DATE April 5, 1982

PREPARED BY Eileen Richard

AGENCY Older Alaskans Commission

PHONE 465-3250

Original: Legislative Finance
Budget and Management
Prime Sponsor (First Legislative Session)

022110

ATTACHMENT TO FISCAL NOTE SSB799

III. ANALYSIS (continued)

To select a logical number of enrollees to be funded on this program, a determination of the number of older workers available to work is necessary. Since most older workers have become discouraged, they no longer apply at employment centers and of those that do apply, only 12% are placed in jobs. The number of those that apply should then be considered as an absolute minimum of persons available to work. In the case of persons 55 and up, it is 2,528 applicants; and of those applicants 60 and up, it is 1,211. In order to narrow the target group it was determined to use figures for only the economically disadvantaged applicants as those having the greatest need although this is not an eligibility requirement for the program. For the group 55 and up, this would be 676 persons and for those 60 and up, it would be 294 persons.

It was decided to use the number 100 as the enrollees to be served by the basic budget described herein. Because President Reagan's budget has allocated "0" dollars for the Title V program planning to eliminate it, this program cannot be considered as "add-on" and must be self-supporting administratively. Because of its similarity to Title V, the projected Title V budget for FY '83 with minor modifications is being used.

The following assumptions have been made:

- (1) the average hours to be worked is 25 hours per week, although they may work part or full time.
- (2) the average wage is \$6.86 per hour (the current rate paid on Title V)
- (3) 20% of the average wage is to cover required fringe benefits, training, and other work-related necessities.

Thus, the cost per person is as follows:

$$25 \text{ hours} \times (\$6.86 \text{ per hour} + 20\%) \times 52 \text{ weeks} = \$10,699$$

The grants/contract component is:

$$100 \text{ persons} \times \$10,699 \text{ per person} = \$1,069,900.$$

The total budget for 100 is \$1,210,800.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Department of Admin. Older Alaskans Commission	Sponsor (Principal) Sen. Fischer	Bill Number SSSB799
---	-------------------------------------	------------------------

Department Position
The Older Alaskans Commission supports the establishment of an Alaskan senior citizen employment team program and endorses this bill with some housekeeping amendments as recommended.

Division Director <i>[Signature]</i>	Date 3/26/82	Commissioner	Date
---	-----------------	--------------	------

GOVERNOR'S OFFICE USE

Comments:

<input type="checkbox"/> Position Noted	By	Date
---	----	------

SUMMARY

1. a) Related Bills (Similar or Conflicting)	1. b) Other Agencies Affected by Bill
2. a) Organizational Support for Bill Older Alaskans Commission Older Person Action Group	2. b) Organizational Opposition to Bill Unknown

3. Program Effects of Bill
This bill is similar to current Federal programs which are to be phased out. SSSB799 has a broader scope than our current Title V program as it imposes no income limitation on eligibility. However, it also has a higher criteria of 60 rather than 55 years. The Administrative capability to operate such a program is already in place. The program would require a moderate increase of staff.

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:
See attached

6. Comments:
See attached

1. Change the word "volunteer" to "enrollee" when referring to a person who is to be employed by the program and delete "volunteer" when used in the context of community service.
2. Change age 60 to age 55 for purposes of employment.
3. Under Sec. 4 (b) (1), add the phrase "and other authorized related employment or training expenses" in front the phrase "under terms of this Act:"
4. Under Sec. 5. delete "older Alaskans service".
5. Under Sec. 6 (a), change to read "...the employment of ^{an enrollee} ~~a volunteer~~ by a non-profit organization, local units or branches of government, or to a small business enterprise, preferably those serving or operated by Alaskan senior citizens, to accomplish a purpose of this Act."
6. Under Sec. 6 (b) at the end of line 20, change the word "contract" to "the Alaska senior citizen employment team".

Change line 22 and 23 to read, "for a volunteer to use for the resolution of alleged grievances with the".

7. Page 3, line 2, change "director" to "employer". Line 3, change "contract of employment" to "job description".

6. Comments.

Each item number below is the same as the amendment number to which it refers under "5. Amendments Proposed".

1. Recommend changes in terminology to conform with standard nomenclature used in other employment and volunteer programs throughout the country.

Volunteer: is very misleading as it denotes a person who performs services, usually without compensation. Nationwide volunteer programs under ACTION, sometimes give a stipend - a nominal amount to cover out-of-pocket expenses in connection with the volunteer work. The stipend is not a wage and not declarable for Income Tax purposes as income.

Although the person is actually an employee, this term would not distinguish him from other employees under the same employer. Other terms that might be more suitable are enrollee, participant, older worker, or enlistee. Enrollee is used in Title V. Participant is often used for the recipient of services rather than the person providing services within the program. Although older worker is also descriptive of the positions, enrollee and enlistee retain the concept of volunteerism in that persons enroll or enlist voluntarily as opposed to being drafted, forced or coerced.

Community services are exactly what the name implies whether or not they are performed by volunteers or paid workers.

2. There are several reasons for recommending the younger age although the older age could still be given preference.
 - a. There are many jobs that require the greater strength and better health, especially those providing home chores services to seniors, such as woodcutting, waterhauling, cooking and cleaning, etc.
 - b. Changing to age 55 would be the same as Title V.
 - c. At age 55, more people are looking and needing career changes or new careers such as displaced homemakers.
 - d. Social security is not available (unless disabled) until age 62.
3. Wages to be paid will be the principal expenditure but not the only expenditure. In other sections of the act fringe benefits according to federal and state law must be paid, training may be provided, and other incidental expenses necessary to operate an employment program.
4. This phrase is redundant and not all inclusive. By referring to "eligible programs under sec. 6" and then listing the types of eligible programs in section 6, this redundancy is eliminated and makes it unnecessary to change both sections should the types of programs listed under section 6 be changed.
5. Limiting the employment to service programs under AS 47.65 would result in very few job opportunities as this is only one type of funding used for older Alaskans service programs and is a relatively small portion of the total. There are many more programs under Title III, IV, etc. There are also many other organizations serving the elderly who may not have applied for these particular funds or may not have received funding due to federal cutbacks who should also be eligible for a position under this employment program.

The phrase "to persons engaged in small business matters" is not very clear but is probably meant to mean a small business enterprise. The idea relates to the use of former business executives under the volunteer organization "SCORE" who assist small businesses with their expertise. Employing an appropriate person for this purpose would be of great benefit to a small struggling business and would make good use of an older person as a resource.

6. A grievance procedure is usually established by the organization in charge of the program and may then become a part of each contract.
7. Each employer should be required to supply his employee with his own job description. These should not have to come from the organization in charge of the entire program. Also, since the contract is with the employer and concerns other items required of the employer, it is not supplied to each employee. What each employee does need is a copy of his job description and he may also want a copy of his application which would show his job assignment, rate of pay, and other pertinent facts.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SS SB799

Title An Act establishing the senior Alaskans volunteer enterprises program

Requested by _____ Date 3/25/82

II. FISCAL DETAIL

Agency Affected Administration

Program Category Affected Social & Economic Assistance for the aged

BRU, Program, or Subprogram(s) Affected Older Alaskans Commission

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES			178.8	196.7	216.4	238.0
200 TRAVEL			16.6	18.2	20.	22.
300 CONTRACTUAL			22.1	24.4	26.8	29.5
400 COMMODITIES			3.0	3.3	3.6	4.0
500 EQUIPMENT			2.5	0	0	0
600 LAND & STRUCTURES			0	0	0	0
700 GRANTS, CLAIMS, ETC.			2,139.8	2,353.8	2,589.2	2,848.1
TOTAL			2,362.8	2,596.4	2,856.	3,141.6

FUNDING (Thousands of Dollars)

GENERAL FUND					
FEDERAL FUNDS					
OTHER (Specify Fund Source)					

POSITIONS

FULL TIME					
PART TIME					
TEMPORARY					

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

Funds for administrative support are included for the following five positions:

Project Coordinator (R18); Project Field Representative II (R15); Administrative Assistant I (R12); Accounting Technician I (R12); and a Clerk Typist III.

Travel includes that necessary for enrollee training, for program development and implementation, monitoring of worksites and enrollees, program evaluation and modification.

Inflation is computed at 10% per year except for equipment, one time only purchase.

(Continued on attached page.)

IV. DATE March 25, 1982

PREPARED BY Eileen Kishner

AGENCY Older Alaskans Commission

PHONE 465-3250/9

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named) Sen. Fischer

ATTACHMENT TO FISCAL NOTE SSSB799

III. ANALYSIS

To select a targeted number of enrollees to be serve in this program, a determination of the number of older worker available to work is necessary. This information is available from job service centers. It should be noted, however, that most older workers have become discouraged, and no longer apply at employment centers. Of those that do apply, only 12% are placed in jobs. The number of those that apply could then be considered the minimum number of persons available to work. In the case of applicants 60 and up, it is 1,211. In order to narrow the target group it was determined to use figures for only the economically disadvantaged applicants although this is not an eligibility requirement for the program. Of those applicants 60 years of age and other.

Therefore, it was decided to use the number 200 as the enrollees to be served by the basic budget described herein. Because President Reagan's budget has allocated "0" dollars for the Title V program planning to eliminate it, this program cannot be considered an "add-on" and must be self-supporting administratively. Because of its similarity to Title V, the projected Title V budget for FY'83 with minor modifications is being used. Should the Title V program not be eliminated, then there would be some savings in the Personal Services category of the budget.

The following assumptions have been made:

- (1) the average hours to be worked is 25 hours per week, although they may work part or full time
- (2) the average wage is \$6.86 per hour (the current rate paid on Title V)
- (3) 20% of the average wage is to cover required fringe benefits, training, and other work-related necessities.

Thus, the cost per person is as follows:

25 hours x (\$6.86 per hour + 20%) x 52 weeks = \$10,699

The grants/contract component is:

200 persons x \$10,699 per person = \$2,139,800

The total budget for 200 is \$2,418,000.

POSITION PAPER

SENATE BILL NO. 799

"An Act establishing the senior Alaskans volunteer enterprises program; and providing for an effective date."

This Bill would establish the senior Alaskans volunteer enterprises program in the Department of Community and Regional Affairs.

The Department of Health and Social Services supports the concept of the development of a senior Alaskans volunteer program. The Department would be willing to coordinate with the Department of Community and Regional Affairs to assist in the implementation of this Bill if it passes. Section 8 of the Bill includes a provision for the conduct, granting, or contracting of a special or demonstration program to provide alternatives to the incarceration of youthful offenders. Since the Division of Family and Youth Services, Department of Health and Social Services, is the State agency responsible for juvenile corrections, the Department recommends that the design of such a program be reviewed by the Department prior to its initiation.

RECOMMENDED BY: *John R. Pugh*
John R. Pugh, Director
Division of Family and
Youth Services

DATE: 2/19/82

APPROVED BY: *Helen D. Beirne*
Helen D. Beirne
Commissioner

DATE: 2/23/82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. Senate Bill No. 799
 Title "An Act establishing the senior Alaskans volunteer enterprises program...."
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Department of Health and Social Services
 Program Category Affected _____
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
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	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Source)	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-
	-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-
	-0-	-0-	-0-	-0-	-0-	-0-

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

Senate Bill No. 799 has no fiscal impact on the Department of Health and Social Services.

IV. DATE February 19, 1982 PREPARED BY *James Peter Weiser* for John R. Pugh, Director
 AGENCY Division of Family and Youth Services
 Original: Legislative Finance PHONE 465-3170
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

Introduced: 2/16/82
Referred: Health, Education
& Social Services and Finance

1 IN THE SENATE

BY FISCHER

2 SENATE BILL NO. 799

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the senior Alaskans volunteer
7 enterprises program; and providing for an effective
8 date."

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

10 * Section 1. FINDINGS AND INTENT. The legislature finds that the wealth
11 of experience, expertise, and wisdom of older Alaskans constitutes a valuable
12 state resource. It is the intent of the legislature that this resource be
13 developed in order to address the needs and problems of Alaskans and to
14 improve the general welfare of the people of the state.

15 * Sec. 2. PURPOSE. This Act provides for the senior Alaskans volunteer
16 enterprises (SAVE) program of full-time volunteer service. The purpose of
17 this Act is to strengthen and supplement efforts to eliminate human, social,
18 and environmental problems in Alaska by encouraging and enabling Alaska
19 residents 60 years of age and older

20 (1) from all walks of life to perform meaningful and constructive
21 volunteer service to their communities; and

22 (2) with business experience to assist persons engaged in, or who
23 seek to engage in, small business enterprises.

24 * Sec. 3. PROGRAM ESTABLISHED. The senior Alaskans volunteer enterprises
25 program is established in the Department of Community and Regional Affairs.

26 * Sec. 4. DIRECTOR, DEPUTY DIRECTOR, AND STAFF. (a) The governor shall
27 appoint a director and a deputy director for the program for a term of five
28 years.

29 (b) The director and deputy director are in the partially exempt

1 service under AS 39.25.120 and shall be compensated at the same rate as a
2 director and a deputy director of a division of a principal department in the
3 executive branch.

4 (c) The deputy director shall perform such functions as the director
5 prescribes, and shall act as the director during the absence or disability of
6 the director.

7 (d) The director may select and employ staff necessary to accomplish
8 the purposes of this Act.

9 * Sec. 5. VOLUNTEERS. (a) The director shall recruit, select, and
10 enroll Alaska residents 60 years of age and older to serve in full-time
11 volunteer programs of the kind described in sec. 7 of this Act. The director
12 shall take appropriate action to insure that women and members of minority
13 groups are included among those who serve as volunteers.

14 (b) The director may provide short-term training necessary to make the
15 most effective use of the skills and talents of volunteers.

16 (c) A volunteer shall be enrolled for a period of service of not less
17 than one year, except that a volunteer may be enrolled for a period of less
18 than a year if the director determines that service by the volunteer for a
19 shorter period is necessary to achieve a purpose of this Act.

20 (d) A volunteer receives no compensation for service under this Act,
21 but is entitled to be reimbursed for transportation, meals, and other out-of-
22 pocket expenses incident to training received or service provided by the
23 volunteer.

24 (e) The director shall establish a procedure, including notice and an
25 opportunity to be heard, for a volunteer to present and obtain resolution of
26 grievances concerning terms and conditions of service. The director shall
27 provide to a volunteer information regarding the procedure and the terms and
28 conditions of service at the time of enrollment.

29 * Sec. 6. ASSIGNMENT OF VOLUNTEERS. (a) Upon request of a local govern-

1 ment agency or a private nonprofit organization, the director may assign a
2 volunteer to work in a program funded, administered, or operated by the
3 agency or organization for the purpose of accomplishing a purpose of this
4 Act.

5 (b) The director shall assign a volunteer to work in the community in
6 which the volunteer resides, or a nearby community, unless the volunteer
7 agrees to serve elsewhere in the state.

8 * Sec. 7. ELIGIBLE PROGRAMS. Programs to which the director may assign a
9 volunteer include

10 (1) programs to provide supportive person-to-person services in
11 health and education to children, including "foster grandparents" programs;

12 (2) programs to provide adults with home health care, nursing
13 care, "meals-on-wheels" and other nutritional services;

14 (3) "senior companions" programs for persons with developmental or
15 other physical or mental disabilities; and

16 (4) programs using the expertise of volunteers with business
17 experience to assist persons engaged in small business or seeking to be
18 engaged in small business, or to counsel persons in management or financial
19 matters in furtherance of the purposes of this Act.

20 * Sec. 8. SPECIAL AND DEMONSTRATION PROGRAMS. (a) The director may
21 conduct, or make a grant and enter into a contract for, a special volunteer
22 program or demonstration program designed to (1) encourage wider volunteer
23 participation to further the purposes of this Act, and (2) identify particu-
24 lar segments of communities that could benefit from volunteer enterprises.

25 (b) A special or demonstration program under (a) of this section
26 includes a program to (1) provide alternatives to the incarceration of youth-
27 ful offenders; (2) promote educational opportunities for veterans; and (3)
28 provide community-based peer group outreach and counseling for drug abusers.

29 * Sec. 9. GRANTS AND CONTRACTS. (a) The director may make a grant or

1 enter into a contract with a local government agency or a private nonprofit
2 organization to pay part or all of the costs for the development and opera-
3 tion of a volunteer service program under this Act.

4 (b) Payments under this Act for a grant or contract shall be made on
5 conditions determined by the director.

6 (c) The director may suspend further payments or terminate payments
7 under a contract or grant providing assistance under this Act, if he deter-
8 mines there is a material failure to comply with the terms and conditions of
9 the grant or contract.

10 (d) The director shall prescribe procedures to insure that

11 (1) payments under this Act are not suspended for failure to
12 comply with the terms and conditions of a grant or contract, except in emer-
13 gency situations for 30 days, unless the agency or organization that is a
14 party to the grant or contract has been given reasonable notice and oppor-
15 tunity to show cause why that action should not be taken; and

16 (2) payments under this Act may not be terminated for failure to
17 comply with the terms and conditions of a grant or contract unless the agency
18 or organization that is a party to the grant or contract has been afforded
19 reasonable notice and opportunity for a full and fair hearing.

20 * Sec. 10. NONDISCRIMINATION. The director may not provide financial
21 assistance under a grant or contract for a program under this Act unless the
22 grant or contract specifically provides that a person with responsibilities
23 in the operation of the program will not discriminate with respect to the
24 program because of race, creed, color, national origin, sex, sexual orienta-
25 tion, marital status, parental status, physical disability, or political
26 affiliation.

27 * Sec. 11. PARTICIPATION OF BENEFICIARIES AND OLDER ALASKANS COMMISSION.

28 (a) The director, after consultation with the agency or organization sponsor-
29 ing a volunteer service program, shall establish a continuing mechanism

1 through which residents of a community to be served by the program may par-
2 ticipate in planning, developing, and implementing the program.

3 (b) Before the director makes a grant or enters into a contract with an
4 agency or organization sponsoring a volunteer service program, the Older
5 Alaskans Commission (AS 44.21.200 - 44.21.240) shall have 30 days to review
6 the program and make recommendations to the director concerning the program.

7 * Sec. 12. EVALUATIONS. (a) The director shall periodically evaluate
8 all programs authorized by this Act, their effectiveness in achieving stated
9 goals, their impact on related programs, and their structure and mechanisms
10 for delivery of services. Evaluations shall be conducted by persons not
11 immediately involved in the administration of the program evaluated. In
12 carrying out evaluations the director shall obtain the opinions of program
13 participants concerning the program.

14 (b) The director shall develop and publish general standards for evalu-
15 ation of program effectiveness in achieving the objectives of this Act.

16 (c) The director may, for the purpose of conducting an evaluation under
17 this section, spend not more than one percent of funds appropriated to the
18 senior Alaskans volunteer enterprises program.

19 (d) The director shall publish a report of a program evaluation not
20 later than 60 days after the completion of the evaluation.

21 * Sec. 13. AUDIT. (a) An agency or organization with which the director
22 has a contract or to which the director has made a grant shall maintain
23 records as required by the director, including records that fully disclose

24 (1) the amount and disposition by the agency or organization of
25 the proceeds of the assistance;

26 (2) the total cost of the program in connection with which assist-
27 ance is given or used;

28 (3) the amount of that portion of the cost of the program supplied
29 by sources other than the director; and

1 (4) other records that will facilitate an effective audit.

2 (b) The director, until three years after the completion of a program
3 for which records are required to be kept under this section,

4 (1) shall have access to the records for the purpose of conducting
5 an audit; and

6 (2) may examine any books, documents, papers, and records that in
7 the opinion of the director may be related or pertinent to a grant or con-
8 tract referred to in (a) of this section.

9 * Sec. 14. ANNUAL REPORT. The director shall submit to the legislature
10 each January a report of the activities of the senior Alaskans volunteer
11 enterprises program, including copies of evaluations conducted under sec. 12
12 of this Act.

13 * Sec. 15. DEFINITIONS. In this Act,

14 (1) "director" means the director of the senior Alaskans volunteer
15 enterprises program;

16 (2) "resident" means a person who for 12 consecutive months imme-
17 diately preceding enrollment as a volunteer under this Act has maintained a
18 permanent place of abode in the state and has continually maintained his
19 voting residence in the state;

20 (3) "volunteer" means a person enrolled to perform volunteer
21 service in the senior Alaskans volunteer enterprises program.

22 * Sec. 16. This Act terminates June 30, 1987.

23 * Sec. 17. This Act takes effect July 1, 1982.

24
25
26
27
28
29

Offered: 4/20/82
Referred: Finance

Original sponsor: Fischer

1 IN THE SENATE

BY THE HEALTH, EDUCATION
AND SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 799 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act establishing the Alaska senior citizen employ-
7 ment team program and fund; and providing for an effec-
8 tive date."

9

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

10

* Section 1. FINDINGS AND INTENT. The legislature finds that the wealth
11 of experience, expertise, and wisdom of older Alaskans constitutes a valuable
12 state resource. It is the intent of the legislature that this resource be
13 developed in order to address the needs and problems of Alaskans, to enable
14 older Alaskans to earn a reasonable wage, and to improve the general welfare
15 of the people of the state.

16

* Sec. 2. PURPOSE. This Act provides for the Alaska senior citizen
17 employment team (ASCET) program of full-time and part-time employment in
18 community volunteer service. The purpose of this Act is to strengthen and
19 supplement efforts to eliminate human, social, and environmental problems in
20 Alaska by encouraging and enabling Alaska residents 60 years of age and older
21 from all walks of life to perform meaningful and constructive service to
22 their communities, and, if they have business experience, to assist persons
23 in small business enterprises.

24

* Sec. 3. PROGRAM ESTABLISHED. The Alaska senior citizen employment team
25 program is established under the Older Alaskans Commission, Department of
26 Administration. The executive director of the Older Alaskans Commission is
27 the director of the program.

28

* Sec. 4. FUND ESTABLISHED. (a) The Alaska senior citizen employment
29 team fund is established in the Department of Administration and consists of

1 money appropriated to it by the legislature.

2 (b) The fund shall be administered by the director for the following
3 purposes:

4 (1) to reimburse participating program sponsors for wages paid to
5 an enrollee and expenses incurred on behalf of an enrollee under terms of
6 this Act;

7 (2) to employ or contract for staff and services necessary to
8 accomplish the purposes of this Act.

9 * Sec. 5. ENROLLEES. The director shall recruit, select, and enroll
10 Alaska residents 60 years of age and older to perform full-time and part-time
11 service in eligible programs under sec. 6 of this Act. The director may
12 provide short-term training necessary to make the most effective use of the
13 skills and talents of enrollees.

14 * Sec. 6. CONTRACTS FOR EMPLOYMENT OF ENROLLEES. (a) The director may
15 contract

16 (1) for the employment of an enrollee by a nonprofit organization,
17 by a unit of local government, or by the sponsor of an older Alaskans service
18 program under AS 47.65 to accomplish a purpose of this Act;

19 (2) with a person engaged in small business for the employment of
20 an enrollee with business experience related to that small business; a con-
21 tract under this paragraph shall provide that the enrollee is employed only
22 to advise and assist in establishing or conducting the small business.

23 (b) A contract under (a) of this section shall provide for the employ-
24 ment of an enrollee at a wage of not less than \$5 an hour and may provide
25 that an enrollee may work full time or part time, may share the job with
26 another person, and may arrange to work on a "flex-time" basis. The contract
27 shall require an employer of an enrollee to establish a procedure for an
28 enrollee to present and obtain resolution of grievances with the employer
29 concerning terms and conditions of employment. The procedure shall provide

1 the enrollee with notice and the opportunity to be heard. The contract shall
2 require the program sponsor to pay the wages of the enrollee, to provide all
3 employee benefits required by state and federal law, and to provide the
4 enrollee with a written description of the duties to be performed by the
5 enrollee. The contract shall specifically provide that the program sponsor
6 will not discriminate with respect to the program because of age, race,
7 creed, color, national origin, sex, sexual orientation, marital status,
8 parental status, physical disability, or political affiliation. The contract
9 shall provide that the enrollee may not be employed to displace an employee
10 who is not an enrollee. The director upon request shall provide an enrollee
11 employed under this program with a copy of the enrollee's contract of employ-
12 ment.

13 (c) An employer is eligible to receive reimbursement of all or a por-
14 tion of the wages paid to an enrollee, and expenses authorized by the direc-
15 tor and incurred on behalf of an enrollee, in amounts specified in the con-
16 tract of employment and in a manner prescribed by regulations issued by the
17 director.

18 (d) The director shall assign an enrollee to work in the community in
19 which the enrollee resides, or a nearby community, unless the enrollee agrees
20 to serve elsewhere in the state.

21 * Sec. 7. AUDIT. A program or business employing an enrollee under this
22 Act is subject to audit by the legislative audit division.

23 * Sec. 8. ANNUAL REPORT. The director shall submit to the legislature
24 each January a report of the activities of the Alaska senior citizen employ-
25 ment team program.

26 * Sec. 9. REGULATIONS. The director shall issue regulations necessary to
27 accomplish the purposes of this Act.

28 * Sec. 10. DEFINITIONS. In this Act,

29 (1) "director" means the executive director of the Older Alaskans

1 Commission (AS 44.21.200);

2 (2) "enrollee" means a person enrolled in the Alaska senior citi-
3 zen employment team program;

4 (3) "resident" means a person who for 12 consecutive months imme-
5 diately preceding enrollment in the Alaska senior citizen employment team
6 program has maintained a permanent place of abode in the state and has con-
7 tinually maintained a voting residence in the state.

8 * Sec. 11. This Act is repealed June 30, 1987.

9 * Sec. 12. This Act takes effect July 1, 1982.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

COMMITTEE REPORT

SENATE

2/16/82

FURTHER:

Finance

Date: 3/18/82

Mr. President:

COMMUNITY & REGIONAL
AFFAIRS

The Committee on

has had

SB 802

tax exemptions

under consideration and (a majority of the committee) (~~the committee~~) reports it back with the following recommendations:

do pass

do not pass

do pass with attached amendments(s)

replace with CS for SB 802 (CRA)

same title
 new title

*reports it back
and recommends as follows*

AND attaches a "Letter of Intent"

New Fiscal Note

reports it back without recommendation

referred to the _____

Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Alan Gelman

2 Zeiler - No Rec

1 Jensen

2 Stungilowski - No Rec

1 Gelman

CHAIRMAN

Offered: 3/23/82
Referred: Finance

Original sponsor: Ferguson

1 IN THE SENATE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 802 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 * Section 1. AS 29.53.020(a) is amended by adding a new paragraph to
10 read:

11 (9) real property or interests in real property that are exempt
12 from taxation under 43 U.S.C. 1620(d), as amended, as more fully
13 provided in (k) and (l) of this section.

14 * Sec. 2. AS 29.53.020 is amended by adding new subsections to read:

15 (k) The tax exemption required by 43 U.S.C. 1620(d), as amended,
16 shall be implemented according to the following conditions and inter-
17 pretations:

18 (1) "developed" means a purposeful modification of the prop-
19 erty from its original state that effectuates a condition of gainful or
20 productive present use without further substantial modification; survey-
21 ing, construction of roads, providing utilities or other similar actions
22 normally considered to be component parts of the development process,
23 but which do not create the above condition, do not constitute a
24 developed state within the meaning of this paragraph; developed prop-
25 erty, in order to remove the exception, must be developed for purposes
26 other than exploration, and be limited to the smallest practicable tract
27 of the property actually used in the developed state;

28 (2) "exploration" means the examination and investigation of
29 undeveloped land to determine the existence of subsurface nonrenewable

1 resources;

2 (3) "lease" means a grant of primary possession entered into
3 for gainful purposes with a determinable fee remaining in the hands of
4 the grantor; with respect to a lease that conveys rights of exploration
5 and development, this exemption shall continue with respect to that
6 portion of the leased tract that is used solely for the purpose of
7 exploration.

8 (1) If the property or interest in the property reverts to an un-
9 developed state, or if the lease is terminated, the exemption shall be
10 reinstated, subject to the provisions of (k) of this section.

11 * Sec. 3. AS 29.45.030(a) is amended by adding a new paragraph to read:

12 (7) real property or interests in real property that are
13 exempt from taxation under 43 U.S.C. 1620(d), as amended, as more fully
14 provided in (k) and (l) of this section.

15 * Sec. 4. AS 29.45.030 is amended by adding new subsections to read:

16 (k) The tax exemption required by 43 U.S.C. 1620(d), as amended,
17 shall be implemented according to the following conditions and inter-
18 pretations:

19 (1) "developed" means a purposeful modification of the prop-
20 erty from its original state that effectuates a condition of gainful or
21 productive present use without further substantiation modification;
22 surveying, construction of roads, providing utilities or other similar
23 actions normally considered to be component parts of the development
24 process, but which do not create the above conditions, do not constitute
25 a developed state within the meaning of this paragraph; developed prop-
26 erty, in order to remove the exemption, must be developed for purposes
27 other than exploration, and be limited to the smallest practicable tract
28 of the property actually used in the developed state;

29 (2) "exploration" means the examination and investigation of

1 undeveloped land to determine the existence of subsurface nonrenewable
2 resources;

3 (3) "lease" means a grant of primary possession entered into
4 for gainful purposes with a determinable fee remaining in the hands of
5 the grantor; with respect to a lease that conveys rights of exploration
6 and development, this exemption shall continue with respect to that
7 portion of the leased tract that is used solely for the purpose of
8 exploration.

9 (1) If the property or interest in the property reverts to an un-
10 developed state, or if the lease is terminated, the exemption shall be
11 reinstated, subject to the provisions of (k) of this section.

12 * Sec. 5. The exemption provided under AS 29.45.030(a) as amended by sec.
13 3 of this Act and the additions to AS 29.45.030 under sec. 4 of this Act are
14 retroactive to December 31, 1980.

15 * Sec. 6. The amendments and additions made to AS 29.53.020 by secs. 1
16 and 2 of this Act are repealed.

17 * Sec. 7. Sections 1 and 2 of this Act are retroactive to December 31,
18 1980.

19 * Sec. 8. Sections 3 - 6 of this Act take effect on the effective date of
20 a version of House Bill No. 170 or Senate Bill No. 180 revising AS 29.
21
22
23
24
25
26
27
28
29

Introduced: 2/16/82
Referred: Community & Regional
Affairs and Finance

1 IN THE SENATE

BY FERGUSON

2 SENATE BILL NO. 802

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 * Section 1. AS 29.53.020(a) is amended by adding a new sub-paragraph to
10 read:

11 (9) real property or interests therein which are exempt from tax-
12 ation under the Alaska Native Claims Settlement Act, as amended by the
13 Alaska National Interest Lands Conservation Act (43 USC 1620(d)(1), as
14 more fully provided in (k) of this section.

15 * Sec. 2. AS 29.53.020 is amended by adding a new paragraph to read:

16 (k) The tax exemption required by the Alaska Native Claims Settlem-
17 ent Act, as amended by the Alaska National Interest Land Conservation
18 Act (43 USC 1620(d)(1), shall be implemented according to the following
19 conditions and interpretations:

20 (1) The term "developed" shall mean a purposeful modifica-
21 tion of the property from its original state which effectuates a condi-
22 tion for gainful or productive present use without further substantia-
23 tion modification. Developed property, in order to remove the exemp-
24 tion, must be developed for purposes other than exploration, and be
25 limited to the smallest practicable tract of the property actually used
26 in the developed state. Surveying, platting, construction of roads,
27 providing utilities or other similar actions normally considered to be
28 component parts of the development process do not necessarily create a
29 developed state within the meaning of this sub-section. Forest lands,

1 as defined in AS 41.17.950(6), shall be deemed "developed" when gainful
2 or productive present use occurs and the owner of the forest land files
3 a notice of conversion under AS 41.17.110.

4 (2) The term "lease" means a grant of primary possession
5 entered into for gainful purposes with a determinable fee remaining in
6 the hands of the grantor. With respect to lease which conveys rights of
7 exploration and development, this exemption shall continue with re-
8 spect to that portion of the leased tract which is used solely for the
9 purpose of exploration.

10 (3) If the property or interest therein reverts to an under-
11 developed state, or if the lease is terminated, or if property which is
12 currently taxed should be used for purposes of exploration, the exemp-
13 tion shall be reinstated, subject to the provisions of this subsection.

14 * Sec. 3. Sections 1 and 2 of this Act are retroactive to December 31,
15 1980.

ALASKA STATE LEGISLATURE

1982 Legislature **SECOND** Session

SENATE ...BULL..... NO. 802...

By ..FERGUSON.....

"An Act relating to tax exemp-
tions; and providing for an
effective date."

Introduced in the Senate2/16, 19.82

HISTORY IN THE SENATE

19	82	Read first time and referred to Committee on												
2	16	C & RA and Finance												
3	23	Reported back with <i>CARR</i> recommendation that <i>replace w/CS - do pass - do not</i> <i>To Finance</i>												
		Read second time and												
		Read third time and												
		<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
PASS	Effective Date													
Yeas	Yeas													
Nays	Nays													
Absent	Absent													
Excused	Excused													
		<table border="0"> <tr> <td colspan="2">Reconsideration</td> </tr> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	Reconsideration		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												
		<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
PASS	Effective Date													
Yeas	Yeas													
Nays	Nays													
Absent	Absent													
Excused	Excused													
		<table border="0"> <tr> <td colspan="2">Reconsideration</td> </tr> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	Reconsideration		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
		To enrolling
		Reported correctly enrolled
		Sent to Governor
	 by Governor
		Filed with Lt. Governor
		Chapter No.

Letter of Intent
for
CS SB 802(Finance)

Section 21(d) of the federal Alaska Native Claims Settlement Act (ANCSA) provides that lands conveyed to Native corporations under that bill are exempt from local property taxes for a period of 20 years after conveyance.

A number of Native corporations and local governments have indicated that clarification of this exemption is essential to provide guidance to local governments and to assure that the objectives of the section 21(d) exemption are achieved. Senate Bill 802, as amended by the Finance Committee, provides the framework for implementation of that federally-mandated tax exemption.

The ANCSA tax exemption on Native corporate lands terminates when those lands are "developed." Sections (2) and (4) of SB 802(Fin) provide that the activities of surveying of land, construction of roads and provision of utilities to corporate land do not in themselves constitute "development." Rather, land served by roads and utilities would lose its exemption only if a condition of productive present use is created without requiring substantial further modification of the property. This definition will enable corporate land managers to provide the required infrastructure to its holding without threatening its tax exemption, even if, under some circumstances, a corporation might receive revenues incidental to construction of roads or utilities. At the same time, local governments are guaranteed that the corporate property, just as other private landholdings, will be contributing tax revenues to compensate for the public services provided to their property as productive development takes place.

During testimony on this bill, the broader issue of the general taxation policy of forest lands was raised by two of the corporations formed under ANCSA that are timber owners. Those testifying proposed that a severance tax was a more appropriate tax policy on property devoted to an activity of statewide significance than local property taxation. Further, the extremely long "dormant" period between timber sales raised questions on how property should be taxed that only earns revenue once every 60 to 100 years.

A severance tax on timber could be part of a comprehensive state tax policy. Important issues to be resolved before implementing such a policy would include the equitable treatment of timber owners and operators on federal and state lands, as well as private owners of timberlands. Also, an evaluation of whether a local or state tax structure could best address any increased local government costs due to timber development needs to be carefully considered.

Finally, all timber interests affected by this proposal need an opportunity to make their views heard. During hearings on this bill, testimony on the severance tax proposal was offered only by those representing privately held timberlands. Future hearings on this proposal will allow other industry representatives an opportunity to comment.

While outside the scope of SB 802 (which clarifies an existing, temporary federal exemption) this larger issue of forest land taxation needs further legislative consideration.

Senator Don Bennett, Co-Chair
Senate Finance Committee

Cook . .
4/27/82

Original sponsor: Ferguson

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 802 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 * Section 1. AS 29.53.020(a) is amended by adding a new paragraph to
10 read:

11 (9) real property or interests in real property that are exempt
12 from taxation under 43 U.S.C. 1620(d), as amended, as more fully
13 provided in (k) and (l) of this section.

14 * Sec. 2. AS 29.53.020 is amended by adding new subsections to read:

15 (k) The tax exemption required by 43 U.S.C. 1620(d), as amended,
16 shall be implemented according to the following conditions and inter-
17 pretations:

18 (1) "developed" means a purposeful modification of the prop-
19 erty from its original state that effectuates a condition of gainful or
20 productive present use without further substantial modification; survey-
21 ing, construction of roads, providing utilities or other similar actions
22 normally considered to be component parts of the development process,
23 but which do not create the above condition, do not constitute a
24 developed state within the meaning of this paragraph; developed prop-
25 erty, in order to remove the exemption, must be developed for purposes
26 other than exploration, and be limited to the smallest practicable tract
27 of the property actually used in the developed state;

28 (2) "exploration" means the examination and investigation of
29 undeveloped land to determine the existence of subsurface nonrenewable

1 resources;

2 (3) "lease" means a grant of primary possession entered into
3 for gainful purposes with a determinable fee remaining in the hands of
4 the grantor; with respect to a lease that conveys rights of exploration
5 and development, this exemption shall continue with respect to that
6 portion of the leased tract that is used solely for the purpose of
7 exploration.

8 (1) If the property or interest in the property reverts to an un-
9 developed state, or if the lease is terminated, the exemption shall be
10 reinstated, subject to the provisions of (k) of this section.

11 (m) Nothing in (k) or (1) of this section may be construed to
12 modify, enlarge, or diminish the tax exemption provided under 43 U.S.C.
13 1620(d).

14 * Sec. 3. AS 29.45.030(a) is amended by adding a new paragraph to read:

15 (7) real property or interests in real property that are
16 exempt from taxation under 43 U.S.C. 1620(d), as amended, as more fully
17 provided in (k) and (1) of this section.

18 * Sec. 4. AS 29.45.030 is amended by adding new subsections to read:

19 (k) The tax exemption required by 43 U.S.C. 1620(d), as amended,
20 shall be implemented according to the following conditions and inter-
21 pretations:

22 (1) "developed" means a purposeful modification of the prop-
23 erty from its original state that effectuates a condition of gainful or
24 productive present use without further substantial modification; survey-
25 ing, construction of roads, providing utilities or other similar actions
26 normally considered to be component parts of the development process,
27 but which do not create the above conditions, do not constitute a
28 developed state within the meaning of this paragraph; developed prop-
29 erty, in order to remove the exemption, must be developed for purposes