

LEG. FINANCE - BILLS 1983 - 1984 1941

CSHB 552 - SSHB 560 1941

COMMITTEE REPORT
SENATE

FURTHER:

4/25/84

Date 5/7/84

Mr. President

The Committee on FINANCE considered CSHB 552(Fin)

special appropriations for development of the Delta Junction bison range; afd.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

_____ Chairman

_____ Chairman recommendation

Offered: 2/22/84
Referred: Rules

Original sponsor: Shultz

Funding Information

General Fund	\$1,604,000
Other Funds	-0-
	<u>\$1,604,000</u>

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 552 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making special appropriations for development
7 of the Delta Junction bison range; and providing for
8 an effective date."

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

10 * Section 1. Subject to AS 37.25.020, the sum of \$1,544,000 is appro-
11 priated from the general fund to the Department of Fish and Game for com-
12 pletion of the Delta Junction bison range development program.

13 * Sec. 2. Subject to AS 37.25.020, the sum of \$60,000 is appropriated
14 from the general fund to the Department of Natural Resources, division of
15 forestry, for the administration of timber sales on the Delta Junction
16 bison range and fire suppression activities associated with required burn-
17 ing on the range.

18 * Sec. 3. This Act takes effect July 1, 1984.

CSHB 552 (FINANCE)

"AN ACT MAKING SPECIAL APPROPRIATIONS FOR DEVELOPMENT OF THE DELTA JUNCTION BISON RANGE, AND PROVIDING FOR AN EFFECTIVE DATE."

INFORMATION PACKET

REP. DICK SHULTZ

"An Act making special appropriations for development of the Delta Junction bison range; and providing for an effective date."

In the 1920's, bison were introduced to Delta Junction (then known as Buffalo Center) and have prospered there since. At that time, the only access to the herd was via the Valdez Trail; a narrow, winding, primitive access road from Valdez to Fairbanks. The road itself, and the travelers on it, had very little effect on the bison and offered scant threat to their existence.

In the 1940's, and as a direct result of World War II, the U.S. Army developed Allen Army Air Field (now Fort Greely) and construction of the Alaska Highway began. This was the first real pressure placed upon the herd, in effect, bisecting its' grazing area.

In the 1970's, construction of the TransAlaska Oil Pipeline brought rapid and dramatic growth to the Delta Junction area, again putting pressure upon the herd, and this was followed by the development of the Delta Junction Agricultural Project.

The Agricultural Project offers even more severe threats to the bison, due to the fact that bison are a grazing animal and the cultivation of agricultural products such as barley provided an easily attained source of food to the animals.

Evidence of this fact is shown by the changes in the bison's grazing habits over just the last few years. The bison had previously grazed in areas near the Delta River, but with the advent of the Agricultural Project, they began to graze on and near the site of the farms.

In 1979, the Alaska Legislature established the Delta Junction Bison Range to "PROVIDE AN ADEQUATE WINTER RANGE FOR THE BISON," and to "DIMINISH THE DAMAGE CAUSED BY THE HERDS TO AGRICULTURALLY DEVELOPED LAND." The Range Plan was intended to use the Alaska Highway as a barrier between the Agricultural lands and land designated for public recreation and wildlife, especially bison.

To the extent that it has been developed, the Delta Junction Bison Range has been successful! In 1983, the bison used the range for nearly a month, and only left after they had consumed most of the forage. They then moved across the Alaska Highway and once again caused damage on the Agricultural Project.

Early during the winter of 1983, a group of Delta area residents began meeting to attempt to find a solution to the problem. This group was composed of farmers, sportsmen, a representative of the Division of Game, representatives from the timber industry and other concerned Delta area residents.

A compromise acceptable to all concerned was the main focus of this group, and HB 552 represents the result. \$1,544,000 would be appropriated to complete the range, based on the premise that the bison will not wander onto the farms unless they are hungry. An additional \$60,000 would be appropriated to allow for a timber inventory and sale of marketable timber, thereby offsetting the cost of range development.

Benefits:

1. Tourism would benefit from an completed bison range, and plans call for the development of viewing facilities.
2. An area would be provided which is easily accessible for recreational pursuits; including hunting, trapping, hiking, fishing (there are two stocked lakes on the eastern section of the range), photography, skiing, dog sledding, etc.
3. Firewood would be made available.
4. Improved habitat would be available for sharp-tailed grouse, and other game and non-game birds, as well as moose, bear, hares and other furbearers.
5. Safety along the Alaska Highway should improve, as well as the number of bison road kills being reduced, as the bison learn to stay south of the Alaska Highway.

In summary, HB 552 gives the Legislature the opportunity to solve a long-standing problem, while favorably affecting both the wildlife habitat of the area and the development of the Agricultural Project.

This is not new legislation, but rather the completion of a project begun in 1979 with the creation of the Delta Junction Bison Range.

SECTIONAL ANALYSIS

"AN ACT MAKING SPECIAL APPROPRIATIONS FOR DEVELOPMENT OF THE DELTA JUNCTION BISON RANGE; AND PROVIDING FOR AN EFFECTIVE DATE."

SECTION 1 APPROPRIATES \$1,544,000 FROM THE GENERAL FUND TO THE DEPARTMENT OF FISH AND GAME FOR:

CLEARING.....	438,000
BERM REMOVAL.....	92,400
FORAGE PLANTING.....	616,000
PRESCRIBED BURNING.....	110,000
ROADS & TRAILS.....	5,000
BISON VIEWING FACILITIES.....	5,000
PLANTING & MAINTENANCE EQUIPMENT....	135,000
STORAGE SHED.....	100,000
WATER & SEWER DEVELOPMENT.....	20,000
FOREST OPENINGS.....	<u>13,000</u>
<u>TOTAL</u>	<u>1,544,000</u>

SECTION 2 APPROPRIATES \$60,000 FROM THE GENERAL FUND TO THE DEPARTMENT OF NATURAL RESOURCES FOR THE ADMINISTRATION OF TIMBER SALES DURING COMPLETION OF THE RANGE DEVELOPMENT. INCLUDES A TIMBER INVENTORY.

SECTION 3 PROVIDES JULY 1, 1984 EFFECTIVE DATE.

TOTAL APPROPRIATION: \$1,604,000

City of Delta Junction

Box 229

Delta Junction, Alaska 99737

907 - 895 - 4656

The North End of the Alaska Highway

RESOLUTION 84-23

WHEREAS, the Delta Bison herd has always been an important feature in the Delta Junction community, and;

WHEREAS, agriculture is rapidly increasing in importance to the Delta Junction community and the state, and;

WHEREAS, the Delta Bison herd each year without fail causes serious crop depredations and resulting financial losses for farmers, and;

WHEREAS, this continued conflict degrades the long term outlook for both the bison herd and agriculture, and;

WHEREAS, Senate Bills 337 and 338 and House Bills 551 and 552 would solve this problem by developing fall and winter range for bison on the Delta Junction Bison Range, and a drift barrier to keep bison out of the farming area.

NOW, THEREFORE, BE IT RESOLVED that the Council for the City of Delta Junction requests that the Alaska Legislature and the Governor of Alaska pass into state law the provisions of the aforementioned legislation so that this problem may finally be resolved.

THIS RESOLUTION HAS BEEN PROPERLY ADOPTED this 7th day of February, 1984, by the authorized membership of the City Council of Delta Junction, in Delta Junction, Alaska.

FRANK W. GEIGER, MAYOR

LOUIS E. HEINBOCKEL, MAYOR PRO TEM

LEONARD LEMON, COUNCILMEMBER

MARY LEITH DOWLING, COUNCILMEMBER

MARVIN HINSLEY, COUNCILMEMBER

GLENN WRIGHT, COUNCILMEMBER

FREDERIC READY, COUNCILMEMBER

ATTEST

Laura L. Woolford
City Clerk/Treasurer

**DELTA FISH & GAME
ADVISORY COMMITTEE**



BOX 1082

DELTA JUNCTION ALASKA

99737

January 26, 1984

Senator Bettye Fahrenkamp, Chair
Senate Resources Committee
Alaska Legislature
Pouch V
Juneau, AK 99811

Dear Senator Fahrenkamp:

The buffalo need a home of their own to roam! The Delta Fish and Game Advisory Committee urges your committee to give favorable consideration to Senate Bills 337 and 338 that would solve the conflict between agriculture and bison.

This committee has been vitally interested in bison since we became active years ago. Since that time, we have seen problems with this important resource intensify, and spill over, at times, into a shooting war. We have seen a dozen dead bison scattered over a field after having eaten uncovered fertilizer. Then too, we have observed the bison decimate the farm profits of hard-working men and women.

These two bills offer the first real opportunity we have seen in years of observation for a lasting peace. They offer an opportunity for the business of agricultural development to continue without the threat of losses just at the moment of gain. They offer the opportunity for the bison herd to continue free-ranging on land that is set aside for them and the people that enjoy them.

Thank you for your consideration.

Sincerely,

Dean W. Cummings
Chairman
895-4619

cc: Senator Moss
Representative Shultz
Fairbanks delegation



Greater Fairbanks

Chamber

of Commerce

First National Center

100 Cushman Street

(907) 452-1105

P.O. Box 7446

Fairbanks, Alaska 99707

February 17, 1984

Senator Bettye Fahrenkamp
Pouch V
Juneau, Alaska 99811

Dear Bettye:

The Fairbanks Chamber of Commerce supports the bison bills now before the legislature. They are SB 337 and SB 338 by Moss in the Senate and HB 551 and HB 552 by Shultz in the House.

The bills are carefully tailored to alleviate the problems associated with the Delta bison herd. Bison are grazing animals and need grass type forage to prosper. The bison range is predominantly a forest area and needs to be manipulated to support the bison or they will continue to wander onto area farms causing crop and property damage and creating hazards to equipment and people on the highway. Further, the welfare of the bison will be improved if the range is improved as they will not find it necessary to cross the Alaska Highway in search of food.

The apparent benefits if the bison bills are passed include:

1. Improved welfare of the herd.
2. Decreased crop and equipment damage on farms.
3. Reduced hazard to people and equipment on the highway.
4. Improved tourist and sight-seeing activity.
5. Improved habitat for moose, grouse and bear.

We urge your support for these bills. If you have any questions, please give me a call.

Best personal regards,

Buki Wright
President

cc: Senator Pappy Moss
Representative Richard Shultz

DELTA JUNCTION BISON RANGE

A Proposal for Development

by

David M. Johnson

SUMMARY

This proposal is designed to carry out the mandates of the legislation establishing the Delta Junction Bison Range (AS 16.20.300). The proposal would, if implemented, provide fall bison range to reduce or eliminate crop depredations, bison winter range, and a variety of habitats for game and nongame species. Recreational opportunities, including hunting, trapping, viewing, and photography would be enhanced. Timber resources would be harvested, offsetting the costs of development over time and boosting the local economy.

The proposal would cost \$1.8 million, to be spent over 3 fiscal years. One full-time project position would be funded, and funding for 3/4 years of an existing seasonal position would be included. Purchase of equipment needed for light maintenance work is included. Maintenance costs are estimated to be less than \$34,000 annually.

was planted by July 1983. Bison use of the Range has increased each year. After migrating from their summer range, the bison used the Range almost exclusively for nearly a month in fall 1983, leaving only after the bulk of the forage was exhausted. After that time, the bison crossed the Alaska Highway and caused extensive agricultural damage. Additional forage would have prevented most of those problems.

While the greatest bison use of the Range has been during the fall, the animals also use it during the winter months. They eat whatever perennial grasses are exposed by the scouring winds. Additional forage would mean much more winter use and would provide for the day when bison are excluded by fences from most or all of their former winter range.

The Bison Range provides an outstanding opportunity to develop techniques for improving wildlife habitats in interior Alaska, while providing for real wildlife needs at the same time. Prescribed fire, especially, can be used to advantage on the Range where the dominant cover type is old-growth black spruce. These fires can be used to develop additional forage for bison and to rejuvenate aging stands of deciduous trees for the benefit of moose, both at low per-acre cost.

OBJECTIVES

Short-term objectives are to provide the following:

1. Alternate fall forage for migrating bison to reduce or eliminate crop depredation losses;

2. Winter range for bison to compensate for increasing loss of traditional ranges;
3. New winter range for moose to allow expansion of the moose population;
4. Additional habitat for sharp-tailed grouse and other game birds;
5. New habitat for resident and migratory nongame species; and
6. New recreation opportunities for Alaskans and visitors.

Long-term objectives of Bison Range development are to:

1. Provide permanent wildlife habitat to mitigate for the loss of habitat to agricultural development; and
2. Provide retained public land to continue opportunities to hunt, trap, and view wildlife in an easily accessible area.

HABITAT MANAGEMENT

Capital Phase

1. Clearing
 - a. Purpose: Clearing provides a seedbed for planting perennial grasses that will be used by bison for long-term forage needs. The clearings also provide wide firebreaks for prescribed fires that will be used to develop additional habitat at low cost.
 - b. Procedure: Survey interior and exterior perimeters, cutting line with caterpillar tractor; chain down standing trees with heavy anchor chain; stack organic materials into tight berm rows; create

- b. Procedure: Disc soil with heavy or light disc depending on soil depth and amount of surface litter; rootrake with powered rake; plant up to 500 acres with a grass with hay value (e.g., brome); plant remainder with a low maintenance species such as bluegrass and native bluejoint. All plantings should be a mixture of annuals and perennials to protect the perennials in the first year. Suitable annuals include barley and oats.
- c. Time Frame: June or early July + retard plant maturation to provide maximum palatability of the annual for bison. Plant about 1,000 acres during year one, the balance during years two and three. This allows drying time for especially ice-rich areas.
- d. Cost: Estimated 1984 costs - 4,400 acres x \$140/acre = \$616,000

4. Prescribed Fire

- a. Purpose: Fire would be used to rapidly and inexpensively treat large areas. Post-fire vegetative growth would be managed for bison, moose, and/or small game. Repeated fires produce grassy areas; sporadic fires can be used to produce brushy areas.
- b. Procedure: Develop prescribed fire plans in cooperation with Alaska Division of Forestry; burn areas within cleared areas during prescription conditions in summer; use helitorch for maximum cost efficiency and safety.
- c. Time Frame: Summer, when conditions permit.
- d. Cost: Estimated 1984 costs - 5,680 acres x \$20/acre = \$113,600

5. Water Site Development

- a. Purpose: Water is only sporadically available on the portion of the Range proposed for development. Water is available within

7

the daily movement limits of bison, but additional water within the proposed habitat development would provide an added incentive for bison to stay within the developed areas and would provide a focus for bison activity for viewers. The ponds would be constructed so as to be suitable for other species as well.

b. Procedure: Develop 2 water sites separated by about 10 miles, one in each rectangle; drill wells to a consistent water source (1 well currently in place); pump water with windmills into stock tanks, the overflow to be piped into earthen ponds lined with a water-impermeable membrane or material.

c. Time Frame: Construction of ponds during clearing activities or year two; erection of windmills during year two.

d. Cost: Estimated 1984 cost \$20,000

6. Forest Openings

a. Purpose: Sharp-tailed grouse in Alaska are known to favor habitats with a mixture of shrubby brush and grassy openings. These openings will provide optimum habitat for grouse, as well as additional habitat for bison and the mixture of habitat types preferred by a variety of nongame species. If this procedure is as successful as expected, the technique could be used more widely on the Range at low cost at a later date.

b. Procedure: Within a 300-acre portion of one of the burned areas, clear plots varying in size from 2 to 20 acres, totaling 120 acres; stack organic materials in center of clearing and burn after suitable drying time; disc to break up aspen roots; allow native grasses to vegetate the openings.

- c. Time Frame: Same as clearing
- d. Cost: 120 acres x \$110/acre = \$13,000

7. Develop Forest Inventory

- a. Purpose: A forest inventory would have the dual benefit of preventing loss of valuable forest products during habitat manipulation activities and would set the stage for future timber sales on the Range. Sale of forest products would in time help offset the cost of Range development and would improve the local economy.
- b. Procedure: Using a reimbursable services agreement or other suitable instrument, contract with the Alaska Division of Forestry to provide timber cruise data on selected portions of the Range. Cooperate with Forestry to sell timber in areas designated for habitat manipulation (clearing, prescribed fire, etc.).
- c. Time Frame: Begin in year one, complete work during year two, to allow time during the project to complete habitat work.
- d. Cost: Estimated 1984 cost = \$60,000

Maintenance Phase

1. Renovate Perennial Grasses

- a. Purpose: Most grasses become sod-bound in time and require breaking up for optimum productivity. Woody plants will invade grasslands if not periodically disced.
- b. Procedure: Using ADF&G equipment and personnel, lightly disc soil on about 10% of the grasslands annually; fertilize and replant as needed up to a maximum of about 50 acres per year.

RECREATION ENHANCEMENT

Capital Phase

1. Roads and Trails

a. Purpose: Visitors will need roads to enter the area. Trails will be used by wildlife, visitors, hunters, trappers, hikers, snow machines, and dog teams. Staff will require access to clearings and manipulated habitat for maintenance.

b. Procedure: Cut necessary roads and trails during clearing operations using caterpillar tractor. Stack organic materials for burning later. Roads to be dirt; no fill or gravel to be added.

c. Time Frame: During clearing, year one

d. Cost: Estimated 1984 cost = \$6,000

2. Viewing Facilities

a. Purpose: Considerable interest exists in bison and other wildlife both among Alaskans and visitors. Viewing facilities will simplify viewing wildlife (especially bison) and provide a means for doing so that does not unduly alarm the animals.

b. Procedure: Construct raised and camouflaged viewing platforms near water sites; construct nature drive or similar interpretative feature.

c. Time Frame: Summers of years two and three

d. Cost: Estimated 1984 cost = \$10,000

Maintenance Phase

1. Roads and Trails: To be handled as part of habitat maintenance.
2. Viewing Facilities: Repair as required; add new facilities as opportunities present; erect information signs as appropriate. Annual cost less than \$5,000.

EQUIPMENT AND FACILITIES

1. Helitorch - Helicopter-transported aerial firing device. Required for cost effective and safe ignition of prescribed fires. Usable by ADF&G and other resource management agencies statewide. On hand now
2. Tractor and Implements - A small- to medium-sized tractor with implements, including disc, broadcast spreader, rototiller, drill, and spare parts inventory. Use for the renovation of perennial grasses, maintenance of forest openings, fireline construction for prescribed fire, seeding and fertilizing of small areas, etc. Cost = \$75,000.
3. Small Bulldozer - A small dozer with 6-way blade for road and trail maintenance, reshaping of ponds, light clearing, berm stacking, etc. Cost = \$6,000.
4. Storage Barn and Shop - Needed for safe storage of equipment above and shop facilities for maintenance. Usable for storage of materials

and hand tools. Includes cost of electrical hookup, road, foundation pad, etc. Cost = \$100,000.

STAFFING

1. Bison Range Manager - Three-year project position; permanent/full time Game Biologist II; total 36 man-months; cost \$150,000 for 3 years.
2. Technician - An existing Fish and Game Technician IV position. Assist manager and continue maintenance work beyond project conclusion. Total 18 man-months during project. Cost = \$56,000 (estimated annual cost during maintenance phase for 6 months work = \$19,000).

BENEFITS

Implementation of this proposal will provide benefits for Alaskans and for area wildlife. Some benefits are:

1. A dramatic reduction in crop depredations in the Delta Junction area, which should in turn
2. Reduce the cost to the State of the proposed State-assisted crop damage insurance program;
3. New moose winter range to replace that lost to development in the Delta Agricultural Project and to provide for expansion of the local moose population;

Maintenance Phase

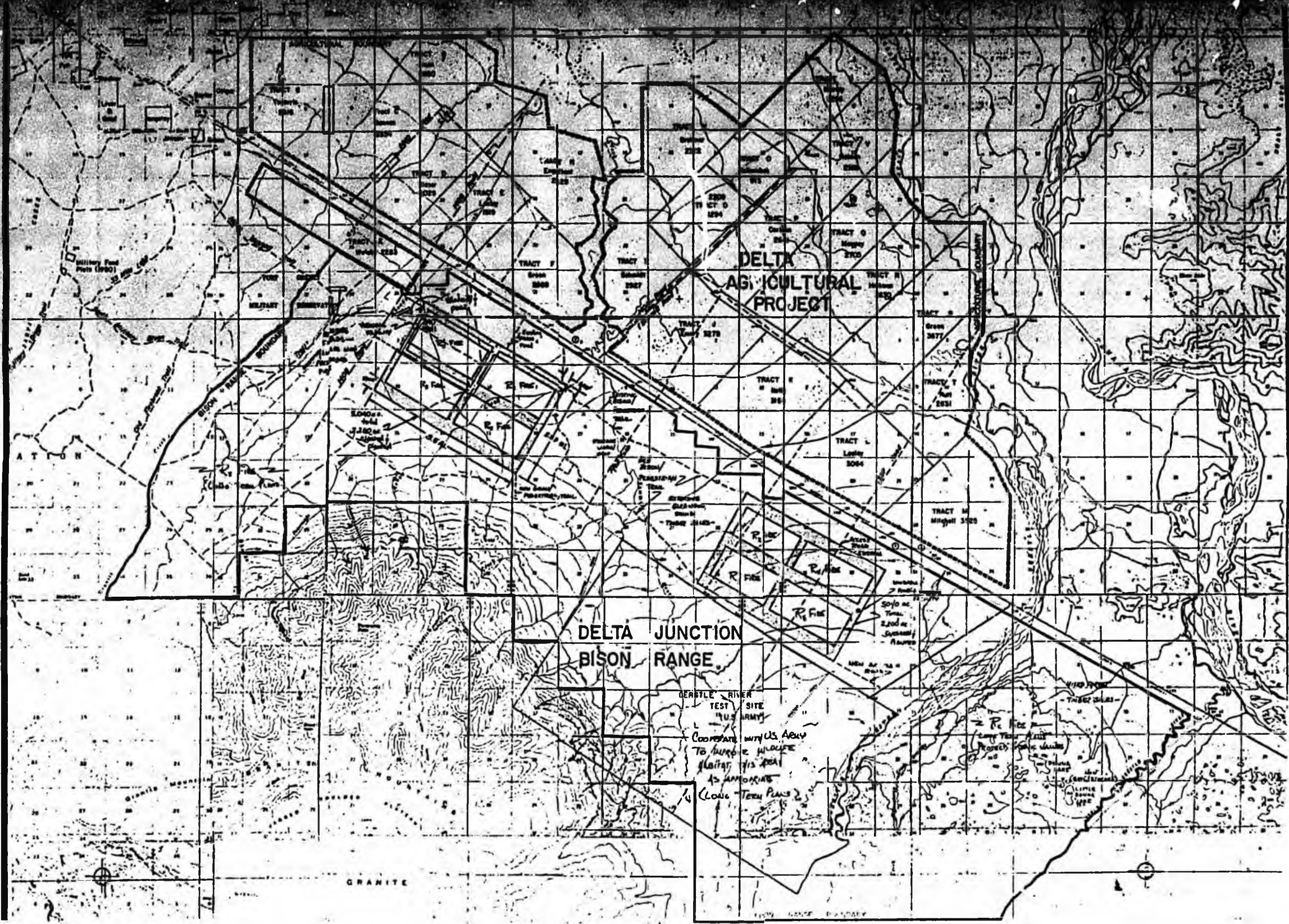
1. Renovate perennial grasses	\$ 13.8
2. Maintain prescribed fire sites	0 to 10.0
3. Maintain water sites	2.0
4. Maintain visitor facilities	5.0 ✓
5. Assist Division of Forestry timber sales	<1.0 ✓
6. Maintain roads, trails, and openings	2.0
7. Maintain hay fields	<5.0
8. Seasonal staffing (6 mo)	<u>19.0</u> ✓

TOTAL MAINTENANCE PHASE \$ 57.8 (maximum)

LONG-TERM DIRECTIONS

1. Bison habitat maintenance should be a long-term commitment for the Delta Junction Bison Range. As conflicts with development are eased, and as summer range improvement continues, the Game Division should examine the possibility of increasing the bison herd beyond the present population goal (275 animals, precalving).
2. Recreational opportunities present a major challenge for the Division. Fast-paced development in the area has eliminated some recreational possibilities. Bison Range development should include new and improved opportunities for the spectrum of outdoor uses of wildlands.





**DELTA
AGRICULTURAL
PROJECT**

**DELTA JUNCTION
BISON RANGE**

GENTLE RIVER
TEST SITE
(U.S. ARMY)
Coordinate with US Army
to improve wildlife
habitat in this area
as appropriate
(Long Term Plans)

Military Food Plots (1950)

GRANITE

ATLANTA

DELTA

MILITARY

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CSHB 552 (FINANCE)

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REP. DICK SHULTZ

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In the 1940's, and as a direct result of World War II, the U.S. Army developed Allen Army Air Field (now Fort Greely) and construction of the Alaska Highway began. This was the first real pressure placed upon the herd, in effect, bisecting its' grazing area.

In the 1970's, construction of the TransAlaska Oil Pipeline brought rapid and dramatic growth to the Delta Junction area, again putting pressure upon the herd, and this was followed by the development of the Delta Junction Agricultural Project.

The Agricultural Project offers even more severe threats to the bison, due to the fact that bison are a grazing animal and the cultivation of agricultural products such as barley provided an easily attained source of food to the animals.

Evidence of this fact is shown by the changes in the bison's grazing habits over just the last few years. The bison had previously grazed in areas near the Delta River, but with the advent of the Agricultural Project, they began to graze on and near the site of the farms.

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Benefits:

1. Tourism would benefit from an completed bison range, and plans call for the development of viewing facilities.
2. An area would be provided which is easily accessible for recreational pursuits; including hunting, trapping, hiking, fishing (there are two stocked lakes on the eastern section of the range), photography, skiing, dog sledding, etc.
3. Firewood would be made available.
4. Improved habitat would be available for sharp-tailed grouse, and other game and non-game birds, as well as moose, bear, hares and other furbearers.
5. Safety along the Alaska Highway should improve, as well as the number of bison road kills being reduced, as the bison learn to stay south of the Alaska Highway.

In summary, HB 552 gives the Legislature the opportunity to solve a long-standing problem, while favorably affecting both the wildlife habitat of the area and the development of the Agricultural Project.

This is not new legislation, but rather the completion of a project begun in 1979 with the creation of the Delta Junction Bison Range.

SECTIONAL ANALYSIS

"AN ACT MAKING SPECIAL APPROPRIATIONS FOR DEVELOPMENT OF THE DELTA JUNCTION BISON RANGE; AND PROVIDING FOR AN EFFECTIVE DATE."

SECTION 1 APPROPRIATES \$1,544,000 FROM THE GENERAL FUND TO THE DEPARTMENT OF FISH AND GAME FOR:

CLEARING.....	438,000
BERM REMOVAL.....	92,400
FORAGE PLANTING.....	616,000
PRESCRIBED BURNING.....	110,000
ROADS & TRAILS.....	5,000
BISON VIEWING FACILITIES.....	5,000
PLANTING & MAINTENANCE EQUIPMENT....	135,000
STORAGE SHED.....	100,000
WATER & SEWER DEVELOPMENT.....	20,000
FOREST OPENINGS.....	<u>13,000</u>
TOTAL	<u>1,544,000</u>

SECTION 2 APPROPRIATES \$60,000 FROM THE GENERAL FUND TO THE DEPARTMENT OF NATURAL RESOURCES FOR THE ADMINISTRATION OF TIMBER SALES DURING COMPLETION OF THE RANGE DEVELOPMENT. INCLUDES A TIMBER INVENTORY.

SECTION 3 PROVIDES JULY 1, 1984 EFFECTIVE DATE.

TOTAL APPROPRIATION: \$1,604,000

City of Delta Junction

Box 229

Delta Junction, Alaska 99737

907 - 895 - 4656

The North End of the Alaskan Highway

RESOLUTION 84-23

WHEREAS, the Delta Bison herd has always been an important feature in the Delta Junction community, and;

WHEREAS, agriculture is rapidly increasing in importance to the Delta Junction community and the state, and;

WHEREAS, the Delta Bison herd each year without fail causes serious crop depredations and resulting financial losses for farmers, and;

WHEREAS, this continued conflict degrades the long term outlook for both the bison herd and agriculture, and;

WHEREAS, Senate Bills 337 and 338 and House Bills 551 and 552 would solve this problem by developing fall and winter range for bison on the Delta Junction Bison Range, and a drift barrier to keep bison out of the farming area.

NOW, THEREFORE, BE IT RESOLVED that the Council for the City of Delta Junction requests that the Alaska Legislature and the Governor of Alaska pass into state law the provisions of the aforementioned legislation so that this problem may finally be resolved.

THIS RESOLUTION HAS BEEN PROPERLY ADOPTED this 7th day of February, 1984, by the authorized membership of the City Council of Delta Junction, in Delta Junction, Alaska.

FRANK W. GEIGER, MAYOR

LOUIS E. HEINBOCKEL, MAYOR PRO TEM

LEONARD LEMON, COUNCILMEMBER

MARY LEITH DOWLING, COUNCILMEMBER

MARVIN HINSLEY, COUNCILMEMBER

GLEN WRIGHT, COUNCILMEMBER

FREDERIC READY, COUNCILMEMBER

ATTEST

Laura L. Woolford
City Clerk/Treasurer

**DELTA FISH & GAME
ADVISORY COMMITTEE**



BOX 1082

DELTA JUNCTION ALASKA

99737

January 26, 1984

Senator Bettye Fahrenkamp, Chair
Senate Resources Committee
Alaska Legislature
Pouch V
Juneau, AK 99811

Dear Senator Fahrenkamp:

The buffalo need a home of their own to roam! The Delta Fish and Game Advisory Committee urges your committee to give favorable consideration to Senate Bills 337 and 338 that would solve the conflict between agriculture and bison.

This committee has been vitally interested in bison since we became active years ago. Since that time, we have seen problems with this important resource intensify, and spill over, at times, into a shooting war. We have seen a dozen dead bison scattered over a field after having eaten uncovered fertilizer. Then too, we have observed the bison decimate the farm profits of hard-working men and women.

These two bills offer the first real opportunity we have seen in years of observation for a lasting peace. They offer an opportunity for the business of agricultural development to continue without the threat of losses just at the moment of gain. They offer the opportunity for the bison herd to continue free-ranging on land that is set aside for them and the people that enjoy them.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dean W. Cummings".

Dean W. Cummings
Chairman
895-4619

cc: Senator Moss
Representative Shultz
Fairbanks delegation



Greater Fairbanks

Chamber

of Commerce

First National Center

100 Cushman Street

(907) 452-1107

PO Box 7444

Fairbanks, Alaska 99707

February 17, 1984

Senator Bettye Fahrenkamp
Pouch V
Juneau, Alaska 99811

Dear Bettye:

The Fairbanks Chamber of Commerce supports the bison bills now before the legislature. They are SB 337 and SB 338 by Moss in the Senate and HB 551 and HB 552 by Shultz in the House.

The bills are carefully tailored to alleviate the problems associated with the Delta bison herd. Bison are grazing animals and need grass type forage to prosper. The bison range is predominantly a forest area and needs to be manipulated to support the bison or they will continue to wander onto area farms causing crop and property damage and creating hazards to equipment and people on the highway. Further, the welfare of the bison will be improved if the range is improved as they will not find it necessary to cross the Alaska Highway in search of food.

The apparent benefits if the bison bills are passed include:

1. Improved welfare of the herd.
2. Decreased crop and equipment damage on farms.
3. Reduced hazard to people and equipment on the highway.
4. Improved tourist and sight-seeing activity.
5. Improved habitat for moose, grouse and bear.

We urge your support for these bills. If you have any questions, please give me a call.

Best personal regards,

Buki Wright
President

cc: Senator Pappy Moss
Representative Richard Shultz

DELTA JUNCTION BISON RANGE

A Proposal for Development

by

David M. Johnson

SUMMARY

This proposal is designed to carry out the mandates of the legislation establishing the Delta Junction Bison Range (AS 16.20.300). The proposal would, if implemented, provide fall bison range to reduce or eliminate crop depredations, bison winter range, and a variety of habitats for game and nongame species. Recreational opportunities, including hunting, trapping, viewing, and photography would be enhanced. Timber resources would be harvested, offsetting the costs of development over time and boosting the local economy.

The proposal would cost \$1.8 million, to be spent over 3 fiscal years. One full-time project position would be funded, and funding for 3/4 years of an existing seasonal position would be included. Purchase of equipment needed for light maintenance work is included. Maintenance costs are estimated to be less than \$34,000 annually.

was planted by July 1983. Bison use of the Range has increased each year. After migrating from their summer range, the bison used the Range almost exclusively for nearly a month in fall 1983, leaving only after the bulk of the forage was exhausted. After that time, the bison crossed the Alaska Highway and caused extensive agricultural damage. Additional forage would have prevented most of those problems.

While the greatest bison use of the Range has been during the fall, the animals also use it during the winter months. They eat whatever perennial grasses are exposed by the scouring winds. Additional forage would mean much more winter use and would provide for the day when bison are excluded by fences from most or all of their former winter range.

The Bison Range provides an outstanding opportunity to develop techniques for improving wildlife habitats in interior Alaska, while providing for real wildlife needs at the same time. Prescribed fire, especially, can be used to advantage on the Range where the dominant cover type is old-growth black spruce. These fires can be used to develop additional forage for bison and to rejuvenate aging stands of deciduous trees for the benefit of moose, both at low per-acre cost.

OBJECTIVES

Short-term objectives are to provide the following:

1. Alternate fall forage for migrating bison to reduce or eliminate crop depredation losses;

2. Winter range for bison to compensate for increasing loss of traditional ranges;
3. New winter range for moose to allow expansion of the moose population;
4. Additional habitat for sharp-tailed grouse and other game birds;
5. New habitat for resident and migratory nongame species; and
6. New recreation opportunities for Alaskans and visitors.

Long-term objectives of Bison Range development are to:

1. Provide permanent wildlife habitat to mitigate for the loss of habitat to agricultural development; and
2. Provide retained public land to continue opportunities to hunt, trap, and view wildlife in an easily accessible area.

HABITAT MANAGEMENT

Capital Phase

1. Clearing
 - a. Purpose: Clearing provides a seedbed for planting perennial grasses that will be used by bison for long-term forage needs. The clearings also provide wide firebreaks for prescribed fires that will be used to develop additional habitat at low cost.
 - b. Procedure: Survey interior and exterior perimeters, cutting line with caterpillar tractor; chain down standing trees with heavy anchor chain; stack organic materials into tight berm rows; create

- b. Procedure: Disc soil with heavy or light disc depending on soil depth and amount of surface litter; rootrake with powered rake; plant up to 500 acres with a grass with hay value (e.g., bromegrass); plant remainder with a low maintenance species such as bluegrass and native bluejoint. All plantings should be a mixture of annuals and perennials to protect the perennials in the first year. Suitable annuals include barley and oats.
- c. Time Frame: June or early July to retard plant maturation to provide maximum palatability of the annual for bison. Plant about 1,000 acres during year one, the balance during years two and three. This allows drying time for especially ice-rich areas.
- d. Cost: Estimated 1984 costs - 4,400 acres x \$140/acre = \$616,000

4. Prescribed Fire

- a. Purpose: Fire would be used to rapidly and inexpensively treat large areas. Post-fire vegetative growth would be managed for bison, moose, and/or small game. Repeated fires produce grassy areas; sporadic fires can be used to produce brushy areas.
- b. Procedure: Develop prescribed fire plans in cooperation with Alaska Division of Forestry; burn areas within cleared areas during prescription conditions in summer; use helitorch for maximum cost efficiency and safety.
- c. Time Frame: Summer, when conditions permit.
- d. Cost: Estimated 1984 costs - 5,680 acres x \$20/acre = \$113,600

5. Water Site Development

- a. Purpose: Water is only sporadically available on the portion of the Range proposed for development. Water is available within

the daily movement limits of bison, but additional water within the proposed habitat development would provide an added incentive for bison to stay within the developed areas and would provide a focus for bison activity for viewers. The ponds would be constructed so as to be suitable for other species as well.

b. Procedure: Develop 2 water sites separated by about 10 miles, one in each rectangle; drill wells to a consistent water source (1 well currently in place); pump water with windmills into stock tanks, the overflow to be piped into earthen ponds lined with a water-impermeable membrane or material.

c. Time Frame: Construction of ponds during clearing activities or year two; erection of windmills during year two.

d. Cost: Estimated 1984 cost \$20,000

6. Forest Openings

a. Purpose: Sharp-tailed grouse in Alaska are known to favor habitats with a mixture of shrubby brush and grassy openings. These openings will provide optimum habitat for grouse, as well as additional habitat for bison and the mixture of habitat types preferred by a variety of nongame species. If this procedure is as successful as expected, the technique could be used more widely on the Range at low cost at a later date.

b. Procedure: Within a 300-acre portion of one of the burned areas, clear plots varying in size from 2 to 20 acres, totaling 120 acres; stack organic materials in center of clearing and burn after suitable drying time; disc to break up aspen roots; allow native grasses to vegetate the openings.

- c. Time Frame: Same as clearing
- d. Cost: 120 acres x \$110/acre = \$13,000

7. Develop Forest Inventory

- a. Purpose: A forest inventory would have the dual benefit of preventing loss of valuable forest products during habitat manipulation activities and would set the stage for future timber sales on the Range. Sale of forest products would in time help offset the cost of Range development and would improve the local economy.
- b. Procedure: Using a reimbursable services agreement or other suitable instrument, contract with the Alaska Division of Forestry to provide timber cruise data on selected portions of the Range. Cooperate with Forestry to sell timber in areas designated for habitat manipulation (clearing, prescribed fire, etc.).
- c. Time Frame: Begin in year one, complete work during year two, to allow time during the project to complete habitat work.
- d. Cost: Estimated 1984 cost = \$60,000

Maintenance Phase

1. Renovate Perennial Grasses

- a. Purpose: Most grasses become sod-bound in time and require breaking up for optimum productivity. Woody plants will invade grasslands if not periodically disced.
- b. Procedure: Using ADF&G equipment and personnel, lightly disc soil on about 10% of the grasslands annually; fertilize and replant as needed up to a maximum of about 50 acres per year.

RECREATION ENHANCEMENT

Capital Phase

1. Roads and Trails

a. Purpose: Visitors will need roads to enter the area. Trails will be used by wildlife, visitors, hunters, trappers, hikers, snow machines, and dog teams. Staff will require access to clearings and manipulated habitat for maintenance.

b. Procedure: Cut necessary roads and trails during clearing operations using caterpillar tractor. Stack organic materials for burning later. Roads to be dirt; no fill or gravel to be added.

c. Time Frame: During clearing, year one

d. Cost: Estimated 1984 cost = \$6,000

2. Viewing Facilities

a. Purpose: Considerable interest exists in bison and other wildlife both among Alaskans and visitors. Viewing facilities will simplify viewing wildlife (especially bison) and provide a means for doing so that does not unduly alarm the animals.

b. Procedure: Construct raised and camouflaged viewing platforms near water sites; construct nature drive or similar interpretative feature.

c. Time Frame: Summers of years two and three

d. Cost: Estimated 1984 cost = \$10,000

Maintenance Phase

1. **Roads and Trails:** To be handled as part of habitat maintenance.
2. **Viewing Facilities:** Repair as required; add new facilities as opportunities present; erect information signs as appropriate. Annual cost less than \$5,000.

EQUIPMENT AND FACILITIES

1. Helitorch - Helicopter-transported aerial firing device. Required for cost effective and safe ignition of prescribed fires. Usable by ADF&G and other resource management agencies statewide. On hand now
2. Tractor and Implements - A small- to medium-sized tractor with implements, including disc, broadcast spreader, rototiller, drill, and spare parts inventory. Use for the renovation of perennial grasses, maintenance of forest openings, fireline construction for prescribed fire, seeding and fertilizing of small areas, etc. Cost = \$75,000.
3. Small Bulldozer - A small dozer with 6-way blade for road and trail maintenance, reshaping of ponds, light clearing, berm stacking, etc. Cost = \$6,000.
4. Storage Barn and Shop - Needed for safe storage of equipment above and shop facilities for maintenance. Usable for storage of materials

and hand tools. Includes cost of electrical hookup, road, foundation pad, etc. Cost = \$100,000.

STAFFING

1. Bison Range Manager - Three-year project position; permanent/full time Game Biologist II; total 36 man-months; cost \$150,000 for 3 years.
2. Technician - An existing Fish and Game Technician IV position. Assist manager and continue maintenance work beyond project conclusion. Total 18 man-months during project. Cost = \$56,000 (estimated annual cost during maintenance phase for 6 months work = \$19,000).

BENEFITS

Implementation of this proposal will provide benefits for Alaskans and for area wildlife. Some benefits are:

1. A dramatic reduction in crop depredations in the Delta Junction area, which should in turn
2. Reduce the cost to the State of the proposed State-assisted crop damage insurance program;
3. New moose winter range to replace that lost to development in the Delta Agricultural Project and to provide for expansion of the local moose population;

Maintenance Phase

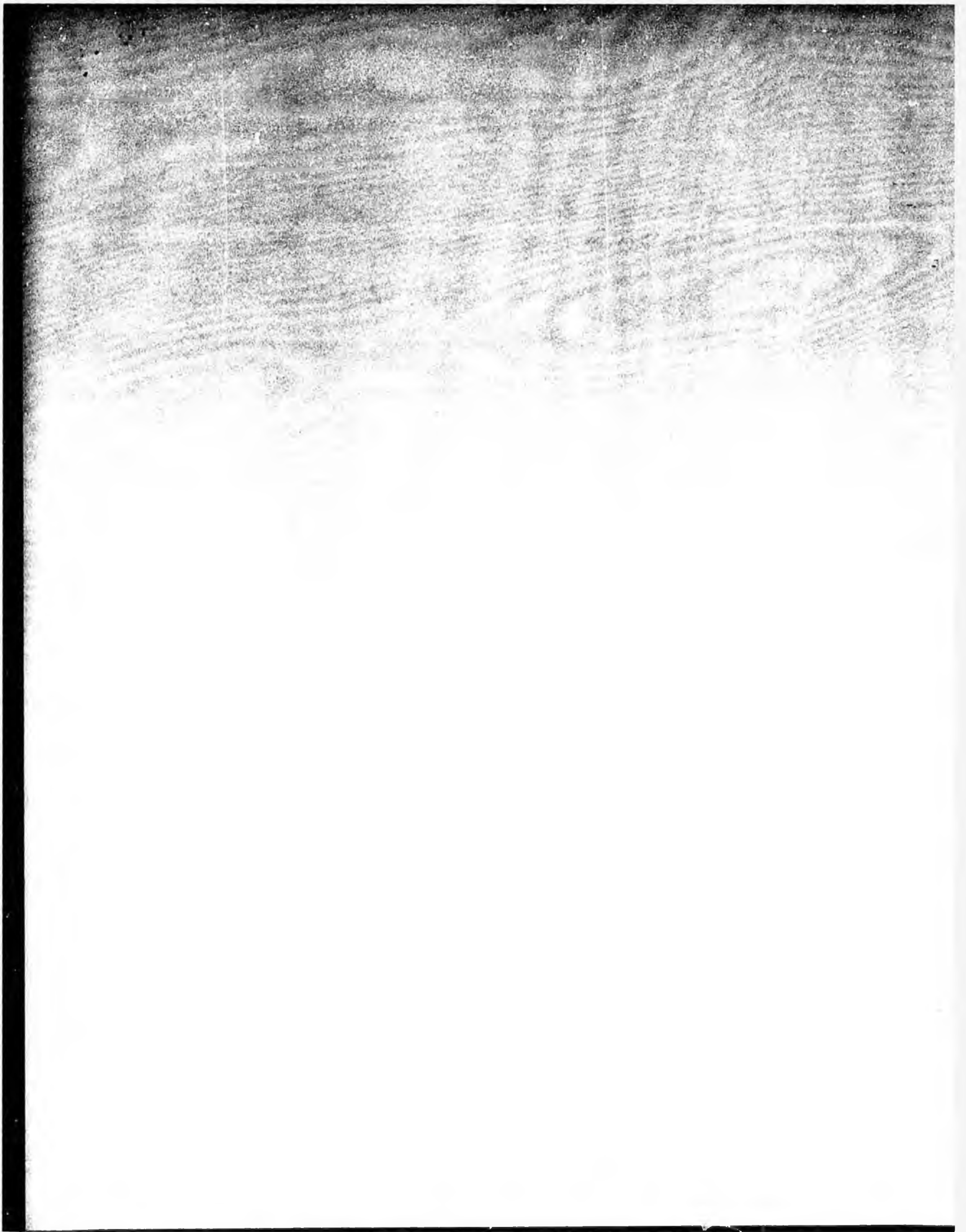
1. Renovate perennial grasses	\$ 13.8
2. Maintain prescribed fire sites	0 to 10.0
3. Maintain water sites	2.0
4. Maintain visitor facilities	5.0 ✓
5. Assist Division of Forestry timber sales	<1.0 ✓
6. Maintain roads, trails, and openings	2.0
7. Maintain hay fields	<5.0
8. Seasonal staffing (6 mo)	<u>19.0</u> ✓

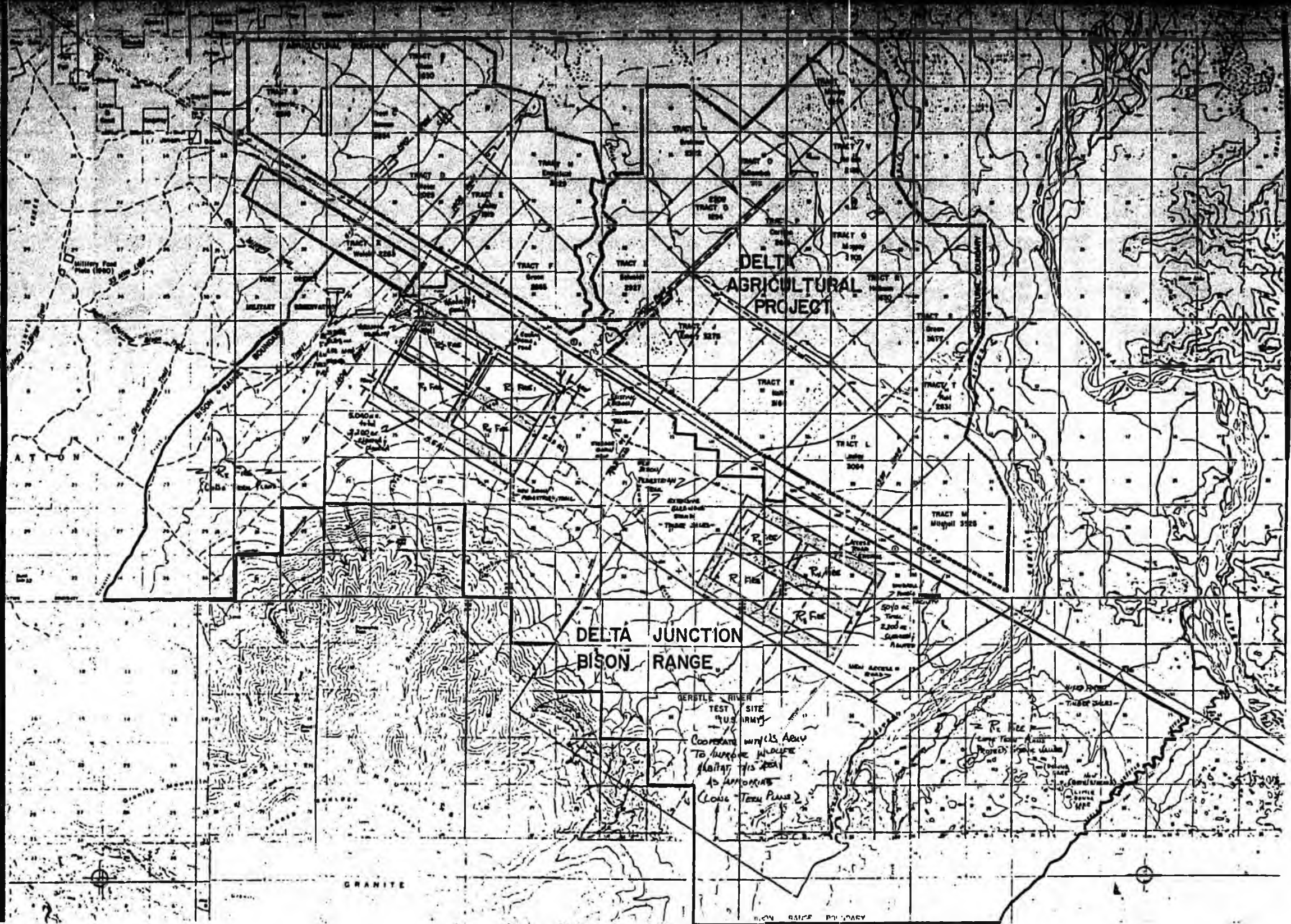
TOTAL MAINTENANCE PHASE \$ 57.8 (maximum)

LONG-TERM DIRECTIONS

1. Bison habitat maintenance should be a long-term commitment for the Delta Junction Bison Range. As conflicts with development are eased, and as summer range improvement continues, the Game Division should examine the possibility of increasing the bison herd beyond the present population goal (275 animals, precalving).

2. Recreational opportunities present a major challenge for the Division. Fast-paced development in the area has eliminated some recreational possibilities. Bison Range development should include new and improved opportunities for the spectrum of outdoor uses of wildlands.





DELTA AGRICULTURAL PROJECT

DELTA JUNCTION BISON RANGE

GERSTLE RIVER TEST SITE U.S. ARMY
COORDINATE WITH US ARMY TO SUPPLY MILITARY HABITAT THIS YEAR AS APPROPRIATE (LONG TERM PLAN)

GRANITE

BISON RANGE BOUNDARY

COMMITTEE REPORT

SENATE

Same as SB 338

FURTHER:

FINANCE

3/2/84

Date _____

Mr. President

The Committee on RESOURCES considered CSHB 552(Fin)

special appropriations for development of the Delta Junction bison range; efd.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 553 (RES)
 Title: Grain Reserve Program
Amendments
 Sponsor: Schultz
 Requestor: _____
 Date of Request: 2-6-84

FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: Agriculture development
 BRU, Program or Subprogram(s) Affected: Agriculture development

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Sharon L. Barton Phone: 465-2400
 Division: Commissioner's Office Date: 2-6-84
 Approved by Commissioner: Mimi D Arnold, Dept Date: 2-6-84
 Agency: Department of Natural Resources

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

COMMITTEE REPORT

SENATE

Same as SB 335

FURTHER:

FINANCE

3/7/84

Date _____

Mr. President

The Committee on RESOURCES considered CSHB 553 (Loans) act amending the Alaska Grain Reserve Program; efd.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Offered: 1/16/84
Referred: Rules

Original sponsor: Shultz

1 IN THE HOUSE

BY THE HOUSE SPECIAL
COMMITTEE ON STATE LOANS

2

CS FOR HOUSE BILL NO. 553 (Loans)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act amending the Alaska Grain Reserve Program;

7

and providing for an effective date."

8

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

9

* Section 1. AS 03.12.020 is amended to read:

10

Sec. 03.12.020. DUTIES OF THE DEPARTMENT. In carrying out the

11

purposes of this chapter the department shall

12

(1) make loans to state grain producers under the condi-

13

tions set out in this chapter;

14

(2) administer and inspect stored grain held as collateral

15

for loans made under this chapter; and

16

(3) administer the Alaska grain reserve revolving loan fund

17

(AS 03.12.040).

18

* Sec. 2. AS 03.12.030(a) is amended to read:

19

(a) The department may make a loan to a state grain producer

20

secured by grain grown by that producer in 1983 or 1984. Grain that

21

is used as collateral for a loan made under this chapter must be

22

graded number four or better, except that hulless barley may be ac-

23

cepted as collateral under conditions determined by the commissioner

24

of the Department of Natural Resources.

25

* Sec. 3. AS 03.12.040 is amended to read:

26

Sec. 03.12.040. ALASKA GRAIN RESERVE REVOLVING LOAN FUND.

27

The Alaska grain reserve revolving loan fund is established in the

28

department for the purpose of financing loans made under this chapter.

29

The fund consists of appropriations made to it by the legislature and

1 repayments of principal and accrued interest on loans made from the
2 fund.

3 * Sec. 4. AS 03.12.200 is amended to read:

4 Sec. 03.12.200. DEFINITIONS. In this chapter

5 (1) "commissioner" means the commissioner of natural
6 resources;

7 (2) "department" means the Department of Natural Resources;

8 (3) "fund" means the Alaska grain reserve revolving loan
9 fund; and

10 (4) "grain" means barley, wheat or oats.

11 * Sec. 5. This Act takes effect immediately in accordance with AS 01.-
12 10.070(c).

COMMITTEE REPORT
HOUSE

(11)

FURTHER:

2/22/84

Date: 3-21-84

The Committee on FINANCE has had HB 555

"An Act relating to permanent fund dividends; and providing for an effective date."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 555 (FINANCE) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]
CHAIRMAN

Original sponsors: Cowdery, Battisworth
and Liska

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 555 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to permanent fund dividends; and
7 providing for an effective date."

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

9 * Section 1. AS 43.23.005 is amended by adding a new subsection to
10 read:

11 (d) Notwithstanding the provisions of (a) - (c) of this section,
12 an alien individual is not eligible for a permanent fund dividend.

13 * Sec. 2. AS 43.23.005(d) is repealed and reenacted to read:

14 (d) Notwithstanding the provisions of (a) - (c) of this section,
15 an alien individual who has not been lawfully admitted to the United
16 States is not eligible for a permanent fund dividend.

17 * Sec. 3. This Act applies only to eligibility for permanent fund
18 dividends for years after 1983.

19 * Sec. 4. Sections 1 and 3 of this Act take effect immediately in
20 accordance with AS 01.10.070(c).

21 * Sec. 5. Section 2 of this Act takes effect on the date of a final
22 decision by the Alaska Supreme Court holding that AS 43.23.005(d), as
23 enacted by sec. 1 of this Act, is unconstitutional, except that if such a
24 decision is accepted for review by the United States Supreme Court, sec. 2
25 of this Act takes effect on the date of a final decision by the United
26 States Supreme Court holding that AS 43.23.005(d), as enacted by sec. 1 of
27 this Act, is unconstitutional.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date 03/19/84

REQUEST

Bill/Resolution No: CSHB 555 (Finance)
 Title: An Act relating to the Permanent Fund Dividends
 Sponsor: House Finance Committee
 Requestor: House Finance Committee
 Date of Request: March 7, 1984

FISCAL DETAIL

Agency Affected: Revenue
 Program Category Affected: General Government
 BRU, Program of Subprogram(s) Affected: Permanent Fund Dividend

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES	-	33.6	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	18.5	-	-	-	-
400 SUPPLIES	-	.2	-	-	-	-
500 EQUIPMENT	-	1.0	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	53.3	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	53.3	-	-	-	-
TOTAL	-	53.3	-	-	-	-

POSITIONS:

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
FULL-TIME	-	1	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Dividend fund established by AS 43.23.045.

ANALYSIS: See attached.

Prepared By: Thomas C. Williams, Director
 Division: Enforcement Division

Phone: 465-2366
 Date: March 19, 1984

Approved by Commissioner: [Signature]
 Agency: Revenue

Date: 3/20/84

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Department of Revenue
Analysis of CSHB 555 (Finance)
March 19, 1984

A. Assumptions

1. Section 1 of this bill is determined to be constitutional.
2. The U. S. Department of Justice, Immigration and Naturalization Service provides the Department of Revenue with a magnetic tape identifying aliens.

B. Program Analysis

Section 1 and 4 make all aliens ineligible for a permanent fund dividend for years after 1983.

This change in statute will require the Enforcement Division to deny all applications received from individuals identified as aliens. Two methods exist for accomplishing this.

First, since current law (AS 43.23.005) and regulation (15 AAC 23.615(d)) allow resident aliens to apply, the forms and application instructions for the 1984 PFD indicates resident aliens may apply. However, 1984 PFD application forms do require aliens to identify themselves. Those applications on which the applicant identified him or herself as an alien can be isolated in the initial scanning process and subsequently denied.

Since it is currently too late to change the 1984 form, the number of applications received from aliens is likely to be relatively high. In 1983 over 5,000 resident aliens applied for a PFD. Even if the legislation is passed and signed prior to April 1, 1984, the beginning of the 1984 application period, and the statutory change is well publicized, the number of alien applicants would still be high.

The second method would be to try to match our PFD application file against a U. S. Justice Department, Immigration and Naturalization Service computer file of aliens. However, the District Director for Alaska states that their computer file contains only those aliens who have had some sort of legal activity (e.g. applied for naturalization), during the past 5 to 7 years. If an individual was a legal resident alien for the past 10 years and had no dealings with Immigration other than, for example, an address change they are not likely to be listed on the computer file. Accordingly Immigration's computer files are not complete and therefore would not be a foolproof method of identifying aliens.

Immigration's computer files do not identify the state of residence of aliens. As a result it would be necessary to match Immigration's files of all aliens in the U. S. against our PFD files to try to isolate aliens. Immigration conservatively estimates their nationwide computer files of aliens to include over 1,750,000 records. In addition, the primary match criteria would be on name and date of birth, which often times produces many inappropriate matches.

Department of Revenue
Analysis of CSBR 555 (Finance)
March 19, 1984

The cost of administering this program is identified under "C. Program Summary."

If Section 1 is determined to be unconstitutional and Section 2 takes effect, no additional funds would be required.

C. Program Summary

This bill would require one full time PFD Investigator who would be assigned aliens on a project basis. The primary functions of this position would be to conduct confirming investigations on a portion of applicants identified as aliens, resolve instances where an individual was inappropriately identified as an alien, respond to related inquiries, process denials of aliens who do apply, and hold informal conferences related to appeals from aliens. In addition, there would be associated contractual services, supply costs, and equipment costs.

Personal Services (100)

PFD Investigator I* (R13) 12 months @ \$2,800/mo. \$33,600

Contractual Services (300)

Contract with U.S. Justice Department to provide tape file sorted to our specifications		15,000
Telephone		
Telephone purchase	1 phone @ \$60	60
Installation	1 phone @ \$90	90
Local Centrex	12 months @ \$46/mo.	552
Long Distance	12 months @ \$150/mo.	1,800
Form letters, postage, etc.		<u>1,000</u>

Total Contractual Services (300) 18,502

Supplies (400)

General Office Supplies 200

Equipment (500)

Desk	575
Chair	175
File	<u>275</u>

Total Equipment (500) 1,025

Total \$53,327

OPENING REMARKS FOR HB 555

HB 555 PROVIDES THAT ONLY LEGAL ALIENS ARE ELIGIBLE TO RECEIVE PERMANENT FUND DIVIDEND CHECKS. THE BILL WOULD PUT IN STATUTE WHAT IS CURRENTLY IN DEPARTMENT OF REVENUE REGULATION. THEREFORE, THERE IS NO FISCAL IMPACT.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date

REQUEST

Bill/Resolution No: HB 555
 Title: An act relating to permanent fund dividends
 Sponsor: Cowdery, Bettisworth, Liska
 Requestor: House State Affairs
 Date of Request: 2/2/84

FISCAL DETAIL

Agency Affected: Revenue
 Program Category Affected: General Government
 BRU, Program or Subprogram(s) Affected: Permanent Fund Dividend

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<u>OPERATING</u>						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 SUPPLIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
<u>TOTAL OPERATING</u>	-	-0-	-	-	-	-
<u>CAPITAL</u>	-	-	-	-	-	-
<u>REVENUE</u>	-	-0-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
<u>TOTAL</u>	-	-0-	-	-	-	-

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: See attached.

Prepared By: Erwin B. Jones
 Division: Administrative Services

Phone: 465-2313

Date: 2/2/84

Approved by Commissioner: Donna M. Marshall
 Agency: Revenue

Date: 2/14/84

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Analysis

Section 1 provides for payment of permanent fund dividends to "legal aliens" who are otherwise qualified.

The proposed change would codify the existing administrative regulation 15 AAC 23.020(c) which makes the same provision. The department requires aliens to identify themselves and provide proof of legal status before making payments.

I see no effect, fiscal or otherwise, on the department from this legislation.

**STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date

REQUEST

Bill/Resolution No: HB 555
 Title: An Act relating to the Permanent
 Fund Dividends
 Sponsor: Cowdery, Bettisworth, Liska
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Revenue
 Program Category Affected: Revenue
 Collections and Management
 BRJ, Program of Subprogram(s) Affected:
Permanent Fund Dividend - Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 SUPPLIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL: None Necessary.

ANALYSIS: See attached.

Prepared By: Thomas C. Williams, Director
 Division: Enforcement Division

Phone: 465-2366
 Date: February 10, 1984

Approved by Commissioner: _____
 Agency: _____

Date: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget:
- Impacted Agency(ies)

Enforcement Division Analysis of HB 555

February 10, 1984

This bill places into law what the Enforcement Division has been doing as a matter of policy. Currently resident aliens are required to provide their alien registration card ("green card") number as proof they have been legally authorized to maintain residency in the United States. If the applicant does not have a valid green card the Enforcement Division denys payment of a Permanent Fund Dividend. This bill clarifies the statutory eligibility requirements by declaring illegal aliens ineligible for the PFD program.

TCW/dlr

STATE OF ALABAMA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date 2/2/84

REQUEST

Bill/Resolution No: HB 555
 Title: An act relating to Permanent
Fund Dividends; and providing for an
effective date
 Sponsor: Cowdery, Bettisworth & Liska
 Requestor: House State Affairs Committee
 Date of Request: _____

FISCAL DETAIL

Agency affected: Revenue
 Program Category Affected: Revenue
Collection and Management
 BRU, Program or Subprogram(s) Affected:
Permanent Fund Dividend BRU
Public Services Division Component

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 SUPPLIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: No impact on this BRU

Prepared By: Martin J. Richard
 Division: Public Services Division

Phone: 465-2392

Date: 2/2/84

Approved by Commissioner: _____
 Agency: _____

Date: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

TO; John

FR; Jeff

RE; testimony on HB555

Feb. 21, '84

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS JOHN J. COWDERY, REPRESENTATIVE DISTRICT 8. THE PURPOSE OF THIS BILL, OF WHICH I AM THE SPONSOR, IS TO INSURE THAT PEOPLE WHO RECIEVE PERMANENT FUND DIVIDEND CHECKS ARE QUALIFIED TO SHARE THE RESOURCE WEALTH OF ALASKA.

MR. CHAIRMAN, FIGURES PROVIDED TO ME, AND THE COMMITTEE BY THE DEPARTMENT OF REVENUE SHOW THAT IN 1982 5,072 ALIENS APPLIED FOR PERMANENT FUND DIVIDEND CHECKS. IF ALL OF THOSE CHECKS WERE CASHED, IT COST THE STATE \$5,072,000 DOLLARS.

IN 1983, WITH SUBSTANTIALLY SMALLER CHECKS, 5,037 ALIENS APPLIED. IF ALL OF THOSE CHECKS WERE CASHED THE STATE PAID OUT \$1,945,037 DOLLARS.

MR. CHAIRMAN, I DON'T HAVE ANY PROBLEM WITH THE STATE WRITING CHECKS TO ALIENS, IF THEY ARE LEGAL ALIENS. THAT IS, IF THEY ARE IN THIS COUNTRY WITH THE GOOD GRACES OF THE FEDERAL GOVERNMENT. MY CONCERN IS WITH THE PEOPLE WHO ARE SHARING OUR RESOURCE WEALTH, WHO SHOULDN'T EVEN BE HERE.

WITH THE FIGURES I HAVE JUST RECITED FROM THE DEPARTMENT OF REVENUE, IT'S IMPOSSIBLE TO TELL HOW MANY OF THOSE PEOPLE ARE ILLEGAL ALIENS. BUT THE FACT IS THAT THERE ARE ILLEGAL ALIENS WITHIN THE STATE OF ALASKA. I HAVE PROVIDED SOME NEWSPAPER ARTICLES DETAILING THE RECENT ARREST OF SUCH ALIENS. THERE HAVE BEEN SIMILAR ARRESTS RIGHT HERE IN JUNEAU, NOT TOO LONG AGO.

MR. CHAIRMAN, UNDER THE CURRENT STATUTE. 37.23.005, AS LONG AS A PERSON HAS LIVED IN ALASKA FOR 6 MONTHS, THEY ARE ELIGIBLE TO SHARE OUR WEALTH...TO RECIEVE A PERMANENT FUND DIVIDEND CHECK...WITHOUT EVEN LEGALLY BEING HERE.

HB555 IS AN ATTEMPT TO CLEAR UP THE CURRENT STATUTE, SO THAT THE STATE WILL BE ABLE TO DIFFERENTIATE BETWEEN RESIDENTS, AND ILLEGAL RESIDENTS.

I AM JEALOUS, MR. CHAIRMAN. I HAVE SPENT OVER HALF OF MY LIFE IN THIS STATE, WATCHING IT GROW, WATCHING IT DEVELOP, AND I AM NOT AFRAID TO SAY THAT I THINK THE ZOBEL DECISION MAY HAVE BEEN JUST THE OPPOSITE OF WHAT IT WAS HAD MEMBERS OF THE U.S. SUPREME COURT BEEN WORKING ALONG SIDE OF ME, AND ALOT OF OTHER PEOPLE, FOR THE LAST 30 YEARS. I AM JEALOUS OF PEOPLE WHO GET TO SHARE THE FRUIT OF OUR STATES RESOURCE WEALTH THAT ARE NOT EVEN RIGHTFULLY HERE. I AM JEALOUS THAT SOMEONE WHO HAS ILLEGALLY BEEN HERE FOR 6 MONTHS IS ENTITLED TO THE SAME BENEFITS I AM, AFTER I HAVE BEEN HERE FOR MORE THAN 360 MONTHS.

I KNOW THAT LEGAL ALIENS ARE PROTECTED UNDER THE EQUAL PROTECTION CLAUSE OF THE UNITED STATES, AND ALASKAN CONSTITUTIONS. BUT WE HAVE BEEN OVER THIS BILL TIME AND TIME AGAIN WITH THE LEGAL DEPA .TMENT. WE HAVE CHECKED AND RE-CHECKED EXSISTING CASE LAW ON THIS SUBJECT. WE HAVE COMPARED AND RE-COMPARED THIS WITH OTHER SIMILAR STATUTES. THE CONCLUSION REACHED BY ME, MY STAFF, AND ATTORNEY"S IN THE LEGAL DEPARTMENT WHO SPECIALIZE IN PERMANENT FUND LAWS IS THAT WE HAVE EVERY RIGHT IN THE WORLD TO LIMIT THESE CHECKS TO PEOPLE WHO ARE LEGALLY HERE.

MR. CHAIRMAN, THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE IS ACTIVE IN ALASKA. BUT NOT AS ACTIVE AS THEY WOULD LIKE TO BE. THEY HAVE TO CONCENTRATE THEIR EFFORTS IN CALIFORNIA, TEXAS, ARIZONA, AND OTHER STATES WHERE MANY ILLEGAL ALIENS ENTER THIS COUNTRY. IN ALASKA THEY COULD USE ALL OF THE HELP THEY CAN GET. IF AN ARRANGEMENT COULD BE WORKED SO OUT THE DEPARTMENT OF REVENUE AND THE I.M.S. COULD GET TOGETHER WHEN THEY GET A REQUEST FOR A CHECK FROM AN ALIEN. WE COULD NOT ONLY INSURE THAT PERMANENT FUND DIVIDEND CHECKS WENT TO PEOPLE WHO SHOULD GET THEM. BUT WE MAY ALSO BE ABLE TO HELP THE FEDERAL GOVERNMENT IN THEIR EFFORTS TO TRACK DOWN ILLEGAL ALIENS.

THIS IS A BILL TO PROTECT THE RIGHTS OF ALASKANS. I WOULD HOPE THAT THE COMMITTEE WILL AGREE.

CHAPTER 23
PERMANENT FUND DIVIDEND

Permanent Fund Dividend Program
15 AAC 23.010-15 AAC 23.300)
Permanent Fund Dividend
Distribution
15 AAC 23.400-15 AAC 23.600)

to a dividend payment for the preceding year. The individual may include that year of residency in applications for dividends in future years if the individual is otherwise eligible. (Eff. 4/30/80, Reg. 74; am 7/25/80, Reg. 75; am 8/20/81, Reg. 79)

Authority: AS 43.23.010
AS 43.23.060

ARTICLE 1.
FUND DIVIDEND PROGRAM

- Application procedure
- Eligibility
- Residence of state resident
- Temporary absences
- Requirements of eligibility
- Determination of amount of a dividend
- Time of receiving payment
- Advance of claims and assessments
- Installment payments
- Retention and attachment of dividends
- Conditions

15 AAC 23.020. ELIGIBILITY. (a) In order to qualify for a dividend, an individual must be a state resident as defined in 15 AAC 23.030 during all or part of the year for which the dividend is claimed. The individual must also be a state resident on the date of the application for the dividend, and the individual must be 18 years of age or older during all or part of the year for which the dividend is claimed. The year in which a person is born does not count towards the computation of a dividend payment; all other full years of residency in the state before reaching age 18 may be counted toward the computation of a dividend payment.

(b) The individual applying for a dividend payment must personally sign the certification of residency and eligibility contained on the application form. However, (1) in the case of an incapacitated applicant, the application may be signed by a parent or other relative or by an official in charge of a public or private agency having custody of that applicant; (2) in the case of an applicant who is not incapacitated, the application may, upon a showing of good cause, be signed by a legal guardian or other authorized representative having a power of attorney. In each case in which the application is not signed by the individual claimant, evidence of the authority of the person signing on behalf of the claimant must be attached to the application and the circumstances requiring the signature by someone other than the applicant must be clearly set out. An application may not be made on behalf of a deceased state resident. A personal representative may redeem a dividend payment already applied for and process it as part of the estate of the deceased individual.

23.010. APPLICATION PRO-
An individual may apply annually for a dividend payment calculated in accordance with 15 AAC 23.060 based on years of residency in the state after December 31,

Application for a 1979 dividend payment must be filed by November 15, 1980. An application with a postmark of November 15, 1980, will be considered timely filed. All applications filed after November 15, 1980, will be rejected.

Applications filed for 1980 and years thereafter for a dividend payment must be filed by September 1, of the year for which the dividend is claimed. An application with a postmark of September 1 or earlier will be considered timely filed. If September 1 falls on a Saturday, Sunday, or legal holiday as defined in AS 02.01.010, the filing will be considered timely filed on the next succeeding day which is a Monday, Tuesday, or a legal holiday.

An individual who fails to file a timely application under this section is not entitled

(c) An alien, with resident alien status, otherwise qualifying under this chapter is eligible. (Eff. 4/30/80, Reg. 74; am 7/25/80, Reg. 75; am 8/20/81, Reg. 79)

Authority: AS 43.23.010
AS 43.23.100



Introduced: 2/1/84
Referred: State Affairs and
Finance

BY COWDERY, BETTISWORTH
AND LISICA

1 IN THE HOUSE

2 HOUSE BILL NO. 555

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to permanent fund dividends; and
7 providing for an effective date."

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

9 * Section 1. AS 43.23.005 is amended by adding a new subsection to
10 read:

11 (d) Notwithstanding the provisions of (a) - (c) of this section,
12 an alien individual who has not been lawfully admitted to the United
13 States is not eligible for a permanent fund dividend.

14 * Sec. 2. This Act applies only to eligibility for permanent fund
15 dividends for years after 1983.

16 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
17 10.070(c).

Introduced: 2/6/84
Referred: Judiciary and Finance

1 IN THE HOUSE

BY BUSSELL

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 560
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the jurisdiction of the district
7 court and magistrates; and providing for an effective
8 date."

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

10 * Section 1. AS 22.15.030(a) is amended to read:

11 (a) The district court has jurisdiction of civil cases and
12 proceedings as follows:

13 (1) for the recovery of money or damages when the amount
14 claimed exclusive of costs, interest and attorney fees does not exceed
15 \$50,000 [\$10,000, EXCEPT AS PROVIDED IN (10) OF THIS SUBSECTION];

16 (2) for the recovery of specific personal property, when
17 the value of the property claimed and the damages for the detention do
18 not exceed \$50,000 [\$10,000];

19 (3) for the recovery of a penalty or forfeiture, whether
20 given by statute or arising out of contract, not exceeding \$50,000
21 [\$10,000];

22 (4) to give judgment without action upon the confession of
23 the defendant for any of the cases specified in this section, except
24 for a penalty or forfeiture imposed by statute;

25 (5) for establishing the fact of death of any person in the
26 manner prescribed in AS 09.55.020 - 09.55.060;

27 [(6) Repealed

28 (7) Repealed]

29 (6) [(8)] for the recovery of the possession of premises in

1 the manner provided under AS 09.45.070 - 09.45.160 when the value of
2 the property or of the arrears and damage to the property does not
3 exceed \$50,000 [\$10,000];

4 (7) [(9)] for the foreclosure of a lien when the amount in
5 controversy does not exceed \$50,000 [\$10,000];

6 (8) [(10)] for the recovery of money or damages in motor
7 vehicle tort cases when the amount claimed exclusive of costs, inter-
8 est and attorney fees does not exceed \$50,000 [\$15,000];

9 (9) [(11)] over civil actions for taking utility service
10 and for damages to or interference with a utility line filed under
11 AS 42.20.030.

12 * Sec. 2. AS 22.15.120 is amended to read:

13 Sec. 22.15.120. LIMITATIONS ON PROCEEDINGS WHICH MAGISTRATE MAY
14 HEAR. A magistrate shall preside only in cases and proceedings under
15 AS 22.15.040, 22.15.100, and 22.15.110, and as follows,

16 (1) for the recovery of money or damages only when the
17 amount claimed, exclusive of costs, interest, and attorney fees, does
18 not exceed \$5,000 [\$1,000];

19 (2) for the recovery of specific personal property when the
20 value of the property claimed and the damages for the detention do not
21 exceed \$5,000 [\$1,000];

22 (3) for the recovery of a penalty or forfeiture, whether
23 given by statute or arising out of contract, not exceeding \$5,000
24 [\$1,000];

25 (4) to give judgment without action upon the confession of
26 the defendant for any of the cases specified in this section, except
27 for a penalty or forfeiture imposed by statute;

28 (5) to give judgment of conviction upon a plea of guilty by
29 the defendant in a criminal proceeding within the jurisdiction of the

1 district court;

2 (6) to hear, try, and enter judgments in all cases involv-
3 ing misdemeanors, if the defendant consents in writing that the magis-
4 trate may try the case;

5 (7) to hear, try and enter judgments in all cases involving
6 infractions under AS 28 and violations of ordinances of political
7 subdivisions. [;

8 (8) Repealed]

9 * Sec. 3. AS 34.35.005(a) is amended to read:

10 (a) When an action is required to enforce a lien provided for in
11 AS 34.35.005 - 34.35.425, the action shall be started in the superior
12 court in the judicial district in which the property upon which the
13 lien attaches is located. When an action is required to enforce a
14 lien provided for in AS 34.35.430 - 34.35.480, the action may be
15 started in the district court in the judicial district in which the
16 property upon which the lien attaches is located. The procedure,
17 except as otherwise provided in AS 34.35.005 - 34.35.045, is the same
18 as in the trial of an action to secure property to hold it for the
19 satisfaction of a lien against it.

20 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
21 10.070(c).

Revision Date: _____

REQUEST
 Bill/Resolution No.: SSIB 560
 Title: "... relating to the jurisdiction of the District Court."
 Sponsor: Bissell
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL
 Agency Affected: Alaska Court System
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL

--	--	--	--	--	--	--

REVENUE

--	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: (Signature)
 Division: House Judiciary Committee

Phone: 465-4990
 Date: 7 February, 1984

Approved by Commissioner: _____
 Agency: _____

Date: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

**STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 560
 Title: Jurisdiction of District Court
 Sponsor: Bussell
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Alaska Court System
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Trial Courts

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		239.0	253.3	268.5	284.6	301.7
200 TRAVEL						
300 CONTRACTUAL		2.2	2.3	2.4	2.5	2.7
400 SUPPLIES						
500 EQUIPMENT		14.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		255.2	255.6	270.9	287.1	304.4
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		255.2	255.6	270.9	287.1	304.4
FEDERAL FUNDS						
OTHER						
TOTAL		255.2	255.6	270.9	287.1	304.4

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: ROBERT G. FISHER Phone: 264-0561
 Division: ALASKA COURT SYSTEM Date: 2/16/84

Approved by Commissioner: _____ Date: 2/16/84
 Agency: ALASKA COURT SYSTEM

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

ALASKA COURT SYSTEM

HB 560 - JURISDICTION OF DISTRICT COURT

FISCAL IMPACT

The fiscal impact of an increase in district court jurisdiction depends not only upon the extent to which future caseloads and support resources can be shifted between courts, but also upon existing case backlogs and case filing patterns.

Court System statistics indicate 2,500 civil cases were filed in Anchorage Superior Court during FY 83 and 656 were filed in Superior Court in Fairbanks. These are the two court locations which this bill will primarily impact. Since 30% of the Anchorage Superior Court civil cases request relief in an amount under \$25,000, it is assumed that approximately 750 cases would be filed in District rather than Superior Court. With an increase to \$50,000, 40% of the cases (approximately 1,000) would be filed instead in Anchorage District Court. In Fairbanks statistics indicate that 35% of cases (approximately 230) would be filed in District Court if jurisdiction increases to \$25,000.

The Anchorage Superior Court civil division reports a caseload backlog of 1,000 cases per judge. A shift in new filings would not eliminate the bulk of the existing backlog, but would free Superior Court resources to handle it.

Historically, the bar has expressed a preferred filing in Superior Court and this trend may continue even with increased District Court jurisdiction, since dollar amounts requested at the beginning of a case are somewhat flexible. The Superior Court will continue to hear other cases which must be assigned to it because of the nature of the relief sought.

If the jurisdictional increase results in a smaller percentage of new cases filed in District Court than anticipated from present statistics, the District Court should be able to absorb the new cases with no additional resources. Superior Court time could then be directed toward reducing the backlog. However, if a substantial percentage of case filings transfer to District Court, the resulting fiscal impact may require a request for a supplemental appropriation in addition to the resources requested in this fiscal note.

The fiscal impact will also depend upon the extent to which superior court resources can be reallocated to the District Court. A shift in resources will be problematic if the backlog persists. It appears from present caseload statistics that an increase to \$50,000 will require an additional judge and support staff in Anchorage with costs calculated below. While it is impossible to predict in advance the impact of various levels of District Court jurisdiction, it is the Court System's evaluation that an increase to \$25,000 could be absorbed by the District Court without the need for additional resources.

FY 85 FISCAL IMPACT

PERSONNEL:

<u>Position</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total Cost</u>
1 District Court Judge (Anchorage)	\$63,636	\$76,314	\$139,950
1 In-Court Clerk (Range 12B-Anchorage)	24,516	8,164	32,680
1 Secretary (Range 12B-Anchorage)	24,516	8,164	32,680
1 Law Clerk (Range 13A-Anchorage)	25,332	8,348	<u>33,680</u>
Total Personnel Costs			\$238,990
Contractual			2,250
Equipment (One-time item)			<u>13,962</u>
TOTAL FY 85 COST			<u>\$255,202</u>

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF--STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 485-3795

MEMORANDUM

DATE: February 28, 1984

TO: Louann Cutler, Administrative Assistant
to Representative Al Adams

FROM: Mike Greany, Director *MG*
Legislative Finance Division

SUBJ: HB 560 - Jurisdiction of District Court

ISSUE:

The Alaska Court System has submitted a fiscal note for \$255.2 general fund and four new positions. The committee of first referral (Judiciary) reported out a zero fiscal note.

RECOMMENDATION:

Adopt a zero fiscal note or request a new fiscal note reduced to a January, 1985 phase-in of positions.

REASONS:

1. The actual impact of increasing the district court's current monetary jurisdiction from \$10,000 to \$50,000 is indeterminate.
2. Even if the jurisdictional increase generates additional district court workload, it will not be apparent for several months after the measure becomes law. Presumably a new judge position and support staff would only be filled when the workload is substantiated -- and experience demonstrates it can take several months to fill a new judicial seat.
3. Because of recently enacted law, e.g. more stringent DWI laws, and pending new legislation, it is difficult to isolate the impact of individual measures on the overall court system. For example, it could be possible to absorb any additional workload created in this measure, but only if no other legislation impacted the courts.

If a zero fiscal note is adopted, the Committee may wish to recognize that there could be an impact from this legislation which may have to be addressed by the next legislature. This is to say that passing this legislation with a zero fiscal note could create an unfunded liability in the court system -- a reduced fiscal note reflecting position phase-ins beginning in January, 1985 is an alternative.

TO: Rep. Charlie Bussell

DATE: Feb. 23, 1984

TOPIC: HB 560 & HB 561

FROM: J.J. Brewer, Staff

HB 560:

Section 1. In general, the reason for raising the jurisdictional limitation, is based partially on my talks with members of the Task Force appointed by the Alaska Supreme Court Chief Justice.

It is true the Task Force recommended a figure of only \$25,000. Until 1972, the figure was \$3,000. It was changed 12 years ago then, to the existing \$10,000 figure. We have had 150% inflation, approximately, in those 12 years. Thus, to limit the court to \$25,000 would put us back where the Legislature put us, 12 years ago. There would be no room for improvement of the District Court's jurisdiction to try to help take some of the load the Superior Court now suffers.

Further, there would be no consideration for continuing inflation until pressure is exerted sometime in the future--perhaps 1996--for raising the limitation.

Francis Bremson, executive director, Alaska Judicial Counsel, thought the suggested limitation of \$50,000 to be most forward-looking. In time, it might call for another District Judge in Anchorage, but that would be a saving of several thousand dollars per position if the Legislature did not have to constantly be asked to create more Superior Court positions, as currently seems to be the case. (Superior Court judges receive considerably greater compensation than District Court judges do).

Section 2--Magistrates, a part of the District Court system, have jurisdiction in Small Claims matters. Thus, they can hear Small Claims (where formal rules of District Court are waived, or not used), in controversies up to \$2,000. However, in formal civil litigation (i.e., not Small Claims), the Magistrates have only up to \$1,000 jurisdiction. Thus, when a potential litigant files a claim before a Magistrate, that judicial official has the duty to tell the litigant that--if the claim is between \$1,000 and \$2,000--that it cannot be heard by the Magistrate unless the individual waives the rules and brings it as a Small Claim. If the litigant so elects, then the Magistrate can hear it.

This situation has confused litigants and Magistrates (some) alike. Thus, since HB 561 would raise Small Claims to \$5,000 it would be far better for the Magistrates to have the same jurisdiction across the board. Court personnel favor that idea.

Section 3.--The additional language is an attempt to make the existing statutes conform. The first sentence, existing law, indicates liens must be started in Superior Court, even though the reference is

only to sections AS 34.35.005-425, and there are additional sections following which could be heard in District Court. But no where in the statutes is that clear.

Now, on p. 2, line 4, of HB560, the bracketed (9) , or existing law, declares the District Court has jurisdiction in foreclosures of liens (up to \$10,000; up to \$50,000 should this bill be enacted).

In the face of the first sentence of AS 34.35.005(a), it seems to be a conflict. In 17 years' bench experience, I saw only one lien foreclosure filed in District Court and prepared to hear it, for after all, AS 22.15.030(a)(9)--the existing law--gave me the jurisdiction. But the defense attorney screamed the action was in the wrong court and referred to AS 34.35.005(a), --which this bill amends--and had the case transferred. I 'spect that first sentence of that paragraph in AS 34.35.005(a) is why lien foreclosures just aren't filed in District Court.

I discussed the apparent conflict with Judge Mark Rowland, Presiding Judge, Third Judicial District. He thought it would be a great idea to clarify that the District Court could indeed handle lien foreclosures described in AS 34.35.430-480.

And that solves the conflict.

And that would relieve the Superior Court of certain lien foreclosures they now handle; that they would just as soon give up, according to Judge Rowland and Judge Milton Souter, with whom I also discussed it. (Those sections refer to liens that would be apt not to be as complex as the lien foreclosures that must be started in Superior Court).

Western Regional Office

**CIVIL LITIGATION IN ALASKA
IMPROVEMENT THROUGH SIMPLIFICATION**

A REPORT TO THE
SUPREME COURT OF ALASKA
BY THE NATIONAL CENTER FOR STATE COURTS

FREDERICK G. MILLER, STAFF ATTORNEY
LARRY L. SIPES, REGIONAL DIRECTOR
DECEMBER 1983



National Center for State Courts
720 Sacramento Street
San Francisco, California 94108

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adoptions, child in need, domestic violence if child custody is an issue, or guardianship of a minor. By accelerating steps in the appellate process, which are explained in detail in the recommendations, final decisions would be obtainable in these cases within not more than 170 days from judgment.

G. District Court Jurisdiction

The personal injury and commercial task forces concluded that the monetary jurisdiction of the District Court is unrealistically low and would appreciably reduce the number of cases in the Superior Court if increased. This in turn would presumably expedite the processing of cases in the Superior Court. The task forces therefore recommended increasing District Court jurisdiction to include actions involving up to \$25,000. As both recommendations are virtually identical, the recommendation is included in this report in the personal injury recommendations only at page 33. ^(or higher limit - 270)

H. Civil Rule 41: Voluntary Dismissal

Both the personal injury and the commercial task forces have recommended changes to Civil Rule 41 to assure that cases are not voluntarily dismissed to avoid court control of caseflow. The personal injury task force recommends that a case governed by its proposed new Civil Rule 16.2 may not be dismissed without approval by the court. The commercial task force recommends additional language to Civil Rule 41 requiring certification of the reasons for dismissal.

V. PERSONAL INJURY TASK FORCE RECOMMENDATIONS

The task force recommends the following addition to existing Civil Rule 16 to provide for status conferences.

A. New Civil Rule 16.2: Status Conference

- (a) A status conference shall occur in each action filed in the Third District in which any party seeks damages for injury to person or property. The Judge in whose court the action is pending shall schedule and conduct the conference not more than 30 days following the last day on which a response to the complaint could have been filed. If service of process has not been completed the parties shall notify the court and the conference shall be continued until 30 days after service is completed.
- (b) Each party shall furnish to the other parties the following items or information and shall do so not later than the fifth day preceding the status conference:
- | | |
|--------------------------|------------------------------|
| 1) photographs | 6) medical reports and bills |
| 2) statements | 7) tax returns |
| 3) diagrams | 8) insurance policies |
| 4) investigative reports | 9) expert witness reports |
| 5) contracts | |

The documents to be produced are examples of those which would be subject to discovery under Civil Rule 34.

- (c) Each party shall attend the status conference in person or by counsel and shall be prepared to specify the discovery planned by that party. It is the intention that this Rule and the conference held herein be held after the parties have produced as much discoverable information about the incident complained of as possible in order to permit realistic evaluation of the case for possible settlement purposes or to draft a realistic litigation schedule to bring the case to conclusion within one year.
- (d) The Judge shall enter an order at the conclusion of the conference (1) setting a date not more than 180 days following the conference by which discovery shall be completed by all parties; (2) setting a date not more than 120 days following the conference for a second status conference if the Judge is persuaded for good cause that discovery cannot be completed within 180 days; (3) scheduling a pretrial conference, as provided in this Rule, not more than 30 days following the date set, if any, for completion of discovery.

33

- (e) In all cases where it appears to the court that the case should be considered as a complex case, then the court shall issue an order exempting the case from the time constraints of this Rule. The request for exemption shall be by motion under Civil Rule 77.
- (f) The Judge in whose court the action is pending shall order a party or counsel who fails to comply with any order issued pursuant to this Rule to pay \$200 for the first, \$300 for the second, and \$500 for each subsequent act of noncompliance. The Judge by written order may reduce, suspend, or eliminate an otherwise required payment upon a written and verified showing of good cause filed with the Court by which a party or counsel establishes that noncompliance was excusable.
- (g) All sanctions for violations of this Rule shall be considered under the provisions of Civil Rules 37 and 95.
- (h) A case assigned under this rule may not be dismissed under Civil Rule 41 without approval of the Court. Any stipulations between the parties or attorneys as to anything scheduled under this rule are invalid until approved by the court and the parties may not rely on such stipulation as an excuse to fail to comply with time limits, etc. unless the court has approved the same.

B. District Court Jurisdiction

Jurisdiction of the District Courts should be increased to encompass actions in which the amount of monetary damages involved does not exceed \$25,000. *(or the jurisdictional limit)*



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

February 3, 1984

MEMORANDUM

TO: Joseph Brewer
House Judiciary Committee

FROM: David Teal *Teal*
Legislative Analyst

RE: Inflation Rates in Alaska

The following pages from the Alaska Department of Labor's publication entitled Alaska Planning Information describe the Anchorage Consumer Price Index (CPI). Although the reader is cautioned against use of the CPI as a measure of inflation, the index is frequently used for that purpose. The Anchorage CPI from 1969 through September of 1982 is listed on page 78. More recent figures are presented in the attached article published by the Institute of Social and Economic Research. The article also discusses some problems with the index and its use as a measure of the rate of inflation in Alaska.

* * *

If you have additional questions on this subject, we would be pleased to help. You may also wish to speak with John Boucher of the Research and Analysis Section of the Department of Labor. He can be reached at 465-4500.

Attachmenss