

LEG. FINANCE - BILLS 1985 - 1986 2203

SB 193 cont. - CSSB 209 2203

1 to the declaration of taking is filed in the time allowed, the defen-
2 dant has waived all defenses and objections, and the plaintiff has a
3 right of entry onto the property without further action by the court.

4 If [LAW. WHERE] the party in possession withdraws any part of the
5 award and remains in possession, the court may fix a reasonable rental
6 for the premises to be paid by that party to the plaintiff during the
7 [SUCH] possession.

8 * Sec. 7. AS 09.55.460 is amended by adding new subsections to read:

9 (c) The taking of property is necessary for a public use or
10 purpose in a manner compatible with the greatest public good or least
11 private injury unless the defendant establishes by a preponderance of
12 the evidence that the plaintiff's decision to condemn is arbitrary,
13 capricious, or an abuse of discretion.

14 (d) The court, when making its finding under this section, shall
15 consider the decisional document prepared by the plaintiff; supporting
16 reports, studies, or statements; sworn affidavits submitted by the
17 parties, their officers, or employees; and depositions taken by the
18 parties. The court, in the exercise of its discretion, may allow the
19 parties to submit additional necessary evidence.

20 * Sec. 8. This Act takes effect immediately in accordance with AS 01.-
21 10.070(c).

Introduced: 2/26/85
Referred: Transportation, Judiciary
and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 193

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the power of eminent domain; and
7 providing for an effective date."

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

9 * Section 1. AS 09.55.270 is amended by adding a new subsection to
10 read:

11 (b) If the property is to be taken by a declaration of taking
12 filed under AS 09.55.440, the state or the municipality shall prepare
13 a decisional document that (1) states that the property is taken in a
14 manner compatible with the greatest public good and least private
15 injury, (2) summarizes the major facts supporting that decision, and
16 (3) identifies any reports, studies, or statements relied upon for the
17 decision.

18 * Sec. 2. AS 09.55.300(a) is amended to read:

19 (a) The court has power

20 (1) to regulate and determine the place and manner of
21 making the connections and crossings or of enjoying the common uses
22 mentioned in AS 09.55.260(5), and of the occupying of canyons, passes,
23 and defiles for railroad purposes, as permitted and regulated by law;

24 (2) to limit the amount of property sought to be condemned
25 if, in its opinion, the quantity sought to be condemned is not neces-
26 sary;

27 (3) to determine whether the property is taken by necessity
28 for a public use or purpose in a manner compatible with the greatest
29 public good and least private injury, based upon the decisional

1 document required by AS 09.55.270 and the evidence allowed by AS 09.-
2 55.460(d), if the taking is accomplished by a declaration of taking
3 filed by the state or a municipality under the provisions of AS 09.-
4 55.440.

5 * Sec. 3. AS 09.55.410 is amended to read:

6 Sec. 09.55.410. WITHDRAWAL OF FUNDS BY PARTY IN INTEREST. The
7 money deposited in the court, or a part of it, may be withdrawn by a
8 party in interest in the manner provided in AS 09.55.440. The[, AND
9 THE] court may [SHALL HAVE THE POWER TO] direct the payment of delin-
10 quent taxes and special assessments out of the amount determined to be
11 just compensation and to make orders with respect to encumbrances,
12 liens, rents, insurance, and other charges as are just and equitable.
13 The withdrawal of any part of the deposit by a party in interest is a
14 waiver of all issues concerning the taking of the property, except the
15 amount of just compensation.

16 * Sec. 4. AS 09.55.430 is amended to read:

17 Sec. 09.55.430. CONTENTS OF DECLARATION OF TAKING. The declara-
18 tion of taking must [SHALL] contain

19 (1) a statement of the authority under which the property
20 or an interest in it is taken;

21 (2) a statement of the public use for which the property or
22 an interest in it is taken;

23 (3) a description of the property sufficient for the iden-
24 tification of it;

25 (4) a statement of the estate or interest in the property;

26 (5) a map or plat showing the location of the property;

27 (6) a statement of the amount of money estimated by the
28 plaintiff to be just compensation for the property or the interest in
29 it;

1 (7) a statement that the property is taken by necessity for
2 a project located in a manner which is most compatible with the great-
3 est public good and the least private injury;

4 (8) a decisional document as described in AS 09.55.270(b).

5 * Sec. 5. AS 09.55.440(a) is amended to read:

6 (a) Upon the filing of the declaration of taking, and the depos-
7 it with the court of the amount of the estimated compensation stated
8 in the declaration, title to the estate as specified in the declara-
9 tion vests in the plaintiff, and that property is condemned and taken
10 from the use of the plaintiff, and the right to just compensation for
11 it vests in the persons entitled to it. The compensation must [SHALL]
12 be ascertained and awarded in the proceeding and established by judg-
13 ment. The judgment must [SHALL] include interest at the lawful inter-
14 est rate set out in AS 45.45.010(a) [THE RATE OF SIX PER CENT PER
15 YEAR] on the amount finally awarded which exceeds the amount paid into
16 court under the declaration of taking. The interest runs from the
17 date title vests to the date of payment of the judgment.

18 * Sec. 6. AS 09.55.450(a) is amended to read:

19 (a) Upon the filing of the declaration of taking and the deposit
20 of the estimated compensation, the court may, upon motion, fix the
21 time during which and the terms upon which the parties in possession
22 are required to surrender possession to the petitioner. However, the
23 right of entry may [SHALL] not be granted the plaintiff until after
24 the running of the time for the defendant to file an objection to the
25 declaration of taking or until after the hearing on any objection to
26 the declaration of taking if the objection is filed [MADE] in the time
27 allowed by Rule 72, Rules of Civil Procedure [LAW]. If an objection
28 to the declaration of taking is filed in the time allowed, a hearing
29 for the review of the taking must be held within 30 days after the

1 filing, or as soon after that as possible, to establish the validity
2 of any objections. If no objection to the declaration of taking is
3 filed in the time allowed, the defendant has waived all defenses and
4 objections, and the plaintiff has a right of entry onto the property
5 without further action by the court. If [WHERE] the party in posses-
6 sion withdraws any part of the award and remains in possession, the
7 court may fix a reasonable rental for the premises to be paid by that
8 party to the plaintiff during the [SUCH] possession.

9 * Sec. 7. AS 09.55.460 is amended by adding new subsections to read:

10 (c) The taking of property is necessary for a public use or
11 purpose in a manner compatible with the greatest public good or least
12 private injury unless the defendant establishes by clear and convinc-
13 ing evidence that the plaintiff's decision to condemn is arbitrary,
14 capricious, or an abuse of discretion.

15 (d) The court, when making its finding under this section, shall
16 consider the decisional document prepared by the plaintiff; supporting
17 reports, studies, or statements; affidavits submitted by the parties,
18 their officers, or employees; and depositions taken by the parties.
19 The court, in the exercise of its discretion, may allow the parties to
20 submit additional necessary evidence.

21 * Sec. 8. This Act takes effect immediately in accordance with AS 01.-
22 10.070(c).

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. AS Senate Bill 193
 Title: An Act relating to the power of Eminent Domain

Sponsor: Rules/Governor
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: DOT&PF
 BRU: Engineering & Operations Standards

Components: Right of Way & Land Acquisition

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
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						
	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-
	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : Attach a separate page if necessary

Although the fiscal impact of this bill on State agencies cannot be identified, this bill should provide a savings to the State. The intent of this bill is to improve eminent domain procedures without prejudicing property owners' rights.

Prepared by: Milton H. Lentz
 Division: Engineering & Operations Standards

Phone: 465-2985
 Date: December 4, 1985

Approved by Commissioner: _____
 Agency: Transportation & Public Facilities

Date: 12/31/85

Distribution (by Agency preparing fiscal note):

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

RL

ANALYSIS OF FISCAL NOTE

"An Act relating to the power of eminent domain; and providing for an effective date"

This bill recognizes recent development in the law and contains provisions that should streamline eminent domain procedures without prejudicing property owner's rights.

First, this would require the court to schedule a hearing for the review of the taking within 30 days after the filing of any objections to the declaration of taking or as soon after that as possible. This particular amendment does not create a priority over other matters on the court's calendar, but does place a requirement upon the Superior Court to deal expeditiously with hearings on objections to the authority and necessity for the taking.

This bill would amend AS 09-55-410 by clearly stating that, if any money on deposit is withdrawn by a party in interest, the withdrawal operates as a waiver of all issues except the amount of just compensation. This would require the property owner early on to make a choice between attempting to stop the project or only litigating the issue of compensation. This bill would also raise the statutory interest allowed under the declaration of taking procedure to the lawful interest rate.

This bill would clearly state that if a defendant does not make his objections in a timely manner, he has waived his objection and defense to the taking.

It is concluded that legislation that leaves a property owner's substantive rights intact, but that changes the procedural aspects of the litigation to a more effective and timely manner so that capital projects are not delayed is in the best interest of the public.

Although a dollar amount cannot be identified, this bill should provide a savings to the State, since it will alleviate problems that have developed in regard to eminent domain procedure which have the potential to seriously delay badly needed public work project.

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 193
 Title: _____

FISCAL DETAIL

Agency Affected: Transportation & Public Facilities
 Program Category Affected: Capital Projects

Sponsor: Rules Committee

Requestor: _____

Date of Request: _____

BRU, Program or Subprogram(s) Affected: _____

Right of Way & Land Acquisition

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
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						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

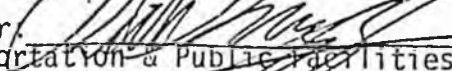
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Although a dollar amount cannot be identified in this fiscal note, this bill should definitely provide a savings to the State. It will alleviate problems that have developed in regard to eminent domain procedures which have the potential to seriously delay badly needed public work projects. This bill should improve eminent domain procedures without prejudicing property owners' rights.

Prepared By: Milton H. Lentz, Chief, R/W & Land Acq. Phone: 465-2985
 Division: Standards & Technical Services/HU Date: 2/13/85

Approved by Commissioner:  Date: 2/14/85
 Agency: Dept. of Transportation & Public Facilities

Distribution (by Agency preparing fiscal note):

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

7/1/84

ANALYSIS OF FISCAL NOTE

"An Act relating to the power of eminent domain; and providing for an effective date"

This bill recognizes recent development in the law and contains provisions that should streamline eminent domain procedures without prejudicing property owner's rights.

First, this would require the court to schedule a hearing for the review of the taking within 30 days after the filing of any objections to the declaration of taking or as soon after that as possible. This particular amendment does not create a priority over other matters on the court's calendar, but does place a requirement upon the Superior Court to deal expeditiously with hearings on objections to the authority and necessity for the taking.

This bill would amend AS 09-55-410 by clearly stating that, if any money on deposit is withdrawn by a party in interest, the withdrawal operates as a waiver of all issues except the amount of just compensation. This would require the property owner early on to make a choice between attempting to stop the project or only litigating the issue of compensation. This bill would also raise the statutory interest allowed under the declaration of taking procedure to the lawful interest rate.

This bill would clearly state that if a defendant does not make his objections in a timely manner, he has waived his objection and defense to the taking.

It is concluded that legislation that leaves a property owner's substantive rights intact, but that changes the procedural aspects of the litigation to a more effective and timely manner so that capital projects are not delayed is in the best interest of the public.

Although a dollar amount cannot be identified, this bill should provide a savings to the State, since it will alleviate problems that have developed in regard to eminent domain procedure which have the potential to seriously delay badly needed public work project.

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

4/11/85

Date 5-7-85

Mr. President

The Committee on JUDICIARY considered SB 193
power of eminent domain; efd.

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

- do pass
- do pass with attached amendment(s) TRSP CS
- replace with/or adopt CS for SB193 (TRSP)
- 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

John Ficks
3 copies
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

Rick Hatford NO REC
Tim Kelly No Rec

[Signature]
 Chairman
AD PASS
 Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER: JUDICIARY
FINANCE

2/26/85

Date _____

Mr. President

The Committee on TRANSPORTATION considered SB 193
power of eminent domain; 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 SB 193 (TRANSP)
- 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

Paul Joseph

~~1. [Signature]~~
2. *Paul Frick (No Rec)*

[Signature]
Chairman
~~DO NOT PASS~~
Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER:

4/15/85

Date _____

Mr. President

The Committee on FINANCE considered SENATE

relating to the motion and procedure used in relation to the bill
and to the principal of the bill and the committee's

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 _____

Introduced: 2/27/85
Referred: Finance

BY RODEY, KELLY
AND V. VISCHER

1 IN THE SENATE

2 SENATE BILL NO. 196

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the methods and procedures used
7 to return Alaska permanent fund income to principal
8 to offset the effect of inflation; and providing for
9 an effective date."

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

11 * Section 1. AS 37.13.145 is repealed and reenacted to read:

12 Sec. 37.13.145. DISPOSITION OF INCOME. (a) At the end of each
13 fiscal year, an amount sufficient to offset the effect of inflation on
14 principal of the Alaska permanent fund during that year, as measured
15 by a nationally recognized index, shall be transferred from net income
16 as defined in AS 37.13.140 to the principal of the Alaska permanent
17 fund for reinvestment.

18 (b) From the net income remaining after the transfer under (a)
19 of this section, the commissioner of revenue shall transfer the amount
20 required to be transferred to the dividend fund under AS 43.23.045(b).

21 (c) The balance of the net income remaining after the transfer
22 under (b) of this section shall be transferred to the undistributed
23 income account in the Alaska permanent fund.

24 (d) At the end of each fiscal year, funds in the undistributed
25 income account exceeding an amount equal to five percent of the prin-
26 cipal of the Alaska permanent fund shall be transferred to the princi-
27 pal of the Alaska permanent fund for reinvestment. Funds remaining in
28 the undistributed income account shall be invested in investments
29 authorized under AS 37.13.120.
S

COMMITTEE COPY

1 * Sec. 2. AS 43.23.045(b) is amended to read:

2 (b) Each [NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW, EACH]
3 year, after the transfer to the principal of the Alaska permanent fund
4 required by AS 37.13.145 has been made, the commissioner shall, if
5 possible, transfer to the dividend fund 50 percent of the income of
6 the Alaska permanent fund that has been earned during the fiscal year
7 ending on June 30 of the current year and that is available for dis-
8 tribution under AS 37.13.140.

9 * Sec. 3. This Act takes effect June 30, 1985.
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ALASKA STATE LEGISLATURE

14th... Legislature FIRST.. Session

SENATE BILL..... NO. 196....

By RODEY, KELLY, V. FISCHER...

"An Act relating to the methods and procedures used to return Alaska permanent fund income to principal to offset the effect of inflation; and providing for an effective date."

Introduced in the Senate ..2/27.., 19..85

HISTORY IN THE SENATE

19 85

2 27

Read first time and referred to Committee on

Finance

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date _____

REQUEST

Bill/Resolution No: SB 196
 Title: Return Permanent Fund Income and Offset Inflation
 Sponsor: Rodey
 Requestor: Senate Finance
 Date of Request: March 1, 1985

FISCAL DETAIL

Agency Affected: Department of Revenue
 Program Category Affected: _____
 BRU, Program of Subprogram(s) Affected: Treasury

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<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>	-	-	-	-	-	-
<u>CAPITAL</u>	-	-	-	-	-	-
<u>REVENUE</u>	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page for analysis.

Prepared By: Milt Barker *MB*
 Division: Treasury

Phone: 465-2350
 Date: March 4, 1985

Approved by Commissioner: *Henry H. Stundale*
 Agency: Department of Revenue

Date: 3/21/85

Distribution (by Agency preparing fiscal note):

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

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date

REQUEST

Bill/Resolution No: SB 196
 Title: Relating to the Alaska
Permanent Fund
 Sponsor: Rodey, et. al.
 Requestor: Senate Finance Committee
 Date of Request: March 8, 1985

FISCAL DETAIL

Agency Affected: Revenue
 Program Category Affected: _____
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<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>	-	-	-	-	-	-
<u>CAPITAL</u>	-	-	-	-	-	-
<u>REVENUE</u>	-	-	-	-	-	-

FUNDING: (Millions of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
PF-UIA	<467.04>	<20.46>	<22.67>	<36.80>	<30.63>	<32.36>
PF-PRIN.	467.04	20.46	22.67	36.80	30.63	32.36

POSITIONS:

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

ANALYSIS: Attach a separate page for analysis.

Prepared By: Mary Ellen Frank/Bob Elliott
 Division: Revenue - Research Section

Phone: 465-2174
 Date: 3/18/85

Approved by Commissioner: Mary Ellen Frank
 Agency: Revenue

Date: 3/21/85

Distribution (by Agency preparing fiscal note):

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

FISCAL NOTE SB 196
ATTACHMENT

Estimates reflect the amount exceeding 5% in the Undistributed Income Account (UIA) which is annually transferred to the principal of the Permanent Fund. Since the proposed bill eliminates the exclusion of UIA interest earnings for inflation proofing there will not be a shortfall in inflation proofing for FY 1996 - 2000 (previously projected at \$428.4 million if use of UIA interest earnings is interpreted to be restrictive.)

Fiscal Note estimates were based on the January 1985 revenue projections (30% case).

At times, the Department of Revenue and the Alaska Permanent Fund Corporation may differ as to the estimated fiscal impacts of legislation. Differences arise because each employs a different set of investment assumptions. Consequently, projections depicting net income, inflation proofing amounts and dividend transfers may likely vary.

Furthermore, while the Department of Revenue is strictly concerned with accurately forecasting total revenues, the Permanent Fund Corporation, with its trust fund management responsibilities, has established its assumptions to measure investment returns in accordance with standards developed for fiduciaries. Therefore, the Permanent Fund Corporation's assumptions will frequently and appropriately yield more conservative investment results.



SB 196

Alaska Permanent Fund Corporation
Pouch 4-1000 Juneau, Alaska 99802
TEL 907/465-2047 TLX 099-46-323

March 19, 1985

The Honorable Don Bennett
Senate President
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

The Trustees of the Alaska Permanent Fund Corporation wish to go on record in support of House Bill No. 28 and Senate Bill No. 196.

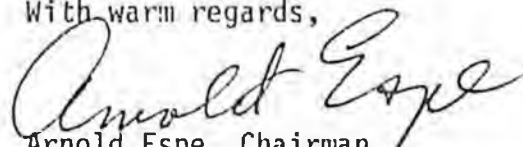
We are charged with the responsibility for managing and investing the assets of the Fund. Our goal, as specified in Alaska Statute 37.13.020, is "to maintain safety of principal while maximizing total return."

Conserving the value of the Fund is not only our goal, it is also our fiduciary obligation as trustees. Thus, we endorse legislation, as embodied in the aforementioned bills, which would virtually insure that the Fund will maintain its real value over time against the effects of inflation.

Except for our interest in "inflation-proofing", the Trustees remain neutral on any other uses of the earnings. All decisions about how to dispose of the real earnings of the Fund belong to the owners of the Fund --the public, and its elected representatives.

The Trustees request that you spread this letter in the Journal for the information of all the members.

With warm regards,


Arnold Espe, Chairman
Board of Trustees

AE:JK:bm

SECTIONAL ANALYSIS ON SENATE BILL 196

An Act relating to the methods and procedures used to return Alaska permanent fund income to principal to offset the effect of inflation and providing for an effective date

Section 1

This section amends the chapter of the statutes having to do with Disposition of Income of the Alaska Permanent Fund. It retains current law that requires transferring a portion of the net income of the Permanent Fund in an amount sufficient to offset the effect of inflation. After deducting the amount necessary to offset inflation, the commissioner shall deposit if possible, 50% of net income into the distribution account. Any remaining balance shall be deposited into the Undistributed Income Account.

If the amount in the Undistributed Income Account exceeds an amount equal to 5% of the principal in the Permanent Fund, that excess shall be deposited into the Permanent Fund.

Section 2

Amends current law relating to the Permanent Fund Dividend Program. Under current law, the commissioner shall deposit 50% of the net income of the Permanent Fund into the distribution account. The change in this section adds the stipulation "if possible".

Section 3

Effective date of June 30, 1985.

Introduced: 2/27/85
Referred: Finance

BY RODEY, KELLY
AND V. VISCHER

1 IN THE SENATE

2 SENATE BILL NO. 196

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the methods and procedures used
7 to return Alaska permanent fund income to principal
8 to offset the effect of inflation; and providing for
9 an effective date."

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

11 * Section 1. AS 37.13.145 is repealed and reenacted to read:

12 Sec. 37.13.145. DISPOSITION OF INCOME. (a) At the end of each
13 fiscal year, an amount sufficient to offset the effect of inflation on
14 principal of the Alaska permanent fund during that year, as measured
15 by a nationally recognized index, shall be transferred from net income
16 as defined in AS 37.13.140 to the principal of the Alaska permanent
17 fund for reinvestment.

18 (b) From the net income remaining after the transfer under (a)
19 of this section, the commissioner of revenue shall transfer the amount
20 required to be transferred to the dividend fund under AS 43.23.045(b).

21 (c) The balance of the net income remaining after the transfer
22 under (b) of this section shall be transferred to the undistributed
23 income account in the Alaska permanent fund.

24 (d) At the end of each fiscal year, funds in the undistributed
25 income account exceeding an amount equal to five percent of the prin-
26 cipal of the Alaska permanent fund shall be transferred to the princi-
27 pal of the Alaska permanent fund for reinvestment. Funds remaining in
28 the undistributed income account shall be invested in investments
29 authorized under AS 37.13.120.

1 * Sec. 2. AS 43.23.045(b) is amended to read:

2 (b) Each [NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW, EACH]
3 year, after the transfer to the principal of the Alaska permanent fund
4 required by AS 37.13.145 has been made, the commissioner shall, if
5 possible, transfer to the dividend fund 50 percent of the income of
6 the Alaska permanent fund that has been earned during the fiscal year
7 ending on June 30 of the current year and that is available for dis-
8 tribution under AS 37.13.140.

9 * Sec. 3. This Act takes effect June 30, 1985.

COMMITTEE REPORT
SENATE

FURTHER:

4/22/85

Date 1/30/86

Mr. President

The Committee on FINANCE considered SB 201
creating a public access fund.

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 SB 201 (Finance)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation SB 201 1/30/86
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman _____

Chairman recommendation _____

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SSB 201(Fin)
 Title: "An Act creating a public access fund."
 Sponsor: Senator Rodey
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Revenue
 Program Category Affected: Administrative Services
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING			0			
100 PERSONAL SERVICES			0			
200 TRAVEL			0			
300 CONTRACTUAL			0			
400 SUPPLIES			0			
500 EQUIPMENT			0			
600 LAND & STRUCTURES			0			
700 GRANTS, CLAIMS			0			
800 MISCELLANEOUS			0			
TOTAL OPERATING			0			
CAPITAL			0			
REVENUE			0			

FUNDING: (Thousands of Dollars)

GENERAL FUND			0			
FEDERAL FUNDS			0			
OTHER			0			
TOTAL			0			

POSITIONS:

FULL-TIME			0			
PART-TIME			0			
TEMPORARY			0			

ANALYSIS: Attach a separate page if necessary

Prepared By: Senator Jan Faiks Phone: 465-4523
 Division: Co-chairman Date: 1/30/86
Senate Finance Committee
 Approved by Commissioner: _____ Date: _____
 Agency: _____

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

7/1/84

Bradley
1/29/86

Original sponsors: Rodey, Bennett,
Kerttula, et al

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 201 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a public access fund."

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

8 * Section 1. FINDINGS. The legislature finds that the people of the
9 state desire to ensure and improve public access to areas of recreational
10 value and enjoyment in the state. Therefore, the legislature shall estab-
11 lish a public access fund in the general fund.

12 * Sec. 2. AS 38.05 is amended by adding a new section to read:

13 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) There is
14 created in the general fund a public access fund. The fund consists
15 of money derived under this subsection and contributions from
16 individuals and corporations. The fund shall be invested by the
17 commissioner of revenue. The legislature may appropriate money to the
18 fund. The commissioner of revenue shall prepare the permanent fund
19 dividend application to allow applicants to designate that \$5 of the
20 dividend be subtracted from their check and deposited in the public
21 access fund. The Department of Revenue may use money in the public
22 access fund to pay administrative costs incurred under this
23 subsection.

24 (b) Except as provided in (a) of this section, the commissioner
25 of natural resources shall administer the fund. The commissioner of
26 natural resources, after public hearings and in consultation with the
27 commissioner of fish and game and the commissioner of transportation
28 and public facilities, may purchase and lease land, easements, and
29 rights of way to enhance public access to recreational areas.

1 (c) Title to rights of public access to recreational areas
2 obtained by the commissioner of natural resources vests in the state.
3 If land is acquired for substantially less than fair market value the
4 commissioner of natural resources shall include in an instrument
5 conferring title on the state a clause requiring that the land be used
6 for public access and providing that if the property ceases to be used
7 for public access, it will automatically revert to the grantor and to
8 the heirs of the grantor. However, if the commissioner of natural
9 resources, after public hearing, authorizes the sale or exchange of a
10 right of public access in return for a similar or better right of
11 public access, the sale or exchange is valid and the property does not
12 revert to the grantor or to the heirs of the grantor.

13 (d) The commissioner of natural resources may adopt regulations
14 under the Administrative Procedure Act (AS 44.62) that are necessary
15 to carry out the purposes of this section.
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ANALYSIS FOR SENATE BILL 201

An Act creating a public access fund

Section 1

The Legislature finds that the people of Alaska desire to improve public access to the state's recreational areas. Therefore, the Legislature establishes the Public Access Fund in the general fund.

Section 2

Title 16, Fish and Game, is amended by the addition of a new section which creates the Public Access Fund within the Department of Fish and Game.

- 1) The fund consists of contributions from individuals and corporations. The state may also contribute to the fund.
- 2) The Commissioner of Fish and Game shall administer the fund. After public hearings and consultation with the Commissioners of DNR and DOT/PF, may purchase or lease land which would improve public access to recreational areas.
- 3) The Department of Revenue shall inform all Permanent Fund Dividend applicants about the Public Access Fund. Applicants may designate all or a portion of their Permanent Fund dividend directly to the Public Access Fund.
- 4) Title to the lands acquired by the Public Access Fund shall rest with the State.
- 5) The Department of Fish and Game may adopt regulations to carry out the purposes of this act.

The Department of Revenue estimates a one time cost of \$54,800 (from Permanent Fund Dividends) to cover necessary computer program changes.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No: CSSB 201 (Finance)
Title: An act creating a public access fund.

Sponsor: Senator Rodey
Requestor: Senate Finance
Date of Request: 1/24/86

FISCAL DETAIL

Agency Affected: Revenue
BRU: Administrative Services

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES	-	14.1	6.2	6.2	6.2	6.2
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	6.0	6.0	6.0	6.0	6.0
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	20.1	12.2	12.2	12.2	12.2
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	20.1	12.2	12.2	12.2	12.2
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	20.1	12.2	12.2	12.2	12.2

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

See attached

Prepared By: Ervin B. Jones
Division: Administrative Services

Phone: 465-2313
Date: 1/29/86

Approved by Commissioner: [Signature]
Agency: Revenue

Date: 1/29/86

Distribution (by Agency preparing fiscal note):

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

Department of Revenue
Administrative Services Division
Fiscal Note Analysis
CSSB 201 (Finance)
1/29/86

Assumptions:

- 1) It is assumed that the provision of this bill would only be effective for PFD years 1987 and thereafter. This assumption is necessary because the 1986 PFD applications are already being printed. The addition of the option envisioned by this bill will cause major revisions to the construction of the packet, and would most certainly cause re-bidding of the printing project. The result would be a late filing period and significant program costs and public confusion and discontent. Alternatively, the creation of a separate form would create substantial new program costs, not addressed in this fiscal note, and considerable public confusion.

It is assumed that the Department of Revenue may comply with the above section of the bill by providing a "check-off" on the 1987 PFD form itself, or an attendant schedule.

- 2) The choice, once made on the PFD application, is irrevocable for that year.
- 3) The dividend is still subject to attachment. Only after those attachments are satisfied will this pledge be recognized.

Program Summary

The application for the 1987 PFD would be revised, providing for a "check-off" for the public access fund, and explaining the option to all applicants.

The Document Processing group will need to review applications for the donation option and the data entry section will be keying additional information on each application. This will be accomplished by extending a seasonal Data Entry Clerk I by three months.

Data capture programs, batch programs, screen programs, history files and all other DP programs would be modified to record the potential choice and to direct payment of the portion selected to the fund. The PFD applicant choosing to contribute to the fund would be notified by mail at the time of PFD distribution that the selected portion of the PFD had been paid directly to the public access fund. The accounting controls on the dividend fund and the warrant issues will become much more complicated by the introduction of myriad warrant amounts. It would be much preferred from a program sense if the opportunity to pledge one's PFD was limited to a fixed dollar amount, or failing that, limited to fixed percentages (e.g. 25%, 50%, 75%, 100%). The Department of Fish & Game would be provided an accounting of the number of

applicants contributing to the public access fund each year, and the total amount transferred to the fund. The attached schedule provides a breakdown of the estimate of man-hours required to accomplish the programming.

The cost of implementing this bill is directly related to the number of choices offered to the PFD applicant. The costs below are based on a single, fixed dollar option.

1. Positions

1 PFT Analyst/Programmer IV, R 19 at \$3,966.42/Mo.
including salary and benefits for 2 months = \$7.9

This position will augment the regular DP staff to perform the system analysis and programming required, as described above. This funding would be needed for design and programming only, with maintenance of the changes and new programs to be done by current staff.

1 PPT Data Entry Clerk I, R 8 at \$2,058.61/Mo
including salary and benefits, for 3 months = \$6.2

This position would perform the equivalent additional data capture (ongoing requirement)

TOTAL Personal Services \$14.1

2. Other Expenditures:

a) Travel - None. \$-.0-

b) Contractual - Add an additional page to the PFD booklet to display the contribution choice available. Although the Department was able to squeeze the Olympic Fund check-off on the existing form, the addition of another option, however simple will require another printed page. \$-6.0-

c) Supplies - None. \$-.0-

d) Equipment - will use existing work areas \$-.0-

TOTAL EXPENDITURES \$20.1

3. Funding - General Fund.

4. Section Cost Analysis - N/A.

Computations - N/A.

Economic Impact - N/A.

Impact on Local Government - N/A.

Attachments: None

Suggested revisions: None.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No: CSSB 201
Title: An act creating a public access fund.

Sponsor: Senator Rodey
Requestor: Senate Finance
Date of Request: 1/24/86

FISCAL DETAIL

Agency Affected: Revenue
BRU: Administrative Services

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES	-	14.1	6.2	6.2	6.2	6.2
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	6.0	6.0	6.0	6.0	6.0
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	20.1	12.2	12.2	12.2	12.2
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	20.1	12.2	12.2	12.2	12.2
TOTAL	-	20.1	12.2	12.2	12.2	12.2

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

See attached

Prepared By: Ervin B. Jones
Division: Administrative Services

Phone: 465-2313
Date: 1/27/86

Approved by Commissioner: Mary G. Skelton
Agency: _____

Date: 1/27/86

Distribution (by Agency preparing fiscal note):

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

Department of Revenue
Administrative Services Division
Fiscal Note Analysis
CSSB 201
1/27/86

Assumptions:

- 1) It is assumed that the provision of page 1, line 2-8 and page 2, line 1 would only be effective for PFD years 1987 and thereafter. This assumption is necessary because the 1986 PFD applications are already being printed. The addition of the option envisioned by this bill will cause major revisions to the construction of the packet, and would most certainly cause re-bidding of the printing project. The result would be a late filing period and significant program costs and public confusion and discontent. Alternatively, the creation of a separate form would create substantial new program costs, not addressed in this fiscal note, and considerable public confusion.

It is assumed that the Department of Revenue may comply with the above section of the bill by providing a "check-off" on the 1987 PFD form itself, or an attendant schedule.

- 2) The choice, once made on the PFD application, is irrevocable for that year.
- 3) The dividend is still subject to attachment. Only after those attachments are satisfied will this pledge be recognized.

Program Summary

The application for the 1987 PFD would be revised, providing for a "check-off" for the public access fund, and explaining the option to all applicants.

The Document Processing group will need to review applications for the donation option and the data entry section will be keying additional information on each application. This will be accomplished by extending a seasonal Data Entry Clerk I by three months.

Data capture programs, batch programs, screen programs, history files and all other DP programs would be modified to record the potential choice and to direct payment of the portion selected to the fund. The PFD applicant choosing to contribute to the fund would be notified by mail at the time of PFD distribution that the selected portion of the PFD had been paid directly to the public access fund. The accounting controls on the dividend fund and the warrant issues will become much more complicated by the introduction of myriad warrant amounts. It would be much preferred from a program sense if the opportunity to pledge one's PFD was limited to a fixed dollar amount, or failing that, limited to fixed percentages (e.g. 25%, 50%, 75%, 100%). The Department of Fish & Game would be provided an accounting of the number of

applicants contributing to the public access fund each year, and the total amount transferred to the fund. The attached schedule provides a breakdown of the estimate of man-hours required to accomplish the programming.

The cost of implementing this bill is directly related to the number of choices offered to the PFD applicant. The costs below are based on a single, fixed dollar option.

1. Positions

1 PFT Analyst/Programmer IV, R 19 at \$3,966.42/Mo.
including salary and benefits for 2 months = \$7.9

This position will augment the regular DP staff to perform the system analysis and programming required, as described above. This funding would be needed for design and programming only, with maintenance of the changes and new programs to be done by current staff.

1 PPT Data Entry Clerk I, R 8 at \$2,058.61/Mo
including salary and benefits, for 3 months = \$6.2

This position would perform the equivalent additional data capture (ongoing requirement)

TOTAL Personal Services \$14.1

2. Other Expenditures:

a) Travel - None. \$-.0-

b) Contractual - Add an additional page to the PFD booklet to display the contribution choice available. Although the Department was able to squeeze the Olympic Fund check-off on the existing form, the addition of another option, however simple will require another printed page. \$-6.0-

c) Supplies - None. \$-.0-

d) Equipment - will use existing work areas \$-.0-

TOTAL EXPENDITURES \$20.1

3. Funding - General Fund.

4. Section Cost Analysis - N/A.

Computations - N/A.

Economic Impact - N/A.

Impact on Local Government - N/A.

Attachments: None

Suggested revisions: Amend page 1, lines 22 - 28 to read: (b) The commissioner of revenue shall inform all applicants for permanent fund dividends about the public access fund. [The commissioner of revenue shall permit an applicant for a permanent fund dividend to pledge the applicant's dividend or a portion of it directly to the public access fund; and an applicant may authorize the commissioner to pay the applicant's dividend or a portion of it directly to the fund.] The commissioner of revenue shall prepare the permanent fund dividend application to allow applicants to designate the \$5 of the dividend be subtracted from the check and contributed to the public access fund.

Wang data entry processing 75.0 hours
Includes: Data entry
Batch lists
Corrections
Wang to IBM transfer

IBM Update jobs 30.0 hours
Includes: Edits
Batch listings
Log sheets

DMS Online programs for lookup and changes . . . 37.5 hours

Nightly Update of Changes 22.5 hours

Warrant Jobs 90.0 hours
Includes: Printing warrants with different
amounts. Include check stub messages.
Modify warrant registers as needed
for balancing.
Create new program(s) for generating
lists and/or tapes to transmit to Admin
for distribution of funds to Olympic
committee.

Misc 45.0 hours
Includes: Setting up test files on IBM
Systems testing
Administrative functions i.e.
paper work required by Admin D.P.
to add files and programs to tables.

TOTAL HOURS 300.0 hours

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date _____

REQUEST

Bill/Resolution No: SB201
 Title: An Act creating a public access fund
 Sponsor: Rodey, et al
 Requestor: Senate Resources Committee
 Date of Request: March 6, 1985

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
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:

No fiscal impact.

ANALYSIS: Attach a separate page for analysis.

SB201 will not have a significant impact on this agency.

Prepared By: Dale Smith
 Division: Public Services

Phone: 465-2392
 Date: March 7, 1985

Approved by Commissioner: Henry P. Stordahl
 Agency: Department of Revenue

Date: 3/19/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date _____

REQUEST

Bill/Resolution No: SB 201
 Title: Creating a public access fund
 Sponsor: Rodey, Bennett, et al
 Requestor: Senate Resources
 Date of Request: 3/6/85

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	-	49.2	-	-	-	-
200 TRAVEL	-	0	-	-	-	-
300 CONTRACTUAL	-	5.6	-	-	-	-
400 SUPPLIES	-	0	-	-	-	-
500 EQUIPMENT	-	0	-	-	-	-
600 LANDS & STRUCTURES	-	0	-	-	-	-
700 GRANTS, CLAIMS	-	0	-	-	-	-
800 MISCELLANEOUS	-	0	-	-	-	-
TOTAL OPERATING	-	54.8	-	-	-	-
CAPITAL	-	0	-	-	-	-
REVENUE	-	0	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	0	-	-	-	-
FEDERAL FUNDS	-	0	-	-	-	-
OTHER (PFD)	-	54.8	-	-	-	-
TOTAL	-	0	-	-	-	-

POSITIONS:

FULL-TIME	-	1	-	-	-	-
PART-TIME	-	0	-	-	-	-
TEMPORARY	-	0	-	-	-	-

ANALYSIS: Attach a separate page if necessary.

See attached

Prepared By: Ervin B. Jones, Director
 Division: Administrative Services

Phone: 465-2313

Date: 5/18/85

Approved by Commissioner: [Signature]
 Agency: [Signature]

Date: 3/19/85

Distribution (by Agency preparing fiscal note):

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

10285

Department of Revenue
Administrative Services Division
Fiscal Note Analysis
SB 201
3/18/85

Assumptions:

- 1) Since the 1985 program is well underway, and most Alaskans will have applied for their 1985 dividend long before this bill could become law, it is assumed that the provision of page 1, line 25 - 29 and page 2, line 1 would not be effective until January 1, 1986 for PFD years 1986 and thereafter.
- 2) It is assumed that the Department of Revenue may comply with the above section of the bill by providing a "check-off" on the PFD form itself, instead of having to provide a separate form with separate instructions, processing, etc.
- 3) A minimal response would be received.
- 4) If an applicant chooses to contribute the PFD to the public access fund, it is not subject to attachment for any reason.
- 5) The choice, once made on the PFD application, is irrevocable for that year.

Program Summary

The application for the 1986 PFD would be revised, providing for a "check-off" for the public access fund, and explaining the option to all applicants. Data capture programs, batch programs, screen programs, history files and all other DP programs would be modified to record the potential choice and to direct payment to the fund versus the applicant. A receipt would be designed to send to the PFD applicant choosing to contribute to the fund. This receipt would be sent to the applicant in lieu of a check. The Department of Fish & Game would be provided an accounting of the number of applicants contributing to the public access fund each year, and the total amount transferred to the fund.

Positions:

1 PFT Analyst/Programmer IV, R 19,
@ \$4,100.75/Mo including salary and
benefits for 12 months = \$49,209

This position would modify all existing programs as indicated. Maintenance in future years would be performed by existing staff. On the assumption of low participation, no additional keypunch help would be needed.

Other Expenditures

Contractual

1 Wang 4250 workstation rented for 12 months
@ \$398/Mo, + \$805 for an emulator board, so
it may be used both as a Wang VS terminal and
an IBM 3278 terminal by the Analyst/Programmer
in programming both systems =

\$5,581

TOTAL EXPENDITURES

\$54,790

SB201
March 7, 1985

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

Offered: 4/22/85
Referred: Finance

Original sponsors: Rodey, Bennett,
Kerttula, et al

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 201 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act creating a public access fund."
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
8 * Section 1. FINDINGS. The legislature finds that the people of the
9 state desire to ensure and improve public access to areas of recreational
10 value and enjoyment in the state. Therefore, the legislature shall estab-
11 lish a public access fund in the general fund.
12 * Sec. 2. AS 16.05 is amended by adding a new section to read:
13 Sec. 16.05.135. PUBLIC ACCESS FUND CREATED. (a) There is
14 created in the general fund a public access fund. The fund is estab-
15 lished in the Department of Fish and Game and consists of contribu-
16 tions from individuals and corporations. The state may contribute to
17 the fund. The commissioner shall administer the fund. The commis-
18 sioner, after public hearings and consultation with the commissioner
19 of natural resources and the commissioner of transportation and public
20 facilities, may purchase and lease land, easements, and rights of way
21 to enhance public access to recreational areas.
22 (b) The commissioner of revenue shall inform all applicants for
23 permanent fund dividends about the public access fund. The commis-
24 sioner of revenue shall permit an applicant for a permanent fund
25 dividend to pledge the applicant's dividend or a portion of it
26 directly to the public access fund, and an applicant may authorize the
27 commissioner to pay the applicant's dividend or a portion of it
28 directly to the fund.
29 (c) Title to rights of public access to recreational areas

1 obtained by the commissioner vests in the state. If land is acquired
2 for less than fair market value the commissioner shall include in an
3 instrument conferring title on the state a clause requiring that the
4 land be used for public access and providing that if the property
5 ceases to be used for public access, it will automatically revert to
6 the grantor and to the heirs of the grantor. However, if the commis-
7 sioner, after public hearing, authorizes the sale or exchange of a
8 right of public access in return for a similar or better right of
9 public access, the sale or exchange is valid and the property does not
10 revert to the grantor or to the heirs of the grantor.

11 (d) The commissioner may adopt regulations under the Administra-
12 tive Procedure Act (AS 44.62) that are necessary to carry out the
13 purposes of this section.

Introduced: 2/28/85
Referred: Resources and
Finance

BY RODEY, BENNETT, KERTTULA,
JOSEPHSON, HALFORD, ABOOD,
FAIKS AND RAY

1 IN THE SENATE

2

SENATE BILL NO. 201

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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17 the fund. The public access fund committee shall administer the fund.
18 The committee shall select and purchase land, easements, and rights of
19 way to enhance public access to recreational areas.

20 (b) The committee is composed of five members appointed by the
21 governor who serve at the pleasure of the governor. Members of the
22 committee serve without compensation but are entitled to per diem and
23 travel expenses authorized for boards and commissions under
24 AS 39.20.180.

25 (c) The Department of Revenue shall inform all applicants for
26 permanent fund dividends about the public access fund. The commis-
27 sioner of revenue shall provide applicants with a form, addressed to
28 the commissioner, on which the applicant may pledge the applicant's
29 permanent fund dividend to the public access fund and may authorize

1 the commissioner to pay the applicant's dividend directly to the fund.

2 (d) Title to rights of public access to recreational areas
3 obtained by the committee shall vest in the state. The instrument
4 conferring title on the state must include a clause requiring that the
5 land be used in perpetuity for public access and that if the property
6 ceases to be used for public access, it will automatically revert to
7 the grantor. However, if the committee, after public hearing, author-
8 izes the sale or exchange of a right of public access in return for a
9 similar or better right of public access, the sale or exchange is
10 valid and the property does not revert to the grantor.

COMMITTEE REPORT
SENATE

FINANCE

FURTHER:

2/28/85

Date 4/19/85

Mr. President

RESOURCES

SB 201

The Committee on _____ considered _____
creating a public access fund.

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 SB 201 (RESOURCES)
- 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

[Signature]
[Signature]
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature] (No Rec)
[Signature] (No Rec)

[Signature]
Chairman
Do Pass
Chairman recommendation

**HOUSE
COMMITTEE REPORT**

(11)

Date referred: 5/7/86

FURTHER REFERRALS:

DATE: 5-11-86

The FINANCE Committee has considered CSSB 201(Fin)
"An Act creating a public access fund."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with HCS CSSB 201 (Res) same title
- new title

and recommends DO PASS

further referral to the _____ Committee

and attaches:

- letter of intent
- first fiscal note
- new fiscal note
- zero fiscal note same 1-30-86

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

[Signature]
Mike Spumale
Sam Rest
[Signature]
Pat Kaye
Ronald J. [Signature]

[Signature]
Chairman

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB 201(Fin)
 Title: "An Act creating a public access fund."
 Sponsor: Senator Rodey
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: _____ Revenue _____
 Program Category Affected: _____
 Administrative Services _____
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING			0			
100 PERSONAL SERVICES			0			
200 TRAVEL			0			
300 CONTRACTUAL			0			
400 SUPPLIES			0			
500 EQUIPMENT			0			
500 LAND & STRUCTURES			0			
700 GRANTS, CLAIMS			0			
800 MISCELLANEOUS			0			
TOTAL OPERATING			0			
CAPITAL			0			
REVENUE			0			

FUNDING: (Thousands of Dollars)

GENERAL FUND			0			
FEDERAL FUNDS			0			
OTHER			0			
TOTAL			0			

POSITIONS:

FULL-TIME			0			
PART-TIME			0			
TEMPORARY			0			

ANALYSIS: Attach a separate page if necessary

Prepared By: Senator Jan Faiks
 Division: Co-chairman
Senate Finance Committee
 Approved by Commissioner: _____
 Agency: _____

Phone: 465-4523
 Date: 1/30/86

Date: _____

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

7/1/84

Offered: 5/7/86
Referred: Finance

Original sponsors: Rodey, Bennett,
Kerttula, et al

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 201 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a public access fund."

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

8 * Section 1. LEGISLATIVE FINDINGS AND INTENT. (a) The legislature
9 finds that access to state waters for fishing, hunting, guiding, boating,
10 lodge operation and other recreational uses is very important to the econo-
11 my of the state. State waters, and public access to those waters, is
12 critical to the interrelated recreation, tourism, guiding and lodge indus-
13 tries. These industries support a large number of small, resident Alaska
14 businesses. Recreational use of state waters is also extremely important
15 to the people of the state. The legislature further finds that many of the
16 state's popular freshwater and marine fisheries are severely overcrowded
17 and that increasing the ease of access to additional waters suitable for
18 recreational uses would enhance the enjoyment by the people, would be
19 beneficial to the economy, and would reduce the overcrowding on the already
20 popular waters.

21 (b) It is the intent of the legislature to encourage state programs
22 to develop access to additional waters of the state near the state's major
23 population areas.

24 * Sec. 2. AS 38.05 is amended by adding a new section to read:

25 Sec. 38.05.874. PUBLIC ACCESS FUND CREATED. (a) There is
26 created in the general fund a public access fund. The fund consists
27 of money derived under this subsection and contributions from indi-
28 viduals and corporations. The fund shall be invested by the commis-
29 sioner of revenue. The commissioner of revenue shall prepare the

1 permanent fund dividend application to allow applicants to designate
2 that \$5 of the dividend be subtracted from their check and deposited
3 in the public access fund. The Department of Revenue may use money in
4 the public access fund to pay administrative costs incurred under this
5 subsection.

6 (b) Except as provided in (a) of this section, the commissioner
7 shall administer the fund. The commissioner, after public hearings
8 and in consultation with the commissioner of fish and game and the
9 commissioner of transportation and public facilities, may use money in
10 the fund to develop boating access, including the purchase and lease
11 of land, easements, and rights of way to enhance public access to
12 recreational areas.

13 (c) The title to rights of public access to recreational areas
14 obtained by the commissioner vests in the state. The commissioner
15 shall include in the instrument transferring title to the state a
16 clause requiring that the land be used for public access. If the land
17 ceases to be available for public access, the state shall pay the
18 assessed value of the land to the fund.

19 (d) If the state receives funds under 16 U.S.C. 777-777k (Sport
20 Fish Restoration Act), approximately 20 percent of the funds shall be
21 used to implement the provisions of this section. Expenditure of
22 funds received by the state under this subsection is subject to the
23 approval of the commissioner of fish and game.

24 (e) The legislature may appropriate to the fund.

25 (f) The commissioner may adopt regulations under the Administra-
26 tive Procedure Act (AS 44.62) that are necessary to implement this
27 section.

28 * Sec. 3. AS 38.50.010 is amended to read:

29 Sec. 38.50.010. AUTHORIZATION. Subject to the requirements of

1 this chapter, the director, with the concurrence of the commissioner,
2 is authorized to dispose of state land or interest in land by exchang-
3 ing it for land, interest in land, or other consideration. Exchanges
4 shall be for the purpose of consolidating state land holdings, creat-
5 ing land ownership and use patterns which will permit more effective
6 administration of the state public domain, using funds from the public
7 access fund to create access to waters of the state with high value
8 for recreational uses, facilitating the objectives of state programs,
9 or other public purposes.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB 201(Fin)
 Title: "An Act creating a public access fund."
 Sponsor: Senator Rodey
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: _____ Revenue
 Program Category Affected: Administrative Services
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING			0			
100 PERSONAL SERVICES			0			
200 TRAVEL			0			
300 CONTRACTUAL			0			
400 SUPPLIES			0			
500 EQUIPMENT			0			
500 LAND & STRUCTURES			0			
700 GRANTS, CLAIMS			0			
300 MISCELLANEOUS			0			
TOTAL OPERATING			0			

CAPITAL			0			
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REVENUE			0			
----------------	--	--	---	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND			0			
FEDERAL FUNDS			0			
OTHER			0			
TOTAL			0			

POSITIONS:

FULL-TIME			0			
PART-TIME			0			
TEMPORARY			0			

ANALYSIS: Attach a separate page if necessary

Prepared By: Senator Jan Faiks Phone: 465-4523
 Division: Co-chairman Date: 1/30/86
Senate Finance Committee
 Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

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

7/1/84

Alaska Recreational Fishery Access, Enhancement
and Development

Need:

Alaska, with a population of 510,554 people (1983) and land-mass of 586,412 square miles (1/5th the size of the contiguous lower 48 States), has a severe access problem. Although the state has over 3,000,000 lakes and 365,000 miles of rivers, it has only about 2500 miles of state maintained paved, 2960 miles of unpaved roads and 8400 miles of local government and specialty (includes National Park Service and military) roads. Access to the states fish and wildlife resources is severely restricted and inadequate. This limited access results in concentration of fishing effort, habitat degradation, restricted management options and social conflicts.

However, even with limited road access to fishery resources, fishing is still the most popular outdoor passtime in Alaska. Of the 335,608 anglers who fished in 1984, 71% were Alaska residents and 29% were non-residents. This represents a 6% increase in resident anglers and a 15% increase in non-resident anglers over 1983. Since 1977 the average annual increase in anglers has been 8% (7% for resident anglers and 11% non-resident anglers).

Fishing is concentrated along the road system and near the population centers. Of the 1,366,337 angler-days fished in 1984, 1,341,658 (72%) were expended in the Southcentral region of Alaska, 326,138 (17%) were expended in the Southeast region, and 199,041 (11%) were expended in the Arctic-Yukon-Kuskokwim region. The Cook Inlet area, within the Southcentral region, had 1,109,727 days (59%) of the State's total sport fishing and the Kenai Peninsula had 668,161 angler-days or 36% of the State total. The Kenai River alone had 270,422 angler-days of use or 14% of the State total.

For all its lakes, streams and anglers, the state has only 31 boat launching facilities statewide. A few private launch ramps also exist. This limited boat access concentrates fishing to areas near the launching facilities, creates traffic congestion problems, and destroys needed habitat as a result of overcrowding. On busy days boat owners often must wait for extended periods of time to launch their boats and then drive up to 1 mile to park their cars and trailers before going fishing. A lengthy wait also accompanies removal of boats from the water.

Identified Access problems include

1. Insufficient parking at limited access points which results in illegal parking along public roads creating a safety hazard and unauthorized parking on private property;
2. Limited access sites which force walk-in use across private property to popular fishing locations. Repeated use creates unwanted trails, accumulation of garbage and general destruction of the aesthetic value of the private property;

3. High use of inadequate or undeveloped boat launch facilities which destroys habitat through stream and bank degradation, siltation, misuse of private property to access water sites and illegal parking of boat trailers;
4. The degradation of existing sites through excessive use which creates sanitation problems, social conflicts and loss of aesthetic values.

The goal of this project is to increase or improve public access for fishing through the purchase of lands, development of facilities, and enhancement of state lands and waters.

Objectives.

1. To provide angler and boat access to recreational fishing waters;
2. To construct, develop, improve and maintain facilities and lands acquired or used by recreational anglers;
3. To increase and/or improve the quality of habitat for sport fish;
4. To provide necessary support facilities for the administration, or management of recreational fisheries.

Expected Results and Benefits:

- A. Acquisition of lands and access opportunities (rights-of-way and easements) will ensure dedicated accessibility to the fishery resources for the public.
- B. Acquired sites will be managed and operated to provide primary benefits to the recreational angler and boater and help in distributing angler effort throughout a greater area of a particular fishery or among suitable fisheries.
- C. Additional access sites will allow more anglers to participate in a fishery, and will allow those who presently use a fishery to reduce conflict by disbursing effort over a larger area and reducing congestion on existing sites.

Additional sites may allow anglers to reach fisheries not presently accessible from existing locations (e.g. acquiring a suitable site that favors a boat launching facility) thereby increasing management options for harvest regulation.

- D. Allow development of new fisheries.

Facility developments will improve the aesthetic qualities of the recreational fishery and lessen impacts on the environment. This will be accomplished by: providing the necessary camping, eating and sanitary facilities for public use; improved access to accommodate vehicle and

foot traffic; increased vehicle and trailer parking and paving of such areas thereby reducing conflict; maintaining streambank integrity; and, reducing siltation and pollution.

Field support facilities, when required, will allow proper supervision of select fisheries in terms of fishery monitoring and data acquisition. Habitat improvements should increase fish production and expand waters available for enhancement.

Approach:

Land Acquisition/Access.

Land will be acquired by fee-title purchase, lease, or right-of-way/easements for the purposes of public access, boat launching ramps, parking lots, and camping facilities. Land will be also acquired by willing seller/buyer negotiations and in accordance with P.L. 91-646 Uniform Relocation and Real Property Acquisition requirements.

Operational Plans will be submitted with the Project Agreements for acquisition of land parcels and will conform to FA Manual requirements, Chap 10 Land Acquisition. Examples of information to be provided:

1. The soil characteristics, topography, and vegetative communities.
2. The surface waters, mineral and water rights.
3. The fish and wildlife species, abundance and distribution on the property.
4. Existing capital developments, use of area by landowners or lessees.
5. Use of area by the public (types of use, man-days expended, harvest of fish and wildlife, etc.).
6. Pertinent planning and administration related to lands in the vicinity.
7. Summary of appropriate hydrologic, engineering, geologic or other technical investigations that support the property's suitability for development.
8. Cooperative Agreements relating to project objectives.

Priorities for acquisition or improvement of access will include, but not be limited to:

1. Economic importance. Importance to the local community;
2. Public importance. The number of people who use the area, the man-days of effort expected, safety factors, trespass problems and distance from metropolitan areas;

3. Biological/Ecological importance. Will site provide access to new fisheries, suitability of site, ability of resource to accommodate existing and potential use, etc;
4. Political significance. Are matching funds being provided by local interests, or have political decisions (funding) prescribed priority to the project.

Development.

Development activities will include the construction, modification or improvement of access sites. Such activities may include, but not be limited to, land clearing, access road construction, boat launching ramp construction, trail development, hard surfacing (e.g., black top) of parking areas and access roads, addition to ramps, and/or construction of floats and piers, navigational aids, mooring buoys, bank stabilization projects, sanitary and camping facilities, and other amenities that provide needed public services for sport fishing purposes.

Field support facilities will be considered on a case-to-case basis for special fisheries. This activity may construct cabins to house seasonal employees conducting creel censuses, or caretakers, and include necessary support items such as water, sewer, electrical and other services.

Procedures for facilities requiring user fees, concessions, caretakers or custodians will be incorporated in Operational Plans and submitted at the time of acquisition with the Project Agreement.

Habitat improvements will incorporate construction of water level stabilization structures, weirs and barriers to control ingress and egress of fish, or for ecological improvements to waterways and standing waters. In many instances, nonproductive or marginal waters may only require structures to provide water level stabilization and/or control of fish movement when associated with stocking to provide an acceptable fishery. Jobs developed under this project will have detailed operational plans, and materials lists as required for the activity.

For all construction items costing more than \$100,00, a qualified engineer will approve engineering plans and estimates, approve the feasibility determination, supervise the construction, and furnish a report of final inspection. All other construction activity will apply acceptable engineering standards commensurate with the level of complexity and magnitude involved.

Enhancement.

Enhancement in this project refers to improvements in the properties discussed in this document under the Land Acquisition/Access and Development sections.

Location. Statewide

Offered: 1/30/86
Referred: Rules

Original sponsors: Rodey, Bennett,
Kerttula, et al

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SENATE BILL NO. 201 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

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18 fund. The commissioner of revenue shall prepare the permanent fund
19 dividend application to allow applicants to designate that \$5 of the
20 dividend be subtracted from their check and deposited in the public
21 access fund. The Department of Revenue may use money in the public
22 access fund to pay administrative costs incurred under this
23 subsection.

24 (b) Except as provided in (a) of this section, the commissioner
25 of natural resources shall administer the fund. The commissioner of
26 natural resources, after public hearings and in consultation with the
27 commissioner of fish and game and the commissioner of transportation
28 and public facilities, may purchase and lease land, easements, and
29 rights of way to enhance public access to recreational areas.

1 (c) Title to rights of public access to recreational areas
2 obtained by the commissioner of natural resources vests in the state.
3 If land is acquired for substantially less than fair market value the
4 commissioner of natural resources shall include in an instrument
5 conferring title on the state a clause requiring that the land be used
6 for public access and providing that if the property ceases to be used
7 for public access, it will automatically revert to the grantor and to
8 the heirs of the grantor. However, if the commissioner of natural
9 resources, after public hearing, authorizes the sale or exchange of a
10 right of public access in return for a similar or better right of
11 public access, the sale or exchange is valid and the property does not
12 revert to the grantor or to the heirs of the grantor.

13 (d) The commissioner of natural resources may adopt regulations
14 under the Administrative Procedure Act (AS 44.62) that are necessary
15 to carry out the purposes of this section.

Offered: 4/22/85
Referred: Finance

Original sponsors: Rodey, Bennett,
Kerttula, et al

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 201 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

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23 permanent fund dividends about the public access fund. The commis-
24 sioner of revenue shall permit an applicant for a permanent fund
25 dividend to pledge the applicant's dividend or a portion of it
26 directly to the public access fund, and an applicant may authorize the
27 commissioner to pay the applicant's dividend or a portion of it
28 directly to the fund.

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1 obtained by the commissioner vests in the state. If land is acquired
2 for less than fair market value the commissioner shall include in an
3 instrument conferring title on the state a clause requiring that the
4 land be used for public access and providing that if the property
5 ceases to be used for public access, it will automatically revert to
6 the grantor and to the heirs of the grantor. However, if the commis-
7 sioner, after public hearing, authorizes the sale or exchange of a
8 right of public access in return for a similar or better right of
9 public access, the sale or exchange is valid and the property does not
10 revert to the grantor or to the heirs of the grantor.

11 (d) The commissioner may adopt regulations under the Administra-
12 tive Procedure Act (AS 44.62) that are necessary to carry out the
13 purposes of this section.

Introduced: 2/28/85
Referred: Resources and
Finance

BY RODEY, BENNETT, KERTTULA,
JOSEPHSON, HALFORD, ABOOD,
FAIKS AND RAY

1 IN THE SENATE

2

SENATE BILL NO. 201

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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18 The committee shall select and purchase land, easements, and rights of
19 way to enhance public access to recreational areas.

20 (b) The committee is composed of five members appointed by the
21 governor who serve at the pleasure of the governor. Members of the
22 committee serve without compensation but are entitled to per diem and
23 travel expenses authorized for boards and commissions under
24 AS 39.20.180.

25 (c) The Department of Revenue shall inform all applicants for
26 permanent fund dividends about the public access fund. The commis-
27 sioner of revenue shall provide applicants with a form, addressed to
28 the commissioner, on which the applicant may pledge the applicant's
29 permanent fund dividend to the public access fund and may authorize

HOUSE

COMMITTEE REPORT

(11)

Date referred: 5/6/86

FURTHER REFERRALS:

7/11
Rule

DATE: 5-10-86

The FINANCE Committee has considered CSSB 209(R1s)

"An Act creating the Alaska State Fire Commission; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- replace with _____ new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - ~~new fiscal note~~ 4/23/86 same
 - zero fiscal note

Same

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

_____ *Robert J. ... - No Rec*

_____ *Mike ... - No Rec*

_____ *Donald ... - No Rec*

_____ *Jack ... (No Rec)*

_____ *John ... No Rec*

Chairman

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : 4-23-86

REQUEST

REVISED

FISCAL DETAIL

Bill/Resolution No. : CSSB-209 (Fin)
Title : State Fire Commission

Agency Affected : Dept. of Public Safety
BRU : Commission's Officer

Sponsor : Ziegler
Requestor : Senate Finance
Date of Request : 4-23-86

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		117.0				
TRAVEL		20.0				
CONTRACTUAL		28.0				
SUPPLIES		5.0				
EQUIPMENT		10.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		180.0				

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		180.0				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME		2.0				
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary. The fiscal note was based on figures original offered when total request was for \$261,375. Governor's revised budget requested 180.0. Difference reflects two positions.

Prepared by : Senate Finance Committee

Phone : 465-3753

Division : _____

Date : 4-23-86

Approved by Commissioner : Sen. Sackett

Date : 4-23-86

Agency : Senate Finance

Distribution (by Agency preparing fiscal note):

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

ORIGINAL

State Fire Commission
Funding

The funding proposal for the State Fire Commission was based on the recommendations of the Task Force on Fire Prevention and Control. Estimated costs January 1985:

100 - Personal Services

Four-person staff:

1. Executive Director - Range 23 (salary and all fringe benefits)	\$ 62,550
2. Professional Staff	
Planner V or equivalent - Range 21	54,735
Planner V or equivalent - Range 21	54,735
Administrative Secretary - Range 10	26,355
	<u>\$198,375</u>

200 - Travel

An estimate of \$20,000 for staff travel and per diem \$ 20,000

300 - Contractual

Estimated 800 square feet \$ 24,000
Telephone 4,000
\$ 28,000

400 - Supplies

Miscellaneous (estimated) \$ 5,000

500 - Equipment

Includes word processor, four desks, table,
two filing cabinets, miscellaneous chairs,
etc. (estimated) \$ 10,000
TOTAL \$261,375

State Fire Commission

Alternate Proposal
I

Reduce the staff request by one position. Change the position description of the:

1. Executive Director to Executive Secretary or equal
2. Planner V to Research Analyst

New Costs:

100 - Personal Services

1 Executive Secretary	\$ 62,500	85,400
1 Research Analyst	54,700	
1 Secretary	26,400	
	<u>\$143,600</u>	

Total Funding \$207,700

143
117,

36

207,700

207,700
143,600

State Fire Commission

Alternate Proposal
II

Reduce the staff request by one position. Request the authorization of three positions:

1. Executive Secretary
2. Research Analyst
3. Secretary

Fund only two positions this year:

1. Executive Secretary	\$ 62,500
2. Secretary	<u>26,400</u>
Total	\$ 88,900
Total Funding	\$173,500

It is important the legislators understand that the Fire Service considers the Fire Commission very important to the well being of the people of Alaska and will actively seek federal grants or industrial funding to fill the vacant position.

LEGISLATIVE FINANCE

* * * * * DEPARTMENT OF PUBLIC SAFETY * * * * *

SHORT FORM PAGE	BUDGET COMPONENT	FY85 ACT	FY86 ATH	GOV.AMD.	GOV.REV.	SENATE	SENATE - GOV.AMD. COMPARISON	
NATURAL RESOURCE MANAGEMENT								
FISH & WILDLIFE PROTECTION								
2	ENFORCEMENT & INVES. SVCS UNIT	9706.5	10363.2	10334.8	10113.6	10113.6	-221.2	-2.1%
4	DIRECTOR'S OFFICE	278.6	290.3	287.5	284.6	284.6	-2.9	-1.0%
6	AIRCRAFT SECTION	974.8	887.7	830.2	818.8	818.8	-11.4	-1.4%
8	MARINE ENFORCEMENT	2320.8	2553.4	2585.6	2420.2	2420.2	-165.4	-6.4%
	*** PROGRAM TOTAL ***	13280.7	14094.6	14038.1	13637.2	13637.2	-400.9	-2.9%
PUBLIC PROTECTION								
FIRE PREVENTION								
12	FIRE PREVENTION OPERATIONS	1261.3	1326.6	1424.1	1296.8	1296.8	-127.3	-9.9%
14	FEDERAL COMMUNITY PROJECTS		10.0	10.0	10.0	10.0		
16	FIRE SERVICE TRAINING			704.4	412.6	412.6	-291.8	-41.4%
	*** PROGRAM TOTAL ***	1261.3	1336.6	2138.5	1719.4	1719.4	-419.1	-19.6%
20	STATE FIRE COMMISSION				180.0			
HIGHWAY SAFETY PLANNING AGENCY								
24	HWY SAFETY PLANNING OPERATIONS	1461.7	1469.6	240.5	217.5	39.1	-201.4	-83.7%
25	FEDERAL GRANTS			1389.2	1389.2	1389.2		
	*** PROGRAM TOTAL ***	1461.7	1469.6	1629.7	1606.7	1428.3	-201.4	-12.4%
MOTOR VEHICLES								
33	DRIVER SERVICES	1095.8	1307.4	1277.5	1272.8	1272.8	-4.7	-0.4%
32	VEHICLE SERVICES	392.4	437.1	431.7	431.7	431.7		
34	FIELD SERVICES	3826.0	4731.7	4616.1	4378.9	4378.9	-237.2	-5.1%
36	ADMINISTRATION	666.5	654.7	682.7	678.6	678.6	-4.1	-0.6%
38	COMMERCIAL VEHICLE SAFETY			346.1	335.6	335.6	-10.5	-3.0%
	*** PROGRAM TOTAL ***	5980.7	7130.9	7354.1	7097.6	7097.6	-256.5	-3.5%
	*** PUBLIC PROTECTION TOTAL ***	8703.7	9937.1	11122.3	10603.7	10245.3	-877.0	-7.9%
ADMINISTRATION OF JUSTICE								
ALASKA STATE TROOPERS								
42	DETACHMENTS & C.I.B.	25445.6	25736.9	26985.7	26305.8	25182.3	-1803.4	-6.7%
44	NARCOTICS UNIT	2557.2	2528.8	2424.8	2405.6	2405.6	-19.2	-0.8%
46	WSIN		106.0	106.9	104.2	104.2	-1.8	-1.7%
48	DIRECTOR'S OFFICE	793.4	820.4	811.8	719.9	719.9	-91.9	-11.3%
50	LABORATORY SERVICES	709.1	1258.9					
52	CENTRAL COMMUNICATIONS	1193.2	1275.4	1264.5	1254.9	1254.9	-9.6	-0.8%
54	COMMUNITY SERVICES	124.4	144.9	305.7	299.7	299.7	-6.0	-2.0%
56	JUDICIAL SERVICES	3654.1	3726.7	3720.4	3691.2	3691.2	-29.2	-0.8%
58	PRISONER TRANSPORTATION	1046.8	750.0	750.0	859.0	859.0	109.0	14.5%
60	SEARCH AND RESCUE	241.2	169.9	169.9	169.7	169.7	-0.2	-0.1%
62	BUILDING SECURITY	638.9	577.4	484.9	482.0	482.0	-2.9	-0.6%
	*** PROGRAM TOTAL ***	36403.9	37095.3	37023.7	36292.0	35168.5	-1855.2	-5.0%
VILLAGE PUB. SAFETY OFF. PRO.								
66	CONTRACTS	4271.5	5208.5	5208.5	4696.2	4696.2	-512.3	-9.8%
68	VPSO SUPPORT	2043.8	1625.2	1623.1	1591.0	1591.0	-32.1	-2.0%

Offered: 5/4/86

Original sponsor: Ziegler

1 IN THE SENATE

BY THE RULES COMMITTEE

2

CS FOR SENATE BILL NO. 209 (Rules)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act creating the Alaska State Fire Commission;

7

and providing for an effective date."

8

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

9

* Section 1. AS 44.41 is amended by adding new sections to read:

10

ARTICLE 2. ALASKA STATE FIRE COMMISSION.

11

Sec. 44.41.100. FIRE COMMISSION. The Alaska State Fire Commission is established in the Department of Public Safety.

12

13

Sec. 44.41.110. MEMBERSHIP. (a) The governor shall appoint the members of the commission without regard to political affiliation to serve for terms of four years. Members must have an understanding of basic fire protection principles. A member may serve no more than two consecutive full terms. Membership must include a

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(1) member of the Alaska Fire Chief's Association;

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(2) member of the Alaska State Firefighters Association;

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(3) member of the Alaska Municipal League;

21

(4) representative of the field of education;

22

(5) representative of the Alaska Federation of Natives;

23

(6) representative of the insurance industry;

24

(7) representative of the construction industry;

25

(8) representative of the oil industry; and

26

(9) representative of the transportation industry.

27

(b) The attorney general and the commissioners of public safety, labor, community and regional affairs, and natural resources or their designated representatives are nonvoting members of the committee.

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1 (c) A vacancy on the commission shall be filled from the appro-
2 priate source. The appointee shall serve for the unexpired portion of
3 the term.

4 (d) Members serve without compensation but are entitled to
5 travel and per diem authorized for members of boards and commissions
6 under AS 39.20.180.

7 Sec. 44.41.120. PROCEDURES; STAFF. (a) A quorum consists of
8 five members and must include either the chair or the vice-chair of
9 the commission.

10 (b) The membership shall elect a chair and a vice-chair to serve
11 for terms of one year. The chair may appoint standing and special
12 committees and subcommittees.

13 (c) The chair, the governor, or three members of the commission
14 may call a special meeting.

15 (d) The commission may hire staff as necessary. Employees of
16 the commission are in the partially exempt service under AS 39.25.120.

17 Sec. 44.41.130. POWERS AND DUTIES. (a) The commission shall

18 (1) develop and adopt a state master plan for fire preven-
19 tion, control, education, and training, and provide direction and
20 coordination for state fire-related programs;

21 (2) establish policy and operational guidelines for state
22 agencies with fire protection responsibilities and make recommenda-
23 tions to private industry, local governments, and federal agencies
24 having fire protection programs;

25 (3) adopt procedural regulations reasonably necessary to
26 carry out the duties imposed by AS 44.41.100 - 44.41.130;

27 (4) make recommendations for local, federal, and private
28 fire-related programs; and

29 (5) report on commission activities when requested by the

1 governor or the legislature.

2 (b) The commission may

3 (1) conduct research, hold public hearings, and study
4 related issues in order to make recommendations for the improvement of
5 fire prevention and control in the state;

6 (2) accept unrestricted gifts, bequests, devises, grants,
7 matching funds and other consideration for use in promoting the com-
8 mission's work.

9 * Sec. 2. AS 39.05.120(c) is amended by adding a new paragraph to read:

10 (19) employees of the Alaska State Fire Commission.

11 * Sec. 3. AS 44.66.010(a) is amended by adding a new paragraph to read:

12 (13) Alaska State Fire Commission -- June 30, 1990.

13 * Sec. 4. Notwithstanding AS 44.41.110, enacted by sec. 1 of this Act,
14 and AS 39.05.055, the following initial members of the Alaska State Fire
15 Commission shall serve the following terms:

16 (1) representatives of the construction industry and the field
17 of education, three years;

18 (2) member of the Alaska State Firefighters Association and the
19 representative of the insurance industry, two years;

20 (3) representatives of the transportation industry and the
21 Alaska Federation of Natives, one year.

22 * Sec. 5. This Act takes effect immediately in accordance with AS 01.-
23 10.070(c).



Official Business

Alaska State Legislature

Senate

SENATE (CSSB 209(RLS))
LETTER OF INTENT

Pouch V
State Capitol
Juneau, Alaska 99811

IT IS NOT THE INTENT OF THE LEGISLATURE IN PASSING LEGISLATION CREATING THE ALASKA STATE FIRE COMMISSION TO URSURP THE AUTHORITY OF ANY STATE AGENCY ESTABLISHED BY ALASKA STATUTES.

THE LEGISLATURE'S INTENT IS TO INSURE COOPERATION, COORDINATION AND COMMUNICATION BETWEEN ALL AGENCIES INVOLVED IN THE STATE'S FIRE PROTECTION SYSTEM, AND TO DRAFT POLICY AND GUIDELINES FOR CONSIDERATION BY THE AFFECTED AGENCIES TO ACHIEVE THIS GOAL.

Senate adopted May 5, 1986.

Alaska State Legislature

SENATOR
ROBERT H. ZIEGLER, SR.
307 BAWDEN STREET
KETCHIKAN, ALASKA 99901

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811



Senate

MEMBER
SENATE JUDICIARY COMMITTEE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
WESTERN STATES LEGISLATIVE
FORESTRY TASK FORCE
EXECUTIVE COMMITTEE
WESTERN LEGISLATIVE CONFERENCE
COUNCIL OF STATE GOVERNMENTS
ALTERNATE MEMBER
NATIONAL CONFERENCE OF STATE LEGISLATURES
STATE AND FEDERAL ASSEMBLY
COMMITTEE ON
FEDERAL TAXATION, TRADE AND ECONOMIC DEVELOPMENT

April 16, 1986

The Honorable Al Adams,
Chairman
House Finance Committee
Alaska State Legislature
Juneau, Alaska

Dear Representative Adams:

I am writing this background and explanation of SB 209 at the suggestion of Senator Ziegler, sponsor of the bill.

SB 209 and SB 210 (appropriation bill) relating to the establishment of a Fire Commission were introduced by Senator Ziegler at the request of the Alaska Fire Chiefs Association, Alaska Firefighters Association and other fire service representatives.

Establishment of a Fire Commission was the number one priority of the Task Force on Fire Prevention and Control in their report "Fire! Alaska's Public Safety Crisis." It is hoped that through the efforts of the Commission, loss of life and property which, in Alaska, are among the highest in the western world, will be significantly reduced.

SB 209 and SB 210 were introduced in 1985 and were referred to the State Affairs and Finance Committees. The bills were sent to Finance basically intact and rested there until the end of the 1985 session.

In the interim, the Governor liked the idea of a Fire Commission so much he included the funding in the budget submitted to the Legislature in 1986. He did request that the Commission operate under the Department of Public Safety rather than the Office of the Governor.

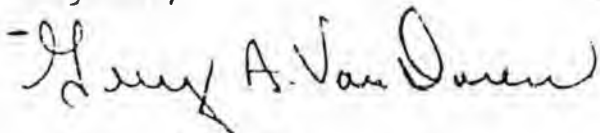
April 16, 1986

As the 1986 session began and everyone became aware of the financial problems of the state, the fire service representatives, an analyst from OMB and I met to decide the bottom line financing the Commission could live with and still be effective. From an original request of \$261,400, we reduced the budget to \$180,000; we reduced the staff from an executive director, two researchers and one secretary to an administrative officer and a researcher/secretary. It was felt that with a great deal of help from commission members and assistance from the Fire Marshal's office, the necessary work could be accomplished.

While we took care of reducing the funding request, Senator Sackett was still concerned that we were creating a commission that would come back each year asking for more money using the statutorily dictated powers and duties as justification for increases. To that end, we rewrote the bill to reduce the required powers and duties and changed the bill to Senator Sackett's satisfaction.

I apologize for the lengthy letter, but Senator Ziegler wanted you to be aware of the background of the bill and the efforts which all interested parties have undertaken in order that the Fire Commission will become a reality. The Senator and the fire service are very desirous of seeing SB 209 passed and urge you to retain the monies to fund the Commission in the budget.

Regards,



Guy A. Van Doren,
Senior Aide to
Senator Robert H. Ziegler, Sr.

cc: Senator Sackett

RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE

RESOLUTION NO. 86-03

A RESOLUTION REQUESTING THE GOVERNOR AND
STATE LEGISLATURE TO ESTABLISH A STATE FIRE COMMISSION.

WHEREAS, Alaska has one of the highest rates of loss of life and property to fire in the nation, and

WHEREAS, the efforts of all the state fire agencies and related organizations have not been able to decrease this grim statistic, and

WHEREAS, the allocation of funds for purchasing equipment and facilities for fire departments has resulted in an inequitable approach to this very complex problem, and

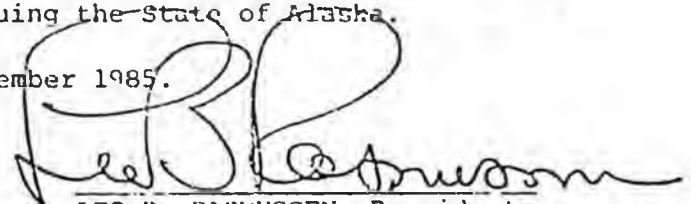
WHEREAS, the Governor's Task Force on Fire Prevention and Control has spent a considerable amount of time and effort studying the long-range problems associated with fire service in the State of Alaska and, subsequently, has recommended that a State Fire Commission be established, and

WHEREAS, the Task Force's recommendation of a State Fire Commission allows for consolidation of efforts of most agencies with fire related responsibilities, and


WHEREAS, because fire protection is a business based on a cost/benefit ration, the loss of a business in a community is more than the dollar figure attributed to the structure and its contents, but is also reflected in a reduction of the tax base, loss of jobs and general economic slowdown in the community;

NOW, THEREFORE, BE IT RESOLVED by the Alaska Municipal League that the Governor and State Legislature are urgently requested to establish and fully support a State Fire Commission which will be the first and foremost step in a systematic approach to the final solution of the tremendous fire problem plaguing the State of Alaska.

Adopted this 16th day of November 1985.


LEO B. RASMUSSEN, President

ATTEST:


SCOTT A. BURGESS, Executive Director



**City of
Ketchikan**

Fire Protection Services

334 Front Street
Ketchikan, Alaska 99901
907-225-3111

March 19, 1986

Senator Bob Ziegler
P.O. Box V (MS3100)
Juneau, Alaska 99811

Dear Senator Ziegler:


Thank you for sponsoring the bills which would establish a State Fire Commission for Alaska.

In times of diminishing revenue, we cannot continue to simply throw money at Alaska's fire problem and hope fewer lives will be lost next year. We have done that for years and Alaska has the worse fire death record in the free world. A State Fire Commission will provide a focal point for fire protection concerns.

I know that creating new boards and commissions is unpopular and difficult, especially when we are all having to tighten our belts, but I believe that the Fire Commission will actually save money, save property, and save lives by allowing us to utilize our resources.

Fire is a lousy way to die! Please continue your efforts to make Alaska fire safe.

Very truly yours,



M.G. Fisher, Director
Fire Protection Services

mgf/lb

Offered: 5/4/86

Original sponsor: Ziegler

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BY THE RULES COMMITTEE

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23 tions to private industry, local governments, and federal agencies
24 having fire protection programs;

25 (3) adopt procedural regulations reasonably necessary to
26 carry out the duties imposed by AS 44.41.100 - 44.41.130;

27 (4) make recommendations for local, federal, and private
28 fire-related programs; and

29 (5) report on commission activities when requested by the