

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

HB 337 thru HB 341
L.A. Files 338

HB

337

HOUSE COMMITTEE REPORT

(11)

Date referred: 1/20/88

FURTHER REFERRALS:

DATE: 1-20-88

The Finance Committee has considered HB 337

"An Act making, amending, lapsing, and repealing appropriations pertaining to permanent fund dividends; and providing for an effective date."

RECOMMENDS:

- replace with CS HB 337 (FIN) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published 1-20-88
- zero with analysis

SIGNING DO PASS:

Al Adams
Pat Baughman
Bob Marshall
Marvin Beyer
Frank
Jay Brown
Mike Davis

SIGNING OTHER RECOMMENDATIONS:

F. Kay Wallis
Al Adams
Pat Baughman
Bob Marshall
Marvin Beyer
Frank
Jay Brown
Mike Davis

Al Adams
Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act making, amending, lapsing, and repealing appropriations pertaining to permanent fund dividends.
Sponsor: Rep. Fourchot
Requestor: House State Affairs

Agency Affected: Revenue
BRU: Permanent Fund Dividend
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

See attachment

Prepared By: Royce B. Weller *RW* Phone: 465-2300
Division: Commissioner's Office Date: January 15, 1988
Approved by Commissioner: Hugh Malone *H.M.* Date: January 15, 1988
Agency: Department of Revenue

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

Prior Year Permanent Fund Dividend Payment History
as of January 14, 1988

AR #	Appropriation Cite	Dividend Year	Appropriation Amount	Expended to date	Encumbered Balance	Unencumbered Balance	Amount to Reserve for Potential Liabilities	Balance
15720	Ch. 101 SLA 82 General Fund	1982	\$421,032,500.00	\$416,217,256.53	\$4,676,890.61	\$ 138,575.89	\$408,000.00	\$4,407,466.50
15795	Ch. 6 SLA 83 PFD Fund	1982 Supplemental	\$ 41,000,000.00	\$ 34,422,432.80	\$6,577,567.20	0.00	0.00	6,577,567.20
15800	Ch. 107 SLA 83 PFD Fund	1983	\$175,935,300.00	\$174,254,300.19	\$ 192,302.70	\$1,488,697.11	59,853.25	1,621,146.56
15805	Ch. 44 SLA 84 PFD Fund	1983 Reopening	\$ 11,584,500.00	\$ 2,354,530.03	0.00	\$9,229,969.97	0.00	9,229,969.97
15765	Ch. 122 SLA 84 PFD Fund	1984	160,100,171.00	158,654,315.65	\$ 164,319.84	\$1,281,535.51	42,405.12	1,403,450.23
15502	Ch. 98, SLA 85 PFD Fund	1985	208,910,043.50	206,790,675.16	\$2,119,368.42	0.00	119,988.00	1,999,380.42

Original sponsors: Pourchot, Zawacki,
Ellis, et al.

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 337 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making, amending, lapsing, and repealing
7 appropriations pertaining to permanent fund divi-
8 dends; and providing for an effective date."

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

10 * Section 1. The unexpended and unobligated balances of the following
11 appropriations lapse into the general fund June 30, 1988:

12 (1) sec. 17, ch. 101, SLA 1982, as amended by sec. 122, ch. 105,
13 SLA 1985;

14 (2) sec. 18, ch. 101, SLA 1982.

15 * Sec. 2. The unexpended and unobligated balances of the following
16 appropriations are repealed and an amount equal to the sum of the appro-
17 priations repealed by this section is appropriated from the dividend fund
18 to the Department of Revenue to pay permanent fund dividends in 1988:

19 (1) sec. 1, ch. 6, SLA 1983;

20 (2) sec. 2, ch. 44, SLA 1984;

21 (3) sec. 3, ch. 44, SLA 1984;

22 (4) sec. 26, ch. 98, SLA 1985, page 26, line 5 (permanent fund
23 dividend);

24 (5) sec. 26, ch. 98, SLA 1985, page 35, line 7 (permanent fund
25 dividend hold harmless).

26 * Sec. 3. The unexpended and unobligated balances of the following
27 appropriations are repealed and an amount equal to the sum of the appro-
28 priations repealed by this section is appropriated from the earnings re-
29 serve account of the permanent fund to the dividend fund:

1 (1) sec. 32, ch. 107, SLA 1983, page 14, line 11 (permanent fund
2 dividend);

3 (2) sec. 14, ch. 122, SLA 1984;

4 (3) sec. 15, ch. 122, SLA 1984;

5 (4) sec. 14, ch. 98, SLA 1985, as amended by sec. 763, ch. 105,
6 SLA 1985.

7 * Sec. 4. An amount equal to the amount appropriated to the dividend
8 fund by sec. 3 of this Act is appropriated from the dividend fund to the
9 Department of Revenue to pay permanent fund dividends in 1988.

10 * Sec. 5. This Act takes effect on the effective date of an Act amend-
11 ing the method for computation of permanent fund dividends to include
12 additional money appropriated to the dividend fund in the total amount
13 available for dividend payments.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

November 5, 1987

SUBJECT: Appropriations pertaining to the permanent
fund dividend (Work Order No. 5-1373A)

TO: Representative Pat Pourchot

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum contains a section-by-section summary of Work Order 5-1373A. Work Order 5-1373A is a draft bill providing for the transfer or lapse of unexpended and unobligated balances of permanent fund dividend appropriations for 1982 through 1985.

Section 1 of the bill lapses the unexpended and unobligated amount of the 1982 appropriations from the general fund back into the general fund on June 30, 1988. The 1982 appropriations did not lapse under AS 37.25 and do not have fixed lapse dates.

Section 2 of the bill repeals the unexpended and unobligated amounts of 1983, 1984, and 1985 appropriations from the dividend fund to the Department of Revenue to pay dividends. The unexpended and unobligated funds remaining from these appropriations should have lapsed under AS 37.25.010, but the Department of Revenue has evidently not lapsed these funds back into the dividend fund. Since the funds remaining from these appropriations should have lapsed and should not be available for distribution as dividends or for reappropriation, the remaining funds are repealed. By repealing the appropriations for the unexpended and unobligated funds, these funds are returned to the dividend fund which has the same effect as if the funds had lapsed. An amount equal to the funds returned to the dividend fund by this section is then appropriated from the dividend fund to the Department of Revenue to pay permanent fund dividends in 1988.

Representative Pourchot
Page 2
November 5, 1987

Section 3 of the bill repeals the unexpended and unobligated amounts of several appropriations from the permanent fund earnings reserve account to pay permanent fund dividends in 1983 through 1985. These unexpended and unobligated funds should have lapsed under AS 37.25.010, but the Department of Revenue has evidently not taken the necessary actions to return the funds to the permanent fund. Since the funds remaining from these appropriations should have lapsed and should not be available for distribution as dividends or for reappropriation, the remaining funds are repealed. By repealing the appropriation for the unexpended and unobligated funds, these funds are returned to the permanent fund which has the same effect as if the funds had lapsed. An amount equal to that repealed by this section is then appropriated from the permanent fund earnings reserve account to the dividend fund.

Section 4 of the bill appropriates the sum of money appropriated to the dividend fund by section 3 of this bill out of the dividend fund to the Department of Revenue for distribution as permanent fund dividends in 1988.

Section 5 of the bill provides that this bill takes effect on the effective date of a bill amending AS 43.23.025, so that the money appropriated by this bill can be included in the computation of the permanent fund dividend for 1988.

GU:mkr
m13/066

Enclosure

SUMMARY

From 1982 through 1985 the Department of Revenue encumbered dividend funds for payment of appeals and 18 year-old first time filers. Last year the Legislature passed HB 83 which provided for 18 year-old first time filers and appeals to be paid out of current year's appropriations. The measure, however, did not address the disposition of the balances remaining from 1982 through 1985 appropriations. The amount of money that has accumulated in these separate "accounts" totals approximately \$25.2 million.

Last fall the Legislative Budget and Audit Committee considered a request from the Department of Revenue to "roll forward" left-over monies from 1983 through 1985 dividend appropriations for use in computing last year's dividend check. However, those present unanimously agreed with a legal opinion that further legislative action was necessary to enable the transfer and use of these monies in computing dividends.

HB 337 provides for the legal transfer of unexpended and unobligated balances of permanent fund dividend appropriations for 1982 through 1985 by lapsing these monies back to their original source.

- 1) Approximately \$4.4 million from a 1982 general fund appropriation would be lapsed back into the general fund. (Last year there was no controversy over a similar clean-up provision contained in HB 84.)
- 2) The remaining balances in the 1983 through 1985 dividend appropriations, approximately \$20.8 million, would be lapsed back to their original source and then reappropriated to the Department of Revenue for payment in this year's dividend check.

HB 338, a substantive measure, amends the dividend formula. This amendment is necessary to allow the inclusion of the \$20.8 million in the formula used to compute the 1988 dividend check.

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE,
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT
COMMITTEE



House of Representatives MEMORANDUM

ANCHORAGE
P.O. BOX 104836
ANCHORAGE, AK 99510
(W) (907) 276-6818
(H) (907) 338-2425

JUNEAU
P.O. BOX V
STATE CAPITOL
JUNEAU, AK 99811
(907) 465-3712

DATE: January 21, 1988

TO: House Finance Committee
Representative Al Adams, Chair
Representative Ron Larson
Representative Mike Davis
Representative Peter Goll
Representative Kay Wallis
Representative C.E. Swackhammer
Representative Kay Brown
Representative Mark Boyer
Representative Steve Frank

FROM: Representative Pat Pourchot *Pat*

SUBJECT: House Bill 337, An Act Making, Amending, Lapsing and Repealing Appropriations Pertaining to Permanent Fund Dividends; and House Bill 338, An Act Relating to Computation of Permanent Fund Dividends

Last fall considerable controversy was generated by the Department of Revenue's attempt to "roll forward" left-over monies from 1983 through 1985 dividend appropriations for use in computing last year's dividends. When the matter was brought before the Legislative Budget and Audit Committee in September, those present unanimously agreed (based upon legal opinion) that further legislative action was necessary to enable these monies to be used in computing dividends.

HB 337, an appropriation bill, provides for the legal transfer of unexpended and unobligated balances of permanent fund dividend appropriations for 1982 through 1985. This bill is similar to HB 84 which was introduced by the Governor last year and passed the House State Affairs Committee.

Section 1 lapses approximately \$4.4 million (the unexpended and unobligated balance of a 1982 general fund appropriation to pay dividends) back into the general fund. Last year there was no controversy over a similar clean-up provision contained in HB 84 sponsored by the administration.

Sections 2, 3 and 4 provide the means by which the unused balances in 1983 through 1985 dividend appropriations may be made available for payment in the 1988 dividend. To do this legally, requires that the previous appropriations be repealed (approximately \$20.8 million) and then reappropriated to the Department of Revenue for distribution in the 1988 dividend checks - an increase of nearly \$39 per check.

HB 338, a substantive measure, amends the dividend formula. The amendment is necessary to allow the inclusion of the \$20.8 million in the formula used to compute the 1988 dividend check.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

MEMORANDUM

August 4, 1987

SUBJECT: PF Dividend Appropriations

TO: Representative Pat Pourchot
Vice-chair, House Finance

FROM: David R. Dierdorff
Revisor of Statutes

This memo is a follow-up to my memo of July 27 relating to the lapsing of appropriations for permanent fund dividends. In that memo I did not discuss an issue that arises in connection with the appropriations made in ch. 122, SLA 1984, and ch. 98, SLA 1985.

While the essential conclusions of my prior memo are unchanged, the discussion assumed that the unexpended and unobligated portions of the dividend appropriations would lapse into the dividend fund unless otherwise provided by law. In my conclusions I stated that the department had ample authority, and in fact is required, to lapse unexpended balances into the dividend fund. That was not entirely accurate.

In the case of the appropriations made by secs. 14 and 15, ch. 122, SLA 1984, the appropriations were not made from the dividend fund. The appropriation made by sec. 14 was from the "income of the Alaska permanent fund allocated annually to pay permanent fund dividends" and the sec. 15 appropriation was for an amount certain (\$7,985,700) from "the net income of the Alaska permanent fund earned during the fiscal year ending June 30, 1983." The appropriation made by sec. 14, ch. 98, SLA 1985 was essentially identical to that of sec. 14, ch. 122, SLA 1984, in that the appropriation was from the "income of the Alaska permanent fund allocated annually to pay permanent fund dividends."

The question raised by the language used to make these appropriations is whether the unobligated and unexpended portion lapses back to "earnings," which, as a practical

Representative Pourchot
Page 2
August 4, 1987

matter, would presumably be the earnings reserve account. Without express legislation lapsing the money into the dividend fund (or some other fund), the law appears to require that the lapse be back to the source, as I stated in the earlier memo. Thus, my conclusion is that money appropriated in the cited Acts would lapse to the earnings reserve account rather than the dividend fund.

DRD:mkr
m12/090

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNLAU ALASKA 99811
907 465 3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

July 27, 1987

SUBJECT: Lapsing of PF Dividend Appropriations

TO: Representative Pat Pourchot
Vice Chair, House Finance Committee

FROM: David R. Dierdorff 
Revisor of Statutes

You have asked whether the Department of Revenue can lapse the unobligated and unexpended portions of appropriations for permanent fund dividends for the years 1983 - 1985 into the dividend fund and use that money in computing this year's dividends. You have also asked whether there is any difference in the treatment of the 1982 appropriation from the general fund to the dividend fund.

The lapsing of one-year appropriations is determined by AS 37.25.010(a), absent other provisions in the relevant appropriation act. The subsection provides:

(a) The unexpended balance of a one-year appropriation authorized in an appropriation bill lapses on June 30 of the fiscal year for which appropriated. However, a valid obligation (encumbrance) existing on June 30 is automatically reappropriated for the fiscal year beginning on the succeeding July 1 if it is recorded with the Department of Administration by August 31 of the succeeding fiscal year.

It is understood that an appropriation lapses into the fund from which it was appropriated unless the appropriation act provides otherwise. To interpret AS 37.25.010(a) otherwise could lead to improper commingling of dedicated funds if, for example, it was interpreted as requiring that all lapses be into the general fund.

The specific appropriations involved in your questions had the following lapse provisions:

1. Section 75, ch. 101, SLA 1982 provides that secs. 17 and 18, ch. 101, SLA 1982 are not one-year appropriations and do not lapse under AS 37.25.010. Consequently, legislative action would be required to lapse the unexpended and unobligated portion of the 1982 appropriations from the general fund back to the general fund.

2. Chapter 6, SLA 1983 is silent as to lapsing. Because the appropriation is for a specific year's dividends (1982), on the face of the Act it would appear to be an appropriation that is subject to lapsing under AS 37.25.010 and the unexpended and unobligated portion should have lapsed back to the dividend fund some time ago.

3. Section 32, ch. 107, SLA 1983 is also silent as to lapsing, but the prefatory language specifies that all appropriations made in that section are for fiscal year 1984. Thus, that appropriation was subject to AS 37.25.010 and the unexpended and unobligated portion should have lapsed after the end of that fiscal year.

4. Section 4, ch. 44, SLA 1984 provided that the unexpended and unobligated portion of the appropriations made by that Act (special appropriations for the extended 1983 dividends) lapsed into the dividend fund June 30, 1985.

5. Chapter 122, SLA 1984 was silent as to the lapsing of the appropriations for dividends made by secs. 14 and 15 of that Act. Thus, the unexpended and unobligated portion should have lapsed at the end of fiscal year 1985.

6. Chapter 98, SLA 1985 was silent as to the lapsing of the appropriation for dividends made by sec. 14 of that Act. Thus, the unexpended and unobligated portion should have lapsed at the end of fiscal year 1986.

It can be seen that the Department of Revenue has ample authority to administratively lapse the 1983 - 1985 appropriations into the dividend fund. However, absent legislative action, the 1982 appropriations from the general fund can not be administratively lapsed into the general fund or, of course, into the dividend fund.

Section 2, ch. 57, SLA 1987 (CSHB 83(Fin) am) amended AS 43.23.025 by providing that in addition to income transferred into the dividend fund under AS 43.23.045(b) (the annual 50 percent transfer), money lapsed under AS 43.23.-

Representative Pat Pourchot
Page 3
July 27, 1987

045(d) is to be included in calculating the amount of the annual dividend. AS 43.23.045(d) was enacted by sec. 3, ch. 57, SLA 1987 and provides that, unless otherwise provided, appropriations made to implement AS 43.23 lapse into the dividend fund and shall be used in calculating and paying the next year's dividend under AS 43.23.025.

The question of rolling the lapsed money into current or future dividends depends on whether sec. 3, ch. 57, SLA 1987 may be applied retroactively to prior appropriations. It is my opinion that such an interpretation is prohibited by AS 01.10.090, which requires an express statement of retroactivity in a law in order for it to be retroactively applied. The cited statute is in accord with the general rule of statutory construction that laws are presumed to be prospective in operation unless specifically providing otherwise. Sutherland, Statutory Construction, sec. 22.36.

Further, the language of AS 43.23.045(d) does not lend itself to retroactive construction, because it refers to "the subsequent year's dividend" in a context in which the prior year is the year for which the lapsed appropriation was made. Thus, it would require a strained reading of the language to use it as authority to use appropriations for 1983-1985 for paying 1987 dividends.

In conclusion, it is my opinion that the Department of Revenue is required to lapse the unexpended and unobligated portion of the 1983 - 1985 appropriations into the dividend fund, but that it may not utilize the lapsed money to calculate the current dividend, or future dividends, without additional legislative authority. They may not lapse, or use, the unexpended and unobligated portion of the 1982 appropriation without further legislative action.

DRD:mi
wkmi1/086

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 11, 1988

SUBJECT: Interaction between HB 337 and ch. 25,
SLA 1985

TO: Representative Pourchot

FROM: George Utermohle *GU*
Legislative Counsel

Jeanne Larson of your staff has asked whether ch. 25, SLA 1986 would interfere with the purpose of sec. 3 of HB 337 by requiring those funds subject to the appropriations repealed by sec. 3 of HB 337 to be deposited in the principal of the permanent fund, rather than in the dividend fund as HB 337 intends.

The answer is no.

Section 3 of HB 337 repeals portions of four appropriations made from the earnings reserve account of the permanent fund between 1983 and 1985, and then appropriates an amount equal to the sum of the repealed appropriations from the earnings reserve account to the dividend fund.

Chapter 25, SLA 1986 made a conditional one-time appropriation of the unexpended and unobligated balance of the undistributed income account of the permanent fund to the principal of the permanent fund. The undistributed income account is now called the earnings reserve account. The conditions to which the appropriation were subject have occurred, so the appropriation did take effect. The funds should have been transferred to the principal of the permanent fund.

The question that has arisen is that because the funds subject to sec. 3 of HB 337 were appropriated from the earnings reserve account (undistributed income account) before ch. 25, SLA 1986 took effect, does the repeal of these appropriations have the effect of putting the funds

Representative Pourchot
Page 2
January 11, 1988

back into the earnings reserve account so that they are subject to the appropriation made by ch. 25, SLA 1986?

Chapter 25, SLA 1986 appropriated the unexpended and unobligated funds present in the earnings reserve account at the time that the appropriation took effect. The funds affected by sec. 3 of HB 337 were not present in the earnings reserve account at the time that the appropriation made by ch. 25 SLA 1986 took effect. The repeal of the four appropriations made between 1983 and 1985 by sec. 3 of HB 337 does not retroactively replace those funds into the earnings reserve account on the date that the appropriations were originally made, or any other date before ch. 25, SLA 1986 took effect. The appropriations subject to sec. 3 of HB 337 are presently and were at the time that the appropriation made by ch. 25, SLA 1986 took effect, held by the Department of Revenue for payment as permanent fund dividends. The appropriations repealed by sec. 3 of HB 337 will not be returned to the earnings reserve account until HB 337 takes effect. Thus sec. 3 of HB 337 is not affected by ch. 25, SLA 1986.

If I can provide further discussion of this subject, please contact me.

GU:bb
WKB1/031

1 IN THE HOUSE

BY POURCHOT, ZAWACKI, ELLIS,
HUDSON AND BROWN

2

HOUSE BILL NO. 337

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act making, amending, lapsing, and repealing
7 appropriations pertaining to permanent fund divi-
8 dends; and providing for an effective date."

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

10 * Section 1. The unexpended and unobligated balances of the following
11 appropriations lapse into the general fund June 30, 1988:

12 (1) sec. 17, ch. 101, SLA 1982, as amended by sec. 122, ch. 105,
13 SLA 1985;

14 (2) sec. 18, ch. 101, SLA 1982.

15 * Sec. 2. The unexpended and unobligated balances of the following
16 appropriations are repealed and an amount equal to the sum of the appro-
17 priations repealed by this section is appropriated from the dividend fund
18 to the Department of Revenue to pay permanent fund dividends in 1988:

19 (1) sec. 1, ch. 6, SLA 1983;

20 (2) sec. 2, ch. 44, SLA 1984;

21 (3) sec. 3, ch. 44, SLA 1984;

22 (4) sec. 26, ch. 98, SLA 1985, page 26, line 5 (permanent fund
23 dividend);

24 (5) sec. 26, ch. 98, SLA 1985, page 35, line 7 (permanent fund
25 dividend hold harmless).

26 * Sec. 3. The unexpended and unobligated balances of the following
27 appropriations are repealed and an amount equal to the sum of the appro-
28 priations repealed by this section is appropriated from the earnings re-
29 serve account of the permanent fund to the dividend fund:

1 (1) sec. 32, ch. 107, SLA 1983, page 14, line 11 (permanent fund
2 dividend);

3 (2) sec. 14, ch. 122, SLA 1984;

4 (3) sec. 15, ch. 122, SLA 1984;

5 (4) sec. 14, ch. 98, SLA 1985, as amended by sec. 763, ch. 105,
6 SLA 1985.

7 * Sec. 4. An amount equal to the amount appropriated to the dividend
8 fund by sec. 3 of this Act is appropriated from the dividend fund to the
9 Department of Revenue to pay permanent fund dividends in 1988.

10 * Sec. 5. This Act takes effect on the effective date of a version of a
11 bill entitled, An Act relating to computation of permanent fund divi-
12 dends.

HB

338

HOUSE COMMITTEE REPORT

(11)

Date referred: 1/20/88

FURTHER REFERRALS:

DATE: 1-20-88

The Finance Committee has considered HB 338

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

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published 1-20-88
- zero with analysis

SIGNING DO PASS:

Al Adams
Pat Kouchot
[Signature]
Mark Boyer
[Signature]
Ray Brown
Mike Davis

SIGNING OTHER RECOMMENDATIONS:

Peter J. [Signature] MK
[Signature] No Recommendation
Ronald J. [Signature] N.R.
F. Keywellin

Al Adams
 Chairman's signature

FISCAL NGTE

REQUEST:

Revision Date: _____
Title: An Act relating to computation
PFD Dividends and an effective date.
Sponsor: Rep. Fourchot
Requestor: House State Affairs

Agency Affected: Revenue
BRU: Permanent Fund Dividend
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Royce B. Weller *RW* Phone: 465-2300
Division: Commissioner's Office Date: January 15, 1988

Approved by Commissioner: Hugh Malone *H Malone* Date: January 15, 1988
Agency: Department of Revenue

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

1 IN THE HOUSE

BY POURCHOT, ZAWACKI, ELLIS,
HUDSON, BROWN AND GOLL

2

HOUSE BILL NO. 338

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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

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

9 * Section 1. AS 43.23.025 is amended to read:

10 Sec. 43.23.025. AMOUNT OF DIVIDEND. By October 1 of each year
11 the commissioner shall give public notice of the value of each perma-
12 nent fund dividend for that year. The public notice shall contain a
13 statement disclosing the amount by which each individual dividend has
14 been reduced in order to pay the costs of administering the program
15 and the hold harmless provisions of AS 43.23.075. The commissioner
16 shall also include the statement on the stub attached to each indi-
17 vidual dividend check. The commissioner shall determine the value of
18 a permanent fund dividend by

19 (1) determining the total amount available for dividend
20 payments, which equals

21 (A) the amount of income of the Alaska permanent fund
22 transferred to the dividend fund under AS 43.23.045(b) during the
23 current year;

24 (B) plus the unexpended and unobligated balances of
25 prior fiscal year appropriations that lapse into the dividend
26 fund under AS 43.23.045(d);

27 (C) plus any additional amount appropriated to the
28 dividend fund for distribution as dividends during the current
29 year;

1 (D) less the amount necessary to pay dividends from
2 the dividend fund in the current year under AS 43.23.055(3);

3 (E) [(D)] less the amount necessary to pay dividends
4 from the dividend fund due to eligible applicants who, as deter-
5 mined by the department, filed for a previous year's dividend by
6 the filing deadline but who were not included in a previous
7 year's dividend computation;

8 (2) determining the number of individuals eligible to re-
9 ceive a dividend payment for the current year; and

10 (3) dividing the amount determined under (1) of this sec-
11 tion by the amount determined under (2) of this section.

12 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

HB

339

HOUSE COMMITTEE REPORT

(11)

Date referred: 4/12/88

FURTHER REFERRALS:

DATE: 4-20-88

The Finance Committee has considered HB 339

"An Act relating to theft of timber products."

RECOMMENDS:

- replace with CS HB 339 (Joo) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published 4-12-88
- zero with analysis

SIGNING DO PASS:

Al Adams

Pat Louch

Ray Jarm

Pete Jace

Conrad

Mary Boyer

Steve Hines

Mike Davis

SIGNING OTHER RECOMMENDATIONS:

Jay Brown

Al Adams

Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: 4-11-88
 Title: An Act relating to Timber Trespass and Commercial Sale of Firewood
 Sponsor: Davis
 Requestor: House Judiciary
 Agency Affected: Natural Resources
 BRU: Forest Management
 Components: Forest Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: George K. Hollett Phone: 465-2491
 Division: Division of Forestry Date: 4-11-88
 Approved by Commissioner: [Signature] Date: 4-11-88
 Agency: _____

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

Original sponsors: Davis and Boyer

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 339 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to timber, defining the crime of
7 trespass by cutting or injuring timber, regulating
8 commercial sales of firewood, and authorizing dispo-
9 sition of state-owned unbranded and abandoned timber
10 to persons for personal, noncommercial use."

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

12 * Section 1. AS 09.45.730 is repealed and reenacted to read:

13 Sec. 09.45.730. TRESPASS BY CUTTING OR INJURING TIMBER. (a) A
14 person who cuts down, injures, or carries off timber without lawful
15 authority is liable for treble the amount of damages that may be
16 assessed in a civil action

17 (1) to the owner of the land for destruction or removal of
18 the timber from the owner's land;

19 (2) to the state for destruction or removal of the timber
20 from state land;

21 (3) to a municipality or village for destruction or removal
22 of the timber from the land of the municipality or village.

23 (b) Notwithstanding (a) of this section, the person who cuts
24 down, injures, or carries off timber without lawful authority is
25 liable for actual damages to the owner of the land specified in (a) of
26 this section if

27 (1) the trespass was unintentional or involuntary;

28 (2) the defendant had probable cause to believe that the
29 land on which the trespass was committed was the defendant's own or

1 that of the person in whose service or by whose direction the act was
2 done; or

3 (3) the timber was taken from unenclosed woodland for the
4 purpose of repairing a public highway or bridge that is constructed on
5 the land or adjoining it.

6 (c) In this section, "timber" means

7 (1) live trees and shrubs; and

8 (2) trees and shrubs grown on the land that are dead from
9 any cause and remain on the land.

10 * Sec. 2. AS 41.15 is amended by adding new sections to article 5 to
11 read:

12 Sec. 41.15.910. COMMERCIAL FIREWOOD SALES. (a) A person may
13 not sell firewood without first obtaining a commercial firewood sales
14 permit from the commissioner.

15 (b) The commissioner shall issue a permit to a person who pro-
16 vides the commissioner with adequate proof of ownership of the fire-
17 wood to be sold. The commissioner may accept as proof of ownership

18 (1) a harvest permit, contract, or other legal instrument
19 issued by the owner of the land from which the firewood was harvested
20 or, if the firewood was harvested from public land, issued by a muni-
21 cipality or a state or federal agency that specifies the

22 (A) date of execution of the legal instrument and the
23 date of its termination, if any;

24 (B) name and address of the permittee or contractor
25 who harvested the firewood;

26 (C) location, by legal description or legal address,
27 where the firewood was harvested; and

28 (D) estimated amount, volume, and species of the
29 firewood harvested from each location;

1 (2) a bill of sale showing title to the firewood that
2 specifies the

3 (A) date of execution of the bill of sale;

4 (B) name and address of the person who sold the fire-
5 wood to the permit applicant;

6 (C) name and address of the permit applicant;

7 (D) amount, volume, and species of the firewood trans-
8 ferred by the bill of sale; and

9 (E) location, by legal description or legal address,
10 from which the firewood was harvested; or

11 (3) a certificate of registration issued as evidence of
12 compliance with AS 45.50.210 - 45.50.325.

13 (c) The commissioner may include in the permit the terms and
14 conditions that the commissioner believes to be necessary to carry out
15 this section.

16 (d) A permit is valid for one year.

17 (e) The commissioner may adopt regulations to implement and
18 enforce this section.

19 Sec. 41.15.915. CIVIL PENALTY FOR SALES WITHOUT PERMIT. In
20 addition to damages under AS 09.45.730, a person who sells firewood in
21 violation of AS 41.15.910, who violates a term or condition of the
22 permit issued under AS 41.15.910, or who violates a regulation adopted
23 under AS 41.15.910 is liable to the state in a civil action for

24 (1) the reasonable costs incurred by the state in the
25 detection, investigation, and attempted correction of the violation,
26 including reasonable court costs and attorney's fees; and

27 (2) three times the retail value of the firewood that is
28 sold in violation of AS 41.15.910, the permit, or the regulations.

29 Sec. 41.15.920. SALES WITHOUT PERMIT MADE A VIOLATION. (a) A

1 person who knowingly sells firewood in violation of AS 41.15.910 or
2 who knowingly violates a term or condition of the permit issued under
3 AS 41.15.910 or a regulation adopted under AS 41.15.910 is guilty of a
4 violation.

5 (b) If, in a proceeding under this section, the defendant shows,
6 by a preponderance of the evidence, that the commercial firewood was
7 harvested from the property of the defendant or from the property of
8 another with the permission of the property owner, the court may not
9 impose a fine.

10 Sec. 41.15.915. INJUNCTIONS. (a) The superior court has juris-
11 diction to enjoin a violation of AS 41.15.910 - 41.15.930, a regu-
12 lation adopted under AS 41.15.910 - 41.15.930, or a permit, or a term
13 or condition of a permit issued under AS 41.15.910 - 41.15.930.

14 (b) In an action brought under this section, temporary or pre-
15 liminary relief may be obtained upon a showing of an imminent threat
16 of continued violation and probable success on the merits, without the
17 necessity of demonstrating irreparable physical harm.

18 Sec. 41.15.930. DEFINITIONS. In AS 41.15.910 - 41.15.930

19 (1) "commissioner" means the commissioner of natural re-
20 sources;

21 (2) "firewood" means natural logs or portions of natural
22 logs suitable for use as a solid fuel, with processing of the logs
23 limited to cutting to length and splitting;

24 (3) "permit" means a commercial firewood sales permit
25 authorized by AS 41.15.910.

26 * Sec. 3. AS 45.50.235(b) is amended to read:

27 (b) Timber property that [WHICH] becomes state property under
28 the provisions of (a) of this section may be

29 (1) sold under terms and conditions established by the

1 director of the division of lands; or
2 (2) recovered, without a permit, by any person for per-
3 sonal, noncommercial use.



Alaska State Legislature

Representative Mike Davis

District 19

P.O. Box V
Juneau, Alaska 99811
(907) 456-4930/4941

Interim Office:
P.O. Box 81435
Fairbanks, Alaska 99708
(907) 456-8161

MEMORANDUM

To: House Judiciary Committee

From: Rep. Mike Davis *Mike Davis*

Re: HB 339

Date: March 10, 1988

I introduced HB 339 in response to a serious problem faced by commercial firewood sellers in the Interior. Some people in the Interior are trespassing and stealing timber off private or state land and then selling the timber as firewood. These people compete with the legitimate lumber and firewood sales companies.

The existing statutes and regulations do not provide adequate authority to deal with the problem. The only way the Department can prove that a person has illegally taken timber is by catching the person in the act, which is very time consuming and resource intensive.

The approach of the original bill was to include theft of timber into the theft statutes and to criminalize transportation of timber products on a highway or waterway without proof of ownership. This approach provided a broader solution than was necessary.

The Committee Substitute changes the approach of the original bill by requiring that persons who sell firewood must first obtain a permit from the Department of Natural Resources.

Although, legislative solutions could be directed at the harvest phase, the transportation phase or the commercial sale phase, the sale phase offers the best opportunity for addressing the problem. It is easily identifiable and enforceable.

SECTIONAL ANALYSIS FOR HB 339

Sec. 41.15.910 Commercial Firewood Sales

Requires that a person who wishes to sell firewood must first obtain a commercial firewood sales permit from the Department of Natural Resources. In order to obtain a permit a person must provide proof of ownership. This section gives the Commissioner the authority to adopt regulations to enforce the bill.

Sec. 41.15.915 Civil/Criminal Penalties

Sets up civil and criminal penalties for persons who sell firewood without a valid permit.

Sec. 41.15.925 Injunctions

Allows the Court to provide injunctive relief by requiring that an act be discontinued if it can be shown that it poses an imminent threat of continued violation and probable success. It is not necessary to prove that the act is causing irreparable physical harm.

Sec. 41.15.930 Definitions

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1798
PHONE: (907) 485-2400

OFFICE OF THE COMMISSIONER

March 7, 1988

The Honorable John Sund
Chairman, House Judiciary Committee
P.O. Box V
Juneau, Alaska 99811

Dear Representative Sund:

Subject: HB 339, an act relating to theft of timber products.

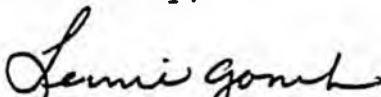
Position: The Department of Natural Resources supports HB 339 with changes as proposed by the Attorney General's Office.

Background: HB 339 attempts to address a problem faced by the Division of Forestry and many commercial firewood dealers in Northern Alaska. This problem involves the unauthorized harvest of timber from state lands. The existing statutes provide inadequate authority to deal with this problem. At present, the Division of Forestry must prove that the firewood seller unlawfully obtained timber from state land, which is difficult to do once timber has been removed from the harvest site. The department, the sponsor of the house version of this bill (which is identical to the senate version), and private timber operators have recently worked with the office of the Attorney General in Fairbanks to craft language that will more effectively get at the problem. This language has been provided to the sponsors and committee staff, as well as an analysis by John McDonagh, Assistant Attorney General.

Recommendation: The department supports the concept of the bill as originally written but prefers the changes drafted by the office of the Attorney General as a more effective way to address the problem.

We look forward to working with the committee and staff through the progress of this legislation.

Sincerely,


for Judith M. Brady
Commissioner

cc: Committee Members
Bill Sponsors
Bob Evans
Rod Swope

STATE OF ALASKA • DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
DIVISION OF BUSINESS DEVELOPMENT • (907)465-2094

Notes on House Bill 339 - "an Act relating to the theft of timber products"

By - F. A. Seymour, Senior Marketing Specialist January 22, 1988

The need for this legislation rest in the basic problem of not being able to identify a log or processed wood in relationship to its point of origin once the logs are removed from the harvest area.

Persons entering public or private land with (or without) a permit for taking wood from a general area can, and unfortunately do on numerous occasions, take wood in firewood or log form from cutting units that have been sold to commercial harvesting companies. This theft frequently includes cutting firewood and or short logs from high value timber decks that have been cut, graded and stored awaiting transport to a processing facility by the legal owner of the wood. The remote nature of the product location, multiple adjacent cutting units, wide variable in individual log values that are not apparent to firewood or casual log users, and related timber harvesting and transportaion activity all contribute to the problem that this legislation will address.

As the industry grows in the interior Alaska more and more trucks will be on the highways and byways and it is reasonable and necessary that once a quantity of logs or related simi processed wood product is removed from the harvest area the carrier be held responsible for having in their possession sufficient documentation to clearly identify the harvest area from which it came, the owner, authorized contractor or transport company, the estimated volume and the species of the wood.

Once this legislation becomes law it will be possible when suspected timber theft is occurring for law enforcement officers to investigate and detain apparent violators for possible prosecution.

**STATE OF ALASKA • DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
DIVISION OF BUSINESS DEVELOPMENT • (907)463-2094**

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Monday, January 25, 1966, The Anchorage Times

City/State

B

Timber rustling suspect charged by state

FAIRBANKS (AP) — A two-month undercover investigation has resulted in a Fairbanks man being charged with stealing wood and trespassing on state land.

Gary Burke, 33, faces up to a year in jail and a \$3,000 fine following the investigation by the Department of Natural resources.

"Existing laws require us to observe people harvesting the wood and selling it," said Don Fuller, area forester. "To do

that, we had to go undercover.

"We followed people into the woods to watch them cut trees illegally, then we followed them into town to observe them selling it," Fuller said Friday. "In some cases, we purchased wood from the unlicensed vendors."

Fuller blames "timber rustlers" for depleting timber in some areas intended for public use, for stealing wood from private land, for leaving gaping holes and large stumps in areas that were

to be re-forested, and for undermining the business of legal commercial operators, who must abide by strict regulations.

Some of the nine cutters under investigation have sold more than 200 cords of wood this year, Fuller said.

"I don't want to hold this as a hammer over the public head, but if these illegal practices don't stop . . . we may have to close down public wood cutting areas."

Unless they own land, most commercial operators must contract with the state to cut trees from a specific plot. There are about 20 commercial operators in Fairbanks, Fuller said.

Operators are bound by law to post promissory bonds, pay the state \$5 per cord of wood sold, abide by environmental standards and clean up and replant plots, Fuller said.

"Frankly, I'm being asked by some legal woodcutters why they

should not revert to stealing wood too if we are not going to do anything about the theft going on at this point," Fuller said.

Fuller said some illegal woodcutters have cheated customers.

"We intend to file fraud charges against one guy," Fuller said. "We bought a cord from him and donated it to Santa's Clearinghouse. Not only did the guy not deliver a full cord, the wood was rotten."

ALASKA INTERIOR WOODCUTTER'S ASSOCIATION
5180 Aeronca
Fairbanks, Alaska 99709

January 28, 1988

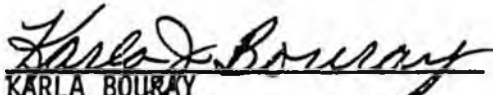
The Honorable John Sund
Pouch V
Juneau, Alaska 99811

Dear Representative Sund:

The Alaska Interior Woodcutter's Association recently passed two resolutions, 88-1 Timber Trespass Legislation and 88-2 Reforestation Fund (attached). Both issues are very critical to the health and future of the wood industry in Alaska.

The Alaska Interior Woodcutter's Association urgently requests your support for H.B. 339 introduced by Davis and Boyer and the subsequent development of regulations by the Department of Natural Resources (DNR) to make enforcement effective.

The Alaska Interior Woodcutter's Association is dismayed that reforestation funding was cut by the Governor's office from DNR's proposed capitol improvement projects. Additionally, the mechanism established in AS 41.17.310 for funding the reforestation fund is not being followed. Instead of a continuing fund in which a portion of timber sale revenues are deposited and annually approved by the legislature, the current budget process puts reforestation projects in competition with other capitol improvement projects. When put in this playing field, reforestation loses because planting seedlings doesn't seem as important as new buildings or equipment.


KARLA BOURAY
Acting Secretary, A.I.W.A.

ALASKA INTERIOR WOODCUTTER'S ASSOCIATION
5180 Aeronca
Fairbanks, Alaska 99709

RESOLUTION 88-1
Title: Timber Trespass Legislation, H.B. 339

WHEREAS the Interior Woodcutter's Association was organized to represent all segments of the wood products industry of Interior Alaska.

WHEREAS the wood products industry employs over 200 people in the wood industry and sells products with a market value of over six million dollars.

WHEREAS timber trespass and theft have become an overwhelming problem on state, borough, university, and private lands.

WHEREAS timber theft denies large amounts of revenue to the state for timber resources stolen.

WHEREAS timber thieves largely steal in Personal Use Woodcutting Areas taking the easily accessible wood and leaving harder-to-get wood for legitimate Personal Use Firewood cutters.

WHEREAS the timber thieves bear no responsibility for clean-up and proper utilization of timber resources and seriously hurt legitimate commercial operators who have to bear such costs.

WHEREAS current legislation puts the burden of proof on the Division of Forestry whose limited budget and manpower make enforcement of such statutes nearly impractical.

WHEREAS current legislation would require a "man behind every tree" to enforce.

THEREFORE, be it resolved that:

The Alaska Interior Woodcutter's Association fully endorses the passage of H.B. 339 relating to timber theft and proof of ownership.

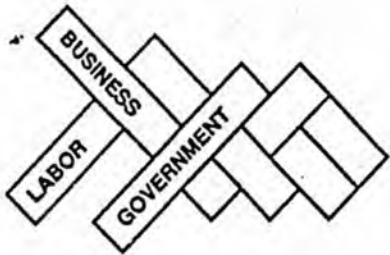
Further be resolved that the Alaska Interior Woodcutter's Association requests the State of Alaska, Department of Natural Resources, to promulgate regulations to make enforcement of legislation practical

Recommendation: PASS

Adoption: PASS X NO PASS

Distribution: Legislative Distribution
Governor
FNSB, W. Helms
United Fairbanks
DNR Commissioner
State Forester

Karla Bouray 1/25/88
KARLA BOURAY (Date)
Acting Secretary, A.I.W.A.



UNIFIED FAIRBANKS

A RESOLUTION IN SUPPORT OF HOUSE BILL #339

AN ACT RELATING TO THEFT OF TIMBER PRODUCTS

WHEREAS, the Interior of Alaska has the largest timber reserves in the state of Alaska; and

WHEREAS, the marketing of this timber resource is a top priority of the timber industry; and

WHEREAS, interest is now being expressed in the development of that timber industry; and

WHEREAS, it is necessary to protect the timber resources to allow for their full development by licensed and regulated operators;

NOW THEREFORE be it resolved that Unified Fairbanks encourages the Legislature to pass House Bill #339 for the benefit of protecting that resource.

This resolution was passed by Unified Fairbanks on February 3, 1988.

UNIFIED FAIRBANKS


Charles P. Rees, President

PC:bill339

1 IN THE HOUSE

BY DAVIS AND BOYER

2

HOUSE BILL NO. 339

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to theft of timber products."

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

8 * Section 1. AS 11.46.100 is amended to read:

9 Sec. 11.46.100. THEFT DEFINED. A person commits theft if

10 (1) with intent to deprive another of property or to appro-
11 priate property of another to oneself or a third person, the person
12 obtains the property of another;

13 (2) the person commits theft of lost or mislaid property
14 under AS 11.46.160;

15 (3) the person commits theft by deception under AS 11.46.-
16 180;

17 (4) the person commits theft by receiving under AS 11.46.-
18 190;

19 (5) the person commits theft of services under AS 11.46.-
20 200;

21 (6) the person commits theft by failure to make required
22 disposition of funds received or held under AS 11.46.210;

23 (7) the person commits theft of timber products under
24 AS 11.46.215.

25 * Sec. 2. AS 11.46 is amended by adding a new section to read:

26 Sec. 11.46.215. THEFT OF TIMBER PRODUCTS. (a) A person commits
27 theft of timber products if, with intent to deprive another person of
28 property or to appropriate property of another to oneself or a third
29 person, the person transports on a public highway or water of the

1 state timber products, including deciduous or coniferous trees, saw-
2 logs, poles, cedar products, pulp logs, fuelwood, or other timber
3 products without proof of ownership of the timber products. In this
4 section, "proof of ownership" includes one or more of the following:

5 (1) a permit, contract, or other legal instrument issued by
6 the landowner or a state or federal agency that specifies the

7 (A) date of execution of the legal instrument and the
8 date of its termination, if any;

9 (B) name and address of the permittee or contractor;

10 (C) locale or area by legal description where the
11 timber products were harvested;

12 (D) estimated amount, volume, species, and class of
13 timber products authorized to be cut and removed;

14 (E) name of the purchaser of the timber products if it
15 is different from the permittee or contractor;

16 (2) a bill of sale showing title to the timber products
17 that specifies the

18 (A) date of execution of the bill of sale;

19 (B) name and address of the seller or donor of the
20 timber products;

21 (C) name and address of the purchaser or donee of the
22 timber products;

23 (D) number or volume and species and class of the
24 timber products sold or transferred by the bill of sale;

25 (E) property location by legal description, mile post,
26 or legal address from which the timber products were cut and
27 removed.

28 (b) It is a defense to a prosecution under (a) of this section
29 that the transportation of timber products

- 1 (1) involved sawdust or bark;
- 2 (2) was done by the owner or the agent of the owner of the
3 land from which the timber products were taken;
- 4 (3) involved not more than two coniferous trees cut for
5 personal use with limbs attached, if neither tree exceeds 10 feet in
6 height and if neither trunk exceeds 14 inches in circumference at its
7 thickest part; or
- 8 (4) involved trees in the course of their transplantation
9 with their roots intact.

C S H B

3 4 0

Original sponsors: Davis, Koponen,
Ulmer, et al.

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 340 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act granting certain volunteers immunity from
civil liability for providing emergency services."

7

8

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

9

* Section 1. AS 09.65.090 is amended by adding new subsections to read:

10

(c) A member of an organization that exists for the purpose of
providing emergency services is not liable for civil damages for
injury to a person that results from an act or omission in providing
first aid, search, rescue, or other emergency services to the person,
regardless of whether the member is under a preexisting duty to render
assistance, if the member provided the service while acting as a
volunteer member of the organization; in this paragraph, "volunteer"
means a person who is paid not more than \$10 a day and a total of not
more than \$500 a year, not including ski lift tickets and reimburse-
ment for expenses actually incurred, for providing emergency services.

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(d) The immunity provided under (c) of this section does not
apply to civil damages that result from providing or attempting to
provide any of the following advanced life support techniques unless
the person who provided them was authorized by law to provide them:

21

22

23

24

(1) electric cardiac defibrillation;

25

(2) administration of antiarrhythmic agents;

26

(3) intravenous therapy;

27

(4) intramuscular therapy; or

28

(5) use of endotracheal intubation devices.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act granting immunity
from civil liability for...
Sponsor: Davis et al.
Requestor: _____

Agency Affected: Health & Social Services
BRU: State Health Services
Components: EMS Certification and
Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The enactment of HB 340 would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Elizabeth Ward, Director Phone: 465-3090
Division: Public Health Date: 1-20-88

Approved by Commissioner: Maria M. Meunier Date: 1-20-88
Agency: Department of Health & Social Services

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST
Revision Date: _____
Title: "An Act Granting immunity ... for providing ... emergency services."
Sponsor: Rep. Davis, etc.
Requestor: _____

Bill Version: CSHR 340(T&C)
Publish Date: HOUSE 1/22/88
Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No increase or decrease in the level of expenditures is anticipated as a result of the passage of this legislation.

Prepared by: Francis C. Allan
Division: Alaska State Troopers
Approved by Commissioner: Arthur E. English
Agency: Public Safety
Distribution: (by preparer):

Phone: 269-5691
Date: 1/20/88
Date: 1/20/88

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

SENATE COMMITTEE REPORT

rec'd 4/28

FURTHER

FINANCE

4/28/88

DATE TURNED INTO OFFICE _____

Mr. President:

JUDICIARY Committee considered CSHB 340 (JUD)

granting certain volunteers immunity from civil liability for providing emergency services

and recommended

[] replace with _____ CS _____) [] same title
[] or adopt _____ CS _____) [] new title

(check)

[] attached amendment(s) and

do pass

[] do not pass

[] no recommendation

individual recommendations

[] further referral to _____

[] letter of intent adopted _____

Committee attached or [] adopted fiscal note(s)

[] new [] updated or previous

zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Paul

Chris Sturmel

Joe Josephson

Alvin Rodery

[Signature] *do pass*
Chairman signature and recommendation

[] Committee Backup attached

SENATE COMMITTEE REPORT

FURTHER

JUDICIARY
FINANCE

3/31/88

DATE TURNED INTO OFFICE

4/28/88

Mr. President:

HESS

Committee considered

CSHB 340 (JUD)

granting certain volunteers immunity from civil liability for providing emergency services

and recommended

[] replace with _____ CS _____) [] same title
[] or adopt _____ CS _____) [] new title

[] attached amendment(s) and

[✓] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted _____

Committee [] attached or [✓] adopted fiscal note(s)

[] new [] updated or [] previous
[✓] zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

(whole)
Paul Finck
Tommy
Kittler

Paul Finck. (Do Pass)
Chairman signature and recommendation

SENATE COMMITTEE REPORT

HESS
JUDICIARY
FINANCE

FURTHER

3/18/88
Mr. President:

DATE TURNED INTO OFFICE _____

LABOR AND COMMERCE Committee considered CSHB 340 (JUD)

granting certain volunteers immunity from civil liability for providing emergency services and recommended

replace with _____ CS _____) same title
 or adopt _____ CS _____) new title

majority
 do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)
 new updated or previous
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Betty Fahrenkopf
M. Glavin
Paul H. J.

Tim Kelly - Do Pass
Chairman signature and recommendation

Committee Backup attached

HB

341

(11)

HOUSE COMMITTEE REPORT

Date referred: 1/22/88

FURTHER REFERRALS:

DATE: 3-16-88

The Finance Committee has considered HB 341

"An Act making a special appropriation to the Asian language study grant fund; and providing for an effective date."

RECOMMENDS:

- replace with CS HB 341 (FIN) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Al Adams

Carl Arnold

Mark Boyer

Tom Brown

Mike Davis

SIGNING OTHER RECOMMENDATIONS:

Pat Ruppel no rec.

Ronald J. Turner No rec.

Pete Jones N. R.

Steve Poirier

Al Adams

Chairman's signature

Original sponsors: Ellis, Koponen,
Davis, et al.

Funding Information

General Fund	\$450,000
Other Funds	- 0 -
	<u>\$450,000</u>

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 341 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Pacific
7 Rim language study grant fund; and providing for an
8 effective date."

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

10 * Section 1. The sum of \$450,000 is appropriated from the general fund
11 to the Department of Education for deposit into the Pacific Rim language
12 study grant fund (AS 14.30.700).

13 * Sec. 2. The unexpended and unobligated portion of the appropriation
14 made by this Act lapses into the general fund June 30, 1989.

15 * Sec. 3. This Act takes effect on the effective date of an Act estab-
16 lishing the Pacific Rim language study grant fund.

Introduced: 1/11/88
Referred: Health, Education &
Social Services and Finance

5-1564A

Funding Information
General Fund \$1,000,000
Other Funds - 0 -
\$1,000,000

BY ELLIS, KOPONEN, DAVIS,
MARTIN AND BROWN

1 IN THE HOUSE

2

HOUSE BILL NO. 341

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act making a special appropriation to the Asian
7 language study grant fund; and providing for an
8 effective date."

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

10 * Section 1. The sum of \$1,000,000 is appropriated from the general
11 fund to the Department of Education for deposit into the Asian language
12 study grant fund (AS 14.30.700).

13 * Sec. 2. The unexpended and unobligated portion of the appropriation
14 made by this Act lapses into the general fund June 30, 1989.

15 * Sec. 3. This Act takes effect on the effective date of an Act estab-
16 lishing the Asian language study grant fund.