

LEGISLATIVE FINANCE-HOUSE / SENATE FINANCE COMM. FILES 8879

SB 175 cont. - SB 178 632 223

19. Institution. Estimate by Ellen Ganley, Governor's Council for the Handicapped and Gifted.
20. FAE Births. Annual FAE births are calculated in this report at twice that of FAS births. This is a conservative estimate. Hild believes the actual number of FAE births annually is ten times the FAS births (or 290 FAE births and 168 developmentally disabled FAE persons.) In this report, cost estimates for FAE births are limited to mental retardation. They do not include costs associated with mild learning disabilities, physical anomalies, child abuse, sexual abuse or the justice system.
21. See #11.
22. See #15.
23. See # 14.
24. See # 17.
25. See # 18.

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SOURCES

- Ernest L. Abel and Robert J. Sokol, "Incidence of Fetal Alcohol Syndrome and Economic Impact of FAS-Related Anomalies", Department of Obstetrics and Gynecology, Wayne State University, Drug and Alcohol Dependence, Vol. 19, 1987, pp. 51-70.
- James Berner, M.D., Letter to George Brenneman, M.D., February 10, 1988 and Letter to Chief, Area Community Health Services Branch, Alaska Area Native Health Service, February 3, 1988.
- Henrick J. Harwood and Diane M. Napolitano, "Economic Implications of the Fetal Alcohol Syndrome", Alcohol World Health & Research, National Institute on Alcohol Abuse and Alcoholism, Fall 1985.
- Ruth Little, "Moderate Alcohol Use During Pregnancy and Decreasing Infant Birthweights", American Journal of Public Health, Vol. 67, 1977.
- Ann P. Streissguth, A Manual on Indian Adolescents and Adults with Fetal Alcohol Syndrome, University of Washington Medical School, July 1, 1986.

PERSONS CONSULTED

- James Berner, M.D., Chief, Area Community Health Services Branch, Alaska Area Native Health Service.
- Tom Buckner, Special Education, Alaska Department of Education.
- Mary Diven, Infant Learning Program, Alaska Department of Health and Social Services.
- Ellen Ganley, Governor's Council for the Handicapped and Gifted.
- Robert Gregovich, formerly with Mental Health and Developmental Disabilities, Alaska Department of Health and Social Services.
- Christine Hagmeier, Mental Health and Developmental Disabilities, Alaska Department of Health and Social Services.
- Henrick Harwood, National Institute of Medicine, Rockville, Md. (202-334-3017)

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Vicki Hild, FAS Coordinator, Alaska Native Health Board.

Kathy Robinson, Handicapped Children's Program, Alaska Department of Health and Social Services.

Sandra Randalls, R.N., University of Washington Medical School, Seattle (Ann Streissguth was out of town).

John Van Den Berg, Mental Health and Social Services, Alaska Department of Health and Social Services.

Lisa Wolf, Providence Hospital.

THE FACT IS . . .

Alcohol and Other Drugs Can Harm an Unborn Baby

Every pregnant woman wants a healthy, normal baby--and there are many things a woman can do to help ensure that she has one. In addition to regular prenatal check-ups and a nutritious diet, an expectant mother should also be extremely careful about the kinds and amounts of all drugs she takes--including alcohol, illicit drugs, and drugs available at the pharmacy or grocery store.

Alcohol

Drinking alcohol during pregnancy, especially in the early months, can be very dangerous to a developing baby. Alcohol passes freely from the mother's body to the baby's body and affects the developing systems of the unborn baby. The more a pregnant mother drinks, the greater the chances of harm to the unborn child.

Children whose mothers drink frequently or heavily during pregnancy may be born with fetal alcohol syndrome (FAS). Between one and three of every 1,000 babies born has FAS. FAS is one of the leading known causes of mental retardation in this country.

There are many more children who have been affected by alcohol in utero but who lack the full set of characteristics that define FAS. These babies may be at higher risk because they are too small at birth, or they may have some, but not all of the features of FAS. These problems, when attributable to alcohol, are called fetal alcohol effects.

Unfortunately, the lower limits of how much alcohol a woman can drink without any risk to her baby is still unknown. Some studies link an average of 1 to 2 drinks a day to decreased birth weight, and abnormal behavioral attributes.(1) The safest choice is not to drink any beer, wine, or hard liquor while pregnant. Since most women do not know they are pregnant until a month or more has passed, it is best to stop drinking before becoming pregnant. Women who have difficulty abstaining from alcohol use during pregnancy should consult their physician. It is never too late to seek help--whenever drinking is stopped during pregnancy, the risks of fetal alcohol effects and consequences of alcohol exposure are decreased.(2)

Illegal Drugs

Any drug that can cause addiction or alter basic body functions (including thinking or feeling) is dangerous. They may be particularly damaging to a pregnant woman and her baby.

Recent studies suggest that pregnant women who smoke marijuana are frequently at higher risk of still-birth, miscarriage, low birthweight babies, and fetal abnormalities, especially of the nervous system. Women who use marijuana during pregnancy also deliver infants 5 times more likely to have features like those with FAS. In addition, the active ingredient in marijuana, THC,

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National Clearinghouse for Alcohol and Drug Information
□ P.O. Box 2345 □ Rockville, MD 20852

passes through the placenta to the baby--in other words, the baby of a mother who recently smoked marijuana may be born "high." All of these effects are greatest toward the end of pregnancy, but may occur at any time. Like other unnecessary drugs, marijuana should not be used during pregnancy.

Heavy cocaine use has been linked to higher rates of miscarriage and premature onset of labor. Infants born to women using cocaine often experience painful withdrawal from cocaine at birth. Such infants can actually suffer prenatal strokes before birth because of the fluctuations in blood pressure that cocaine can produce.(3) Children born to women who use cocaine during their pregnancy also experience a higher than normal rate of kidney and breathing disorders and an increased risk of sudden infant death syndrome (SIDS).(4) Such children also suffer from an increased incidence of visual and coordination problems and developmental retardation.(5) Cocaine use during pregnancy poses serious risks for the unborn child.

Infants of women addicted to heroin, methadone, or other narcotics are more likely to be stillborn or to have low birthweights. These women usually give birth to addicted babies who must go through withdrawal soon after birth.

Pregnant addicts often forget their own health care, adding to their unborn babies' risk. Pregnant women addicted to cocaine or narcotics should consult a physician or treatment center to establish a safe detox or methadone maintenance plan.(6)

Other Substances

Cigarettes. Women who smoke while pregnant have a higher percentage of stillborn babies, miscarriages, and premature deliveries than women who don't smoke. Mothers who smoke are also more likely to have low birthweight babies who are at greater risk of dying soon after birth. These effects are directly related to the number of cigarettes smoked daily, so

the fewer the better (changing to low-tar cigarettes will not correct smoking-related problems in pregnancy). However, if a woman quits smoking by the fourth month, her risk of delivering a low birthweight baby is similar to that of a nonsmoker.(7)

Prescription and Over-the-Counter Drugs. Almost all drugs get passed through to a growing fetus. Because the effects of most of these drugs to unborn babies are not known, every pregnant woman should tell all doctors and dentists caring for her that she is pregnant and discuss the use of any drugs she is taking at her first prenatal visit. Some prescription drugs are known or thought to cause birth defects or other complications in a baby's development when taken during pregnancy. Among them are birth control pills, tranquilizers, and some antibiotics. Tetracycline, for example, may cause a child's first or permanent teeth to be discolored or may affect bone growth. The acne drug Accutane (generic name isotretinoin) is known to cause birth defects.

Some over-the-counter drugs should also be discussed with the doctor. For example, many doctors recommend sodium-free antacids for their pregnant patients. Aspirin used in the later stages of pregnancy may prolong pregnancy and labor and cause excessive bleeding in the mother and child before and after delivery. Pregnant women should not take ibuprofen (the active ingredient found in several aspirin alternatives) without first discussing it with their physician--especially during the last 3 months of pregnancy when it may cause problems in the unborn child or complications during delivery.

Seemingly unharmed, even some vitamins can "pile up" in the body and cause damage to an unborn baby.(8) Although the obstetrician may prescribe a prenatal vitamin supplement, eating a variety of foods most likely will supply all the vitamin needs of a pregnant woman and her unborn child.

Caffeine. Caffeine is found in tea, coffee, colas, some medications, and chocolate. Experiments with animals show that high doses of

caffeine may cause birth defects. In addition, excessive caffeine consumption (more than six cups a day) can cause anxiety, interfere with a pregnant woman's rest, and suppress her appetite. Thus, doctors recommend that a pregnant woman drink fewer than four cups of coffee a day and that she not drink colas excessively.

Summary

The use of all drugs is a serious matter for pregnant women. Virtually all drugs she uses enter her baby's body as well and the effects on the developing fetus can be much different than for the mother. Even drugs we may take for granted, like aspirin, vitamins, and other over-the-counter items may cause harm to the unborn child. Scientists have learned a lot about the effects of alcohol and other drugs in pregnancy. But they would be the first to say they still don't know enough. Therefore, every pregnant woman should play it safe and avoid the use of all but the most necessary drugs.

References

- (1) "Facts on Alcohol-Related Birth Defects," National Council on Alcoholism, Inc., NY, NY. 1987.
- (2) *Ibid.*
- (3) "Cocaine" by Steve Newman and Bryn Anderson, The Drug Education Center, Charlotte, NC. 1986.
- (4) *Ibid.*
- (5) *Ibid.*
- (6) "Drugs and Pregnancy, a Guide for Women." The Drug Program Office, Santa Barbara County Health Care Services, Santa Barbara, CA. 1987.
- (7) *Ibid.*
- (8) "Drugs, Alcohol, Tobacco Abuse During Pregnancy," March of Dimes, White Plains, NY. 1985.

Resource List

Fetal Alcohol Syndrome and Other Drug-Related Risks During Pregnancy

The following list is general up-to-date information on fetal alcohol syndrome, fetal alcohol effects and other drug effects resulting from substance use during pregnancy. Materials were selected for their information, appropriateness and availability. Using these resources, health professionals and community program providers can inform pregnant women, and women planning a pregnancy, about the risks of using alcohol or other drugs during pregnancy. The media can be encouraged to air public service announcements, and publish articles on these risks as well. For more information on preventing alcohol and other drug related birth abnormalities, contact the National Clearinghouse for Alcohol and Drug Information (NCADI) at P.O. Box 2345, Rockville, MD 20852, or call NCADI at (301) 468-2600 and ask to speak to an information specialist. Your comments and recommendations for additional materials to be included in future updates of this publication are welcome.

Brochures, Pamphlets and Fact Sheets

Alcohol and Birth Defects: The Fetal Alcohol Syndrome and Related Disorders reviews advances in research and in our understanding of this topic. It is intended primarily for lay readers but is

and the fathers role, and the Surgeon General's warning on drinking during pregnancy. 1986. 7 pp.

Availability
Do It Now Foundation
P.O. Box 21126
Phoenix, AZ 85036
(602) 257-0797
\$.25, bulk discount

No Thanks . . . I Want a Healthy Baby is a brief succinct pamphlet of facts about the effects of drinking during pregnancy. Poster with the same message is also available. 1986. 2 pp.

Availability
Prevention Resource Center
901 South Second Street
Springfield, IL 62701
1-800-252-8951
Single copies free

Alcohol, Tobacco, Caffeine, and Pregnancy encourages women to avoid alcohol, tobacco, and caffeine during pregnancy and while breastfeeding. It explains the dangers of these substances and the benefits of a healthy pregnancy. 1985. 8 pp.

Availability
Do It Now Foundation
P.O. Box 21126
Phoenix, AZ 85036
(602) 275-0797
\$.25, bulk discounts

What Everyone Should Know About Fetal Alcohol Effects is an illustrated, easy-to-read booklet of information on the effects of alcohol on the growing fetus, alternatives to drinking, and places women can go to get help with a drinking problem. 1985. 15 pp.

Availability
Channing Betz Co., Inc.
200 State Road
South Deerfield, MI 01373
(413) 665-7611 or
(800) 628-7133

25 minimum order, \$19.50
postpaid; complimentary review
copies available

What You Should Know About . . . Babies and Booze, a brochure geared toward young women, provides basic data about alcohol consumption, explains the dangers of drinking alcohol during pregnancy, and encourages expectant mothers not to drink. 3 pp.

Availability
Oakland County Health Division
1200 N. Telegraph Road
Pontiac, MI 48053
(313) 858-1308
Single copies free

Fetal Alcohol Syndrome and Other Drugs Update, a newsletter for health providers and others interested in the effects of alcohol and other drugs during pregnancy, contains general information on topics such as alcohol and mental retardation, reviews of conferences and workshops, and updates on awareness campaigns.

Availability
Prevention Resource Center
901 S. Second Street
Springfield, IL 62704
(217) 525-3456
Free: New issue mailed out
quarterly

The Growing Child With Fetal Alcohol Syndrome describes some of the social, physical, and intellectual consequences of fetal alcohol syndrome on the growing child. A case study of a 6-year-old child is presented, as is a comprehensive list of clinical features of the syndrome. 1985. 5 pp.

Availability
Thomas W. Perrin, Inc.
One Madison Street
East Rutherford, NJ 07073
(201) 777-2277
\$.81 postpaid

also useful for health professionals who are not specialists in this area. 1987. 56 pp.

Availability
NCADI
P.O. Box 2345
Rockville, MD 20852
(301) 468-2600
No cost; request PH238

Program Strategies for Preventing Fetal Alcohol Syndrome and Alcohol-Related Birth Defects provides program planners with a foundation for developing a comprehensive community-based program aimed at reducing the number of alcohol-related birth defects. This "how-to" manual is filled with practical advice, based on the latest research. It also contains appendices rich in referral and bibliographic information. 1987. 78 pp.

Availability
NCADI
P.O. Box 2345
Rockville, MD 20852
(301) 468-2600
No cost; request PH236
(out of stock until 8/88)

My Baby . . . Strong and Healthy recommends that women not drink if pregnant or planning to become pregnant. The brochure describes the risks and potential effects of drinking on an unborn baby. 1986. 16 pp. (Also available in Spanish; see Spanish Language Publications.)

Availability
NCADI
P.O. Box 2345
Rockville, MD 20852
(301) 468-2600
No cost; request PH225
(out of stock until 8/88)

Taking Care of Your Baby Before Birth, A Message for Pregnant Women is an easy-to-read, action-oriented brochure for women that recommends that they not drink if pregnant or planning a pregnancy. 1988. 4 pp. (Also available in Spanish; see Spanish Language Publications.)

Availability
NCADI
P.O. Box 2345
Rockville, MD 20852
(301) 468-2600
No cost; request PH239

Marijuana and Reproduction reviews current research findings about the effects of marijuana on the reproductive system. This is a useful booklet for researchers and health care professionals who study or treat young adults and pregnant women. 1982. 30 pp.

Availability
American Council for Drug Education
5820 Hubbard Drive
Rockville, MD 20852
(301) 984-5700
\$2.50

Prenatal and postnatal care, a brochure for parents or parents-to-be, advocates a good diet and abstaining from drinking and smoking during pregnancy and using safety restraints after the baby is born. 1986. 3 pp.

Availability
American Medical Association
Auxiliary, Inc.
535 North Dearborn Street
Chicago, IL 60610
(312) 645-4470
\$10.00 per 100

Cause and Defect. Questions and Answers About Fetal Alcohol Syndrome reviews current medical knowledge on risks and damage to the fetus of fetal alcohol syndrome. The pamphlet includes signs of the syndrome, prevention,

Fact Sheet: Fetal Alcohol Syndrome is a one-sided fact sheet providing a definition of fetal alcohol syndrome (FAS), the process by which FAS is contracted, symptoms of FAS, incidence and prevalence data, and recommendations to women who are pregnant or anticipating a pregnancy. 1987.

Availability
Missouri Department of Mental Health
Division of Alcohol and Drug Abuse
1915 Southridge Drive
P.O. Box 687
Jefferson City, MO 65102
Single copies free

Facts on Alcohol-Related Birth Defects is a fact sheet providing information on the incidence of fetal alcohol syndrome, its symptoms, and some reasons that women continue to drink during pregnancy. 1987.

Availability
National Council on Alcoholism, Inc.
12 West 21st Street
New York, NY 10010
(212) 206-6770 or
or
1511 K Street, NW
Washington, DC 20005
(202) 737-8122
or
(800) NCA-CALL
Single copies free

Healthy Mothers, Healthy Babies Quiz focuses on the extent of low birthweight and infant mortality in the United States. It is useful for generating group discussions and for educating students and the general public. National and State-by-State statistics are included. 1987.

Availability
Contact your local March of Dimes chapter
or

March of Dimes Birth Defects Foundation
1275 Mamaroneck Avenue
White Plains, NY 10605
(914) 428-7100
50 for \$2.00, postpaid

Facts You Should Know About Teenage Pregnancy spells out the physical and psychological risks of teenage pregnancy. It is designed as a reference for both teenagers and adults. (Also available in Spanish; see Spanish Language Publications. 1987.

Availability
Contact your local March of Dimes chapter
or
March of Dimes Birth Defects Foundation
1275 Mamaroneck Avenue
White Plains, NY 10605
(914) 428-7100
50 for \$2.00, postpaid

You Are Pregnant, You're in Your Teens, and You Need Help is a pamphlet for pregnant teens on ensuring healthy beginnings for their babies. It stresses the importance of regular prenatal care; eating right; and not smoking, drinking, or taking drugs. The teen is reassured that she is not alone and is guided to other sources of help. 1986. 3 pp.

Availability
Contact your local March of Dimes chapter
or
March of Dimes Birth Defects Foundation
1275 Mamaroneck Avenue
White Plains, NY 10605
(914) 428-7100
50 for \$3.50, postpaid

Be Good To Your Baby, Before It Is Born is a booklet that guides the pregnant woman from the first prenatal visit through the delivery. It covers the first checkup, diet

and weight gain, risks to the baby from smoking and alcohol, exercise, rest, and more. (Also available in Spanish; see Spanish Language Publications.) 1986. 2 pp.

Availability

Contact your local March of Dimes chapter

or

March of Dimes Birth Defects Foundation

1275 Mamaroneck Avenue

White Plains, NY 10605

(914) 428-7100

50 for \$3.00, postpaid

Bookmark reminding mothers-to-be to eat nourishing foods, see the doctor regularly, and be aware of the dangers of alcohol, tobacco, and drugs.

Availability

Contact your local March of Dimes chapter

or

March of Dimes Birth Defects Foundation

1275 Mamaroneck Avenue

White Plains, NY 10605

(914) 428-7100

100 for \$2.50, postpaid

D*A*T*A--Drugs, Alcohol, Tobacco Abuse During Pregnancy helps the mother-to-be understand the effects of these substances on her unborn baby so she can avoid them--and increase her chances for having a healthy baby. 1987. 5 pp.

Availability

Contact your local March of Dimes chapter

or

March of Dimes Birth Defects Foundation

1275 Mamaroneck Avenue

White Plains, NY 10605

(914) 428-7100

100 for \$3.50

Will My Drinking Hurt My Baby? answers common questions about fetal alcohol syndrome. Describes the effects to the baby and encourages mothers-to-be to abstain from drinking during their pregnancy. (Also available in Spanish; see Spanish Language Publications.) 1987. 2 pp.

Availability

Contact your local March of Dimes chapter

or

March of Dimes Birth Defects Foundation

1275 Mamaroneck Avenue

White Plains, NY 10605

(914) 428-7100

100 for \$2.50, postpaid

Babies Don't Thrive In Smoke-Filled Wombs is a folder outlining the risks of smoking during pregnancy to the baby, including premature birth. The pregnant woman is advised to stop smoking now--for her own health and her baby's. 1987.

Availability

Contact your local March of Dimes chapter

or

March of Dimes Birth Defects Foundation

1275 Mamaroneck Avenue

White Plains, NY 10605

(914) 428-7100

100 for \$2.50, postpaid

Alcohol Warning Signs: How To Get Legislation Passed In Your City is a manual designed to assist citizens groups secure the passage of alcohol-warning legislation in their city, county, or State. Focuses on laws requiring the posting of signs warning of the dangers of drinking during pregnancy. 1986. 52 pp.

Availability
Center for Science in the Public
Interest
1501 16th Street, NW
Washington, DC 20036
(202) 332-9110
\$4.95

Keep the Pride briefly describes the Fetal Alcohol Syndrome Project being carried out among the Indian population in the southwestern United States. 2 pp.

Availability
Alcoholism and Substance Abuse
Program, Indian Health Service
Room 6A-53
5600 Fishers Lane
Rockville, MD 20857
(301) 443-4297
No cost
(Limited quantities presently
available; plans for reprinting
in 1988.)

**Alcohol and Pregnancy: How
Drinking May Harm the Unborn Baby**
describes fetal alcohol symptoms,
including facial abnormalities,
abnormal brain development,
physical deformities, growth
problems, and personality problems.
Written for the American Indian
Community but useful for a wider
audience. 2 pp.

Availability
Alcoholism and Substance Abuse
Program, Indian Health Service
Room 6A-53
5600 Fishers Lane
Rockville, MD 20857
(301) 443-4297
No cost
(Limited quantities presently
available; plans for reprinting
in 1988.)

Drugs and Pregnancy discusses how alcohol, cigarettes, prescriptions, and over-the-counter and illegal drugs, when consumed by the mother, pose a threat to the health of an unborn child. (Also available in Spanish; see Spanish Language Publications.) 1987. 4 pp.

Availability
Health Department of Santa
Barbara County
300 N. San Antonio Road
Santa Barbara, CA 93110
(805) 681-5440
\$.30

Books and Journals

**Alcohol Problems in Women:
Antecedents, Consequences and
Intervention**, Wilsnack, S.C. and
Beckman, L.J., eds. Explores
specific alcohol problems
experienced by women drinkers.
Attention is given to problems that
may be experienced by both
alcoholic and nonalcoholic women,
including health consequences of
heavy alcohol consumption, fetal
alcohol syndrome and other fetal
alcohol effects, alcohol-drug
interactions, and alcohol-related
family problems. 1984. 480 pp.

Availability
Guilford Publications
72 Spring Street
New York, NY 10012
(212) 431-9800
\$50 plus \$2 postage
(NY residents add sales
tax)
Catalog #2164
or
Library

**Women and Alcohol: Health-Related
Issues: Research Monograph #16**,
Department of Health and Human
Services, Public Health Service,
Alcohol, Drug Abuse and Mental
Health Administration. Sets
forth current information on a
alcohol abuse and alcoholism among
women as reported through workshops
on research, prevention, and
treatment areas and provides
state-of-the-art reviews on
selected subjects. 1986. 375 pp.

Availability
Library

Women and Alcohol: A Dangerous Pleasure, Youcha, G. An overview of the problems faced by women who drink. The topics include the physiological effects of alcohol, effects on personality and behavior, the family, pregnancy, and treatment. Included are a guide to drug interactions with alcohol, suggestions for hostesses, a quiz, and a listing of resources. 1978. 272 pp.

Availability
Crowe Publishers
225 Park Avenue South
New York, NY 10003
(212) 254-1600, ext. 763
\$7.95, plus postage (billed separately)

Special Focus: Preventing Alcohol-Related Birth Defects, a reproduction of Alcohol Health and Research World, Fall 1985. Includes articles on the effects of alcohol on pregnancy outcome and prevention strategies that have been developed in the area of alcohol-related birth defects. 1985. 75 pp.

Availability
NCADI
P.O. Box 2345
Rockville, MD 20852
No cost; request RPO 560

Alcohol and pregnancy: an overview and an update, Streissguth, A.P. Substance and Alcohol Actions/Misuse 4(2/3):149-171, 1983. Reviews the literature on fetal alcohol syndrome; describes the syndrome, and includes discussions of children of alcoholic mothers, effects of alcohol use during pregnancy, laboratory animal studies, and implications. The article also suggests that pregnancy outcomes may be difficult to predict because of individual differences, timing and dose, and vulnerability of the fetus.

Availability
Library

Alcohol use during pregnancy, Kruse, J. American Family Physician 29(4):199-203, 1984. Discusses the effects of maternal drinking on the fetus, including low birthweight, congenital abnormalities, mental retardation, and behavioral and learning disabilities. Also provides a brief discussion of the history and incidence of fetal alcohol syndrome.

Availability
Library

Fetal alcohol syndrome: Implications and counseling considerations, Elliott, D.J., and Johnson, N. Personnel and Guidance Journal 62(2):67-69, 1983. Discusses the effects of maternal drinking on the fetus with a special focus on implications for counselors. Current trends in care and services for the family of the developmentally disabled child are reviewed, and the need for more prevention programs for adolescent females is stressed.

Availability
Library

Fetal Alcohol Syndrome and Fetal Alcohol Effects, Abel, E.L. Provides a historical perspective on the occurrence of FAS and FAE. An overview of recent research is presented and the physiological effects of alcohol on the fetus are described in detail. Prevention efforts are also reviewed. 1984.

Availability
Plenum Publishing Corporation
233 Spring Street
New York, NY 10013
(212) 620-8000
\$32.50 plus postage
or
Library

The Effects of Alcohol on Pregnancy Outcome, reprinted from the Fifth Special Report to the U.S. Congress on Alcohol and Health from the Secretary of Health and Human Services. Provides information on the relationship between maternal drinking during pregnancy and FAS. A historical overview is presented, research findings and the results of treatment and prevention programs, including public education efforts, are reviewed. The effects of paternal drinking are also discussed.

Availability
NCADI
P.O. Box 2345
Rockville, MD 20852
No cost; request RPO 496

Posters

No Thanks. . . I Want a Healthy Baby depicts a silhouette of a pregnant woman refusing a variety of alcoholic beverages. The message: "No thanks. I want a healthy baby." Accompanying pamphlet also available. 1986.

Availability
Prevention Resource Center
901 South Second Street
Springfield, IL 62701
(800) 252-8951
Single copies free

An Inner Voice Tells You Not To Drink is a colorful poster with the image of a pregnant American Indian woman. Suitable for audiences of all ethnic backgrounds. 1987

Availability
NCADI
P.O. Box 2345
Rockville, MD 20852
(301) 468-2600
No cost; request AV161

No One That Young Should Drink is a bright poster of a baby in the womb with the message: "Alcohol can cause birth defects. When you drink so does your baby. If you're pregnant. . . DON'T DRINK!" Can be adapted with local phone numbers. Oakland County has also printed this poster on plastic tote bags.

Availability
Oakland County Health Division
1200 N. Telegraph Road
Pontiac, MI 48053
(313) 858-5102
Single copies and single bags are free

Audiovisuals

Drugs, Smoking and Alcohol During Pregnancy discusses the confusion many pregnant women face about what may be harmful to their unborn babies. Facts about smoking, alcohol, and drug use during pregnancy are provided, and the effects of over-the-counter medications, such as cold and headache remedies, are discussed. 20 min., 1985.

Availability
Milner-Fenwick, Inc.
2125 Greenspring Drive
Timonium, MD 21093
(301) 252-1700 or call toll free (800) 638-8652
Videotape, \$250
Preview, \$15

One For My Baby presents information about fetal alcohol syndrome and its symptoms, risks, and prevention through abstinence. Also, two couples who have children with the syndrome--one natural born, one adopted--share their feelings. 27 min., 1982.

Availability
AIMS Media
6901 Woodley Avenue
Van Nuys, CA 91406-4878
(800) 367-2467 or
(818) 785-4111
16-mm film, \$430;
Videocassette, \$225
Preview, Free

Cocaine's Children a videotape documentary outlining the harmful effects of cocaine on the fetus and newborn. Stunning pictures of cocaine-affected babies are included. The infants bring home the message that pregnant women who use cocaine are exposing their young to suffering at birth and the risk of long-term developmental problems. 9 min., 1987.

Availability
March of Dimes Birth Defects Foundation
1275 Mamaroneck Avenue
White Plains, NY 10605
(914) 428-7100
16mm film, \$70
1/2" VHS, \$40
3/4" VT, \$40
\$10 preview fee for the film only

I Didn't Mean to Hurt You Baby depicts a young woman confronted with the question of whether or not to give up casual, "social" drinking during the term of her pregnancy. The film confirms that the risk of drinking during pregnancy is great. Designed as an educational tool for the classroom and for community education programs. 16 min., 1984.

Availability
Virginia Department of Mental Health/Mental Retardation Prevention/Information/Training
P.O. Box 1797
Richmond, VA 23214
(804) 786-3909
Loan: 1/2" VHS and 3/4" Beta

Curriculum Guides and Kits

Fetal Alcohol Syndrome Education Guide and FAS Information Packet includes an educator's guide to fetal alcohol syndrome and a packet of training materials. Fact sheets, articles, a glossary, graphs, and an annotated resource guide are provided.

Availability
State of California
Alcohol and Drug Programs
111 Capitol Mall, Room 250
Sacramento, CA 95814
(916) 324-7260
Single copies free

Healthy Mothers, Healthy Babies Curriculum Package is designed to help educators in preschool through high school integrate information about healthy pregnancy and birth into their lessons. The guide covers four concept areas (with resources for each): nutrition, environment, genetics, and human growth and development. Fold-out chart supplements the guide and outlines the key objectives at each grade level. 1987. 64 pp.

Availability
Contact your local March of Dimes chapter
or
March of Dimes Birth Defects Foundation
1275 Mamaroneck Avenue
White Plains, NY 10605
(914) 428-7100
Concept guides: 5 for \$13, postpaid

A Secondary Level Curriculum on Fetal Alcohol Syndrome is a booklet of activities and topic areas for secondary-level educators who want to include sessions on fetal alcohol syndrome in their classes. Includes material for three sessions--including a fact sheet about the effects of alcohol in humans and videotape/film discussion guides for "One for My

Baby," "Born Drunk," and "I Didn't Mean to Hurt You Baby." Also lists further resources. 1986.

Availability
Minnesota Prevention Resource Center
2829 Verndale Avenue
Anoka, MN 55303
(612) 427-5310
\$3.25, postpaid
\$5 rental fee per film or videotape

Better Beginnings for Babies is a workbook for program planners and health care providers working with high-risk youth or pregnant women. It describes the dangers of drinking during pregnancy and provides guidelines for conducting a successful campaign against fetal alcohol syndrome. 1982. 115 pp.

Availability
Washington-Greene Prevention Corporation
87 East Maiden Street
Washington, PA 15301
(412) 228-0810
\$7.50, postpaid

Fetal Alcohol Syndrome Community Education Kit can assist in educating a community on fetal alcohol syndrome (originally written for the American Indian Community). The kit contains 17 components, including kit script, poster, bumper stickers, recipe cards, fact sheets, bookmarks, a brochure entitled "Techniques for Approaching Women at Risk," resource guides, and much more. The kit also contains information on video rentals, handbooks, and manuals. 1980.

Availability
California Urban Indian Health Council, Inc.
2422 Arden Way, Suite A-32
Sacramento, CA 92825
(916) 920-0313
\$78

Spanish Language Publications

Tenga Beun Cuidado de su Bebe Antes de que Nazea (Be Good To Your Baby, Before It Is Born) is a booklet that guides the pregnant woman from the first prenatal visit through the delivery. It covers the first checkup, diet and weight gain, risks to the baby from smoking and alcohol, exercise and rest, and more. 1986. 2 pp.

Availability
Contact your local March of Dimes chapter
or
March of Dimes Birth Defects Foundation
1275 Mamaroneck Avenue
White Plains, NY 10605
(914) 428-7100
50 for \$3, postpaid

Datos Que Usted Debe Saber Sobre Las Adolescentes Embarazado (Facts You Should Know About Teenage Pregnancy) spells out the physical and psychological risks of teenage pregnancy. It is designed as a reference for both teenagers and adults. 1987.

Availability
Contact your local March of Dimes chapter
or
March of Dimes Birth Defects Foundation
1275 Mamaroneck Avenue
White Plains, NY 10605
(914) 428-7100
50 for \$2, postpaid

Mi Bebe. . . Fuerte y Sano (My Baby. . . Strong and Healthy) recommends that women not drink if pregnant or planning to become pregnant. This brochure describes the risks and potential effects of drinking on the unborn baby. 1986. 16 pp.

Availability

NCADI
P.O. Box 2345
Rockville, MD 20852
(301) 468-2600
No cost; request PH237

El Cuidado de su Bebe Antes del Nacimiento, Un Mensaje para Mujeres Embarazadas (Taking Care of Your Baby Before Birth) is an easy-to-ready, action-oriented brochure for women that recommends that they not drink if pregnant or planning a pregnancy. 1988. 4 pp.

Availability

NCADI
P.O. Box 2345
Rockville, MD 20852
(301) 468-2600
No cost; request PH239

Afectara a mi bebe el tomar bebidas alcoholicas? (Will My Drinking Hurt My Baby?) answers common questions about fetal alcohol syndrome. It describes the effects to the baby and encourages mothers-to-be to abstain from drinking during their pregnancy. 1987. 2 pp.

Availability

Contact your local March of Dimes chapter
or

March of Dimes Birth Defects Foundation
1725 Mamaroneck Avenue
White Plains, NY 10605
(914) 428-7100
100 for \$2.50, postpaid

Las Drogas y El Embarazo (Drugs and Pregnancy) discusses how alcohol, cigarettes, prescriptions, and over-the-counter and illegal drugs, when consumed by a mother, pose a threat to the health of her unborn child. 1987. 4 pp.

Availability

Departamento De Salud Del Condado
De Santa Barbara
300 N. San Antonio Road
Santa Barbara, CA 93110
(805) 681-5440
\$.30

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SENATE COMMITTEE REPORT

FURTHER

3/21/89

DATE TURNED INTO OFFICE 4/11/89

Mr. President:

Finance Committee considered SB 176

use of big game harvest permits as prizes or premiums in fund-raising activities for fish and game conservation and law enforcement purposes conducted by qualified nonprofit organizations and recommended

- replace with CS SB 176 (Finance)) same title
- or adopt CS) new title
- attached amendment(s) and technical title change (HB only)
- letter of intent adopted

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

FISCAL NOTE(S) ^{DPS} zero ^{DFEG revised (revenue)} fiscal impact appropriation no FN

new updated previous

same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]

[Signature]

Paul [Signature]

[Signature] DO PASS

Chairman signature and recommendation

Committee Backup attached

[Signature] DO PASS

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: _____
 Title: An Act Relating to the Use of Fish and Game Harvest Permits as Prizes for Fundraising. BRU: Wildlife Conservation
 Sponsor: Senator Frank Components: _____
 Requestor: Senate Resources Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE	0	\$25.0	\$30.0	\$35.0	\$35.0	\$35.0

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) Passage of SB 176 would result in no additional expenditures by the department. There is a potential, however, for adding considerable funds to the Fish and Game Fund for subsequent expenditures by the Division of Wildlife Conservation.

Prepared by: Donald E. McKnight Phone: 465-4190
 Division: Wildlife Conservation Date: April 6, 1989
 Approved by Commissioner: Warren Willey Asst. Commissioner: April 6, 1989
 Agency: Department of Fish and Game

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

RECEIVED

APR 6 1989

R/O SFC 4-4-89

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSSB 176 (Fin) (b)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: 3/21/89
Title: Big game harvest permits as prizes
Sponsor: Senator Frank
Requestor: Senate Resources

Agency Affected: Public Safety
BRU: Fish and Wildlife Protection
Component: _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Since this bill does not create any added impact on the resource or additional resource users in the field, we do not anticipate any additional expenditure of funds.

Prepared by: Lt. William Valentine
Division: Fish and Wildlife Protection
Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Phone: 789-2161
Date: 3/21/89
Date: 3/21/89

Uttermohe
4/4/89
Frank
Adopted

Original sponsor: Frank

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 176 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to auctions and raffles for bison
7 harvest permits; and providing for an effective
8 date."

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

10 * Section 1. AS 16.05 is amended by adding a new section to read:

11 Sec. 16.05.343. AUCTIONS AND RAFFLES FOR BISON HARVEST PERMITS.

12 (a) The department, subject to regulations adopted by the Board of
13 Game, may issue one bison harvest permit each year for a bison from
14 the Delta bison herd through a competitive auction or raffle. Not-
15 withstanding AS 36.30, the department may authorize a qualified orga-
16 nization to conduct the auction or raffle on behalf of the department.
17 If the auction or raffle is conducted by a qualified organization, the
18 organization may retain an amount from the gross proceeds of the
19 auction or raffle equal to the administrative cost of the auction or
20 raffle plus an amount not to exceed 10 percent of the net proceeds.
21 All remaining proceeds from the auction or raffle of the bison harvest
22 permit whether conducted by the department or as otherwise authorized
23 by the department shall be deposited in the fish and game fund under
24 AS 16.05.100.

25 (b) The exercise of a privilege conferred by a bison harvest
26 permit issued under this section is subject to laws relating to the
27 time, place, and manner of taking bison from the Delta bison herd.

28 (c) In this section "qualified organization" means a nonprofit
29 corporation established to promote fish and game law enforcement that

1 complies with applicable laws governing activities under this section.

2 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).
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6-0539M
Utermohle
3/29/89

Original sponsor: Frank

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 176 ()
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to auctions and lotteries for bison
7 harvest permits; and providing for an effective
8 date."

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12 MITS. (a) The department, subject to regulations adopted by the
13 Board of Game, may issue one bison harvest permit each year for a
14 bison from the Delta bison herd through a competitive auction or
15 lottery. Notwithstanding AS 36.30, the department may authorize a
16 qualified organization to conduct the auction or lottery on behalf of
17 the department. If the auction or lottery is conducted by a qualified
18 organization, the organization may retain an amount from the gross
19 proceeds of the auction or lottery equal to the administrative cost of
20 the auction or lottery plus an amount not to exceed 10 percent of the
21 net proceeds. All remaining proceeds from the auction or lottery of
22 the bison harvest permit whether conducted by the department or as
23 otherwise authorized by the department shall be deposited in the fish
24 and game fund under AS 16.05.100.

25 (b) The exercise of a privilege conferred by a bison harvest
26 permit issued under this section is subject to laws relating to the
27 time, place, and manner of taking bison from the Delta bison herd.

28 (c) In this section "qualified organization" means a nonprofit
29 corporation established to promote fish and game law enforcement that

1 complies with applicable laws governing activities under this section.

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

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6-0539D

Utermohle
3/28/89

Original sponsor: Frank

Senator Frank
3/29/89

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 176 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to auctions and lotteries for bison
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12 MITS. (a) The department, subject to regulations adopted by the
13 Board of Game, may issue one bison harvest permit each year for a
14 bison from the Delta bison herd through a competitive auction or
15 lottery. Notwithstanding AS 36.30, Alaska Fish and Wildlife Safe-
16 guard, Inc. may be authorized by the department to conduct the auction
17 or lottery on behalf of the department. If the auction or lottery is
18 conducted by Alaska Fish and Wildlife Safeguard, Inc., the organiza-
19 tion may retain an amount from the gross proceeds of the auction or
20 lottery equal to the administrative cost of the auction or lottery
21 plus an amount not to exceed 10 percent of the net proceeds. All
22 remaining proceeds from the auction or lottery of the bison harvest
23 permit whether conducted by the department or as otherwise authorized
24 by the department shall be deposited in the fish and game fund under
25 AS 16.05.100.

26 (b) The exercise of a privilege conferred by a bison harvest
27 permit issued under this section is subject to laws relating to the
28 time, place, and manner of taking bison from the Delta bison herd.

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

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 28, 1989

SUBJECT: CSSB 176 (); An Act relating to auctions
and lotteries for bison harvest permits

TO: Senator Steve Frank

FROM: George Utermohle *GU*
Legislative Counsel

Enclosed is a draft of CSSB 176() which provides that the Alaska Department of Fish and Game may issue bison harvest permits through a competitive auction or lottery and that the department may use the services of Alaska Fish and Wildlife Safeguard, Inc. to conduct the auction or lottery on its behalf.

The fact that the department may use only the services of a specified organization to conduct the auction or lottery and that the organization will be compensated for its services raises the issue of whether this element of the bill is "local or special" legislation.

Article II, section 19 of the Alaska Constitution provides in part:

The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination.

The test employed by the Alaska Supreme Court for article II, section 19 is substantially the same as that applied to equal protection analysis. Upon examining the legislative goals and the means used to advance them, the court determines whether the legislation bears a fair and substantial relationship to a legitimate purpose. (State v. Lewis, 559 P.2d 630, 643 (Alaska 1977)) To satisfy the fair and substantial relationship standard, the classification must be tailored to the purpose of the legislation. A classification created by the legislation must be neither overinclu-

Senator Steve Frank
Page 2
March 28, 1989

sive nor underinclusive. (Isakson v. Rickey, 550 P.2d 350, 362 (Alaska 1976)) If the "fair and substantial relationship" standard is met, the bill will not be invalidated because of incidental local or private advantages. (Lewis, 559 P.2d at 643)

It is evident from the bill that its purpose is to raise revenue for the Department of Fish and Game which is a legitimate public purpose. However, it is unclear from the bill how limiting the department to use of the services of Alaska Fish and Wildlife Safeguard, Inc. is related to achieving the bill's purpose. If the bill is challenged the state must be able to show that this limitation on the power of the department bears a fair and substantial relationship to the purpose of the bill, that general legislation could not achieve this purpose, and that any advantages conferred on Alaska Fish and Wildlife Safeguard, Inc. are merely incidental to achieving the purpose of the bill.

In anticipation of a potential challenge to the bill on the ground that it is "local or special" legislation, the legislature should during its consideration of this bill clearly establish its purpose for limiting the right to provide services to the department to a single organization. Also reasons justifying the selection of this particular organization to provide services to the department should be set out in the legislative history of the bill.

As a practical matter, the likelihood of a challenge to this bill will largely depend on whether the bill is controversial. Prior cases involving "local and special" legislation involved controversial issues, establishment of the Eagle River Borough and the Cook Inlet land exchange; the legislation addressing both of these issues was challenged soon after passage. If there is no controversy surrounding CSSB 176() (and if the governor approves the legislation), it may be that the bill will never be challenged.

The legislature has in the past conferred special benefits on particular private organizations. The notable instances involve exclusive franchises given to private nonprofit organizations to operate certain charitable gaming activities under AS 05.15. The Fairbanks Montessori Association and the Kenai Chamber of Commerce may operate goose classics where prizes are awarded for the closest guess of the time of arrival of the first goose in spring to a specific area in each community. The Bethel Social Services, Inc., Kenai

Senator Steve Frank
Page 3
March 28, 1989

and Soldotna Rotary Clubs, and the City of Fort Yukon have exclusive authority to operate an ice classic in their respective communities. The Greater Fairbanks Chamber of Commerce may operate the only mercury classic in the state. The United Fisherman of Alaska has the exclusive franchise to operate a salmon classic in the state. Other charitable gaming activities such as fish derbies, rain classics, dog mushers' contests, bingo, casinos, and pull tab games are open to any qualified nonprofit organization.

Please contact me, if I can provide further assistance.

GU:lmb:mi
L7/040

Enclosure

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3900

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 21, 1989

SUBJECT: Fund raising activities of nonprofit organizations

TO: Senator Steve Frank
Attn: Teresa Sager

FROM: George Utermohle *GU*
Legislative Counsel

You have asked how administrative costs of fund raising activities are determined for nonprofit organizations subject to AS 05.15.

In order for a nonprofit organization to conduct certain fund raising activities, the organization must obtain a permit from the Department of Revenue. The organization must submit at least an annual report on the activities that it has conducted during the prior year. The report must include a description of the activities conducted under the permit and must also include for each activity, the total amount of gross receipts, the total amount of authorized expenses, and the total amount of the net proceeds. (AS 05.15.080(b)).

The gross receipts of an activity are the receipts collected by the organization from participants in the activity and includes the price charged for tickets or other rights to participate in the activity, admission fees, money obtained from the sale of equipment or supplies associated with the activity, and all other miscellaneous receipts. (AS 05.15.210(17)). The net proceeds of an activity are determined by subtracting the additional license fee due from certain organizations under AS 05.15.020(b), the authorized administrative costs allowed under AS 05.15.160, and the value of prizes awarded from the gross receipts.

Those administrative expenses that an organization may incur and charge against the gross receipts are bona fide expenses

Senator Steve Frank
Page 2
February 21, 1989

reasonably necessary for goods, wares, and merchandise necessary for the operation of the activity and personal services involved with the operation of the activity. (AS 05.15.160). The personal services may be performed by an employee of the qualified organization or an operator employed by the organization to conduct the activity on its behalf. An organization may pay its employees a reasonable amount in wages or other compensation for the services provided while conducting the activity. A reasonable amount of compensation is an amount approximating the amount ordinarily paid by similar businesses for similar work performed under similar circumstances. The authorized and unauthorized expenses that may be incurred in conducting a fund raising activity are set out in more detail in regulations at 15 AAC 105.220. A copy of this regulation is attached.

You have also asked what fund raising activities are subject to the requirements of AS 05.15.

Certain types of fund raising activities conducted by or on the behalf of qualified organizations and municipalities are subject to AS 05.15. A qualified organization is a bona fide civic, service, religious, charitable, fraternal, labor, political, or educational organization or certain other organization that has been in existence for at least three years and that operates without profit to its members. (AS 05.15.210(28)).

The activities conducted under the authority of AS 05.15 are not legally considered gambling, but under AS 05.15 nonprofit organizations may conduct for fund raising purposes various games that are traditionally considered to be gambling. AS 05.15 regulates the conduct of fund raising activities involving raffles, lotteries, bingo games, pull-tab games, various kinds of classics, card games, dice games, roulette, and other forms of gambling.

AS 05.15 does not regulate auctions.

If I may be of further assistance, please advise.

GU:lmb
L7/016

STEVE FRANK
DISTRICT K
SEAT A

119 N. Cushman, Rm. 213
Fairbanks, Alaska 99701

While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3709
Capitol Rm. 514

Alaska State Legislature



Senate

MEMBER
Finance Committee
Resources Committee
Legislative Council
Special Committee on Banking &
Economic Development

VICE-CHAIR
Community & Regional
Affairs Committee

TO: Senate Finance Committee
FROM: Senator Steve Frank
RE: Senate Bill 176
DATE: March 29, 1989

The work draft committee substitute before you contains four changes that differ from the Senate Resources Committee Substitute. The work draft requires that:

- 1) if the department contracts out for the auction or lottery, they must do so with Alaska Fish and Wildlife Safeguard;
- 2) the department may issue only one permit per year;
- 3) the permit must be for harvest of one bison from the Delta herd; and
- 4) the act is exempted from the state procurement code which would otherwise require the department to follow the competitive bidding process to determine the organization that would conduct the raffle or auction.

One other notable difference is that the work draft provides for specific guidelines for the harvest of a particular big game animal from a designated area, thereby removing the need to expand the Board of Game's authority to allocate a permit or permits for the purposes of this act.

STEVE FRANK
DISTRICT K
SEAT A

119 N. Cushman, Rm. 213
Fairbanks, Alaska 99701

While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3709
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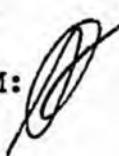
Alaska State Legislature



Senate

MEMBER
Finance Committee
Resources Committee
Legislative Council
Special Committee on Banking &
Economic Development

VICE-CHAIR
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Affairs Committee

TO: Senate Finance Committee
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RE: Senate Bill 176
DATE: March 29, 1989

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- 2) the department may issue only one permit per year;
- 3) the permit must be for harvest of one bull from the Delta herd; and
- 4) the act is exempted from the state procurement code which would otherwise require the department to follow the competitive bidding process to determine the organization that would conduct the raffle or auction.

One other notable difference is that the work draft provides for specific guidelines for the harvest of a particular big game animal from a designated area, thereby removing the need to expand the Board of Game's authority to allocate a permit or permits for the purposes of this act.

Updated and replaced by 3/29/89 memo.

STEVE FRANK
DISTRICT K
SEAT A

119 N. Cushman, Rm. 213
Fairbanks, Alaska 99701

While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3709
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Alaska State Legislature



Senate

MEMBER
Finance Committee
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Economic Development

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TO: Senate Finance Committee
FROM: Senator Steve Frank
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The work draft committee substitute before you contains four changes that differ from the Senate Resources Committee Substitute. The work draft requires that:

- 1) if the department contracts out for the auction or lottery, they must do so with Alaska Fish and Wildlife Safeguard;
- 2) the department may issue only one permit per year;
- 3) the permit must be for harvest of one bull bison from the Delta herd; and
- 4) the act is exempted from the state procurement code which would otherwise require the department to follow the competitive bidding process to determine the organization that would conduct the raffle or auction.

STEVE FRANK
DISTRICT K
SEAT A

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Alaska State Legislature



Senate

MEMBER
Finance Committee
Resources Committee
Legislative Council
Special Committee on Banking &
Economic Development

VICE-CHAIR
Community & Regional
Affairs Committee

TO: Senate Finance Committee
FROM: Senator Steve Frank
RE: CS for Senate Bill 176

The Resources Committee Substitute for Senate Bill 176 provides a mechanism for the Department of Fish and Game to contract with certain non profit agencies to conduct auctions or lotteries for the purpose of issuing a big game harvest permit. Nearly all of the proceeds above and beyond the cost of administering the auction or lottery is deposited directly into the Fish and Game Fund, thus providing an additional source of revenue for the department's conservation programs.

Under the bill, the Board of Game is given the authority to allocate the permit or permits, if any, for issuance each year. The Board also determined the species of big game for harvest if permits are issued.

The organization that conducts the auction or lottery keeps from the gross proceeds their administrative costs. They are also given the option of retaining up to 10% of the net proceeds. Any proceeds not retained by the organization shall be deposited into the Fish and Game Fund.

I see this as a very worthwhile proposal and, given our current budget situation, I think it is a timely and positive step toward finding new revenue sources for fish and game management and habitat enhancement. I urge your support of CSSB 176.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Wildlife Conservation	BILL NUMBER SB 176	SPONSOR Senator Frank
SHORT TITLE OF BILL An Act relating to the use of big game harvest permits as prizes			
DEPARTMENT POSITION Support with amendments			
PREPARED BY Donald E. McKnight	DATE 3/7/89	COMMISSIONER'S SIGNATURE <i>William W. Willey</i>	DATE 3/8/89

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Public Safety	CONSTITUENT GROUPS AFFECTED BY BILL Hunters and other users of wildlife, in particular, hunters who apply for big game drawing permits
ORGANIZATIONAL SUPPORT FOR BILL Alaska Fish and Wildlife Safeguard	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT
Several other states provide big game drawing permits to organizations for fund-raising purposes and other state game departments use the permits themselves for fund-raising purposes. This use of permits decreases the opportunity for members of the public to draw a permit (by reducing the number of permits available) but, when the proceeds are used to conserve publicly-owned wildlife resources, the concept has been found to be acceptable to the public. This bill, as written, provides only limited financial incentive to an (cont)

ANALYSIS OF BILL/PROGRAM EFFECTS
Passage of SB 176 would establish a new law under which the Commissioner of Fish and Game could, subject to appropriate regulations of the Board of Game, annually enter into agreements with nonprofit conservation organizations to issue a big game harvest permit to be sold by lottery, auction, or a similar procedure as a fund-raiser. The nonprofit conservation organization would then conduct the lottery or auction using the hunting permit as the prize, and the organization could recover its administrative costs plus up to 10 percent of the funds obtained. Remaining funds raised by the conservation organization would be returned to the Department of Fish and Game (Commissioner) for purposes specified by the organization.

AMENDMENTS PROPOSED
Line 24. Add "net" in front of "proceeds." This clarifies the proportion of proceeds which may be retained by the organization.
Line 26. Delete "for purposes specified by the qualified organization." The Commissioner must be able to retain flexibility in the budget process. Establishment of funding priorities by an outside organization is inappropriate and counterproductive.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

BILL ANALYSIS
SB 176
Page 2 of 2

BACKGROUND/LEGISLATIVE INTENT

organization to use permits for fund-raising purposes, but it does provide an excellent opportunity for an organization to receive favorable publicity.



ALASKA OUTDOOR COUNCIL, INC.

3780 McGINNIS DR. JUNEAU, AK 99801
(907) 789-3450

March 6, 1989

Senator Steve Frank
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Frank:

This is to advise you that the Alaska Outdoor Council is officially supporting SB 176 relating to the use of big game harvest permits as prizes.

Our Board of Directors met recently and established the AOC position. The Board also advised that they are most concerned that the permits go to primarily conservation organizations and public purposes like Wildlife Safeguard. We also fully support the concept of raffling or auctioning special permits in order to raise badly needed monies for the Fish and Game Fund.

The requirement that the permits be subject to regulations adopted by the Board of Game will provide the safeguards necessary to guarantee public purposes benefits.

We appreciate your interest in this worthwhile endeavor and pledge to give you our full support in gaining passage.

Sincerely,

Ron Somerville
Executive Director

Affiliated with National Rifle Association

- SPONSOR'S BACKGROUND INFORMATION -

ZENITH 3377



**ALASKA FISH & WILDLIFE
SAFEGUARD**

P.O. Box 6188, Annex, Anchorage, Alaska 99502

March 6, 1989

The Honorable Steve Frank
Senator
Box V
Juneau, Alaska 99811

Dear Senator Frank:

The Fairbanks board of Wildlife Safeguard supports Senate Bill 176 with amendments to lines 16, 25, and 26 as shown on the attached copy of page 1 of the bill.

Thank you for your support.

Sincerely,

Brian Jennison
Chairman, Fairbanks Board

Brian Jennison

Enclosure

TAKE AIM ON VIOLATIONS



ZENITH 3377



**ALASKA FISH & WILDLIFE
SAFEGUARD**

5700 East Tudor Road, Anchorage, Alaska 99507

March 7, 1989

The Honorable Steve Frank
Alaska State Senate
P.O. Box Y
Juneau, Alaska 99811

Dear Senator Frank,

The Southeast Board of Directors for Alaska's Fish and Wildlife Safeguard program wishes to express its support and appreciation for your sponsorship of SB 176. This bill, paving the way for a hunting permit raffle or auction, will help further the wildlife causes in Alaska.

We understand there are several amendments proposed to the bill, and offer our suggestions. Concerning the type of organization the permits may be made available to, we believe it should read "fish and game law enforcement organization" rather than the proposed "fish and game conservation or fish and game law enforcement organization." We believe this will more closely match the permit recipients with the intent of the legislation.

The other amendment concerns the portion of raised funds which are turned over to the Department of Fish and Game. We do not believe the recipient organization should necessarily direct where the funds are to be applied. We trust to the professional determination of the Commissioner and his staff to allocate those funds, and would prefer to see those decisions remain with the Department.

Thank you for your effort on behalf of Alaska's wildlife.

Sincerely,

A handwritten signature in dark ink, appearing to read 'James B. Leet'.

James B. Leet
Vice Chairman, Southeast Board of Directors
Fish & Wildlife Safeguard

TAKE AIM ON VIOLATIONS

1 IN THE SENATE

BY FRANK

2

SENATE BILL NO. 176

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the use of big game harvest
7 permits as prizes or premiums in fund-raising activi-
8 ties for fish and game conservation and law enforce-
9 ment purposes conducted by qualified nonprofit orga-
10 nizations."

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

12 * Section 1. AS 16.05 is amended by adding a new section to read:

13 Sec. 16.05.058. BIG GAME HARVEST PERMITS AS PRIZES AND PREMIUMS.

14 (a) The commissioner, subject to regulations adopted by the Board of
15 Game, may enter into annual agreements with qualified organizations
16 established to promote ~~fish and game conservation or~~ fish and game law
17 enforcement to issue a big game harvest permit without charge to an
18 individual determined by lottery, public auction, or other fund-
19 raising procedure conducted by the organization.

20 (b) A qualified organization that enters into an agreement with
21 the commissioner under (a) of this section may retain from the pro-
22 ceeds of the fund-raising activity an amount equal to the administra-
23 tive cost of the fund-raising activity plus an amount not to exceed 10
24 percent of the proceeds. The amount of proceeds not retained by the
25 qualified organization shall be given to the commissioner, under
26 ~~AS 16.05.050 for purposes specified by the qualified organization.~~
of the Department of Fish and Game.

27 (c) The exercise of a privilege conferred by a big game harvest
28 permit issued under this section is subject to regulations relating to
29 the time, place, and manner of taking the species for which the permit

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Big game harvest permits as prizes
Sponsor: Senator Frank
Requestor: Senate Resources

Agency Affected: Public Safety
BRU: Fish and Wildlife Protection
Component: _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Since this bill does not create any added impact on the resource or additional resource users in the field, we do not anticipate any additional expenditure of funds.

Prepared by: Lt. William Valentine
Division: Fish and Wildlife Protection

Phone: 789-2161
Date: 3/8/89

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 3/8/89

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: _____
 Title: An Act Relating to the Use of Big Game Harvest Permits as Prizes for Fundraising. BRU: Wildlife Conservation
 Sponsor: Senator Frank Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE	0	\$25.0	\$30.0	\$35.0	\$35.0	\$35.0

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) Passage of SB 176 would result in no additional expenditures by the department. There is a potential, however, for adding considerable funds to the Fish and Game Fund for subsequent expenditures by the Division of Wildlife Conservation.

Prepared by: Donald E. McKnight Phone: 465-4190
 Division: Wildlife Conservation Date: March 6, 1989
 Approved by Commissioner: [Signature] Date: 3/8/89
 Agency: Fish and Game

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

FISCAL NOTE

REQUEST:

Revision Date: 3/20/89 Agency Affected: Fish and Game
 Title: An Act Relating to the Use or Big Game Harvest Permits as Prizes for Fundraising BRU: Wildlife Conservation
 Sponsor: Senator Frank Components: _____
 Requestor: Senate Resources Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

REVENUE	0	25.0	30.0	35.0	35.0	35.0
---------	---	------	------	------	------	------

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)

Passage of CSSB 176 would result in no additional expenditures by the department. There is a potential, however, for adding considerable revenue to the Fish and Game Fund for subsequent appropriation to conservation programs.

Prepared by: Donald E. McKnight Phone: 465-4100
 Division: Wildlife Conservation Date: 3/21/89

Approved by Commissioner: *Don Williams* Date: 3-21-89
 Agency: Fish and Game

Distribution (by preparer):

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

S B

L 7 8

SENATE COMMITTEE REPORT

FURTHER

4/25/89

DATE TURNED INTO OFFICE

1/17/90

Mr. President:

Finance

Committee considered

SB 178

review and reporting requirements of agencies of the state relating to the state mineral policy

and recommended

- replace with _____ CS SB 178 (Fix)) same title
- or adopt _____ CS _____) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) zero fiscal impact appropriation no FN

new

updated

7 previous

same as previous fiscal note(s) published

- DEC 4/27/89
- DNR 4/25/89
- DEVED 4/21/89
- DFWG 4/24/89
- GOV. 4/24/89
- DOR 4/21/89
- UNID. 4/21/89

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures]

[Handwritten signature] (DO PASS)
 Co-CHAIR

[Handwritten signature] DO PASS
 Co-CHAIR

Chair: signature and recommendation

Committee Backup attached

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: DEC
 Title: An Act relating to state mineral
policy BRU: Environmental Quality
 Sponsor: Senator Coghill Components: _____
 Requestor: Senator Coghill

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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						

POSITIONS: None

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Amy D. Kyle Phone: 465-2600
 Division: Commissioner's Office Date: 4/27/89
 Approved by Commissioner: AD/KL Date: 4/27/89
 Agency: Department of Environmental Conservation

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

Changes in CSSB 178 (Fin) have no fiscal impact. This fiscal note is appropriate. 1/17/90 JJ
 Projections of no fiscal impact would continue through 1996.

(b)

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CS SB 178 (Res)
PUBLISH DATE: 4/25/89

FISCAL NOTE

REQUEST: _____

REVISION DATE: 4-25-89
TITLE: An Act relating to the state mineral policy
SPONSOR: Coghill
REQUESTOR: Senate Resources Committee

AGENCY: Natural Resources
BRU: Mining Management
COMPONENTS: Mining Management

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
OPERATING						
PERS. SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND/BUILD.						
GRANTS/CLAIMS						
MISCELLANEOUS						
TOTAL		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (THOUSANDS OF DOLLARS)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS:

PREPARED BY: Larry Ostrovsky, Commissioner's Office

LO 4/25/89

DATE: 4-25-89
PHONE NO.: 465-2400

Changes in CSSB 178 (Fin) have no fiscal impact. This fiscal note is appropriate. 1/17/90 *LL*

Projections of no fiscal impact would continue through 1996.

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSSB 178 (Res) (c)
PUBLISH DATE: 4/25/89

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Economic Dev.
Title: Reporting requirements for BRU: Business Development and
state mineral policy Alaska Railroad Corporation
Sponsor: Coghill, Frank Components: _____
Requester: Senate Resources

EXPENDITURES / REVENUES : (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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
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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	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

Passage of this legislation is not expected to result in increased costs for either the department itself or the Alaska Railroad Corporation, administratively located within DCED.

Prepared by: Guy Bell, Director Phone: 465-2505
Division: Administrative Services Date: 4-21-89

Approved by Commissioner: Larry Merculieff Phone: 465-2500
Agency: Department of Commerce & Economic Development Date: 4-21-89

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
39430/042189b

Changes in CSSB 178 (Fin)
have no fiscal impact.
This fiscal note is
appropriate. 1/17/90 -LL
Projections of no
fiscal impact would
continue through 1996.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Fish and Game
 Title: An Act relating to the mineral BRU: Habitat
policy of the state.
 Sponsor: Coghill and Frank Components: _____
 Requestor: Coghill

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
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						

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: Bruce H. Bobb Phone: 465-4105
 Division: Habitat Date: 4/24/89
 Approved by Commissioner: Coni Callenworth Date: 4.24.89
 Agency: Fish and Game

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

Changes in CSSB 178 (Fin)
 have no fiscal impact.
 This fiscal note is
 appropriate. 1/17/90
 Projections of no
 fiscal impact would
 continue through 1996.

FISCAL NOTE

(e) *B*

REQUEST:

Revision Date: _____
Title: "An Act relating to the review and reporting requirement of agencies...."
Sponsor: Cochill and Frank
Requestor: Senate Resources Committee

Agency Affected: Office of the Governor
BRU: Office of Management and Budget
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Michael A. Nizich, Director *Man* Phone: 465-3616
Division: Division of Administrative Services Date: 4/24/89

Approved by Commissioner: Garrev M. Peska Date: 4/24/89
Agency: Chief of Staff

Distribution (by preparer):

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

Changes in CSSB 178 (Fin) have no fiscal impact. This fiscal note is appropriate. 1/17/90
Projections of no fiscal impact would continue through 1996.

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CS SB 178 (RES) (f)
PUBLISH DATE: 4/25/89

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An act relating to the review and reporting requirements/mineral policy
Sponsor: Coghill and Frank
Requestor: Resources Committee

Agency Affected: Revenue
BRU: Income & Excise Audit
Components: Operating

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
OPERATING						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LANDS & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
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	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Steven E. Kettel Phone: (907) 465-2320
Division: Income and Excise Audit Date: April 21, 1989

Approved by Commissioner: Hugh Malone Date: April 21, 1989
Agency: Department of Revenue

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

Changes in CSSB 178 (Fin) have no fiscal impact. This fiscal note is appropriate. 1/17/90-ML
Projections of no fiscal impact would continue through 1996. page 1 of 2

Prepared by:
Steven E. Kettel
Department of Revenue
Income and Excise Audit Division
April 21, 1989

CS SB 178
Bill Analysis

This proposal will require the Department of Revenue to review its statutes and regulations concerning mining license tax (AS 43.65), and annually file a report with the Commissioner of Natural Resources recommending resolution of any deficiencies which might hinder mineral exploration and development in the state as provided for in the state's Mineral Policy (AS 44.99.110).

No fiscal costs are estimated in the preparation of this report.

(g)

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSSB178Res
PUBLISH DATE: 4/25/89

FISCAL NOTE

REQUEST: Senate Resources

REVISION DATE: 4/21/89
TITLE: State Mineral Policy

AGENCY: University of Alaska
BRU: _____

SPONSOR: Coghill/Frank
REQUESTOR: Senate Resources

COMPONENTS: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERS. SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND/BUILD.						
GRANTS/CLAIMS						
MISCELLANEOUS						
TOTAL		0				
CAPITAL		0				
REVENUE		0				

FUNDING: (THOUSANDS OF DOLLARS)


GENERAL FUNDS		0				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0				
PART-TIME						
TEMPORARY						

ANALYSIS:

The review and recommendations can be accomplished within existing budget levels.

PREPARED BY: Brian Rogers Vice President for Finance 

DATE: 4/21/89
PHONE NO.: 474-7448

Changes in CSSB 178 (Fin) have no fiscal impact. This fiscal note is appropriate. 1/17/90 RL

Projections of no fiscal impact would continue through 1996.

Original sponsor(s): SEN. COGHILL, Frank

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 178 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the review and reporting require-
7 ments of agencies of the state relating to the state
8 mineral policy; and providing for an effective date."

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

10 * Section 1. AS 44.99.110 is amended by adding new subsections to read:

11 (b) Each agency listed in (e) of this section shall review its
12 statutory authority, its administrative regulations, and its proce-
13 dures applicable to mineral exploration and development to determine
14 whether there are deficiencies or inconsistencies that must be
15 addressed in order to comply with the policy established in (a) of
16 this section.

17 (c) Each agency listed in (e) of this section shall forward its
18 comments and recommendations on the resolution of the deficiencies and
19 inconsistencies in its statutory authority, its administrative regula-
20 tions, and its procedures applicable to mineral exploration and devel-
21 opment to the commissioner of natural resources on October 1 of each
22 year. Each agency listed in (e) of this section shall also report on
23 the progress that it has made on the resolution of the deficiencies
24 and inconsistencies that were identified in earlier reports. The
25 commissioner shall assemble the comments, recommendations, and reports
26 and forward them, unedited, to the governor and the legislature within
27 the first 10 days of each regular session of the legislature.

28 (d) Each agency listed in (e) of this section shall work with
29 mining interests, coastal resource service areas, the public, and

1 other resource users to propose solutions to inconsistencies and
2 deficiencies identified.

3 (e) The requirements of (b) - (d) of this section apply to

4 (1) the Department of Commerce and Economic Development;

5 (2) the Department of Environmental Conservation;

6 (3) the Department of Fish and Game;

7 (4) the Department of Natural Resources;

8 (5) the Department of Revenue;

9 (6) the office of management and budget;

10 (7) the Alaska Railroad Corporation;

11 (8) the University of Alaska; and

12 (9) any other agency of the state designated by the Alaska

13 Minerals Commission.

14 * Sec. 2. AS 44.99.110(b), 44.99.110(c), 44.99.110(d), and 44.99.110(e)
15 are repealed July 1, 1994.

16 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

Senator John B. (Jack) Coghill

Alaska State Legislature

Box V
Juneau, Alaska 99811
(907) 465-4797

Box 55028
North Pole, Alaska 99705
(907) 488-0862



MEMORANDUM

DATE: January 15, 1990

TO: Senator John Binkley
Senate Finance Committee, Co-Chair

Senator Rick Uehling
Senate Finance Committee, Co-Chair

FROM: Senator Jack Coghill

SUBJECT: CSSB 178 (RES); An Act relating to the review and reporting requirements of agencies of the state relating to the state mineral policy.

Thank you for scheduling this legislation for hearing today.

This legislation extends the reporting requirements of the mineral policy act for the term of the Alaska Mineral Commission.

The Chairman of this Commission, Dr. Earl Beistline, had requested this legislation in 1989, with the concurrence of the full commission.

The Commission sunsets in 1994, and as you will see from attached packet of information, this bill received zero fiscal notes from all the affected agencies.



Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

To: Senator Rick Uehling
Senate Finance Committee, Co-Chairman

Senator John Binkley
Senate Finance Committee, Co-Chairman

From: Senator Jack Coghill

Re: Request Waiver of SB 178 from Finance Committee.

Date: April 27, 1989

SB 178, an Act relating to the review and reporting requirements of agencies of the state relating to the state mineral policy, is now in your committee.

Attached to this memo you will find zero fiscal notes from the eight affected agencies.

Since this bill has no fiscal impact, please waive your committee referral so we can advance this bill over to the House.

Thank you for your cooperation in this matter.



Alaska State Legislature

SENATE

Official Business

MAY 1 1989

P.O. Box V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

To: Senator Rick Uehling
Senate Finance Committee, Co-Chairman

Senator John Binkley
Senate Finance Committee, Co-Chairman

From: Senator Jack Coghill

Re: CSSB 178 (RES); An Act relating to the review and reporting requirements of agencies of the state relating to the state mineral policy.

Date: May 1, 1989

Intent: The purpose of this legislation is to extend the review and reporting requirements of the Minerals Policy Act, over the life of the Alaska Minerals Commission. Both will sunset in 1994.

Background: The Minerals Policy Act, which was signed into law in June of 1988, carried with it a Special Act section requiring state agencies to review their legal authorities and determine if they contained any inconsistencies with the Policy Act. All state agencies, under the Special Act provision, were to then report the findings of their review to the Legislature. This has been done for 1988.

The Alaska Minerals Commission has recommended that the review and reporting requirement be extended and that the University of Alaska be added.

Attachments:

1. List of State Statutes and Regulations affecting Mining. (page 3 and 4 of this memorandum)
2. Zero Fiscal Notes from, DNR, DEC, Revenue, DF&G, DCED, OMB, and U of A.
3. Alaska Minerals Commission Recommendations, 1989.
5. Select reports of the state agencies having mine related regulatory authorities; from Minerals Policy Act Compliance Form as required by AS 44.99.110., 1989.

SPONSOR'S BACKGROUND INFORMATION

May 1, 1989

Recommendations:

1. Schedule CS for SB 178 as soon as possible and pass it out of committee with "do pass" recommendations.

OR,

2. Waive the bill from committee so we can pass it over to the House before adjournment.

LIST OF STATE STATUTES AND REGULATIONS
Effecting State Mining Activities

[This list compiled from the 1989 Minerals Policy Act reports]

I. Department of Commerce and Economic Development

- AS 44.33.020. (Duties of the Department)
- AS 44.33.431. (Alaska Minerals Commission)

II. Department of Environmental Conservation

- AS 46.03 (Environmental Conservation)
- AS 46.04 (Oil Pollution Control)
- AS 46.08 (Oil and Hazardous Substance Releases)
- AS 46.09 (Hazardous Substance Release Control)
- AS 46.35 (Environmental Procedures Coordination)

- 18 AAC 15 (Administrative Procedures)
- 18 AAC 30 (Environmental Sanitation)
- 18 AAC 31 (Food Service)
- 18 AAC 50 (Air Quality Control)
- 18 AAC 60 (Solid Waste Management)
- 18 AAC 62 (Hazardous Waste)
- 18 AAC 70 (Water Quality Standards)
- 18 AAC 71 (Placer Mining Demonstration Grants)
- 18 AAC 72 (Wastewater Disposal)
- 18 AAC 75 (Oil and Hazardous Substance Pollution Control)
- 18 AAC 80 (Drinking Water)
- 18 AAC 90 (Pesticide Control)
- 18 AAC 95 (Administrative Enforcement)

Written Procedures Applicable to Mining: PLACER MINING
(not including statutes & regulations) ENFORCEMENT
POLICY

III. Department of Fish and Game

- AS 16.05.020 (Functions of the Commissioner)
- AS 16.05.050 (Powers and Duties of the Commissioner)
- AS 16.05.840
through .860 (Fishways Required)
- AS 16.05.870
through .900 (Protection of Fish and Game)
- AS 16.20.050
through .060 (Development Authorizations)
- AS 16.20.520
through .530 (Development Authorizations)

IV. Department of Natural Resources

AS 27.21 (Surface Coal Mining Program)
AS 38.04.060
through .070 (Land Planning and Classification)
AS 38.05 (Alaska Lands Act)
AS 40.05 (Records)
AS 41.08.010
through .040 (Geological Survey)
AS 41.35 (Historic Preservation Act)
AS 46.15 (Water Use)
As 46.17 (Dam safety)

Chapter 48, SLA 1987 (Mental Health Lands)

Alaska National Interest Lands Conservation Act
Public Law 96-487, Section 906(k).

(State Concurrence of federal administrative
actions on lands selected by the State as part
of statehood entitlement)

11 AAC 55 (Land Planning and Classification)
11 AAC 58 (Leasing of Lands)
11 AAC 82 (Mineral Leasing Procedures)
11 AAC 84 (Other Leasable Minerals)
11 AAC 85 (Coal)
11 AAC 86 (Mining Rights)
11 AAC 90 (Surface Coal Mining)
11 AAC 93 (Water Management)

Written Procedures Applicable to Mining: CHAPTER TWO from
(not including statutes & regulations) Land Use Plans

V. Department of Transportation and Public Facilities

AS 19 (Highways and Ferries)

17 AAC 10 (Engineering: Encroachments, Driveways, and
Road Approaches)
17 AAC 15 (Utility and Railroad Permits)
17 AAC 25 (Operations, Wheeled Vehicles)
17 AAC 35 (Toll Highways)

VI. Office of the Ombudsman

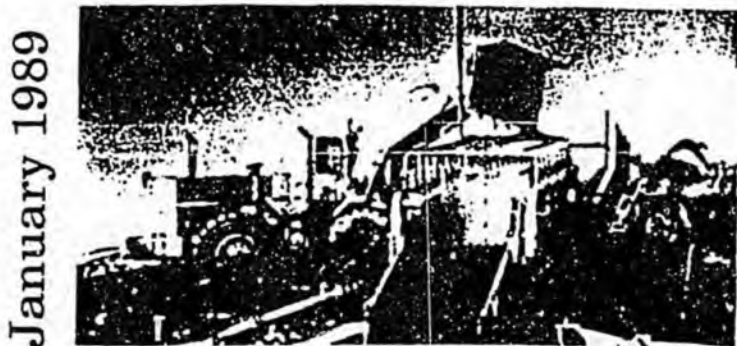
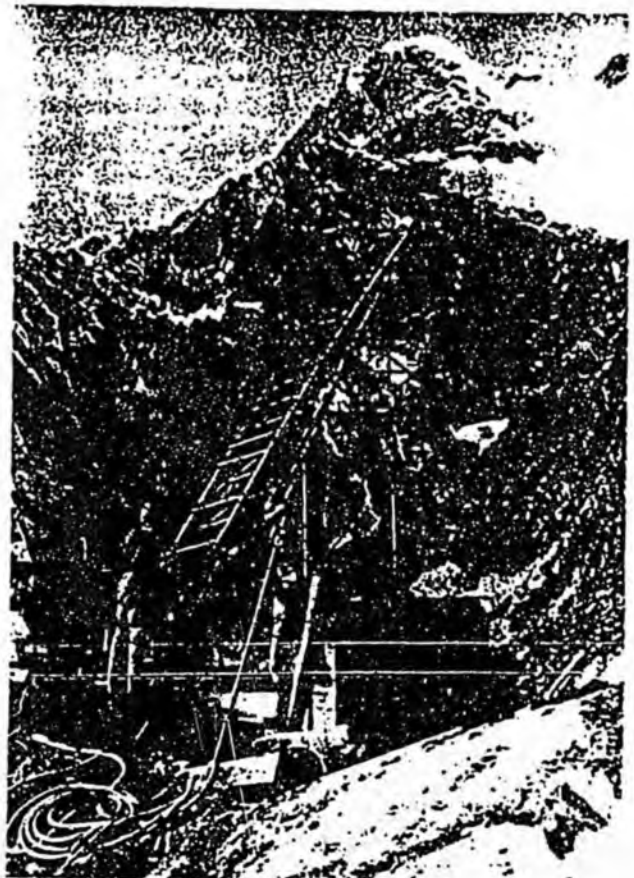
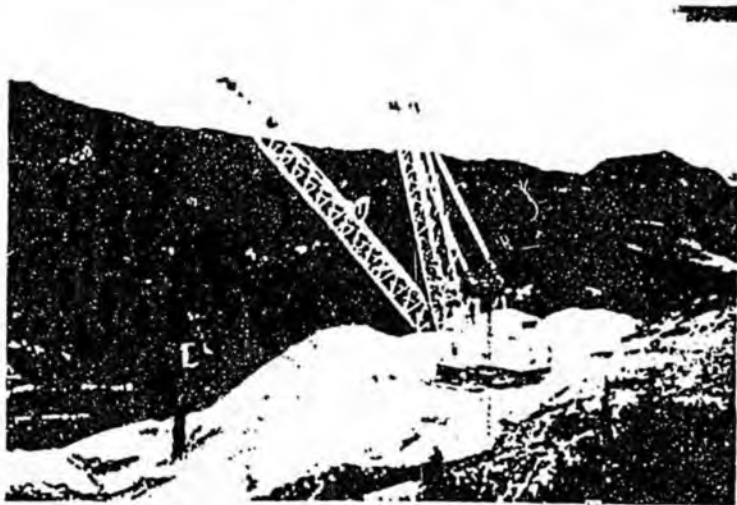
AS 24.55 Authority to review state administrative
actions, both legality and fairness.

VII. Alaska Public Utilities Commission

AS 42.06 (indirect) APUC regulates intrastate pipelines.
This indirectly affects mineral
exploration and development.

THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE

Report of the
Alaska Minerals Commission



January 1989

RECOMMENDATIONS OF THE ALASKA MINERALS COMMISSION

I. LEGISLATIVE PRIORITIES

Implementation of the 6(i) Court Decision

- The highest priority of the Alaska Minerals Commission is the fair and equitable implementation of the Alaska Supreme Court's interpretation of section 6(i) of the Alaska Statehood Act. (For a summary of the 6(i) issues and lawsuit, see Appendix C.)

The Commission supports the positions of both the Alaska Miners Association¹ and Governor Steve Cowper² on the following three critical aspects of any legislation to be enacted.

1. The traditional discovery, location and recordation system recognizes the unique nature of mineral resource development as well as the needs of individuals and companies carrying out mineral exploration and development. The right of self-initiation is guaranteed by the Alaska Constitution and no fundamental changes should be made in the way preferential minerals rights are initiated on state land.
2. Because of the long lead time commonly required between the discovery of a deposit and its initial production, there should be no arbitrary time limits placed upon the tenure of a mining claimant on state lands. This is especially important in Alaska where the need to construct basic infrastructure and to await financial and market "windows" will often result in longer development lead times than in more developed states and countries.
3. The setting of rental and/or royalty fees for mining claims on subject state lands should neither penalize claimants nor create disincentives for individuals or companies doing mineral exploration. In Alaska, exploration, development, capital and operating costs are commonly higher than in more developed states and countries. Alaska's cumulative mineral tax schedule, including existing corporate income taxes, mining license taxes and new rental and/or royalty fees should not unduly burden the small miner nor increase total development costs to the point where diminished economic feasibility precludes mine development or mineral exploration on subject state lands.

A fourth aspect of the implementation of the 6(i) court decision is the definition of lands to which the new legislative provisions will apply. The Commission agrees with Governor Cowper that it is in the interests of both the state and the mining industry that this aspect be resolved in a manner that minimizes the risk of lengthy and expensive litigation. As the Alaska Supreme Court ruled that the 6(i) provisions are applicable only to those state lands "known to be mineral in character at the time of state selection," the Commission also recommends that a clear definition of such lands be developed, and that workable and expeditious procedures be developed to allow timely classification of lands and claims subject to 6(i).

Finally, the Commission strongly recommends that proposed legislation implementing the 6(i) court decision be limited to only those issues specifically required by the court.

¹ Communication from Richard A. Hughes, President, Alaska Miners Association to Governor Steve Cowper, September 9, 1988.

² Communication from Governor Steve Cowper to Richard A. Hughes, President, Alaska Miners Association, October 19, 1988.

Allowance for Flexible Work Weeks

- The passage of legislation allowing work schedules to be set on the basis of project specific considerations will allow for more efficient use of labor and provide more desirable time-off patterns for employees. This will be particularly significant for mines in remote locations with employees who reside in communities distant from the work site.

Extension of Underground Work Hours

- Legislation is required to amend current statutes limiting shifts at the work face of underground mines from the current maximum of eight hours to a maximum of ten hours. The antiquated statute presently in effect does not recognize the implementation of modern safety programs and penalizes mine efficiency and employee time-off schedules on remote mining projects.

Multiple Use of State Lands

- The Commission would like to reemphasize four recommendations made in the Commission's 1987 report regarding the management of state lands.

1. Alaska Statute 38.05.300 should be amended as follows:

Classification of lands. (a) The commissioner shall, where considered necessary and proper, classify land for surface use. This section does not prevent reclassification of land, where the public interest warrants reclassification, nor does it preclude multiple use of land whenever different uses are compatible. State land, water, or land and water area may not, except by act of the state legislature, be closed to multiple use or to mineral entry if the area involved contains more than 640 acres.

2. The Legislature should redefine, to conform with constitutional intent, the various definitions of "multiple use" in the Alaska Statutes to require the management of state lands for the use of all resources rather than allocating or selectively denying resource use.
3. The Legislature should only make closures of land to mineral entry where documented and demonstrated incompatible use is proven and only when preceded by a mineral assessment.
4. The Legislature and Governor should periodically review lands closed to mineral entry to assess the need for continued closure and, if there is no longer a compelling need for closure, return the land to multiple-use designation.

Amending the Reporting Requirements of the Minerals Policy Act.

- Sec. 44.99.110(2) should be amended to require each department, board, commission, or agency, including the University of Alaska, to fulfill its reporting requirements as set out in this section on an annual basis through 1994 rather than once only in 1989.

Industrial Minerals Inventory

- The Legislature should reintroduce and enact legislation similar to SB 71 (or companion legislation HB 69), Senate Concurrent Resolution 4 and House Concurrent Resolution 5 as introduced during the Second Session of the 15th Legislature. These bills and resolutions address the need for systematic identification, inventory and reserve of sand and gravel resources to meet the present and future needs of transportation systems, populated areas and large-scale developments within the state and Pacific Rim.

Minerals Policy Act Compliance Form
as required by AS 44.99.110

Department/Board/Commission Name: Department of Commerce and Economic Dev.
Mailing Address: P.O. Box D
Juneau, AK 99811
Agency Contact: Tom Lawson, Acting Director, Business Dev.
Telephone: 465-2017

Please complete the following information requests:

1. Does your agency have statutory authority, regulations or procedures applicable to mineral exploration and development?
XXX Yes _____ No If no, then additional information is not required. Return form to DNR in the pre-addressed envelope provided.

2. Please list those statutes and regulations which are applicable to mineral exploration and development:
AS 44.33.020 _____
AS 44.33.431 _____

3. Does your agency have written procedures (not including statutes and regulations) applicable to mineral exploration and development?
_____ Yes XXX _____ No

4. Do your agencies' statutes, regulations and procedures comply with Section 1 of the Minerals Policy Act?
XXX Yes _____ No If no, please list those statutes, regulations or procedures that do not comply:

Please return this completed form to the Department of Natural Resources in the pre-addressed envelope provided. Thank you.

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Report to the Legislature and Governor on the Statutory
Authority, Administrative Regulations and Procedures of the
Department of Commerce and Economic Development
Applicable to the Alaska Mineral Policy Act (AS.44.99.110)

The following narrative describes the statutory duties of the Department of Commerce and Economic Development that are directly, or indirectly, applicable to mineral exploration and development.

AS 44.33.020

Under statutory functions of the Department of Commerce and Economic Development concerning the regulation of commerce, several duties indirectly apply to mineral exploration and development and would include such duties as registering and regulating corporations, including mining corporations, and certifying and registering professionals, including geologists and mining engineers.

Under statutory duties concerning economic development, the following subsections of AS 44.33.020. provide the authority and direction for the performance of several of the mineral development functions and activities that are presently being performed by the Division of Business Development.

The Department of Commerce and Economic Development shall

(12) conduct studies, enter into contracts and agreements, and make surveys relating to the economic development of the state and, when appropriate, assemble, analyze, and disseminate the findings;

(13) provide factual information and technical assistance for potential industrial and commercial investors; and activate a program for promoting balanced economic growth in the state;

(15) establish and activate programs to achieve balanced economic development in the state and advise the governor on economic development policy matters;

(16) formulate a continuing program for basic economic development and for the necessary promotion, planning and research that will advance the economic

development of the state;

(17) cooperate with private, governmental and other public institutions and agencies to advise the Governor on economic development policy matters;

The Division has instituted the following policies and programs to carry out these duties.

A) Respond in timely fashion to all reasonable requests from the public and private sectors for economic information on Alaska's mng zx and international mnl markets.

B) In cooperation with the Department of Natural Resources, annually compile, write, publish and distribute the Alaska's Mineral Industry report summarizing salient economic statistics and describing the activities of Alaska's mineral industry and publish a summary of the report to be available to the legislature, administration and the public in the first 30 days of each legislative session.

C) Enhance Alaska's visibility with major domestic and international mining companies and mineral resource investors to attract their participation in Alaska mineral exploration and development projects by:

1) providing support for state officials participating in industry forums or trade delegations;

2) participate in trade shows at selected mining conventions;

3) author articles for business and professional mining journals;

4) make special distributions of the annual "Alaska's Mineral Industry" reports to domestic and foreign mining companies and to selected newspapers and trade publications;

5) provide information and assistance to potential industrial and commercial investors by responding to all reasonable private sector requests for technical or business information or for assistance in identifying and contacting potential business partners.

D) Participate with other state agencies in the development of state policy positions, of administrative actions, and of legislative recommendations for issues that will have significant economic impacts.

E) Provide expertise to other government agencies and to the legislature on mining issues of economic importance to the state by responding to all reasonable requests.

AS 44.33.431

The Alaska Minerals Commission was established in the Department of Commerce and Economic Development by sec. 1, ch. 98, SLA 1986 as a temporary law but was codified in 1988 as Sec. 44.33.431 after the repeal of the act was postponed from 1989 to 1994. The commission is directed to make recommendations to the governor and the legislature annually in a report to be presented during the first ten days of the legislative session. The Department of Commerce and Economic Development provides budgeting, clerical and administrative services for the Alaska Minerals Commission.

Summary

The Department of Commerce and Economic Development believes that the statutes which set out the duties of the department and the regulations and procedures that guide the department's performance of these duties are neither deficient nor inconsistent with Section 1. of AS44.99.110.

Minerals Policy Act Compliance Form
as required by AS 44.99.110

Department/Board/Commission Name: Department of Environmental Conservation
Mailing Address: P.O. Box 0
Juneau, Alaska 99811-1800
Agency Contact: Larry Dietrick
Telephone: 465-2640

Please complete the following information requests:

1. Does your agency have statutory authority, regulations or procedures applicable to mineral exploration and development?

Yes No If no, then additional information
is not required. Return form to DNR
in the pre-addressed envelope provided.

2. Please list those statutes and regulations which are applicable to mineral exploration and development: *continued on back.

AS 46.03 (Env. Cons.) AS 46.09 (Hz Subst Rel.Cont) 18 AAC 30 (Env. San.)

AS 46.04 (Oil Poll. Cont) AS 46.35 (Env. Proc. Coord) 18 AAC 31 (Food Service)

AS 46.08 (Oil & Hz Subst) 18 AAC 15 (Adm. Proc.) 18 AAC 50 (Air Qual. Cont)

3. Does your agency have written procedures (not including statutes and regulations) applicable to mineral exploration and development?

Yes No Placer Mining Enforcement Policy

4. Do your agencies statutes, regulations and procedures comply with Section 1 of the Minerals Policy Act?

Yes No If no, please list those statutes,
regulations or procedures that do
not comply:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Please return this completed form to the Department of Natural Resources in the pre-addressed envelope provided. Thank you.

MEMORANDUM

State of Alaska

DEPARTMENT OF FISH AND GAME

TO: Judith M. Brady
Commissioner
Department of Natural
Resources

DATE: October 25, 1988

FILE NO.:

TELEPHONE NO.: 465-4100

SUBJECT: Minerals Policy Act
Compliance Form

FROM: Don W. Collinsworth *DWC*
Commissicner
Department of Fish and Game

Enclosed is a completed Minerals Policy Act Compliance Form for the Alaska Department of Fish and Game (ADF&G). The ADF&G authorities that apply to mineral exploration and development are found in Chapters 5 and 20 of Title 16, Fish and Game. As you probably know, Chapter 5 consists of sections that authorize the department to deny, condition, or approve fish habitat permits for projects that will be conducted in or adjacent to fish-bearing waters and that may have an adverse effect on fisheries resources or public use of them. Chapter 20 gives the authority to create and manage legislatively designated state game refuges, sanctuaries, and critical habitat areas for multiple uses including activities associated with mineral exploration or development if the uses or activities are compatible with the purpose for which the special area was created.

We believe that our statutes and procedures comply in full with Section 1 of the Minerals Policy Act, especially subsections (1), (2), and (4). Thank you for requesting our comments. If you have any questions, please do not hesitate to call me at 465-4100 or Habitat Division Director Frank Rue at 465-4105.

Enclosure

cc w/form: Frank Rue

DEPARTMENT OF
NATURAL RESOURCES

OCT 25 1988

COMMISSIONER'S OFFICE
JUNEAU

Minerals Policy Act Compliance Form
as required by AS 44.99.110

Department/Board/Commission Name: Department of Natural Resources
Mailing Address: 400 Willoughby Avenue
Juneau, Alaska 99801
Agency Contact: Gerald Gallagher
Telephone: 762-2165

Please complete the following information requests:

1. Does your agency have statutory authority, regulations or procedures applicable to mineral exploration and development?
 Yes No If no, then additional information is not required. Return form to DNR in the pre-addressed envelope provided.

2. Please list those statutes and regulations which are applicable to mineral exploration and development:
See attached sheet

3. Does your agency have written procedures (not including statutes and regulations) applicable to mineral exploration and development?
 Yes No

4. Do your agencies statutes, regulations and procedures comply with Section 1 of the Minerals Policy Act?
 Yes No If no, please list those statutes, regulations or procedures that do not comply:

Please return this completed form to the Department of Natural Resources in the pre-addressed envelope provided. Thank you.

Alaska Department of Natural Resources
Mineral Policy Act Compliance

Applicable Statutes:

AS 27.21 (Surface Coal Mining Program)
AS 38.04.060 - .070 (Planning and Classification)
AS 38.05 (Alaska Lands Act)
AS 40.05 (Records)
AS 41.08.010 - .040 (Geological Survey)
AS 41.35 (Historic Preservation Act)
AS 46.15 (Water Use)
AS 46.17 (Dam Safety)
Chapter 48, SLA 1987 (Mental Health Lands)
ANILCA 906 (k) (Concurrence on Federal Authorization)

Applicable Regulations:

11 AAC 55 (Land Use Planning)
11 AAC 58 (Rights of Way)
11 AAC 82 (Mineral Leasing)
11 AAC 84 (Other Minerals)
11 AAC 85 (Coal)
11 AAC 86 (Mining Rights)
11 AAC 90 (Surface Coal Mining Program)
11 AAC 93 (Water Management)

Applicable Procedures:

"Chapter Two" from land use plans (copy attached).

SUBSURFACE RESOURCES

Goals

Mineral and Energy Supplies. Make metallic and nonmetallic minerals, coal, oil, and gas, and geothermal resources available to contribute to the energy and mineral supplies and independence of the United States and Alaska.

Economic Development. Contribute to Alaska's economy by making subsurface resources available for development, which will provide stable job opportunities and stimulate growth of secondary and other primary industries.

State Revenues. Establish a stable source of state revenues.

Environmental Quality and Cultural Values. When developing subsurface resources, protect the integrity of the environment and affected cultural resources to the extent feasible and prudent.

State Support for Mining. Aid in the development of infrastructure (such as ports, roads, or railroads) and continue to provide geologic mapping and technical support to the mining industry.

Mineral and Coal Development Guidelines

A. Mineral and Coal Exploration. State land in the Copper River Basin may be leased or opened for coal prospecting permits if the department determines it is in the best interest of the state as required by AS 38.05.035. Before a permit is issued, DNR will determine if the surface values are significant enough to warrant restricting surface entry. Decisions on surface entry for coal adjacent to streams will be made in consultation with the affected agencies.

B. Open to Mineral Entry. All state lands that are open to mineral entry are multiple use areas where mineral development will be accommodated and encouraged. Recognized exploration methods for locatable minerals will be allowed on all state lands unless specifically closed to mining and will be subject to the conditions of a land use permit. DNR may determine that some traditional forms of access will not be allowed in specific areas to avoid resource damage.

Where an area is open to mineral entry, a miner has the right to stake a claim regardless of the surface use designation or classification. Any adverse effects of mining on surface resources or uses will be managed through compliance with state laws and regulations and the management intent and guidelines of this plan.

C. Reclamation of Mined Land. Land use permits and plans of operation for mineral development will specify measures needed to return the land to a useful state. Determination of the specific measures to be taken and whether or not a performance bond will be required will be done in consultation with the affected agencies. Specific measures may include storage and reuse of topsoil; disposal of overburden; regrading of tailings and revegetation; reestablishment of natural (not necessarily original) contours; reestablishment of a natural drainage system; long-term erosion control measures; and removal of equipment, improvements, and other man-made items.

D. Access for Mineral and Coal Development. Existing roads and trails should be used to provide access to mine sites wherever feasible. Regulations for miscellaneous land use permits require that access will be managed so that damage is minimal. (See p. 2-38.)

E. Unauthorized Use of State Lands. DNR will place a high priority on taking appropriate action against construction of illegal structures, blocking public access, or other unauthorized use of public lands for private purposes. This will include taking appropriate action against mining claimants who use their claims for facilities that are unnecessary for prospecting, extraction or basic processing activities. In carrying out this policy, emphasis will be placed on unauthorized uses that obstruct significant settlement, public recreation, other public uses, or public access.

F. Control of Visual Impacts. Guidelines will be developed as necessary through the land use permit or leasing process to minimize the adverse visual impacts of mining especially in settled areas, recreation areas, and in areas viewed from roads. In such areas, guidelines should consider, at a minimum, the following items: control of solid wastes; removal of vegetation; siting of mining structures, tailings and overburden; roads; and rehabilitation of mining sites.

G. Approval of Plans of Operation. Using procedures established under existing leasing laws and regulations, DNR reviews plans of operation required for locatable mineral leases and will consult with and carefully consider recommendations of the Department of Fish and Game (ADF&G) and the Department of Environmental Conservation (DEC). DNR will approve plans of operation if they adequately address the guidelines of the area plan and applicable laws and regulations. Violation of the plan of operations is cause for revocation of the approved plan of operation or termination of the lease.

Guidelines for Land Sales in Areas with Mineral or Coal Potential

A. Land Sales in Areas with High Mineral Potential. Generally, settlement areas designated by this plan have avoided areas of high mineral potential and areas with mining locations in good standing.

B. Land Sales in Areas with High or Moderate Coal Potential. Generally, land sales will not occur in areas of existing coal leases or areas of high coal potential as defined in 11 AAC 85.010. Land sales should be avoided in areas of moderate coal potential as defined in 11 AAC 85.010 except where land sales are determined to be the highest and best use of the land.

Guidelines for the Application of Locatable Mineral Closures

Locatable mineral closures are the most extreme management tool that can be used by DNR to resolve subsurface and other resource conflicts. AS 38.05.185(a) requires that before an area of state land can be closed to mining or mineral location, the commissioner must make a written finding that mining would be incompatible with significant surface uses. Using the criteria established in AS 38.05.185(a), DNR generally finds mining to be incompatible with the surface uses listed below and closes the area to mining or mineral location at the specified times in the decision making process. However, each situation will be evaluated separately and a determination made that the requirements of AS 38.05.185(a) have been met.

A. Areas Scheduled for Disposal. Land scheduled for commercial, industrial, agricultural, or subdivision sale will be closed to mining and mineral location at the end of the first year of the Land Availability Determination System (LADS) process (that is, approximately 2 years before the anticipated land sale).

B. Homesteading Areas. Lands available for homesteading (including agriculture homesteading) will be closed to mining and mineral location at the end of the first year of the LADS process (that is, approximately 2 years before the anticipated land sale). These areas will remain closed until the allowed number of homestead entries has occurred. At that time, those portions of the project area with few or no homesteads will be reopened for mineral entry and location unless it is determined that the settlement pattern that has resulted creates significant, irreconcilable land use conflicts.

C. Land Proposed for Exchange. Lands proposed for exchange or trade will be closed to mineral entry and location at the time a preliminary agreement to exchange the land is reached.

D. Land to be Transferred to Another Public Agency. Lands reserved for transfer to another public agency for development of a public facility or reserved as a future townsite will be closed to mineral entry and location at the time the area is classified "reserved use" or an Interagency Land Management Agreement is signed.

Guidelines for the Application of the Locatable Mineral Leasing Program

Requiring that locatable mineral developments occur under a lease is a more flexible management tool than mineral closure. Therefore, mineral leasing is preferred over mineral closure as a management option to resolve conflicts between other significant resources and mining and mineral location. AS 38.05.185(a) requires that the commissioner determine that potential use conflicts on state land require that mining be allowed only under written leases issued under AS 38.05.205 or the commissioner has determined that the land was mineral in character at the time of state selection. Under 11 AAC 86.135(b), if a surface disposal area is not closed entirely to mineral entry, it will be made available only by leasehold location.

After consultation with ADF&G and DEC, and concurrent with the designation of an area being open to locatable mineral entry under lease, DNR will identify potential conflicts between other resources and mining and other resources that need protection. DNR will also state the general nature of stipulations to be used in leases to protect those other resources.

Resource Values that May be in Conflict with Coal or Mineral Development

The decision to apply mineral closures or locatable mineral leasing will be made by the commissioner within the parameters set by the Alaska Statutes. AS 38.05.185(a) requires that the commissioner determine that mining is incompatible with a significant surface use before an area can be closed to mining. The same section of the statutes requires that the commissioner determine that a potential use conflict exists before requiring that development of locatable minerals be conducted only under a lease.

In some circumstances, the commissioner may find that some resource values require locatable mineral leasing, closure, or a prohibition of coal leasing and prospecting to protect their continued productivity and availability. In other circumstances, care during mineral development is all that may be necessary to protect these resources. It is impossible to predict the degree of conflict that could occur between mining and any other resource value in all circumstances. Therefore, the following categories of resource values will be evaluated to determine if locatable

mineral leasing, prohibition of coal leasing or prospecting, or another management option is needed to protect the continued productivity and availability of the resource in conflict.

A. Retained Lands with Significant Commercial, Industrial, or Public Use Values

- Lands with significant coal, oil and gas, timber or other commercial potential.
- Lands recognized as future transportation corridors where access for pipelines, road, railroads, or other surface transportation infrastructure could be blocked or impeded by mining claims. (After the alignment is established, areas will be reopened if they are surplus land.)
- Lands and waters that provide unique or unusual opportunities for human use and enjoyment, such as fishing, hunting, trapping, photography, and fish and wildlife viewing.
- Lands and waters that provide significant recreation opportunities, such as clear water rivers that are now or are expected to be important for recreation, key public access sites, and recreation facilities.
- Lands and waters that are the watershed of a community water supply.
- Sand and gravel pits, stone quarries, or other significant known material sites where development might be impeded if mineral claims were staked.

B. Retained Lands With Significant Fish or Wildlife Resources

- Lands and waters that support protected species of plants, fish or wildlife (bald and golden eagles), threatened species (Arctic peregrine falcon), or endangered species (American peregrine falcon).
- Lands and waters that support production or maintenance of fish or wildlife species that have significant economic, recreational, scientific, educational, or cultural values or which have been given special protection through state or federal legislation or international treaty.
- State game refuges, critical habitat areas, and sanctuaries. (In decision memorandum 44 signed by the commissioner in January 1984, DNR set the statewide policy that in legislatively established Critical Habitat Areas and Wildlife Refuges mining will occur under lease. Also, individual legislatively designated areas may be recommended for mineral closure, but such a closure would be decided case by case using the criteria found in AS 38.05.185(a).)
- Other lands and waters not included above that are known to support unique or unusually large assemblages of fish or wildlife.

Oil and Gas Guidelines

Generally, oil and gas exploration, development, and production will be encouraged on state lands. Impacts on other important uses and resources will be managed through appropriate mitigation measures such as those contained in this plan and those developed during the permitting and leasing processes.

Oil and gas guidelines are not addressed here. Oil and gas guidelines specific to a particular management unit are found in Chapter 3. DNR's statewide policies for oil

and gas are found in the Five-Year Oil and Gas Leasing program. Specific stipulations for oil and gas exploration, development, and production activities will be developed and applied case by case for each oil and gas lease sale using the lease sale process.

Other Guidelines Affecting Subsurface resources

Several other guidelines may affect subsurface resources. See the following sections of this chapter:

- Fish and wildlife habitat
- Settlement
- Transportation
- Public Access
- Stream corridors and instream flow
- Trail management
- Wetlands management

Land Allocation Summary

Minerals. Mining is a primary use in the Slate Creek mining area which is the only state land with extensive mining activity. Most other mining claims and most lands with mineral potential in the Copper River Basin occur on Native lands or private claims located in the Wrangell Mountains. Approximately 3.15 million acres (97 percent) of the state land in the basin remains open to mineral entry. Approximately 108,000 acres (3 percent) of the state land in the basin would be closed to mineral entry to protect certain recreation and fish resources. Additional acreage (approximately 36,000 acres, or 1 percent) would be closed for land disposals before individual land offerings. State land remains open to mineral entry except for the Kettlehole Lakes - Mendeltna recreation area, Thompson Pass transportation and utility corridor, and the streams and lakes listed below. The north shore of Tazlina Lake, which contains extensive archaeological sites, will also be closed to new mineral entry. The following areas would be closed to new mineral entry to protect important salmon spawning and rearing areas, resident fish habitat, recreation and scenic resources:

- Mendeltna Creek and Old Man Lake
- Tolsona Creek
- Kaina Lake and Creek
- St. Anne Creek
- Klutina Lake and River above Manker Creek
- Mahlo River
- Manker Creek
- Tonsina Lake and River above Rainbow Creek
- Greyling Creek
- Bernard Creek
- Long Lake and Long Lake outlet
- Nizina River - Dan Creek to Spruce Point
- Slana River above Lost Creek
- Ahtel Creek
- East Fork Chistochina River below Mankomen Lake
- Unnamed tributary to Gakona River near Alder Lake and Swampy Lake
- Spring Creek
- Gulkana River

Paxson Lake
Summit Lake
Gunn Creek and Gunn Lakes
Fish Creek and Fish Lakes
Crosswind Lake

State-owned uplands within 200 feet of mean high water on both sides of these streams would also be closed to new mineral entry.

Oil and Gas. All state land is available for oil and gas exploration and leasing except state-owned shorelands under the Gulkana River. The Gulkana River is a National Wild River and adjacent federal lands are withdrawn from leasing. Seasonal restrictions may be applied to oil and gas activities in the trumpeter swan habitat areas.

Other Leaseable Minerals (Coal, sedimentary uranium, potassium, sodium, oil shale, geothermal). Any leases will be dealt with case by case consistent with the intent of the appropriate management unit.

Minerals Policy Act Compliance Form
as required by AS 44.99.110

Department/Board/Commission Name: Office of the Ombudsman
 Mailing Address: Box 100
JUNEAU AK 99811-2000
JUNEAU ANCHORAGE Fairbanks
 Agency Contact: JUNEAN FOWLER / ROSA GARNER / SANDRA MCG.
 Telephone: 465-4970 / 277-8848 / 452-4001

Please complete the following information requests:

1. Does your agency have statutory authority, regulations or procedures applicable to mineral exploration and development?

Yes No Specifically
 If no, then additional information is not required. Return form to DNR in the pre-addressed envelope provided.

Note: This office does have the authority to review any administrative act of state government. As such we can investigate both the legality & fairness of
 2. Please list those statutes and regulations which are applicable to mineral exploration and development: Actions
See AS 24.55

3. Does your agency have written procedures (not including statutes and regulations) applicable to mineral exploration and development?

____ Yes _____ No

4. Do your agencies statutes, regulations and procedures comply with Section 1 of the Minerals Policy Act?

____ Yes _____ No If no, please list those statutes, regulations or procedures that do not comply:

Please return this completed form to the Department of Natural Resources in the pre-addressed envelope provided. Thank you.

Minerals Policy Act Compliance Form
as required by AS 44.99.110

Department/Board/Commission Name: Alaska Public Utilities Commission
Mailing Address: 420 L Street, Suite 100
Anchorage, Alaska 99501
Agency Contact: _____
Telephone: (907) 276-6222

Please complete the following information requests:

1. Does your agency have statutory authority, regulations or procedures applicable to mineral exploration and development?

Yes No If no, then additional information is not required. Return form to DNR in the pre-addressed envelope provided.
regulates intrastate pipelines:
indirectly affects mineral exploration and development.

2. Please list those statutes and regulations which are applicable to mineral exploration and development:

AS 42.06 (indirectly) _____

3. Does your agency have written procedures (not including statutes and regulations) applicable to mineral exploration and development?

Yes No

4. Do your agencies statutes, regulations and procedures comply with Section 1 of the Minerals Policy Act?

Yes No If no, please list those statutes, regulations or procedures that do not comply:

Please return this completed form to the Department of Natural Resources in the pre-addressed envelope provided. Thank you.

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: SB 178 (b)
PUBLISH DATE: 4/25/89

FISCAL NOTE

REQUEST:

Revision Date: 10-Mar-89 Agency Affected: Natural Resources
Title: An Act relating to the state mineral policy. BRU: Mining Management
Sponsor: Coghill Components: Mining Management
Requestor: Senator Coghill

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		2.5	2.5	2.5	2.5	2.5
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	2.5	2.5	2.5	2.5	2.5
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		2.5	2.5	2.5	2.5	2.5
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	2.5	2.5	2.5	2.5	2.5

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Larry Ostrovsky Phone: 465-2400
Division: Commissioner's Office Date: 10-Mar-89
Approved by Commissioner: Lennie Gorsuch Date: 10-Mar-89
Agency: Department of Natural Resources

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