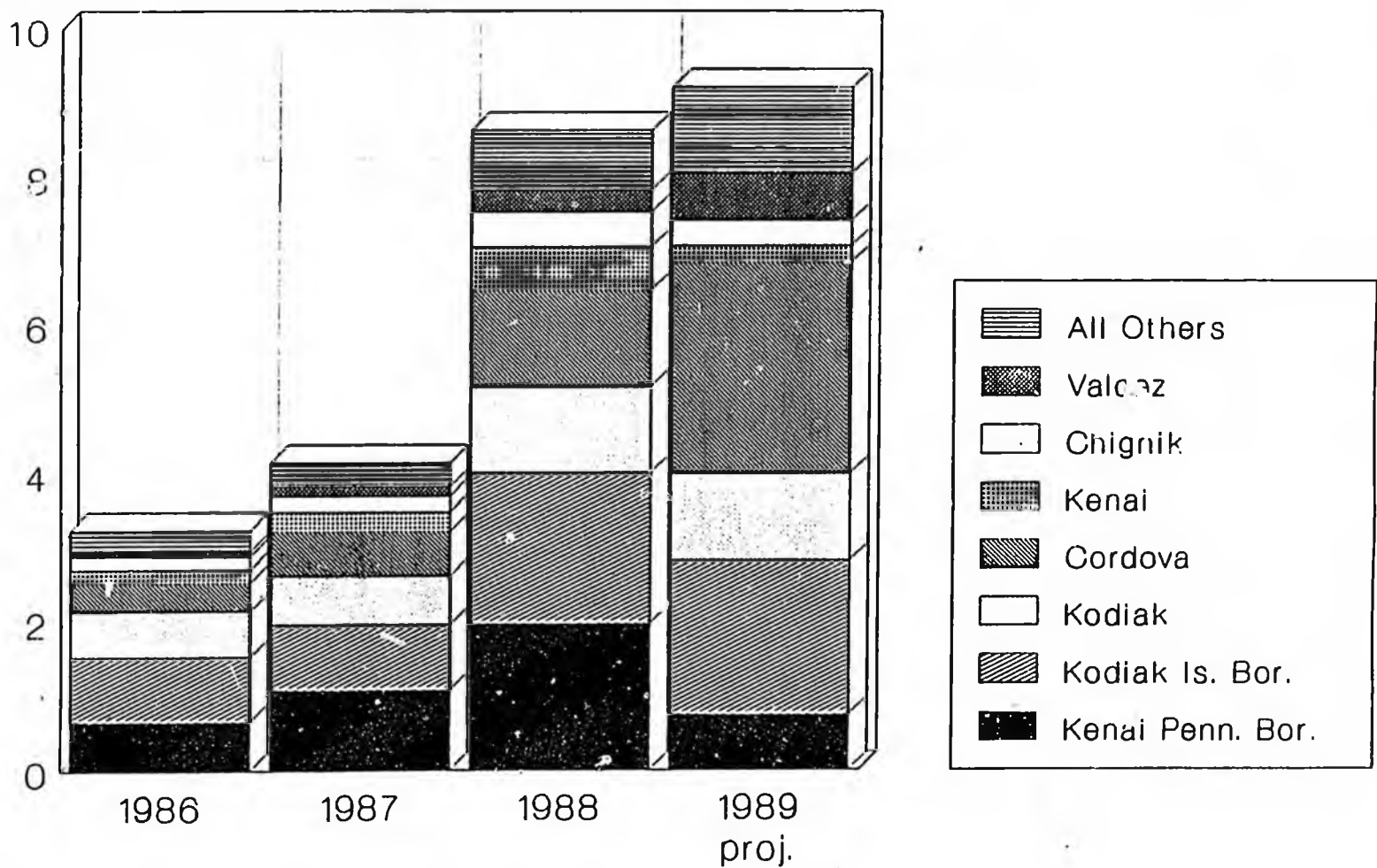


LEGISLATIVE FINANCE-HOUSE / SENATE FINANCE COMM. FILES 8879

SB 461 cont. - SB 475 692 283

## Exhibit 5: Local Government Fish Tax Earnings (1986-1988, 1989 proj.)

Millions



Page 5-11

## 5.5 Summary

The determination of fish tax revenues lost, of course, cannot be completed until it is known just how much fish tax has actually been distributed to the affected communities for the 1989 terminal fishery. Once this figure is determined, only the simple task of subtracting actual from projected distributions remains to establish actual loss.

Finally, a note of caution should be raised. The same perceptions and beliefs that effectively depressed returns from the 1989 fishery will be used to depress the price per pound paid to fisherman during the 1990 season as well. Since many fishermen will be financially "up" from the proceeds of the previous year's cleanup contracts, this could also contribute toward a greater willingness to settle early and low. These additional losses should also be taken into consideration in computing appropriate fish tax distributions for the upcoming 1990 season and beyond.

APPENDIX A  
LOCAL GOVERNMENT DEMOGRAPHIC AND TAX DATA

ADOL SUBAREA NUMBER	CORDOVA		KENAI		KENAI	SEWARD	SOLOOTNA	KODIAK	
	761	752	BOROUGH 122	HOMER 715				712	721
<b>POPULATION</b>									
1986	2,053	3,263	40,414	3,706	6,647	2,072	4,021	11,846	6,619
1987	NA	NA	39,170	NA	NA	NA	NA	13,658	NA
1988	2,048	3,313	39,949	4,338	6,543	2,463	3,733	13,669	6,651
1989	2,619	7,193	40,312	4,338	6,543	2,400	3,668	15,558	6,774
<b>LOCAL GOV'T EMPLOYMENT</b>									
1986	166	286	2,016	351	851	169	286	700	NA
1987	162	288	1,948	347	823	175	382	610	NA
1988	174	280	1,860	336	786	174	349	671	530
1989 (Estimate)	178	291	2,096	376	685	197	406	661	567
<b>SALES TAX RATE</b>									
1986	4%	-0-	2%	4%	5%	3%	5%	-0-	5%
1987	4%	-0-	2%	4%	5%	5%	5%	-0-	5%
1988	4%	-0-	2%	5%	5%	5%	5%	-0-	5%
1989	4%	-0-	2%	3%	5%	3%	3%	-0-	5%
<b>PROPERTY TAX RATE (Mills)</b>									
1986	3.00	13.57	4.00	12.32	7.62	7.00	9.10	3.75	5.75
1987	3.00	13.71	5.75	13.06	9.15	8.75	10.58	4.51	6.51
1988	7.90	14.16	5.75	12.65	9.15	8.75	10.58	4.50	6.50
1989	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>ANCHORAGE CONSUMER PRICE INDEX (CPI)</b>									
1985	105.8								
1986	107.8								
1987	108.2								
1988	108.6								
1989	111.7								

- Sources: (1) Population: ADCRA, "1990 Community/Borough Map" for 1985 figures.  
 ADOL, "Population Estimates for Boroughs, Census Areas and Places," 1988.  
 ADOL, "Population Overview" for 1986 and 1987.
- (2) Local Gov't Employment: ADDL, Special tabulations of ES-202 Quarterly Employment  
 1st Q. 1986 through 2nd Q. 1989.  
 Estimates for 1989 based on trends in 1988 and in first six months of 1989.
- (3) Sales Taxes: ADCRA, Alaska Taxable, 1987 and 1988.
- (4) Property Taxes: ADCRA, Alaska Taxable, 1987 and 1988.
- (5) CPI: ADDL, Special tabulations.

## LIST OF REFERENCES

- Alaska Department of Community and Regional Affairs  
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- 1989 Alaska Taxable 1988. Anchorage: ADCRA.
- 1988 Alaska Taxable 1987. Anchorage: ADCRA.
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- 1988 "Population Estimates for Borough, Census Areas and Places." Anchorage: ADOL.
- 1987 "Population Overview." Anchorage: ADOL.
- 1986 "Population Overview." Anchorage: ADOL.
- Alaska Department of Revenue.  
n.d. "Shared Revenue Spread Sheet." Unpublished Special Tabulations for FY 1987, FY 1988, and FY 1989. Juneau: ADOR.
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1989 "Fish Harvest Summary." Unpublished Special Tabulations.
- Gieger, Harold J. and Herman Savikko (eds).  
1989 "Preliminary Forecasts and Projections for 1989 Alaska Salmon Fisheries." Regional Information Report No. 5J89-01 Juneau: Alaska Department of Fish and Game.

S

B

4641

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/12/90

FURTHER:

DATE TURNED INTO OFFICE: 3/21/90

The Finance Committee considered

SB 464

"An Act requiring new public schools built in certain communities to have sloped roofs; and providing for an effective date."

and recommended:

replace with \_\_\_\_\_ CS SB 464 (Finance)  
 or adopt \_\_\_\_\_ CS \_\_\_\_\_  
 attached amendment(s)  
 \_\_\_\_\_ letter of intent adopted

same title  
 new title  
 technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

fiscal note(s) \_\_\_\_\_ Dept/Date: \_\_\_\_\_

fiscal note(s) \_\_\_\_\_ Dept/Date: \_\_\_\_\_

zero fiscal note(s) DOE 3/5/90

zero fiscal note(s) \_\_\_\_\_

appropriation-no fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Signature]  
[Signature]  
[Signature]  
[Signature]

[Signature] (No Rec)

1 [Signature] DO PASS 2. \_\_\_\_\_  
CO-chairs. Signatures and Recommendations

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: Requiring new public schools  
built in certain communities...  
 Sponsor: Zharoff  
 Requestor: Senate HESS

Agency Affected: Education  
 BRU: \_\_\_\_\_  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	0	0

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

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

**FUNDING:** (Thousands of Dollars)

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

Changes in CSSB 464 (HESS) have no fiscal impact. This fiscal note is appropriate. Projections of no fiscal impact would continue through 1996.

*DCM - S - HESS*

Prepared by: Mary Hakala Phone: 465-2800  
 Division: Commissioner's Office Date: 3/5/90

Approved by Commissioner: William G. Demmert Date: 3/5/90  
 Agency: Education

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

Changes in CSSB 464 (Fin) have no fiscal impact. This fiscal note is appropriate. 3/21/90

Original sponsor(s): SEN. ZHAROFF

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 464 (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 requiring an architect's certification for  
7 the roofs of certain new public schools; and provid-  
8 ing for an effective date."

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

10 \* Section 1. AS 14.11 is amended by adding a new section to read:

11 Sec. 14.11.128. CERTIFICATION OF SCHOOL ROOF DESIGN. The archi-  
12 tect responsible as prime consultant for the design of a new public  
13 school shall certify in writing that in the architect's professional  
14 opinion the roof has been designed to sustain normal design snow loads  
15 anticipated for the geographical area where the school is built.

16 \* Sec. 2. This Act does not apply to the design of a new public school  
17 if a contract for the design of the school has been entered into before the  
18 effective date of this Act.

19 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).  
20  
21  
22  
23  
24  
25  
26  
27  
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29

~~Alaska~~  
R Ritter  
~~Alaska~~  
by SFC



SENATOR STEVE FRANK

Alaska State Legislature

The architect responsible as prime consultant for the design of a new public school shall certify in writing that, in his professional opinion, the roof has been designed to sustain normal design snow loads anticipated for the geographic area where the school is built.

119 N. Cushman, Rm. 213  
Fairbanks, Alaska 99701  
(907) 452-7624

P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3709

6-2134H  
Bannister  
3/20/90  
~~ADOPTED~~  
SEC 3/21/90

Original sponsor(s): SEN. ZHAROFF

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 464 ( )  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act requiring an architect's certification for  
7 the roofs of certain new public schools; and provid-  
8 ing for an effective date."

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

10 \* Section 1. AS 14.11 is amended by adding a new section to read:

11 Sec. 14.11.128. CERTIFICATION OF SCHOOL ROOF DESIGN. The archi-  
12 tect responsible for the principal design of a new public school shall  
13 certify in writing to the commissioner that the roof has been designed  
14 to a reasonable standard to prevent an accumulation of snow and ice  
15 that would cause structural damage or failure.

16 \* Sec. 2. This Act does not apply to the design of a new public school  
17 if a contract for the design of the school has been entered into before the  
18 effective date of this Act.

19 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).  
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STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 8, 1990

SUBJECT: Suggested change to CSSB 464 (HESS)  
(Work Order No. 6-2134E)

TO: Senator Paul Fischer  
Chair, Senate HESS Committee

FROM: Theresa L. Bannister *TB*  
Legislative Counsel

This memo accompanies the draft of CSSB 464 (HESS) that you requested. Please notice that with the revision, sec. 1 of the bill is no longer consistent with sec. 2. Section 1 is now directed at the design for the school, while in the previous version it was directed at the construction of the school.

The purpose of sec. 2 is to prevent the bill from impairing existing contracts and violating the federal and state constitutional prohibitions against impairment of contracts. To avoid impairment, sec. 2 in the preceding version stated that the bill didn't apply to existing construction contracts. However, since the bill is now directed at school design contracts and since the design contract usually precedes the construction contract, sec. 2 no longer prevents the bill from affecting existing design contracts.

I do not have sufficient technical information to determine whether the new version of the bill would significantly affect the design of a school or impose a burden on the architect. Although I presume an architect is required to design a safe school anyway, the bill does impose a new certification obligation on the architect, which may not be contained in existing school design contracts. Therefore, it is probably advisable to rewrite sec. 2 to make it consistent with sec. 1 and therefore avoid a possible violation of the constitutional provisions against impairment of contracts.

Senator Paul Fisher  
Page 2  
March 8, 1990

To correct the problem, sec. 2 could be rewritten to read:

\* Sec. 2. This Act does not apply to the design of a new public school if a contract for the design of the school has been entered into before the effective date of this Act.

Please also note that it would be advisable to indicate in the bill the person to whom the architect must make the certification (e.g. the Department of Education).

If I can assist you with these matters, please advise.

TLB:pl  
WKP3/031

Enclosure



SENATOR FRED F. ZHAROFF

ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99815 (907) 488-5259

DURING SESSION:

P. O. BOX V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

19 March, 1990

MEMORANDUM

TO: Senator Rick Uehling, Chairman  
Senate Finance Committee

FROM: Senator Fred Zharoff *M.T.*

RE: SB 464: "An act requiring new public schools built in certain communities to have sloped roofs; and providing for an effective date".

I appreciate your having scheduled SB 464 and I am submitting the attached back up for your committee's review.

This measure was introduced to address potential structural failures of flat roofs on schools. In the past year, two roofs on schools in Senate District "N" have experienced structural damage, with one of them resulting in a total collapse.

The most recent occurrence happened several weeks ago in Dillingham when a 20 foot laminated beam failed under a heavy snow load on the roof of the gym. Fortunately the roof did not collapse, and the health and safety of the students were not jeopardized.

Last year the community of Aleknagik suffered a potential catastrophe when the roof on its school collapsed without warning, trapping and injuring a junior high student. Fortunately, the collapse occurred when very few students were at the school, and a regional athletic event scheduled for that evening had been cancelled because of bad weather. Had the gym been filled with students and spectators, the potential for loss of life and serious injury would have been significant.

Given the increased snow levels of the past few years, and the likelihood of diminished funding as the state revenues decrease, I feel it is prudent to consider a policy discussion on the question of school roof structural integrity.

In the Senate HESS Committee, a CS was adopted which removed most of the original language, and placed the responsibility

for certificating the structural integrity of a school roof with the architect. I have had my staff draw up a Finance CS which would conform the language in section 2 with the changes made in the Senate HESS Committee, and which designates the Commissioner of DOE as the person to whom the architect must provide a "roof certification".

Thank you for scheduling this measure before the Senate Finance Committee.

# Snow damages school gym roof in Dillingham

ANC  
Times  
2/21/90

## Classes still on, but other events in limbo

By JOHN WOLFE  
Times Writer

Heavy snow has damaged the roof on a gymnasium at Dillingham High School, prompting school officials to consider cancelling some events.

"We had a 20-foot glue-lam beam fail under snow load," said Principal Larry Price. "It's dropped about six inches."

Unusually high snowfall last year may have strained the roof, causing it to fail under a smaller load this year, Price said. The school's gym, locker rooms and band room are closed, although classrooms are open and school remains in session. Price said no students are in danger.

"We've got it all trussed up and braced," he said. "It's all under control."

An insurance adjustor and structural engineer were scheduled to survey the damage today.

Because the community is a hub for southwestern Alaska, closure of the gym could disrupt youth conferences and a regional band festival, Price said. The band festival, scheduled Feb. 26-28, is threatened because its 200 expected participants were to stay at the school.

Combined enrollment at the

'We've got it all trussed up and braced.'

— Larry Price  
school principal

Dillingham middle school and high school is 225.

The elementary school next door provides the obvious alternative, said Price, but it is not equipped with showers.

Custodians discovered water leaking into the building Sunday, Price said. A construction company shored up the sagging beam, which is about 20 inches thick.

Roof collapses are an issue in the area, according to Price, because last winter, the Aleknagik School gym roof caved in under record snow loads. Aleknagik School is about 25 miles north of Dillingham.

Bob Hopkins, a National Weather Service meteorologist in Anchorage, said there are 45 inches of snow on the ground in Dillingham now, "which is a lot for them." On Feb. 16, there

See Roof, page B-8

JUNEAU EMPIRE  
3/2/90

## Alaska

**Snow collapses fire station roof in Nikiski:** A roof on the Nikiski Fire Department's Station No. 2 collapsed early today under the weight of heavy snow, trapping a pumper and an ambulance inside.

Two firefighters inside the adjoining sleeping quarters were awakened about 3:30 a.m. when the flat roof of the equipment bay fell under the weight of about five feet of snow.

Harris said no one was hurt and the department could still respond with equipment from the other station. Harris said he expected to have the wreckage cleared and the station back in business within 24 hours. There was no immediate damage estimate.

## Roof

Continued from page B-1

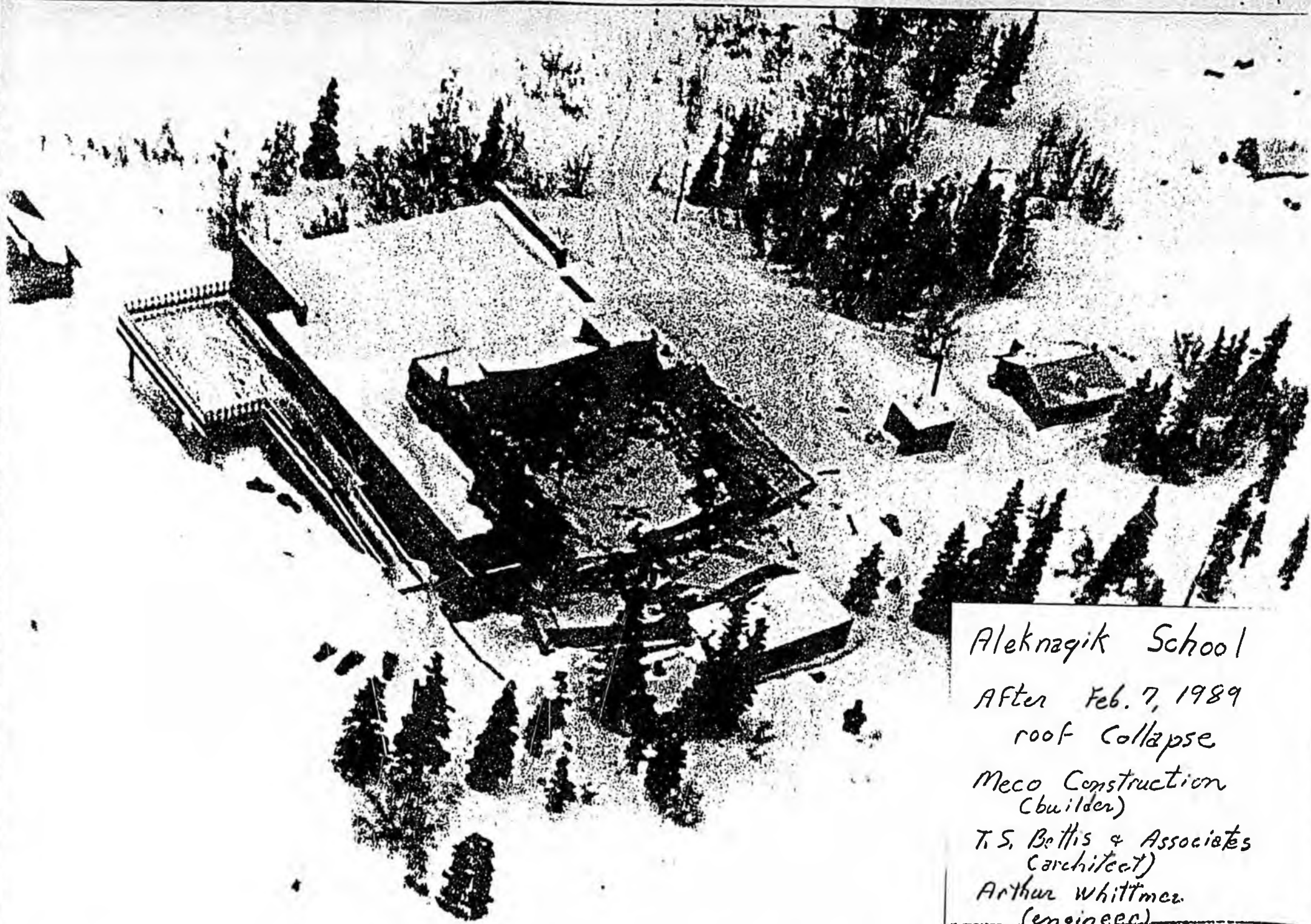
were 11 more inches, which have since settled or blown away from the unofficial measuring station there.

Average snowfall in Dillingham is 73 inches, although last year's snowfall was a record 150.5 inches, said Jim Wise.

**RECONSTRUCTION OF GYM / STRUCTURAL ENHANCEMENTS  
ALEKNAGIK, ALASKA**

**REQUEST FOR  
EMERGENCY FUNDS  
ALEKNAGIK SCHOOL**

**REQUESTED BY  
SOUTHWEST REGION SCHOOL DISTRICT  
DILLINGHAM, ALASKA  
MARCH 15, 1989**



Aleknagik School

After Feb. 7, 1989  
roof collapse

Meco Construction  
(builder)

T. S. Battis & Associates  
(architect)

Arthur Whittmer  
(engineer)

---

by - Sen. Zharoff

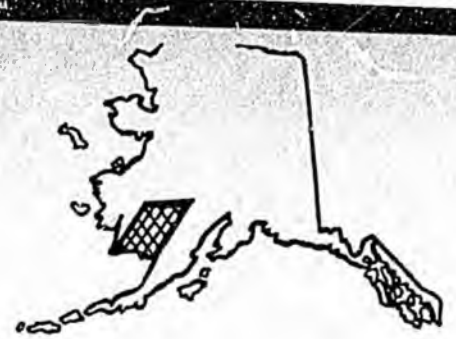
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Summary	Page 15



## Southwest Region Schools

P.O. Box 196  
Dillingham, Alaska 99576  
Phone (907) 842-5288



March 15, 1989

### TO THE 1989 LEGISLATURE

On February 7, 1989, the gym roof of the Aleknagik School collapsed during after school gym activities. The School District has hired John L. Aho, Ph. D of CH2M Hill to assist the District in identifying the cause of the accident and the safety of the remaining portion of the building.

Preliminary engineering reports indicates the roof trusses were overstressed under the design snow load. The construction drawings for the project were missing pertinent information such as the fastening system for connection of vertical and lateral load-carrying walls to the roof and floor diaphragms. This apparent oversight left the possibility open for the contractor to make his own decisions concerning these critical structural attachments. It also appears that certain items may have been overlooked by the contractor during construction. These include construction of the gymnasium north and east wall corner intersections in a manner other than the way detailed in the plan, absence for nailing of the east wall bottom plate connection for the floor diaphragm and wall plywood that was discontinuous.

Because problems has been identified after the collapse of the gym roof which could effect the stability of the remaining structure, the building cannot be re-occupied until critical structural elements are reviewed and corrections implemented.

1989 Legislature  
March 15, 1989

We appeal to this legislature for emergency funding in the amount of \$1,462,000 to restore this school to its full safe use for the fall of 1989. Justifications for this request are contained herein. Your expedient attention to this matter is appreciated, as timing is of the utmost urgency.

Respectfully requested,

John Antonnen, Superintendent  
Southwest Region School District

## JUSTIFICATION NARRATIVE

### **HISTORY**

In 1983, a new school was constructed in Aleknagik, Alaska. It was a one story wooden structure, supported on a driven steel pile foundation, and covered by a flat roof, designed to allegedly retain and constrain snowload build ups during the winter. The school, programmed for K-12, contained a multi-media space and additionally a gymnasium for athletic programs.

On February 7, 1989 at approximately 4:45 PM the gym roof unexpectedly and without warning collapsed, entrapping and injuring one Jr. High student. According to witnesses, the total time elapsed during the catastrophe was a mere 10 seconds. The school staff, fellow students, parents and all concerned have given continued thanks that a scheduled athletic event was not held that day due to weather constraints. Had the games come to pass, 45 children would have been eating their meals in the gymnasium at the time of the collapse, undoubtedly resulting in many serious injuries and even deaths.

Since the time of failure, the Southwest Region School District has abandoned the building, not understanding the safety status of the remaining spaces. Class schedules have been maintained, by conducting classes in makeshift spaces in nearby teacherages, an awkward and cumbersome task at best.

### **REBUILD PROGRAM**

The Southwest Region School District desires reconstruction of the gym facility complete with finishes and equipment, plus construction of a new sloping metal roof over the entire complex, superseding the remaining flat roof. The sloping metal roof design will facilitate the shedding of snow naturally, rather than anticipate loading from accumulation. Additionally, the structural enhancements to the piling foundation, plus structural repairs to the

wall and floor systems in the remaining elements, necessitated by discoveries made during investigation of causation.

As it is imperative to have the total school facility available for the start of the 1989 fall semester, it becomes necessary to "fast-track" the rebuild effort to assure completion on or about Labor Day in September.

The fast-track process necessitates the project team be identified at the earliest possible date, to perform design, costing, procurement, and scheduling functions concurrently. Early identification of long leadtime materials, from the design process, for purchasing and delivery is key to the success probability of completion by September 1st. The exceptionally short design time, coupled with the traditionally short Alaskan construction season, leaves no latitude for time-error. As is demonstrated by the schedule exhibit on page 10 of this presentator, that team identification process is underway at this time. It is anticipated that the project team will be selected and functional by the last week of March. All tasks are on the critical path for completion by September 1st - there is no time to spare!

Historically, the fast-track process is slightly more expensive than the traditional approach, justified by earlier than normal occupancies. That trade-off has been reconciled by this School District, in that there is no alternative to reoccupying this school building in the fall, and with life safety being assured to the maximum degree possible.

#### **FAILURE ANALYSIS**

The District has engaged the services of a structural design and analysis expert, Dr. John Aho whose investigation to date has revealed that not only [1] the failure event was the result of overstressing of structural roof trusses in the gym roof, but that [2] the existing piling foundations are likely overstressed; as are other structural components for the remaining building spaces.

His preliminary calculations of the gym 's original design suggest that the gymnasium roof trusses were significantly overstressed from snow load conditions, and that through cyclic overstressing year after year, a failure occurred in one truss triggering a simultaneous chain reaction to the others. The validity of conclusions drawn from the calculations were reinforced by evidence at the site of faulty fastening methods for the supporting walls, deck and roof components.

Certain critical connectors, fastening techniques, and design details appear to be deficient in the gym and may be absent entirely in the rest of the building. This would result in the facility not functioning as an integrated structure, a detriment to the safety of the entire building.

It has already been determined that the existing piling foundation is potentially overstressed to resist the snow loads suspected to have caused the collapse. Thus, because problems that have been identified after the collapse of the gymnasium may have effects on the stability of the remaining structure, it would be prudent to examine critical structural elements in the remaining portions of the school, a task that is not yet started. It is surmised that strengthening measures will be necessary; measures such as re-roofing to shed snow load, installing additional wall to roof connections, stiffening lateral force-resisting walls and substantial bracing and secondary supporting for the pile foundation.

In summation, the preliminary findings point to overloading of structural roof, wall, and piling components from snow loads and wind loads. The failure resulted then from inadequate original design criteria, and was compounded by some faulty construction methods; not only in the gym area but throughout the whole facility.

## **STRUCTURAL ENHANCEMENTS**

Thus, as a result of the preliminary findings, the following scope of improvements is suggested:

In addition to providing a sloped roof over the entire structure, reinforcements within the walls, ceilings, and remaining flooring systems are anticipated. The foundation piles will require reinforcement and / or alteration. The exact scope, and thus the cost, of the enhancement program is undefined. The reality of having to perform structural rehabilitation of severe magnitude to the foundation, and to the remainder of the building is recognized, however.

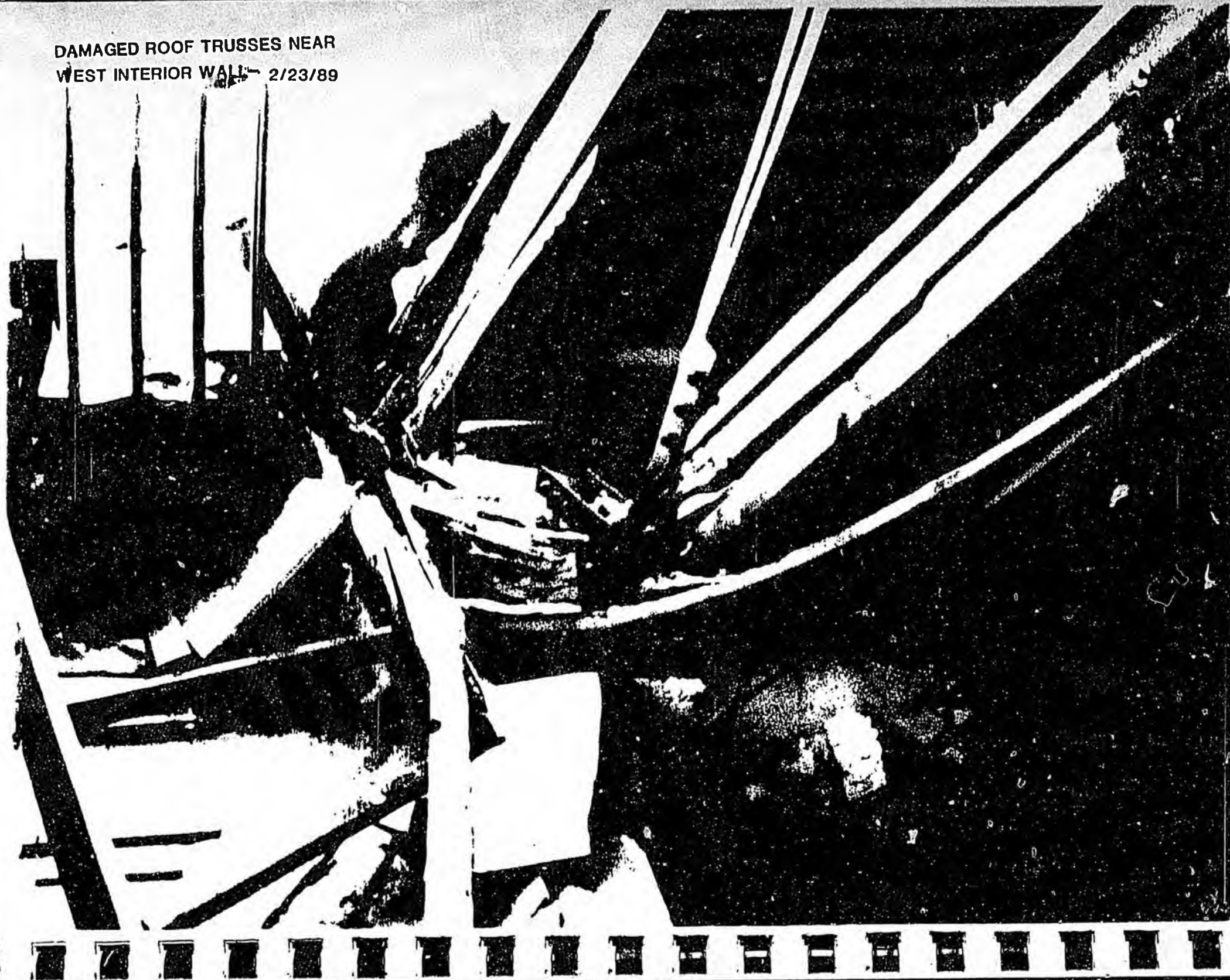
## **EXHIBITS**

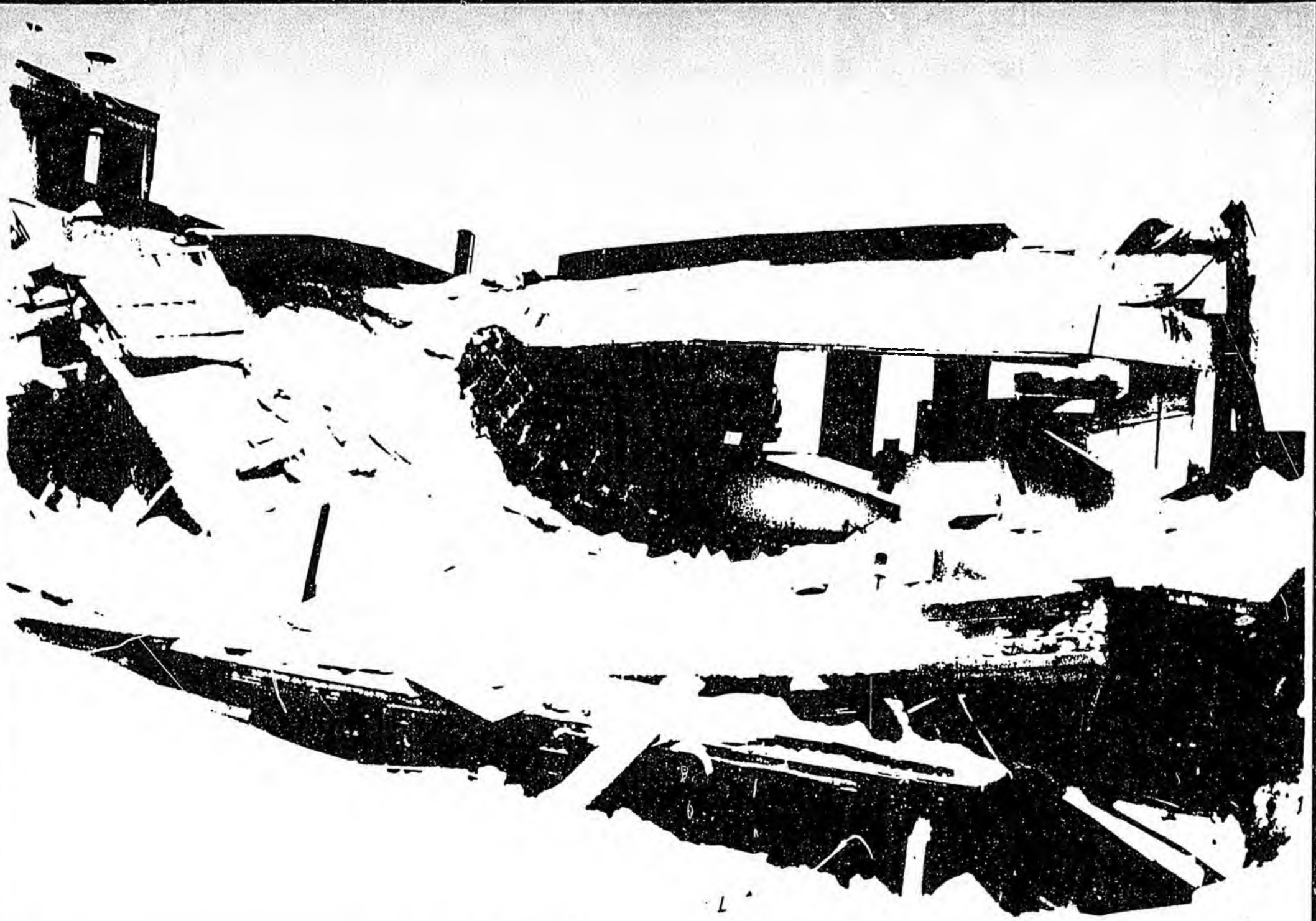
To illustrate the magnitude of the catastrophe, photos of the failure event are included. Additionally, to assist the legislators in visualizing the proposed rebuilding program, Architectural conceptual drawings are likewise ensembled, illustrating the sloped roof concept.

## **EXHIBITS**

1. Photos - Damage following the collapse
2. Architectural Conceptal Drawings
  - perspective - before & after failure
  - perspective - sloped roof schemes
  - elevations - conceptual

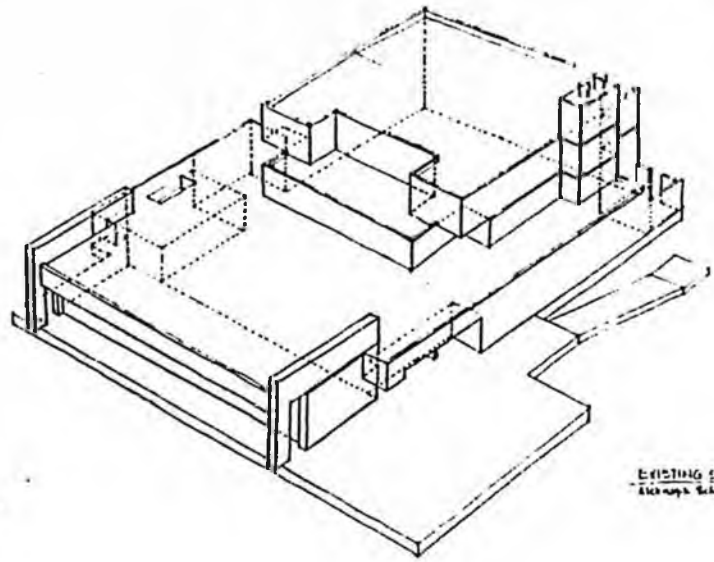
DAMAGED ROOF TRUSSES NEAR  
WEST INTERIOR WALL 2/23/89



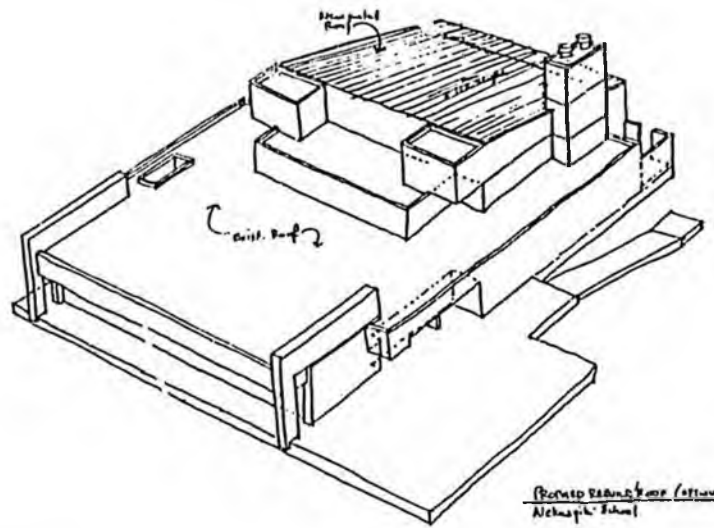


GYMNASIUM DAMAGE AREA LOOKING WEST -2/23/89

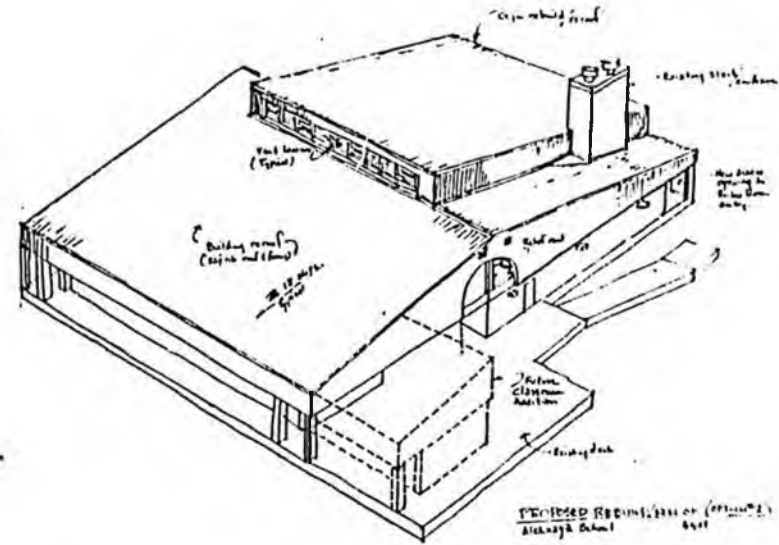




EXISTING SCHOOL (Edna Wilfong)  
Aleknagik School



PROPOSED BUILDING (off-site - Ground)  
Aleknagik School



PROPOSED RECONSTRUCTION (off-site - Ground)  
Aleknagik School 1991

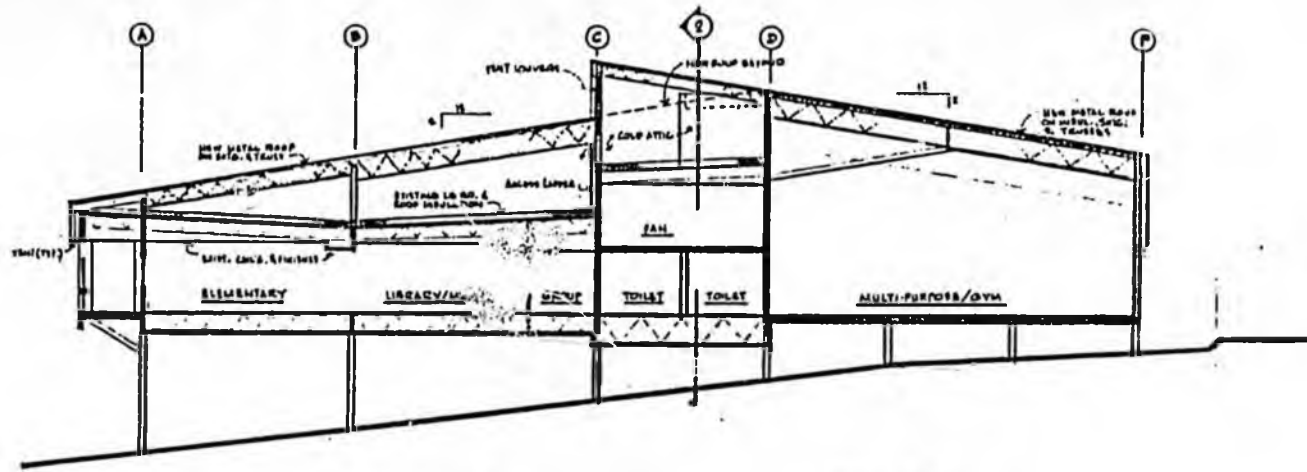
PROJECT NO. 100-100-100-100  
DATE: 10/10/10  
SCALE: 1/4" = 1'-0"

**kumin associates, inc.**  
ARCHITECTS & PLANNERS  
1000 10th Avenue, Suite 100  
Anchorage, Alaska 99501  
Tel: (907) 556-1000  
Fax: (907) 556-1001

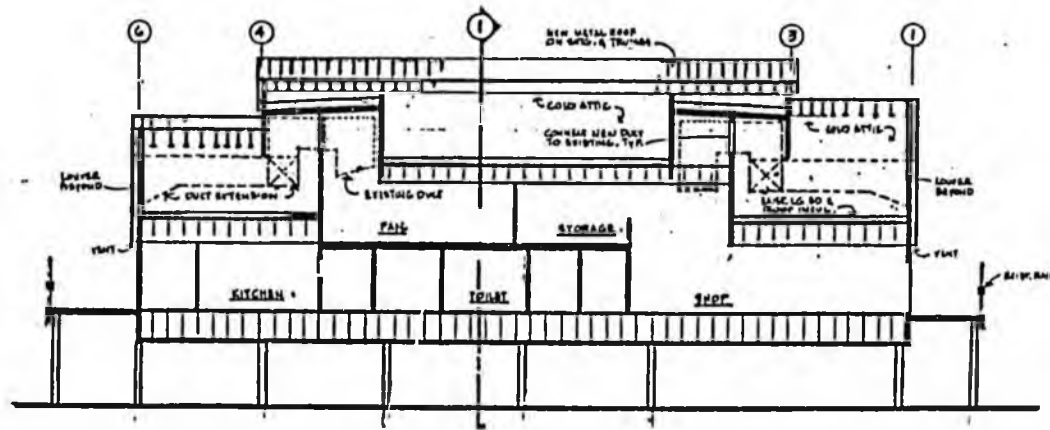
**ALEKNAGIK SCHOOL REBUILD**  
CONCEPTUAL DESIGN  
ALEKNAGIK, ALASKA

DATE	DESCRIPTION	BY	APP'D
10/10/10	CONCEPTUAL DESIGN	[Signature]	[Signature]
11/10/10	REVISIONS	[Signature]	[Signature]
12/10/10	PERMISSIONS	[Signature]	[Signature]





① BUILDING SECTION OPTION #2  
1/2" = 1'-0"



② BUILDING SECTION OPTION #2  
1/2" = 1'-0"

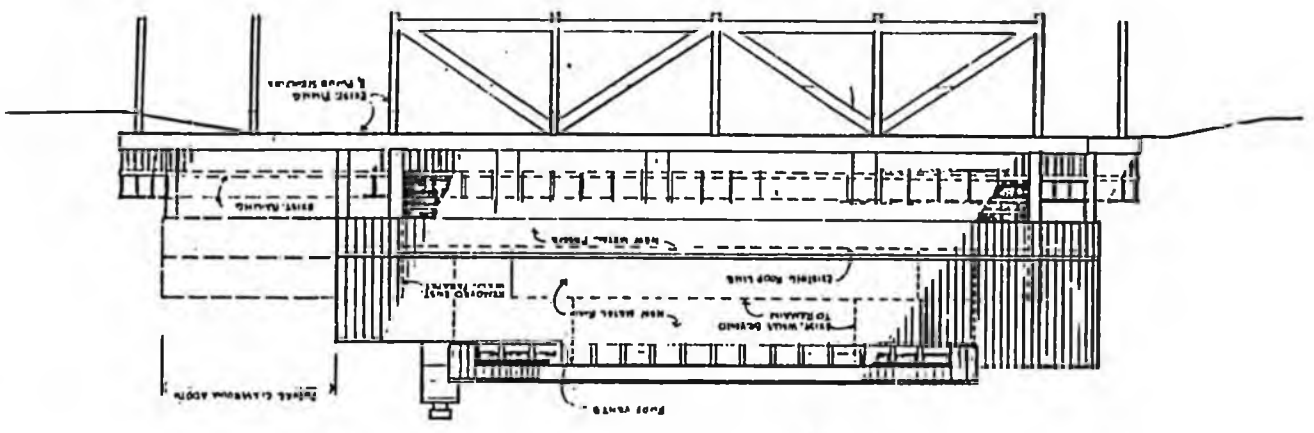
Kumin associates, inc.  
services & personnel

ALEXNAGIK-SCHOOL-RESUILD  
CONCEPTUAL DESIGN  
ALEXNAGIK-AJUSA

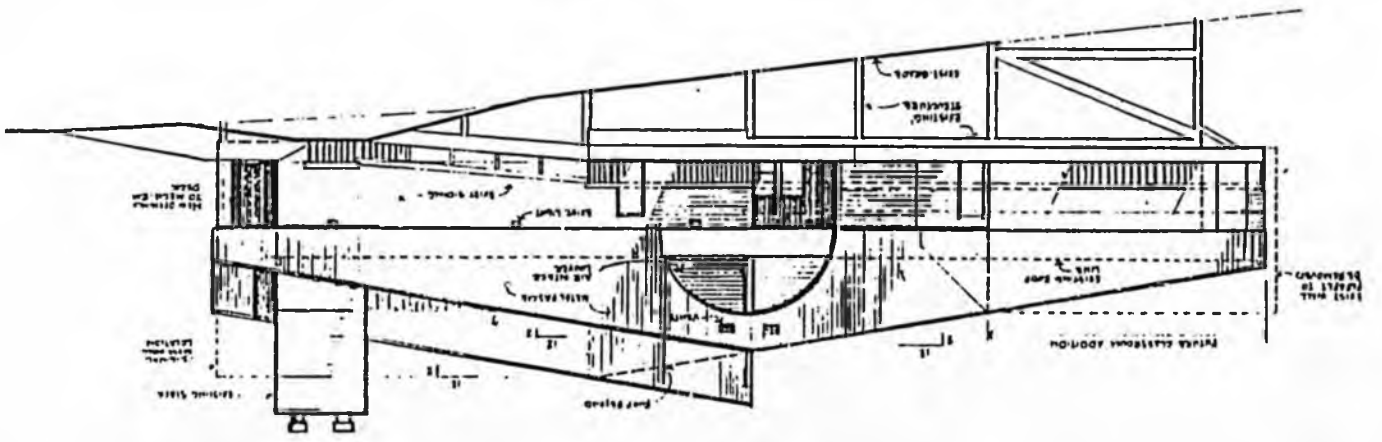
DATE	07-24-84
BY	...
CHECKED	...
SCALE	AS SHOWN
SECTION	B/C/C SECTION
NO.	3



WEST ELEVATION  
OPTION 2  
1/8" = 1'-0"



SOUTH ELEVATION  
OPTION 2  
1/8" = 1'-0"



ELEVATIONS  
 SHEET NO. 2  
 DATE: 10/1/88  
 DRAWN BY: [illegible]  
 CHECKED BY: [illegible]

**ALEKNAGIK SCHOOL REBUILD**  
 CONCEPTUAL DESIGN  
 ALASKA

**Kummin associates, Inc.**  
 ARCHITECTS & PLANNERS

[illegible text]  
 [illegible text]

## **COST ESTIMATES**

The District has retained the services of a professional construction cost estimating company, HMS, Inc. of Anchorage to prepare estimates for the cost of replacement. The majority of the following cost presentation is derived from their initial and only report at the time of this presentation. The HMS estimate by itself, is incomplete due to additional deficiencies being discovered as the demolition work progresses. Thus, other costs are included; formulations by the District's construction management consultant, Stonebraker & Associates, also of Anchorage.

Further explanation of cost derivations are as follows:

1. Demolition - Includes the cleanup costs of the school site; selectively uncovering materials significant to determining causation, salvaging and storing reusables, and removing the unusable debris to the dumpsite, some distance away.
1. Construction - Estimated for construction start in Spring 1989, completion in Fall 1989, utilizing Title 36 labor rates, and fast-tracking techniques. It includes the gym equipment, bleachers, and finishes but excludes design and administrative costs. The \$375,000 structural enhancement estimate reflects anticipated renovations to the piling foundation and in the remaining portions of the building.
2. Design & Administrative - Assumes design cost at higher than normal, as related to rebuild / renovation / fast tracking approach. Administrative cost estimate assumes full services of a professional project manager / construction manager for the District, as related to the fast track approach.
3. Insurance Proceeds - Insurance proceeds to be derived will be based on the replacement costs of the building before the failure event and will not consider any design improvements therefrom. There will be no insurance proceeds to the cost contribution of the sloped roof over the remaining portion of the building, to the piling foundation fix, or to the remedial structural enhancements for the rest of the building. Those

costs will be to the District's account and represent the majority of this emergency funding request.

## REBUILD PROJECT ESTIMATE

### DEMOLITION

Clean-up of Debris \$ 90,000

### CONSTRUCTION:

Gym Replacement - New Sloped Roof Design \$ 725,472  
Sloped Roof Over Remaining Building 402,016  
Structural Enhancements - Remaining Building 375,000  
\$1,502,488

### DESIGN & ADMINISTRATION

Architectural & Engineering \$ 160,000  
Owner Administration & Project Management 200,597  
360,597  
Subtotal \$1,863,085  
Contingency \$ 186,309

Project Estimate = \$2,139,394

### INSURANCE PROCEEDS ANTICIPATED

Demolition \$ 30,000  
Gym replacement with flat roof [const] \$ 562,826  
Design & Owner Administration 84,424  
\$ 677,250

### REQUESTED AMOUNT FROM 1989 LEGISLATION

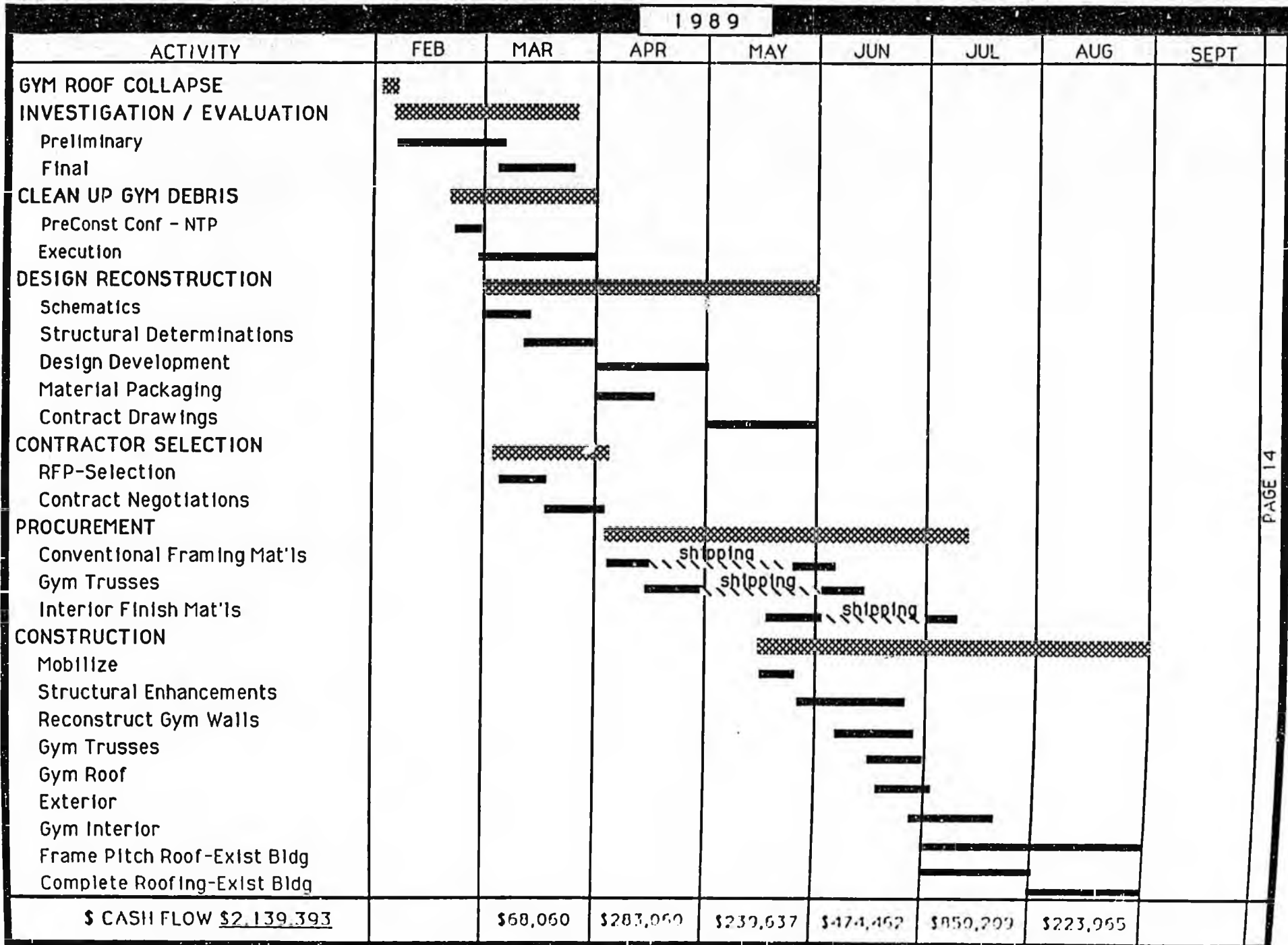
Rebuild Project Estimate \$ 2,139,394  
Anticipated Insurance Proceeds (-) 677,250  
\$ 1,462,144

REQUEST = \$ 1,462,000

## **SCHEDULE**

The attached schedule shows the overall project tasks and targeted timeframes for completion by September 1, 1989.. It demonstrates the concurrency of events by Designer / Contractor / Owner / Manager necessarily dictated by the short overall time frame. Associated with an accelerated completion schedule is an accelerated cash flow requirement, tabulated and shown by month on the bottom of the schedule.

# ALEGNAGIK SCHOOL - RECONSTRUCTION PROJECT SCHEDULE



## SUMMARY

Southwest Region School District faces two problems. First is the rebuilding of the gym and the second is the engineering finding that because of design and construction problems, there have been substantial effects on the stability of the remaining structure. The remaining portion of the Aleknagik School is not safe to house the current educational program. The two requests for funds that the District makes in this proposal are substantial structural enhancements of the foundation and remaining building, and the addition of a sloped roof over the entire building.

Insurance proceeds will only pay to replace what was previously designed and constructed. Without the additional funds for construction enhancement and a sloped roof over the entire building, the District will not be able to house students at Aleknagik.

The paramount reason for this request for State funds, in addition to the insurance proceeds is for the assured safety of the Southwest Region students. We request the 1989 legislature to issue a grant in the amount of \$1,462,000 in the Capital Improvement Projects bill to perform reconstruction and renovation described in this proposal.

Respectfully requested,

John Antonnen  
Superintendent

S

B

4169

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/15/90

FURTHER:

DATE TURNED INTO OFFICE: 3/21/90

The Finance Committee considered

SB 469

"An Act relating to the obstruction or hindrance of lawful hunting, fishing, or trapping."

and recommended:

- |   |   |
|---|---|
| <input type="checkbox"/> replace with _____ CS _____    | <input type="checkbox"/> same title                       |
| <input type="checkbox"/> or adopt _____ CS _____        | <input type="checkbox"/> new title                        |
|   | <input type="checkbox"/> technical title change (HB only) |
| <input type="checkbox"/> attached amendment(s)          |   |
| <input type="checkbox"/> _____ letter of intent adopted |   |

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):  
Dept/Date:

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

appropriation-no fiscal note

APPROVES PREVIOUS:

Dept/Date:  
 fiscal note(s) \_\_\_\_\_

zero fiscal note(s) DFEG 3/12/90

SIGNING DO PASS:

[Signature]  
\_\_\_\_\_  
[Signature]  
\_\_\_\_\_  
[Signature]  
\_\_\_\_\_

OTHER RECOMMENDATIONS:

[Signature] - No Rec  
\_\_\_\_\_  
[Signature] (No Rec)  
\_\_\_\_\_  
\_\_\_\_\_

1. [Signature] DO PASS 2. \_\_\_\_\_

co-Chairs Signatures and Recommendations

## FISCAL NOTE

**REQUEST:**

Revision Date: 3/12/90  
 Title: Obstruction or hindrance of lawful hunting, fishing, or trapping  
 Sponsor: Senator Frank  
 Requestor: \_\_\_\_\_

Agency Affected: Fish and Game  
 BRU: Wildlife Conservation  
 Components: Wildlife Conservation

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING:** (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

No FY 90 impact.

Prepared by: Bruce Dinneford

Phone: 465-4190

Division: Wildlife Conservation

Date: 3/12/90

Approved by Commissioner: *[Signature]*

Date: 3/12/90

Agency: \_\_\_\_\_

Distribution (by preparer):

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



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

**BILL ANALYSIS**

DEPARTMENT Fish and Game	DIVISION Wildlife Conservation	BILL NUMBER SB 469	SPONSOR Senator Frank
SHORT TITLE OF BILL Obstruction or hindrance of lawful hunting, fishing, or trapping			
DEPARTMENT POSITION Support			
PREPARED BY Bruce Dinneford	DATE 3/12/90	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 3/12/90

**SUMMARY**

OTHER AGENCIES AFFECTED BY BILL Department of Public Safety	CONSTITUENT GROUP(S) AFFECTED BY BILL Hunters
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

SB 469 would prohibit the harassment of persons legally engaged in hunting fishing, or trapping, and by inference, the disturbance of equipment used in hunting, fishing, and trapping. Similar legislation was vetoed by Governor Sheffield in 1983 and 1984, and in 1986 and 1988 further attempts failed to pass both bodies of the Legislature.

ANALYSIS OF BILL/PROGRAM EFFECTS

This legislation would have no fiscal impact on the Division of Wildlife Conservation. With the increased activity of anti-trapping and hunting advocates in Alaska, this law could be helpful in protecting the privileges of those legally pursuing consumptive use of wildlife resources. 35 other states have such laws.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

BY SEN. FRANK, Kelly, Fahrenkamp

1 IN THE SENATE

2

SENATE BILL NO. 469

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 obstruction or hindrance of

7

lawful hunting, fishing, or trapping."

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

9

\* Section 1. AS 16.05 is amended by adding new sections to read:

10

Sec. 16.05.790. OBSTRUCTION OR HINDRANCE OF LAWFUL HUNTING,

11

FISHING, OR TRAPPING. (a) Except as provided in (e) of this section,

12

a person may not intentionally obstruct or hinder another person's

13

lawful hunting, fishing, or trapping.

14

(b) For purposes of (a) of this section, "lawful" means

15

(1) in compliance with this title, regulations adopted

16

under this title, and applicable federal statutes and regulations; and

17

(2) with the permission of the private landowner if the

18

hunting, fishing, or trapping occurs on private land.

19

(c) A peace officer who has probable cause to believe that a

20

person has violated this section may arrest or cite the person or

21

order the person to desist.

22

(d) In a prosecution under this section, it is an affirmative

23

defense that the person was lawfully entitled to obstruct or hinder

24

the hunting, fishing, or trapping.

25

(e) This section does not apply to a commercial fisherman while

26

engaged in a customary practice recognized in the commercial fishing

27

industry.

28

(f) A person who violates this section is guilty of a misdemeanor

29

or and is punishable by a fine of not more than \$500 or imprisonment

1 for not more than 30 days, or both.

2 Sec. 16.05.791. CIVIL REMEDIES. (a) A person aggrieved by  
3 conduct or threatened conduct in violation of AS 16.05.790 may peti-  
4 tion a superior court to enjoin the respondent from engaging in the  
5 conduct.

6 (b) A person aggrieved by a violation of AS 16.05.790 is en-  
7 titled to recover general damages and special damages, including  
8 license and permit fees, travel costs, guide-outfitting fees, costs  
9 for special equipment and supplies, and other related expenses.

10 (c) A court may award punitive damages in addition to the dam-  
11 ages set out in (b) of this section.

STEVE FRANK  
DISTRICT 8  
SEAT A

119 N. Cushman, Rm. 212  
Fairbanks, Alaska 99701

White in Juneau  
P.O. Box A  
Juneau, Alaska 99801  
(907) 453-5709

Capitol Room 314

# 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 Members

FROM: Senator Steve Frank

RE: SB 469 - Obstruction or hindrance of lawful  
hunting, fishing or trapping

DATE: March 21, 1990

Senate Bill 469 would prohibit the intentional obstruction or hindrance of lawful hunting, fishing or trapping - commonly known as hunter harassment.

Harassment by anti-hunting organizations and individuals occurs frequently in the lower 48 and Canada. Currently 37 states have enacted laws prohibiting hunter harassment.

As was anticipated in the early 1980's, harassment is becoming a serious problem here in Alaska as well. This past October the 1989 Subsistence Conference, sponsored by the Rural Alaska Community Action Program (Rural CAP) and the Alaska Federation of Natives, focused on hunter harassment as a threat to subsistence hunting activities. A specific incident occurring on the Pribilof Islands during fur seal harvests was cited as an example of harassment that threatens a way of life for many Alaskans and should not be allowed to continue.

Similar bills have been introduced several times in the Legislature since 1983. Two of those bills were approved by both the House and Senate in 1983 and 1984 but were vetoed; however, concerns and problems raised in past years have been adequately addressed by the legislation before you.

I encourage the committee to take positive action in protecting the valued and traditional activities of hunting, fishing and trapping in Alaska by supporting Senate Bill 469. Thank you for your consideration.



# ALASKA OUTDOOR COUNCIL, INC.

3780 MCGINNIS DEL JUNEAU AK 99801  
(907) 789-3450

P.O. Box 34097  
Juneau, Ak. 99803

## MEMORANDUM

DATE: March 13, 1990  
TO: Senator Steve Frank  
FROM: Ed Grasser, Director Legislative Affairs  
RE: SB 469 Hunter Harassment

The Alaska Outdoor Council has continually supported the passage of legislation which will protect individuals engaged in lawful harvesting of fish and wildlife from undue harassment by those persons who believe such practices should be banned.

There are increasing incidents of unprovoked attacks by individuals opposed to the harvest of wildlife nationwide. These types of activities were not in evidence here in Alaska until recently; therefore, past efforts to protect an individual's legal harvest activities were denied by Governor Sheffield, who vetoed two different pieces of legislation which would have accomplished this vital goal.

This past year, Native peoples in remote areas of Alaska were harassed during their attempts to harvest marine mammals which they depend upon for a livelihood. These types of activities will no doubt increase as individuals opposed to the harvest of wildlife become bolder in their attempts to physically harass or prevent legal harvests from taking place.

The problems posed by the increasingly blatant attempts of anti-hunters for lawful outdoorsmen will continue to grow if we do nothing. We feel SB 469 is a step in the right direction to protect the rights of persons legally engaged in wildlife harvests. In our opinion it will go a long way toward solving any future potential conflicts between user groups and will help protect America's outdoor heritage.

ESKIMO WALRUS COMMISSION  
P.O. Box 948  
Nome, Alaska 99762

March 13, 1990

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

FAX # 463-3378

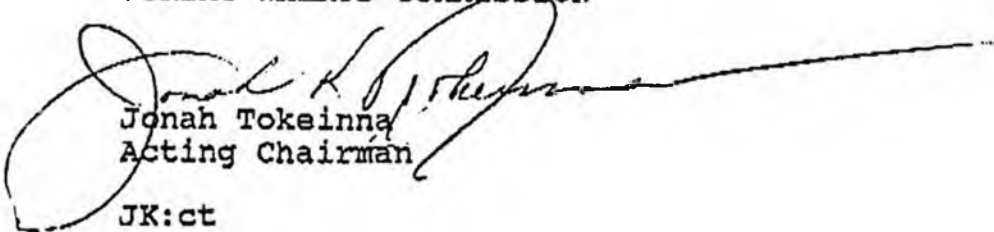
Dear Senator Frank:

The Eskimo Walrus Commission is supporting Senate Bill 469  
for adoption by the State Legislature.

We believe that adopting this Senate Bill would not  
infringe on those people that have a legitimate right to hunt,  
trap and fish.

Sincerely,

ESKIMO WALRUS COMMISSION



Jonah Tokeinna  
Acting Chairman

JK:ct



# 1989 Subsistence Conference Summary



*"Subsistence Is Survival"*



Photo by David Hardenbergh

**Co-Sponsored by the Alaska Federation of Natives, Inc.  
and the Rural Alaska Community Action Program, Inc.**

October 16-17, 1989  
Egan Convention Center, Anchorage

# 1989 Subsistence Conference

## Migratory Birds in Western Alaska

The topic of migratory birds was the focus of the next speaker, Jack U. Williams, Sr. of Mekoryuk. Chuck Hunt interpreted for him. As Mr. Williams was growing up, there were very many ducks and geese. He never heard of waterfowl sport hunting at that time, nor were there shotguns. They used bows and arrows when hunting waterfowl.

The Waterfowl Conservation Commission, chaired by Mr. Williams, originated in 1984. The main purpose of the WCC is to work with the USFWS and others to help people in the villages of the Y-K Delta deal with the issue of waterfowl population declines.

## Animal Rights Groups Threaten Subsistence Lifestyles

The panel on "Threats to Our Way of Life - The Animal Rights Agenda" was next. Larry Mercurieff, Commissioner of the Alaska Department of Commerce and Economic Development, and Dave Monture of Indigenous Survival International in Canada were the speakers.

Mr. Mercurieff showed a video depicting animal right, protectionists harassing Natives on the Pribilof Islands, because of their use of fur seals for subsistence. His focus was on strategies and tactics used by the animal rights groups, their effect on aboriginal people, and what can be done about it. "What happened in the Pribilofs are exactly the same things that will be focused on throughout Alaska, throughout the entire Northern Hemisphere, and throughout the whole world," due to the activities of the animal rights groups.

Dave Monture described Indigenous Survival International as an organization born in 1984 as a direct result of the Dené people in Canada's Northwest Territories becoming very concerned about a new wave of a "colonial attitude from the South." -- people organizing with tremendous resources in a manner which would prove to be a great threat to Dene plans for self-determination and land claim settlements in the Northwest Territories.

"We're not dealing with people with the same sense of ethics or fairness, but we're dealing with people with a new zeal, a new religion for urban Western man," Monture said. ISI-Canada has joined with the British Museum to produce "The Living Arctic," a highly successful major exhibition in London, England designed to educate the public on aboriginal lifestyles.

## In Conclusion

The afternoon session commenced with workshops on "Marine Mammals," "Title VIII of ANILCA," and the "Animal Rights Movement." The facilitators of these sessions reported back to the general assembly following the workshops.

The Animal Rights Movement workshop participants first viewed a film on strategies and the lack of ethics in the animal rights community, specifically in the Native seal campaign. It was concluded that animal rights groups pose a life-threatening situation to our people, not only in their methods of fire-bombs, but in actual cases of teenagers committing suicide in communities where seal subsistence is being cut off, thereby drastically altering traditional lifestyles.

The Marine Mammals workshop addressed the five species of seals in Alaska, sea otter, walrus, beluga whale, and polar bear. The participants learned that there are 900,000 fur seals today, and the population may have leveled off. The Fish & Wildlife program on walrus includes a management plan for walrus, monitoring populations, monitoring harvest, and habitat protection.

The Alaska Sea Otter Commission was formed in 1988. The Commission is very concerned about a proposed rule by the Fish & Wildlife Service to restrict cottage industry practices involving sea otter by Alaska Natives. The Commission has recently initiated a Memorandum of Agreement with FWS which, along with a Management Plan, would address problems FWS is trying to answer in its proposed rule.



Photos by David Hardenbergh

Dave Monture of ISI-Canada (left) led a workshop on the threats that animal rights groups are posing to subsistence lifestyles. RurAL CAP attorney Eric Smith (below) explaining how villages can write their own fish and game regulations.



S

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472

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/10/90

FURTHER:

DATE TURNED INTO OFFICE: 4/20/90

The Finance Committee considered

SB 472

"An Act authorizing moose farming."

and recommended:

- replace with \_\_\_\_\_ CS \_\_\_\_\_  same title
- or adopt \_\_\_\_\_ CS \_\_\_\_\_  new title
- attached amendment(s)  technical title change (HB only)
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

fiscal note(s) \_\_\_\_\_ Dept/Date: \_\_\_\_\_

fiscal note(s) \_\_\_\_\_ Dept/Date: \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) DFSG 3/2/90

appropriation-no fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

1.

2.

Co-Chairs: Signatures and Recommendations

**FISCAL NOTE**

**REQUEST:**

Revision Date: 2-12-90  
Title: An act authorizing moose farming  
Sponsor: Cornhill  
Requestor: \_\_\_\_\_

Agency Affected: Fish and Game  
BRU: Wildlife Conservation  
Components: Wildlife Conservation

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

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

**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

Prepared by Bruce Dinneford  
Division: Wildlife Conservation

Phone: 465-4190  
Date: 2-22-90

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

Date: 2 7 90

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

BY SEN. COGHILL

1 IN THE SENATE

2

SENATE BILL NO. 472

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act authorizing moose farming."

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

8 \* Section 1. AS 16.40.010 is amended to read:

9

Sec. 16.40.010. DISPOSITION OF SURPLUS BUFFALO, MOOSE, AND MUSK

10

OXEN. Whenever it is determined by the department that a surplus

11

[EXISTS IN THE HERDS] of buffalo, moose, and musk oxen exists [UNDER

12

ITS CONTROL], the department may, under regulations adopted by it,

13

grant the surplus or portions of it to persons, groups, associations,

14

partnerships, or corporations for the purpose of raising and breeding

15

the animals as domestic stock for commercial purposes, or for scientific

16

and educational purposes. A person, group, association, partnership,

17

or corporation may receive animals only after proving to the

18

satisfaction of the department

19

(1) intent to raise and breed the animals; and

20

(2) possession of facilities for maintaining the animals

21

under positive control.

22

\* Sec. 2. AS 16.40.020 is amended to read:

23

Sec. 16.40.020. SALE OF MEAT. The sale of buffalo, moose, or

24

musk oxen meat resulting from the slaughter of animals obtained under

25

AS 16.40.010, or their offspring is authorized.

4/20/90

**Alaska Department of Fish and Game  
Division of Wildlife Conservation**

**BRIEFING PAPER ON MOOSE FARMING**

SB 472 and HB 516 would amend AS 16.40.010 and AS 16.40.020 to allow moose to be raised as domestic animals for commercial purposes and allow meat from these animals to be sold. AS 16.40.010 allows the Department of Fish and Game to grant surplus buffalo or muskoxen to persons or groups for the purpose of raising and breeding these animals as domestic stock for commercial purposes. The proposed legislation would add moose to the species that could be granted to individuals for private ownership.

The Department of Fish and Game is opposed to SB 472 and HB 516 for biological, economic, and social reasons.

Wildlife Management Concerns

Moose are the most highly sought after game species by resident and nonresident hunters. About 7,500 to 8,000 moose are harvested each year by about 50,000 hunters. In 1989, drawing permit hunts were oversubscribed by more than 25,000 requests. Moose also provide a major food base for other important wildlife species. Tourists, photographers, and outdoor enthusiasts eagerly seek opportunities to observe moose.

The primary proponent of this legislation (Mr. Nick Columbo from Delta) has proposed capturing moose along the Alaska Railroad near Talkeetna as a source of moose for his commercial operation. He claims this would reduce the number of moose killed by trains. Several thousand moose occur in this area and it would be impossible to predetermine which moose might be killed by a train. Whether moose are killed by trains or removed to moose farms, the result is the same--fewer moose along the railroad corridor. Public demand for moose in this area (GMU 14A and 14B) is very high. The 1989 season for resident hunters was for 1 bull and lasted from 20 to 30 days. In GMU 14A, there was also a cow season by drawing permits; 12,500 hunters entered the drawing for 400 permits. Our records indicate that about 4,000 hunters pursued moose in these game management subunits during the 1989 season. These hunters harvested over 700 moose. Obviously, the demand for moose greatly exceeds the supply in this area. The same is true for nearly all other parts of Alaska.

Farming of moose will require large acreages. Mr. Columbo has requested a lease of 4,000 acres of state land near Delta for his operation. Fencing of this land would exclude its use by other moose and many other wildlife species. Also, predators such as grizzly bears, black bears, and wolves are common near Delta and most other places where game farming might occur. Conflicts

between a moose farm and predators are certain. Passage of this legislation and approval of Mr. Columbo's lease request would remove 4,000 acres of productive state-owned wildlife habitat from production of wildlife for general public use and enjoyment. Predator populations over a much larger area would likely be impacted.

The Department would be responsible for ensuring the general welfare and humane treatment of moose on farms because moose are classified as big game animals and the public expects us to ensure the humane treatment of all wildlife. The Alaska Zoo in Anchorage is a good example of where the public demanded Departmental oversight beyond required permit conditions. A large moose farm as envisioned by Mr. Columbo would pose several problems. Moose are not a herd animal. Cows with calves are solitary and other moose seldom occur in groups of more than 4 or 5. To place 100 plus moose into a 4,000-acre pasture will create aggressive behavior that could injure many animals. Such dense stocking rates could also cause disease problems and these diseases could be transmitted to wild moose or domestic species outside the enclosure.

A larger problem would be created by passage of HB 516/SB 472 when people use this legislation to own a few moose as a hobby or to promote their tourist business. Such road-side attractions are notorious for mistreatment of animals and Alaska has strictly prohibited such activity in the past. Individuals holding moose to promote their tourist trade will likely have no training in animal husbandry or knowledge of how to handle a large, wild animal. Even moose bottle-raised and accustomed to humans can become very aggressive and dangerous. The state may be held liable for allowing untrained people to hold wild animals if a moose injured someone.

Allowing the sale of moose meat will create serious law enforcement problems. Poaching of moose for commercial sale will become more common and difficult to enforce. Unethical moose farmers could work with poachers to confuse law enforcement. Allowing sale of moose meat will add an economic incentive to poachers that currently is absent. For this reason, in Alberta and several other provinces where elk farming is common, the sale of elk meat is prohibited. Farmers in Alberta can sell only antlers and breeding stock to other farms.

Current levels of wildlife law enforcement are inadequate to cope with this new burden. In West Germany, where sale of wildlife is legal, there are 65,000 armed wildlife protection agents (game wardens) or 1 for every 1.5 square miles (Geist 1988, Conservation Biology, 2(1):15-27). Still, poaching is considered a problem. In Alaska we have about 75 Fish and Wildlife Protection Officers plus about 300 employees of the Department of Fish and Game who are deputized. Counting even part-time deputized officers, this is 1 officer per 1,500 square miles of land. It is very unlikely that the level of law enforcement

would be raised to adequately enforce game regulations if sale of moose meat is allowed.

### Economic Reality

Moose are expensive to maintain in captivity. An average moose will consume 20 to 30 pounds of food per day in the summer and 10 to 12 pounds in the winter. The most productive areas in the state can support 6 to 8 moose per square mile during the winter. Mr. Columbo plans to stock in excess of 16 moose per square mile on his farm. A high level of supplemental feeding will be required. Moose have evolved to eat leaves and stems of woody plants. They cannot survive long-term on a diet which sustains cows, sheep, or horses. All moose held in captivity throughout the world are fed native browse or a pelleted ration that contains 33% aspen sawdust. This pelleted food is expensive, roughly twice the cost of domestic livestock feed.

Game farming has proven economical in some parts of Canada, most notably Alberta where elk and bison farms are common. However, none of these farms raise moose commercially because they are not profitable. A few farmers in Alberta do have 1 or 2 moose; the most owned by any one farmer is 6 animals. This farm is a wild animal park for tourists. No moose farms exist in the Yukon Territory.

The Yukon Territory, Department of Renewable Resources contracted with a private consulting firm in 1986 to analyze the economic feasibility of game ranching in the Yukon. This report concluded that moose are not suitable animals for game farming because of their tendency to acquire density-related disease. The Yukon government subsequently adopted a game ranching policy that prohibits the use of moose in game farming. The same report concluded that elk farming might be economically viable, but the average initial investment for an elk farm would be from \$400,000 to \$450,000 and annual operating costs would be \$17,000 to \$20,000, excluding labor. No income was predicted for the first 2 years of operation.

Moose farming is not economically feasible in areas where game farms have been established and much effort has been spent to establish markets for wild game products. To expect such endeavors to succeed in Alaska where no infrastructure exists and no market has been established is not realistic. The state has promoted agricultural projects in the past that resulted in continuing subsidies. We consider providing 100 publicly owned moose to private ownership a subsidy. Also, fencing 4,000 acres with a fence that will adequately enclose moose and exclude bison (a wild bison herd occurs in this area) will be very costly and could result in a request for a subsidy through a state loan.

Some proponents of moose farming have referred to reports from Russia where they think moose have been used successfully as work animals, for milk production, or for meat production. These

reports are not true. Russia initiated a large moose domestication project in the early 1940's. They built 2 large farms, one in the Pechora River Valley and one in central Siberia. Both farms closed in the mid-1960's because they were economic failures. It is difficult to obtain information on this project because the Soviets do not publicize their failures. However, moose specialists on our staff have obtained some scientific reports and have had several discussions with Soviet biologists who worked on the project. A synopsis of what we learned follows:

Moose could not be used for work animals except during winter. Moose do not have sweat glands, so working the moose during summer caused overheating and death. Milk production was low; to achieve a modest amount of production the moose had to be milked 6 times per day and labor costs were prohibitive. The Soviets learned they could produce as many moose through intensive management of wild animals as on the farms. They also had many behavior problems and had to hand-cut browse to feed the moose. The moose farm in the Pechora River Valley operates today as a field research center to study moose nutrition and physiology. The other farm was abandoned.

#### Social Considerations

Alaska's wildlife resources are a highly valuable economic asset. Wildlife contributes hundreds of millions of dollars annually to Alaska's economy through tourism, guiding, hunting, and subsistence. Tourists list the opportunity to see wildlife as their primary reason for visiting Alaska. The experience of observing wildlife will be diminished in value if tourists observe moose at road-side attractions and game farms.

The foundation of wildlife management in the United States is public ownership of the wildlife resource and a prohibition on commercial use (sale of meat or animal parts) of the wildlife resources. These 2 basic premises make it possible for most citizens to participate in hunting at a low cost and increase the desirability of wild meat because it can only be obtained through hunting. The use of wildlife in Europe has deteriorated, in large part, due to private ownership of game. Only about 3% of Europeans are hunters because costs are prohibitive and game meat can be purchased. Legalization of moose farms would start Alaska on a path to private hunting preserves and the European system of hunting. We strongly believe that such action would be a major error and would be detrimental to successful wildlife management in Alaska.



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Wildlife Conservation	BILL NUMBER SB 472	SPONSOR Coghill
SHORT TITLE OF BILL Moose Farming			
DEPARTMENT POSITION Opposed			
PREPARED BY Bruce Dinneford	DATE 3-05-90	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 3 7 90

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Public Safety, Commerce and Economic Development, Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL Hunters
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

SB 472 would authorize the transfer of moose into private ownership for the purpose of commercial raising and breeding and/or scientific and educational purposes. The sale of moose meat would be authorized.

ANALYSIS OF BILL/PROGRAM EFFECTS

This legislation goes against a basic Department and Division policy opposed to the private ownership of indigenous wildlife in Alaska. Commercialization of native wildlife is considered not to be in the best interest of the citizens of the state because of a) the possibility of transmission of disease to domestic and adjacent wild populations, which could affect subsistence and recreational hunting, and b) the probable increase in poaching such a law would encourage. It is highly unlikely that a surplus of moose will ever exist beyond a) the harvestable yield of a population, or b) the harvest desires of moose hunters. Enforcement of traffic in bootleg moose meat would be very difficult.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

**Tanya L Marsh  
1178 Nenana St  
Fairbanks, Ak. 99709  
474-0627**

**3444 Nowell Ave #D308  
Juneau, Ak. 99801  
463-5630**

**April 18, 1990**

**Alaska State Legislature  
Room 124 Capitol  
Juneau, Ak. 99811**

**To: All Senate Finance Committee Members,**

**In regards to SB 472, I would like to present an unpleasant vision that is entirely possible for the future if this bill for moose farming is allowed to pass.**

**Perhaps moose farming will begin as letting the moose roam in a fenced in lot with plenty of room to run and exercise their needs. However, after the demand for moose meat and hide grows, which would take almost no time at all, the moose would be confined to pens with out any consideration to their primal instincts and their sensitivity as a living being.**

**When cattle ranching first began in the 'Wild West' the cows were treated perhaps as humanely as possible for a creature born on death row. They had plenty of land to roam, and were even kept safe from predators.**

**Do you know how cows are raised now? Today? They are raised in factories-treated no more kindly than an assemblyman treats any given part of a car he is creating.**

**The cows have no space to turn around in their pens, spend their lives hundreds lined up in rows under a single roof, and are fed so many chemicals, that consumers should be terrified to eat what is found in the grocers freezer.**

**Because of our greed for the 'final product,' farming has become one of the most degrading and inhumane acts we could do to our fellow creatures.**

**With the several proposals of moose farming that have come up, the prospect of the money that would come back to Alaskan residents is very encouraging. However, the source for the money would come at a high cost-another living beings life.**

**I don't see farming animals at a mass rate and honorable way for a state to make money and create jobs for it's residents.**

**The thought of domesticating a creature as free and beautiful as a moose should not have even been thought of.**

**I can see the compassion in taking orphaned moose into a monitored area, but not for slaughter in it's later life! Helping them to survive on their own is a duty we should more than willingly do for them since it was our fault that it's mother is dead.**

**The only reason these moose should be kept in our reach is to give them the stability that they need to make it on their own when they are old enough. Meaning: We take them in as a calf because their mother's have been killed by one of our cars, or our trains, then raise them until they are competent enough to survive on their own.**

**I strongly urge you to hold compassion for the moose's rights and do not support this legislative act.**

**Sincerely,**

A handwritten signature in cursive script that reads "Tanya I. Marsh". The signature is written in black ink and is positioned above the printed name.

**Tanya I. Marsh**

*4/23/90  
S (K.L./OS)  
copy to  
McKen*

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
Title: "An Act authorizing moose farming." BRU: Fish & Wildlife Protection  
Sponsor: Senator Coghill Component: Enforcement  
Requestor: Senate Finance

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

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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/PROG RCPT						
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)

No fiscal impact is anticipated.

*Jan 4/18/90* Prepared by: Captain Conrad G. Seibel  
Division: Fish & Wildlife Protection

Phone: 269-5509  
Date: 4-18-90

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

Date: \_\_\_\_\_  
Page 1 of 1

## FISCAL NOTE

**REQUEST:**

Revision Date: 2/12/90  
Title: An Act Authorizing Moose Farming  
Sponsor: Coahill  
Requestor: Coahill

Agency Affected: Fish and Game  
BRU: Wildlife Conservation  
Components Wildlife Conservation

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	53.8	55.5	56.9	58.3	58.3	60.0
TRAVEL	10.0	10.0	10.0	10.0	10.0	10.0
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>63.8</b>	<b>65.5</b>	<b>66.9</b>	<b>68.3</b>	<b>68.3</b>	<b>70.0</b>
<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	63.8	65.5	66.9	68.3	68.3	70.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>63.8</b>	<b>65.5</b>	<b>66.9</b>	<b>68.3</b>	<b>68.3</b>	<b>70.0</b>

**POSITIONS:**

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

**ANALYSIS :** (Attach a separate page if necessary) No FY 90 impact.

A permanent full-time Wildlife Biologist III will be hired in a statewide position (located in Fairbanks) to coordinate all activities related to game farming. This employee would issue permits, inspect facilities and animals, work with Fish and Wildlife Protection officers on enforcement problems, and assist the Division of Agriculture in establishing a system for meat inspection and testing for diseases.

Prepared by Waune Reelin Phone: 456-5156  
Division: Wildlife Conservation Date: April 12, 1990  
Approved by Commissioner: [Signature] Date: 4/12/90  
Agency: \_\_\_\_\_

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



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Wildlife Conservation	BILL NUMBER SB 472	SPONSOR Coghill
SHORT TITLE OF BILL An Act Authorizing moose farming			
DEPARTMENT POSITION Opposed			
PREPARED BY Wayne Regelin	DATE 04-16-90	COMRADE/SPONSOR'S SIGNATURE <i>Wayne Regelin</i>	DATE 4/17/90

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Fish and Wildlife Protection Agriculture	CONSTITUENT GROUP(S) AFFECTED BY BILL All Citizens of Alaska
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This legislation would amend AS 16.40.010 and 16.40.020 to allow moose to be raised as domestic animals for commercial purpose and allow meat from these animals to be sold. The Department of Fish and Game and the Board of Game would be responsible for determining a surplus of moose existed that could be captured and turned over to private ownership.

ANALYSIS OF BILL/PROGRAM EFFECTS

Moose are the most highly sought after big game species by hunters and outdoor enthusiasts for viewing and photography. Over 50,000 hunters pursued moose in 1989, harvesting about 7,500 to 8,000. Drawing permit applications are oversubscribed by more than 25,000 requests. The demand for moose greatly exceeds the available supply. One proponent of the legislation wants the state to provide him with 100 moose from near Talkeetna to begin his operation. Demand for moose in this area is extremely high.

Moose farming will require large acreages. The primary proponent of this legislation plans to lease state agricultural land near Delta for a moose farm. Highly productive state-owned wildlife habitat would be removed from production of wildlife for general public use and enjoyment. Conflicts between moose farms and large predators are certain to occur. (Cont. on page 2)

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

## ANALYSIS OF BILL/PROGRAM EFFECTS

Populations of wolves, black bears, and grizzly bears will be impacted over a large area surrounding any moose farm.

Ensuring the general welfare and humane treatment of moose on farms will become a responsibility of the department. Moose are not a herd animal and crowding 100 plus moose onto small areas will cause behavior and disease problems. Diseases could be spread to wildlife and domestic animals outside the farm.

Some individuals will use this legislation to own a few moose as a hobby or to promote their tourist business. Allowing wildlife to be exploited by road-side attractions diminishes the value of all wildlife and could lead to legal liability for the state if animals are abused or someone is injured by a moose.

Allowing sale of moose meat will create serious law enforcement problems. Poachers will have an added economic incentive that is currently lacking. The current level of wildlife law enforcement is inadequate to cope with such a new burden.

Moose are expensive to maintain in captivity. The high stocking levels planned for moose farms will require a high level of supplemental feeding. Moose require a special diet, they cannot survive on diets which sustain domestic livestock. Moose farming has proven to be uneconomical in Canada where game farms are common. The Yukon territory prohibited the use of moose and game farms. Moose are not raised commercially in Alberta because they are not profitable. To expect moose farming to succeed in Alaska where no infrastructure exists and no market has been established is not realistic. The state has promoted agriculture projects in the past that resulted in continuing subsidies. We consider providing 100 publicly owned moose to private ownership a subsidy.

Alaska's wildlife resources contribute hundreds of millions of dollars annually through tourism, guiding, hunting, and subsistence. Tourists list viewing wildlife as their primary reason for visiting Alaska. This experience will be diminished in value if tourists observe moose at road-side attractions and game farms.

Public ownership of wildlife and prohibiting sale of game meat are the foundation of wildlife management in North America. We strongly believe that passage of HB 516 (SB 472) would be a major error and would be detrimental to successful wildlife management in Alaska.

(Please see the department briefing paper on moose farming for additional information.)

S

B

475

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/2/90

FURTHER:

DATE TURNED INTO OFFICE: 3/16/90

The Finance Committee considered

**SB 475**

"An Act relating to payment of legal services and related costs by indigent persons using the services of the Public Defender Agency."

and recommended:

- replace with \_\_\_\_\_ CS \_\_\_\_\_
- or adopt \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- \_\_\_\_\_ letter of intent adopted

- same title
- new title
- technical title change (HB only)

~~do~~ pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

appropriation-no fiscal note

APPROVES PREVIOUS:

Dept/Date:

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) DOR 2/22/90  
Courts 2/21/90

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

*[Handwritten signatures: Jim Deane, Frank, Carl Frank]*

*[Handwritten signature: Ruth Uebel (DO PASS)]*

1.

2.

Co-Chairs: Signatures and Recommendations

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: "An Act relating to payment of legal services by indigent persons . . ."  
Sponsor: Senator Faiks  
Requestor: Senate Judiciary

Agency Affected: Dept. of Administration  
BRU: Public Defender Agency  
Components: Third Judicial District

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

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

**ANALYSIS :** (Attach a separate page if necessary) FY90 impact is zero.

This bill represents a positive emphasis on mitigating the public cost for an increasingly expensive criminal justice system. There is no fiscal impact on the Public Defender system, nor does the executive branch keep data which would enable a prediction of revenue.

Prepared by: John B. Salemi, Public Defender Phone: 279-7541  
Division: Public Defender Agency Date: 2/21/90

Approved by Commissioner: Frank S. Baxter Date: 2/22/90  
Agency: Department of Administration

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

SB 475

## FISCAL NOTE

**REQUEST:**

Revision Date:	Agency Affected:	Alaska Court System
Title: <u>An Act relating to payment of legal services and related costs...</u>	BRU:	Trial Courts
Sponsor: <u>Faiks</u>	Components:	
Requestor:		

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

**FUNDING:** (Thousands of Dollars)

General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Jan Strandberg, General Counsel  
 Division: Alaska Court System  
 Approved by: *Arthur H. Snowden, II* FOR  
 Agency: Alaska Court System

Phone: 264-8228  
 Date: 02/21/90  
 Date: 02/21/90

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

BY SEN. FAIKS

1 IN THE SENATE

2

SENATE BILL NO. 475

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 payment of legal services and  
7 related costs by indigent persons using the services  
8 of the Public Defender Agency."

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

10 \* Section 1. AS 18.85.120(c) is amended to read:

11 (c) The court may order a person for whom counsel is appointed  
12 to pay for [TO THE EXTENT THAT A PERSON IS ABLE TO PROVIDE FOR AN  
13 ATTORNEY,] the [OTHER] necessary services and facilities of represen-  
14 tation [,] and court costs. The order has the effect of a civil  
15 judgment [, THE COURT MAY ORDER THE PERSON TO PAY FOR THESE ITEMS].  
16 The payments shall be paid into the state general fund.

# Alaska State Legislature



## Senate Judiciary Committee

### MEMORANDUM

March 9, 1990

TO: Senator Rick Uehling, Co-Chairman  
Senator John Binkley, Co-Chairman  
Senate Finance Committee

FROM: Senator Jan Faiks, Chairman *JF*  
Senate Judiciary Committee

SUBJECT: SB 475 "An Act relating to payment of legal services and related costs by indigent persons using the services of the Public Defender Agency."

SB 475 was introduced at the suggestion of the Alaska Court System. This bill streamlines the manner in which indigent persons are ordered to pay legal costs when represented by the Public Defender.

As you know, the state is constitutionally obligated to provide attorneys to indigent defendants in criminal prosecutions. Currently, the law provides that an indigent person may be ordered to repay the legal expenses and court costs incurred by the state to the extent that the person is able to do so. The courts have interpreted this to mean that a hearing must be held before an indigent person can be ordered to pay any expenses; calculating the value of the representation is difficult, and the ability of the court to fully consider future income is also questionable. Experience has shown that this system simply does not work. Legal costs are virtually never recovered from persons represented by the Public Defender, regardless of the person's ability to pay some of the expenses at the time of the representation or in the future.

SB 475 has the effect of eliminating the need for a hearing, and allowing a defendant's future ability to pay to be taken into account. If passed, the supreme court intends to adopt a schedule of fees for various offenses (a copy of this schedule can be found in proposed Criminal Rule 39, which you will find attached). An indigent person who received services from the Public Defender would automatically be assessed a fee depending on the type of service provided. At the end of a

criminal proceeding, a civil judgement in that amount would be entered against the defendant. During the ten year period in which a civil judgement is enforceable, the state could pursue the judgement if the defendant had the ability to pay some of the fees at the time of the representation, or in the event that the defendant ever obtained a financial windfall in the future. Obviously, the state could not enforce the judgement in cases where the defendant was truly indigent and remained so.

This method of fee collection has been endorsed by both the Department of Law and the Public Defender, because it fulfills the government's responsibility to indigent persons, while ensuring that resources available to indigent persons ultimately go to people who really are in need. I urge your support.

STEVE COWPER, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

P O BOX K—STATE CAPITOL  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3600

December 14, 1989

The Honorable Warren Matthews  
Alaska Supreme Court  
303 K Street  
Anchorage, AK 99501

Dear Chief Justice Matthews:

We understand that the Supreme Court will soon consider a proposal to amend Criminal Rule 39 that would allow the recovery of some of the costs of defense services to indigent citizens.

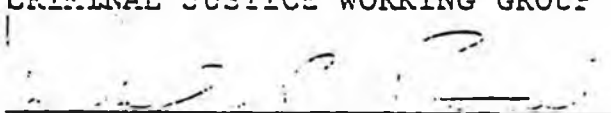
We support this concept, especially where the charges are directly related to the level of service provided to clients by the Alaska Public Defender's Agency and the Office of Public Advocacy. The fee schedule contained in the proposed amendment accomplishes this goal by setting out charges that are generally proportionate to the professional work required in individual cases.

We are particularly concerned that any recovery system include provisions designed to streamline the administrative and legal process for collection of these funds. The creation of an efficient and effective system holds the promise of recovering a significant portion of the high costs of defense services.

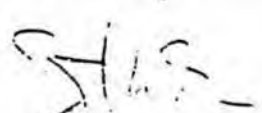
Finally, it is clear that the current mechanism of cost recovery has not worked. We applaud your efforts to develop a fair and effective recovery plan.

Respectfully submitted,

CRIMINAL JUSTICE WORKING GROUP

  
\_\_\_\_\_  
Douglas B. Bailly  
Attorney General

Date

  
\_\_\_\_\_  
Grant McGee, Director  
Office of Public Advocacy  
Department of Administration

Date

*[Handwritten initials]* 1-15-90

John Salemi, Director Date  
Public Defender Agency  
Department of Administration

Myra Mynson Dec 14, 1989 Date  
Myra Mynson, Commissioner  
Department of Health and Social Services

Susan Humphrey-Barnett 12/27/89 Date  
Susan Humphrey-Barnett, Commissioner  
Department of Corrections

Art English 12-14-89 Date  
Art English, Commissioner  
Department of Public Safety

Duane Udland 12-20-89 Date  
Duane Udland, Representative  
Alaska Association of Chiefs of Police

BM/gh

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. \_\_\_\_\_

Amending Criminal Rule 39  
concerning appointment of  
counsel for indigents.

IT IS ORDERED:

Criminal Rule 39 is amended to provide:

Criminal Rule 39: Appointment of Counsel.

(a) Informing Defendant of Right to Counsel. The court shall advise a defendant who appears for arraignment or trial without counsel of the right to be represented by counsel, and ask if the defendant desires the aid of counsel. The court shall not allow a defendant to proceed without an attorney unless the defendant understands the benefits of counsel and knowingly waives the right to counsel.

(b) Appointment of Counsel for Persons Financially Unable to Employ Counsel.

(1) If the defendant desires the aid of counsel but claims a financial inability to employ counsel, the court shall inquire of the defendant under oath as to his or her financial status in order to determine whether the defendant is an "indigent person," as defined by statute. The court shall advise the

defendant that a judgment will\* be issued against the defendant to cover the costs of an appointed counsel. As a condition of receiving the services of counsel at public expense, the defendant shall execute a general waiver authorizing release of income information to the court. The court also may require the defendant to sign an assignment of the defendant's permanent fund dividend check to the state and may enter such orders as appear reasonably necessary to prevent the defendant from fraudulently dissipating assets to avoid a repayment order.

(2) Information provided by the defendant concerning eligibility for appointed counsel may not be used against the defendant in any criminal proceedings, except that such information may be used in a prosecution for perjury or at a hearing for determining the defendant's ability to pay a fine or make restitution. Upon request, the defendant must be allowed to present the requested financial information in a confidential setting, outside the presence of the prosecuting attorney. The court may have the financial inquiry conducted by pretrial services.

(3) If the court determines that the defendant is an "indigent person," the

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\* The alternative draft, under which the court would hold an "ability to pay" hearing if requested before imposing costs, would substitute "may" for "will" here.

court shall appoint counsel pursuant to Administrative Rule 12 and notify counsel of the appointment. The court may require the defendant to attempt to arrange private representation before making a final decision on indigency.

(4) In the absence of a request by a defendant otherwise entitled to appointment of counsel, the court shall appoint counsel unless the court finds that the defendant understands the benefits of counsel and knowingly waives the right to counsel.

(5) If the trial court denies the defendant's request for appointed counsel, the defendant may request review of this decision by the presiding judge of the judicial district by filing a motion with the trial court within three days of the trial court's denial of representation. The trial court shall forward the motion, relevant materials from the court file and a cassette tape of any relevant proceedings to the presiding judge. The presiding judge or his or her designee shall issue a decision within three days of receipt of these materials.

(c) Cost of Counsel.

(1) At the conclusion of the criminal proceedings in the trial court, the court or the clerk shall issue a judgement against a defendant represented by appointed

counsel for the cost of representation. The cost of appointed counsel will be determined by reference to the fee schedule in paragraph (e).\*\*

(2) The court may require payment in installments or in any manner which the court finds is reasonable. The judgment of repayment must be in writing and a copy must be provided to the defendant.

(3) All proceedings to enforce a repayment judgment are civil in nature. The judgment has the same force and effect as a judgment in a civil action in favor of the prosecuting authority and is subject to execution. The judgment is not enforceable by contempt, nor may repayment be made a condition

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\*\* The alternative draft would replace this subparagraph with two subparagraphs which would provide:

(1) At the beginning or conclusion of the criminal proceedings in the trial court, the court may order a defendant represented by appointed counsel to pay all or part of the costs of representation in an amount not to exceed the defendant's ability to pay for these costs. The cost of appointed counsel will be determined by reference to the fee schedule in paragraph (e). A defendant with only a partial ability to pay costs may be ordered to pay one-half of the amount specified in the fee schedule.

(2) Prior to entering an order of repayment, the court shall advise the defendant that he or she may present testimonial and documentary evidence concerning an ability to pay for representation.

of a defendant's probation. Default or failure to make repayment may not affect or reduce the rendering of services on appeal or any other phase of the defendant's case in any way. The defendant does not have a right to be represented by appointed counsel in connection with any repayment proceeding.

(d) Appointment in the Interest of Justice. The court may appoint counsel for a criminal defendant in any case in which appointment best serves the interest of justice.

(e) Cost of Representation Schedule. The following schedules govern the assessment of the cost of representation under subparagraph (c)(1):

Misdemeanors

Trial	\$ 500.00
Change of plea	200.00
Dismissal after substantive motion	200.00
Dismissal without substantive motion	50.00